

A false dichotomy? The binationalism debate and the future of divided Jerusalem

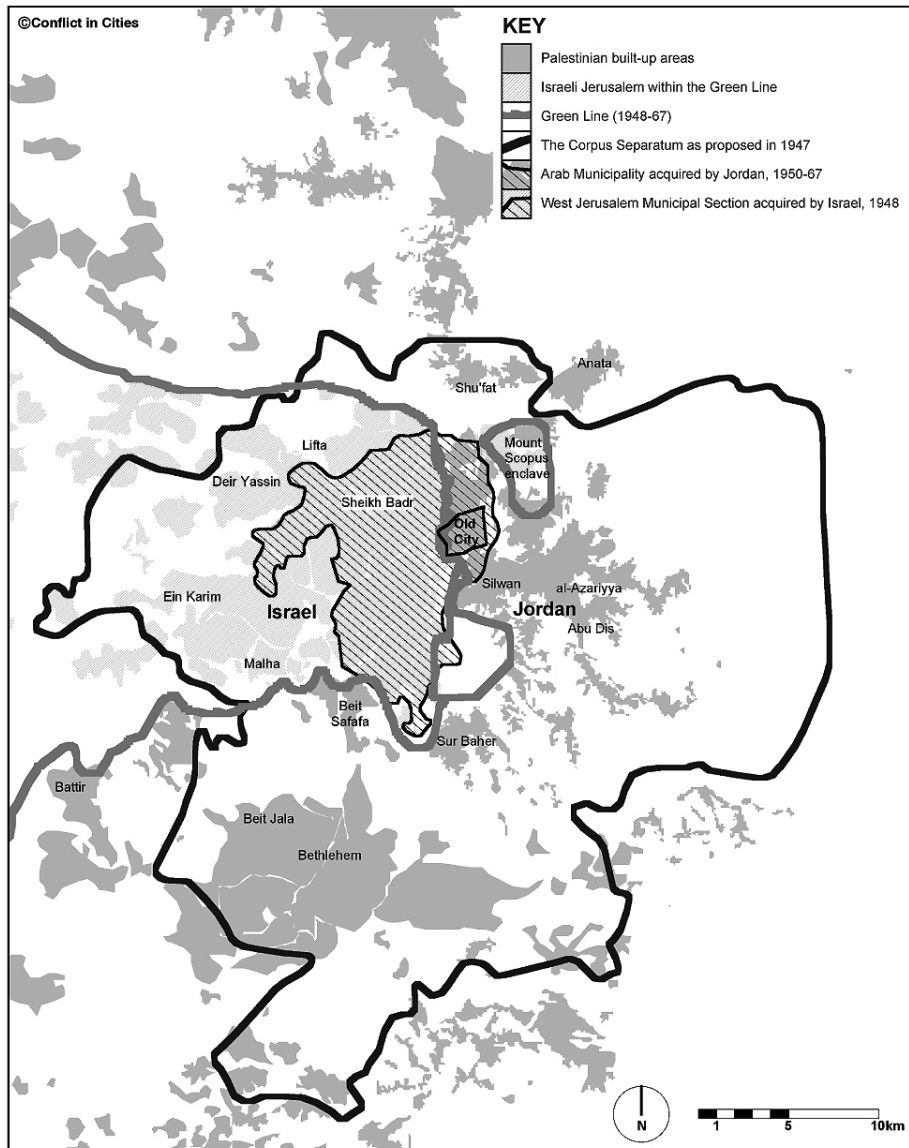
MICK DUMPER

Divided cities within contested states should be seen as a category of cities in their own right. Their division is perpetuated by issues of national sovereignty as well as by ethnic, religious and linguistic cleavages. This category of divided cities includes several in Europe and the Middle East, such as Belfast, Mostar, Nicosia, Jerusalem, Kirkuk and, to some extent, Brussels and Beirut. These are cities which are divided as a result of ethno-national conflict and, in particular, are in conflict owing to the contested legitimacy of the states in which they are located.¹ Conflict in Bradford, for example, would not put Bradford in this category, since the legitimacy of the state is not contested in that part of the UK; in Belfast, by contrast, the legitimacy of the British state in Northern Ireland has been contested by Irish republicans. In this category of divided cities, conflict at the national level has a 'downward' impact on cities, where issues of nationalism and sovereignty exacerbate intercommunal conflict, while ethnically based intercommunal conflict in cities has an 'upward' impact upon politics at the state level. Reconstituting cities as integrated urban spaces, therefore, requires policy shifts on many levels—local, municipal and state; but too often the necessary shifts are hampered by fears of a loss of sovereignty and external domination. Jerusalem offers some useful empirical data that are suggestive for the analysis of such cities and the prerequisites of either managing or resolving such divisions.²

The case of Jerusalem in the Palestinian–Israeli conflict is a prime example of how national sovereignty issues can affect urban divisions. The impact of the conflict on the city has been far-reaching. Partitioned in 1948 into an Israeli-controlled West Jerusalem and a Jordanian-controlled East Jerusalem, it remained divided by the 'Green Line' for 19 years (see map 1). Following the Israeli occupation of the West Bank in 1967, Israel drastically enlarged East Jerusalem

¹ For further reading on divided cities and their relationships to the national political context see Scott Bollens, *Cities, nationalism, and democratization* (London and New York: Routledge, 2007); Jon Calame, Esther Charlesworth and Lebbeus Woods, *Divided cities: Belfast, Beirut, Jerusalem, Mostar, and Nicosia* (Pittsburgh: University of Pennsylvania Press, 2009); Ashutosh Varshney, *Ethnic conflict and civic life: Hindus and Muslims in India* (New Haven, CT: Yale University Press, 2003).

