A road to peace?

Application of the Adjusted Winner procedure to the Israel–Palestine Conflict

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Hovedoppgave i sosiologi
Cand. polit (1992)
Vår 2006

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Acknowledgements

Conflict resolution has always interested me. As an undergraduate, I studied both sociology and political science, but found that they presented very few perspectives on conflict resolution. In the fall of 1999 I left for Washington DC and enrolled in a semester program called Peace and Conflict Resolution at American University. The program emphasized both conflict resolution theory and a case study of the conflict between Israelis and the Palestinians. I got the chance to participate in a study tour to Israel, the Gaza Strip and the West Bank, and to Egypt, where we met people from both sides of the conflict; politicians, NGO’s, members of peace organizations on both sides, young people enrolled in the Israeli military, representatives of the UN, and inhabitants of refugee camps, Israeli settlements and people living in kibbutzims.

I can definitely say that the semester in Washington DC changed my life and my interest for sociology. My professors, Simona Sharan and Margareth Smith, and all the other people I met in Washington and the Middle East who shared their thoughts, perspectives and ideas inspired me to write this thesis on conflict resolution and the Israeli-Palestinian conflict.

I would like to thank my two supervisors who have helped me with this thesis; Nils Petter Gleditsch and Jon Hovi. They have given me constructive criticism and have helped me with my many difficulties and questions. I would also like to thank Hanne Eggen Røislien at PRIO for giving me inputs on my chapters concerning the Israeli-Palestinian conflict. My sister Marianne in Australia deserves a huge “thank you” for proofreading this thesis, and giving me many constructive points and ideas as a non social scientist reader.

Finally, my greatest thanks go to my immediate family, which has meant the world to me during my work with this thesis. They have had faith in both me and my project, and have supported me all the way. My husband Kjell and my son Nikolai (who was born during the work on my thesis) have also continued to remind me that life is much more than work and study!

Hamar, February 2006
Kathrine Gylthe Berget
Summary

The Adjusted Winner procedure (AW) is a conflict resolution mechanism developed by Steven Brams and Alan Taylor. They claim that their procedure is unique because it produces dispute solutions that are envy-free, efficient and equitable. Their procedure provides the parties with a settlement that is based on subjective utility, which means that the parties will receive the portion of the issue(s) they value most.

In this thesis I use the AW procedure on the conflict between Israel and Palestine. I define the territorial issues in the conflict, and present the two sides’ different positions on the different issues. The territorial issues are defined as: the West Bank, the Gaza Strip, settlements, Jerusalem, borders and natural resources. Then I present how the AW procedure can produce a solution that meets the fair division criteria. Four different solutions to the territorial conflict are presented.

The results for outcome 1 and 2 is that the Israelis will win on the issues of the West Bank, water and settlements, while the Palestinians will win on the issue of borders and the Gaza Strip. The issue of Jerusalem has to be split or shared between the two parties as a result of the equitability adjustment.

The results in outcome 3 show what can happen when the parties try to be strategic in their allocation of points. In this scenario the Israelis will win on the issues of the West Bank and water. The Palestinians will win on the issues of Borders, the Gaza Strip and settlements. Also in this scenario the issue of Jerusalem has to be split or shared between the two parties as a result of the equitability adjustment.

In outcome 4 the issues of borders, the West Bank and the Gaza Strip, are lumped together as one issue called borders. In this case the Israelis will win on the issues of settlements, Jerusalem and water, while the Palestinians will win on the issue of borders. In this scenario there is no need for an equitability adjustment.

