

**IMAGINING A BI-NATIONAL CONSTITUTIONAL
DEMOCRACY IN ISRAEL/PALESTINE**

Thursday, 25 June – Saturday 27 June, 2009

**York University
Toronto, Canada**

Thursday, June 25

4:00-5:00 PM: Registration

5:00-6:00 PM: Cocktails and Opening Remarks/Welcome

- *Dr. Mamdouh Shoukri, President and Vice-Chancellor, York University*
- *Professor Patrick Monahan, Dean, Osgoode Hall Law School*

6:00-8:00 PM: Key Note Speaker:

- **The Most Reverend Dr. Desmond Tutu**
Primate of the Church of the Province of Southern Africa

Commentators on Key Note Speech:

Three internationally recognized scholars will be invited to reflect upon the themes of the key note speech as a means of focusing the participants on the intellectual project of the conference. Each of the commentators will also be asked to either moderate or comment upon a subsequent panel and/or present paper of their own.

PROGRAM:

(Titles of Conference Panels are suggestive only)

Friday, 26 June

8:30 – 9:00 Coffee

9:00-10:30 AM

Is One State in Israel/Palestine Inevitable?

The two-state solution for the Israeli-Palestinian conflict has been advanced for the region since the Peel Commission of 1937 up to the recent Annapolis Conference of November, 2007. As the conflict persists and is further entrenched, the prospects of a lasting peace under the two-state model appear increasingly remote, if not impossible. This panel considers the one-state model as a viable alternative for the region, canvasses its history, and assesses its prospects against the background of the current poverty of hope in the two-state solution. The current prospects of the two-state model will also be examined in detail.

- Trials and Tribulations of the One State Proposal
- Divorced Till Death Do Us Part
- The Dusk of the Two State Solution
- Finding the Pulse of the Two State Solution

10:30-11:00 *Coffee Break*

11:00-1:00

The Moral and Emotional Foundations of Socio-Culturally Fragmented States

One of the persistent irritants of the apparently irreconcilable differences in Israel/Palestine is the widely different accounts and interpretations given to shared history. In this regard, the conflict bears similarities to the deep tensions of many socio-culturally fragmented regions. This panel explores the possibilities for, and limits of, shared memory and historiography in the Israeli-Palestinian context. A keen grasp of the history of the conflict should lay the foundations for a just resolution, as well as intimate the prospects for such a resolution finding a home under a one-state model.

- “The Job of the Historian is to Judge”
- The Indispensability of Memory
- The Practical Weight of History

1:00-2:00

Lunch

2:00 PM

Launch of Audio-Visual Cycle

Throughout the conference, there will be a room dedicated to cycling through films on Israel/Palestine such as Michel Khleifi and Eyal Sivan’s “Route 181”, Avi Moghrabi’s “Happy Birthday Mr. Moghrabi”, Dorit Namaan’s Salem/Jeru, Samir’s “Forget Baghdad, and others.

AFTERNOON PAPER/PANEL OPTIONS:

2:00-3:30

Statehood in Socio-Culturally Fragmented Societies

In socio-culturally fragmented states, such as the one envisioned by this conference, the rights of several groups to self-determination need to be balanced against each other. This panel explores the doctrine of self-determination in international law by examining the promise and limitation of the doctrine as well as alternative formulations that speak to the relationship between statehood and self-determination. The limitations of the ability of a Jewish (or Palestinian) state to accommodate the legitimate group rights of citizens will be explored.

- Legitimate Statehood in Socio-Culturally Fragmented States
- Self-determination as Non-Domination
- Sub-Statist Conceptions of Self-Determination

Multiculturalism and Street Level Constitutions

While the place of the international law doctrine of self-determination is critical to understanding both two-state and one-state models as ideals, the way in which ethnic groups are accommodated domestically within states preoccupies constitutional law. This panel is devoted to looking at the various ways in which states accommodate multiple majority ethnicities. The focus of this panel is less on formal constitution making and more on the practical realities and Realpolitik of the one state model accommodating two groups with deeply imbedded historical antipathies. The conditions for (and limits of) practical accommodation on the ground will be explored.

- Strange Multiplicity and Unwritten Constitutions
- Constitution Making in the Vernacular
- Multiculturalism, Pluralism, Federalism, and their Debacles

3:30-4:00

Coffee Break

4:00-5:30

Gender and Nationalism

Neither the Israeli's nor the Palestinians are monolithic groups. This panel will give voice to aspects of that diversity by focusing, in particular, on women's perspectives on the conflict, the relationship between gender and nationalism, and overlapping identities and interests between the different factions. It will also explore the influences between the prevailing atmosphere of militarism in the region and the textures and traumas of domestic life.

- Multiple voices
- Militarism and Domesticity
- Overlapping identities

Literature and the Arts

While the law is the fulcrum around which this conference turns, the ability of the law to speak eloquently to the realities on the ground is limited to the extent that it fails to engage the more robust humanity of each people. This panel is focused on how artists and writers both convey that reality, including the reality of the conflict and intimations of reconciliation.

- Translating Israel/Palestine
- Writing Cultures
- Visualizing Israel/Palestine

7:00

Cocktails and Reading from Emile Habiby's "The Pessoptimist"

Saturday, June 27

8:30-9:00 *Breakfast and Coffee*

9:00-10:30

Cantons, Bantustans, and Multicultural Federal States

Multicultural, bi-national federalism has been proposed as an imperfect best solution to the problematic of socio-culturally fragmented states and regions. State legitimacy based on a citizenship of equality offers another model. This panel explores the constitutional possibilities for Israel/Palestine (based on existent or imagined scenarios) that emerge out of the range of possibilities between these alternatives. The limitations of these models, in particular as they relate to Israel/Palestine, will also be examined.