² The article is based on data collected for a five-year British research project on divided cities. The full title of the project is 'Conflict in cities and the contested state: everyday life and the possibilities for transformation in Belfast, Jerusalem and other divided cities', and it is funded by the Economic and Social Research Council (RES-060-25-0015). For further details of the research framework and programme of the Project, please see the website: <http://www.conflictincities.org>.



Map 1: Jerusalem: International Zone and Armistice Agreements

Source: Conflict in Cities and the Contested State, supported by the ESRC, Universities of Cambridge and Exeter and Queens University Belfast

and absorbed it into West Jerusalem and the Israeli state, applying many Israeli laws and setting up settlements or colonies in the eastern side (see map 2). East Jerusalem has remained the focus of Palestinian national aspirations to establish it as the historical and religious centre and political capital of a new Palestinian state.

One option proposed for the resolution of this conflict is that of a binational Israeli–Palestinian state. This has generated intense debate on both sides—a debate to which the discussion on the future governance of Jerusalem has an important

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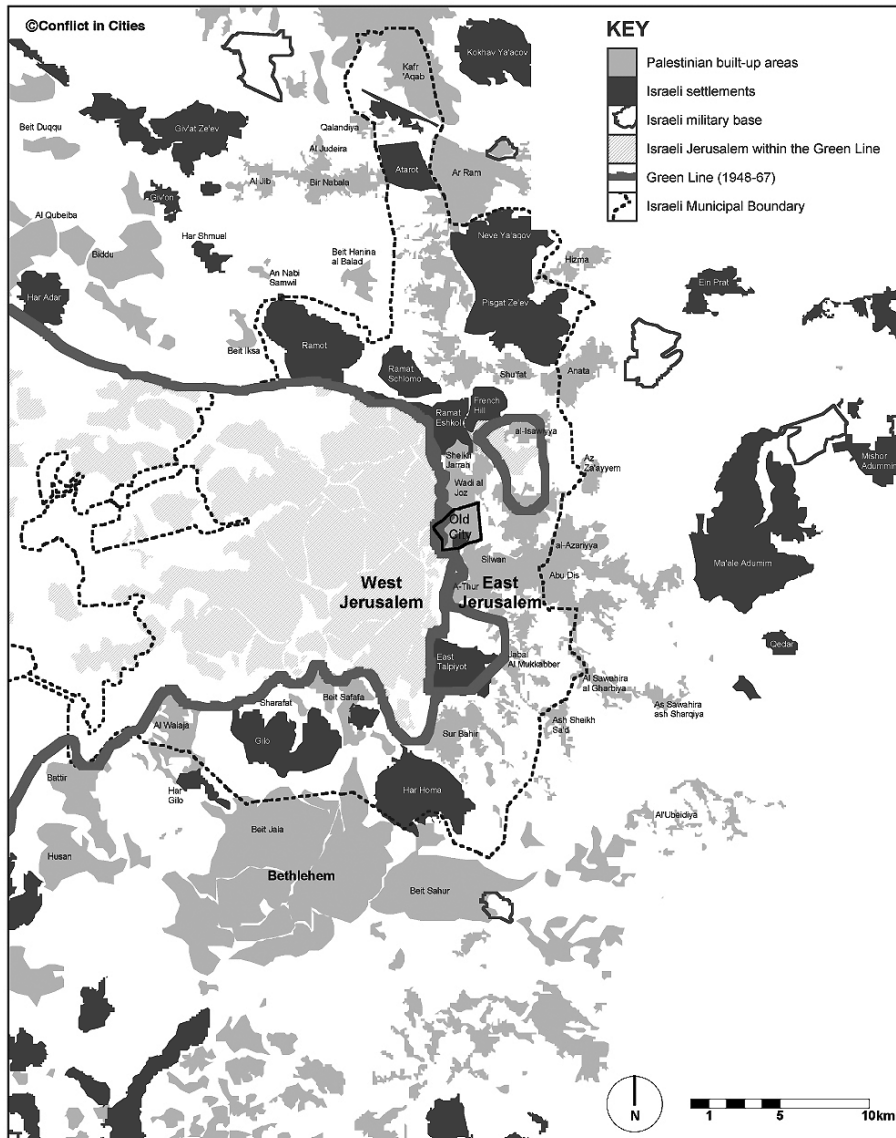
contribution to make. The argument advanced in this article is that an agreement over Jerusalem which allows it to function as a partially or fully integrated urban space will include elements that will drive the political architecture of the whole interstate agreement between Israel and Palestine, facilitating the end result of a highly coordinated interstate framework. The article also argues a further point: that there is a false dichotomy at the heart of the debate concerning the binational and two-state models in the Palestinian–Israeli conflict, and that consideration of the case of Jerusalem shows up this false dichotomy clearly. It contends, on the one hand, that the binational model may take many different but overlapping forms, some of which are more confederal in structure; and on the other hand that, for the two-state model to function, a high degree of interstate coordination will be required, which brings it close to some forms of confederalism. To rephrase this point, if the agreement between Israelis and Palestinians is based upon a two-state model (a Palestinian and an Israeli state acting in cooperation) and if that model is to work and to be stable, it will require coordinating mechanisms of such a degree that in practice we will be looking at a more sophisticated and integrated model than that which is implied by the normal usage of the words ‘two-state model’. I term this more integrated version the *two-state plus* model.