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1 Envy-freeness is defined as a division “in which every person thinks he or she received the largest or most valuable portion of something – based on their own valuation – and hence does not envy anyone else” (Brams and Taylor 1999: 2). A settlement is efficient “if there is no other allocation that is better for some party without being worse for another party”. They define equitability as “both parties think they receive the same fraction of the total, as each of them value values the different items” (Brams and Taylor 1999: 14-15).
Chronology

Aug 1897  
First Zionist Congress in Basel, Switzerland

1908  
Overthrow of the Ottoman Sultan

Nov 2, 1917  
The Balfour Declaration

July 1920  
Establishment of the British Civil administration

Dec 1920  
The Third Palestine Congress. Formation of the Arab Executive

Sept 1923  
The official beginning of the British Mandate

1923  
Formation of the Palestine Arab National Party

Aug 23, 1929  
The Wailing Wall Riots

1936–39  
The Arab Revolt

1937  
The Peel Commission partition proposal

Nov 29, 1947  
UN resolution 189 on the partition of Palestine

May 14, 1948  
Proclamation of the State of Israel

First Arab-Israeli war

April 4, 1950  
Jordan annexes the West Bank, including East Jerusalem

Jan. 13–17 1964  
First Arab summit meeting

May 29, 1964  
Creation of the Palestinian Liberation Organization (PLO)

June 5–10 1967  
The Six-Day War

June 27, 1967  
Israel annexes East Jerusalem

July 26, 1967  
The Allon plan is presented to the Israeli cabinet

Nov. 22, 1967  
UN Security Council passes Resolution 242

Oct. 6–26 1973  
UN Security Council passes Resolution 338

Oct 26–29 1974  
The Arab League summit recognizes PLO as “the sole legitimate representative of the Palestinian people”
<table>
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<tr>
<td>Sept. 5–17 1978</td>
<td>The Camp David Conference</td>
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<tr>
<td>Nov 2–5 1978</td>
<td>The Arab League summit denounces the Camp David Accords</td>
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<tr>
<td>Dec. 14, 1981</td>
<td>Israel annexes the Golan Heights</td>
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<td>April 26, 1982</td>
<td>Israeli withdrawal from Sinai is completed</td>
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<td>Aug. 21, 1982</td>
<td>PLO fighters are evacuated from Beirut</td>
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<td>The massacre of Sabra and Shatilla</td>
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<td>June 10, 1085</td>
<td>Israel withdraws for Lebanon</td>
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<td>Dec 9., 1987</td>
<td>Outbreak of the Intifada</td>
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<td>July 31, 1988</td>
<td>King Hussein announces Jordan’s disengagement from the West Bank</td>
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<td>Nov. 15, 1988</td>
<td>Palestine National Council accepts UN Resolutions 181, 242 and 388</td>
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<td>Dec 10 1991</td>
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<td>Knesset annul ban on contacts with the PLO</td>
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<td>Sept. 10, 1993</td>
<td>Israel and PLO exchange letters of mutual reorganization</td>
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<td>May 4, 1994</td>
<td>Israel-PLO agreement on the application of the Declaration of Principles</td>
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<td>Sept. 28 1995</td>
<td>Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip (Oslo II)</td>
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<td>Jan 5, 1996</td>
<td>The first Palestinian elections</td>
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<td>April 24, 1996</td>
<td>The Palestinian National Council amends the Palestinian National Charter</td>
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<td>Date</td>
<td>Event Description</td>
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<td>May 1996</td>
<td>Benjamin Netanyahu and the Likud party win the Israeli elections</td>
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<tr>
<td>Dec. 14, 1998</td>
<td>The Palestinian National Council lays to rest the goal to destroy Israel</td>
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<td>May 1999</td>
<td>Ehud Barac and the Labor party win the Israeli elections</td>
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<td>Sep 28, 2000</td>
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<td>Sept 11, 2001</td>
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<td>Spring 2002</td>
<td>Arafat is put into house arrest</td>
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<td>Jan 2003</td>
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<td>April 2003</td>
<td>The Road Map for Peace</td>
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<td>Nov 11, 2004</td>
<td>Yasser Arafat dies</td>
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<td>Jan 9, 2005</td>
<td>Mahmoud Abbas is elected Palestinian president</td>
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Chapter 1  Introduction

1.1  Introduction to conflict resolution

At various points in our life we are all involved in some sort of conflicts or disputes. These can vary from deciding who can play with which toys, cutting a cupcake into two parts, dividing the property in an estate, dividing the chores in a household or determining the borders between two countries. Every day children, couples, employers and employees, politicians, diplomats or nations argue over different issues. Many of us do not seem to have any clear idea on how to resolve such disputes without risk of damaging what might be an important relationship. Some turn to mediators, negotiators or arbitrators because they need help to solve a conflict. Others turn to the courtroom.

