



# An Israeli/Palestinian Federation An Alternative Approach to Peace

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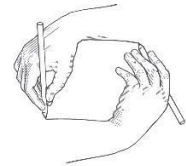
**Riccardo Bocco and Nigel Roberts**

With assistance from Fritz Froehlich, Catherine Germond,  
Farrah Hawana, and Sarah Hibbin

November 2024



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ÉTUDES INTERNATIONALES  
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THE ARDITI FOUNDATION  
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As you prepare your breakfast, think of others  
 (do not forget the pigeon's food).  
 As you wage your wars, think of others  
 (do not forget those who seek peace).  
 As you pay your water bill, think of others  
 (those who are nursed by clouds).  
 As you return home, to your home, think of others  
 (do not forget the people of the camps).  
 As you sleep and count the stars, think of others  
 (those who have nowhere to sleep).  
 As you express yourself in metaphor, think of others  
 (those who have lost the right to speak).  
 As you think of others far away, think of yourself  
 (say: If only I were a candle in the dark).

**Mahmoud Darwish, 2009**  
*Almond Blossom and Beyond*  
 Northampton MA, Interlink Books.

As agreed  
 Look, as we promised each other,  
 we changed nothing and the world  
 is as wonderful as it was, the rain  
 tarries this year, but it will come:  
 it will come as long as we're still here.  
 Look, as we agreed,  
 I am in one place, you in another.  
 We didn't become one, which is also natural,  
 and in your weakness and in mine  
 there looms a promise, too:  
 after memory forgetfulness is all.  
 And if the road already may incline downward  
 in the famed sloping print of life's curve,  
 it does, in some sense, aspire upward,  
 and aspiration is a great thing in life,  
 on this, too, we agreed, you surely remember.  
 And if now I'm alone and aching and ailing more than ever,  
 this, too, was a choice,  
 if not always conscious. And if you too are alone,  
 it makes my loneliness less just  
 and this should sustain you as well.  
 How fortunate that we've agreed on so little:  
 on parting, on loneliness and fear, the basic certainties,  
 and there's always something to return to,  
 you will see how young we will be in the end,  
 and the end, when it comes, will be almost just.  
 And everything, you will see, will be almost welcome.

**Natan Zach, 2008**  
 in *Poets on the Edge – An Anthology of Contemporary Hebrew Poetry*,  
 selected and translated by Tsipi Keller, Binghamton, SUNY Press.



## About the authors

### Riccardo Bocco

Riccardo BOCCO is Emeritus Professor of Political Sociology at the Geneva Graduate Institute. His main geographical area of fieldwork for the last 45 years has been the Near East with a particular focus on Jordan, Israel/Palestine and Lebanon. He has successively worked on issues of development policies and State-building; on humanitarian aid and refugees; and monitoring the impact of international aid on civilian populations. He has been director of the French Centre for Research on the Contemporary Middle East, based in Amman, then Research Director and Academic Director for the Masters' Program at the Graduate Institute. During the 2000s, he has led large-scale research projects on international aid in the Near East for several UN agencies. His present research project titled 'Violence, memory and cinema' explores the role of documentary and fiction films in (re)constructing collective memories and during armed conflicts (Israel/Palestine) in post-civil wars (Lebanon) and in post-dictatorship contexts (Argentina and Chile). He is also the co-editor of *Decolonizing Palestine*, *Contemporary Debates* (forthcoming). His publications and podcasts can be accessed on his personal website: <https://riccardobocco.com/>

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Cover photo: 'Everland' by Steve Sabella

"A collage of Palestinian embroidery photographed from traditional costumes. Everland celebrates all the charm that comes out of Palestine, where everything gets disrupted. Yet, the photo collage style enables the different cross stitches, among other techniques, to penetrate deep into new borders, creating unique designs that look as if they represent every other culture." Steve Sabella, 2020. An edition of 6. The first is in the museum collection of the Arab World Institute in Paris.

<https://stevesabella.space/pages/everland>

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## Acknowledgments

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The paper is the outcome of one year of work, including a meeting of experts in Geneva at the end of January 2024 (see Appendix 3). The meeting proved to be an enriching experience for the participants, all of whom we thank for their enthusiasm and support. One of the meeting's most enthusiastic contributors was Mohamed Mahmoud Ould Mohamedou, Deputy Director and Professor at the Department of International History and Politics at the Geneva Graduate Institute; tragically, he passed away before the paper could be finalized.

Both before and after the meeting, we benefited from the help of Laurence Algarra-Al Madhoun, who organized the venue and oversaw the drafting of the documents distributed in advance. The meeting was audio-recorded, and Laurence, Farrah Hawana (independent consultant), and Catherine Germond (consultant to the Geneva Graduate Institute) took extensive notes and summarized the proceedings. After the meeting, Farrah organized a full transcript of these notes by topic, while Catherine prepared briefing notes on specific issues for us. Farrah also created a literature database that was shared with meeting participants. Sarah Hibbin (international law expert) helped research the footnotes.

We circulated an early draft of this paper to all attendees, and received essential feedback from them. We also sent a later draft to a number of other experts and colleagues; these are named in Appendix 4. We would like to sincerely thank them all for their valued insights. Farrah Hawana edited the various drafts.

# Foreword

The Israeli-Palestinian conflict is no closer to resolution than it was at the time of the United Nations Partition Plan of 1947. This paper suggests a possible pathway towards ending the conflict. We are not offering it as any immediate solution nor as a definitive one: no author can pretend to have all the answers to one of the world's oldest and most intractable conflicts. Yet even if a durable solution seems a long way off today, it is still important to provide constructive questions and ideas for both parties to discuss and improve upon.

The ongoing Gaza war has been accompanied by calls from international diplomats to revive the two-state solution pursued from the mid-1990s onwards, under the Oslo Accords and subsequent peace initiatives. This paper argues that the Oslo approach was flawed from the outset and no longer provides a useful basis for peace-making. What is needed now is an approach that takes adequate account of what has happened over the past thirty years and can satisfy both Palestinian and Israeli demands for security, justice, and self-determination.

We will make the case for a federation of Israeli and Palestinian territories and examine what this would involve, detailing its advantages and limitations before exploring how the concept might be taken forward. We recognize that this approach has relatively few supporters today, and that socializing the idea will take considerable effort. We also realize that it is ultimately the responsibility of Israelis and Palestinians to resolve their differences, both between each another and amongst themselves. This conflict, however, is characterized by a massive asymmetry in power, one that has been created in large measure by Israel's American and European allies. Today's conflict is the outcome of histories of empire, colonialism, the formation of nation-states, and the European Holocaust, alongside subsequent failures in international diplomacy. Those nations which sponsored or consented to the creation of the State of Israel and, by implication, to the statelessness of the Palestinian nation, share responsibility for today's outcomes and remain important players in any resolution.

This paper is organized in five parts:

1. The collapse of the Oslo Peace Process and its inadequacy as a basis for peace-making;
2. The impact and implications of the current Gaza war;
3. Unresolved 'Permanent Status' issues and the impediments to their advancement;
4. The case for a federal union; and
5. Turning this concept into reality.

Appendices 1-4 can be found at the end of the paper, preceded by a special Annex listing a wide-ranging catalogue of Israeli and Palestinian films, both documentary and fiction: these offer an alternative way of engaging with many of the topics discussed in the paper.

The authors would like to make clear that the views expressed in this paper are their own, and do not represent those of the Arditi Foundation for Cultural Exchange, the Geneva Graduate Institute, or any other institution.

*October 2024*



## Brief Summary

Over a year since Hamas' attack on Israel on October 7, 2023, led to the devastating ongoing war in Gaza, the Israeli-Palestinian conflict seems as far from resolution as it ever has been. This paper suggests a possible pathway towards ending the conflict, not as an immediate solution, but as a viable option once the parties are motivated to seek compromise.

The paper begins by arguing that the two-state solution championed by diplomats from the end of the 1967 Arab-Israeli war to this day is no longer realistic. The Oslo Accords that aimed to implement this vision did not deliver, due to continuous violence, accelerated settlement construction in the West Bank and a persistent failure to resolve the key 'Permanent Status' issues (borders, Israeli settlements, security arrangements, Palestinian refugees, the status of Jerusalem). Oslo did nothing to halt the expansion of Israeli West Bank settlements, the population of which, at some 700,000, is three times what it was thirty years ago; nor has it done anything to resolve the plight of the Palestinian refugees, whose numbers have doubled to almost 6 million since the 1990s. Extremism has overwhelmed moderation in both societies, and the brutality of the past year only underlines the futility of continuing to pursue an Oslo-style two-state approach.

The authors argue that there are three broad alternatives: a continuation of a deteriorating status quo, a one-state unitary solution, or a confederal/federal approach. The first two have little promise. Maintaining the status quo means sustained violence and suffering, and a further erosion of Israel's international standing and moral capital. Promoting the notion of a unified democratic state of Israelis and Palestinians in today's inflamed climate is seen by most Israelis as advocating the end of the Jewish homeland, and will gain no traction in Israel.

This leaves the option of some kind of federation of the two peoples: one that preserves their distinct identities and self-rule, while sharing essential common functions like defense, foreign relations, monetary policy and the management of the economy and water/the environment. A distinction should be made between citizenship of the federation (available to all Israelis, all Palestinians currently resident in the West Bank and Gaza, and all UN-registered Palestinian refugees), and residency of each territory. Israelis, as residents of the Israeli territory, would elect representatives to an Israeli parliament, while Palestinians, as residents of the Palestinian territory, would elect representatives to a Palestinian parliament. A single, balanced federal chamber is proposed, with delegates either directly elected by each territory or appointed by the territorial governments/parliaments.

A federation offers practical possibilities for addressing two major stumbling blocks to peace: Israeli settlements and the return of Palestinian refugees. Two options are worth considering. Under the first, any federal citizen would have the right to live anywhere in the federation but would remain, for federal and territorial voting purposes, a resident of their 'own' Israeli or Palestinian territory, while bound by the laws and local taxes levied in the territory in which they live. A variant of this would allow a more limited number of Israeli settlers to remain in the West Bank, while also permitting refugees who lived in Israel before 1948 to return to the Israeli territory. Either option would ensure that Israelis and Palestinians maintain control of their 'own' respective territories.

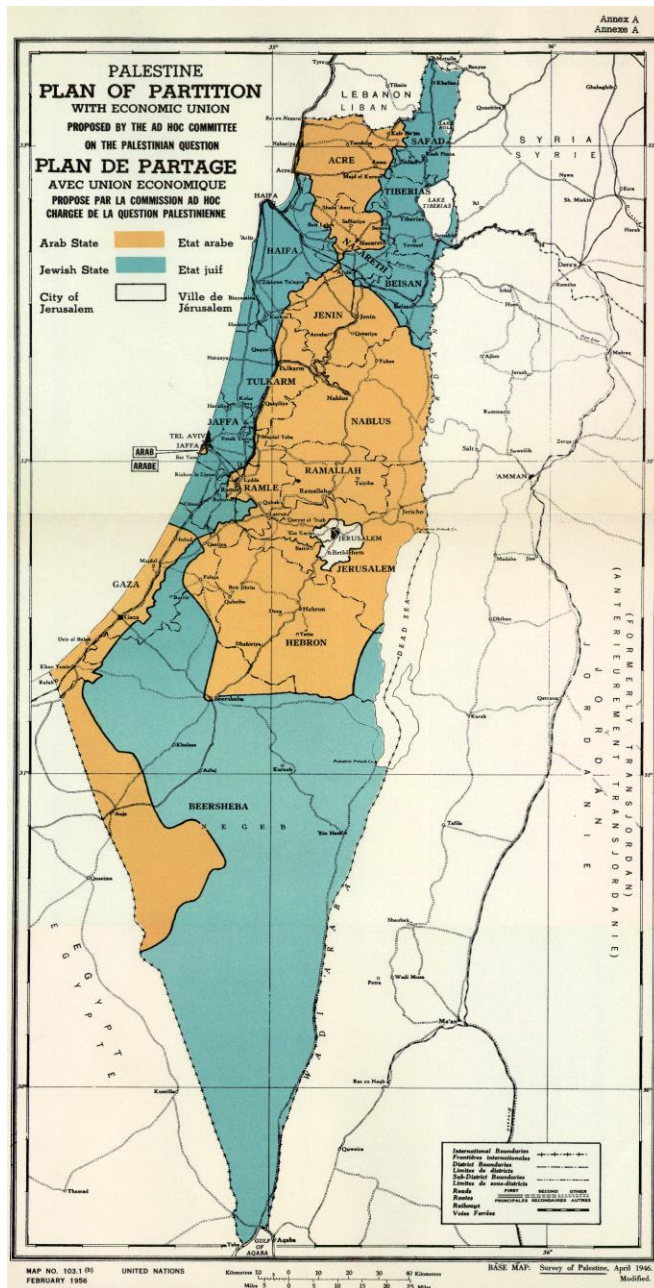
Nearly 50 percent of the world's population lives in some kind of federal or confederal arrangement (e.g. Brazil, the USA, the European Union). In all federations, the exact division of powers between individual

member territories and the larger union is specified in a written constitution—as are the mechanisms for resolving different interpretations and disputes between territories, and for ensuring that all citizens possess equal rights before the law.

Support for a federal solution is not widespread at this juncture. The purpose of this paper is to disabuse policy-makers of the tired old two-state option, and to help introduce the case for federalism into the mainstream of policy and diplomatic debate.

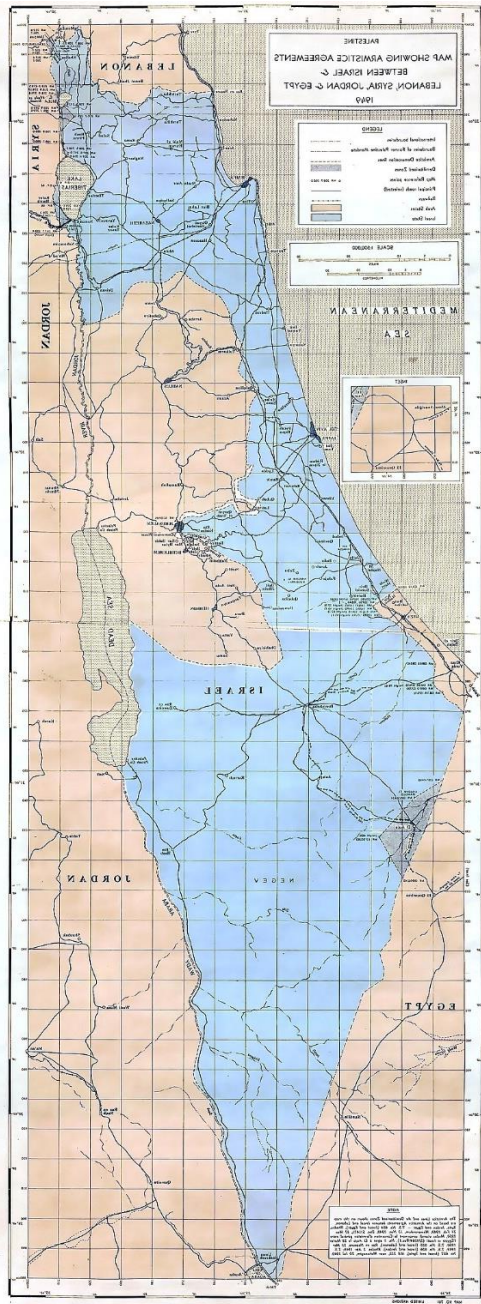
# Maps

## 1947 United Nations Partition Plan



Source: United Nations, 1947

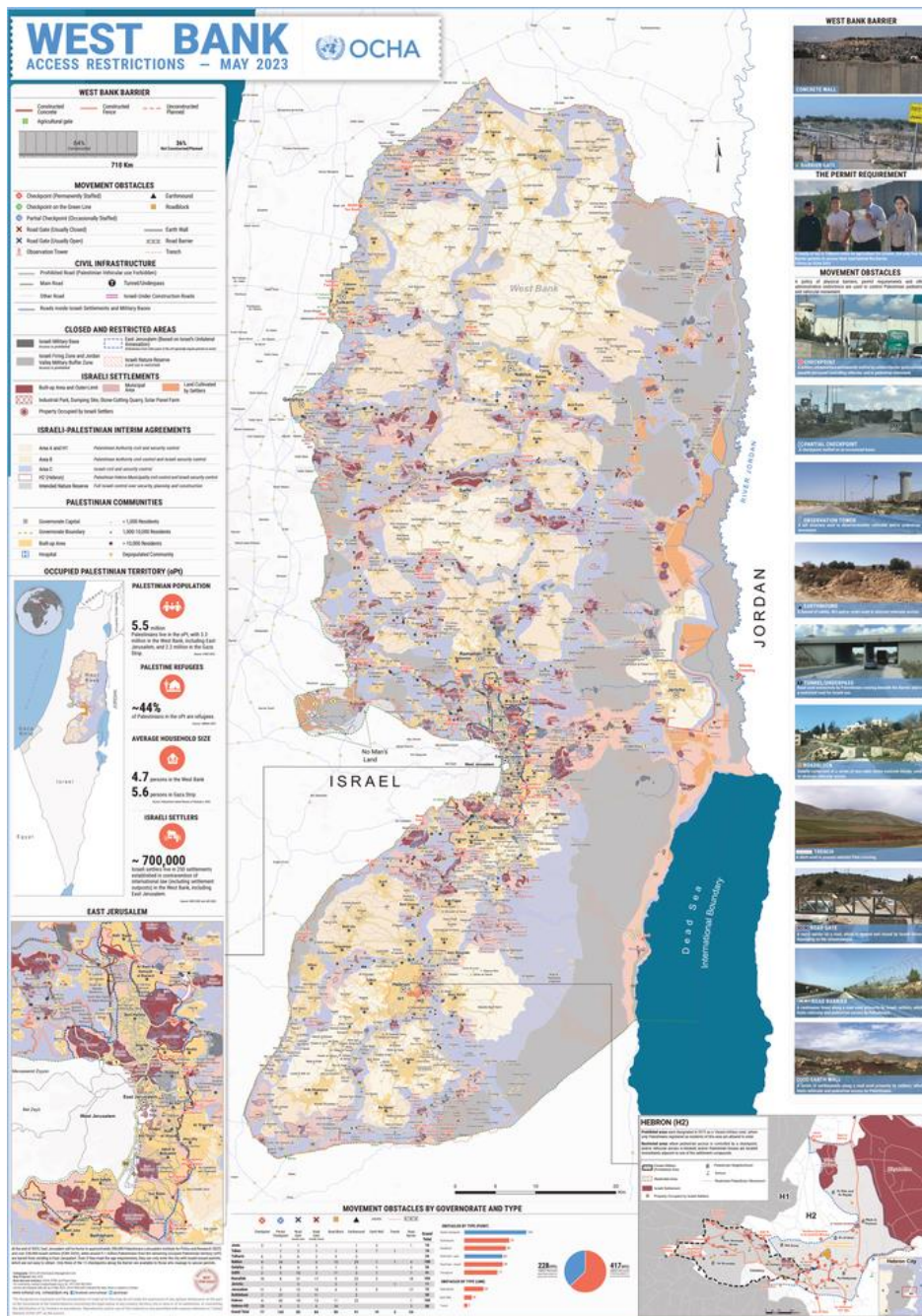
## 1949 Borders



*Source:* United Nations, 1955



## West Bank 2023: Areas A, B, and C - Settlements, Access Restrictions



# Executive Summary

This paper argues that the two-state solution to the Israeli-Palestinian conflict is no longer feasible, and that a federation of Israeli and Palestinian territories offers a better pathway towards ending the conflict. We are not suggesting that this approach offers an immediate answer, nor is it proposed in any definitive form: no external actors should pretend to have the answers to one of the world's oldest and most intractable conflicts. Anything discussed here needs to be debated and improved on by Israelis and Palestinians: they are the ones destined to share a common future.

Before any long-term solution can be contemplated, the hostilities in Gaza—and increasingly, in the West Bank—must end. It is not this paper's intention to focus on questions of a ceasefire, humanitarian aid, or the reconstruction and governance of Gaza once this round of fighting has died down. It is important, though, to remember how the current hostilities have highlighted Israel's dependence on international support and the international community's seeming inability/unwillingness to influence Israeli strategy. External forces and interests have played a key part of the conflict for over 100 years, and remain essential to any lasting resolution.

## The demise of the two-state solution

After the 1990 Gulf War, the United States of America (US) saw an opportunity to end the Israeli-Palestinian conflict by the creation of a Palestinian state in the occupied West Bank and Gaza. The promising multilateral Madrid approach, rooted in international law, was displaced by the secret negotiations hosted by Norway in Oslo beginning in December 1992. What became known as the Oslo process faltered within months, however, in the face of settler and Hamas violence. Although opinions differ on when Oslo lost viability, it is hard to argue that it retained any heartbeat after the Second Intifada and Hamas's 2006 general election victory. Nonetheless, in the eighteen years since then, the US and its allies have continued to promote the same flawed formula as if there were no alternative.

The Oslo two-state approach envisaged a transitional period of confidence-building during which the bulk of the Occupied Palestinian Territories (OPT) would be transferred to the Palestinian Authority (PA) and the difficult 'Permanent Status' issues would be negotiated consistent with United Nations Security Council Resolutions 242 and 338 (in particular, the return of Palestinian refugees, the future of Jewish settlements in the OPT, and the division of Jerusalem). At the end of the stipulated five-year period, however, most of the West Bank remained under Israeli control and none of the Permanent Status issues were close to resolution. That is still the case today.

There are several important reasons why the Oslo initiative failed, and why attempts to revive Oslo's two-state formula will also fail. The most prominent among these were a lack of commitment to the process on both sides, the severe imbalance in power between the two parties, and the lack of any objective adjudication process to resolve crises and deadlocks in the negotiations.

**Lack of commitment.** Records of Israeli Cabinet meetings and memoirs of Oslo participants shed doubt on the existence of any Israeli government commitment to the creation of a Palestinian state, whatever Israeli leaders may have said in public. The aggressive nature of settlement expansion during Oslo also



evidences this: excluding Jerusalem, the number of West Bank and Gaza settlers grew to 100,000 between 1967 and 1993, the twenty-six years before Oslo—and then quadrupled in the subsequent twenty-six years. On the Palestinian side, Hamas, which was strongly opposed to Oslo, began its deadly attacks on Israeli civilians within the first year of the process, and its popularity grew over time as Palestinians came to regard Oslo as a betrayal of their interests. Nor have Palestinians signaled to Israelis how the refugees' right of return can be implemented without obliterating Israel's Jewish majority, and thereby any guarantee that Israel's place as a global Jewish homeland can be maintained.

**The imbalance of power.** The Oslo process paid insufficient attention to the realities of Israeli coercive power. Under Oslo, Israel intensified its quasi-colonial control over Palestinian life to contain increasingly violent Palestinian opposition to the expansion of West Bank settlements. As initial trust broke down, Israel cut back on labor permits, imposed frequent 'closures' to restrict the movement of Palestinian people and goods, blocked Palestinian access to water and land resources, prevented construction, and periodically withheld customs revenues from the PA. The isolation of Gaza after Hamas's election victory, along with the expansion of settlement infrastructure (including restricted roads and the West Bank separation barrier/wall) cut Palestinian territory into small enclaves that lacked any economic coherence. This had a major impact on the Palestinian economy; the World Bank estimated that these restrictions depressed Palestinian per capita gross domestic product (GDP) by as much as 35 percent between 2000 and 2002 alone, significantly reducing any Palestinian economic peace dividend. In contrast, the Israeli economy thrived after 1993. Oslo brought an end to the Arab boycott and propelled an Israeli high-tech export boom. Before Oslo, foreign direct investment into Israel never exceeded US\$1 billion annually; by 2022, it had reached \$27.8 billion. Between 1993 and 2022, Israeli per capita GDP increased by over three percent per annum.

**The absence of neutral mediation.** Though Israelis and Palestinians are ultimately responsible for the breakdown of Oslo, the US failed to oversee the implementation of the Oslo Accords with impartiality. As documented by US diplomats involved in the process, the US was more concerned about maintaining strong relations with the Government of Israel than with the Palestinians, motivated both by geostrategic concerns and by domestic campaign financing patterns. The US and its European allies placed no meaningful pressure on Israel to halt settlement construction during the active years of the Oslo process, despite its illegality and mounting evidence that settlement expansion was destroying Palestinian trust, both in the Oslo process and in the legitimacy of the PA. For at least the past decade, US allies have acquiesced to Israel's policy of conflict management, complete with its stifling restrictions, in place of the conflict resolution for which they originally signed up, instead substituting humanitarian assistance for political activism (fully three-quarters of the \$40 billion in aid allocated to the Palestinians since 1993 was committed between 2007–2019, after the Oslo peace process had failed). Whether by design, delusion, or inertia, the donors came over time to accept their role in subsidizing and normalizing an indefinite Israeli occupation,

Today, the Palestinian authorities enjoy much less autonomy than in the mid-1990s; Israel exercises military control over Gaza and all but the 18 percent of the West Bank. Today, the level of concentrated communal brutality, exemplified by the October 7, 2023 Hamas assault and by Israel's attack on Gaza, exceeds anything since 1948. Today, the Jewish West Bank settler population is over 700,000, up from 274,000 at the start of Oslo. Today, the number of refugees for whom United Nations (UN) resolutions advocate a right of return to Israel has increased from 2.8 million to 5.9 million over the same period. Political decision-makers and diplomats who once again advocate the Oslo two-state solution have not

explained how deeper antagonisms and more entrenched settlement infrastructure can be tackled without concerted diplomatic pressure, not only on Hamas and the PA, but also on Israel. Nor have they acknowledged the steep decline of Israeli and Palestinian support for a two-state solution since the 1990s.

## What are the alternatives to a two-state solution?

There are, in essence, three potential routes that the relationship between Israelis and Palestinians could take.

**The first option** is a continuation of the current status quo: a de-facto one-state/two systems approach. This involves continued military occupation of territory beyond the 1949 Armistice Line, and leaves the Palestinian population with sharply restricted human rights and freedoms. October 7 has demonstrated the increasing danger to Israel of such a strategy, and has underlined its dependence on a compliant United States to help cope with rising internal and external threats. The recent International Court of Justice (ICJ) and International Criminal Court rulings are emblematic of Israel's increasing international isolation.

**A second option** is a single, unified state of Israelis and Palestinians covering the territory of former Mandate Palestine. This solution was favored by the Palestine Liberation Organization (PLO) prior to its 1988 offer to accept 22 percent of pre-1949 Palestine in return for peace and statehood. Sadly, the vision of a unified, secularized, democratic state has lost ground to exclusivist ethnic and religio-nationalist models, whereby one nationality would dominate or replace the other. Extremist views—such as those expressed in the founding charters of the Likud Party (which avers that "between the sea and the Jordan there will only be Israeli sovereignty") and of Hamas (which states that "The Islamic Resistance Movement believes that the land of Palestine is an Islamic Waqf consecrated for future Muslim generations until Judgement Day. It, or any part of it, should not be squandered: it, or any part of it, should not be given up")—have now bled into the mainstream. Promoting this one-state solution is now seen by many Israelis as akin to advocating the end of a Jewish homeland in Israel; it is most unlikely to gain traction in any part of the Israeli political spectrum.

**The third option** is some kind of federation of the two peoples. An early version of this was championed by a number of Zionist organizations prior to 1948 (for example, Ihud, which was closely associated with Martin Buber), as well as by notable public figures such as Albert Einstein. Those 'binational' solutions advocated a sharing of Erez Israel/Palestine, with a constitution that would protect each community from the numerical strength of the other, sometimes in the form of a unified state, sometimes under federal or confederal arrangements. A federal union arguably offers the best chance of addressing the two most intractable Permanent Status issues: the future of the Jewish settlements in the West Bank and the right of Palestinian refugees from Israel to return to their former homeland should they so wish.

## A federation of two territories: tackling the refugee and settlement dilemmas

This proposal draws on the pre-1948 discourse as well as on contemporary thinking by many Israelis and Palestinians, including the work of *A Land for All* (2019) and the *Holy Land Confederation* (2022). The approach aims to preserve the distinct national identities of Israelis and Palestinians, to ensure individual

political rights and the rule of law, and to provide effective mechanisms for resolving the inevitable disputes of design and implementation that would arise. While cognizant of the case for a two-state confederation, i.e. a union in which the citizens of each state retain distinct citizenship, and in which each state retains potentially greater sovereignty, we nonetheless argue that the constitutional transformation required under a federal constitution offers greater opportunities for resolving otherwise intractable disputes, and addressing deep antagonisms.

We suggest that the federation should consist of two distinct Israeli and Palestinian territories, i.e., today's Israel and today's Gaza and the West Bank, with the possibility of land swaps along the Green Line (to permit the inclusion of a proportion of Jewish settlements into Israel, in return for an equivalent amount of land of comparable quality and value in Israel; this should include a connecting strip between Gaza and the southern part of the West Bank). The possibility of creating more than two territories could also be investigated.

The principle of subsidiarity should be applied: decisions should be taken to the extent possible at the lowest feasible level: local or municipal if possible, then territorial, reserving for the federation only those functions that must be exercised at a national level.

A distinction should be made between citizenship of the federation (available to all Israelis, all Palestinians currently resident in the West Bank and Gaza, and all UN-registered Palestinian refugees), and residency of each territory. Israelis, as residents of the Israeli territory, would elect representatives to an Israeli parliament, while Palestinians, as residents of the Palestinian territory, would elect representatives to a Palestinian parliament. A single, balanced federal chamber is proposed, with delegates either directly elected by each territory or appointed by the territorial governments/parliaments. A small, federal enclave hosting the main federal institutions could be located along the current West Bank/Israeli border.

As far as addressing the twin stumbling blocks of Israeli settlements and Palestinian refugee return, two options are worth considering. Under the first, any federal citizen would have the right to live anywhere in the federation but would remain, for voting purposes, a resident of their 'own' Israeli or Palestinian territory, while bound by the laws and local taxes levied in the territory in which they live. A variant of this would allow a more limited number of Israeli settlers to remain in the West Bank, while also permitting refugees who lived in Israel before 1948 to return to Israeli territory. Either option would ensure that Israelis and Palestinians maintain control of their 'own' respective territories.

The federation should give citizenship to any UN-registered refugees wishing to claim it. All such refugees, irrespective of whether they choose to become citizens of the federation or not, should be compensated for their historical losses, consistent with numerous UN resolutions. The amount of compensation paid to refugees would depend, inter alia, on the scale of international contributions to a dedicated fund, which should be administered by an independent third party such as the World Bank.

There is no question that Israel's settlements in the West Bank (including in East Jerusalem beyond the Green Line) are illegal under international law, as the ICJ confirmed in July 2024. Any agreement on Israeli settlers living in the Palestinian territory, therefore, would represent a pragmatic compromise that recognizes the impracticability of forcible eviction, including from parts of East Jerusalem, as well as the biblical heritage of the Jewish people. Those who remained in the Palestinian territory would be subject to Palestinian laws and regulations, and Palestinians would be free to buy into and live in settler communities. It is presumed that many settlers would not wish to remain in the West Bank under such

arrangements. Any financial inducements offered those who chose to leave should come from Israel/the Israeli territory and from private contributions.

Nearly 50 percent of the world's population today lives in some kind of federal or confederal arrangement. Some, like Brazil, India, and the US, have solidified into nation states while others, such as the European Union, are looser, with sovereignty continuing to be vested in each member state. In all federations, the exact division of powers between individual member territories and the larger union is specified in a written constitution—as are the mechanisms for resolving different interpretations and disputes between territories, and for ensuring that all citizens possess equal rights before the law.

Any Israel/Palestine federal constitution, along with a set of basic laws, would need to address such issues as:

**Commitment to citizens' rights and the rule of law.** The constitution should make a clear commitment to equality and justice, and to protecting the language, educational, religious, and cultural rights of the different identity groups and minorities in the federation. The federation would be advised to remain neutral on questions of religion, either allowing territorial units to define their own parameters or mandating a separation between religion and politics. The constitution should also specify how international treaties and international law would be addressed.

**The distribution of powers.** While it is clear that foreign affairs, external security, monetary policy, trans-boundary water resources, and environmental externalities should be managed at the federal level, the control of other functions is less self-evident. Would school curricula, for example, be determined by the federation or by each territory? Would Hebrew and Arabic be adopted as official languages in both territories? How would the administrative structures at the federal and the territorial levels interact? To what extent could federal power be checked by the territories, and vice versa?

**Security and the armed forces.** The Oslo two-state model assumed, in line with Israel's preferences, that any future Palestinian state would be demilitarized. This assumption ignored the role that Palestinian security forces needed to play to ensure that rejectionists did not attack Israel from its territory; it also required Palestinians to trust Israel to protect a future Palestinian state from internal and external aggression, including from settler violence. Under a federation, external borders should be protected as one united authority. While internal criminal policing could be performed by two local police forces in close cooperation, external defense/military intelligence could be handled by integrating the military and security wings of the Israel Defense Forces and the Palestinian Authority Security Force. Any such integration could only be gradual, and probably partial—but it could, in time, bring significant nation-building benefits. Another key security issue in a federal system would be the fate of Israel's nuclear

arsenal; while the optimal solution would be to decommission it, this would require a regional commitment to nuclear non-proliferation that includes Iran, or truly cast-iron security guarantees.