The article comprises three main sections. The first is an enquiry into the idea of binationalism in the Palestinian–Israeli conflict and identifies some of the key issues to do with its feasibility. The second examines the various proposals on Jerusalem put forward during the course of the peace negotiations and draws out the significant issues relating to the question of interstate coordination. The third seeks to demonstrate, first, that the future governance of Jerusalem is closely tied to the overall interstate political arrangements, and second, that, rather than those interstate political arrangements driving the nature of governance in the city, in fact the impetus is the other way round: the nature of the joint governance of Jerusalem will have a significant impact on the nature of the interstate arrangements. This observation in turn leads to a reconsideration of the binational model. A concluding section looks at the implications of these findings both for the future of Jerusalem and for that of divided cities in general.

Binationalism and the Palestinian–Israeli conflict

Discussion of the binational option as a solution to the Palestinian–Israeli conflict has proliferated in recent years. In addition to numerous newspaper commentaries there are now a number of academic journal articles, monographs and edited volumes available.³ The main reason for this has been the perception that

³ See As'ad Ghanem, ‘The bi-national state solution’, *Israel Studies* 14: 2, Summer 2009, pp. 120–33; Leila Farsakh, ‘Israel–Palestine: time for a bi-national state’, *Electronic Intifada*, 20 March 2007, <http://electronicintifada.net/v2/article6702.shtml>, accessed 5 March 2009; Virginia Tilley, ‘From “Jewish state and Arab state” to “Israel and Palestine”?’ International norms, ethnocracy, and the two-state solution’, *Arab World Geographer* 8: 3, 2005, pp. 140–46; Tamar Hermann, ‘The bi-national idea in Israel/Palestine: past and present’, *Nation and Nationalism* 11: 3, 2005, pp. 381–401; Ali Abunimah, ‘Can Israel escape a binational future?’, *Electronic Intifada*, 20 Dec. 2003, <http://electronicintifada.net/v2/article2284.shtml>, accessed 5 March 2009.



Map 2: Jerusalem: New Israeli municipal border and settlements after 1967

Source: Conflict in Cities and the Contested State, supported by the ESRC, Universities of Cambridge and Exeter and Queens University Belfast

the two-state solution as envisaged in the Oslo Accords of 1993 and the Road Map promoted by the Quartet (US, Russia, UN and EU) has failed and that there is a need to explore alternatives to it and to the maximalist positions outlined by the Israeli right and the Palestinian Islamist movement.⁴

⁴ For a broader discussion of the position of the Israeli right and the Palestinian Islamist movement, see Raja Halwani and Tomis Kapitan, *Israel, Palestine, one-state solution: philosophical essays on self-determination, terrorism and the one-state solution* (Basingstoke: Palgrave Macmillan, 2007); Ehud Sprinzak, *The ascendance of Israel's radical right* (Oxford: Oxford University Press, 1991); Oren Yiftachel, 'Democracy or ethnocracy? Territory

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In the context of the debate among both Palestinians and Israelis, the terms ‘binationalism’, ‘one-state model’ and ‘unitary state model’ have been used loosely and often interchangeably, so that some clarifications are in order. ‘Binationalism’ is generally defined as a political system comprising two national groups or collectivities sharing the same territory and borders. It covers a number of models which range from a confederal structure (two or more collectivities with a centralized body to implement policies relating to external relations such as defence, foreign policy and critical trading arrangements) to a federal structure (two or more collectivities, with greater powers than in the confederal structure relating to both external and internal affairs allocated to a central body) to a consociational structure (a unitary state structure or federal structure with powers allocated to the two or more component collectivities according to agreed criteria, such as size of population).⁵ Given the passions that this debate has engendered in the Palestinian–Israeli conflict, it is important to state explicitly that for all its utopian qualities, binationalism does not necessarily mean the eradication of national identity or of collective decision-making. Instead, it is an attempt to reconcile competing identities by providing coordinating mechanisms of varying levels of sophistication. As such, binationalism can also have a territorial component which allows national identities to be associated with certain geographical areas.⁶ Thus Israeli Jews may predominate in certain areas and Palestinian Arabs in other areas and yet both be part of a confederal or federal state structure.

Why is the debate over binationalism so important? For many decades the idea of a binational state has been dismissed by politicians and the wider Israeli and Palestinian public as the crazy imaginings of naive idealists (even if espoused by such luminaries as Martin Buber and Judah Magnes). Indeed, most Israelis and Zionists have gone as far to characterize it as a code for the extinction of Israel and accuse its supporters of anti-Semitism. Similarly, some Palestinian nationalists have seen it as an accommodation to the defeat and dispossession of the Palestinians that occurred in 1948, or as an unwelcome dilution of Arab identity in the new state with repercussions for Palestinian relations with the surrounding Arab states.⁷ Policy-makers and diplomats regard discussion of it as unrealistic and fruitless in the face of overwhelming Israeli military superiority. There are, however, two perspectives which suggest that the binational vision should not be dismissed out of hand: first, it has emerged as the Palestinian default position if negotiations over a two-state solution do not succeed; and second, the vision comprises a number of models of varying credibility.

and settler politics in Israel/Palestine’, *Middle East Report* 207, 1998, pp. 9–13; Alisa Rubin Peled, ‘Towards autonomy? The Islamist movement’s quest for control of Islamic institutions in Israel’, *Middle East Journal* 55: 3, Summer 2001, pp. 378–98.

⁵ See Gabriel Almond, ‘The return to the state’, and Eric A. Nordlinger, Theodore J. Lowi and Sergio Fabbrini, ‘The return to the state: critiques’, both in *American Political Science Review* 82: 3, 1988, pp. 853–901; Eric Nordlinger, *On the autonomy of the democratic state* (Cambridge, MA: Harvard University Press, 1981); Ernest Haas, *Nationalism, liberalism, and progress* (Ithaca, NY: Cornell University Press, 1997).