The period after World War II can be characterized as one of conflict and war, and the end of the Cold War has not at all eliminated armed conflicts. In the period 1946–2001 there were a total of 225 conflicts according to the Uppsala Conflict Database (Gleditsch et al. 2002: 620).

Today, civil war is the dominant form of collective violent conflict. In 2001 there were 34 violent conflicts active in 28 countries, and only one of these conflicts was between two states (Gleditsch et al. 2002: 616). With the emergence of numerous regional and subregional conflicts around the world, the need for effective conflict resolution strategies has increased. Most civil war conflicts today end with military dominance by one of the parties, or even by a third party. The “peace” that follows is then based on the victor’s view of what is “fair” and “right” in the situation.

In this thesis I will focus on the conflict between Israel and Palestine. My goal is to see whether and how it might be possible for the Israelis and the Palestinians to reach an agreement which can both solve the conflict concerning the territory, and that seems fair to both parties. The conflict between the two parties goes back to the 19th century. One of its first turning-points is the emergence of Zionism and the beginning of Jewish immigration to Palestine in the 1880s. The UN resolution 181 of November 29, 1947 called for the
partition of the land and the creation of Israel and Palestine. The State of Israel was established on May 14, 1948. The Middle East is often presented as a battleground for two self-righteous peoples. But the conflict between Israel and Palestine can also be seen as a conflict between two persecuted peoples. Both have suffered at the hands of others: Arab suffering was experienced in the Middle East whereas Jewish suffering was experienced mainly in Europe and during the Nazi Germany (Galtung 1972).

1.2 Fair Division

People often face the dilemma of two ways to negotiate an agreement; the soft way and the hard way. The soft negotiator wants to avoid any personal conflict and therefore makes concessions readily in order to reach an agreement. Using this method, the negotiator might end up feeling exploited and bitter. The hard negotiator sees the situation as a contest of wills. The one taking the more extreme positions and holds out longer will be better off in the agreement (Fisher and Ury 1999: XIV). Both of the positions will harm the further relationship between the two parties. Brams and Taylor have developed a patented procedure called Adjusted Winner, which enables the parties to walk away with their maximum win-win potential.

The focus for my thesis is conflict resolution and Brams and Taylor’s principle of Fair Division. Fair Division is concerned with finding ways to divide an object among \( n \) people that guarantee everyone a “fair share”. There are different possible notions of fairness, but I am interested in what Brams and Taylor calls envy-free division. By envy-free division Brams and Taylor mean that for two people each is entitled to at least half of the total value of the item(s) in dispute, and for three people each is entitled to at least a third of the total value of the item(s) they are suppose to be dividing. The division is envy-free, i.e., each person feels he or she receives a piece that is at least as good as what the other party gets, in his or her own estimation. Nobody envies the other party, and thereby everyone gets a “fair share”.

Brams and Taylor investigate how to create a fair division of conflicts in general based on the satisfaction of utility (Brams and Taylor 1996). They have developed a conflict resolution procedure which they call Adjusted Winner (AW). By using the AW procedure, one can transform an unstructured bargaining situation into an arguably fair settlement.
Brams and Taylor claim that, if used right by the parties in a dispute, the AW procedure will produce solutions that are envy-free, efficient and equitable\(^2\). The AW procedure is a theoretical improvement of the more common fair division procedures like divide-and-choose and Austin’s moving-knife\(^3\).