**The courts.** In a federation emerging from a long period of antagonism, violence, and asymmetric power, the judicial system would need to place particular emphasis on ensuring equal rights for all citizens, as well as on safeguarding the implementation of the constitution and resolving disputes over its interpretation and implementation. It would make sense to create human rights courts, constitutional courts, and appeals courts at the federal level, supplemented by criminal/civil courts at the territorial level. The selection process for judges, particularly at the federal level, would need to ensure professionalism, neutrality, and ethnic/religious balance: a non-political standing panel composed of well-regarded legal professionals, including internationals could help ensure this. The judiciaries could also recruit third country professionals as jurists.

**The status of Jerusalem.** Both Israelis and Palestinians remain adamant that Jerusalem is their capital, though a possible territorial division was discussed at the Taba negotiations in 2001 and remains feasible, albeit highly controversial (particularly as far as control of, and access to, the Muslim and Jewish Holy Places is concerned). The governance of the Holy Places currently involves various foreign religious authorities, and a role for third parties would remain important.

**The nature of the economy.** The federation should operate as an economic union. This would make best use of complementary Palestinian human resources and Israeli capital and know-how, enable a rational pooling of natural resources, create an expanded domestic market, and position the federation to investors as a peaceful, dynamic hub and gateway to the Levant. Today's common external tariff structure should be retained, with rates in line with the World Trade Organization and international norms. A common currency would also be needed. Given the disparity between the two economies (pre-Gazan war per capita GDPs were \$7,000 and \$44,000, respectively), convergence would need proactive encouragement; this could be done through a combination of an initial international development fund targeted at rebuilding Palestinian infrastructure and raising skill-levels, and regular budget equalization payments to the Palestinian territory out of the federal treasury.

Creating a federal constitution would challenge the preconceptions and habits of adversaries from two societies used to a dramatic asymmetry in power and bargaining strength, deeply divided within themselves, and holding many different visions of how to relate to long-standing enemies. Given the antagonism between Fatah and Hamas, and within the fractured Israeli political establishment, and given the possibility that parties on one or both sides of the Green Line would oppose any constitutional process, it might make sense to go directly to the three groups of future citizens: those living in Israel, those living

in the West Bank and Gaza, and Palestinian refugees living in neighboring countries. The 2010–2013 Iceland constitutional process, for example, used a randomly-selected People's Assembly to provide recommendations, directly-elected individuals to form the Constitutional Assembly that drafted the constitution, and a citizens' referendum to confirm the results. Israeli and Palestinian powerholders would need to agree to such a process, and key national institutions (e.g., the Knesset, the Supreme Court of Israel, the PLO, the Palestinian National Council, Hamas) would need to be consulted throughout the constitutional process. The large and influential Israeli and Palestinian diasporas should also be consulted.

Third-party mediation *à la* Oslo should not be replicated in any constitutional formation process. To the extent that external encouragement and support is required, the task should be shared between the US and its European and Gulf allies. When it comes to implementation, the constitutional court, not third parties, should address disputes over interpretation or implementation. The basic laws could also incorporate a system of committees, boards, and binding review processes. At least initially, these institutions could recruit renowned specialists from abroad to help counter partisanship and break deadlock. The international community could provide valuable technical support to the constitutional formation process: there is considerable experience and advisory expertise available from the world's various federations, both long-standing ones like Belgium, Canada, and Switzerland, and recent ones like Bosnia and Herzegovina and Nepal.

A formal relationship between the federation and the European Union might also be considered. The European Union is currently planning a new category of associate membership, which would give a country certain membership benefits in return for a contributing to the Union's budget. Since associate members would enjoy these benefits under the jurisdiction of the European Court of Justice, this would provide additional support to the safeguards embodied in the constitution.

## Getting there

The parties are currently a very long way away from any serious bilateral discussions about a federation. On July 17 this year, for example, the Israeli Knesset voted 68 to nine to "firmly oppose the establishment of a Palestinian state west of the Jordan," claiming that this would constitute "an existential danger to the State of Israel and its citizens," while support for Hamas in the West Bank has grown since the outbreak of the Gaza war.

The Israeli/Palestinian conflict has resisted resolution for over a century. Today's crisis seems more intractable than it did a generation ago because the key conductors of the conflict—a far-right Israeli government and Hamas—are each so attached to their own narratives of religiosity, hatred, and victimhood. At the same time, the US, which has the power to alter the course of the conflict, remains reluctant to use it.

It is important to remember that the conflict has not always seemed so bipolar and that it has gone through many different phases, including periods when the wishes of majorities in both countries appeared compatible or at least open to compromise. Today's realities are no more stable or predictable than those of the 1910s, the 1940s, or the 1990s. The only certainty is that the conflict's enabling environment will continue to change.



The Oslo enterprise may have been honorably conceived, but was dishonorably implemented, and has thereby contributed to the radicalization of both nations. This does not mean that a resolution of the Israeli-Palestinian conflict is impossible. Although US policy has remained essentially consistent across all recent Democrat and Republican administrations, Israel would be ill-advised to rely indefinitely on unqualified US backing for its policies; nor is it clear that how long the US will retain the decisive influence it now possesses. When geopolitical and power dynamics do eventually shift, realistic options are available. They should not include the discredited two-state solution.

## PART 1 – The Failure of the Israeli-Palestinian Peace Process, 1993-2024

### A brief history

The 1991 Madrid Conference, hosted by Spain and co-sponsored by the United States (US) and the Soviet Union, managed for the first time to gather Israel, the Palestinians, Jordan, Lebanon, and Syria around peace negotiations and to look at ways of expanding regional cooperation. Deeply rooted in international law, this promising multilateral approach was displaced by the secret negotiations hosted by Norway in Oslo beginning in December 1992. The Oslo Accords (Oslo), signed in 1993 in Washington D.C. and December 1995 in Taba, led many to believe that the creation of a Palestinian state at peace with Israel was now feasible, and that this would resolve a conflict dating back to the late 19<sup>th</sup> century and the inception of Zionist-inspired settlement in Palestine (Khalidi 2020).

Under Oslo, the Government of Israel (GOI) recognized the Palestinian Liberation Organization (PLO) as a legitimate interlocutor and the PLO recognized the State of Israel within the territorial borders acknowledged by the United Nations (UN) in 1949. Oslo was conceived of as a five-year process of confidence-building, during which Israel would progressively hand control of most of the Occupied Palestinian Territories (OPT) of Gaza and the West Bank to a Palestinian administration (the Palestinian Authority, PA, acting on behalf of the PLO). Permanent Status negotiations would take place during this interim period, to be concluded by May 1999. Outstanding Permanent Status issues included the question of the Palestinian refugees, the future of Israeli settlements in the OPT, the status of Jerusalem, the delineation of borders, security arrangements, and relations and cooperation with neighbors.

With the exception of its Jewish settlements, Gaza was handed over to the Palestinians in 1994, while the West Bank was divided into three categories: Area A, under full Palestinian jurisdiction (covering the main Palestinian towns); Area B, under Palestinian administration and joint security management with Israel (the main Palestinian villages); and Area C, under Israeli control (the remainder of the West Bank, including

all Israeli settlements).<sup>1</sup> Area C would be "gradually transferred to Palestinian jurisdiction"<sup>2</sup> during the interim period.

Notably, Oslo did not require that Israel accept the creation of a Palestinian state, and was silent on questions of the return of refugees and/or their compensation as mandated by UN General Assembly Resolution 194 of December 1948 and UN Security Council Resolution 237 of 1967. These omissions formed a key rationale for the rejection of Oslo by Hamas and Palestinian Islamic Jihad (PIJ).

The Oslo peace process was soon derailed by continued mutual mistrust and violence. Significant disruptors included the Baruch Goldstein massacre of Palestinians in Hebron in 1994, the campaign of suicide bombing attacks on Israeli civilians by Hamas and PIJ from 1994 onwards, the assassination of Prime Minister Rabin by an Israeli opponent of Oslo in 1995, and the accelerated expansion of Israeli settlements in the West Bank. The process stalled, the transfer of Area C to the PA never took place,<sup>3</sup> and no agreement was reached on any of the Permanent Status issues. A number of diplomatic efforts were subsequently made to revive the failing process, but to no avail.<sup>4</sup> In parallel, various 'Track Two' peace plans were put forward, the most notable being the Geneva Initiative of 2002, revised in 2009 (Kägi and Saner 2009); they too have failed.

Opinions differ on when the Oslo process died, but the sequence of events beginning with Hamas's 2006 Palestinian Legislative Council election victory and ending with Hamas's ejection of the PA from Gaza in 2007 put a stake through its heart (Shlaim 2005, Ben-Ami 2023, Dajani 2023). The sixteen subsequent years up to October 7, 2023 featured a continuous blockade of Gaza, rocket attacks on Israel, a succession of major military operations designed to contain Hamas, and a hardening of Israeli government attitudes towards any peace process. At the same time, the PA lost much of its credibility among Palestinians due to its perceived ineffectiveness in dealing with Israel, a failure to hold any further elections, and widely-reported instances of corruption.<sup>5</sup> Unsurprisingly, faith in the Oslo peace process has declined steeply, among Palestinians and Israelis alike.<sup>6</sup>

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<sup>1</sup> Article XI, Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (a.k.a. "Oslo II"), Washington DC, 29 September 1995.

<sup>2</sup> The 1995 Interim Agreement also stated that "The two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period." Ibid., Art. XI, para. 1.

<sup>3</sup> Today Areas A and B comprise 18 and 22 percent of the West Bank, respectively, while Area C covers over 60 percent. Unlike Areas A and B, Area C is contiguous. See United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Map on the Oslo Agreement 1995-2005. The best source for maps of the West Bank and Gaza is UNOCHA's OPT Humanitarian Atlas, available [online](#).

<sup>4</sup> These included the Protocol Concerning the Redeployment in Hebron (1997), the Wye River Memorandum (1998), the Sharm-el Sheikh Memorandum (1999), the Camp David Summit (2000), the Clinton Parameters (2000), the Arab/Saudi Peace Initiative (2002), the Quartet's Roadmap for Peace (2002), the Agreement on Movement and Access (2005), which followed Israel's withdrawal from Gaza, and Prime Minister Olmert's Realignment Plan (2006) followed by his 'Secret Offer' (2008).

<sup>5</sup> See, for example, the work of [AMAN - Transparency Palestine](#).

<sup>6</sup> See Sarah Austin and Jonathan Evans, *Israelis have grown more skeptical of a two-state solution*, Pew Research Center, September 26, 2023; Catherine Cleveland, *New Polling and the Legacy of the Oslo Accords*, Fikra Forum, September 14, 2023; PCPSR and Macro-Center for Political Economics, 2021, *Joint Palestinian-Israeli*

In parallel, the gradual disappearance of the 'Palestinian question' from the international diplomatic radar enabled Israel to normalize relations with Bahrain, Morocco, Sudan, and the United Arab Emirates (the Abraham Accords of 2020–2021), and to move towards normalization with Saudi Arabia.

## The structural basis for the failure of Oslo

It would be a mistake to think that Oslo failed because of unforeseeable events. Several potent reasons can be identified, and understanding them is important to any future attempts to resolve the conflict. The most prominent were a lack of commitment to the process by power-brokers on both sides, the severe imbalance in power between the two parties, and the absence of an objective adjudication process to resolve crises and deadlocks in the negotiations.

### Inadequate commitment to a peaceful settlement.

Despite a plurality of support both by Israelis and Palestinians for a two-state solution in the early days of the Oslo process,<sup>7</sup> records of Israeli Cabinet meetings alongside memoirs of participants in the peace process shed considerable doubt on any true GOI commitment to the creation of a Palestinian state, whatever leaders like Prime Minister Rabin and Foreign Minister Peres may have told international diplomats (Shlaim 2005).<sup>8</sup>

Equally, Hamas was strongly opposed to Oslo and its popularity grew as Oslo foundered;<sup>9</sup> in time, Hamas and PIJ attacks on Israeli civilians encouraged Fatah to emulate this behavior, doing much to damage

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*Surveys on Trust and the Peace Process: Summary Report*, May 2021; and Shikaki, Khalil, *Arab Barometer VII Report on Palestine of 2021-2022*, Arab Barometer - PSR.

<sup>7</sup> On Palestinian attitudes see Salmi (1996). The JMCC poll on which his article is based was conducted in 1995 and canvassed attitudes towards the Taba agreement). The first poll for PSR, in 2000, continued to indicate strong support within the Palestinian population for reconciliation (75 percent), but scepticism that it would be feasible within the next 10 years. It also showed, even in the context of a peace agreement, that a majority of Palestinians opposed, or strongly opposed, other forms of cooperation and reconciliation (for example, 62 percent opposed or strongly opposed the "creation of joint political institutions, such as a parliament, designed eventually to lead to a confederate system." On Israeli attitudes see, for example, William Cubbison, *Two States for Two People? A Long Decline in Support*, Israel Democracy Institute, October 23, 2018, drawing on data from the Israel Democracy Institute's *Peace Index*, a survey the Institute has conducted monthly since 1994.

<sup>8</sup> See for example, excerpts of an address Rabin made before the Knesset in April 1993, in UN, *Approaches Towards the Settlement of the Arab-Israeli Conflict and the Question of Palestine* (Approaches/Peace Process Review), 23 (April 1993), pp. 2-4.

<sup>9</sup> Some have argued that the lack of effective avenues for peaceful protest and social mobilization have helped encourage organized Palestinian violence and popular support for it (see, for example, Perlman (2011) - though she suggests that Palestinian fragmentation was the principal driving factor once disappointment in Oslo set in; and Abrahams (2020). Within the West Bank and Gaza, political protest has often been met with excessive force (see, for example, B'Tselem, *Unwilling and Unable: Israel's Whitewashed Investigations of the Great March of Return Protests*, December 2021, and the 2019 Report of the UN Human Rights Commission that on protests in the occupied Palestinian territory. Loos (2023) observed that expressions of international solidarity tend to attract accusations of anti-Semitism, and this has diminished the impact of efforts to boycott Israeli settlement products under the Boycott, Divestment and Sanctions (BDS) movement. An unwillingness

Israeli popular support for a Palestinian state and to empower the overt opponents of statehood, in particular Ariel Sharon (Prime Minister, 2001–2006), Benjamin Netanyahu (Prime Minister, 1996–1999, 2009–2021, December 2022–present), and their various coalition partners over the past twenty-five years.

A clear example of bad faith was the acceleration of Israel's illegal program of West Bank settlement construction during Oslo. The number of settlers has more than doubled since Oslo began, from 273,900 in 1993 to 695,000 last year (Peace Now 2023). Excluding Jerusalem, the number of West Bank and Gaza settlers grew to 100,000 in the twenty-six years between 1967 and 1993 and then quadrupled in the subsequent twenty-six years of Oslo (Munayyer 2019).

For their part, Palestinians were unable, or unwilling, to reassure Israelis how the right of refugee return might be implemented without obliterating Israel's Jewish majority, and thereby any guarantee that Israel's place as a global Jewish homeland could be maintained.<sup>10</sup>

## Mistrust and the imbalance of power.

Oslo was predicated on confidence-building between two deeply suspicious peoples with shared histories of mutual mistrust and betrayal, while taking insufficient regard of the imbalances of power that allowed Israel to impede Palestinian administration and to deploy coercive force. This can be illustrated by considering the economic dimensions of the Oslo process and how Israel used military and administrative means to apply political pressure on the PA and Palestinian society.

Israel's occupation of Gaza and the West Bank in 1967 created the potential for pooling the comparative economic advantages of the West Bank and Gaza (labor reserves) and Israel (capital and technology). The economic relationship that Israel established after 1967 benefited Palestinian incomes via access to work in Israel: by 1980, per capita gross domestic product (GDP) in the Palestinian territories was some 40 percent more in real terms than on the eve of the 1967 War. However, the relationship also compromised Palestinian structural economic prospects.

Israel implemented a quasi-customs union with the OPT, one akin to the arrangements established by the United Kingdom in many of its overseas colonies. The OPT were subject to Israeli external tariffs approximately four times higher than before (Naqib 2002), increasing the cost of intermediate inputs and thereby pricing many Palestinian exports out of Arab markets. Notable dependencies were created (Farsakh 2013); by the mid-1980s, a third of the Palestinian workforce was employed in Israel, with Israel providing 90 percent of Palestinian imports and absorbing 70 percent of Palestinian exports. At the same time, Palestinian access to land, water, technology, credit, and public investment was highly restricted. With the outbreak of the First Intifada, Israel began to limit Palestinian employment in Israel, adding unpredictability to dependency (Shikaki 2021, Iqtait 2021).

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to distinguish true anti-Semitism from opposition to settlement expansion remains a prominent feature of political life in Europe and the United States.

<sup>10</sup> Although compromise formulae were discussed at Camp David and Taba - see Malley and Agha (2007) and Moratinos (2001), respectively.

This uneven economic union was baked into the Paris Protocol of 1994, an interim measure intended to cover the five years to 1999 but still in force today. A surge of investment in the OPT alongside mutual goodwill would, many hoped, bring Israeli and Palestinian incomes towards convergence (International Monetary Fund 2023). An Oslo mini-boom did raise real per capita Palestinian GDP by a further 15 percent during the 1990s. The Paris Protocol improved on the post-1967 arrangements by allowing the PA to import some goods from abroad and by remitting to the PA tariffs collected by Israel on goods destined for the West Bank and Gaza (net of any tariffs collected by the PA on goods destined for Israel, hence 'clearance revenues'). It did not alter Israeli control over land and water resources in Area C, however, while Israeli external tariffs continued to apply to the Palestinian territories and the shekel continued to serve as the principal medium of exchange. Nor were labor flows, border management and internal movement guaranteed.<sup>11</sup>

As Oslo broke down, Israel cut back on labor permits, imposed frequent closures to restrict the movement of Palestinian people and goods, and periodically withheld clearance revenues. The isolation of Gaza after Hamas's election victory, along with the expansion of settlements and settlement infrastructure (including restricted roads and the West Bank wall/separation barrier<sup>12</sup>) cut Palestinian territory into small enclaves, crippling competitive agricultural and industrial output. Between 1999 and 2022, per capita GDP in the Palestinian territories did increase, from some \$2,732 to \$3,095 in constant 2010 prices (World Bank data), but this represents real per capita income growth of only a half percent per annum and masks the divergence between the West Bank and Gaza. Shortly before the current war, some 81.5 percent of the Gaza population lived below the national poverty line, with 64 percent food-insecure and 47 percent unemployed.<sup>13</sup>

In contrast, the Israeli economy thrived between 1993 and October 7, 2023. Oslo ended the Arab boycott and helped Israel take advantage of globalization trends by translating military expertise into a high-tech export boom. Before Oslo, foreign direct investment into Israel never exceeded \$1 billion annually. By 2022, it reached \$27.8 billion (Rosenberg 2023). In constant 2010 prices, Israeli GDP stood at \$143 billion and per capita income at \$27,200 in 1993; by 2022, GDP had increased to \$408 billion, and per capita incomes to \$42,700 (World Bank data).

It is tempting to ask whether the Paris Protocol could have worked better in the absence of pervasive Israeli-Palestinian violence, given the Palestinian economic improvements during its initial years. This is the wrong question, however. Violence was baked into any arrangement that left Israel in control of land and water resources at a time of aggressive settlement expansion. The Protocol only made sense as a very brief way-station towards independence and a renegotiated economic relationship.

## The absence of neutral arbitration.

Though both Israelis and Palestinians are ultimately responsible for the breakdown of Oslo, significant blame must also be attached to the international community, and in particular to the United States, for

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<sup>11</sup> See World Bank, *Racing Against Time: World Bank Economic Monitoring Report to the Ad Hoc Liaison Committee*, September 2023.

<sup>12</sup> See the B'Tselem's maps of the wall/separation barrier as of [2008](#) and [2014](#).

<sup>13</sup> UNRWA Data, 2020, *Gaza 15 Years of Blockade*.



failing to oversee the implementation of the Oslo Accords with impartiality. This is not a new phenomenon: the noted Lebanese-British historian Albert Hourani highlighted this problem in his statement to the Anglo-American Committee of Enquiry of 1946: "There is a certain inclination in Great Britain and America to state the problem in terms of the conflict of two races and two nationalisms, and to picture the British and American governments as impartial peacemakers and judges in no way involved in the conflict, but holding the two antagonists apart and doing justice between them. This is not the correct view. You will never understand the problem aright unless you realize that Great Britain and America are essentially involved in it. They are not only judges, they are also actors in the tragedy."

As documented in a number of accounts by participants and analysts (Miller 2008, Chomsky 2015, Rabinovich 2023), during Oslo the US was more concerned to maintain strong relations with GOI than with the Palestinians, motivated both by geostrategic concerns as well as by domestic political campaign pressures (Mearsheimer and Walt 2007).<sup>14</sup> The way in which the US scapegoated Arafat and the Palestinians for the failure of the 2000 Camp David Summit is one striking example of this (Malley and Agha 2001, Baumgarten 2004).

The US and its European allies consistently failed to put meaningful pressure on Israel to halt settlement construction during the active years of the Oslo process—despite its illegality under international law and mounting evidence that settlement expansion was destroying Palestinian belief in Oslo and in the PA's legitimacy (Al-Husseini and Bocco 2008, Shikaki 2018, Elgindy 2019).<sup>15</sup> The US treated each partner as equal in capacity, disregarding the PA's limited ability to control extremist dissent, and did little to discourage the gradual intensification of restrictions on the movement of Palestinian people and goods. This had a devastating impact on the Palestinian economy; the World Bank estimated that closures depressed Palestinian per capita GDP by as much as 35 percent between 2000 and 2002 alone (World Bank 2004), significantly reducing any Palestinian economic peace dividend. Among many, Avi Shlaim (2005) argues that "only America could push Israel into a settlement. And in the event, America's failure to exert sufficient pressure on Israel to withdraw from the Occupied Territories was one of the factors that contributed to the breakdown of the Oslo peace process."<sup>16</sup>

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<sup>14</sup> For example, through its consistent veto of draft UNSC resolutions condemning Israeli actions that undermined the Accords (e.g., [S/1995/394](#); [S/1997/241](#); [S/2003/980](#)), or by exempting Israel from the 'Leahy Law' on the uses of transferred arms -see, for example, Chappell *et al*, [\*Law and Policy Guide to US Arms Transfers to Israel\*](#), Just Security, November 2023, online.

<sup>15</sup> See also Khaled Elgindy, [\*How the Peace Process Killed the Two-State Solution\*](#), Brookings, April 12, 2018, online.

<sup>16</sup> See also Osamah Khalil, [\*Oslo's Roots: Kissinger, the PLO, and the Peace Process\*](#), Policy Brief, Al-Shabaka, September 3, 2013. It is important, however, to understand that the US negotiators during Oslo were also faced with the dilemma of how to manage a process in which the expectations of the two sides were divergent, and in which neither had renounced violence as a way of pursuing their goals. Interviewed by Ha'aretz in September 2023, Aaron Miller, a key former US negotiator at Madrid and during Oslo, identified the postponement of final status issues under Oslo as a key component in its failure, and that some statement of objectives could have constrained both parties' behavior. The US recognized that the confidence-building architecture led to precisely the opposite outcome, due both Israeli settlement expansion and to Palestinian terrorism - yet "*It would have killed the process immediately had the two sides focused on the end goal*" (paraphrased from *Everybody Just Blew It: Key U.S. Diplomats Reflect on the Oslo Accords, 30 Years On*, Ben Samuels, Ha'aretz, September 13, 2023).

The US' diplomatic allies also share blame for the failure of Oslo. For at least a decade, they have acquiesced to Israel's policy of conflict management, as opposed to conflict resolution, substituting humanitarian or quasi-humanitarian assistance for political action. Wildeman and Tartir (2021) point out that three-quarters of the \$40 billion in aid allocated to the Palestinians since 1993 was committed between 2007–2019, after the Oslo peace process had clearly died. While much aid programming since 2007 has been driven by donors' wish to sustain Palestinian welfare, this does not explain their reluctance to apply pressure on Israel. Indeed, some would argue that "Israel and the West maintain a humanitarian problem to manage a political one—in this case, subduing an undesirable and inconvenient population. If a policy exists, it is one of not finding solutions" (Roy 2021).

Whether by design, delusion, or inertia, aid donors came over time to accept their role in subsidizing an indefinite Israeli occupation of the OPT, complete with some innovative Israeli requirements such as the enrollment of the PA as its West Bank security subcontractor (Tartir 2015), and PA Prime Minister Fayyad's dystopian reform campaign intended to prove that Palestine was “worthy of statehood” (as opposed to entitled to it; see Dana 2015).<sup>17</sup>

## Today's reality

As the Gaza war drags on and diplomats search for a 'Day After' scenario, an Oslo-style two-state solution is once again cited as the only possible way forward.<sup>18</sup> Diplomats, though, have been careful to avoid discussing precisely what this solution would require. As recently as September 24, 2024 President Biden told the UN General Assembly that a two-state solution remains "the only path to lasting security."<sup>19</sup> Its advocates, though, have been careful to avoid specifying precisely what this solution would require.

Today the Palestinian authorities enjoy much less autonomy than in the mid-1990s; Israel exercises military control over Gaza and all but the 18 percent of the West Bank defined as Area A (even there, reserving the right to enter in force if it judges this necessary). This regression underlines a simple reality: since 1967, Israel has administered historical Palestine as a single territory with sharply different rights

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<sup>17</sup> In *What is a State without the People?: Statehood Obsession and Denial of Rights in Palestine* (The Arab Reform Initiative, 2020), Alaa Tartir argues that the Palestinian leadership's “statehood mania” has helped sustain the status quo and asymmetry of power in favour of Israel, and has also “disempowered the people/nation as a core element of any state, and instead empowered the 'wrong national institutions' under the colonial condition” - specifically, the PA security structures and institutions, which effectively work on behalf of Israel - and in so doing, have alienated Palestinians from their own government (online:). See also Edward Said's observations on how the situation on the ground evolved in ways that coopted both the PA and the international community (Said, 1999).

<sup>18</sup> See, for example, statements by the G20 (Reuters, *Two-state solution only answer to Israeli-Palestinian conflict*, February 22, 2024), the Arab States and EU (Reuters, *Arab states, EU agree on need for two-state solution to Israel crisis*, November 27, 2023), and Saudi Arabia (Reuters, *Saudi Foreign Minister: No normal Israel ties without path to Palestinian state*, January 21, 2024). Meeting records of UN SC resolutions concerning Palestine are also peppered with professed commitments to a two-state solution: see, e.g., UNSCR 2728, passed with the US abstention.

<sup>19</sup> See Biden's speech to the UN General Assembly, September 24, 2024.

for Israeli citizens and Palestinian residents (Barnett et al 2023, Benn, 2024).<sup>20</sup> In the words of UN Special Rapporteur John Dugard,<sup>21</sup> the occupation of the OPT under Oslo continues to display "features of colonialism and apartheid," a situation reinforced by Israel's 2018 Basic Law, which clarifies that Israeli Jews alone have a right to nationality and self-determination in the State of Israel.<sup>22</sup> Today the level of concentrated communal brutality, exemplified by the October 7, 2023 Hamas massacre and by Israel's excesses in Gaza, exceeds anything since 1948. Today the Jewish West Bank settler population is almost four times what it was at the signing of the Declaration of Principles in 1993.<sup>23</sup> Today the number of refugees for whom the PA advocates a full right to return to Israel has grown from 2.8 million in 1993 to 5.9 million.

Political decision-makers and diplomats who once again advocate the Oslo two-state solution have not explained how much deeper antagonisms and a far more entrenched settlement infrastructure will be tackled without concerted diplomatic pressure, not only on Hamas and the PA but on Israel. US and European unwillingness to confront Israel is demonstrated in their muted response to the International Court of Justice ordering Israel to take measures to prevent genocide, in overlooking Israel's refusal to heed UN Security Council Resolution 2728 of March 25, 2024 calling for an immediate ceasefire, in acquiescing to the massive physical destruction and man-made hunger in Gaza,<sup>24</sup> and in their initial eagerness to suspend funding to the UN Relief and Works Agency's (UNRWA) on the basis of Israel's

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<sup>20</sup> See Nathan Thrall's 2023 book, *A Day in the life of Abed Salama: Anatomy of a Jerusalem Tragedy*. See also Ben-Natan (2022), who argues that Israel has become a 'One Carceral State' and that incarceration - and with it, systemic domination - is central to the Israeli political order. See also Latte-Abdallah (2022).

<sup>21</sup> See UN Human Rights Council (2007), paras 49-50. UN Special Rapporteurs have been raising this issue in their reports since 1998, though John Dugard's reports spelled this out in clear language and pressed the UN to request an Advisory Opinion on the issue (the question is currently under consideration by the International Court of Justice). The Report authored by Michael Lynk in 2022, which focused on the issue of apartheid, concluded that "with the eyes of the international community wide open, Israel has imposed upon Palestinian apartheid reality in a post-apartheid world" (UN Human Rights Council, (2022), para. 56). See further Richard Falk and Virginia Tilley's 2017 *Report on Israeli Practices towards the Palestinian People and the Question of Apartheid* for UNESCWA and Uri Davis (2004).

<sup>22</sup> *Basic Law: The Nation State of the Jewish People* (an unofficial translation is available here), Art 1(b and c). The Law also says that "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and strengthening" (Article 7). Ibrahim Saïd (2020) has argued that the law reflects a continuous process that stems from Zionist colonial ideology. In his opinion the Basic Law doesn't transform Israel into an undemocratic apartheid state, as some have argued: it makes Israel's transformation away from this reality even more difficult than before. See also Kassim (2024).

<sup>23</sup> According to data collected by the Jewish Virtual Library, the number of West Bank settlers (excluding those in East Jerusalem) increased from 136,109 in 1993 to 517,407 by early 2024. See: "Total Population of Jewish Settlements by Year (1970-present)," Jewish Virtual Library, online.

<sup>24</sup> On capital destruction, see the World Bank/European Union/United Nations report of 29 March, 2024. According to the report, infrastructure damage in Gaza to the end of January 2024 amounted to some US\$18.5 billion. On the adverse impacts on the Israeli economy, see, e.g., Steven Scheer' article in Reuters, *Gaza War Hits Israeli Economy with 19.4% Q4 Drop*, February 19, 2024. On hunger in Gaza, see e.g., Human Rights Watch, *Israel: Starvation Used as a Weapon of War in Gaza*, December 18, 2023, NPR, *Boiling weeds, eating animal feed: People in Gaza stave off hunger anyway they can*, March 29, 2024 and a UNHCHR press release, *UN experts declare famine has spread throughout Gaza strip*, July 9, 2024 and UN General Assembly (2024). Concerning the reconstruction of Gaza, see Shaban (2024).

unproven accusations of complicity in the October 7 attack, and its demands that the agency be dissolved.<sup>25</sup>

These same decision-makers should also pay attention to Israeli and Palestinian public opinion. From a high point in 2012–2013, support for a two-state solution was in decline prior to October 7 and the Gaza war, according to numerous polls.<sup>26</sup> More recent surveys have suggested a revival in support, but this should be read cautiously, since this support hinges on various favorable preconditions,<sup>27</sup> reinforcing pollster Dahlia Scheindlin's view (2018) that the systemic decline in support for the two-state solution is "not exactly ideological; it is driven largely by the sense that the solution is no longer feasible. Perceptions of nonviability are highly correlated with opposition to a two-state outcome, and similarly, perceptions of viability are correlated with high support." It is these preconditions that Oslo was unable to bring about.

Earlier this year, Tareq Baconi wrote in the *New York Times* that "Repeating the aspiration for two states and arguing that partition remains viable presents Israel as a Jewish and democratic state - separate from its occupation, obfuscating the reality that it rules over more non-Jews than Jews. Seen in this light, the failed attempts at a two-state solution are not a failure for Israel at all but a resounding success, as they have fortified Israel's grip over this territory while peace negotiations ebbed and flowed but never concluded."<sup>28</sup> A similar view was expressed by Muasher and Brown (2018): "The pretense that a two-state solution is viable is masking the very realities that have undermined it. Futile two-state diplomacy saps the energy from any effort to confront those trends, even as their long-term effects become more pernicious."

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<sup>25</sup> An independent commission led by former French Foreign Minister Colonna and involving three Scandinavian Institutes has reported that Israel has not produced evidence to support these accusations; See the *Final Report for the United Nations Secretary-General - Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality*, April 20, 2024 (the 'Colonna Report'), and the parallel report by the Raul Wallenberg Institute, the Danish Institute for Human Rights and the Chr. Michelsen Institute of the same title and the same day. Discrediting and hampering UNRWA is arguably consistent with Israel's wish to ignore the Palestinian refugee issue.

<sup>26</sup> As one of many examples, Gallup measured a decline in Israeli support for a two-state solution from 61 percent of those polled in 2012 to 25 percent in December 2023, and a decline among Palestinians from 59 percent in 2012 to 24 percent just prior to October 7 and the Gaza war (Benedict Vigers, "[Life in Israel After Oct. 7 in 5 Charts](#)," *Gallup*, December 22, 2023). See also Riccardo Bocco's March 28, 2024 lecture at the Doha Graduate Institute on *UNRWA after Six Months of War in Gaza*.

<sup>27</sup> See, for example, Colin Irwin, The Conversation, *As International Support for and Independent Palestine Grows, Here's What Israelis and Palestinians Now Think of the Two-State Solution*, May 22, 2024. This cites a March 2024 Palestinian Institute for Social and Economic Progress survey in which 72 percent of those polled would support a two-state solution "in the context of serious negotiations" - while a January 2024 Geneva Initiative survey of Israelis indicated that 51 percent of those polled would support a two-state solution if the Palestinian state were demilitarized, and if full normalization of relations with Saudi Arabia could be assured.