⁶ Hermann, ‘The bi-national idea’, pp. 382–4.

⁷ Salim Tamari, ‘The dubious lure of binationalism’, in Mahdi Abdul Hadi, ed., *Palestinian–Israeli impasse: exploring alternative solutions to the Palestine–Israel conflict* (Jerusalem: Palestinian Academic Society for the Study of International Affairs, 2005), pp. 67–72.

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Binationalism as a Palestinian default position

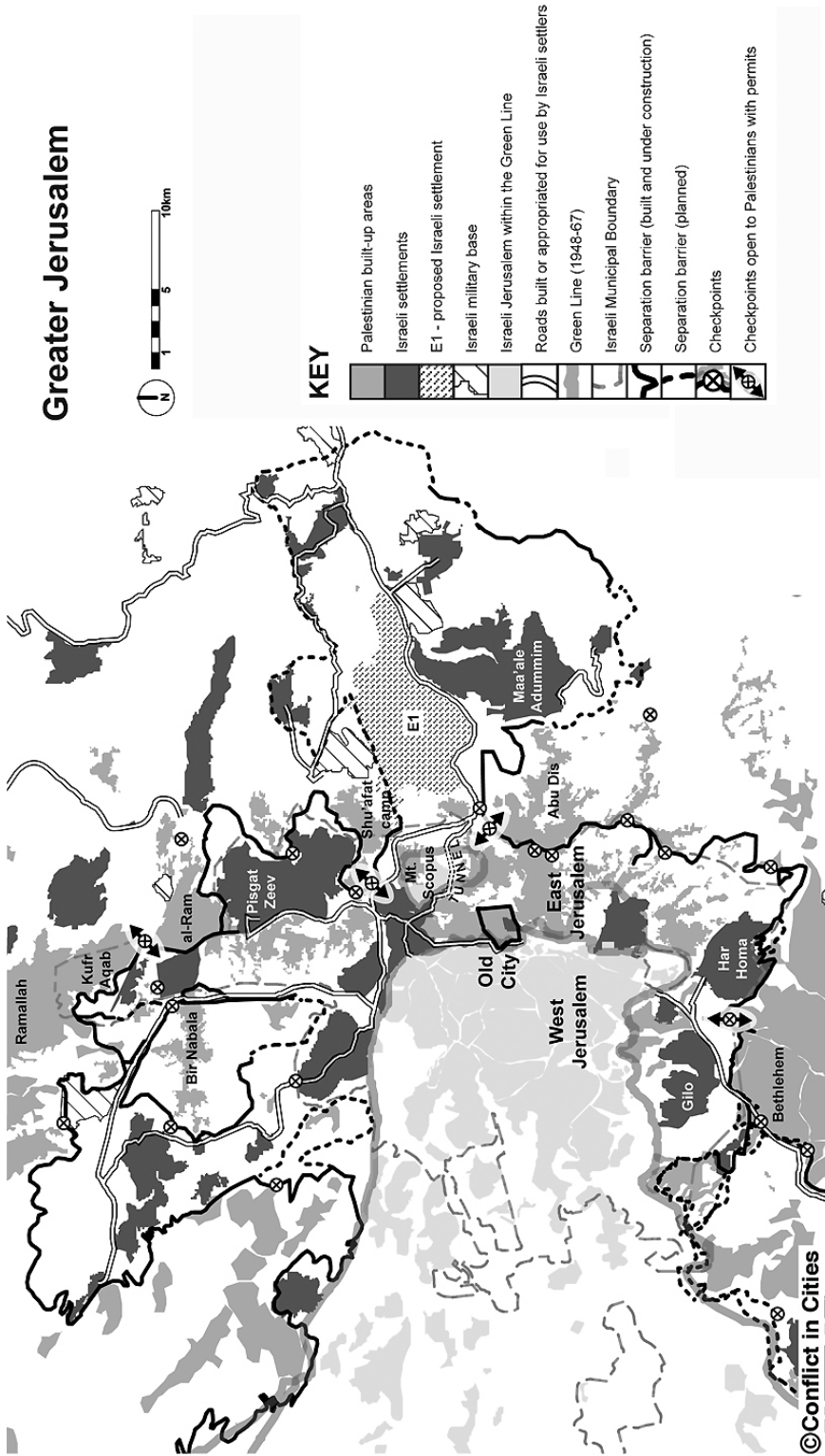
While binationalism remains a minority position, it is no longer confined solely to the margins of debate, characterized as the musings of naive utopians. Indeed, while it continues to be rejected by the Zionist and Israeli establishment with undiminished vehemence, it is debated more widely in international diplomatic circles, reflecting a realization that Israeli actions themselves are undermining the two-state model and leaving Palestinians with little choice but to espouse binationalism. At a post-mortem conference on the failure of the Camp David summit of 2000, attended by many of the former Israeli, Palestinian and US negotiators themselves, participants were confronted with several analyses emphasizing that if the two-state solution was not regarded as feasible for the Palestinians, by default they would be driven to the alternative option—the ‘one-state’ solution. If, it was observed, Palestinians drew the conclusion from Israeli negotiating strategies that a Palestinian state was not viable and did not meet the minimum benchmarks of sovereignty, and that the complete package would not satisfy the demands of the refugees, then the Palestinians would have little choice but either to defer an agreement or to work towards a one-state solution.⁸ Recent declarations by the Palestinian chief negotiator, Dr Sa’eb Erekat, that the PLO should examine this option more seriously may be tactically driven but have also given credence to the idea itself.⁹