Brams and Taylor claim that their Adjusted Winner procedure can be meaningful as a tool of conflict resolution because it guarantees a fair share to the conflicting parties. It is also interesting because it provides the parties with a settlement which is based on subjective utility\(^4\). This guarantees that the parties win on the issues they value most. But the procedure is based on some assumptions which might call into question whether the procedure is useful when it comes to internal conflicts. First, the parties must be willing to point allocate a utility value to each of the different items in question. Here, there are two technical assumptions: additivity and linearity. *Additivity* means that “the value of two or more goods to a player is equal to the sum of their points” (Brams and Taylor 1996: 72). In other words, the issues in a negotiation must be separable in a fruitful way. *Linearity* means that “the players’ marginal utilities are constant. This means that 2X percent of a good are twice as good as X percent” (Brams and Taylor 1996: 243). In addition to these specific assumptions, the AW procedure seems to rely on some more general assumptions: the parties behave like rational actors, they are honest in their point allocation (either if they themselves carry out the procedure or it is carried out by the help of mediators), and they can bind themselves to the procedure in the negotiation process.

\(^2\) Brams and Taylor define envy-freeness as a division “in which every person thinks he or she received the largest or most valuable portion of something – based on their own valuation – and hence does not envy anyone else” (Brams and Taylor 1999: 2). A settlement is efficient “if there is no other allocation that is better for some party without being worse for another party”. They define equitability as “both parties think they receive the same fraction of the total, as each of them value values the different items” (Brams and Taylor 1999: 14-15). I will elaborate further on this in Chapter 3.

\(^3\) “Austin’s moving-knife procedure is a two-person moving-knife procedure in which the players divide a heterogeneous good into two pieces. The resulting division is envy-free but not efficient”. “Divide-and-choose is a discrete two-person procedure, applicable to a divisible heterogeneous good, in which one player cuts the cake into two pieces and the other player selects one piece. The division is proportional and envy-free, but not efficient” (Brams and Taylor 1996: 238, 240).

\(^4\) Brams and Taylor define the utility of some portion of a good or goods as “a numerical value indication the players’ degree or preference for that potion” (Brams and Taylor 1996: 246).
1.3 Research question

I wish to evaluate whether the AW procedure can be applied to the conflict between Israel and Palestine. My goal is to:

1. Show explicit criteria that characterize different notions of fairness.
2. Describe the Adjusted Winner procedure for obtaining a fair division for goods or preferred positions on different issues in negotiations.
3. Apply the AW procedures to the conflict over territory between Israel and Palestine.

The main research question for this thesis is as follows:

*What solution does the Adjusted Winner procedure suggest for the conflict between Palestine and Israel?*

In addition I will attempt to answer two subsidiary questions:

*What potential problems might an actual application of the AW procedure encounter?*
*Given the assumptions in the procedure, is it possible to use the AW procedure as a tool for conflict resolution in the conflict between Israel and Palestine?*

1.4 Approach to the topic

When theorizing about conflict, one can use different assumptions about human behavior. The Adjusted Winner theory is based on a rational choice model derived from economic analysis. This model is based on the idea that the decision-makers weigh the benefits and costs of alternative courses of action, and choose the alternative that maximizes expected net benefits. Game theory is the theory of strategic interaction between rational actors. Strategic interaction takes place when the actions of at least two parties jointly determine the outcome for both (or all) (Hovi and Rasch 1993: 15).

The main reason for negotiating with other parties is to produce a better result than the one you can obtain on your own. Roger Fisher and William Ury have coined the term BATNA, or “Best Alternative to a Negotiated Agreement”. “BATNA is the standard against which any proposed agreement should be measured” (Fisher and Ury 1999: 104). Whether you should accept or reject a proposed agreement depends upon your available
alternatives. According to Brams and Taylor there is no obvious BATNA in the conflicts like divorce, labor-management conflicts and clashes between neighboring counties, and other disputes in which the parties cannot simply walk away from the negotiation table (Brams and Taylor 1999: 16). This also applies to the conflict between Israel and Palestine. The disputants lack viable fall-back positions, i.e. there are no satisfactory alternatives that each side can implement alone. The only alternative to negotiation – going back to war – seems to be a bad alternative for both parties. Brams and Taylor believe that a procedure that ensures a settlement’s fairness is needed in situations in which the two sides have no option but to try to live with each other.