<sup>28</sup> Tareq Baconi, Guest Essay: *The Two-State Solution Is an Unjust, Impossible Fantasy*, *New York Times*, April 1, 2024.



## PART 2 – October 7, 2023 and the Gaza War: International Implications

How have October 7 and the Gaza war changed the outlook for peaceful Israeli-Palestinian co-existence? In the near-term, surely, the prospects have receded even further, with neither party's appetite for violence exhausted,<sup>29</sup> and Israeli society's interest in another peace process in short supply.<sup>30</sup>

Internationally, the violence has had important ramifications. Prior to October 7, 2023, motivated by US defense and nuclear inducements and by US and European interest in the development of an India-Middle East-Europe economic corridor,<sup>31</sup> Saudi Arabia seemed close to 'normalizing' its relationship with Israel, and appeared willing to forego the 2002 Arab Peace Initiative's demand that an independent Palestinian state must be established prior to diplomatic recognition. While any agreement would of necessity include some kind of commitment to Palestinian statehood, reversing the accepted sequence of events symbolized how Palestinian national aspirations had become a diplomatic afterthought.

Popular outrage at Israel's attack on Gaza, though, has taken any Saudi-Israeli rapprochement off the table for the time being. In the US and Europe, fueled in part by continuous media coverage, unprecedented pro-Palestinian protests have taken place, led by a generation more prone to view the fate of the Palestinians through the lenses of decolonization, racism, and apartheid (Sayegh 2024). Changing demographics and a less tolerant view of Israel has placed policy-makers at increasing odds with the 'street', in particular young voters who may, in time, force diplomatic change. The opinions of young Americans have been souring on Israel for some time,<sup>32</sup> while their perspectives on the current war are

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<sup>29</sup> The Palestinian Centre for Policy and Survey Research's poll of November-December 2023 showed that a majority of Palestinians supported Hamas' October 7 actions (57 percent of Gazans and 82 percent of those in the West Bank), while a Tel Aviv University poll from January 2024 reported 94 percent of Jewish Israelis believing that the levels of force applied in Gaza were either appropriate or insufficient.

<sup>30</sup> Tel Aviv University's *Peace Index* surveys show support for peace negotiations declining from 53.1 percent in September 2023 to 33.5 percent after October 7.

<sup>31</sup> See, for example, Alberto Rizzi, *The Infinite Connection: How to Make the India-Middle East-Europe Economic Corridor Happen*, European Council on Foreign Relations Policy Brief, 23 April, 2024.

<sup>32</sup> A 2022 Pew poll, for example, reported that 56 percent of Americans between 18-29 held "an unfavorable view" of Israel - see Shradha Dinesh and Laura Silver, *How Americans View Israel, Netanyahu and US-Israel Relations in 5 Charts*, Pew Research Center, August 21, 2022.



strongly tilted in favor of Palestinians.<sup>33</sup> The International Court of Justice (ICJ)'s January 26 order to Israel of provisional measures to prevent genocide,<sup>34</sup> the International Criminal Court's Chief Prosecutor's May 20 application for arrest warrants for Israel's Prime Minister and Defense Minister,<sup>35</sup> the formal recognition of the State of Palestine by Ireland, Norway, and Spain on May 28, followed by Slovenia on June 4, and the ICJ's July 19 judgment that Israeli settlements in East Jerusalem and the West Bank violate international law<sup>36</sup> all demonstrate that growing numbers of states and individuals are no longer willing to give Israel exceptional leeway at the expense of Palestinian rights.<sup>37</sup> At the same time, Iran's growing offensive capabilities, both direct and proximate, and the evident need for outside support in repelling major Iranian attacks in April and October 2024 have underlined Israel's continuing dependence on its traditional allies.<sup>38</sup>

For Israelis, while there is limited immediate interest in seeking an agreement with the Palestinians, October 7 has shown that a policy of 'managing conflict'—by ignoring Palestinian national aspirations while blockading Gaza and expanding West Bank settlements—has not brought acceptable levels of security; far from it, given the increasing threats posed by those who resist the formula. There is also increasing concern by many establishment figures at the erosion of Israel's political capital. Ronen Bar, Director of the Israeli security agency Shin Bet, recently wrote to the Prime Minister to express his concern that West Bank settler aggression has placed his country "on the threshold of a significant, reality-changing process. The damage to Israel, especially at this time, and to the majority of the settlers is indescribable: world delegitimization even among our best friends."<sup>39</sup> This realization, and the evidence of a generational shift in American and European public opinion, could in time propel the Israel government to seek a meaningful accommodation with the Palestinians.<sup>40</sup>

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<sup>33</sup> A December 2023 New York Times/Sienna College poll shows that almost twice as many Americans aged 18-29 sympathize with the Palestinians as with Israel. See Jonathan Weisman, Ruth Igiyenik and Alyce McFadden, *Poll finds wide disapproval of Biden on Gaza, and little room to shift gears*, New York Times, December 19 2023.

<sup>34</sup> International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Decision of the Court on Provisional Measures, 26 January, 2024 (with modifications on 28 March and 24 May, 2024).

<sup>35</sup> ICC Prosecutor, *Applications for Arrest Warrants in the Situation in the State of Palestine*, 20 May 2024.

<sup>36</sup> See Mike Corder, Associated Press, 19 July, 2024, *Top UN Court Says Israel's Presence in Occupied Palestinian Territories is Illegal and Should End*.

<sup>37</sup> See also UN Human Rights Council (2024). The report addresses the issue of genocide in the context of Israel's actions in the oPt, specifically the Gaza Strip, since October 7, 2023.

<sup>38</sup> Daniel Levy, President, of the US Middle East Project recently referred to a growing realization of "the deepening and staggering level of Israeli dependence on the U.S.—precisely at a time when the relationship is contributing more than ever to the geopolitical weakening of America. As the Biden administration frantically runs cover for Israeli criminal actions, the cost to the U.S. in political, reputational, legal and other arenas increases exponentially." Symposium: "Will US-Israel relations survive the last year?" *Responsible Statecraft*, October 3, 2024.

<sup>39</sup> See Toi Staff, *Shin Bet chief warns Netanyahu, ministers that Jewish terror endangering Israel*, Times of Israel, 22 August 2024.

<sup>40</sup> According to James Zogby of the Arab American Institute, "Israel's year-long assault on Gaza hasn't yet 'permanently changed the U.S.-Israel relationship.'" It has, however, altered the political landscape shifting opinions, with key demographics—younger and non-white voters—moving in a pro-Palestinian direction. As a result, pro-Israel groups and their congressional supporters have attempted to silence debate and arrest the growth of pro-

But although the October 7 tragedy and its aftermath offer some hope that a resolution of the Israeli-Palestinian conflict may once again become a global priority, there is a substantial risk that this may not happen soon. At the time of writing, international anger and popular pressure on governments to intervene have failed to halt the war, or to curb the current spate of settler violence in the West Bank.<sup>41</sup> On July 17, the Israeli Knesset voted 68 to 9 to "firmly oppose the establishment of a Palestinian state west of the Jordan,"<sup>42</sup> while current Israeli government plans suggest an indefinite reoccupation of parts of Gaza, and reductions in Palestinian territory.<sup>43</sup> Although US popular opinion is shifting, there is no immediate evidence of this in the advocacy and political financing that shapes US congressional positions on the conflict.<sup>44</sup> It is even possible to envisage the forcible displacement of Gazans into Egypt, and the lack of any meaningful reaction to such a step.

As argued recently by Secretary General of Amnesty International Agnès Callamard (2024), Israel's assault on Gaza can be seen as a logical outcome to the erosion of international law that has accelerated under the extended US response to 9/11, and emphasizes that the post-World War Two rules-based order is effectively over. This perspective suggests that both Palestinians and Israelis may be condemned to many more years of insecurity, violence, and suffering—though it does not negate the need to explore solutions that the parties can turn to when today's geopolitical dynamics and power imbalances begin to change. That will not mean dusting off the Oslo two-state blueprints, though; their time has passed.

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Palestinian sentiment. State laws have been enacted penalizing individuals or groups that endorse sanctions on Israel and they've expanded the definition of antisemitism to include legitimate criticism of Israel. There's been pressure from Republicans and donors to impose severe speech restrictions on university campuses and "dark money" groups are spending over \$100 million to target the campaigns of members of Congress sympathetic towards Palestinians. Given the reactions to Israel's deplorable conduct and the repressive new "McCarthyite" measures against pro-Palestinian sentiment, the already deeply polarized debate over the U.S.-Israel relationship is likely to become more intense in the future". Symposium: "Will US-Israel relations survive the last year?" *Responsible Statecraft*, October 3, 2024.

<sup>41</sup> See Yesh Din (2024).

<sup>42</sup> See Andrew Carey, *Israeli lawmakers vote overwhelmingly against Palestinian statehood, challenging US Policy*, CNN, 18 July, 2024. It is worth noting that Ami Ayalon, former Shin Bet director, has recently argued that "A two-state solution would not be a defeat for Israel but a victory - and would be the only way to truly weaken Hamas. Pursuing that outcome would represent neither a capitulation to terrorism nor a submission to American diktats. Rather, it is the best way to realize the Zionist dream of an enduring state of Israel that is Jewish and democratic." See Ami Ayalon, *The Only Way for Israel to truly Defeat Hamas*, Foreign Affairs, April 12, 2024.

<sup>43</sup> See Washington Post article of February 23, 2024 by Steve Hendrix and John Hudson, *Netanyahu Presents Hard-line 'Day After' Vision for Gaza for the First Time*.

<sup>44</sup> See Olivia Rosane, *US Lawmakers Received Over \$58 Million From Israel Lobby Last Election Cycle*, January 10, 2024 in [commondreams.org](https://commondreams.org), which cites the lobbying group Justice Democrats: "One of the main reasons most members of Congress don't represent the majority of Americans who want a cease-fire: the Israel lobby gave Congress \$58 million last cycle; only 33 members didn't receive donations."



## PART 3 – Unresolved Questions from Oslo

It would be a mistake to think that the Oslo years were totally wasted. They have done much to clarify areas of agreement and disagreement, and of functionality and dysfunctionality in the bilateral relationship, thus offering valuable lessons in any further search for political solutions to the conflict.

### The Palestinian refugees

One of the most challenging issues in crafting a peace settlement is the question of the Palestinian refugees from the 1948 and 1967 wars, and their descendants.

According to UN General Assembly Resolution (UNGAR) 194 (III-11) of December 11, 1948, “The refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and ... compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.”

When Israel applied for UN membership, the General Assembly underlined that its support for Israel’s application was based in part on the latter’s acceptance of UNGAR 194.<sup>45</sup> Israel became a member of the UN but refused to allow the return of refugees. The General Assembly then adopted UNGAR 513, which empowers UNRWA<sup>46</sup> to support Palestinian refugees, either by returning them to their original homes or by helping them create a new home in another country.

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<sup>45</sup> When Israel was applying for membership of the UN, its representative Abba Eban noted that “Government of Israel contended that resettlement in neighboring areas should be considered as the main principle of solution. Israel, however, would be ready to make its own contribution to a solution of the problem. It was not yet ascertainable how many Arabs wished to return under conditions that might be prescribed by the Assembly or how many Arabs Israel could receive in the light of existing political and economic considerations” See A.AC/.24/SR.45, 5th May, 1949. See also the Secretariat’s analysis of statements by Syria, Egypt and Israel during a meeting of the UNCCP on 18 June 1949, p.5 (para. 17). Israel’s position on UNGAR 194 changed in the intervening years, and by the time of Oslo it had come to reject it. See further, Eyal Benvenisti (2003 a, b, and 2007).

<sup>46</sup> UNRWA was established by UNGAR 302 (IV) of 8 December 1949, and was mandated to provide basic services and carry out direct relief and works programs for Palestine refugees pending a just solution to their plight (Bocco, 2010).

In 1973, UNGAR 3089 restated the Palestinian refugees' right of return and compensation, maintaining that this applied to all Palestinian refugees after 1948. The Resolution declared that this right was fundamental to any just settlement to the refugee question and to the Palestinians' right to self-determination. This in turn underpinned UNGAR 242, which established the concept of land for peace as the basis for addressing the refugee issue—though it did not specify how this solution could be implemented.<sup>47</sup>

The third article of the 1993 Oslo Accords upholds the right of Palestinian return, but Resolution 194 was not included in the juridical bases of the Accords. The refugee question was deferred to Permanent Status talks. Thus UNGAR 194 remains unimplemented, over 75 years after it was passed (see Albanese and Takkenberg 2020).

Today, UNRWA assists more than 5.9 million registered refugees living in Jordan Gaza, the West Bank, Syria, and Lebanon. Approximately 1.5 million refugees not registered with the UN live in other Arab countries and in Europe, North America, and South America. The global total of all Palestinian refugees thus exceeds seven million.<sup>48</sup>

Prior to and during the Oslo years, the question of the Palestinian refugees was discussed in some depth under the Multilateral Refugee Working Group shepherded by Canada (Brynen 2005). By then, however, UNGAR 194 was no longer accepted by Israel and an agreement on the future of the refugees was never achieved during formal bilateral negotiations during the Oslo period (Tamari 1996, PLO 2000).<sup>49</sup> The 1995 Beilin-Abu Mazen Document<sup>50</sup> did offer a solution based on compensation, resettlement in the West Bank and Gaza, and limited resettlement in Israel, but was never endorsed by either the Israeli or the Palestinian authorities.

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<sup>47</sup> In 1978, in an addendum to UNGAR 3236 (XXIX) of 1974, the UN associated the right of return with Palestinians as a nation, and not only with individual Palestinians.

<sup>48</sup> See UNRWA, *Palestinian Refugees*. Overall, the Palestinian refugees constitute two thirds of the Palestinian population worldwide - now estimated at 12.5 million (Al Hussein, 2011). For regional/country studies, see Dorai (2005), Al Hussein and Bocco (2011), Baeza (2014) and Barghouti (2018).

<sup>49</sup> It should be noted that, in Arabic, Palestinians refer to the 1948 refugees and their descendants as *laji'un*, while the term *nazihûn* is used for the 1967 displaced and with their descendants. In the latter case, the two categories can overlap because an important number of refugees were displaced for a second time during the 1967 War. Some of the published and most of the unpublished literature related to the refugee negotiations is available on the Palestinian Refugee ResearchNet, also known as FOFOGNET, originally established to link members of a Canadian academic advisory group to the gavel-holder of the Refugee Working Group of the multilateral Middle East Peace Process in the early 1990s. The European Union, for its part, was not keen to try and enforce the application of UNGAR 194, instead favoring a solution based on the resettlement of the Palestinian refugees in their host countries (see the European Commission Shepherd of the Social and Economic Infrastructure Development Theme's 1994 *Report to the Refugee Working Group of the Middle East Peace Process* (the 'Bristol Report'). Farah and Desjarlais (2023) have recently argued that Canada's imperial past and settler-colonial history helps explain its role and policies towards Palestinian refugees.

<sup>50</sup> See *Framework for the Conclusion of a Final Status Between Israel and the PLO*, 31 October, 1995, on the website of Israel's Economic Cooperation Foundation.

## Israeli settlements

Although the West Bank settlements were a key Permanent Status issue, there was scant bilateral discussion of them during the Oslo period. Since 1967, successive Israeli governments have supported settlement construction in the West Bank, including around Jerusalem, motivated both by security policy<sup>51</sup> and by nationalist or religious beliefs.<sup>52</sup> As previously noted, the pace of West Bank land appropriation and settlement construction accelerated notably during the Oslo years. International law, as reinforced by the July 19, 2024 ICJ ruling, considers all of these settlements illegal.<sup>53</sup>

While periodic (unsuccessful) attempts have been made by the US and other concerned third parties to limit settlement expansion (e.g., President Obama's 2009 call for a settlement freeze), the evacuation of West Bank settlements under a Permanent Status agreement was only touched on in relation to the land-swap maps suggested by Prime Ministers Barak and Olmert. In neither instance did the parties come close to agreement, nor were the potential problems of evacuating hundreds of thousands of unwilling settlers ever considered in any detail.

Israel has evacuated some of its settlements in the past. The relinquishing of all 18 Sinai settlements in 1982 (5,000 inhabitants) and all 21 Gaza settlements along with four small settlements in the West Bank in 2005<sup>54</sup> (9,000 inhabitants) were accompanied by angry protests, but few injuries and no deaths. Settlements in the interior of the West Bank, however, occupy areas considered by many as integral to Jewish heritage and identity. These areas contain far larger numbers of settlers, many of them religiously motivated, and evacuating them would require a more wrenching volte-face by any Israeli government than abandoning the 'strategic' settlements of the Sinai and Gaza.

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<sup>51</sup> By placing Israeli civilians in certain areas to solidify Israel's control, Israel sought to ensure that the territory's political future would be consistent with the country's perceived security needs" - Israel Policy Forum, *West Bank Settlements Explained*, 2024, online. As early as 1967, under the Alon Plan, which envisaged the establishment of settlements along the River Jordan as a first line of defense against invasion from Jordan, Israel has based its justifications for the establishment of settlements on its security needs. In subsequent years the Israeli government has argued, and its High Court has accepted (by dismissing petitions challenging the legality military orders confiscating from Palestinians in order to build settlements) that they are a necessary part of the security infrastructure in the occupied territories. See, for example, B'Tselem, *Seizure for military needs and the Elon Moreh ruling*, 13 March 2013.

<sup>52</sup> See, for example, Donald Ellis, *Three Discursive Dilemmas for Israeli Religious Settlers*, *Discourse Studies* 16(4), 2014, pp. 473-487, and Shahak and Mezvinsky (1999), who examine Jewish fundamentalism from 1967 to the late 1990s.

<sup>53</sup> Israeli law distinguishes between legal and illegal or 'wildcat' settlements (the latter containing some 20,000 settlers). Settlements considered legal under Israeli law "must be built on state land, have building permits from the government and be established by a government resolution," and settlers have benefited from various explicit or implicit economic incentives over time (such as relatively cheap house prices, salary top-ups, land and mortgage discounts and first-rate supporting infrastructure). See Israel Policy Forum, 2024 - op. cit. See also statements condemning Israeli announcements authorizing settlement construction and retroactively legalizing outposts: US Secretary of State, *Israeli Settlement and Outpost Legalization Announcement*, February 13, and Statement by the President of the UN Security Council, S/PRST/2023/1, 20 February 2023.

<sup>54</sup> In 2023, however, the Israeli government repealed the ban on re-colonization of the four former West Bank settlements.

## Jerusalem

Jerusalem is a fragmented city. Following its occupation in 1967, Israel annexed East Jerusalem and adjacent parts of the West Bank into a greatly enlarged Jerusalem municipal area.<sup>55</sup> Jerusalem today can be characterized as a set of enclaves existing side by side rather than integrated, featuring multiple physical and administrative borders that are often non-congruent (Dumper 1997, 2002).

Jerusalem contains numerous physical security barriers which trace paths inconsistent with the municipal borders introduced in 1967. These have created enclaves with ambiguous jurisdictions, such as Kufr Aqab and the Shu'afat refugee camp area. When, commencing in 2002, the wall/separation barrier was built to divide Israeli settlements from areas of Palestinian residence, its route also diverged from the municipal borders of the city.<sup>56</sup>

In addition to these physical demarcations, numerous administrative restrictions affect Palestinian Jerusalemites. Some Palestinian suburbs get water from the Palestinian-owned Ramallah Water Undertaking, based in Ramallah, and/or electricity from the Palestinian-owned East Jerusalem Electricity Company, while some receive it from the Israeli Electric Company and Mekorot, the Israeli water company. Incoherence and discrimination are evident in the health, welfare, educational, and legal services available to Palestinians in Jerusalem (see, for example, successive UN Office for the Coordination of Humanitarian Affairs maps of Jerusalem<sup>57</sup>). Residential segregation is a particularly striking aspect of the city's fragmentation: urban planning practices limit Palestinians to certain neighborhoods, deny them building permits, and lead to the demolition of homes considered 'unauthorized' by Israel (Dumper and Pullan 2010). Discrimination has increased in recent years as the coalitions making up the Israeli government have displayed increasing ethno-nationalist or religious inclinations, and as open expressions of a wish to 'Judaize' Jerusalem by ensuring a significant Jewish majority in the municipal area become more common.<sup>58</sup>

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<sup>55</sup> The Government's claim - that the extension of Israeli law to East Jerusalem in the years after the 1967 war was not tantamount to annexation - was rejected by its High Court (see *Muhammad Abdullah Iwad and Zeev Shimshon Maches v. Military Court, Hebron District, and Military Prosecutor for the West Bank Region, I.D.F.*, International Law Reports, Volume 48, 1975, pp. 63–68). In 1980 the Knesset formally extended Israeli law to Jerusalem through the adoption of 'Basic Law: Jerusalem Capital of Israel' (34 *Laws of the State of Israel* 5740, p. 209). This proclaimed Jerusalem's east and west portions to be the complete and unified capital of Israel (Art. 1).

<sup>56</sup> See "Written Statement Submitted to the International Court of Justice by the Secretary-General of the United Nations" in the case of *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Request for an Advisory Opinion)*, 29 January 2004, paras. 15-18. An interactive map is available at <https://www.jerusalemstory.com/en/interactive/separation-wall-and-around-jerusalem>.

<sup>57</sup> An OCHA map from its 2019 Humanitarian Atlas provides a useful visualization of these issues in East Jerusalem and its suburbs - see <https://www.ochaopt.org/atlas2019/wbthematic.html>. See also, for example, Nir Hasson, "Tens of Thousands of Arabs Live in East Jerusalem Without Running Water: It Will Become a Second Gaza", *Haaretz*, Jul 16, 2024 and UN Human Rights Council (2021), "The Allocation of Water Resources in the Occupied Palestinian Territory, Including East Jerusalem," *A/HRC/48/43*, 23 September 2021, pp. 7-11 (paras. 26-46). On discriminatory practices more generally see *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem (Advisory Opinion)*, 19 July, 2024, pp.56-57, paras 192-196.

<sup>58</sup> See, for example *Israel's Annexation Crusade in Jerusalem: The Role of Ma'ale Adumim and the El*

Jerusalem is a sacred city with international dimensions. It hosts an unparalleled concentration of places holy to the three main monotheistic religions. Urban development, particularly if it includes excavation, is both religiously and politically sensitive in light of the centuries-old multi-layered architecture of the area. Following annexation, Israel permitted the Muslim and Christian religious authorities a degree of autonomy in administering their extensive properties and their holy places; large areas in West Jerusalem, as well as in the Old City and East Jerusalem, continue to be managed in one way or another by these institutions (Breger and Hammer 2023). The various foreign entities that support them (for example, the Greek Orthodox Patriarchate and the Jordanian Royal Family) provide political backing, funds, and personnel and are involved in pilgrimage and educational engagement.

Jerusalem carries significant emotional resonance throughout the world. International attention to the status of Jerusalem has been a constant ingredient in the Israeli-Palestinian conflict, with Jerusalem a frequent subject in UN deliberations. No other topic has been taken up as often by the UN General Assembly and Security Council (Dumper and Larkin 2012).<sup>59</sup> Twenty-two UN agencies with significant complements of international and local staff are located in the city.

It is impossible to foresee any stable political agreement between the two sides without an agreement on Jerusalem. The Oslo Accords explicitly refer to the city and, since they are based on UNGAR 242, imply an Israeli withdrawal from East Jerusalem. At Camp David in 2000, the Israel delegation proposed that the PA should administer parts of East Jerusalem, with overall sovereignty alongside control of the Old City remaining with Israel. The Palestinians demanded adherence to UNGAR 242, with all of the pre-1967 municipal boundaries of East Jerusalem as Palestine's capital. The result was stalemate.

In Taba in 2001, both parties agreed to delineate sovereignty over Jerusalem, marking the first time that Israel had conceded the possibility of a shared city. The Palestinians accepted the continued existence of Israeli settlements in East Jerusalem across the 1949 Armistice Line, but under Palestinian sovereignty. Jurisdiction over the Holy Sites was to be discussed. The informal Geneva Initiative of 2003 built on Taba and included a phasing-in of Palestinian sovereignty over the Temple Mount/Haram-al-Sharif, continuing Israeli sovereignty over the Mount of Olives and the Western Wall, and a special regime for the Old City. The Geneva Initiative also foresaw third-party involvement, creating a role for the UN Educational, Scientific and Cultural Organization and for an Implementation and Verification Group to monitor and verify the preservation of cultural heritage. The combined effect of these various talks was to move opinion away from the maximalist demands of both sides, towards a compromise.

As the Oslo process unraveled, however, these hopeful developments were displaced by Israel's growing determination to increase the Jewish population of East Jerusalem while curtailing Palestinian claims over and presence in the city. Inter alia, this has involved the acquisition of Palestinian properties, the implanting of settlers into the Old City, regulating and reducing the numbers of visiting Muslim worshippers, and cramping the ability of the Waqf Administration to maintain religious sites and support Palestinian welfare (International Crisis Group 2012). These actions have created an atmosphere of continuous tension punctuated by violent outbursts as new thresholds are approached, probed, or

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*Corridor* by Zena Agha, March 26, 2018 in Al-Shabaka (the Palestinian Policy Network).

<sup>59</sup> Over 70 resolutions on Jerusalem have been passed by the Security Council, the General Assembly and UNESCO.



crossed. While Israel's incremental approach reflects an unwillingness to take the more drastic steps demanded by some extremists, such as expelling Palestinians from the city or demolishing the al-Aqsa mosque, an agreement of the type discussed twenty years ago seems much less likely now.

## Security

Security arrangements that arguably made sense on an interim basis have become, for the Palestinian public, one of the most controversial legacies of Oslo. At the beginning of the Oslo process, Israel insisted that the PA control armed attacks against Israelis; the 1995 Interim Agreement states that "Both sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property, and shall take legal measures against offenders" (Art XV, para. 1).<sup>60</sup> Initially the Palestinian security forces consisted of a chaotic collection of militias loyal to local or diaspora commanders (Clarno 2013, Tartir 2020). The involvement of many security personnel in the Second Intifada led to demands for major security reform and to Palestinian statehood being conditioned on improved efforts to protect Israelis. Thus the 2003 Roadmap for Peace avers that "when the Palestinian people have a leadership acting decisively against terror, willing and able to build a practicing democracy based on tolerance and liberty...the Palestinians will have the active support of the Quartet and the broader international community in establishing an independent, viable state."<sup>61</sup>

After Hamas's 2007 take-over of Gaza and under the premiership of Salam Fayyad, a major reform of the PA Security Forces (PASF) was launched, funded, and closely supported by successive US Security Coordinators and by the European Union (EU). The success of this program in curbing attacks on its citizens was praised by Israel. Clarno (2013) quotes an Israeli general as saying, "This is the only aspect of the peace process that is working well. There is nothing else like this. It should be encouraged". Protecting Israeli interests, however, sat poorly with the Palestinian public given the lack of progress towards Palestinian statehood and the aggressive expansion of Jewish settlements and settlement infrastructure. Many came to see<sup>62</sup> the PASF as "collaborators enabling Israel's occupation, repression and displacement...In June [2023], according to the Palestinian Center for Policy and Survey Research...66 percent of Palestinians in the West Bank supported the formation of armed groups outside of the security forces' control" (Berger 2023).<sup>63</sup>

Tartir (2024) argues that this role, and the support it received from Israel and the donors, suited the PA politically: it enabled an expansion of the PASF into an instrument that has been used to stifle democratic dissent and further entrench a non-democratic PA leadership. This view is echoed by other commentators:

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<sup>60</sup> Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Washington DC, 28 September 1995, A/51/889 and S/1997/357, 5 May 1997.

<sup>61</sup> See A Performance-based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, annexed to Letter dated 7 May 2003 from the Secretary-General addressed to the President of the Security Council, UN Doc. S/2003/529.

<sup>62</sup> See PCPSR, Press Release, Public Opinion Poll No. 88, June 2023.

<sup>63</sup> Miriam Berger, "What to know about Palestinian Security Forces and their Role in West Bank," *Washington Post*, 11 July, 2023.

"Freedom of speech, including press freedom, has come under severe strain, whether by pinpoint harassment or judicial fiat. Individuals who have criticized PA officials, especially [Palestinian President Mahmoud] Abbas, on social media platforms have been detained and questioned by security personnel...In addition to targeted harassments, detentions, and arrests, PASF personnel have been criticized for employing excessive force in breaking up public demonstrations" (Zilber and Al-Omari 2018). The PASF have also been accused of arbitrary arrest and systematic torture (Human Rights Watch 2022).

Today the PASF employs some 30,500 personnel, almost half of all Palestinian public servants; at 1:48, the ratio of West Bank security personnel to the population is one of the highest in the world (Tartir 2024). The PASF consumes an outsized share of the PA budget: in 2016, the Interior Ministry accounted for 27 percent of all public expenditures, above the 90th global percentile (Zilber and Al-Omari 2018).

The PASF may have made a significant contribution to Israeli security, but it has done much less to protect the lives, livelihoods, and rights of its own people. A major reorientation of the PASF's mission and approach will be needed as part of any serious rapprochement between Israelis and Palestinians.

The Israeli Defense Forces' mission, relations with its Palestinian counterpart forces, and conduct towards the Palestinian population will also need to undergo significant reform; this is discussed in Part 4.

## A federal union as an alternative to the two-state solution

The failure of the two-state approach, and the manifest obstacles to agreeing key Permanent Status issues within that paradigm, argue strongly for another approach to peace-making. There are, in essence, three potential courses that the relationship between Israelis and Palestinians could take.

**The first option** is some kind of continuation of the current status quo, i.e., a de-facto one state/two systems approach. This would involve continued military occupation of territory beyond the 1949 Armistice Line, and would leave the Palestinian population with (at best) only minimal local political rights and restricted human rights and freedoms. Israel can expect to face growing international isolation if efforts to sustain this approach require levels of violence similar to those now on display. As argued earlier, it would be most unwise for Israel to rely indefinitely on unconditional western material and diplomatic support for such a strategy.

**The second option** is a single, unified state of Israelis and Palestinians, roughly covering the territory of former Mandate Palestine. This was the solution officially favored by the PLO prior to 1988, when it offered to accept 22 percent of pre-1949 Palestine in return for peace and statehood. A unified state continued to be promoted during the Oslo period by those like Edward Said who believed that the 'classic' two-state solution was misconceived and doomed to failure<sup>64</sup> (see also the One State Democratic

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<sup>64</sup> In a New York Times op-ed discussing a one-state solution Edward Said wrote "The beginning is to develop something entirely missing from both Israeli and Palestinian realities today: the idea and practice of citizenship, not of ethnic or racial community, as the main vehicle for coexistence. In a modern state, all its members are citizens by virtue of their presence and the sharing of rights and responsibilities. Citizenship therefore entitles an Israeli Jew and a Palestinian Arab to the same privileges and resources." See Edward Said, *The One-State Solution*, New York Times, 10 January, 1999.

Campaign's "Manifesto" and Mada al-Carmel's "Haifa Declaration").<sup>65</sup> Honaida Ghanim (2016) has documented the shifts in Palestinian discourse, from the PLO's vision of one democratic state, to Oslo's two-state approach, and back to a one-state approach.<sup>66</sup>

Sadly, the vision of a unified, secularized, democratic state has lost ground to exclusivist ethnic and religious-nationalist models, whereby one or other nationality would dominate or replace the other. This reflects the way in which religious fundamentalism has moved from the periphery to the centers of political power on both sides (de Gruyter 2024). Extremist views, such as those expressed in the founding charters of the Likud Party (which avers that "between the sea and the Jordan there will only be Israeli sovereignty") and of Hamas (which states that "The Islamic Resistance Movement believes that the land of Palestine is an Islamic Waqf consecrated for future Muslim generations until Judgement Day. It, or any part of it, should not be squandered: it, or any part of it, should not be given up"), have now bled into the mainstream.<sup>67</sup> When pro-Palestinian protestors chant "From the river to the sea, Palestine will be free," in today's enervated environment some have chosen to interpret this as exclusionary, or even eliminationist.<sup>68</sup> On the other hand, when asked for their views on whether they would like to see Gazans leave the Strip "voluntarily," a recent poll of Israelis showed a significant majority in favor of this.<sup>69</sup>

Given the deep animosities and misinterpretations that currently surround discussions of a unified state, we do not propose to elaborate on it in this paper. We would note, however, that a less powerful Israel

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<sup>65</sup> See One State Democratic Campaign, "[Manifesto](#)," and Mada al-Carmel and Arab Center for Applied Social Research, "[Haifa Declaration](#)," May 15, 2007.

<sup>66</sup> "By failing to achieve the two-state enterprise, and in the light of the growing number of settlements and demographic changes, the Palestinian enterprise began witnessing a third shift towards the one-state platform, which is based on citizenship and citizenship rights. Reality becomes the compass that guides the demand for equal citizenship rights for all residents" (p.348).

<sup>67</sup> In 2017, a revised Hamas manifesto accepted "the establishment of a fully sovereign and independent Palestinian state, with Jerusalem as its capital along the lines of the 4th of June 1967, with the return of the refugees and the displaced to their homes from which they were expelled, to be a formula of national consensus" - but on October 7, Ismail Haniyeh, head of the Hamas political bureau is reported as saying "Today, the enemy has had a political, military, intelligence, security and moral defeat inflicted upon it, and we shall crown it, with the grace of God, with a crushing defeat that will expel it from our lands, our holy city of al Quds, our al Aqsa mosque." See Wilson Center, [Doctrine of Hamas](#), October 20, 2023, Washington DC.