In addition, some policy-makers and academics, working in off the record or what is known as Track 2 negotiations, have realized that in putting substance into various proposed frameworks for peace, and in spelling out the fine print of any agreement, an extraordinarily high degree of cooperation will be required between the two parties and the two states. There is a growing understanding among them that if a peace agreement is to avoid the total separation suggested by the Separation Wall running through Jerusalem (see map 3) and the West Bank, by the fences surrounding Gaza, and by the alienation of the vast majority of Palestinian refugees, state-to-state coordination across a wide range of responsibilities will be essential.¹⁰ Such comprehensive cooperation suggests a requirement for arrangements that are much more than a standard bilateral treaty between two states. It has already been accepted that the two-state model in the Palestinian–Israeli conflict will consist of a range of agreements extending beyond intelligence and security cooperation to encompass many other areas such as the economy and trade, the environment, regional urban planning, tourism and immigration. Already there are agreements in place for a single economic zone for Israel and Palestine which point to a merging of the two states at some fundamental level.

⁸ Shimon Shamir and Bruce Maddy-Weitzman, *The Camp David summit—what went wrong? Americans, Israelis, and Palestinians analyze the failure of the boldest attempt ever to resolve the Palestinian–Israeli conflict* (Brighton and Portland: Sussex Academic Press, 2005), p. 233.

⁹ S. Erekat, ‘The political situation in light of developments with the US administration and Israeli government and Hamas: continued coup d’etat: recommendations and options’, leaked PLO internal memo, Dec. 2009. Copy in author’s possession.

¹⁰ Menachem Klein, *The Jerusalem problem: the struggle for permanent status* (Gainesville: University Press of Florida, 2003).



Map 3: Greater Jerusalem

Source: Conflict in Cities and the Contested State, supported by the ESRC, Universities of Cambridge and Exeter and Queens University Belfast

What is interesting about the continuum of options that comprise the binational idea is that the end of the continuum which stresses the cooperative and functional interconnectedness of any agreement is not so distant from the more idealized vision of the two-state model with its proposals for open borders, economic unions and security cooperation. Both require a degree of coordination which implies a dilution or sharing of sovereignty and of independent decision-making. It is this degree of interstate penetration which suggests that in essence what is being discussed is a sort of *two-state plus*, which on further analysis looks remarkably close to some confederal variants of the binational and unitary state model.

Disaggregation of the binational model

As Palestinian intellectuals and activists have begun to unpack this idea and examine the details more closely, there has been a growing interest in what would constitute a binational or unitary state model.¹¹ A debate started by the Arabic-language magazine of the radical Palestinian non-governmental organization Badil, *Haq al Awda*, has received broad media attention and closer academic examination.¹² A leading proponent of the binational model, a Palestinian with Israeli citizenship, Dr As'ad Ghanem, has gone furthest in delineating the elements that make up variants of the binational model. While recognizing the fundamental changes in the balance of power and mindsets required, he has nevertheless tried to peer into the future and construct a vision that combines confederal and consociational structures. These include a broad coalition of political elites, a right of veto in certain areas, and fair representation, to be balanced by a quota of offices and internal autonomy.¹³ From his discussion one can see that there is a continuum of options in the binational vision that range from equal citizenship within a single centralized state through to a 'binational framework' comprising two entities with a phased convergence of political structures leading to a higher degree of cooperation and functional interconnectedness.¹⁴ This disaggregation of the concept has opened the way to more rational discussion of the kinds of structures that would be appropriate for an entity comprising different ethnicities, cultural backgrounds and historical narratives. It is in this context that the attempts to maintain Jerusalem as a single integrated urban area suggest ways in which the dichotomy that has prevailed in this debate can be superseded by an alternative model—the *two-state plus* model.

¹¹ In the aftermath of the collapse of the Camp David summit (2000) and the al-Aqsa *intifada*, Palestinian interest in this original PLO proposal of the 1960s has been rekindled. This is partly because of disillusionment with the Oslo process, with international efforts to constrain Israeli settlement and military activities, and with fragmentation of the Palestinian leadership, and the failure of international law to reverse the building of the separation wall across Jerusalem (see map 3) and the occupied Palestinian territories.

¹² For an analysis of Badil's *Haq al Awda* discussion on binationalism see Abdul Hadi, *Palestinian–Israeli impasse*, pp. 19–44; As'ad Ghanem, 'The binational state is a desired Palestinian project and demand', and Virginia Tilly, 'A new Palestinian political season?', both in *Al-Majdal* (quarterly magazine of Badil Resource Center for Palestinian Residency and Refugee Rights), no. 28, Winter 2005, pp. 15–18, 24–7.

¹³ As'ad Ghanem, 'The binational solution to the Israeli–Palestinian crisis: conceptual background and contemporary debate', in Abdul-Hadi, ed., *Palestinian–Israeli impasse*, pp. 19–44.

¹⁴ Ghanem, 'The binational state is a desired Palestinian project', pp. 15–18.

Jerusalem, binationalism and the two-state model

In surveying the various proposals that have been put forward for the future governance of Jerusalem over the past half-century, it is significant, but not unsurprising, that the vast majority include coordinating mechanisms, albeit to a different degree, between the two parties to the conflict.¹⁵ There has been a near consensus that there should be no return to the complete partition that existed between 1949 and 1967. During this period Israel controlled West Jerusalem and Jordan controlled East Jerusalem, with a no-man's-land on average 50 metres wide running between the two sides of the city. Indeed, even proposals which favoured the removal of the city from the territories of either side and the creation of its own special enclave, such as that proposed by the UN in its Partition Plan of 1947, recognized the extent to which coordination between the city and the surrounding states was essential (see map 1).¹⁶ This section focuses on the future governance of Jerusalem and the impact this will have on Palestinian–Israeli inter-state relations.