1.5 Outline

In this thesis I will carry out three investigations. First, I conduct a theoretical investigation into the literature on conflict theory, the many definitions of conflict and conflict resolution. Second, I conduct a case study on the different territorial issues in the conflict between the Israelis and the Palestinians. Third, I conduct a hypothetical application of Brams and Taylor’s Adjusted Winner procedure to the territorial Israeli-Palestinian conflict. Based on these three investigations I discuss whether it is fruitful or not to use the AW procedure as a tool for conflict resolution in the conflict between Israel and Palestine.

The outline for the thesis is as follows:

In Chapter 2 I describe my research design and the methodological challenges connected to it. I present the case study as a form of research technique, and I present the different investigations included in my research resign.

In Chapter 3 a theoretical investigation into the literature on conflict and conflict resolution is conducted. I present different definitions of conflict, and I investigate how the conflict between the Israelis and the Palestinians fit into these definitions. I also discuss what is meant by conflict resolution.

In Chapter 4 I present the rational choice theory and show the connection between this theory and conflict resolution theories.

In Chapter 5 I show explicit criteria that characterize different notions of fairness. I also present Brams and Taylor’s Adjusted Winner procedure, and I show why the procedure in theory produces settlements that are envy-free, equitable and efficient.
In Chapter 6 I present an overview of the history of the conflict between Israel and Palestine. This brief account of the conflict is necessary in order to understand how the parties view the different issues when it comes to negotiating a settlement.

In Chapter 7 I conduct a case study on the territorial conflict between the Israelis and the Palestinians. I present the idea of territorial compromise and a two-state solution. I present the conflicting territorial issues and show how the parties have addressed these issues. This case study forms the basis for the hypothetical point allocations used in the Adjusted Winner procedure.

In Chapter 8 I show how the AW procedure can be used to arrive at a settlement in the Israeli-Palestinian conflict. Two hypothetical applications of Adjusted Winner are presented.

In Chapter 9 I discuss potential problems concerning the AW procedure. The procedure is critically evaluated, and my aim is to see how these potential problems might affect the application of the procedure to the conflict over Palestine. Two additional applications of the AW procedure is presented.

In Chapter 10 I discuss if it is possible to use the AW procedure as a tool for conflict resolution in the conflict between Israel and Palestine.
Chapter 2  Research design and methodological challenges

2.1 Introduction to case study

My focus in this thesis is whether the Adjusted Winner procedure is a fruitful tool for conflict resolution in the territorial conflict between the Israelis and the Palestinians. To answer this question, I use case study as my form of research technique. Wimmer and Dominick (1997: 102) characterize a case study as “(...) a common qualitative research technique. Simply put, a case study uses as many data sources as possible to systematically investigate individuals, groups, organizations or events”. Yin (2003a: 5) states that “the case study inquiry copes with the technically distinctive situation in which there will be many more variables of interests that data points, and as a result [it] benefits from the prior development of technical positions to guide data collection and analysis”

Case studies are conducted in various forms. Case studies can be both single case studies and multi case studies. In addition, one differs between explorative, descriptive and explanatory case studies (Yin 2003a: 5, Yin 2003b:15)

**Exploratory** case studies have been considered as a prelude to some social research. In this type of case study fieldwork, and data collection may be undertaken prior to definition of the research questions and hypotheses. Pilot projects of this type are very useful in determining the final protocols that will be used. Survey questions may be dropped or added based on the outcome of the pilot study (Tellis 1997).