<sup>68</sup> Note the tone of statements like that of Palestinians in Palestine and in Exile, in [Palestine: Unity of land, people and struggle](#), Mondoweiss, March 16, 2024: "The partition of Palestine is nothing but a legitimization of Zionism, a betrayal of our people and the final completion of the 'nakba', or catastrophe, which refers to the expulsion and flight of about 750,000 Palestinians with Israel's founding. Our liberation can only be achieved through a unity of struggle, built upon a unity of people and a unity of land."

<sup>69</sup> See the Jerusalem Post, [January 15, 2024](#), which reported the results of a survey conducted by Direct Polls Ltd. which asked: "Are you for or against voluntary transfer/emigration of the residents of the Gaza Strip to other countries?" A clear majority – 76% – responded in favor; 16% were against, and 8% had no opinion. Surprisingly, center-left voters from the Yesh Atid and National Unity parties, headed by opposition leader Yair Lapid and Minister Benny Gantz respectively, responded similarly regarding the issue. Among the Yesh Atid voters, 61% were in favor of the emigration, 24% were against and 15% had no opinion. Among those who voted for Gantz's party, 71% were in favor, 18% were against and 11% had no opinion."

could one day be forced to accept a disadvantageous version of this solution if it fails to seek a more favorable outcome while its bargaining position is still strong.<sup>70</sup>

Instead, we will now argue the case for a **third option**, a federal union. An early version of this was championed by a number of Zionist organizations prior to 1948, such as Berit Shalom, Kedmah Mizrahah, and Ihud (the latter closely associated with Martin Buber). Those 'binational' solutions advocated a sharing of Erez Israel/Palestine, with a constitution that protected each community from the numerical strength of the other—sometimes in the form of a unified state, sometimes under federal or confederal arrangements (the principal difference between the two is that, under a federal form of government, the membership of each participating territory is irrevocable and the authority of the nation is predominant).<sup>71</sup>

In our opinion, a federal union is the only solution that offers a realistic answer to two of the most intractable Oslo Permanent Status issues: the future of the Jewish settlements in the West Bank, and the right of Palestinian refugees from Israel to return to their former homeland should they so wish.

We are aware that this solution would result in the loss of the exclusively Jewish character and control of the state. A federal approach, however, would not undermine the rights of Jewish citizens and the concept of a homeland/refuge for Jews nor need it compromise their security. The aim of our paper is to advocate a project of peaceful and respectful coexistence, one that can guarantee a durable common future and an end to this conflict.

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<sup>70</sup> In *The Collapse of Zionism* (2024), Ilan Pappé avers that "For more than 56 years, what was termed the 'peace process'—a process that led nowhere—was actually a series of American-Israeli initiatives to which the Palestinians were asked to react. Today, 'peace' must be replaced with decolonization, and Palestinians must be able to articulate their vision for the region, with Israelis asked to react." Pappé cites as evidence of Zionism's impending demise six factors - the internal fracturing of Israeli society (between the secular and the religious), Israel's war-driven economic crisis and increasing economic dependence on the US, its growing international isolation, the sea-change in international Jewish support for Zionism, the vulnerability of the Israeli army, and the growing confidence and dynamism of the Palestinian youth movement.

<sup>71</sup> Under confederation, membership is in most cases revocable, ultimate authority is held at the state level, and national bodies are accountable to the states; confederations have proven unstable, with the notable exception of the old Swiss Confederacy (1291-1798), and none exist today. Although the European Union, as a free association of European states, could be considered a de facto, though not de jure confederation; past examples include the United States (1781-9), the Confederation of the Rhine (1806-1813) and Serbia and Montenegro (2003-6). See also Burgess (2006) and Crawford (2006), who states that "Four typical kinds of political union are currently recognized: real and personal unions, federations and confederations, which can be described as a distinction of principle based on a distinction of degree—specifically in the degree of decentralization of confederal as compared with federal systems" (p. 483).



## PART 4 – Resolving the Unresolved: How Could a Federation Work?

### The idea of a federation

Our proposals do not claim to be original; we have already mentioned the pre-1948 discourse associated with Martin Buber. The UN Committee that recommended partition in 1947 produced a minority report recommending a binational, federated state.<sup>72</sup> We are also drawing on contemporary thinking by many Israelis and Palestinians, including the work of A Land for All (2019) and the Holy Land Confederation (2022).<sup>73</sup>

Meron Benvenisti (2010) has argued that binationalism already exists: “The term 'de facto bi-national regime' is preferable to the occupier/occupied paradigm, because it describes the mutual dependence of both societies, as well as the physical, economic, symbolic and cultural ties that cannot be severed without an intolerable cost.”<sup>74</sup>

Furthermore, the long process of negotiations between Israelis and Palestinians since 1993 has also added a federal dimension to the debate on Permanent Status. Many analysts, policy-makers, and participants in formal and informal (Track Two) negotiations believe that an unusual degree of cooperation will be required in any settlement between the parties, given the entwined nature of the two societies (Kelman 1999, 2011). This need for cooperation points towards more elaborate coordinating mechanisms than

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<sup>72</sup> As cited in *Two States or One? Reappraising the Israeli-Palestinian Impasse*, Carnegie, 2018 (op. cit.) - Official Records of the Second Session of the General Assembly, Supplement No. 11, *United Nations Special Committee on Palestine: Report to the General Assembly*, vol. 1 (Lake Success, New York, 1947).

<sup>73</sup> The bibliography on binationalism and federation is rich; see, for example, Buber (1946), Tilley (2005), Farsakh (2011), Hazan and Sivan (2012), Hussein (2015), Halper (2021), Karmi (2023), Sand (2024), and Sivan (2024). See also A Land for All (2019), the Holy Land Confederation (2022), Jewish Voices for Peace, and the work of the Kreisky Forum under its curator, Bashir Bashir (the Rethinking Israel/Palestine, Alternatives to Partition dialogues), and Dajani and Yehuda (2024).

<sup>74</sup> He continues by saying “Describing the situation as de facto bi-national does not indicate parity between Israelis and Palestinians – on the contrary, it stresses the total dominance of the Jewish-Israeli nation, which controls a Palestinian nation that is fragmented both territorially and socially” Meron Benvenisti, *The Inevitable Bi-National Regime*, Haaretz (Opinion), January 22, 2010 (Translated by Zalman Amit and Daphna Levitt).

those embodied in most bilateral treaties. The Taba and Camp David negotiations established that the two-state model would require agreements in areas as diverse as intelligence and security cooperation, immigration, economic and trade relations, environmental management (in particular, water), urban planning, and tourism (Pressman 2023).

This makes the choice between a 'classic' two-state solution and a federal union something of a false dichotomy: both models imply a dilution or sharing of sovereignty across a variety of dimensions. A federal union with its cooperative structures and functional integration is not so dissimilar to an 'ideal' version of the two-state solution—one featuring close security cooperation, open borders, and an economic union.

The essence of the proposal outlined in this paper is the creation of a federation of two distinct Israeli and Palestinian territories (though the possibility of creating more than two territories, should local residents evince a strong demand for this, could also be investigated).<sup>75</sup> Only those functions essential to the welfare of the federation as a whole need be jointly managed. The approach aims to preserve the distinct national identities of Israelis and Palestinians, while ensuring individual political rights and the rule of law, and providing effective mechanisms for resolving competing national claims on the land.<sup>76</sup> We are cognizant of the case made by the Confederation and A Land for All for a two-state confederation, i.e. a union in which the citizens of each state retain distinct citizenship, and in which each state retains potentially greater sovereignty, we nonetheless argue that the constitutional transformation required under a federal constitution offers greater opportunities for resolving otherwise intractable disputes, and addressing deep antagonisms.

Under this federal union, a distinction would be made between citizenship of the federation (available to all Israelis, all Palestinians currently resident in the West Bank and Gaza, and all UN-registered Palestinian refugees) and residency of each territory. Israelis, as residents of the Israeli territory, would elect representatives to an Israeli parliament, while Palestinians, as residents of the Palestinian territory, would elect representatives to a Palestinian parliament. All citizens of the federation would be represented in a federal parliament, with a delegate structure designed to ensure a balance of power between the two territories. Each territory of the federation would allow the population of the other free movement across shared borders.

As far as addressing the twin stumbling blocks of Israeli settlement and refugee return, two options are worth considering. Under the first, any federal citizen would have the right to live anywhere in the federation but would remain, for voting purposes, a resident of their 'own' Israeli or Palestinian territory, while bound by the laws and local taxes levied in the territory in which they live. A variant of this would allow a more limited number of Israeli settlers to remain in the West Bank, while permitting refugees who

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<sup>75</sup> The constituent parts of a federation go by different names in different instances: cantons in Switzerland, states in the United States of America and Brazil, provinces in South Africa. We are using 'territories' in this case; this avoids some of the ambiguity associated with describing the constituent parts as 'states' within an overall State.

<sup>76</sup> See Burgess (2006), who suggests that political legitimacy is a really important principle underlying federations: "There is an...underlying principle that serves to buttress all federations – political legitimacy. In multinational federations, of course, legitimacy assumes a special significance. We are reminded of Wheare's telling remark that 'nationality in a federal state means something more complicated than it does in a unitary state'. This implies that it is the very survival of a nation or the fate of a distinct culture, however small, that is at stake" (p. 113).

lived in Israel before 1948 to return to the Israeli territory. Either option would ensure that Israelis and Palestinians maintain control of their 'own' territories.

Apart from the prospect of peaceful internal coexistence, a constitutionally-bound federation of Israel and Palestine would permit a normalization of relations with Middle Eastern countries that remain hostile or ambiguous towards Israel on account of the Israeli-Palestinian conflict. While future relations with Iran and its regional proxies are less predictable, a general lessening of Middle East tensions can be anticipated, offering the potential for enhanced economic cooperation as well as greater regional security.

What follows is neither exhaustive nor prescriptive; it is intended as a basis for further discussion and needs considerable refinement.

## The federation and its constitution

A federation is a form of governance based on both self-rule and shared rule, under which the constituent units share power with a central government. The Canadian political scientist Ronald Watts (1998, 121) offers the following definition: “A federation is a compound polity combining constituent units and a general government, each possessing powers delegated to it by the people through a constitution, each empowered to deal directly with the citizens in the exercise of a significant portion of its legislative, administrative, and taxing powers, and each directly elected by its citizens.”

In a federation, the exact division of powers between the territories and the union is specified in a written constitution (Burgess 2006)<sup>77</sup>—as are the mechanisms for resolving different interpretations and disputes between the participant territories, and for ensuring that all citizens possess equal rights before the law. Ordeshook and Shvetsova (1997) point out that constitutions are essential aspects of any federal system, and are necessary to identify the separation of powers between the various federal and territorial institutions, to specify how the levels will interact,<sup>78</sup> and to elaborate the mechanisms for mediating inter-territorial disputes over interpretation and behavior. At present, neither Israel nor the OPT operate under written constitutions.<sup>79</sup> Although existing federal constitutions and constitution-forming experiences can be used as guidelines,<sup>80</sup> there is no 'user manual' directly applicable to this particular case.

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<sup>77</sup> In *Comparative Federalism: Theory and Practice*, Burgess (op. cit.) says: “In federal systems there are always at least two orders of government, whose existence is firmly entrenched in a written constitution that is subject to specific amendment procedures and judicial review” (p. 136).

<sup>78</sup> For example, the mechanisms whereby territorial units can influence state decisions, be it through second chambers, involvement in the appointment of constitutional court judges, consultation on federal legislation, and involvement in the implementation of federal decisions,

<sup>79</sup> Israel has never had a written constitution. This has brought certain practical advantages, allowing the relationship between religion and the state to be left undefined, and avoiding the need to determine where the state's borders lie. Nor is there a formal Palestinian constitution. Under the Palestinian Authority, a Basic Law was enacted in 2003 as an interim measure, to be replaced with a constitution once statehood became a reality. Due to its interim nature, the Basic Law was drafted with sufficient flexibility to allow for the creation of new institutions, and for adaptations to evolving circumstances. Brown and Alsarghali (2024), however, have argued that the Basic Law's open-endedness has been used to incorporate increasingly authoritarian PA directives.

<sup>80</sup> See, for example, Arato (2016) and Khalil (2006).



**Key constitutional questions.** Among the issues that a constitutional process will need to consider are the following:

**1. Membership and identity in the federation.** We assume that the citizens of any future federation would include all current citizens of Israel, all current citizens of the West Bank and Gaza, and all Palestinian refugees residing in neighboring countries under UNRWA administration who wish to live in the federation. We are also assuming that Israel's 1.6 million Arab citizens would remain residents of the Israeli territory, though the Palestinian government may wish to offer them the right of residence in the Palestinian territory as an alternative.

**2. Commitment to citizens' rights and the rule of law.** Key to any broadly acceptable constitution will be a clear commitment to equality and justice. All federal constitutions assert the equal rights of all citizens before the law (Burgess 2006). In addition, it will be important that this constitution protects the linguistic, educational, religious, and cultural rights of the different identity groups and minorities in the federation. The relationship between the state and religion affects personal status law (marriage, divorce, inheritance, etc.); as Watts (2007) has pointed out, the accommodation of different religious, cultural, linguistic, and ethnic identities is a challenge in all multinational states, but is also often a reason why a federal state structure is chosen in the first place. Gagnon (2010), using the case of Canada, argues that the federal state should remain neutral on questions of religion, culture, and identity: either by allowing territorial units to define their own parameters or by mandating a separation of religion and politics (as in France or Québec). Federal constitutions usually also specify how international treaties and international law will be incorporated.<sup>81</sup>

**3. The distribution of powers between the federal and the territorial levels of the union.** Most federal constitutions are based on the principle of individual empowerment. If a function is not assigned to the federal government, then it remains at the territorial level or below. We also envisage that in this case the powers of the federal government would be limited to those functions that affect both territories but cannot be decided by one alone, and that wherever possible decision-making power would be held by each territory.<sup>82</sup> In Switzerland and Bosnia-Herzegovina, for example, the following are managed at the entity/canton level: the education system, the relationship between government and religion, the political organization of the local government units, the choice of official language, and the power to levy certain taxes. In this instance, while it is clear that foreign affairs, external security, trans-boundary water resources, and environmental externalities should be managed at the federal level, the full division of competencies is less self-evident. Should aspects of school curricula, for example, be determined at the federal level? Would the federation exercise any oversight of religious institutions? Would the

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<sup>81</sup> Different states accomplish this in different ways in their constitutions. The constitution of Kosovo, for example, is 'monist' in nature (i.e., it accepts the principle that internal and international legal systems form a unity): thus Kosovo has integrated the European Convention on Human Rights (ECHR) into its constitution. Any decision of the European Court of Human Rights (ECHR) is therefore binding in Kosovo. Israel has a dualist legal system - treaties, including human rights treaties, become part of national law through the enactment of implementing legislation.

<sup>82</sup> This is often referred to as the doctrine of subsidiarity, a jurisdictional principle which describes the relationship between federal and sub-federal levels of government. In essence, under this principle the Federal government only has jurisdiction over matters that individual States cannot resolve without its help. See Halberstam (2009).

organization and role of local government be defined in the constitution, or left to the territories?<sup>83</sup> To what extent would the civil police of the two territories be subject to federal control and oversight? Would Hebrew and Arabic be adopted as official languages in both territories? What administrative structures would be created at the federal and the territorial levels, how would they interact, and where would ultimate authority on specific issues lie? What departments would form the federal government, how would its key office-holders be selected/elected, and how would a balance in representation be ensured? To what extent could federal power be checked by the territories, and vice-versa? How would inter-territorial disputes be settled?

**4. Security and the armed forces.** The federation would face the challenge of integrating armed forces with a complex history of both hostility and cooperation. While many examples of modern post-war disarmament, demobilization, and reintegration exist, a more useful experience might be the integration of the armed forces of Federal Republic of Germany and the German Democratic Republic after German unification in 1990. Military integration could have significant non-military benefits if handled well. In Switzerland, a state with distinct linguistic and cultural divisions, military service is used to inculcate federal values and to expand young peoples' understanding of other cantons. The constitution would also need to define clear powers and chains of command for coping with specific emergencies: external attack, terrorism, natural disasters, pandemics, etc. Security questions are further discussed later in this chapter.

**5. The legislatures.** To address matters to be determined at the territorial level, it would make sense for each territory to elect a parliament on the basis of one citizen, one vote. All federations, with the exception of the United Arab Emirates, feature bicameral federal legislatures, with a lower house elected on the basis of one person, one vote and an upper house representing the various states, cantons, departments, or territories (for example, the US House of Representatives and Senate). Such an arrangement is unlikely to be acceptable in Israel: given Palestinian demographic trends and the prospect of significant numbers of refugees returning to the Palestinian territory, a lower federal chamber of this type stands to be dominated by Palestinians. A single, balanced federal chamber, with delegates either directly elected by each territory or appointed by the territorial governments/parliaments, might prove more acceptable.

**6. The courts.** In a federation emerging from a long period of antagonism, violence, and asymmetric power, the judicial system will need to place particular emphasis on ensuring equal rights for all citizens, as well as on safeguarding the implementation of the constitution. This in turn suggests that a strong human rights framework should be embedded in all levels of the judicial system. It may be useful to create human rights courts, constitutional courts, and appeals courts at the federal level, supplemented by criminal/civil courts at the territorial level. The selection process for judges, particularly at the federal level, needs to ensure professionalism, neutrality, and territorial balance. A selection panel consisting of well-regarded legal professionals, including international experts, should be considered.<sup>84</sup> The judiciaries could also include independent third country justices as jurists; in Bosnia-Herzegovina, the Constitutional Court is made up of six local and three international judges, with each decision requiring a majority of five.

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<sup>83</sup> In Switzerland, for example, the cantons determine the powers of how municipalities and how they are run, while in Brazil and South Africa the constitution specifies the role and organization of municipalities.

<sup>84</sup> On the pitfalls of electing or politically-selecting judges, see Sanford Gordon, "Elected vs. Appointed Judges," *Democracy Reform Primer Series*, University of Chicago, February 20, 2024.

This enables unified local opinion to dominate, but requires international involvement if local judges divide along communal lines. In this context it is worth noting the need for a major rationalization of the various legal systems in use in Israel and the OPT, which include Israeli law, Ottoman and Mandate legacy laws, and military regulations.

**7. Borders.** Borders between constituent units in a federation can be a major source of contention, particularly if they are disputed by one or the other party, as is the case here. The boundaries between the two territories would logically be formed around the current borders of Israel and the OPT<sup>85</sup>—along with mutually-agreed land-swaps that would annex to the Israeli territory a proportion of the West Bank Jewish settlements close to the June 4, 1967 'Green Line', in return for equal amounts of land of comparable quality and value adjacent to the Palestinian territory (this should include a connecting strip between Gaza and the southern part of the West Bank). The status of Jerusalem and its suburbs requires different treatment, as is outlined later in this chapter.

**8. The nature of the economy.** We believe that an economic union, with no barriers to trade, labor, or movement between the two states, is essential to the future prosperity of the federation. It should feature a common currency and common external tariff regime, accompanied by the necessary federal regulatory institutions. The constitution should define the broad parameters of the economic system, including the basis for property ownership, and the rights of access to and use of land by local, territorial, and federal governments.

**A caveat.** A federal constitution will not of itself guarantee peace: arguably, the two-state solution, were it still a realistic proposition, carries less risks of breakdown.

In the extended neighborhood, three cautionary examples merit close study: Iraq, where the decentralization promised in the constitution has been partially blocked by successive central governments (Belser 2020);<sup>86</sup> Yemen, where the federalism project collapsed into civil war in 2014–2015, largely due to the lack of a credible mechanism for sharing natural resource revenues;<sup>87</sup> and Ethiopia,

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<sup>85</sup> The 1948 Armistice Line/Israel's internationally-recognized 1949 border, as reiterated numerous times in UNSC and UNGA Resolutions on the Question of Palestine since 1967.

<sup>86</sup> Commenting on her paper, Keil and Alber (2020) describe how "constitution promises decentralization, but only delivers this promise to the Kurdish region. Eva Maria Belser highlights how successive regimes in Baghdad have prevented the creation of new regions, and have failed to implement key aspects of the 2005 constitution, thereby leaving Iraq as a half-finished state, in which the Kurdistan region enjoys substantial autonomy, while Baghdad continues to dominate and rule over the rest of the country."

<sup>87</sup> A National Dialogue Conference ran from March 2013 to the end of January 2014, and resulted in the "Agreement on a Just Solution to the Southern Question" on the basis of federalism (there were to be 6 regions) and, by the end of Jan 2024, a roadmap to achieve it. For a summary see Erica Gaston, *Process Lessons Learned in Yemen's National Dialogue*, USIP Special Report 242, Washington DC, February 2014; Maysaa Shuja Al-Deen, *Federalism in Yemen: A Catalyst for War, the Present Reality, and the Inevitable Future*, Sana'a Center for Strategic Studies, February 28, 2019; and Ibrahim Jalal, *Yemen's Incomplete National Dialogue: Insights on the Design and Negotiation Dynamics*, Yemen Policy Center, June 2022. Jalal contends that despite the pretense of dialogue and inclusivity during the Conference, "the way in which a federalism model was decided by a specialist committee after the NDC's conclusion shows that the NDC's conclusion was, in retrospect, a non-conclusion. In short, one of the NDC's most vital issues remained unresolved during the NDC; instead, after the NDC's closing ceremony, the ruling elite pushed their own solutions against reservations that were raised during the dialogue process. Ultimately, the circumvention of the NDC in resolving this crucial question contributed to derailing the transitional process. In particular, it provided ammunition for armed actors capable of and intent on undermining the dialogue's outcomes to

where inadequate design and poor implementation accentuated the centrifugal tendencies present in the former Ethiopian Empire and have led to recurrent waves of conflict (Fisseha 2024). Deep-seated antagonisms, mutual mistrust, power imbalances, and diplomatic biases will not merely melt away in the face of new structural arrangements;<sup>88</sup> an ambitious, uncertain, and high-stakes process of societal reconstruction must underpin them if there is to be any chance of success.

Reflecting on the value of federalism as a tool for conflict resolution, Keil and Alber (2020) conclude that, "The key to successful conflict resolution through the provision of federalism and other forms of territorial autonomy can be found in two major criteria: First, any arrangement has to be suitable for the country and the territory in question. This means that historical legacies matter as much as governmental capacity to implement and safeguard whatever territorial autonomy regime is implemented. It also implies that any settlement to an ongoing conflict needs to arrive through an inclusive process that ties in key actors and potential spoilers to any settlement...Second, whatever arrangement is chosen at a particular moment in time to end a conflict needs to be flexible enough to adapt and change as time passes and the initial issues related to the outbreak of violence become less important."

Nor should we forget the cautionary words of Albert Hourani to the Anglo-American Committee of Enquiry of 1946: "And if it were possible - if a binational state could be established - it would lead to one of two things: either to a complete deadlock involving perhaps the intervention of foreign powers, or else to the domination of the whole life of the state by communal considerations." The risks he pointed out in 1946 are just as real today.

A need for flexibility and pragmatism should inform any move towards federation. It might, for example, be appropriate to transition towards a federal constitution in stages. Thus, for example, one could negotiate the bare parameters of a federal system during initial peace negotiations before convening a constitutional assembly to debate arrangements in more detail, as was done in South Africa.

## Creating a constitution

Defining the parameters of a one-state federal union will be a contentious process that will demand exhaustive discussions between representatives of the two territories-to-be. "Complex situations do require complex solutions. Such solutions, at last, must be negotiated and owned by the affected actors themselves. Time, trust, and capacity are crucial elements in solving conflicts, and federalism and other forms of territorial autonomy possible tools that can institutionalize conflicts and balance conflictual interests in a peaceful manner" (Keil and Alber 2020).

Even assuming that serious discussion will be preceded by some kind of peace treaty, a settlement freeze, and a cessation (or at least a significant reduction in) hostilities, a sustained commitment by parties indisposed to trust one another will be required. Creating a federal constitution will challenge the

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abandon the transitional process and continue resorting to violence in pursuit of their political goals, culminating in the brutal war that has waged in Yemen for more than seven years."

<sup>88</sup> In discussing the option of a confederation between Israel, Palestine and Jordan, Bar-Tal (2022) who applies a sociopsychological perspective on the conflict, observes that "Israel, the much stronger party, will have difficulty in honoring equality in the management of the confederation. We observe in every union the stronger party uses its power to its benefit."

preconceptions and habits of adversaries from two societies used to a dramatic asymmetry in power and bargaining strength, deeply divided within themselves, and holding many different visions of how to relate to long-standing enemies.

In light of these inherent difficulties, it may be prudent to limit the number of issues to be determined in the constitution to an essential minimum, leaving other important questions to be handled through the drafting of basic laws; such issues might include the detailed arrangements relating to security and the armed forces, the precise delineation of borders (as opposed to the principles involved), and the details of an economic union.

The constitutional formation process will either ensure the legitimacy of the process or place it at serious risk. In designing a process, leaders on both sides will need to agree on who should participate and how. Most processes have involved representative constituent assemblies and technical experts who can bring to bear important lessons from elsewhere; one key question is whether the constituent assembly would be drawn from existing political parties, or whether it would directly represent the future citizens of the new state.

Given the antagonism between Fatah and Hamas, and within the fractured Israeli political establishment, and given the possibility that parties on one or both sides of the Green Line would oppose any constitutional process, it may be best to go directly to the three future citizen groups (those living in Israel, those living in the West Bank and Gaza, Palestinian refugees living in neighboring countries). The 2010–2013 Icelandic constitutional process, for example, used a randomly-selected People's Assembly to provide recommendations, directly-elected individuals to form the Constitutional Assembly that drafted the constitution, and a citizens' referendum to confirm the results.<sup>89</sup> Israeli and Palestinian powerholders would need to agree to such a process, and key national institutions (the Knesset, the Supreme Court of Israel, the PLO, the Palestinian National Council, Hamas) would need to be consulted during any future constitutional process. The large and influential Israeli and Palestinian diasporas should also be involved (see Part 5).

## Palestinian (and Jewish) refugees

Dispossession must be understood as a fundamental aspect of modern Palestinian identity and cannot be ignored in any political settlement between the two peoples.<sup>90</sup>

Even though many of those negotiating on behalf of the PLO during the Oslo period were refugees, there was (and there remains) no collective representation on behalf of the refugees. Neither the PLO or any other Palestinian body has surveyed Palestinian refugees to assess their views on return and compensation, nor has the international community established any organization to address these issues.

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<sup>89</sup> Despite a clear majority in favor of the new constitution, the referendum was non-binding on the Icelandic Parliament - and parliament has declined to ratify the new constitution to this day. This underscores the risk of leaving constitutional change in the hands of entrenched political actors. See Thorvaldur Gylfason, *Iceland's Ongoing Constitutional Fight*, Verfassungsblog, 29 November 2018.

<sup>90</sup> On the history of Palestinian land dispossession, see Forman and Kedar (2024).

We are suggesting that the federal union would, as a minimum, offer citizenship to Palestinian refugees, alongside residency rights in the Palestinian territory. It is unclear how many of those refugees would wish to return to Israel, as opposed to settling in the Palestinian territory (or remaining elsewhere) while accepting compensation in lieu of returning. Al Hussein and Bocco (2010) cite a 2005 poll<sup>91</sup> carried out amongst refugee populations in the OPT, Jordan, Lebanon, and Syria, in which almost all demanded recognition of their right of return but only ten percent wanted an actual return.<sup>92</sup> A clear and early indication of likely numbers of returnees will be essential, though. As mentioned earlier in this paper, there are almost six million UNRWA-registered Palestinian refugees, and the return of significant numbers would have an unmanageable impact on Israel's social fabric. It is therefore likely that a complex debate on exactly who would qualify to return, and when, would be needed.<sup>93</sup> Any compromise that cuts against the wording of UNGAR 194 would also need the clear consent of the refugees themselves.

An open discussion on these issues, while likely to be cathartic for a refugee population that has lacked a voice of its own in discussions on peace between Israel and the Palestinians (Bocco 2019), needs careful management—both to avoid excessive expectations and to guard against either side taking maximalist positions that the other will never accept. Nations currently hosting Palestinian refugees should be part of these discussions, in particular Israel's neighbors (Lebanon, where Palestinian refugees are marginalized and secluded from mainstream society; Syria, where there is more de facto acceptance but no legal integration; and Jordan, where refugees have been given citizenship). As part of a settlement, host countries that have not done so could be offered financial and/or other kinds of support in return for offering citizenship to Palestinians who wish to remain there. Given the international ramifications of the issue, it would make sense to empower an organization under the umbrella of the UN to solicit refugee wishes, support the negotiations between Israel and the Palestinians and with host nations, and oversee a program of reparations/compensation.<sup>94</sup>

**Compensation.** All refugees deserve compensation, though the rates would obviously differ based on historical experience and where they choose to settle. Establishing these rates would involve, inter alia, an assessment of personal property losses in Israel. The UN Conciliation Commission for Palestine has accumulated detailed information on Palestinian properties in Israel prior to May 1948, while the UN

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<sup>91</sup> See Palestinian Centre for Policy and Survey Research [poll Jan-June 2003](#).

<sup>92</sup> Al Hussein and Bocco write “One may wonder whether the refugees, the crushing majority of whom have never seen their former places of origin, are in a position to seriously envisage such scenarios as repatriation to their places of origin, sixty years after the exodus” (p. 275). Sari Hanafi has argued that migrants' decisions to return are most influenced by economic and kinship networks and entrepreneurial bent, as opposed to emotional ties: the latter may dictate migrants' rhetorical positions, but are less likely to influence their actual intention to return (Hanafi 2003).

<sup>93</sup> The number of *original* refugees, due to the passage of time, is likely less than 50,000. If their descendants are included, of course, this number increases to a range between 5.9 and 7.5 million people, with the higher number accounting for estimates of unregistered refugees – see BADIL (2022). In 2012, US estimates put the number of original refugees at around 30,000-50,000 (this calculation was done as part of an exercise to review who 12, 2018 (p. 23, fn116).

<sup>94</sup> In addition to funds management, the deliberations of the Refugee Working Group of the multilateral (Madrid) Middle East Peace Process identified a number of topics on which such an organization could usefully advise the parties: migration preparedness; family reunification; education, vocational training and job placement for migrants; effective, democratic representation; rights and protections under international law; and communications. See also Brynen and El Rifa'i (2005).

Compensation Commission has experience of establishing criteria for compensation from the 1990–1991 Iraqi invasion and occupation of Kuwait. Determining who is eligible for what should not be left to the PLO or the PA, who cannot be assumed to represent the refugees.

Until criteria and rates have been established, it will not be possible to determine how much money would be needed. Nor is it clear who would fund a compensation mechanism, though it seems reasonable to expect Israel's closest post-1948 allies to contribute (France, Germany, the United Kingdom and the United States, for example), as well as various Gulf states. An Israeli contribution, in particular, could be seen as a sign of a national commitment to peace and justice, and would likely help unlock significant global contributions. A multilateral organization like the World Bank could be charged with administering such a fund, as well as any mechanism intended to support refugee host nations.<sup>95</sup> A durable agreement on refugees would also lead to the gradual winding-down of UNRWA, whose considerable staff expertise should be employed during the resettlement of the refugees and the establishment of the federation.

**Jewish refugees.** In parallel, and as part of an overall refugee settlement, we would suggest that the UN establish a process to assess fair compensation for Jewish residents expelled from Arab states after the 1948 War, and to solicit international funding and oversee compensation payments to them.<sup>96</sup>

## Israeli settlements

There is no question that Israel's settlements in the occupied West Bank (including East Jerusalem beyond the Green Line) are illegal under international law, as has been recently confirmed by the ICJ in its July 19, 2024 advisory opinion.<sup>97</sup> Any provisions that the federal constitution makes for settlers to remain as residents of the new Palestinian territory, therefore, would represent a political compromise that should be understood by both parties as a pragmatic response to the impracticability of forcibly evicting all settlers from the West Bank/East Jerusalem, and as a Palestinian gesture of respect for Jewish biblical memory. While remaining settlers would have a right to participate in local (sub-territory level) government, they would also be bound by local Palestinian law and regulations. We should also presume that Palestinians would now be free to buy into and live in the built settlements, should they so wish.

While no reliable figures exist, we can assume that many settlers would not wish to remain in the West Bank under such conditions.

**Compensation and inducements.** It has been estimated that over 40 percent of West Bank land has been expropriated for use by Israeli settlements,<sup>98</sup> much of this from individual Palestinian landowners. Under

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<sup>95</sup> Here it is worth noting that UNRWA and other agencies' support for Palestinian refugees have in some cases made appreciable contributions to local economies, and any refugee host country support mechanism could consider incorporating funding for community development programs in areas that may be adversely affected by reduced UN support resulting from a settlement of the refugee issue.

<sup>96</sup> See, for example, Shanya Zamkane (2016) or Meir-Glitzenstein (2018).

<sup>97</sup> See *Summary of the Advisory Opinion of the International Court of Justice on the Illegality of the Israeli Occupation of the Occupied Palestinian Territory and the Consequences Thereof*, Law for Palestine, July 20, 2024.

<sup>98</sup> See Al-Jazeera, *The wild West Bank: The lawless settlers terrorising Palestinian farmers*, Richard Hardigan, August 15, 2024.

UN resolutions, those owners have a right either to the return of their land, and/or adequate compensation. If the continuing presence of some settlers in the West Bank is accepted as expedient for the sake of peace, it would be unreasonable, and politically unpalatable, to expect former Palestinian landowners to go uncompensated. In recognition of the damages caused to them, adequate payments need to be made to those whose land has been seized since 1968. In cases where such compensation is unforthcoming within a stipulated period of time, the land should presumably revert to its former owner. Depending on the circumstances of seizure, responsibility for compensating former landowners should fall either to Israel, or to the individual settler. Given the intense partisanship associated with this issue, it would make sense to create an international commission to research claims, and to make financial determinations.