Israel has always envisaged the future administration of Jerusalem as one that assured Israeli Jewish inhabitants of the city that they were an integral part of Israel but also gave the Palestinian inhabitants a high degree of cultural and civic autonomy.¹⁷ In all variants of this scenario, the city itself would remain within the overall political and military jurisdiction of Israel. While some flexibility has been shown with regard to both the borders drawn around particular suburbs and the extent of the autonomy to be granted to Palestinians, it has not shifted from this approach either in substance or conceptually. This reluctance to cede substantive control to the Palestinians can be seen in the negotiations which took place in 2000 at Camp David, hosted by US President Clinton.¹⁸ Although there was no formal record of the talks, from media leaks and post-mortems we can discern that the Israeli proposals comprised two main elements: first, Israel would relinquish control over the northern Palestinian suburbs of the city to the state of Palestine and devolve administration in the central areas of East Jerusalem to Palestinian bodies; second, Israel would retain overall sovereignty and security control over East Jerusalem, including the Old City. As these did not take into account the Palestinian view that a withdrawal to the 1967 border (as stipulated in UN Security Council Resolution 242) was the starting point of an agreement,

¹⁵ For a comprehensive list of proposals up to 1994 see Moshe Hirsch, Deborah Housen-Couriel and Ruth Lapidoth-Eschelbacher, *Whither Jerusalem? Proposals and petitions concerning the future of Jerusalem* (The Hague and London: Nijhoff, 1995).

¹⁶ *Palestine Partition Plan*, GA Res. 181(II), UN GAOR, 2nd session, UN Doc. A/519 (1947) at 131, reprinted in Ruth Lapidoth and Moshe Hirsch, eds, *The Arab–Israeli conflict and its resolution: selected documents* (Dordrecht, Boston: Nijhoff, 1992), p. 33.

¹⁷ Hirsch et al., *Whither Jerusalem?*, p. 143.

¹⁸ There are many analyses of the failure of the Camp David summit. The most commonly cited is Hussein Agha and Robert Malley, 'Camp David: the tragedy of errors', *New York Review of Books* 48: 13, 9 Aug. 2001, pp. 59–65. See also replies to Ehud Barak in Hussein Agha and Robert Malley, 'Camp David and after: an exchange (a reply to Ehud Barak)', *New York Review of Books* 49: 10, 13 June 2002; Benny Morris and Ehud Barak, 'Camp David and after—continued', *New York Review of Books* 49: 11, 27 June 2002; Deborah Sontag, 'And yet so far: a special report. Quest for Mid East peace: how and why it failed', *New York Times*, 26 July 2001. See also detailed post-mortems by Klein, *The Jerusalem problem*, pp. 63ff; Shamir and Maddy-Weitzman, *The Camp David summit—what went wrong?*.

they were rejected by the Palestinians. Indeed, as has been argued elsewhere, from the Palestinians' perspective the Israelis were not offering them much more than they already had.¹⁹

In the attempt to bridge the two positions over Jerusalem, US President Clinton suggested an *ex post bellum* formula for allocating sovereignty based on the current demographic spread, known as the 'Clinton parameters'. This would have led to the partition of the city, including the Old City. He further recommended Palestinian sovereignty over the Haram ash-Sharif, Israeli sovereignty over the Western ('Wailing') Wall and special arrangements for excavations underneath the Haram.²⁰ For the Palestinians, a formula based upon extant demographic criteria was bound to lead to significant loss of land. For Israelis, the Clinton parameters put paid to the notion of Jerusalem as a Jewish city.

While both sides very reluctantly accepted the Clinton parameters, further negotiations based on them were attempted in 2001 at the Egyptian resort of Taba. Progress on the discussions at the Camp David summit was made in that both sides agreed that Jerusalem would be the capital of the two states. Working within the framework set by the Clinton parameters, Palestinians were willing to discuss Israeli sovereignty over Israeli settlements in East Jerusalem and to accept Israeli sovereignty over parts of the Old City. In turn, Israel accepted Palestinian sovereignty over Palestinian residential areas up to the 1967 border line. There was no final agreement on the Holy Places, but there was an agreement to continue discussions on the concept of a 'Holy Basin' to encompass religious sites and special arrangements regarding the Haram ash-Sharif/Temple Mount.²¹ However, the Israeli team's proposal failed to receive the endorsement of the country's prime minister, Ehud Barak, who was subsequently voted out of office and replaced by the more hawkish Likud party leader, Ariel Sharon, who suspended all negotiations.

Following the talks at Taba there was a long hiatus in the negotiations over the future of the city as significant changes took place in both Israeli and Palestinian politics.²² In December 2003 many of the individuals who had played a prominent role in the Palestinian and Israeli negotiating teams that met in Camp David and Taba launched a prototype agreement known as the Geneva Initiative as an attempt to restart the official negotiations. The initiative, which illustrated that further progress on a number of key issues was achievable, was designed to map out a possible trajectory for future official negotiations. Echoing the initial agreement at Taba, the Geneva Initiative proposed that Jerusalem be the capital city for both states (i.e. two capitals) with two municipalities, one for East Jerusalem and

¹⁹ Michael Dumper, 'Jerusalem and the illusion of Israeli sovereignty', Middle East Research and Information Project (MERIP) Online, 4 Aug. 2000, <http://www.merip.org/mero/mero080400.html>, accessed 21 April 2010.