**Descriptive** cases require that the investigator begin with a descriptive theory, or face the possibility that problems will occur during the project. What is implied in this type of study is the formation of hypotheses of cause-effect relationships. The descriptive theory must therefore cover the depth and scope of the case under study (Tellis 1997).

**Explanatory** cases are suitable for doing causal studies (Tellis 1997).
Case studies also differ in whether they attempt to arrive at generalizations based on information from the case study, or if the aim simply is to investigate the individual case (Yin 2003a: 5, Yin 2003b:15).

2.1.1 My case study

My research design includes three investigations:

1. A theoretical investigation into the literature on conflict theory and rational choice theory
2. A case study on the territorial issues in this particular conflict
3. Hypothetical applications of the AW procedure

It can be argued that the theoretical investigation, the case study on the Israeli-Palestinian conflict and the hypothetical applications of the AW procedure are connected and should be treated as one case study. However, these three investigations have different methodological challenges and are based on different scientific criteria.

In this chapter I will discuss these challenges and the chance of arriving at valid and reliable outcomes.

2.2 Conflict theory and rational choice theory

As I see it, the foremost advantage of a case study is that the researcher is able to get a broad specter of information about the object he or she studies. Ideally a case study should be used in combination with scientific theories in order to obtain a high degree of understanding.

The theoretical investigation into the literature on conflict theory and conflict resolution is done in order to establish a framework for which the Adjusted Winner procedure to work in. The AW procedure is built on a rational choice theory basis. The theoretical arguments for using such a model for conflict resolution are presented to the reader, and can eventually be criticized.

2.3 Case study on the territorial issues in the conflict

The aim of the investigation into the history of the conflict and the territorial issues served to establish the information needed to apply the AW procedure to this specific conflict.
Many different type of data sources can be incorporated into a case study. The more sources a researcher has access to, the more valid becomes the investigation. This is one of my main arguments for choosing this form of research design. I have used many different sources of information in this thesis; documents, newspaper articles, statements made by Israeli and Palestinian officials, internet sites and previous agreements and proposed agreements.

In my thesis I also give a brief account of the history of the conflict. When it comes to this type of conflict it is very important to have access to many and different sources of information. The reliability of the data is stronger if it is based of many different sources. I have based my investigation on both Israeli and Palestinian information sources. Even so, I am aware that some might not agree with my presentation of the conflict and the territorial issues.

One of the difficulties of using a case study in a thesis like this is the enormous amount of data material available to me. Collecting this type of data is time consuming and might result in data that is not always useful. This sets great demands on the researchers, and it might be difficult to choose valid and reliable information. Despite these difficulties I feel that my account of the history of the conflict and the territorial issues is reliable.

2.4 Hypothetical application of the AW procedure

The hypothetical application of the Adjusted Winner procedure involves methodological challenges when it comes to point allocation. According to Raiffa (1982) an issue may have a utility value due to different value factors (economic, political, religious, cultural etc). This means that the value of winning or loosing on the different issues cannot be adequately described by a single attribute. In addition, the issue may also involve risk.

On the background of the data material I have listed the parties’ position on the different issues. It is difficult to state exactly how the parties would list their priorities. My listings are based on the parties’ communicated preferences. I have not estimated the risk factors, or what value factor might be most important. Many value factors may not have been communicated at all (for example political value factors).
2.5 Limitations of the research design

A case study has its limitations when used as a research design in an M.Phil. thesis. The size of this thesis is to my opinion too small to do justice to the enormous available data material. In many ways I believe I was more qualified to choose a research design after I had collected much of the data material. With more resources, a more detailed investigation might have given more interesting results. A case study is often used as a first step in a much larger investigation. Interviews with participants on each side of the negotiation table might have given more accurate point allocations.
Chapter 3  Conflict theory

3.1 Introduction to conflict theory

Conflict theory refers to the relative diffuse collection of theories that, in the 1960s, was formulated as a challenge to the dominant Parsonian structural-functionalism. The basic view is that a society or an organization functions so that each individual participant and its groups struggle to maximize their benefits. This inevitably contributes to social change. The theory stands in opposition to functionalism, which argues that societies and organization function so that each individual and group plays a very specific role in a larger environment, like organs in the body.