- Federalism and Multiculturalism
- Multicultural Silos
- The Limits of Recognition

Homelands, Immigration and Return.

The Right of Return of Palestinian refugees has remained an intractable issue for any model of resolution for the Israeli-Palestinian conflict. On the surface, it appears to sit awkwardly with Jewish-Israeli rights of self-determination, the economic situation on the ground in Israel where secondary occupants are housed in former Palestinian homes and land, security concerns, and the Israeli Law of Return for Diaspora Jews. This panel explores the international framework of the Right of Return and examines how that right could be recognized and exercised within the one-state model.

- International law and Immigration and Refugee Rights
- Right of Return/Law of Return
- The Tenability of a Right of Return

10:30-11:00 *Coffee*
11:00-12:30

Reconciliation and Transitional Justice

In light of the deep historical antipathies that characterize the Israeli-Palestinian conflict, the prospects for a deep and lasting peace under a one-state model are conditioned by some modicum of each group's ability to come to terms with the historical anguish and existential uncertainty of the other. At the same time as the moral and emotional preconditions for a shared national life need to be laid for the one-state model, issues of restitution, compensation, and remedial justice need to be addressed. This panel is devoted to looking at comparative models for reconciliation and seeing how they might be implemented in the early formation of a one-state model.

- Justice and/or healing
- The practicalities of restitution and compensation
- Institutionalizing reconciliation
- The limits of reconciliation

Economic Issues

A one-state model for Israel/Palestine is predicated on a shared economy. The benefits of creating a bigger economy are obvious, but the impact on both groups will vary based on the difference in the size and nature of both economies. This panel is dedicated to an exploration of the best ways to merge unequal economies without creating a huge social gap, like the situation in post-apartheid South Africa.

- Economic Regions
- Removing Economic Borders
- Routes of Labour and Capital
- The Perils and Promises of Economic Promiscuity

12:30-1:30 *Lunch*

1:30-3:30

Geographic Transformation: Land Policy, the Law and the State

Land, its control and access to it, were always at the heart of the conflict. This is natural since territory is one of the constitutive elements of any state. Ever since 1948, Israeli land policy focused on the “judaization” of space. This was done at the expense of the Palestinians. This panel explores the changes that should be introduced to the land policies in Israel, which will be inevitable in the context of a single state. These issues will cover land restitution, compensation, egalitarian allocation of land, and the fate of the JNF lands.

- Land Policy in Israel: Between Judaization and Dispossession
- Restitution of Land: Possibilities and Barriers
- Looking Forward: Future Land Policy and Distributive Justice

Contexts: Local and International

The prospects for a one-state model are constrained by several conundrums including the irreconcilability of the one-state model with a Jewish state, the mechanics of how Jewish and Palestinian communities would live side-by-side, and, perhaps most critically, the place of Israel/Palestine in the imaginaries of several foreign jurisdictions, including the governments and populaces of the surrounding region and the interests of foreign governments such as the United States. This panel explores the requisite conditions in these local, regional, and international contexts that would enable a one-state model to come to fruition.

- Jewish/Palestinian Character of State
- Sharing Space: Community, Settlement and Mobility Rights
- Impinging Contexts: Middle East, United States

3:30-4:00

Coffee

4:00-5:30

Conceiving Israel-Palestine

This final panel is intended to serve as a moment to pause and recapitulate the hesitations and aspirations that go into formulating a viable one-state model for the Israeli/Palestinian conflict. The appeal, if not inevitability, of the one-state model will be canvassed along with the ways in which the model may be fraught with difficulties.

- Trepidations
- Lamentations
- Constitutions

5:30-6:00

Global Conference Commentators

The three commentators assigned to follow the meanderings of the conference will be invited to summarize their impressions of the issues and tensions that were unearthed over its course.

6:00-6:45

- Discussion and Final Words

IMAGINING A BINATIONAL CONSTITUTIONAL DEMOCRACY IN ISRAEL/PALESTINE

March 7, 2008

The purpose of this conference is to explore the possibility that a single binational constitutional democracy in Israel / Palestine is the most promising path to future peace and security in the region.

A growing number of scholars are reaching the conclusion that the chances of reaching a just two-state solution are increasingly remote. The slow progress of peace talks, the isolation of Gaza, the construction of the separation wall in the West Bank, and the growth of Israeli settlements in the Occupied Territories all provide reason to be pessimistic about two viable states emerging from ongoing negotiations. The horrific toll division and violence takes on Israelis and Palestinians alike adds moral urgency to the need to open our hearts and imaginations to alternative political futures in the Middle East.

The existing one state scholarship is devoted primarily to convincing those with an aversion to even considering the idea. Specific issues of constitutional design have not been explored in any depth. While these are matters that can be decided only by the people of Israel / Palestinian in future negotiations, this conference aims to envision in specific terms the possible constitutional dimensions of a future single state. We are convinced that pursuing this visionary exercise is an important part of the ongoing search for justice and peace in the Middle East.

The conference aims to open a series of principled conversations among scholars with a commitment to the equality of all peoples, and in particular, a commitment to the equal rights of self-determination of Israelis and Palestinians. Drawing on the experiences of other multinational constitutional democracies - such as Canada and South Africa - the conference will explore the possibility that a state shaped by federalism, equal citizenship and respect for linguistic, cultural and religious rights could provide greater protection than the current situation to the long-term security and right to self-determination of both Israelis and Palestinians in the Middle East.