²⁰ William Clinton, 'Clinton parameters', 23 Dec. 2000, http://www.fmep.org/documents/clinton_parameters_12-23-00.html, accessed 5 May 2008.

²¹ Akiva Eldar, 'The "Moratinos document": the peace that nearly was at Taba', *Ha'aretz*, 14 Feb. 2002.

²² These included the reoccupation by Israel of parts of the West Bank (2002), the death of PLO leader Yasser Arafat (2004), the incapacitation of Ariel Sharon (2005), the election of a Hamas government (2006) and the controversial Israeli assault on Lebanon (2006).

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one for West Jerusalem. There would be a coordination committee appointed by the municipalities to oversee the economic development of the city as a whole. As opposed to a 'Holy Basin' of the kind discussed at Taba, there would be a special regime for the Old City which would include Israeli sovereignty over the cemetery on the Mount of Olives and the Western Wall. Palestinian sovereignty over the Haram would be phased in according to a timetable to be agreed.²³ With respect to the settlements in and around Jerusalem, the initiative proposed their evacuation according to an agreed timetable and territory exchanges.²⁴ A key proposal in the Geneva Initiative was third-party engagement in monitoring and other forms of involvement: an Implementation and Verification Group and an interfaith council, and a key oversight role for UNESCO in the Old City. What this suggested was a further shift in the Israeli view away from its insistence on exclusive control over the city, but without accepting a prominent Palestinian role. Rather than agree to Palestinian parity in the city, Israel was prepared to recognize that the international community would be given a major role.

In contrast, the Palestinians have continued to focus on UNSCR 242 as the starting point of negotiations over Jerusalem: that is, an Israeli withdrawal to the borders of 1967 as the basis of an agreement. They have shown themselves willing, once this principle is accepted by Israel, to be more flexible over the phasing of the evacuation of Israeli settlements and the prospect of land exchanges and transfers of sovereignty, which would be of mutual benefit. In addition, the Palestinian community insists on an agreement over the title of land and property in West Jerusalem, most of which was Palestinian-owned before 1948, since this issue is closely tied up with the issues of refugee repatriation and compensation. A key element in the Palestinian position is the proposal for an 'open city' in which there would be the free movement of goods and labour within a framework of two jurisdictions and property-owning areas. Squaring this desire for a more integrated city with Israeli concerns over security and, in particular, infiltration into Israel via Jerusalem by hostile Palestinians has been one of the main challenges of the Palestinian negotiators. Palestinians have also recognized the importance of strong coordinating mechanisms between the two parts of the city that need to go beyond the municipal level.²⁵

Jerusalem: division and confederalism

The arguments presented in this article have been based upon the assumption that if Jerusalem is to function as a single integrated urban space, if it is to develop and grow as the viable capital of both an Israeli and a Palestinian state, it will require coordinating structures and frameworks between the two sides of the city which will have an impact on the interstate relations of the two protagonist communities. This would be the case whichever of the two models under discussion—binational

²³ 'The Geneva Accord: a model Israeli–Palestinian peace agreement', 1 Dec. 2003, <http://www.geneva-accord.org/accord.aspx> at article 6.3., accessed 5 May 2009.

²⁴ Geneva Accord, art. 4.5.

²⁵ 'Conflict in cities' fieldwork interviews with officials in the PLO Negotiations Affairs Department, 2008–10.

or two-state—were adopted. The argument is based on viewing binationalism as a continuum along which two collectivities merge their institutional structures to an increasing degree, and on an interpretation of the peace negotiations which can identify significant shifts in the positions of the protagonists since 1993 and the possibility of flexibility in the future. It also emphasizes the consistent presence of coordination mechanisms in the proposals submitted, in the agreements already arrived at and in the discussions taking place in the Track 2 negotiations.

In order to substantiate the argument further, this section will briefly examine a range of issues concerning the governance of Jerusalem that both require coordination between the two sides and indicate the extent to which their sovereign powers will be compromised.

Holy sites, heritage and tourism A negotiated agreement dealing with the management of the holy sites of the city, its religious and cultural heritage, and the attendant tourism will entail a significant loss of sovereignty and a great deal of coordination and monitoring. It is unlikely that there will be an agreement without an understanding that the Haram ash-Sharif will be controlled by the Palestinians and the Western Wall by the Israelis. In addition, it is also likely that both parties will agree to some monitoring and intervention by international bodies such as UNESCO, which in turn will entail some loss of sovereignty and greater coordination.

Planning, infrastructure and environment The development of the city will have to be integrated into national- and regional-level planning. The construction of highways, link roads and bypasses will require detailed coordination so that traffic flows are not interrupted and economic opportunities not missed. The allocation of space for housing, commercial development, leisure facilities, waste disposal and the supply of utilities will impinge upon the hinterland and draw in the planning authorities of other districts and municipalities on both sides.

Commercial law, taxation, customs and labour mobility One of the key drivers of closer integration between the two states will be the need to synchronize their economic activities and the fiscal rules that support them. In this context, both sides will wish to ensure that labour mobility and the free movement of goods are included in any agreement. Similarly, there will be a concern that unless there is coordination over health and safety standards, employee protection, corporation tax, VAT, customs duties and other such mechanisms Jerusalem could become a haven for black marketeers and poor employment practices. Such coordination reaches beyond the authority of municipalities and requires organization at national and interstate level.