The term conflict may at first seem explicit, but as I shall show it is rather ambiguous. The everyday use of the word does not reveal the distinctions and definitions needed for an academic discussion of conflict and conflict resolution. According to Vilhelm Aubert, the term conflict applies to “neural processes, to internal psychic states and to individual choice of action” (Aubert 1963: 26). Johan Galtung distinguishes between dispute and dilemma. A dilemma involves one person or actor, pursuing two incompatible goals and a dispute involves two persons or actors, pursuing the same scarce goal (Galtung 1996: 70). Such disputes may occur between individuals or groups.

Aubert defines conflict as a “tension between two or more actors irrespective of how it has originated and how it is terminated” (Aubert 1963: 26). Conflict occurs when the expectations and the responses to those expectations are not complementary. Others expect something of one actor which he or she is not willing to or not able to fulfill. The condition must be characterized by signs of tension, opposition or hostility, and as a minimum it is required that one of the actors, in words or by action, express a wish to counteract the

This is a very wide definition of conflict. But Aubert states that a definition of conflict ought to be this wide in order to include most of the difficulties people experience in relationship to each other (Aubert 1981: 192).
other(s) and/or by his or her actions harm the other(s) (Aubert 1981: 191–192). This means that a social conflict involves interaction between the parties that may result in damage, injury or harm. In this way it differs from for example role conflict, which involves a single individual. According to Galtung, there is a contradiction deep inside every conflict; something is standing in the way of something else (Galtung 1996: 70). Conflict often arises because of competition over access to, or control over, scarce resources or opportunities, and it implies that the parties have different goals they wish to accomplish, and the probability for goal attainment for one of the party decreases as the probability for the other increases.

Social conflict is a special type of conflict. According to Aubert, a social conflict is a state in a relation between two or more actors (Aubert 1981: 192). Anthony Oberschall states that “‘Social conflict’ refers to conflict in which the parties are an aggregate of individuals, such as groups, organizations, communities and crowds” (Oberschall 1978: 291).

Håkan Wiberg outlines three different meanings of the term conflict (and of course combinations of them):

1. *A is in a state of conflict with B because of differences in interests and goals.*
   A conflict exists between A and B if, and only if, it is impossible to find a division of the good in question which consider both parties’ goals and/or interests (Wiberg 1990: 9).

2. *A is in a state of conflict with B because they attack each other in some ways.*
   By conflict behavior we mean a kind of behavior which is aimed at depriving the other party of some form of value (e.g. territory, security, reputation, trade benefits etc.) (Wiberg 1990: 25).

3. *A is in a state of conflict with B because A has a negative attitude to B.*
   Wiberg gives three examples of different components in conflict attitudes.
   - **Cognitive components:** ascribe the other party different characteristics you do not like, i.e. stupidity, slyness, excessive energy, aggressiveness, evil etc.
   - **Emotional components:** hatred, despise, anger.
   - **Readiness to act:** being able to harm the other party by discrimination, violence etc. (Wiberg 1990: 30).

This concept of a conflict as a triadic construction is taken from Galtung’s conflict triangle, also called the ABC triangle.
According to Galtung, a fully articulated conflict=$A+B+C$ (Galtung 1996: 71–73). I have now referred to different theoretical approaches to the definition of conflict. What these theories have in common is that they consist of three different components: actors, actions and incompatibility. Peter Wallensteen has constructed a definition of conflict that brings together these essential elements. He defines conflict as a “social situation in which a minimum of two parties strive to acquire at the same moment in time an available set of scarce resources” (Wallensteen 2002: 16). In the following I will use this as a general definition of conflict.

### 3.2 Conflict potential

It is important to distinguish between the state of the conflict and the basis of the conflict. The basis of conflict, also called conflict potential, is the condition of the system which has led to the overt signs of hostility or to the objectively frustrating words or deeds (Aubert 1963: 27).