It can be presumed that some West Bank settlers would be more willing to leave the settlements if financial inducements are available to them. The Government of Israel should be expected to make these payments, though it would likely be assisted by private donations.

## Jerusalem

**The municipality.** The numerous international proposals on Jerusalem inhabit a continuum between two opposite poles. One pole holds that preserving the unity and integrity of the city is vital, that it cannot be divided without irremediably harming its unique historical and religious identity. The opposite pole accepts today's divided reality (see for example Abu Odeh 1992, Gold 1995, Klein 2001).

International proposals for dealing with the religious sites in the city tend to favor unity and integrity, and usually recommend internationalization or the 'extra-territorialization' of the Holy Places under a third party (Najem et al 2017). These proposals argue that the international community needs assurance that access to the holy sites and their protection will be guaranteed (Dumper 2010). This position was reflected in UNGAR 181 of 1947, whereby Jerusalem, in conurbation with Bethlehem, would be provided a special international status, known as the *corpus separatum*, and would be administrated by the UN.

Wherever any international proposal may exist along this continuum, however, both Israelis and Palestinians remain adamant that Jerusalem is their capital.<sup>99</sup> This is territorially feasible, but it is important that both parties consider what kind of place they wish Jerusalem to be. All no doubt desire a vibrant, thriving city;<sup>100</sup> this in turn requires open borders to enable people to circulate, commerce to

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<sup>99</sup> On the Palestinian side see identical letters dated 25 April 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council (A/ES-10/990-S/2024/341): "The Palestinian People... look to the General Assembly to act with the power of the overwhelming majority of the international community to uphold and ensure the realization of the Palestinian people's inalienable rights, including to self-determination and the independence of their State of Palestine, with East Jerusalem as its capital, in compliance with international law and the relevant United Nations resolutions and in accordance with the two-State solution on the pre-1967 lines." On the Israeli side, as has already been noted (op. cit. note 51), the Knesset has laid claim to the whole of Jerusalem since at least 1980. See further Benvenisti (2012).

<sup>100</sup> Tourist Israel, for example, describes Jerusalem as the religious and historical epicenter of the world – a surreal and vibrant city that is holy to Jews, Christians and Muslims. See also statement by Ammar Hijazi, Assistant Foreign Minister for Multilateral Affairs, State of Palestine at the International Conference on the Question of Jerusalem, 27-28 June 2019, Geneva, Plenary Session IV, Press Release.



operate freely, and tourism to become more attractive, with visitors associating the city with harmony and tranquility rather than division and social tension.

Some would argue that an integrated Jerusalem requires a degree of insulation from the prevailing political context. Giving Jerusalem a special status, distinct from the other territories of the federation, could potentially accomplish this. One approach would be to revive the *corpus separatum* concept embodied in UNGAR 181, which would involve the creation of an administration separate from that of either territory (possibly with some international involvement), alongside the potential relocation of the capitals of the Israeli and Palestinian territories to nearby sites. One could envisage the development of a democratic management structure dedicated to, and benefiting from, the preservation of the city's many identities and providing a more even, equitable set of public services.

This, however, seems a far-fetched notion today, since neither party appears attracted to the concept and no interested state or international body has the desire, or the ability, to force such a solution on them. Instead, under a federation, negotiations are much more likely to center on the territorial division of the greater Jerusalem municipal area and on the jurisdiction for/management of the Holy Places.

Dumper (2011) has correctly pointed out that the arrangements for Jerusalem will have a significant impact on the nature and viability of any peace treaty. If a flourishing, open city can be created in this most contested of spaces, the prospects for the federation will be much brighter. The degree of interpenetration of the two societies in Jerusalem will call for creativity in governance and service provision. As far as policing is concerned, for example, Rahman (2020) suggests that "The municipality [should] 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." Dumper (2011) points out that the inter-penetration of diverse societies that comes with a more open city need not imply a threat to national identities or established decision-making processes, and that competing identities can be preserved and reconciled by establishing various types of coordinating mechanisms. Cities as diverse as Brussels, Georgetown (Malaysia), Montreal and Sarajevo bear witness to this.

In a federation in which each territory has its capital in a distinct part of Jerusalem, consideration also needs to be given to whether Jerusalem and its environs are the best location for the institutions of the federal government. It may be less disruptive to place these somewhere else along the boundary between the Israeli and the Palestinian territories. Presuming that both Palestinians and Israelis would find themselves living in the enclave, thought needs to be given to how the federal territory would be administered: would authority be given to an elected council, for example, or would each territory appoint delegates to a joint council?

**The Old City and the Holy Sites.** Access to and control of the Holy Sites (in particular the Temple Mount, the Western Wall, and the Haram al-Sharif) is arguably the most sensitive of all the issues confronting the two parties, and perceived provocations by both sides have sparked serious violence (examples include Ariel Sharon's October 2000 visit to the Temple Mount, which ignited the Second Intifada, and Hamas's October 7 assault, entitled Operation Al Aqsa Flood and reflecting Palestinian fears that Israel was aiming to establish full control over the Temple Mount). Both parties believe they should exercise sovereignty over their Holy Places, and neither has been well-disposed to international oversight or involvement (International Crisis Group 2012). A federal system will not, in itself, resolve old tensions, and it does seem

necessary to introduce a third-party presence to help defuse the tensions arising from strongly held, adversarial religious feelings operating in such a congested space. Both the Geneva Initiative and the Jerusalem Old City Initiative (Najem et al 2017) offer details of how an international verification system for the Holy Places could work.

Apart from the question of actual territorial control, the religious communities of all three predominant faiths should expect to exercise similar levels of administrative and doctrinal autonomy as today.

## Joint security

There has been a tendency when discussing the 'classic' Oslo two-state model to assume, in line with Israel's preferences, that a future Palestinian state would be 'demilitarized' in order that it pose no danger to Israel. This assumption ignores the role that Palestinian security forces would need to play to ensure that radical groups did not attack Israel from its territory. It also asks Palestinians to trust Israel to protect the Palestinian territory from external aggression, which is the necessary corollary to any demand for Palestinian demilitarization.

Under a federal system, though, in which no internal border inhibits the movement of the citizens and their mobile property, external borders will need to be protected as one unity. This in turn suggests a valid distinction between internal criminal policing, and external defense and military intelligence. While the first function could be performed by two local police forces in close cooperation with one another, the second suggests some kind of integration between the military and security wings of the IDF and the PASF. Any such integration could only be gradual, and probably partial.

From a Palestinian point of view, a clear separation between internal policing and external military protection could help to dismantle an increasingly oppressive securitization of the West Bank and Gaza. The role of the Palestinian police would no longer be the protection of Israelis and of an increasingly isolated and autocratic PA, but the prevention of crime and the protection of citizens' rights. As Tartir (2024) says, "addressing and reversing the Oslo Accords' structural deficiencies means adopting an 'accountability and people first' paradigm." The currently excessive security personnel-to-population ratio and associated security budget burden offers scope for force shrinkage. Here it is important to avoid the mistake of leaving significant numbers of previous security staff unemployed without decent pensions, given the risk of their potential enrollment in criminal or anti-government violence. An extensive review of the global experience of disarmament, demobilization and reintegration is warranted (e.g., from Colombia or Sierra Leone), with a particular focus on the importance of reintegrating ex-military into productive roles in civilian society (see Hanson 2007, Schulhofer and Sambanis 2010).

Any future plans for the Israeli Defense Forces need to recognize its centrality to the State of Israel and to Israeli citizens' sense of security (Bresheet-Zabner 2020). For many, the IDF is *the* essential Israeli institution and has developed a unique relationship with civil society (Chartouni-Dubarry 1999, Ben Eliezer 2005). The evolution of the IDF's role in politics remains dynamic (Cohen 2008, Peri 2020), with rising numbers of religious Zionists and settlers now entering the IDF and putting pressure on its secular identity

(Backmann 2021, Enderlin 2023).<sup>101</sup> The IDF has also contributed to the creation of a thriving arms industry, with Israel now the ninth largest global arms exporter.<sup>102</sup>

An important security issue in a federal system will be the fate of Israel's nuclear arsenal. The optimal solution would be to decommission it. However, this would require a credible regional commitment to nuclear non-proliferation that includes Iran, as well as cast-iron security guarantees, either from the US or possibly via membership in the North Atlantic Treaty Organization (NATO). Other alternatives are either less palatable (the government of the Israeli territory retaining control of the nuclear arsenal outside the ambit of the federal government) or unrealistic (acceptance by the international community of the federal state as a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons).

It seems likely that the Palestinians, and perhaps the Israelis, would request third-party security guarantees as part of the enforcement process for the peace treaty they will need to conclude prior to any constitutional formation process, as well as in the early years of the federation. Multilateral military observer forces could be stationed in areas of potential conflict, for example on the Gaza/Israel border or near West Bank settlements. The forces could consist of UN peacekeepers, or possibly NATO troops, enhanced by regional military delegates. They could be charged with monitoring and reporting on incidents of political violence to their own authorities and, in time, to the federation's dispute settlement bodies.

## The economy

In the extensive literature on Israeli-Palestinian federation, relatively little attention has been paid to the economic reasons for or against the approach. Public opinion would seem to echo this indifference: in the 2021 Rand study of views on all the possible solutions to the conflict, economic factors ranked least in importance to survey respondents across the spectrum (Israeli Jews, Israeli Arabs, West Bank Palestinians, Gaza Palestinians). Far more attention has been given to the headline Permanent Status issues that Oslo was unable to solve.

This does not mean that economic considerations are trivial. Although economics alone rarely drives violence (World Bank 2011), peace agreements are far more likely break down if participants' livelihoods stagnate or decline in their aftermath (UN/World Bank 2018).

As previously described, Israeli management of the Paris Protocol arrangements era subordinated the health of the Palestinian economy to the expansion of Jewish settlements and the protection of Israeli

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<sup>101</sup> Rabia Ali (2024), in *The Rising Influence of Religious Zionism and how it's Reshaping Israel's Military* (Anadolu Ajansi) writes "A recent report in British daily The Guardian indicates that about 40% of graduates from the army's infantry officer schools "now come from a national religious community that accounts for 12 to 14% of Jewish Israeli society and is politically more aligned with Israel's right and far-right political parties and the settler movement" (Peter Beaumont and Quique Kierszenbaum, *National religious recruits challenge values of IDF once dominated by secular elite*, The Guardian, 18 July, 2024).

<sup>102</sup> See Pieter D. Wezeman, Katarina Djokic, Mathew George, Zain Hussain and Siemon T. Wezeman, *Trends in International Arms Transfers, 2023*, SIPRI: Stockholm, March 2024. Wind (2024) has highlighted how a number of Israeli universities support Israel's military-industrial complex, and thereby the occupation of the West Bank and Gaza.

citizens (both in Israel and in the OPT). These priorities have motivated Israel to withhold clearance revenues, compromise the free movement of Palestinian people and goods, and prevent most Palestinian investment in Area C.

Envisaging a new, more harmonious, mutually beneficial economic relationship between two federated territories is possible, however. With agreement on the status of settlements, the rights of Palestinian refugees, the delineation of borders, and cooperative security arrangements, a productive economic union would become feasible. Indeed, this was foreseen in the UN Partition Plan of 1947 (UNGAR 181).

For such a union to work, free and unimpeded movement of people and goods throughout and between both territories will be needed. Tax clearances would have to be automatic and no longer subject to political withholding.<sup>103</sup> Access to and exploitation of shared natural resources, in particular water, should be recalibrated on the basis of need, not identity. Trans-boundary externalities (such as air and water pollution) should be regulated using federation-wide standards. A common external tariff structure should also be retained, its rates in line with World Trade Organization and international norms. Different rates would encourage smuggling and could only be contained (if at all) by cumbersome, inefficient border controls between the Israeli and Palestinian territories. Capable federal economic institutions would also be needed; prominent among them, a central bank and a federal finance ministry charged with designing and overseeing the federation's monetary and fiscal policies.

Two key concerns can be identified. The first is the speed at which these new arrangements should be introduced. Thus, for example, A Land for All implies that free cross-border labor movement should begin once a peace agreement and constitution are in place, while arrangements to accommodate settlers and refugees in each territory need to be phased in. The Holy Land Confederation (HLC) argues for a more deliberately phased shift from the Paris Protocol to a free trade agreement, and a gradual liberalization of all aspects of the border regime (movement of goods, labor, visitors, capital) over a four-year period. The HLC's gradualist approach is based in part on the perceived psychological need to introduce radical new ideas in stages. It also acknowledges the dangers that economic asymmetry poses to a Palestinian territory if immediate free trade with Israel is introduced, given existing economic disparities (pre-Gaza war per capita GDPs were \$7,000 and \$44,000, respectively). Thus a long-term agreement would "enter into force upon meeting the agreed-upon economic milestones (in terms of reducing the economic gap between Palestine and Israel, GDP per capita, and a few other economic parameters)"—such as the harmonization of product standards, professional qualifications, and taxation and social security arrangements for workers. This is similar to the rationale behind the EU accession process. A Confederation Development Fund (CDF) of \$50 billion is proposed in order to upgrade Palestinian infrastructure and skill-levels and thereby narrow the economic gap between the two states. Contributions to the CDF would be expected from Israel, from international donors, and from private commercial entities.

In addition to the CDF, and for some time to come, regular equalization payments (subsidies) to the Palestinian territory from the federal treasury would be needed, to help offset the huge disparities in

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<sup>103</sup> Though the 1947 Partition Plan envisaged a Joint Economic Board which could, inter alia, decide to withhold customs revenues from a state that failed to follow its (technically-driven) directions.

physical and human capital between the two territories.<sup>104</sup> The federation could also adopt a subsidy/incentive-based approach to developing Palestinian comparative advantages within a future cooperative economic framework.

The second key concern is how economic disputes between the two territories would be resolved. The Paris Protocol experience suggests that relying on external diplomatic intervention would be unwise. A preferable approach would be to build into a basic law a system of committees and boards, with binding review processes. Initially at least, these institutions could incorporate renowned specialists from abroad. The HLC echoes the 1947 UN Partition Plan<sup>105</sup> in suggesting an overarching Confederal Economic and Social Committee consisting of three members: one Israeli, one Palestinian, and one from an international organization (preferably the EU; see below for details).

The case for an economic union is strong. It includes the potential synergy between Palestinian human resources and Israeli capital and know-how, the rational pooling of natural resources, an expanded domestic market, the attractiveness to global investors of a peaceful, dynamic hub in the eastern Mediterranean, and the two countries' potential as a gateway to the Levant.

## The role of the international community

The international community has had little positive impact on the course of the Israeli-Palestinian conflict. As argued earlier, the US and its allies have not played an even-handed role under the Oslo process.

While international involvement and third-party mediation would be needed during the negotiation of a peace treaty, history warns against entrusting this to the US or the EU alone.<sup>106</sup> Nor should third-party mediation *à la* Oslo be replicated in any constitutional formation process. When it comes to implementation, the constitutional court, not third parties, should address disputes over interpretation or implementation.

One constructive option might be a formal relationship with the European Union. The EU is considering creating a new category of associate membership, which would give a country certain membership benefits in return for a contributing to the EU budget. Since associate members would enjoy these benefits under the jurisdiction of the European Court of Justice, this could provide a level of safeguards that would help reinforce those embodied in the constitution.<sup>107</sup>

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<sup>104</sup> For some scholars and policy-makers, these payments would also possess a moral/compensatory dimension, designed to offset decades of 'de-development' (see Roy, 2016) and historical wrongs/damage.

<sup>105</sup> The Joint Economic Board proposed under the Partition Plan comprised nine members - three from each state and three appointed by the Economic and Social Council of the United Nations, the latter serving in their individual professional capacities.

<sup>106</sup> Bar-Tal (2022) points out that "many states, including European ones, are dependent on Israeli technological, intelligence, and military assistance.... Israel [therefore] feels strongly that it does not need to yield to external pressure to solve the conflict or change its expanding policies or treatment of the Palestinians" (p. 756).

<sup>107</sup> In *Associate EU Citizenship: A Brief Assessment* (The Foreign Policy Centre, September 14, 2018), Fowles, in speculating on what associate membership might look like, writes "Associate citizens would enjoy a bundle of certain rights and duties. A 'thick' form of associate citizenship could include enjoyment of the four freedoms (free movement of goods, capital, services, and persons) and other EU rights subject to the jurisdiction of the Court of

The international community can provide valuable support to the constitutional formation process. With over 40 percent of the world's population living in 27 federations,<sup>108</sup> there is considerable experience and advisory expertise available; federations like Belgium, Bosnia and Herzegovina, Canada, Nepal, and Switzerland can offer valuable lessons.

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Justice of the EU (CJEU). This would likely ease the process of travel ... to the EU and provide associate citizens with easier access to EU markets and institutions.”

<sup>108</sup> These include the United States of America, the Federative Republic of Brazil, the Republic of India, the Federal Republic of Germany, Bosnia and Herzegovina and the Republic of Austria - and although the EU is not a *de jure* union, some would argue that it is in the process of becoming one (Josselin and Marciano, 2006).



## PART 5 – Turning the Concept into Reality: Seeking Acceptance

Support for a federal solution is not widespread at this juncture, and may not be for some time.<sup>109</sup> What is important now is to help ensure that federalism enters the mainstream of policy and diplomatic debate.

A suggested first step in following up on this paper would be for the Graduate Institute of Geneva and the Arditi Foundation to convene meetings of Israelis and Palestinians already interested in the model to discuss and improve upon these ideas. These meetings could then provide the basis for approaches to policy-makers in the international community and in Israel and Palestine.

The essential messages behind the initiative are that the Oslo version of the two-state solution is dead, that avoiding the search for a better solution plays into the hands of extremists and zealots, and that an approach that tackles the twin hydra of settlements and refugees is central to any forward progress.

### Socializing the concept of a federal union

Any serious official focus on the merits of the approach needs to be preceded by an end to the current hostilities in Gaza. Even then, working the notion of a federal union into formal bilateral discussions will first require the socialization of the idea more broadly within Israeli and Palestinian official circles and civil societies.

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<sup>109</sup> Tel Aviv University and Palestinian Centre for Policy and Survey Research track support for a confederal approach in their joint polling, the Palestinian-Israeli Pulse. See [the most recent poll](#), published in January 2023.



Palestinian and Israeli civil societies have an important diaspora component. In the case of the Palestinians,<sup>110</sup> only 38 percent of the global population lives in the West Bank and Gaza;<sup>111</sup> the proportion of Jews living in Israel is 46 percent.<sup>112</sup> While including the diasporas in discussions of the future is essential, given their significance, this will not be easy from either a logistical or an ideological perspective.

With regard to the Palestinian diaspora, Taher Labadi (2018) has highlighted how displacement, dispersal, denial of nationhood, and global power shifts hinder the ability of the Palestinian diaspora to connect with each other and to their homeland<sup>113</sup> (see also Ben-David 2012 and Peteet, 1997). Kouttab and Toaldo (2013) and Jalal Al Hussein's recent work (2022) point to the growing disconnect between the PA leadership and its key domestic and foreign constituencies, given the lack of a democratic mandate (elections to the Palestinian Legislative Council have not taken place since 2006 and the most recent meeting of the Palestinian National Council, in 2018, occurred 22 years after the previous one).<sup>114</sup>

Turning to the Jewish diaspora and its relationship to the conflict, it is important to understand its evolving role in supporting, or contesting, Israeli government policies towards the Palestinians. Sylvain Cypel (2021) argues that the American Jewish community is increasingly turning its back on these policies, although such rejection has not yet had a visible impact on political donations (see also Part 2). Rebhun, Beider, and Waxman (2020, 33) have noted the "potential for future clashes between the two centers of world Jewry. Both American and Israeli Jews are confident in their positions, but disagree somewhat over issues such as the Israeli/Palestinian conflict and the status of Reform and Conservative denominations in Israel.

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<sup>110</sup> The literature on the Palestinian diaspora is rich. Helena Lindolm Schulz (2003) and Karma Nabulsi (2006) have undertaken comprehensive studies of the Palestinian diaspora; Sari Hanafi (1997) has addressed the role of the business communities in the creation of the Palestinian entity; Abbas Shibliak (2005) has focused on the diaspora in Europe; Yosef Alijamal and Phillip Amour (2020) have studied the attitudes of the Palestinian diaspora in Latin America towards Palestinian statehood; Nadia Hijab (2004) has analyzed the role of Palestinian diaspora institutions in mobilizing the international community, and Jamil Hilal (2007) has looked at the relations between the Palestinian diaspora and the Palestinian communities in the West Bank and Gaza. Jalal Al Hussein and Aude Signoles (2011) have examined the Palestinian diaspora and the State(s) in the Near East and in relation to the Palestinian Authority; Luigi Achilli (2015) has offered a detailed analysis of the Palestinian refugees in Jordan; Ruba Salih, Elena Zambelli and Lynn Welchman (2021) have recently focused on Palestinian Youth Movement, while Francesca Albanese and Jalal Al Hussein (2020) on the socio-political participation and aspirations of the refugee youth across the Near East.

<sup>111</sup> According to the Palestinian Central Bureau of Statistics the Palestinian population worldwide was estimated at 14.6 million at the end of 2023, of whom 5.4 million live in Gaza and the West Bank, 1.7 million live in Israel, 6.5 million live in other Middle Eastern states, and 0.8 million live in other countries. Over half of the diaspora are officially registered refugees. See PCBS, *Palestinians at the End of 2023*, pp. 37-38.

<sup>112</sup> According to the Jewish Agency for Israel, in September 2023, the Jewish population worldwide numbered around 15.7 million, of whom 7.2 million live in Israel, 5.7 million in the USA and most of the remaining 2.8 million in Canada and Europe, of whom 0.5 million live in France. See Jewish Agency for Israel, September 15, 2023 press release, *Jewish Population Rises to 15.7 Million World-Wide in 2023*.

<sup>113</sup> His paper outlines diaspora-homeland relationships that he sees as shaped by both settler-colonial policies and globalization. 'Diasporization' also impacts power dynamics among Palestinians, reflected in the shifting centre of gravity of Palestinian politics toward the Occupied Palestinian Territories and the growing marginalization of the Palestinian diaspora – especially those residing in neighboring Arab countries.

<sup>114</sup> Farah (2006) analyzed the processes through which refugees have been dismissed as relics of an unredeemable past, and not as actors whose participation is fundamental to seeking a resolution of the conflict. For a more recent perspective on the Palestinian refugees' right of return, see Salih (2020).

Given that Israeli Jews welcome the support of American Jews but are opposed to taking their views into account, one can assume that conflicts over contentious issues will arise in the future as they have in recent years.”<sup>115</sup>

Thus both diasporas exhibit an increasing degree of divergence with those who represent them in Israel/Palestine. Part of the process of refining the concept of a federal union will be to map out and organize a series of civil society discussions, and to enlist influential diaspora members to help persuade decision-makers to focus on the idea of a federation.

## Dealing with the past: Memory, narrative and reconciliation

"The success of any constitutional design for a democratic decolonized polity, be it binational, federal or confederal," writes Farsakh (2023, 297), "will hinge on the willingness of those involved to work and live together as equals...It requires engaging with the enemy and confronting the issue of historical responsibility by developing mechanisms for reconciliation both between Israel and the Palestinians and also within Israeli and Palestinian societies.”<sup>116</sup> Or, in Ziad Asali's words (2024), "There is nothing unpatriotic or disloyal about understanding another people's history and its foundational narratives. This is simply sound strategy, undergirded by normal human empathy.”<sup>117</sup>

The phrase 'dealing with the past' in international relations was officially coined by Swiss diplomats before the country joined the UN in 2002.<sup>118</sup> The intent behind this phrase is to foster reconciliation processes, placing an emphasis on restorative justice rather than on retributive justice. The most prominent examples of this are the various Truth and Reconciliation Commissions (TRC) that emerged in the global

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<sup>115</sup> See also Waxman (2020).

<sup>116</sup> In "*Transitional Justice and the Right of Return of the Palestinian Refugees*", Peled and Rouhana (2004) observe "Transitional justice stresses two major steps as necessary for reconciliation between parties involved in an historic conflict: recognition and restitution. Recognition entails revealing the historical truth about the injustices committed and according their victims dignity and respect as rights-bearing human beings. Restitution is meant to alleviate some of the material deprivation suffered by the victims and is also a form of recognition."

<sup>117</sup> "The first step toward coexistence for Israelis and Palestinians—and toward the resolution of the conflict between them—must be the abandonment of the zero-sum mentality that has suffused thinking about the conflict for far too long. And it's not just the Israelis and Palestinians who have fallen victim to such thinking. In Western and Arab capitals, elites have chosen to view the issue through ethnic, religious, colonialist, and geopolitical frameworks that are simplistic, woefully misguided, and incompatible with their oft-stated commitment to universal values.... There is nothing unpatriotic or disloyal about understanding another people's history and its foundational narratives. This is simply sound strategy, undergirded by normal human empathy. Each dead-end eruption of violence has put paid to the notion of a military solution; reconciliation is the only path forward. The parties should not be asked to reach a consensus on the historical record of the past 140 years in the region. But they can, and should, learn to understand each other well enough to build a shared future around a promise of mutual recognition, equal rights, security, and prosperity" – from Ziyad Asali, *Finding Justice in Palestine: The Question of Israel and Palestine Must be Reframed and Recalibrated*, The Atlantic, April 17, 2024.

<sup>118</sup> The notion was elaborated during early 2000 by Division IV of the Federal Department of Foreign Affairs, and later became a key methodology informing the programs of Swisspeace. *Dealing with the Past* is based on four main principles: the right to know, the right to justice, the right to reparations, and the guarantee of non-recurrence. See also Swisspeace, *A Conceptual Framework for Dealing with the Past*, 2 Essential, 2016 The central focus is on victims and on perpetrators, and on their transformation into citizens with equal rights. Dealing with the Past is a long-term process that aims to establish a culture that embraces accountability, the rule of law and reconciliation.

South from the 1970s onwards (e.g., in Argentina, Chile, Morocco, Peru, South Africa). Learning from past TRC experience has been important. The South African TRC benefited from the advice of Argentinian and Chilean judges and experts, for example, and South Africa has subsequently supported the Peruvian and Moroccan commissions.

Since the constitution for a federal union would signify the willingness of two peoples to live together, and in view of the years of mutual antagonism and trauma, it seems imperative that Israelis and Palestinians create a process through which they can come to terms with the past, recognizing each other's experiences, acknowledging injustices and injuries, and thereby beginning the long process of societal reconciliation. As Omar Dajani (2004) has observed, based on his experience as a negotiator during Oslo, "the process in which we participated and its failure raise some difficult questions about the appropriate roles of the past and future in international conflict resolution processes, and the role of law as a framework for mediating between the two. I believe that Palestinians and Israelis had different answers to those questions; and, although I do not believe that our tragic failure to reach an agreement was inevitable, I do think that those differences contributed to the demise of the peace process."

An essential part of reconciliation is an understanding of one another's narratives and most TRCs have advocated a rewriting of school textbooks that seeks to balance the perspectives of both sides on the conflict. A number of Israeli 'new historians' have done courageous work on re-examining the received wisdom surrounding the foundation of the Israeli state and the dispossession and expulsion of the Palestinians; see Pappé (2006), Sand, Penslar, and Shlaïm (2010), and Sand (2012).<sup>119</sup> Important work that aims to inculcate a common narrative into school textbooks in both societies has also been done by a number of non-governmental organizations, such as Zochrot (a plural female form of 'remembering' in Hebrew<sup>120</sup>), founded in 1999 to call for recognition of the Nakba and the Palestinian refugees' right of return by Israeli society;<sup>121</sup> and PRIME (the Peace Research Institute in the Middle East), founded in 1998 by an Israeli and a Palestinian university professor, Dan Bar-On and Sami Adwan.<sup>122</sup> Pappé and Hilal's 2010 book *Across the Wall: Narratives of Israeli-Palestinian History* emerged from a project initiated in 1997, entitled PALISAD (Palestinian and Israeli Academics in Dialogue). According to its introduction, the book aims to implant an alternative historical perspective on the conflict that bridges the two divisive mainstream national narratives with their "ethnocentric and segregationist orientations" that threaten to "defeat all chances for reconciliation between our two peoples."<sup>123</sup>

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<sup>119</sup> See also Pappé (1998).

<sup>120</sup> See Challand (2011), pp. 105-109.

<sup>121</sup> Zochrot's testimony database contains testimonies by dozens of Nakba survivors, as well as by Israelis who fought in 1948 and who have recounted their participation in war crimes. The database also contains details of depopulated and destroyed sites. See also the work of Salman Abu Sitta, e.g., *The Atlas of Palestine (1917-1966)*.

<sup>122</sup> See PRIME.

<sup>123</sup> The absence of a Palestinian state is reflected in an absence of official Palestinian archives, and a considerable effort has been made by Palestinian social scientists to make up for this. Key efforts include the work of Tamari and Zureik (2002), which focuses on world-wide Palestinian refugee archives, the essays edited by Sa'di and Abu-Lughod (2007) which address the impact of trauma and politicization on the accurate construction of memory, Diana Allan (2021)'s first-person recollections by Palestinian refugees in Lebanon, the outcome of a project coordinated by Allan and Mahmoud Zeidan at the American University of Beirut (see *The Palestinian Oral History Archive*).

A hard look in the mirror is arguably essential to any credible forward-looking constitution, and could be meaningfully reflected in a preamble to the constitution itself. The best form of security in the new union, for both Israelis and Palestinians, will not come from armaments, barriers, and controls but from mutual understanding and, in time, greater respect and trust.

## The need for patience

This conflict has resisted resolution for over a century, prolonged by a series of changing historical realities. It is worth understanding it in a *long durée* context (as per Fernand Braudel 1958), not least as a counter to the modern diplomatic tendency to ignore historical context and thereby undervalue inconvenient historical grievances—and with them, an appreciation of why each side holds so desperately to its positions and how mutual condemnation is sustained.

Much of the Middle East is still going through an extended transition from colonization under the multinational Ottoman Empire (the borders of which fluctuated over the centuries), through the haphazard and often conflictual territorial demarcations of the western colonial powers (Sykes-Picot, Versailles) and the creation of Syria, Iraq, Lebanon, Transjordan, Palestine, and modern-day Türkiye, to today's consolidation of nation-states and inter-state rivalries—in some cases, weaponized by belligerent religiosity. Balfour and British (and later, American and European) support for a Jewish homeland came in large part from the marginalization, discrimination, and persecution of the Jewish Ashkenazi population in Eastern and Central Europe, and the preference by Europe and the US to address this problem far from home by displacing a 'colonizable people' and implanting a settler-colonial project familiar to men whose governments had displaced multitudes of indigenous people in North America, Australasia, and South Africa (Lloyd 2012, Veracini 2013, Dana 2024, Bocco and Saïd, 2024).<sup>124</sup> These successive political shocks have played a large part in complicating the search for peace and in encouraging maximalist ambitions on each side.

Today's crisis may seem intractable because the key conductors of the conflict—a far-right Israeli government and Hamas—each remain so attached to their own narratives of righteousness and victimhood. Yet it is important to remember that the conflict has not always seemed so bipolar, and that it has gone through many different phases, including periods when the wishes of majorities in both countries appeared compatible or at least open to compromise. Today's realities are no more stable or predictable than those of the 1910s, the 1940s, or the 1990s, and it is certain that the conflict's enabling environment will continue to change. What remains constant is the validity of both Jewish and Palestinian perspectives and aspirations, the fact of a single land and of two distinct national claims on it, and the reality that both claimants have a right to a home. In the words of Handel and Kotef (2023, 166), "not only the colonized but also the colonizers do not have any other place to go. It is...the only home both populations have in the world."

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<sup>124</sup> See also the latest report of the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (UN Human Rights Council (2024)). The report's title is "Anatomy of a Genocide" and in para. 9 she states "Settler-colonialism is a dynamic, structural process and a confluence of acts aimed at displacing and eliminating Indigenous groups, of which *genocidal extermination/annihilation* represents the peak," citing Lemkin (2008).

The Oslo enterprise went wrong and has contributed to the radicalization of both nations, but this does not mean that a resolution of the Israeli-Palestinian is impossible. This paper is a statement of that belief, and of the continuing need to seek justice, security and a viable future for both traumatized peoples.

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## Annex – Filmography on the Israeli-Palestinian Conflict

A consistent body of knowledge about the history of the Israeli-Palestinian conflict has been produced by several social science disciplines. However, to date, few attempts have been made to combine that knowledge with the narratives produced on the conflict by films, both fiction and documentaries.

Audio-visual materials related to the Israeli- Palestinian conflict are ‘constructions’ and interpretations of ‘realities’ at different levels, and constitute an important (memory and documentary) archive which can complement and accompany the work of research in human and social sciences. As artists and social actors, film directors contribute to (re)shape national and local narratives by supporting or challenging official histories and collective memories. In this sense, film directors represent social actors who try to ‘stand in the other’s shoes’, consistent with the overall approach of the Ardit Foundation project.

This annex presents a selection of films produced over the past 40 years, organized under several headings. They focus on specific topics and narratives that match themes presented in the essay, in different historical moments.

It is important to appreciate that the political economy of cinema differs greatly between the two sides. In Israel, a number of cinema academies have been set up; as a state, Israel has created a ‘Film Fund’ for film directors and developed cinema archives. In the past, The Israeli Film Fund has also helped produce films directed by Palestinian citizens of Israel. State policies have always supported the production and distribution of films. While today many film directors are very critical of their own government, cinema also played an important propaganda role well before the creation of the State of Israel.