Land use, restitution and compensation Unless land acquired from Palestinians in East Jerusalem by the Israeli government since 1967 is restored, it is unlikely that there will be an agreement over the future of Jerusalem. It is very likely that an agreement on Jerusalem will require interstate mechanisms for a judicial review or international arbitration over the allocation of the respective jurisdictions arrived at in an agreement. An additional issue which ensures that the restitution question in Jerusalem will involve national-level decision-making is the status of Palestinian

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property in West Jerusalem. A recognition of Palestinian property losses in West Jerusalem will impinge on the overall package agreed on for the compensation of Palestinian refugees who have lost property elsewhere.

Security and borders An Israeli prerequisite for an agreement on Jerusalem is that it must ensure the security of Israeli residents. Israel has interpreted this to mean that its security should be in its own hands. The dilemma confronting the Israelis is this: Where should the security border between Israeli and Palestinian Jerusalem be placed? In the current situation of a cold peace and a hard border (the separation wall), the Israeli preference is that the harder the border between Israel and Palestine, the further east of the city it should run. This is unacceptable to the Palestinians and would result in the incorporation of some 200,000 Palestinians into the area of Israeli control which, in turn, is ultimately not in Israel's long-term interest. A shared security force would be unacceptable to the Israelis at this stage, although some accompanying international presence might make it more palatable. It is clear from even this brief overview of the problems around security and borders that these are not internal civic policing issues but matters of national importance, and that their resolution will be both derived from, and have an impact upon, interstate agreements.

These five issues are the most salient of those that demonstrate the national-level decision-making and the degree of interstate coordination required. They add up to the necessity of a multilayered coordinating mechanism of some complexity that will have cross-penetration into state structures. How this mechanism is constructed, mandated and held accountable are themselves questions to be addressed through the interstate dynamics which point to a convergence of the two polities. If a number of technical units and agencies are set up, then it will need to be decided whether they are to be established on the basis of parity, with equal Israeli and Palestinian representation. An agreement on what oversight is given to the political class and if there should be some sort of 'Grand Municipal Council' comprising municipal councillors and other legislators from both sides will also require further negotiation.

It is apparent that if Jerusalem is to exist as a city that functions in a partially integrated way, even in a two-state model of very low integration, the concomitant coordination over the use of urban space points towards profound and complex levels of interstate cooperation. The result, referred to above as a *two-state plus* model, would have the basic features of a two-state model, but with a range of highly coordinated joint frameworks which will impinge on other areas of state-to-state coordination. The argument presented here also highlights the fact that this two-state plus model will have features and functions similar to those of a diluted confederal model of a binational state. The model may not require the icons of a single polity: a single flag, anthem, currency, passport, airline, football team—indeed, it will not have a single constitution, legislative council, president or judiciary—but it will have powerful integrative components such as security cooperation, regional planning, and economic and fiscal agreements.

Conclusions

There are two implications that can be drawn from this argument, one specific to Jerusalem and the Palestinian–Israeli conflict and one more general regarding the relationship between divided cities and the state. In connection to Jerusalem and the Palestinian–Israeli conflict, the argument points to the centrality of Jerusalem not only in the politics of the negotiations but also in the technicalities of an agreement. That there can be no Israeli–Palestinian agreement without agreement on Jerusalem is a truism, but this article suggests that an agreement on Jerusalem has ramifications beyond any agreed border of the city. In addition, the argument of this article opens up a normative space for a more considered discussion on the merits of binationalism and a *two-state plus* model. It suggests that the consideration of binationalism in the forms that have been outlined above is not identical to the eradication of the Israeli state or the defeat of Palestinian nationalism. It is not an existential threat to either collectivity or national group, and those discussing these ideas are neither anti-Semitic nor defeatist. The exploration of the ideas that make up binationalism and two-state plus may lead in fact to more flexible and appropriate models for Palestinian–Israeli coexistence than the two-state model has done hitherto. The dichotomy that has been posed in the debate hitherto is, on further analysis, using the case of Jerusalem, misleading and unhelpful.

More generally, in connection to the category of divided cities whose governance is tied up with the contested nature of the authorities of the states within which they are located, the argument of this article leads to a number of possible conclusions. The first is that the coordinating structures put in place to draw together the different parts of divided cities so that they can develop as integrated cities have significant impacts on the nature of state-to-state coordination. The examination of the proposals put forward for the resolution of the Jerusalem question demonstrates this quite clearly, and their extrapolation to other cities of this category is persuasive. A second conclusion is more a hypothesis and is more important for policy-making considerations: this is that confidence-building programmes and joint activities over planning, the economy and security inside divided cities percolate upwards and can contribute significantly to the processes of peace making and reconciliation between states. As Bollens has argued:

In their potential to build peace, cities are constrained by their larger context, but at the same time through their actions can influence change in this larger context and help an urban society progress from conflict to stability . . . Because cities are microcosms of larger conflict in these societies, city policies have the capacity to devise urban models and strategies that can complement, help formulate and actualize large political accords.²⁶

The Jerusalem case does not so far demonstrate this hypothesis unequivocally, but the analysis above has indicated that municipal and local (urban) level coordination provides a platform for state-to-state coordination and in this sense can drive the overall nature of the peace agreement. The case of the divided city of Nicosia, in which significant joint infrastructural planning has taken place across

²⁶ Bollens, *Cities, nationalism, and democratization*, p. 239.

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the border, suggests that although progress can be slow, such cooperation can not only mitigate the worst aspects of division and conflict but also provide the basis for future cooperation on both the municipal and the national level. Clearly this hypothesis requires further comparative investigation and analysis, but if it can be satisfactorily demonstrated it points to some useful and urgently required policy recommendations concerning the value of 'bottom-up' initiatives.