The story of Palestinian cinema is briefer. What can be termed Palestinian revolutionary cinema emerged in 1968, and ended in 1982. This movement was overseen by the three main PLO factions (Fatah, DFLP, and PFLP), which decided to set up film units to publicize the reality of the Palestinian diaspora in the Middle East, with a particular focus on the plight of the refugees. Most of the Palestinian film directors of the time had been trained in Eastern European countries, and many were inspired by the Soviet principle of making films to ‘educate the masses’. In the early 1980s independent Palestinian film-making emerged, and features the best-known of the Palestinian film directors. Since the mid-1990s, the Palestinian Authority has not paid much attention to the cinematic sector; most funding now comes from Gulf States and Europe.

Far from offering propaganda or counter-propaganda narratives, most Israeli and Palestinian films are of high artistic quality, as attested by the numerous prizes won in international festivals and contests. Israeli and Palestinian films produced show important aspects of convergence and complementarity in addressing peace and conflict in both societies. Sadly, due to the ongoing conflict and occupation, very few joint Israeli-Palestinian projects have materialized, though most directors know their counterparts and are able to meet them at international film festivals.

The films are listed in alphabetical order, and have been selected from Riccardo Bocco’s personal archive.

This selection privileges Israeli and Palestinian movies, but is not intended to suggest that other movies by Arab and/or international filmmakers are less important. Most films are in Arabic and/or Hebrew, usually subtitled in English or French. Many of them are available on DVD, some on platforms indicated below.

## Israeli Jewish Filmmakers

### On the Peace Process

**LE RÊVE BRISE'** de Charles Enderlin, 2005, 150mn.

Résumé : Le Rêve brisé est l'histoire de l'échec du processus de paix israélo-palestinien, racontée par les acteurs eux-mêmes, certains s'exprimant pour la première fois devant la caméra. Spécialiste du conflit israélo-palestinien, le journaliste Enderlin analyse les causes de cet échec historique à partir de rencontres secrètes filmées, de documents inédits et de témoignages exclusifs de tous les principaux négociateurs. En remontant jusqu'à l'assassinat d'Yitzhak Rabin, ce document exceptionnel propose une lecture inédite de l'échec du processus de paix engagé le 13 septembre 1993 entre Israéliens et Palestiniens, de cette histoire tragique faite de promesses non tenues, de mensonges, d'espoirs, de désillusions, d'erreurs et d'actes manqués.

<https://www.amazon.fr/Rêve-brisé-Charles-Enderlin/dp/B0000A1NCG>

**SHATTERED DREAMS OF PEACE: THE ROAD FROM OSLO** by Dan Setton and Tor Ben Mayor, 2002, 114mn.

Synopsis: In the summer of 2000, Israeli and Palestinian negotiators were on the brink of reaching a peace agreement. After years of negotiation, both sides seemed ready to move forward—never before had the dream of peace seemed so close. Within weeks, however, the window of opportunity had closed and the peace process had collapsed. As the Middle East continues to erupt in violence, FRONTLINE examines the faltering, frustrating quest for harmony. Beginning with the 1995 assassination of Yitzhak Rabin, the documentary traces the ongoing peace process through years of negotiations and up through the chaotic events still unfolding.

**STATE 194** by Dan Setton, 2012, 98mn.

Synopsis: The filmmaker gained unprecedented access to the highest circles of the Palestinian leadership as he chronicles Prime Minister Salam Fayaad's quest to have Palestine recognized by the United Nations as an independent state.

**THE OSLO DIARIES** by Mor Loushy and Daniel Sivan, 2018, 97mn.

Synopsis: in 1992, with Israeli-Palestinian relations at an all-time low and any communication between the two sides punishable by jail time, a select group of Israelis and Palestinians gathered secretly in Oslo for a series of clandestine meetings that would dramatically change the political landscape of the Middle East. Chronicling their journey towards peace, The Oslo Diaries features rare, never-before-seen archival footage and diary entries of key negotiators on both sides. A comprehensive, dramatic account of the negotiations, this geopolitical story draws on previously unseen footage shot from 1992 to 1995, as well as excerpts from and re-creations based on the negotiators' diaries, which are the only available accounts of what happened behind closed doors.

Many of those involved openly and emotionally recount the political intrigue, fiery rhetoric, unlikely friendships and overwhelming desire for peace at the heart of the negotiations. The film includes interviews with key players on both sides: Ron Pundak, Abu Ala, Uri Savir, Hanan Ashrawi, Yossi Beilin, Joel Singer, Daniel Kurtzer, Nabil Shaath, Dennis Ross and Saeb Erekat.

### ***On the Occupation***

**BIL'IN MY LOVE** by Shai Carmeli Pollack, 2006, 52mn.

Synopsis: Under the pretext of security, the village of Bil'in is about to lose more than half of its lands to the Israeli separation fence and to the neighboring Jewish settlement. In an attempt to stop the bulldozers from uprooting their olive trees and destroying their land, the villagers confront the army in creative weekly demonstrations and direct actions. The army responds to the non-violent struggle with beatings, arrests, tear gas, rubber bullets and live ammunition. Pollak stays in Bil'in for more than a year and accompanies the village's struggle, focusing on two people that become real friends: Mohamed, a member of the village's local committee against the fence, and Wagee, an olive tree farmer and father of ten, who is losing the majority of his land to the fence and to the settlement. The film exposes the extraordinary relationship formed between the villagers and a group of Israeli activists, on the backdrop of their struggle. In the difficult and dangerous reality of the occupied territories, the making of such a film by an Israeli director is an extraordinary act and part of what is termed 'video activism'. In spite of their losses and of the military's harassment, the people of Bil'in persist in a non-violent continuation of their struggle.

**CHECKPOINT** by Yoav Shamir, 2003, 80mn.

Synopsis: this is a 'cinéma-vérité' documentary, which captures the enforced encounters between Israeli soldiers and Palestinians at military checkpoints throughout the West Bank. From 2001 to 2003, Shamir has filmed and created an incredibly honest and moving vérité record of various occurrences at these checkpoints. This experiential film conveys a saddening series of encounters between the humiliated Palestinians and the heavily armed, often very young soldiers, who sometimes feel uneasy in their commanding roles. But these men are often self-assured, too, apparently taking pleasure in intimidating the Palestinians, having them wait for hours in the burning sun or pouring rain. The tension is palpable when a large group of Palestinian people ignores the order to return and collectively pass the roadblocks.

<http://www.youtube.com/watch?v=iuZE9NwPd0o>

**DETAINED** by Anat Even & Ada Ushpiz, 2001, 75mn.

Synopsis: Najwa, Nawal and Siham, three Palestinian widows, live with their 11 children in a house on Shuhada Street in Hebron. Their house lies on the border; the façade is under Israeli occupation, the Palestinian authority controls the back. At the entrance to the house a military post, on the roof the Israeli army has placed a watch point over Palestinian Hebron. Three women, trapped in the middle, constantly surrounded by Israeli soldiers, carry on their difficult lives in a perverse situation: the occupation becomes a routine, the absurd becomes a given. This is the story of an occupation that extends to the staircase and the roof of the house, where it encounters poverty, loneliness, pain, but also the small joys of everyday life.

**H2: THE OCCUPATION LAB** by Idit Avrahami and Noam Sheizaf, 2022, 94mn.

Synopsis: H2 is the name given to the eastern part of Hebron – the only Palestinian city with a Jewish settlement in it. Here, along a one-Kilometer road, lies the holy Cave of the Patriarchs, where Jews and Muslims believe their common father, Abraham, is buried. This is where the massacre of 1929, known as “year zero” of the conflict, took place; where the Jewish settlement movement was born, and where the policy of ethnic separation was first implemented by the military. Through rare archive footage and interviews with Hebron’s military commanders, H2: The Occupation Lab tells the story of a place that is both a microcosm of the entire conflict and a test site for the methods of control Israel is implementing throughout the West Bank.

**HISTOIRES D’ISRAEL** de William Karel et Blanche Finger, 2017, mn.

Résumé : Ce documentaire donne la parole à dix figures majeures de la bouillonnante scène littéraire israélienne : Amos Oz, David Grossman, Avraham B. Yehoshua, Alona Kimhi, Meir Shalev, Zeruya Shalev, Eshkol Nevo, Etgar Keret, Benny Barbash et Ronit Matalon, disparue en 2017 et à laquelle le film est dédié. Ces auteurs traduits dans le monde entier dépeignent avec humour, sensibilité et lucidité un environnement à la fois hédoniste et hanté par l'Holocauste, le traumatisme des guerres et le quotidien sous tension. Zeruya Shalev décrit aussi les rapports chargés de culpabilité et d'angoisse entre mère et fils, dans un pays où, à 18 ans, "l'armée vous prend votre enfant". Tous voudraient en finir avec l'occupation des territoires palestiniens, et s'inquiètent de choix politiques désastreux qui menacent la survie de leur pays ou, au mieux, le condamnent à "la stupidité", selon Amos Oz.

**IN THE IMAGE: PALESTINIAN WOMEN CAPTURE OCCUPATION** by Judith Montell and Emmy Sharlatt, 2014, 60mn.

Synopsis: the focus is the award-winning Camera Project, created in 2007 by Jerusalem-based human rights watchdog group B’Tselem, to provide Palestinians living in the West Bank or in the Gaza Strip with inexpensive video cameras and the training to use them. The project aims to empower Palestinians to document human rights violations and to provide evidence both to the public and to Israeli authorities. Cameras are an apt tool, since the Hebrew word b’tselem means “in the image of.” Camera Project footage from three Palestinian women volunteers, together with the women’s discussion of their film work and their interactions with Israeli settlers and authorities, are paced by black-and-white animated drawings. B’Tselem staff offer commentary, including the film co-director’s daughter Jessica Montell, who until recently was the executive director for 12 years.

**MUR** de Simone Bitton, 2004, 100mn.

Résumé : le film est une méditation cinématographique personnelle sur le conflit israélo-palestinien, proposée par une réalisatrice qui brouille les pistes de la haine en affirmant sa double culture juive et arabe. Dans une approche documentaire originale, le film longe le tracé de séparation qui éventre l'un des paysages les plus chargés d'histoire du monde, emprisonnant les uns et enfermant les autres. Sur le chantier aberrant du mur, les mots du quotidien et les chants du sacré, en hébreu et en arabe, résistent aux discours de la guerre et se fraient un chemin dans le fracas des foreuses et des bulldozers. Toute la beauté de cette terre et l'humanité de ses habitants sont offertes au spectateur comme un dernier cadeau, juste avant de disparaître derrière le Mur.

**SOLDIERS ON THE ROOF** by Esther Hertog, 2012, 80mn.

Synopsis: The center of many conflicts between Israelis and Palestinians, Hebron is a major holy place to both Jews and Muslims where some 800 extremist Jewish settlers live in the midst of a Palestinian population of over 120,000. For three years, Esther Hertog filmed from within the settler community, capturing unique scenes of their real, sometimes surreal daily life. A character driven documentary, the essential narrative of 'Soldier on the Roof' depicts the filmmaker's personal quest to understand the realities and motivations of Hebron's settlers.

<https://vimeo.com/659905812>

**STRAWBERRY FIELDS** by Ayelet Heller, 2006, 60mn.

Synopsis: the film focuses on the economic aspect of the Israeli Occupation in Gaza. It portrays the challenges and crises faced by Palestinian strawberry farmers at Beit Lahiya and demonstrates the loss suffered by Palestinian farmers due to the border closure resulting from the Israeli-Hamas conflict of May 2005-April 2006. "My attention is constantly divided between you and the Israeli bulldozers!" jokes a Palestinian strawberry-picker, grinning broadly to the camera – before flinging himself to the ground, frightened by a violent detonation. At the edge of the vast strawberry plantation, tanks line up. As if unaware of this, the workers place the young strawberry plants into the sandy ground. The delicate plants from Israel are planted in the Gaza strip, where their fruit is then picked to be sold abroad. Assaf, the Israeli manager of Strawberry Association, is worried about his harvest. The evacuation of Jewish settlements in the region is the cause of troubles: missiles rain down in a seemingly arbitrary manner, whilst the checkpoints remain closed.

**THE FADING VALLEY** by Irit Gal, 2013, 54mn.

Synopsis: In the fertile region of the Jordan Valley live Palestinian farmers whose lives and stories are hidden from the eye. Their grazing lands have been declared military areas, their water wells have been sealed. In their place, water pumps that bring the water to the Jewish settlers in the Jordan Valley have been installed. Without water farming is disappearing. Some have given up their agricultural efforts and have moved to cities in the West Bank. Others have been forced to work as day laborers in the very same settlements that have appropriated their lands. Those who refuse to leave their lands and continue to work as farmers have remained with no possible means of survival.

<https://www.ruthfilms.com/the-fading-valley.html>



**THE FIRST 54 YEARS. AN ABBREVIATED MANUAL FOR MILITARY OCCUPATION** by Avi Mograbi, 2021, 110mn.

Synopsis: Almost any attempt to engage with the conflict between Israel and Palestine leads to recriminations being thrown from either side: accusations of anti-Semitism and terrorism from the one, and of human rights abuses and violations of national autonomy from the other. So filmmaker Avi Mograbi decided to take a different approach. He tells the story of the 54 years of Israeli occupation of the Gaza Strip and the West Bank in the form of a how-to guide. Step-by-step, in chronological order, he explains how the military and political machinery works, and how it is used to systematically and completely dominate an entire population. Mograbi speaks directly to camera, like a teacher, his tone unsentimental and factual. The story he tells is backed up by archive footage that is sometimes shockingly violent. But the confessions of 38 former Israeli conscripts leave an even more indelible impression.

<https://dafilms.com/film/15560-the-first-54-years-an-abbreviated-manual-for-military-occupation>

**THE LAW IN THESE PARTS** by Ra'anana Alexandrowicz, 2011, 104mn.

Synopsis: this documentary explores the four-decade-old military legal system in the Occupied Territories. Since Israel conquered the territories in the 1967 War, the Israeli Defense Forces legal corps have created and implemented thousands of military orders and laws, established military courts, sentenced hundreds of thousands of Palestinians. This complex system which is invisible to most Israelis is very present in Palestinian daily life and is unique in the entire world. Till today, the IDF legal professionals face judicial and moral dilemmas as they develop and uphold a system of long-term "rule by law" of an occupied population by an occupying army, all under the supervision of the Israeli High Court of Justice. Why does Israel invest so much into the legal infrastructure of the occupation? What is the rationale behind the work of the people charged with the developing and upholding the law in the Occupied Territories? The film tries to answer these questions.

**TWO KIDS A DAY** by David Wachsmann, 2022, 72mn.

Synopsis: The film allows a one-time glimpse of video materials from the four children's interrogations. Through the interrogations, the personal story of the children and their friendship is revealed, as well as the story of the refugee camp from which they come and the story of the Palestinian people struggling for independence. Through the children's stories, the film presents a broad picture of the method behind the arrests of minors in the West Bank. The purpose of this method is to "break" the popular uprising in the villages that oppose the occupation. The arrests of the children suppress the resistance. Each year, over 700 Palestinian minors are arrested throughout the West Bank. 95 percent of the minors arrested live within one kilometer of a settlement and there is a direct link between the minors' detention and the IDF's protection of the settlements. Throughout the film, key characters from the system are interviewed. A soldier who took part in arrests, Former deputy division head in the Israeli security agency, a human rights lawyer and a former military prosecutor. They shed light on the method and its modes of action and turn the personal story of the four children into a much wider story.

***On the Israeli Settlements***

**A PEOPLE WITHOUT A LAND** by Eliyahu Unger-Sargon, 2014, 78mn.

**Synopsis :** Settlement expansion across Palestine is out of control - now we need to speak about the One State Solution! Is the patchwork of remaining Palestinian land now so fragmented it could never form a viable future state? The film explores the question of whether Israeli settlers have destroyed all hope of return for the villages' original occupants and asks if the One State Solution is doomed beyond hope of being salvaged. The documentary challenges the stale ideas that have been the basis of the failed Israeli-Palestinian peace process and proposes a bold new way forward. It also tells the story of individuals who have moved beyond traditional notions of Zionism and are working to build a future based on integration rather than separation.

<https://www.amazon.com/People-Without-Land-Eliyahu-Ungar-Sargon/dp/B078SHRNFY>

**DESENGAGEMENT** de Amos Gitaï, 2008, 115mn.

**Résumé :** Installée en France, Ana retrouve son demi-frère israélien Uli, qui arrive dans l'hexagone car leur père vient de mourir. Elle décide de repartir en Israël avec lui, à la recherche de la fille qu'elle y a abandonnée à la naissance, vingt ans plus tôt. Le frère et la sœur voyagent en voiture, en train et en bateau, traversant les frontières, de l'Europe au Moyen-Orient. Ils finissent par arriver dans l'agitation et l'émotion intense du retrait militaire israélien de Gaza.

<https://www.amazon.fr/D%C3%A9sengagement-Juliette-Binoche/dp/B001DD0I5A>

**GOD'S MESSENGERS** by Itzik Lerner, 2015, 76mn.

**Synopsis:** A first-time, inside look at the group of Jewish settlers who inhabit the illegal outpost of Havat Gilad. As the pressures mount from international concerns, as well as the Israeli government, this group becomes more entrenched – and more committed to their mission. They believe that they are the connector to the narrative of Jewish history – and the essential link to a greater Israel. Religious devotion, and Zionist fervor propel this group towards violence and extremism. Despite daily squabbles with local Palestinians, and altercations by the Israeli authorities, this group is more determined than ever “to redeem” and remain on the land.

**GOLAN** by Amit Goren, 2003, 60mn.

**Synopsis:** In January 2002 negotiations between Israel and Syria prompted 150,000 protesters in Rabin Square to demonstrate against the possibility of a peace treaty between the two countries. Throughout the 1990s, life in the Golan Heights, captured from Syria in 1967, was shrouded by uncertainty. Four Prime Ministers – Rabin, Peres, Netanyahu and Barak accepted the formula of land for peace, outlined in negotiations with Syria, essentially meaning the evacuation of 33 settlements and withdrawal of 17,000 Israeli settlers from the Golan. The Al-Aqsa Intifada, Ariel Sharon's replacement of Ehud Barak as Prime Minister and the events of September 11 led to the disintegration of the peace process, paradoxically providing stability and security for the settlers of the Golan. While Palestinians carry out suicide attacks inside Israel and the Israeli Defense Forces occupies major Palestinian cities in the West bank, life on the Golan Heights continues with increased vigor. Neta and Koby, Miri, Yotam, and Menachem, all settlers in the Golan, examine questions preoccupying most Israelis - natives and new immigrants alike: what is our relationship with this land? What are the reasonable borders for the State of Israel? What should become of the occupied territories as Israel continues to build and expand its grip in the West Bank, Gaza and the Golan, postponing indefinitely the chance for a comprehensive Middle East Peace.

**MY NEIGHBOURHOOD** by Julia Bacha, 2012, 31mn.

Synopsis: the documentary follows Palestinian teenager Mohammed El Kurd as half of his home in East Jerusalem is taken over by Jewish settlers. When Israeli activists arrive to protest the takeover alongside Palestinian residents, Mohammed comes of age in the face of unrelenting tension and unexpected cooperation in his backyard.

<https://www.cultureunplugged.com/documentary/watch-online/play/51231/my-neighbourhood>

**THE HILLTOPS** by Ygal Hecht, 2011, 45mn.

Synopsis: On the hilltop overlooking the Palestinian city of Nablus, 66-year old Settler Daniella Wise looks at an advancing force of Israeli soldiers. They have come to destroy her illegal outpost. She rallies her own little army of followers as the Israeli Army nears. A few moments later a violent battle begins. This is a daily reality of life on the hilltops of the West Bank. The Hilltops is an insider's exploration into the lives of three prominent settler leaders and their battles to hold on to what they perceive as their biblical heart land. The reality of the Israeli/Palestinian conflict unravels in-front of the lens as the viewer gets a rare, no-holds-barred look into the lives of the West Bank settlements and those who stare down the future of the Middle East peace Process from up on their Hilltops.

<https://www.amazon.com/Hilltops-Igal-Hecht/dp/B00J925Y42>

### *On the Refugees*

**AQABAT JABER – PASSING THROUGH** by Eyal Sivan, 1987, 86mn.

Synopsis: Aqabat Jaber is one of the sixty Palestinian refugee camps built in the Middle East by the UN at the beginning of the 1950s. It is the biggest camp in the Middle East situated some 3 kilometers south of Jericho. The majority of its 65,000 inhabitants came from those villages in central Palestine that were destroyed in 1948. The 1967 war pushed 95% of that population across the banks of the river Jordan. The traces of war and the effects of erosion by the desert accentuate the contrasts between the abandoned refugees and the huts that they still occupy, and make Aqabat Jaber look like a ghost town. Filmed in 1987, a few months before the Intifada, this film tells the story of a disinherited generation brought up in the nostalgia of places they never knew and which no longer exist. The story of a temporary solution that became a permanent way of life. This film is about a ghost town, fulfilled by nostalgia and memories.

**AQABAT JABER: PEACE WITH NO RETURN?** by Eyal Sivan, 1995, 61mn.

Synopsis: Can peace between Israel and Palestine be possible without the return of the Palestinian refugees to their homeland which has now become Israel ? Does the return - either physical or symbolic - of people that suffered an injustice in 1948 when the state of Israel was created, has to take place? Having made "Aqabat Jaber, passing through" just before the Intifada, E. Sivan returns to a refugee camp the day after the evacuation of the region by the Israeli army. A few kilometers from Jericho and built 50 years ago, Aqabat Jaber is a refugee camp that is under Palestinian control today. Its 3,000 inhabitants have not however seen their status change. According to the peace treaty, they are still refugees and cannot go back to the villages from which their parents fled. The return home of the refugees, right at the heart of the Israeli-Palestinian conflict, will determine the future of the Middle East.

**HIGH HOPES** by Guy Davidi, 2014, 14mn.

**Synopsis:** In 1997-1998, many Bedouin Palestinian refugees living under Israeli Occupation were forcibly displaced by Israel to a garbage dump. During that entire period, the Oslo Peace Process was ongoing, with 'high hopes' for peace; similarly, recent peace talks took place while a plan exists to forcibly displace many Bedouin from Jerusalem and Ramallah governorates to a site accommodating up to 12,500 Bedouin. 30,000 Bedouin and other Palestinian herders in Area C are vulnerable to settlement expansion (moreover, up to 70,000 other Bedouin inside Israel in the Negev Desert are to be displaced by the Praver Plan). This calls into question Israel's commitment to peace, its willingness to allow a viable Palestinian state to come into existence or its attitudes towards Palestinians generally. HIGH HOPES (with "High Hopes" as its soundtrack, donated by Pink Floyd), is made from AP/BBC archive material of the 1997-1998 displacements and the parallel expansion of Ma'ale Adumim settlement. Witnesses to that displacement were the late Faisal Hussein and the late Edward Said.

<http://www.cultureunplugged.com/documentary/watch-online/play/52044/HIGH-HOPES>

**THE FORGOTTEN REFUGEES** by Michael Grynzspan, 2005, 49mn.

**Synopsis:** a documentary about the mass exodus of Jews from Arab countries and Iran in the 20th century, it explores the history of Middle Eastern and North African Jewish communities, some of which had existed for over 2,500 years. Employing extensive testimony of survivors from Egypt, Yemen, Libya, Iraq and Iran, the film recounts the stories that nearly a million individuals have carried with them for so long. Segments on the contributions of Middle Eastern Jews to politics, business and music, testify to the enormously rich cultures which fleeing Jews left behind. The film weaves personal stories with archival footage of rescue missions, historic images of exodus and resettlement, and analysis by contemporary scholars, to tell the story of how and why the Arab world's Jewish population declined from one million in 1945 to several thousand today.

<https://www.amazon.com/Forgotten-Refugees-Michael-Grynzspan/dp/B000FP2PDU>

### ***On Aspects of Judaism***

**AU NOM DU TEMPLE** de Charles Enderlin, 2013, 65mn.

**Résumé:** Analyse de l'élan messianique du Sionisme religieux depuis la guerre de Juin 1967 et l'occupation par des soldats juifs du Mont où se dressait le Temple, lieu saint du judaïsme détruit par les Romains 2000 ans plus tôt. Pour les rabbins nationalistes, c'était la confirmation de leur vision : le sionisme est annonciateur de la rédemption. Au nom de la conquête de ce qui est pour eux la Terre d'Israël, ils ont envoyé leurs disciples coloniser la Cisjordanie et Gaza. Combattant toutes les initiatives de paix, ils préparent la construction d'un nouveau Temple juif à la place d'al Aqsa, les saintes mosquées, troisième lieu saint de l'Islam.

**KADOSH** de Amos Gitai, 1999, 110mn.

**Résumé :** Mea Shearim, le quartier juif ultra-orthodoxe de Jérusalem. Meïr et Rivka, mariés depuis dix ans, doivent divorcer parce qu'ils n'ont pas d'enfants. De son côté, Malka, la sœur de Rivka, est amoureuse de Yaakov qui a choisi de vivre en dehors de la communauté. Le rabbin tranche : Malka épousera Yossef, son assistant. Rivka sombre dans la solitude. Malka trouve une autre issue, la rébellion.

**LE PROCES DE VIVIANE AMSALEM** by Ronit et Shlomi Elkabetz, 2014, 115mn.

Synopsis: the film opens on an extreme close-up of Viviane as others talk about her and details of her marriage from offscreen. She is in rabbinical court struggling to get a gett, a religious divorce, from Eliyahu. Because there is no civil marriage or divorce in Israel, obtaining a gett is an absolute necessity if either party wishes to date without scandal or remarry. Unfortunately, unless the court can find grounds for divorce—and the grounds that would allow the court to compel the husband are very limited—it is strictly up to the husband whether to allow his wife to go free. It is not uncommon for an observant Jewish woman, no matter where in the world she lives, to be stuck in a marriage forever regardless of whether she is living with her husband because he refuses her a gett.

<https://store.potemkine.fr/dvd/3700782604164-le-proces-de-viviane-amsalem-ronit-elkabetz-shlomi-elkabetz/>

**MY FATHER, MY LORD** de David Volach, 2007, 76mn.

Résumé : Installé avec son épouse et son fils dans une communauté ultra-orthodoxe à Jérusalem, Rabbi Abraham voue sa vie à l'étude de la Torah et de la loi juive. Son fils Menahem est à l'âge où l'on voit le monde autour de soi comme un endroit merveilleux. Il n'oppose aucune résistance, mais suit sans conviction son père qui le guide sur le chemin étroit et rigide qu'empruntent les hommes de foi. Mais la volonté d'Abraham de guider son fils n'est qu'un grain de poussière dans l'univers. Pendant leurs vacances d'été au bord de la mer Morte, sa foi est mise à l'épreuve.

<https://store.potemkine.fr/dvd/3770001471723-my-father-my-lord-david-volach/>

### ***On Extremist Violence***

**BRIDES OF ALLAH** by Natalie Assouline Terebilo, 2008, 76mn.

Synopsis: March 21st, 2002, a crisp bright winter morning. It is mothers' day. Kahira makes breakfast for her four small children and hugs them goodbye as they leave for school. Only two hours later, Kahira passes through a military road block, she is with a man and another young woman. They enter a waiting car and make their way towards Jerusalem. When they reach the city, Kahira and the other woman mingle in the crowds, buy flowers and examine the adjacent streets.... An hour later a deafening explosion rips through the air. King George street in the city center is in chaos. Crowds are screaming, ambulances and police cars are whaling in the distance. Kahira stands covered in blood and pieces of flesh. Innocent bystanders help her clean up and offer to help.... Kahira returns to her village. It is night. Her children are asleep and the house is silent. At 3 AM there is a knock on the door. Israeli soldiers have come to arrest her. 3 people were killed in the terrorist attack, and 80 were wounded. Kahira is sentenced to 3 life terms in prison. At the end of 2005 there were 110 women serving time as "security prisoners" in Israeli prisons. 10 of them were convicted of trying to carry out a terrorist attack. This is a substantial increase compared with five years earlier, when there were barely 5 female "security prisoners". All these women were convicted of either carrying out, or assisting others in carrying out terrorist attacks in Israel. Most female suicide bombers have been involved in some form of "scandal" in their personal lives. Their decision to participate in acts of terror was often fueled by romantic encounters, a tainted reputation as a result of extra-marital relations or vicious rumors of infidelity. In order to restore their family honor and their own reputations, these women found refuge in acts of terror, in a final attempt to clear their names, and bring pride to their families. The film director, a Jewish/Israeli woman, journeys to the reality of the woman on the other side. She wishes to convey to the viewer her attempt to understand how a woman, a mother, is capable of committing such a horrific act. How can she take part in the death of

children and babies? How can she leave her own children motherless? What is that motivating power, which is more compelling than the natural maternal desire to protect her children at all cost?

<https://vimeo.com/ondemand/bridesofallah>

### ***On Dealing with the Past***

**CENSORED VOICES** by Mor Loushy, 2015, 87mn.

Synopsis: the documentary reveals audio-recorded, intimate conversations with Israeli soldiers fresh from the battlefield after Israel's victory of 1967's Six-Day War. These provocative tapes, censored until now, are the core of the film about the tragic paradox of Zionism and the contradictions that arise when a people seeking freedom turn occupier, when David becomes Goliath. As they wrestle with the systemic excision of Palestinians, the dehumanizing nature of war, and echoes of the Holocaust, we listen as these men, now almost 50 years older, hear the recordings for the first time, and the past erupts, presciently, into the present. As the film director put it : "Censored Voices tells the painful story of the Israeli occupation at the historic moment that it began, it tells the story of men at war who thought they were going to be defending their lives and their family's lives, and instead come back as conquerors. Because the film is composed of secret conversations that took place only a week after the war it provides a unique glimpse into these men at war. These voices have never been heard in Israel. They are very radical voices. The Israeli state had censored these conversations, so it also tells the story of fear. We have, as a society, silenced and denied other voices. If only these conversations were to have gone public in the 1960s, maybe the Israeli reality would look different today".

<https://www.amazon.com/Censored-Voices/dp/B01BJUOFYQ>

**DISTURBING THE PEACE** by Stephen Apkon and Andrew Young, 2016, 87mn.

Synopsis: the documentary follows former enemy combatants - Israeli soldiers from elite units and Palestinian fighters, many of whom served years in prison - who have joined together to challenge the status quo and say "enough." The film reveals their transformational journeys from soldiers committed to armed battle to nonviolent peace activists, leading to the creation of Combatants for Peace. Today they work not through weapons of war, but with weapons of peace, utilizing dialogue, theater and other cultural mediums in an effort to end the Occupation and to achieve a two-state solution with respect for everyone. They face difficult challenges, from many in their own societies who call them traitors.

<https://www.amazon.com/Disturbing-Peace-Stephen-Apkon/dp/B06XR3KBRF>

**ENCOUNTER POINT** by Ronit Avni & Julia Bacha, 2006, 85mn.

Synopsis: the documentary follows a former Israeli settler, a Palestinian ex-prisoner, a bereaved Israeli mother and a wounded Palestinian bereaved brother who risk their lives and public standing to promote a nonviolent end to the conflict. Their journeys lead them to the unlikely places to confront fear within themselves and hatred within their communities. The film explores what drives them and thousands of other like-minded civilians to overcome anger and grief to work for a grassroots movement for nonviolence and peace. It is a film about the everyday leaders in our midst. The film's protagonists, true civic leaders, endure suicide bombings and checkpoints to meet with



militants on both sides, the wounded and apathetic masses. Audiences are left with a sense that the gulf between Israelis and Palestinians is at once bridgeable and tremendously wide.

<https://www.amazon.com/Encounter-Point-Ronit-Julia-Bacha/dp/B000R4SKEW>

**FORGIVENESS** by Udi Aloni, 2006, 98mn.

Synopsis: On April 9, 1948, a Jewish militia entered the Palestinian village of Deir Yassin and killed over 100 villagers. Soon after, a mental hospital was built on the ruins. The first patients to be committed were Holocaust survivors. A legend says that to this day, the survivors have been communicating with the ghosts of the village. The film tells the story of David Adler, a 20-year old American-Israeli who decides to move back to Israel, only to find himself committed to a mental institution that sits on the ruins of a Palestinian village called Deir Yassin. Flashbacks and flashforwards reveal the events that led up to his hospitalization. A 10-year old female ghost holds the secret to the riddle. But only when the secret is revealed can she find rest and give David the option to end a perpetually-repeated destiny... Doctor Itzhik Shemesh, a psychiatrist at the mental institute, injects David with a chemo-technological drug in an attempt to build a bridge over the trauma zone and allow David to live a normal life. Even though he doubts its ethical consequences, his use of the drug is an act that mirrors his own deep denial... Doctor Shemesh is given permission to use the drug by David's father, Henry Adler, a Holocaust survivor who spent a short time in Israel before becoming one of the most pre-eminent musicians in America. Henry, who has the arrogance of Oedipus and faith in the rational overcoming of trauma via action, doesn't understand why his son has been hospitalized. But Henry's lust for life and his desire for normality make him live in denial of the past, which is unbearable for David, whose restless soul seeks the truth. Henry will confront a horror beyond all horrors when the truth reveals itself. A blind patient in the hospital named Muselmann, also a Holocaust survivor, tells David to listen to the ghosts that are haunting him, that they have something important to tell him. Because he lives between the world of the dead and the living, Muselmann can act as a conduit between the murdered ghosts and David. The flashbacks and flashforwards from the mental institute reveal, with the story of David's life, the story of the eternal return of the trauma and a destiny that seems unalterable...

<https://vimeo.com/ondemand/forgiveness>

**IZKOR. SLAVES OF MEMORY** by Eyal Sivan, 1990, 97mn.

Synopsis: his documentary is a portrait of the Israeli society, thirty days in the life of a state that lives to the rhythm of its memory. "IZKOR," means "remember" in Hebrew and this film looks in depth at this imperative that is imposed on the children of Israel. In Israel during the month of April feast days and celebrations take place one after another. School children of all ages prepare to pay tribute to their country's past. The collective memory becomes a terribly efficient tool for the training of young minds. The author of the film is an Israeli. By going to rediscover the myths and symbols that have contributed to the making of his own identity, as well as that of every Israeli, he is bringing into play his own personal experience.

**JAFFA, THE ORANGE'S CLOAKWORK** by Eyal Sivan, 2009, 88mn.

Synopsis: the documentary narrates the visual history of the famous citrus fruit originated from Palestine and known worldwide for centuries as "Jaffa oranges". The history of the orange is the history of this land. Through photography and cinema, poetry, paintings, workers of the citrus' industry and historians, memory and present mythologies, Palestinians and Israelis cross and

combine. The close reading of the “Jaffa” brand’s representation is a reflection on western orientalist phantasms surrounding the ‘holy land’ and the ‘State of Israel’ and a way to reveal the untold story of what was once a commune industry and symbol to Arabs and Jews in Palestine. Jaffa’s orange is one of the symbols that helped build the Zionist discourse about Palestine: a “desert we have made bloom”. Based on photographic and cinematographic documents, some going back as far as to the 19th century, Eyal Sivan’s film shows the orange groves at a time when Arab Jaffa was one of Palestine’s most populated and thriving cities. From the picking of the fruit to its packaging before exportation, the orange was a source of revenue for thousands of peasants and workmen, not only from Palestine, but from Egypt, Syria and Lebanon too. Jews and Arabs worked together in the orange groves. These images were progressively replaced by socialist realist images, Israeli style, depicting labor and songs, emancipated women in shorts, etc.: it was the spreading of the “Jewish Labor”, the socialist call to action, excluding the Arabs. In 1948, Jaffa was ruined under the bombs and most of its population was gone. Jaffa’s orange then became the symbol of an Arab-free Israel. An international advertising campaign imposed the name “Jaffa”, like a trademark, concealing the city of Jaffa, its more than a hundred-year-old orange groves, and the history of the Jewish Arab cooperation over this legendary fruit...

**JERUSALEM CUTS (MAI 1948. LA BATAILLE DE JERUSALEM)** de Liran Atzmor, 2008, 52mn.

Résumé : John Phillips, l’un des premiers photojournalistes, avait été dépêché à Jérusalem par le magazine Life pour couvrir la "guerre d’indépendance". Bien qu’il ait suivi les événements au sein de l’armée jordanienne, son témoignage passionné se place du point de vue israélien, avec des photos chargées d’émotion qui montrent l’évacuation des juifs de la vieille ville de Jérusalem. Jack Padwa, originaire d’une famille judéo britannique politiquement à droite, est le producteur d’un film tourné en 1955 qui raconte l’histoire des juifs à partir de la ville de Jérusalem et reçut un très bon accueil lors de sa première à Cannes. Ali Zaarour, quant à lui, est le seul photographe qui rendit compte des événements du côté palestinien et ses photos, témoignages de la “catastrophe” éprouvée par les Palestiniens en 1948, sont ici montrées pour la première fois. Ce documentaire en forme de triptyque, où les histoires se complètent et s’entrecroisent tout comme dans la réalité de l’époque, montre l’importance des images dans l’élaboration d’un récit historique.

**LES SOUVENANTES** de Jacqueline Gesta, 2004, 67mn.

Résumé : Double parcours en Israël : vertical dans 50 ans de guerre et horizontal sur son objet, la terre. Quatre Israéliennes de quatre générations (73, 50, 30 et 18 ans) témoignent de leurs rapports à l’Autre palestinien et à l’état de guerre quasi continu depuis la création de l’État hébreu. Paroles rebelles, paroles de reconnaissance, exprimant une résistance vivace, inattendue dans le flot quotidien de la violence. Éclats de mémoire comme contre champ aux traces des blessures enfouies dans la broussaille ou masquées par un bosquet d’eucalyptus. Ce travail de mémoire est véhiculé dans le film par l’interprète, devenu lui-même acteur de paix après avoir été témoin en 1967 d’un nouvel exode palestinien. Le passage d’une langue à l’autre ouvre des brèches dans lesquelles peut se construire la compréhension et l’acceptation de l’autre. Un film dont la problématique revient tel un boomerang dans la société européenne.

**LOOTED AND HIDDEN: PALESTINIAN ARCHIVES IN ISRAEL** by Rona Sela, 2017, 46mn.

Synopsis: the film deals with archives that were looted or seized by Israel or Jewish forces during the 20th century and are controlled and buried in Israeli military archives. Based on a lengthy struggle to get access to classified materials, archival footage and images that were considered lost and



interviews with key figures active in the archives and with soldiers that seized Palestinian archives, the film focuses on the treasures Israel looted in Beirut in the 1980s. The film unravels the fate of Palestinian archives, especially film and visual archives, that documented the Palestinian Revolution from late 1960s to the beginning of the 1980s, but also deals with photography archives that were looted since the 1930s. It raises questions about archival institutions in colonial countries and zones of conflict, and points to the need to dig into the hidden in order to reveal what has been erased or rewritten.

<https://www.youtube.com/watch?v=wT4hImlv3-8> / <https://vimeo.com/213851191>

**MY LAND ZION** by Yulie Cohen Gerstel, 2004, 58mn.

Synopsis: What young woman would leave New York to have her first child in a war zone? Who would choose to give birth in a place where kids get blown up riding on school buses or sitting in cafés? Where thousands of eighteen-years-olds kill or get killed as soldiers? I am that woman. I went home to give birth to my daughters in Israel. I wanted to raise them in my land Zion, the land of my ancestors, the land that I love. Now, 16 years later, my daughters will soon be old enough to join the Army, and be forced to defend a state and its myths that are tearing my homeland apart. Why do I choose to stay? On a journey through rocks and fields, and across three generations of Israelis, I encounter the myths that shaped the state and me. I confront the actions of my parents and the hopes of my daughters. I visit a Holocaust survivor and hear the doubts of her son, a historian and a parent, like me. I confront a Jewish settler whose husband was killed by a militant Palestinian and I meet a Palestinian girl who lives in Israel. It was my choice to live in the land of my ancestors and now it is my daughters' home, too. A state of myths and sacrifices, where our sons and daughters still grow up to kill or get killed. How can I stay in a state that devours its children?

**ON THE SIDE OF THE ROAD** by Lia Tarachansky 2013, 83mn.

Synopsis: Former West Bank settler Lia Tarachansky looks at Israelis' collective amnesia of the fateful events of 1948 when the state of Israel was born and most of the Palestinians became refugees. She follows the transformation of Israeli veterans trying uncover their denial of the war that changed the region forever. Tarachansky then turns the camera on herself and travels back to her settlement where that historical erasure gave birth to a new generation, blind and isolated from its surroundings. Attempting to shed a light on the country's biggest taboo, she is met with outrage and violence.

<https://vimeo.com/117772052>

**POURQUOI ISRAËL** by Claude Lanzmann, 1973, 185mn.

Synopsis: the filmmaker's first film, the documentary examines life in Israel twenty-five years after the birth of the state. Lanzmann spends time with, among others, German-Jewish émigrés, intellectuals, dock workers, police, prison inmates, and the newly arrived surveying life in the new homeland. The title of the film is often incorrectly given as a question "Why Israel?" however, Lanzmann intended it as an answer or an explanation from a collection of viewpoints. The film premiered just three days after the Yom Kippur War in Israel. International media attention was caused by an incident in Hamburg, Germany, where leftist groups violently prevented a showing of the movie in October 2009, claiming the movie took a one-sided Zionist perspective.

<https://www.youtube.com/watch?v=r5sgUYqZOTw>

**TANTURA** by Alon Schwarz, 2022, 85mn.

Synopsis: When Israeli graduate student Teddy Katz meticulously documented a massacre of Palestinian civilians surrounding Israel's independence, he was initially celebrated for his groundbreaking work. But soon, he was stripped of his degrees and was publicly shamed as a fraudulent traitor. Decades later, incendiary new evidence emerges to corroborate Teddy's initial findings, not just vindicating him, but raising profound questions about how Israelis—and we all—deal with the darker chapters of history.

**THE GREAT BOOK ROBBERY** by Benny Bruner, 2012.

Synopsis: Chronicles of a cultural destruction. The story of 70,000 Palestinian books that were looted by the newly created State of Israel in 1948. The film interweaves various story lines into a structure that is both dramatically compelling and emotionally unsettling. The interviews centre on eyewitness accounts and cultural critiques that place the book theft affair in a larger historical-cultural context; in the process, new light is shed on the Palestinian tragedy of 1948 and the moralistic-heroic Israeli narrative of the 1948 war is deconstructed.

<https://www.youtube.com/watch?v=GdtCrCsKlw0>

**THIS IS MY LAND** by Tamara Erde, 2013, 89mn.

Synopsis: How do the Palestinian and Israeli (Arab and Jewish) education systems teach the history of their nations? This Is My Land follows several Israeli and Palestinian teachers over one academic year. Through observing their exchanges and confrontations with students, debates with the ministries' curriculum, and its restrictions, the viewers obtain an intimate glimpse into the profound and long-lasting effect that the Israeli/Palestinian conflict transmits onto the next generation. Through intimate portraits of history teachers and close observations of their pupils, the film reveals the different approach of the two public education systems to teach the complex and charged narrative of their country's history. The chosen schools are set in locations that emphasize the changing daily life of the conflict – in Jerusalem, The North of Israel, Nablus, Ramallah and a colony. The film interweaves the stories of the teachers and their classes in parallel, constructing for the viewer the different and sometimes opposing universes of the teachers and their schools.

<https://www.amazon.fr/This-My-Land-Tamara-Erde/dp/B0757CWN9P9>

### ***On a Single State***

**ETAT COMMUN** de Eyal Sivan, 2012, 123mn.

Synopsis: Au-delà de tout ce qui a pu être écrit, filmé, photographié sur le conflit Israëlo-Palestinien, ce documentaire propose un dispositif original et inédit pour mettre en avant un concept révolutionnaire. Vingt ans après les accords d'Oslo, « la solution des deux états » est dans l'impasse. Le concept d'État commun propose d'abandonner la notion de partition du territoire pour embrasser celle du partage. Par le truchement du montage se concrétise une rencontre que le conflit empêche depuis si longtemps. Des juifs israéliens et des arabes palestiniens d'Israël, des territoires occupés ou de la diaspora, des responsables politiques et des militants, des réfugiés et des colons, des jeunes et des vieux, des universitaires et des artistes: des fils et des filles de ce pays qui s'étend entre le Jourdain et la mer. Une conversation potentielle. L'un parle l'autre écoute.

### ***On the IDF and the Israeli Military Complex***

**A REFUSENIK'S MOTHER** by Ori Ben Dov, 50mn.

Synopsis : is a story of an Israeli mother, whose eldest son decides to go against her fundamental beliefs, and the Israeli law. He refuses to join the Israeli army - "The Occupation Army", in his words. It's a personal film, which describes the drama of conscientious objection from a mother's point of view. It shows a vast conflict, a formal and a family one. It's a documentation of a family struggle during the hardest time of their lives. This personal struggle reflects some of the deepest dilemmas of the Israeli society: the occupation and its moral consequences, recruitment to the army as an unquestioned norm, the moral state of the Israeli society and the way it treats its next generation.

<http://www.cultureunplugged.com/documentary/watch-online/play/3461/A-Refusenik-s-Mother>

**AT THE GREEN LINE** by Jesse Atlas, 2005, 52mn.

Synopsis: the documentary profiles several members of Courage to Refuse, a political group that refuses service in the Israeli military, and several Israelis serving in the military as part of their reserve duty. The title refers to the 1949 Armistice line between Israel and Syria, the Jordanian-held West Bank and Egyptian-held Gaza Strip. The film takes a look at the conflict between Israelis and Palestinians from the perspective of soldiers in the Israeli Defense Force. It discusses the motivations of both those who refuse service, and the feelings of soldiers actively serving, weighing various issues related to suicide bombings, checkpoints, and the West Bank barrier.

**CONCRETE** by Nurit Kedar, 2011, 65mn.

Synopsis: A war story can be told either by the victims or by the soldiers. Here the filmmaker uncovers the untold story through the voices of young soldiers. Operation 'Cast Lead' in Gaza wasn't covered by the media, due to military embargo. For the first time Israeli soldiers who took part in the 2009 operation come forward. Ten soldiers and officers, recently released from service, sat in front of a camera with their faces revealed. These soldiers, in their very unique way, have created a narrative of an unknown war.

<https://www.amazon.com/Concrete-Nurit-Kedar/dp/B074CD8FKT>

**FOXTROT** by Samuel Maoz, 2017, 112mn.

Synopsis: Michael and Dafna Feldmann, an affluent Tel Aviv couple, learn that their son, Jonathan, a soldier, has died in the line of duty. The Israeli military authorities refuse to inform the distraught parents where and how Jonathan died, or if his body had been recovered. Several hours later, they are notified almost matter-of-factly that there has been a mix-up, and that it was some other Jonathan Feldman who has been killed. An angry Michael demands that the Israeli Defense Forces (IDF) allow Jonathan to return home. The film then follows Jonathan's experiences during his military service as one of four soldiers manning a desolate checkpoint under primitive conditions. Late one night, the soldiers kill a group of four young Palestinians after they mistake a beer can that rolled out of the Palestinians' car for an explosive device. The soldiers arrange for a bulldozer to bury the car with its deceased occupants inside, and are warned by a senior IDF officer not to disclose this. Later, while Jonathan is being driven back to Tel Aviv, the military vehicle in which he is riding on a narrow, rutted desert road swerves to avoid a camel and rolls down an embankment. The final scenes follow Michael, Dafna and Alma, Jonathan's younger sister, six months after his death.

**ONE SHOT** by Nurit Kedar, 2004, 60mn.

Synopsis: This is the first time snipers of Israeli Defence Forces were given permission to be interviewed for a film. After five weeks of training an Israeli soldier, can become a sniper if he chooses to. Snipers are part of every combat unit. The war scenes in the film were taken by combat soldiers on duty. Since the last Intifada, Israeli snipers are used for targeted killings. The sniper is the only soldier who sees the “white of his victim’s eyes”. This is what separates these soldiers from the other fighters. The documentary focuses on snipers serving in the Israeli army. They speak of their killings, their feelings confronting their memories and their morality.

**THE ALPHA DIARIES** by Yaniv Berman, 2007, 69mn.

Synopsis: An unprecedented, groundbreaking look into military reserve life in Israel, this film was shot over a 5-year period in director and reserve soldier Yaniv Berman's life. A soldier in the Israeli army reserves, Alpha Company, Berman had unparalleled access and filmed the soldiers as they went about their military service, day and night. Crossing over to the Palestinian border, the camera captured remarkably every movement of the soldiers from the frenetic night-time house arrests to the quiet moments of self-reflection and despair. Capturing the humiliation of both the Palestinians who are subject to the house arrests as well as the Israeli soldiers who had to carry them out, this documentary is the unique story of those who, 30 days every year, drop their normal lives and, under the guise of the olive-green uniform, perform the toughest, most unsettling tasks in the heart of an urban Palestinian town. The camera penetrates the steely barriers of the military barracks and gains fresh insight into the views of the soldiers who speak frankly and uncompromisingly on a range of issues including the occupation, the conflict, and the Army.

<https://www.cultureunplugged.com/documentary/watch-online/play/10388/The-Alpha-Diaries>

**THE GATEKEEPERS** by Dror Moreh, 2013, 95mn.

Synopsis: For the first time ever, six former heads of the Shin Bet, Israel's secret service agency, agree to share their insights and reflect publicly on their actions and decisions. Intimately interviewed, they shed light on the controversy surrounding the Occupation in the aftermath of the Six Day War.

<https://www.amazon.fr/Gatekeepers-Dror-Moreh/dp/B00AZ46CYE>

**THE LAB** by Yotam Feldman, 2013, 58mn.

Synopsis: In the past decade, the Israeli military control over 3.75 million Palestinians has become an economic endeavor that is considered the key element to the Israeli wealth. The means used by the military against Gaza and in the West Bank are exported worldwide. The film shows how the military occupation is a national business enterprise so valuable that the State of Israel cannot afford to lose.

**TO SEE IF I AM SMILING** by Tamar Yarom, 2007, 59mn.

Synopsis: Six Israeli women give a personal account about their life in the Israeli Army, in the Occupied Territories. A female point of view on the drama of an unending war, on the moral challenges the soldiers faced at the encounter with the Palestinian population. The women look back critically at the way they handled the power that was placed in their hands at the young age of eighteen. Questions that were not dealt with during the service are raised today with great pain.

 **TSAHAL** de Claude Lanzmann, 1994, 316mn.

Synopsis : Lanzmann sonder le coeur et les reins de l'État juif, dont l'armée, Tsahal, est l'une des colonnes vertébrales. Officiers et soldats, héros des guerres passées et combattants des éventuels conflits à venir livrent leurs témoignages. Des épisodes légendaires, telle la résistance du général Meir lors de la guerre du Kippour, largement évoqués, font place ensuite à la réalité de Tsahal, en cette année 1994, la répression dans les Territoires occupés. Une tâche ingrate, impopulaire souvent, loin des prouesses que réclame l'honneur militaire.

**UNE JEUNESSE COMME AUCUNE AUTRE** de Dalia Hager, 2006, 95mn.

Résumé : Smadar et Mirit, toutes deux âgées de 18 ans, accomplissent leur service militaire. Dans ce cadre, elles ont pour obligation de patrouiller dans les rues de Jérusalem pour des opérations de contrôle d'identité. Elles doivent interpeller tous les passants palestiniens, vérifier leurs papiers et noter par écrit d'une manière précise et détaillée tous renseignements susceptibles d'intéresser leur hiérarchie. Dans cet exercice, les deux jeunes femmes sont confrontées, parfois malgré elle, aux réalités de leurs propres vies : leurs déboires amoureux, les déchirements entre amis, l'évolution du rapport entre elles, tantôt agressif, tantôt passif, où tous les détails de leur vie, rêves ou désillusions, s'immiscent dans leur quotidien. Un jour, la réalité politique de Jérusalem surgit dans leur vie.

**Z32** by Avi Mograbi, 2008, 81mn.

Synopsis: The tone of the documentary is deceptively playful, but its director broaches some serious issues. A young soldier, once a member of an elite unit of the Israeli army, was involved in a retaliatory action that killed various Palestinian policemen. The man regrets what happened and wonders if he can be forgiven. In this "musical-documentary-tragedy," as Mograbi calls Z32, he alternates interviews with the soldier and his girlfriend with scenes in which Mograbi uses song to comment on his own film. Do I give the floor to a killer, he wonders, accompanied by a small orchestra in his living room. Mograbi's wife doesn't like it one bit. Mograbi experiments with different ways to make the soldier and his girlfriend unrecognisable, perhaps to illustrate that he, too, is looking for answers. "Do you think I'm a murderer?" the man asks his girlfriend. She doesn't know. Anyhow, their anonymity Mograbi eventually gives them a computer-animated mask lifts the question about guilt and absolution above this one individual: after all, couldn't anybody be behind that mask?

## Palestinian Filmmakers

### *On the Israeli Occupation*

**5 BROKEN CAMERAS** by Emad Burnat & Guy Davidi, 2011, 94mn.

Synopsis: Palestinian farm laborer Emad has five video cameras, and each of them tells a different part of the story of his village's resistance to Israeli oppression. Emad lives in Bil'in, just west of the city of Ramallah in the West Bank. Using the first camera, he recorded how the bulldozers came to rip the olive trees out of the ground in 2005. Here, a wall was built directly through his fellow villagers' land to separate the advancing Jewish settlements from the Palestinians. In the first days of resistance to the Jewish colonists and the ever-present Israeli soldiers, Emad's son Gibreel was born. Scenes shift from the infant growing into a precocious preschooler to the many peaceful acts of protest, and the steady progress of the construction of the dividing wall. Sympathizers from all over the world, including from Israel, provide help as resistance develops, but when the situation intensifies, people are arrested and villagers are killed.

<http://www.youtube.com/watch?v=kEJx90a0Kr8>

**200 METRES** by Ameen Nayfeh, 2020, 97mn.

Synopsis : Mustafa d'un côté, Salwa et les enfants de l'autre, une famille vit séparée de chaque côté du Mur israélien à seulement 200 mètres de distance. Ils résistent au quotidien avec toute la ruse et la tendresse nécessaires pour « vivre » comme tout le monde, quand un incident grave vient bouleverser cet équilibre éphémère. Pour retrouver son fils blessé de l'autre côté, le père se lance dans une odyssée à travers les checkpoints, passager d'un minibus clandestin où les destins de chacun se heurtent aux entraves les plus absurdes.

**CHIC POINT: FASHION FOR ISRAELI CHECKPOINTS** by Sharif Waked, 2003, 7mn.

Synopsis: Set to the backdrop of a heavy rhythmic beat, men model one design after another in an exploration of form and content. Zippers, weaved nets, hoods, and buttons serve the unifying theme of exposed flesh. Body parts - lower backs, chests, abdomens - peek through holes, gaps, and splits woven into readymade silk and cotton t-shirts, robes, and shirts. As the sights and sounds of the fast-paced catwalk dim to a close, the viewer is transported to the West Bank and Gaza. A series of stills taken from the years 2000 to 2003 display Palestinian men traversing the profoundly violent but highly common Israeli checkpoint. One man after another lifts shirts, robes, and jackets. Some kneel shirtless, others naked, with guns poised at their exposed flesh. Men in Jenin, Ramallah, Bethlehem, Kalandia, Jerusalem, Hebron, Nablus, and Gaza City wrangle with the Israeli state's security apparatus. Chic Point brings these two locations together in a reflection on politics, power, aesthetics, the body, humiliation, surveillance, and chosen as opposed to forced nudity. The world of high fashion is an interlocutor for the stark reality of imposed closure.

**CROSSING KALANDIA** by Sobhi Zubaidi, 2002, 52mn.

Synopsis: a video diary about the daily drudgery of life in occupied Palestine where civilians are humiliated on a daily basis when they try to cross the numerous checkpoints, especially the most notorious one, Kalandia. Kalandia is also the checkpoint that the director and his wife must cross every time they go to Jerusalem, experiencing the humiliations and the violence of segregation. In contrast with the horror of this daily bullying, the surrounding destruction and the ordinary suffering, Sobhi Al-Zubaidi conveys, in a very personal way, people's capacity to go on living.

<http://vimeo.com/39708643>

**DEBRIS** by Abdelsalam Shehadeh, 2002, 18mn.

Synopsis: Israeli bulldozers destroy the house of a peasant family and their olive grove-to make way for the construction of new settlements. Fahmi Saleh and his wife had given to many olive trees the names, the names of their children. In Debris Shehadeh not only tells the story of a family to whom the basis of existence is destroyed, but also with what dignity-despite the impotence and the constant humiliation-they continue to remain and work their land.

**GAZA: ANOTHER KIND OF TEARS** by Abdel Salam Shehadeh, 2006, 55mn.

Synopsis: the film tells the story of Abu Maher who lives with part of his family in the enclave area of the Al-Mawasi inside a Jewish settlement block. Hussein and Maher, his two sons live in Khan-Younes, 3 Km away, but a wall has separated them for the last 4 years. The film covers the events in Gaza and Al Mawasi area before, during, and after the Israeli disengagement from Gaza through the story of one family.

**GAZA CALLING** by Nahed Awwad, 2012, 64mn.

Synopsis: Samer lives in Ramallah in the West Bank, he succeeded in studying in the West Bank, where he has remained since graduating. He cannot travel abroad and his study scholarship is running out. His family lives in Gaza, one hour away. They have not seen each other for six years. When Mustafa went for a visit to Gaza in 2006, he was 18 years old. He was never allowed to return, and his mother Hekmat has been fighting to see him again for seven years. Two families torn apart. They share the same "problem": being registered with a Gaza address in their identity cards. Under Israeli rule, they are considered "infiltrators" in their own country. Their lives have turned into a

permanent struggle. Parents can only talk to their sons on the phone; sisters can only see their brothers on the internet: mothers and their children fighting to be together at last.

**IN THE SPIDER'S WEB** by Hanna Musleh, 2004, 45mn.

Synopsis: produced by Ramallah-based Human Rights organization, Al Haq, the film provides a visual overview of collective punishment as it affects the daily lives of Palestinians in the West Bank and Gaza Strip. The film tells many stories, but focuses on two in particular those of a woman in Nablus and another in Hebron. Each of them talks of the impact that the compounded measures of intimidation (curfews, closures) and other collective penalties has on their lives. Musleh's film highlights the impact that collective punishment has had and continues to have on an entire civilian population.

<https://www.youtube.com/watch?v=KtiAjojt3UI>

**OCCUPATION 101** by Sufyan & Abdallah Omeish, 2006, 90mn.

Synopsis: A thought-provoking documentary film on the current and historical root causes of the Israeli-Palestinian conflict, presenting a comprehensive analysis of the facts and hidden truths surrounding the never-ending controversy and dispelling many of its long-perceived myths and misconceptions. The film also details life under Israeli military rule, the role of the United States in the conflict, and the major obstacles that stand in the way of a lasting and viable peace. The roots of the conflict are explained through first-hand on-the-ground experiences from leading Middle East scholars, peace activists, journalists, religious leaders and humanitarian workers whose voices have too often been suppressed in American media outlets.



**THE IRON WALL** by Mohammed Alatar, 2006, 52mn.

Synopsis: In 1923, Vladimir Jabotinsky – father of the Zionist right – wrote: "Zionist colonization... can proceed and develop only under the protection of a power that is independent of the native population – behind an IRON WALL, which the native population cannot breach." From that day on, these words became the official and unspoken policy of the Zionist movement and, later, the State of Israel. Colonies, often referred to as "settlements," were used to solidify the Zionist foothold throughout historic Palestine. Following the 1967 occupation of the West Bank and Gaza, more than 200 settlements and outposts have been built in these territories, in violation of international law. The Iron Wall exposes this phenomenon and follows the timeline, size, and population of the settlements, reveals how their construction has been a cornerstone of Israeli policy, and demonstrates how the Wall secures them as permanent and irreversible facts on the ground.

<http://www.cultureunplugged.com/documentary/watch-online/play/1421/The-Iron-Wall>

**THE LIVING OF THE PIGEONS** by Baha' Abu Shanab, 16 min.

Synopsis: Its 1:30 after midnight, the cold is sneaking. The streets leading to the checkpoint named '300' allocated to cross from Bethlehem to Jerusalem are empty and silent. The apartheid wall touches the checkpoint. The coffee man is preparing his stuff, while close to him, his father who passed over his 50s already started displaying their wares on wooden planks to be seen. All awaits the arrival of hundreds of workers shortly after, and what will happen next is something that eyes don't often see.

***On the Refugees and Refugee Camps*****194 US, CHILDREN OF THE CAMPS** by Samir Salameh, 2017, 88mn.

Synopsis: Samer grew up in Syria in the largest Palestinian refugee camp in the Middle East. In 2011, he is forced to join the Palestine Liberation Army in Syria, while the revolution explodes in Damascus. He starts filming and his friends also start recording all the pivotal moments of their day-to-day lives. What emerges little by little from a personal story, that of the film director, in the form of a haphazard diary, is the story of a group of friends, a neighbourhood, and a stateless people.

**A HANDFUL OF EARTH** by Sahera Dirbas, 2009, 52mn.

Synopsis: the film examines the role played by oral histories in maintaining the bond between Palestinian refugees and the homes from which they were driven in 1948. Taking its title from the handfuls of earth many still keep from their original villages, the film focuses on refugees from the Tirat Haifa area. The film director explores the oral traditions which have spanned generations to sustain the links between exiles living in Jordan, Syria, Israel, and the West Bank, and their shared homes and histories.

<https://www.youtube.com/watch?v=Ss8tvROGZuA>

**BELONGING** by Tariq Nasir, 2006, 68mn.

Synopsis: This is the story of what happens when ordinary people get caught up in the extraordinary circumstances of war. Told by two generations of the director's family members, the film recounts the deep-rooted attachment to one's land, the loss of an ancestral home, and the experience of becoming refugees. The wars of 1948 and 1967 changed the lives of Palestinian families like the

Nasir's forever – yet this is not a story of blame and bitterness, but a human story, one of displacement and loss; a story of longing and belonging.

**CHACUN SA PALESTINE** de Nadine Naous et Lena Rouxel, 2007, 57mn.

Synopsis : Sabrina, Rawad, Said et d'autres jeunes réfugiés palestiniens nés au Liban entrent dans le studio de photographe un à un. Les règles du jeu sont simples. Chacun choisit sa photo parmi quatre paysages de villes mythiques : New York, Paris, Beyrouth et Jérusalem. Chacun se raconte, se projette et s'interroge. Ils ont en commun la nostalgie d'une terre qu'ils ne connaissent pas et qu'ils ne connaîtront peut-être jamais: la Palestine.

<https://www.cultureunplugged.com/documentary/watch-online/play/5368/chacun-sa-palestine>

**CHRONICLES OF A REFUGEE** by Perla Issa, Aseel Mansour & Adam Shapiro, 487mn.

Synopsis: a 6-part documentary film series looking at the global Palestinian refugee experience over the last 60 years. Starting with 'al-Nakba' (catastrophe) in 1948 (part I) and continuing through repeated community and individual expulsions (part II) and enduring discrimination by virtue of being Palestinian (part III), the first three episodes are more historical and informative, presenting an almost comprehensive review of 60 years of dispossession. The last three parts tackle many issues facing Palestinian refugees, and are meant to open up debate on taboo and contentious issues. Part IV deals with identity formation and the impact of being in diaspora. Part V looks at strategies for the Right of Return and who is doing what to achieve realization of this right. Part VI focuses on issues of leadership and representation, from the perspective of what kind of representation have Palestinians had over time and what do they want now. The documentary has been filmed in over 15 countries, with more than 250 interviews of Palestinian refugees who have lived in over 25 countries.

**FRONTIERS OF DREAMS AND FEARS** by Mai Masri, 2001, 56mn.

Synopsis: the documentary explores the enduring friendship that evolves between two Palestinian girls: Mona, who was born and raised in Shatila refugee camp in Beirut, and Manar, who lives in the Dheisha camp (Bethlehem) under Israeli control. The two girls begin their friendship as penpals, sharing the similarities and differences of life in the two refugee camps. Mona and Manar are finally able to meet face-to-face at the Lebanese-Israeli border during Israel's withdrawal from South Lebanon. But when the second intifada suddenly erupts around them shortly thereafter, both girls must face heart-breaking changes in their lives.

<https://www.youtube.com/watch?v=vjtiLxzekHw>

**INVASION** de Nizar Hassan, 2003, 60mn.

Synopsis : En 2002, juste après le retrait des forces israéliennes du camp de réfugiés de Jénine, le cinéaste se rend sur place pour filmer l'étendue des destructions et recueillir des témoignages sur les pertes en vie humaine consécutives à l'invasion. Alternant images de ruines et interviews de survivants, il donne un aperçu de ce qu'a pu être la brutalité de l'événement. Des séquences du document sont projetées à un soldat israélien qui fut conducteur de bulldozer pendant l'attaque du camp. Pris à témoin par le cinéaste lui-même, il s'ensuit un échange sur la nature et les conséquences de l'opération.

**ISMAIL** by Nora al Sharif, 2013, 28mn.

Synopsis: Inspired by a day in the life of the famous and prolific Palestinian painter Ismail Shammout (1930-2006), Ismail depicts the evocative story of a young Palestinian artist struggling to survive and support his parents and young brother after their expulsion to a refugee camp in 1948 by the Israeli forces.

**JENIN JENIN** by Mohammad Bakri, 2002, 54mn.

Synopsis: "Where is God?", an elderly man desperately wonders when surveying the debris in the Palestinian refugee camp Jenin. The film includes testimony from Jenin residents after the Israeli army's Defensive Wall operation. The city and camp were the scenes of fierce fighting which ended with Jenin flattened and scores of Palestinians dead. Palestinians as well as numerous human rights groups accused Israel of committing war crimes in the attack. The United Nations appointed a commission of inquiry, but Israel refused to let its members visit the scene. Banned in Israel, the film is dedicated to Iyad Samudi, the producer of the film, who returned home to Yamun after the shooting of the film was completed. On June 23, as Israeli forces besieged Yamun, Samudi was shot and killed as he was leaving a militarily-closed area with three friends.

<http://www.youtube.com/watch?v=V3KaDgFfRNw&index=25&list=PL2CA7DB52893B530A>

**THE LAND OF 1948** de Barrack Rima, 2003, 57mn.

Synopsis: A documentary film about the Palestinian refugees of 1948. A people made out mainly of refugees who were pushed out of space and therefore withdrew from time. They live in many geographical places and hesitate between the nostalgia of a land which is lost and has since been covered by another country, and the future which is uncertain.

**LETTERS FROM AL YARMOUK** by Rashid Masharawi, 2014, 59mn.

**Synopsis:** Messages captured at the Yarmouk refugee camp in moments of extreme complexity; messages siding with life in the face of death; moments of love in a time of war and questions of homeland and exile. Masharawi decided to make a documentary about the humanitarian crisis after he was contacted by Lamis Al Khatib, who told him about her boyfriend Niraz Saeed, a 23-year-old photographer trapped in the camp. The resulting documentary combines Saeed's material with a series of Skype interviews between Masharawi and the photographer as well as other residents in the camp and former inhabitants who have fled.

**LITTLE PALESTINE: DIARY OF A SIEGE** by Abdallah al Khatib, 2021, 83mn.

**Synopsis:** The Yarmouk district in Damascus was home to the biggest Palestinian refugee camp in the world. When the Syrian revolution broke, Bashar Al-Assad's regime saw it as a refuge for rebels and resistance and set up a siege. Gradually deprived of food, medicine and electricity, Yarmouk was cut off. In the four years leading up to his own expulsion by ISIS, Yarmouk-born film director recorded the daily life of the besieged inhabitants. What we see is a reality of bombings, displacement and starvation combined with music, love and joy.

**SEARCHING FOR SARIS** by Jinan Coulter, 2013, 72mn.

**Synopsis:** Saris was a Palestinian village in the Jerusalem area that was ethnically cleansed in 1948. Today, it is inhabited by Israelis. Shifting between the stories of Saris refugees (young and old) in Qalandiya Refugee Camp in the West Bank, stories of displaced families in present-day Jerusalem, and fragments of a car journey by three Saris refugees as they return to their village of origin, the film searches of the connections between past and present, Nakba and occupation, and a testimony to ongoing dispossession and to the persistent dream of return.

<http://vimeo.com/92117228>

**THE WAY BACK HOME** by Ghada Terawi, 2006, 33mn.

Synopsis: How does a Palestinian in the Diaspora remember his homeland? In the film, we meet several artists who paint or make theatre about their intimate feelings and memories of Palestine. They are refugees who left their country a long time ago and try to recollect even the smallest details of what it was like, including rituals, songs, dances, smells and colors. These people are also faced with difficult questions: should they go back? Should they join the political struggle? Can they ever be happy living somewhere else?

<http://www.youtube.com/watch?v=0XCpRuzWgMs>

**ZINCO** by Serene Husni, 2013, 21mn.

Synopsis: the film chronicles the evolution of construction material used in building Palestinian refugee houses in the Talbieh Refugee Camp in Jordan over the past four decades. By retracing the transformations of refugee homes from tents of canvas to buildings of reinforced concrete, the film looks for visible evidence of displacement. 'Zinco' is an Arabic slang word for the corrugated tin that still makes up most of the camps rooftops today.

***On Dealing with the Past*****1948** by Mohammed Bakri, 1998, 54mn.

Synopsis: The film 1948 is a record of memories of a group of elderly Arabs. The director employs poems by Mahmoud Darwish. In their own words, the Palestinians interviewed describe the moments when they became refugees (in 1948 and 1967). They described the brutality in which they were deported, or the fear of massacre that made them and their families flee for their lives. They speak without blame or even protest.

**ASHES** by Rima 'Issa, 2001, 36mn.

Synopsis: A difficult and moving confrontation between a mother and a daughter. The mother who was chased from her village at the age of two, managed to live in Israel, and to transmit her sense of Palestinian and personal identity to her daughter - although she herself became, in the process, an 'Israeli'.

**DEIR YASSIN. VILLAGE ET MASSACRE** by Sahira Dirbas, 2012, 75mn.

Synopsis: The film introduces five Palestinian survivors of the Deir Yassin massacre during the Nakba war 1948. They recall their lives in Deir Yassin district of Jerusalem and tell how they survived the massacre of 9 April 1948.

**INDEPENDENCE** by Nizar Hassan, 1994, 25mn.

Synopsis: This powerful Palestinian documentary, the first to be made by a Palestinian and shown on Israeli TV, explores the very sensitive question of why Palestinians living in Israel would want to celebrate Israel's Independence Day. The day of Israel's gain is also the day of Palestine's greatest loss. The documentary was filmed in village of El Mashad, which is near Nazareth.

**MAFATEEH (KEYS)** by Salim Daw, 2003/6, 61mn.

Synopsis: the documentary focuses on the issue of land expropriation and the internal exile of Palestinians in Israel. Daw travels the country to meet with protagonists from villages and towns

such as Mgdal, Shaab, Sagara, Ba'ana, Khitin, Biram, Safouri and others. With his interviewees he visits the sites of their ruined villages, relics of their homes or the new modern Jewish towns that were built on top of them. Beyond the function as a counter-narrative to that of Zionism, the film engages with the issue of Palestinian collective memory. Much of what is discussed by the protagonists relates to the preservation of historic Palestine in the private and collective memory. The title of the film refers to the common practice of many Palestinians to keep the keys to the houses they left during the war, regardless of the fact that many of these houses no longer exist.

**MA'LOUL CELEBRATES ITS DESTRUCTION** by Michel Khleifi, 1985, 30mn.

Synopsis: Since the declaration of the state of Israel in 1948, countless Palestinian villages have been erased from the map. The documentary uses poignant images of bombardments, destroyed buildings, and disfigured people to illustrate this. All that remains are ruins, bearing silent witness in the landscape. Ma'loul, just west of Nazareth, is one such ruined village. It was inhabited principally by Palestinian Christians, who were forced to leave in 1948. A detailed painting still bears testimony to the existence of the village, which had seen Jewish, Roman, Ottoman, and Palestinian rulers come and go since ancient times. But Ma'loul also lives on in the memories of its former elderly inhabitants, who tell the story of what happened.

**MEMORY OF THE CACTUS: A STORY OF THREE PALESTINIAN VILLAGES** by Hanna Musleh, 2008, 42mn.

Synopsis: Four decades ago, the three Palestinian villages of 'Imwas, Yalo and Beit Nouba in the Latroun enclave of the West Bank were razed to the ground after Israel occupied the territory. Today, the residents of those villages remain displaced and barred from returning, while Israel treats the land as if it were part of Israel and refuses to acknowledge the Palestinian history of the area. Israeli citizens enjoy barbecues and picnics in the Jewish National Fund's "Canada Park", oblivious to the crimes perpetrated in their names on that very land. Musleh's documentary traces the buried histories of these Palestinian villages through oral histories, archive film and photography, and expert testimonies.

[https://www.youtube.com/watch?v=DQ\\_LjknRHVA](https://www.youtube.com/watch?v=DQ_LjknRHVA)

**MY VERY PRIVATE MAP** de Sobhi Zobaidi, 1998, 21mn.

Synopsis : Kaléidoscope de souvenirs et de scènes du présent, le film est une forme d'hommage à la Mémoire et à la Diaspora palestiniennes. Ma carte géographique à moi a été filmée pour commémorer la Nakba. La carte géographique rêvée par Sobhi Zobaidi, c'est celle où, comme avant, rien ne ressemblerait à un camp de réfugiés, c'est celle qui lui donnerait la liberté de circuler librement.

<https://vimeo.com/93912449>

**PALESTINE: A PEOPLE'S RECORD** by Kais al Zobaidi, 1984, 110mn.

Synopsis: the documentary explores Palestine in archive footage dating from 1917 to 1974, bringing together valuable rare footage in an historic account of Palestinian nationhood. The archive material is in itself remarkable and al Zobaidi's knowledgeable editing renders the film an enthralling visual and historical document.

**THE LAND SPEAKS ARABIC** by Maryse Gargour, 2007, 61mn.

Synopsis: The film deals with the concept of "transfer" of the Palestinians, already in the Zionist leaders' minds from the very beginning of their project. The film director describes the means used to meet this objective. At the end of the 19th century, Zionism, a minority political movement, appeared on the international stage, and it embodied the desire to create a Jewish state somewhere in the world, particularly in Palestine. At the time and for thousands of years, "the land speaks Arabic", Palestine being inhabited by the Palestinians. How would the Zionists leaders manage then to reconcile their political ambitions with the reality on the ground in Palestine at that time? The solution had been planned out well before the Balfour Declaration of 1917. The Zionist leaders developed plans, set them and later carried them by transferring the Palestinians out of their land.

**ZAHRA** by Mohammad Bakri, 2009, 60mn.

Synopsis: Bakri narrates a personal documentary about his aunt Zahra Bakri. Mrs. Bakri grew up in the Palestinian village of Al-Bane in the Galilee. Starting with her childhood, the film takes us on a journey through Palestine's turbulent history and chronicles the effects of these unfolding events on Zahra's life. Through her story, we experience the violent events that lead to the establishment of the state of Israel, the effect of life under martial law (1948-1966), and the radical transformation of Palestinian society from a majority to a disenfranchised minority.

## ***On Palestinian Prisoners***

**3000 NIGHTS** by May Masri, 2015, 102mn.

Synopsis: Layal, a young newlywed schoolteacher from Bethlehem is arrested after a speeding Israeli military patrol gravely injures one of her students, provoking her teenage brother to throw a Molotov cocktail at the jeep. Accused of helping him escape, she is incarcerated in an Israeli prison where she discovers that she is pregnant. To her shock, her husband insists she abort the child. She feels terrified and alone. With the help of the women around her, she learns to stand up for herself and fight for her child. She is taken in chains to a military hospital where she gives birth to a baby boy. The child transforms her life and gives her hope. The Palestinian women prisoners go on hunger strike. The prison director threatens to take Layal's child away if she joins the strike. She is torn between her terror of losing her child and the difficult decision she must make. In a moment of truth, she decides to join the strike. The guards are sent in to take the child away by force. Layal and the women barricade themselves inside their cells. The soldiers attack them with clubs and tear gas. Layal learns to fight back.

**BEYOND THE WALLS** by Ahmad al Rahami, 2012, 47mn.

Synopsis: This documentary uses animation and interviews to bring to light the challenges faced by Palestinian political prisoners after their release from Israeli detention in the 1970s and 1980s. The hardships of confinement were replaced by the difficulties coping with social, psychological and financial problems. On the inside, the prisoners created and functioned in a tight-knit community based on collaboration, cooperation and encouragement. However, on the outside, the newly released prisoners found themselves in an individualistic environment removed from the principles they fought for.

**DEGREES OF INCARCERATION** by Amahl Bishara, 2009, 59mn.

Synopsis: the documentary shows the effects of political imprisonment on young Palestinian men in Aida Refugee Camp in the West Bank. Since 1967, more than 700,000 West Bank Palestinians have passed through the prisons of this Israeli occupation. The film introduces viewers to Palestinian mothers, teenagers, children, and community leaders.

**GHOST HUNTING** by Ra'ed Andoni, 2017, 94mn.

Synopsis: For more than 25 years, one image has been haunting director Raed Andoni – that of a boy (18), head covered with a bag and handcuffed, sitting inside a prison yard. The same sounds always accompany this image: metal doors opening and footsteps slowly approaching. Through the lower part of the bag, the boy can see a man wearing white sneakers walking away. A survivor of the prison experience himself, Raed has fragmented memories that he can't distinguish as real or imaginary. In order to confront the ghost that haunts him, he decides to rebuild the Al-Moscobiya investigation center in an empty warehouse near Ramallah. A casting call for former prisoners results in an eclectic group of construction workers, a blacksmith, an architect and an artist. As they build a copy of their former jail based on their own memories, Raed digs deep into their memories, triggered by reenactments and roleplaying.

**HUNGER STRIKE** by Ashraf Mashharawi, 2014, 47mn.

Synopsis: film is about the experiences of Israeli-held Palestinian political prisoners on an open hunger strike to obtain better detention conditions. By reconstructing Ayman Al Sharawna's time in



an Israeli jail, the film examines the strategic use of individual or group-initiated hunger strikes, what motivates hunger strikers, their survival under sustained pressure, and the mistreatment of detainees. Interviewees include 1980s Irish hunger strikers Pat Shean and Brendan McFarlin, Palestinian prisoners like Samer Al Issawi, plus doctors, lawyers and researchers specializing in human rights and prisoner conditions.

<https://www.youtube.com/watch?v=u49jwfcLwuE>

<http://www.aljazeera.com/programmes/aljazeeraworld/2014/08/hunger-strike-201481271851184185.html>

**LIGHT OF THE END OF THE TUNNEL** by Sobhi al Zobaidi, 2001, 52mn.

Synopsis: By the early 2000, over half a million Palestinians have been arrested and imprisoned by Israel since 1967. This film reflects on some of the problems that Palestinian detainees face after their release from Israeli (and Palestinian Authority) prisons. Six ex-detainees, two women and four men, talk about their life after being released. Some were unable to bridge the gap between them and their families, some feel that they came out from one prison only to enter another.

**WOMEN IN STRUGGLE** by Buthina Canaan Khoury, 2004, 56mn.

Synopsis : Four Palestinian women who were former prisoners speak of their experiences. Each one was involved in the struggle for recognition of the Palestinian nation-state in the 1970s, but their crimes differed: one was arrested in a pacifist demonstration, while others participated in an assassination attempt. Attentive to their testimony, the filmmaker concentrates on the experience of prison and torture, and the possibility of life afterwards.

<http://www.cultureunplugged.com/documentary/watch-online/play/848/Women-in-Struggle>

## ***On Jerusalem***

**JERUSALEM : THE EAST SIDE STORY** by Mohammad Alatar, 2008, 56mn.

Synopsis : In 1948, the western part of Jerusalem fell under Israeli control; in 1967, the eastern part fell under Israeli occupation. Since then, Israel has pursued a policy of Judaizing the city, aiming to achieve "Jewish demographic superiority." Part of this policy is to drive Palestinian Muslims and Christians out of the city; denying their presence, history, and ties to the land. The documentary takes you on a journey exposing Israel's policy to gain supremacy and hegemony over the city and its inhabitants. It also touches on the future of the city: Jerusalem is the key to peace; without Jerusalem, there is no peace for anyone.

<https://www.youtube.com/watch?v=cHr1Nz0Z4U>

**LA CHAMBRE NOIRE DE JERUSALEM** de Akram Safadi, 2001, 52mn.

Synopsis : Un portrait inhabituel et intime de Jérusalem, à travers trois personnages, chacun à la recherche d'une identité : Reem une artiste lyrique, Ali un ancien prisonnier politique, et Farouq un aristocrate nostalgique. Une manière pour le photographe et cinéaste Akram Safadi de rendre compte et redonner de la dignité aux habitants de cette ville occupée militairement depuis 30 ans.

**LAND OF THE STORY** by Rashid Masharawi, 2012, 52mn.

**Synopsis:** Armenian photographer Elia, his father and Elia's son are three generations who have photographed Jerusalem from within and outside its walls, since the British mandate until today. The cameras' lenses and the stories they've captured have been and remain proof of life in Jerusalem and all its political, geographical and demographical changes. While Elia shows us the old photos and tells us the stories of Jerusalem, the cart of Jihad the carrier takes us on a tour through the arches, the rituals, the sacred places, the stories of the stones and the people in Jerusalem today.

<http://vimeopro.com/wmediacinepal/rashid-masharawi/video/106485040>

**LOOKING AWRY** by Sobhi Zubaidi, 2001, 29 mn.

**Synopsis:** A Palestinian filmmaker is commissioned by an American organization to make a documentary film, which is to depict Jerusalem as a city of peace and coexistence between Jews and Arabs. But and while making the film, the filmmaker keeps running into situations that are very different from what he is trying to depict. The reality of things on the ground, proves to be much stronger than its representation. It reaches a point where the filmmaker decides that he is unable to finish the film.

<http://vimeo.com/39710189>

**OCCUPIED MINDS** by Jamal Dajani & David Michaelis, 2006, 60mn.

**Synopsis:** This is the story of two journalists, Jamal Dajani, a Palestinian-American, and David Michaelis, an Israeli citizen, who journey to Jerusalem, their mutual birthplace, to explore new solutions and offer unique insights into the divisive Israeli-Palestinian conflict. The film takes viewers on an emotional and intensely personal odyssey through the streets of one of the world's most volatile regions. Dajani and Michaelis grew up in Jerusalem just a few miles apart from one another — but in reality, worlds apart. Both have extensive and complex ties to their homeland.

<https://www.cultureunplugged.com/documentary/watch-online/play/1237/occupied-minds>

**OH, HOW I LONG!** by Riyad Deis, 2013, 39mn.

**Synopsis:** The documentary depicts the decay of Jerusalem through the life of 67 years old Ibrahim Shabana. Born in the beautiful Old City of Jerusalem to a family that was once the most respected distributor of books in Palestine, Ibrahim lives at present in a narrow refugee camp at the outskirts of the city. His only income is from selling the Al-Quds daily newspaper at the famous Damascus Gate, and entrance to the Old City.

**STRANGER IN MY HOME: JERUSALEM** by Sahira Dirbas, 2007, 37mn.

**Synopsis:** The film relates the stories of eight Palestinian Jerusalemite families that have been turned into refugees in their own city. They recall the events that occurred in the Moghrabi Quarter of Jerusalem during the 1967 war. Each family goes to see its house which was occupied in 1948. The houses are located in the Baqa'a, Talbiyeh, and Qatamon neighborhoods of what is now West Jerusalem. Some of the families enter their former homes and have a discussion with the Israeli tenants currently occupying their homes.

<https://www.cultureunplugged.com/documentary/watch-online/play/10496/-stranger-in-my-home-jerusalem>

**THE RED STONE** by Ahmad Damen, 2012, 52mn.

Synopsis: Taking its title from the characteristic red stone with which many of Jerusalem's historic buildings are built, Ahmad Damen's investigative doc focuses on Palestinian areas of west Jerusalem that were occupied and depopulated in 1948. By tracking the architectural and family histories of these splendid properties, Red Stone introduces the buildings' current occupants, the Israeli real estate companies trading in their "exotic" appearances, and the original owners – now barred from their homes. A powerful story of conflict, architecture, and masonry.

[http://www.cultureunplugged.com/storyteller/Ahmad\\_Damen#/myFilms](http://www.cultureunplugged.com/storyteller/Ahmad_Damen#/myFilms)

**WAITING FOR SALADIN** by Tawfik Abu Wael, 2001, 53mn.

Synopsis: In the second half of the 12th century a Muslim leader of Kurdish origin appeared in the East. His name was Sallah el-Din Alayobe (Saladin). He succeeded in uniting the divided Muslim-Arab state and conquered the crusaders in Palestine, releasing Jerusalem from their rule. His name was immortalized in the history of the Arabs and turned the symbol of the expected leader. East-Jerusalem in the year 2000 - a constant state of waiting. The film portraits four people in Jerusalem in their day-to-day life and delivers images of a reality which is far away from the action-scenes of Western TV-broadcasts.

### ***On the Wall***

**BROKEN. A PALESTINIAN JOURNEY THROUGH INTERNATIONAL LAW** by Mohammad Alatar, 2018, 54mn.

Synopsis: a compelling documentary about international law and its broken promises at the example of the 700 km-long wall between Israel and Palestine. Candid testimonies are provided by internationally renowned law experts, judges from the International Court of Justice (ICJ), seasoned diplomats, and the Israeli military officer who, in 2002, commanded the construction of the Wall. In its 2004 Advisory Opinion, the ICJ declared the Wall illegal. Now, 14 years later, the Wall is nearing completion.

**INFILTRATORS** by Khaled Jarrar, 2012, 70mn.

Synopsis: The film unravels adventures of various attempts by individuals and groups during their search for gaps in the Wall in order to permeate and sneak past it. Lookouts, fear, angst, running, permeation, jumping off, crawling, passing through dark passages, are stages of a complex process of passing through to the "other side" and require a very specific state of mind. Some attempts end in failure, and others in success. Some are caught by the Israeli soldiers and others reach their destination. It's a cat and mouse game, in which failure leads to more persistence and success is an antithesis to cat's theories of security.

<http://vimeo.com/96930510>

**LAST SUPPER – ABU DIS** by Issa Freij and Nicolas Wadimoff, 2005, 26mn.

Synopsis: The documentary records the final phase of Israel's wall construction in the Palestinian Village of Abu Dis. The village is located SE of East Jerusalem, near the West Bank border. Villagers have a panoramic view of Jerusalem. While workers finalize construction, the people share their thoughts and feelings about the wall, eight-meters high, close to their homes. Once complete, the concrete wall separates neighbors; it severs access to schools and hospitals; it prevents the use of

green areas; and it eliminates their breathtaking view of Jerusalem. The wall makes the people feel like they live in prison.

<https://vimeo.com/71527485>

### ***On the Gaza Tunnels***

**DEATH TUNNELS** by M. Harb, 2012, 55mn.

Synopsis: After the closure of all crossing points from Egypt, Gazans dug tunnels under the border town of Rafah to provide a lifeline to their families. So far, Israeli air raids have killed over 400 Gazans working in these tunnels, even post-graduate students. Today, as digging develops and tunnels are now able to accommodate cars, working in them has become even more dangerous. Khaled died while working in the tunnels to support his wife and son. Mahmoud and Wissam could also become victims. Death Tunnel is their tragic story, that of the fear they endure to live like others. Short version aka "The Gaza Tunnels" (25mn.) for al Jazeera:

<https://www.youtube.com/watch?v=v1uatEfM7Xw>

**GAZA: TUNNELS TO NOWHERE** by Miriam Abu Sharkh, 2013, 6/15mn.

Synopsis: After human rights professor Miriam Abu Sharkh is compelled to travel through the Gaza-Egypt tunnels to visit her family in Gaza, she grows increasingly interested in the lives of tunnel workers and their families. Her resulting documentary enjoys rare access, illustrating all the risk and heartbreak of this most perilous of trade routes.

<http://vimeo.com/51975778> (6mn.)

[http://www.youtube.com/watch?v=X\\_9wslQggZ0](http://www.youtube.com/watch?v=X_9wslQggZ0) (15mn.) aka 'The Graveyard of the Living'

**INTO THE BELLY OF THE WHALE** by Hazim Bitar, 2010, 25mn.

Synopsis : This gripping short film takes viewers underground and into the tunnel system that is a lifeline for Palestinians under siege in Gaza. However, in addition to bringing in essential goods from Egypt, the tunnel also brings harm to the smugglers who dare to make the dangerous journey 100 feet below the surface. Younis is one such smuggler who, on his last tunnel run, ends up trapped in the middle of the "Whale" tunnel after an Israeli attack. Stuck, Younis is left to ponder existential questions about fate and being alive underground. The tunnel also serves an analogy for Palestinian existence: trapped and suffocated, with no light at the end of the tunnel.

**TICKET TO AZRAEL** by Abdallah Al-Ghoul, 2009, 30mn.

Synopsis: the film director went back to his native Gaza during the summer of 2009, on break from his film studies in Cairo. He met up with his childhood friends, who, rather than studying had been digging tunnels between Gaza and Egypt. With a camera on his shoulder, Adballah followed them during an ordinary day of work, putting their lives at risk yet joking all the while.

### ***On the Role of International Aid***

**DONOR OPIUM** by George Azar and Mariam Shahin, 25mn.

Synopsis : the documentary takes a critical look at the impact of the last 20 years of international aid to Palestinian communities in the occupied territories. The film explores whether the declared goals of all the support—peace and the establishment of a democratic Palestinian state—have in fact been its actual result, or the exact opposite.

<http://www.youtube.com/watch?v=wVTYyRLMIjc>

### ***On the Palestinians in Israel***

**ZINDEEQ** de Michel Khleifi, 2009, 82mn.

Synopsis: M (played by Mohammed Bakri) is a filmmaker long ago settled in Europe. He returns to his native Nazareth ostensibly to film survivors of the 1948 war and expulsion, but the testimonies he captures exist as fragments, shards of personal experiences that refuse to coalesce into a coherent narrative. The trip home brings up long buried family issues, especially M's relation to his parents, who chose to stay in Nazareth rather than flee.

# Appendices

## Appendix 1 – Co-sponsoring Institutions

### The Ardit Foundation for Inter-cultural Dialogue (AFID)

The foundation dates from in 2014, and is an affiliate of *Fondation Ardit* (created in 1988) and a sister to *Les Instruments de la Paix - Genève* (created in 2009). All three are funded by *Financière Ardit S.A.*, whose sole shareholder is Metin Ardit. AFID has been working in conflict contexts to promote dialogue and to seek avenues for peace building.

The theme of all of AFID's activities, "In the other's shoes," has its origins in a meeting with Frederik De Klerk in London in the fall of 2014. AFID proposed this theme to him and he noted that what AFID was trying to do is what he had done when working with Nelson Mandela. "Each one of us put himself in the other's shoes," he said; "had we not done so, we would not have succeeded." Of course, he added, "Each one of us had problems with his own community." Frederik De Klerk became a member of AFID's first jury.

In Israel, in collaboration with the six large universities of the country, AFID has organized novel writing competitions that bring together Jewish and Palestinian students, all of them Israeli citizens. Participants write a fictional story connected to the context in which they live, putting themselves in the shoes of the other. To this day, more than 2,000 submissions have been read by our juries and 30 awards have been given. AFID does similar work in theater—Israelis, Jewish, and Palestinian students collaborate on the writing and production of plays. More than 200 of these have been presented to the juries so far.

*Les Instruments de la Paix - Genève* focuses on musical education for Palestinian children in Palestine (several conservatories have been set up in the West Bank, Gaza and Israel). Those conservatories are open to all children, irrespective of ethnicity and religion.

AFID's Board consists of four members:

**Metin Ardit**, President; author, UNESCO goodwill ambassador for intercultural dialogue, Swiss and Turkish citizen, and honorary citizen of Palestine.

**Micheline Calmy-Rey**, Member; former President of the Swiss Confederation, former Federal Counsellor and Foreign Affairs Minister of Switzerland, and instrumental in the 2003 Geneva Initiative.

**Pascal Couchepin**, Member; former President of the Swiss Confederation, former Federal Counsellor, and former Home Affairs Minister of Switzerland.

**Semeli Ardit Eliez**, Administrator; Swiss, French, and Greek citizen.

### The Geneva Graduate Institute

The Geneva Graduate Institute is a higher education institution and a pioneer in the examination of global issues. It is located in the heart of Geneva, a center of global governance. The Institute is renowned for its academic research, teaching, development of expertise, and intellectual convening, and produces and shares

knowledge on international relations, global challenges, economic and social development, and governance. The Institute fosters interdisciplinary dialogue, drawing on the principal social science disciplines (anthropology, development economics, international economics, international history, international relations, political science, and sociology), as well as on international law.

The Institute was founded in 1927 as part of the initiatives that created the League of Nations. It was at that time the first academic institution in the world entirely devoted to the study of international affairs

Intellectual excellence is at the heart of the Institute's mission, a mission driven by the conviction that only rigorous enquiry and critical thinking can provide concrete solutions to the world's challenges. The Institute aims to foster creative thinking on the major challenges of our time. By engaging with international organizations, non-governmental organizations, governments, and private sector actors, the Institute is a major participant in global discussions on the future of multilateralism, and is helping to prepare a new generation of engaged and responsible decision-makers for leadership in a radically uncertain world.

For more information, please see <https://www.graduateinstitute.ch/>

## Appendix 2 – The Project: Hope Across Borders - In the Other's Shoes

Hamas's attack on Israel on October 7, 2023 and the subsequent Gaza war once again focused international attention on the unresolved Israeli-Palestinian conflict. These events brought home the failure of the thirty-year old Oslo process—a failure in which Israelis, Palestinians, and the international community are all complicit.

In light of these events, Metin Arditi and the Geneva Graduate Institute decided to launch a dialogue to reflect on future approaches to peace, since it is clear that the logic of weapons and terror cannot bring peaceful coexistence to two peoples who have been disputing the same land for more than a century. A meeting of experts was therefore convened in Geneva at the end of January 2024.

In the sponsor's view, there are basically three options for the future governance of the territories of former Mandate Palestine, today's Israel, Gaza, and the West Bank: a status quo scenario, the two-state solution, or some type of federal or confederal approach.

The **status quo** implies leaving the issue of statehood unresolved amid mounting extremism and religious nationalism in both societies. This will almost certainly bring about further deterioration and violence as frustrations escalate, especially when considering the imbalance between a weakening Palestinian Authority in the West Bank and unchecked Israeli settler seizures of Palestinian land enabled by Israel's present government.

The **two-state solution** remains an important component of the political narrative of most Western governments. The concept is overdue for a reality check, however, as it relies on the evacuation of large numbers of settlers from the interior of the West Bank. It is worth recalling that the 2005 evacuation of 9,000 Israeli settlers from Gaza required a combination of Prime Minister Ariel Sharon's strong political authority with the fact that Gaza is not seen by anyone as Israel's biblical patrimony. Nonetheless, that evacuation caused turbulence in Israel. It would be fanciful to imagine that far larger numbers of West Bank settlers would be forced to leave by their government, or that any third party has the ability, or the political will, to alter this essential fact.

What is left is some kind of **federal or confederal solution**, and the purpose of the *Hope Across Borders - In the Other's Shoes* project was to look into this possibility. The idea of a federation or confederation has been explored by a number of Israeli and Palestinian scholars, but very few discussions have taken place with political decision-makers or representatives of international organizations.

The project dedicated itself to examining the federal option with humility, and without knowing in advance what conclusions the authors would come to. Three principles were to be borne in mind throughout the exercise:

One cannot build happiness on the back of other people's misery.

Any solution will require major sacrifices from all parties.

Each party must be ready to put itself in the "other's shoes."

The project also aimed to depart from today's mainstream media and government narratives, which serve largely to polarize public opinion. The ongoing Israel/Gaza war needs to be understood in its proper historical context. If this is not done, then neither the long evolution of the Jewish Zionist movement nor that of the Palestinian liberation struggle can be given their due.



## Appendix 3 – Meeting Agenda, 25-28 January 2024

### Thursday, 25 January 2024

17.30–19.30 Welcome, Meeting Objectives

Opening remarks by:

*Marie-Laure SALLES* Director, Geneva Graduate Institute

*Metin ARDITI* President of the Arditi Foundation for Intercultural Dialogue

*Riccardo BOCCO* Emeritus Professor at the Department of Anthropology and Sociology, Geneva Graduate Institute

### Friday, 26 January 2024

9.30-11.00 Lessons Learned from the Past

*Robert ROTH* Honorary Professor of law at the University of Geneva and former judge of the *Special Tribunal for Lebanon: The Oslo Years and the Geneva Initiative*

*Alaa TARTIR* Senior Researcher and Director of the Middle East and North Africa Programme, Stockholm International Peace Research Institute: *Oslo Non-Peace Accords: Whose Security?*

Discussion moderated by *Riccardo BOCCO*

11.15-13.15 Lessons Learned from the Past

Open discussion

15.00-16.30 Rethinking Statehood

*Leila FARSAKH* Professor of Political Science at University of Massachusetts, Boston:

*Rethinking Palestinian Statehood and the War on Gaza*

*Judith BUTLER* Distinguished Professor in the Graduate School, Department of Comparative Literature, Berkely University: *Rethinking Israeli Statehood and its Society*

Discussion moderated by *Mohamed Mahmoud MOHAMEDOU* Deputy Director and Professor at the Department of International History and Politics, Geneva Graduate Institute

16.45-18.30 Rethinking Statehood

Open discussion

## Saturday, 27 January 2024

9.30-11.00 One State?

*Helen KELLER* Chair, Public Law and European and Public International Law, University of Zurich:  
*Which Constitution?*

*Tareq MITRI* President, Saint George University, Beirut: *Reflections on the Role of Religions in Israel and Palestine*

*Michael DUMPER* Emeritus Professor in Middle East Politics at Exeter University, United Kingdom:  
*One Capital: Jerusalem?*

Discussion moderated by *Grégoire MALLARD* Director of Research and Professor at the Department of Anthropology and Sociology, Geneva Graduate Institute

11.15-13.15 One State?

Open discussion

15.00-16.30 The Return of the Palestinian Refugees

*Ruba SALIH* Professor of Anthropology, Department of Arts, Bologna University, Italy: *Palestinian refugees: Justice beyond national frames*

*Riccardo BOCCO* and *Fritz FROEHLICH* Former Deputy Director of the Swiss Development Cooperation in Jerusalem and UNRWA Consultant: *Palestinian Refugees: Return and/or Compensation*

Discussion moderated by *Michael DUMPER*

16.45-18.30 The Return of the Palestinian Refugees

Open discussion

## Sunday, 28 January 2024

9.30-11.00 A Federal State?

*Soeren KEIL* Academic Head of the International Research and Consulting Center, Institute of Federalism, University of Fribourg: *The Potential of Federalism for a One State Solution in Israel and Palestine*

*Nigel ROBERTS* Former World Bank Country Director for the West Bank and Gaza: *An Israel-Palestine Confederation: Some Economic Considerations*

Discussion moderated by *Grégoire MALLARD*

11.15-13.15 A Federal State?

Open discussion

15.00-16.30 Wrap-up Session

Discussion moderated by *Riccardo BOCCO* and *Fritz FROEHLICH*

16.45-18.30 Open Discussion

## Appendix 4 – List of colleagues consulted on intermediate versions

Luigi Achilli (European University Institute, Florence)

Jalal Al Hussein (Institut Français du Proche-Orient, Amman)

Jean-François Bayart (Geneva Graduate Institute)

Benoît Challand (New School for Social Research, New York)

Tariq Dana (Doha Graduate Institute)

Boas Erez (Università della Svizzera Italiana, Lugano)

Sari Hanafi (American University of Beirut)

Keshavjee Shafiq (University of Geneva)

Ibrahim Saïd (Centre on Conflict, Development and Peacekeeping, Geneva Graduate Institute)

Cyrus Schayegh (Geneva Graduate Institute)

Romed Wyder (Paradigma Films, Geneva).