The basis of the conflict refers to the relationship between the individuals. In the following I will distinguish between two types of conflict in terms of their basis; conflict of interests and conflict of values or believes (also refereed to as dissensus or disagreement). Both conflict of interest and conflicts of values corresponds to Wiberg’s first meaning of the term conflict and what Galtung calls contradiction.

Classification of concrete cases as belonging either to the one or to the other may be different or maybe even impossible. The distinction can be made according to the causes for the conflict, or according to the way the conflict is appearing or the way it is dissolved. But one can often see that conflicts that has its origin in one of the two categories, at some point turn into a conflict of the other type (Aubert 1981: 200).
3.2.1 Conflicts of interest

A conflict of interests stems from a situation of scarcity. Both actors want the same “thing”, but access to the good is limited and there is not enough of it available for both parties to fulfill their needs or wishes (Aubert 1963: 27). The parties have incompatible goals or interests; it is not possible for both parties in the situation to completely realize their wishes (Wiberg 1990: 9).

Wiberg divides conflicts of interest into absolute conflicts and relative conflicts (Wiberg 1990: 10). If either parties’ goals or interests are defined in absolute terms, e.g. X dollars or Y km², we can call the conflict absolute. One example is between two companies which produce the same item. In these conflicts of interest, also called cut-throat competition, the actors want to eliminate each other. In game theory this is called a zero-sum game; one actor loses the territory that the other party gains. Where the parties’ goals and interests are formulated in relation to each other, Wiberg calls the conflict relative. One example of a relative conflict is when two states are arguing over the same territory and both want a bigger part than the other party gets. One can logically argue that there is no division where both states get a bigger piece that the other one. Conflicts over power or influence and over dignity or class are mostly relative.

In times of war, the outcome of the conflict might be a victory for one of the parties, but this party might also lose so much during the warfare that it will have a hard time recovering. Therefore it seems more rational, less risky and less uncomfortable for both of the parties to come to a joint agreement. According to Aubert, negotiations will be useful when it comes to solving a conflict where the parties’ interests are partly identical and partly contradictory. Since both parties have something to gain from the other, they will try to motivate the opponent to concession. They will both try to get the other party to increase its contribution or reduce its demands, by promising some sort of repayment. They seek to come to a conclusion by compromising (Aubert 1981: 197).

The basis of conflict is present in all trading transactions, and in some conflicts of interests there will be only one winner. But this is not necessarily true in all situations. The state of hostility and/or inflicted frustration between the individuals or groups is often solved or at least terminated (Aubert 1963: 27). There are cases where the actors may have identical interests, and thereby wish to come to an agreement. A common conflict of interest is one between a seller and a buyer. The buyer usually wants to pay less than the seller demands, but both parties have the same interest – that a trade will happen. The salesman does not wish to be left with merchandise he or she cannot use for herself, and
the buyer will have no use for the money he can save if he cannot get a hold of the merchandise he needs or wants. The opposing interests have been brought together because of a wish to maximize the likelihood of minimal loss on both sides, also called the minimax principle. If a conflict of this type comes into the open, the solution will often be a compromise. Each party concedes to reduce his or her demands until an agreement is reached. The gain of one party is not wholly a loss for the other (Aubert 1963: 28). One can then say that the conflict is not absolute. This is also true when it comes to war; either war between two nations or civil war. One nation or one group’s victory is the other one’s loss. However, both parties have a common interest in preventing war from breaking out because a victory will always lead to some sort of loss for the winning nation or group (Aubert 1981: 193).

A conflict of interest does not necessarily involve any disagreement concerning values or actual facts. It is rather the opposite; in a conflict of interest, for instance between a salesperson and a buyer, they have already agreed upon the value of the merchandise (Aubert 1981: 198). In the foundation for a conflict of interest is therefore some sort of common understanding. This common understanding is essential when it comes to conflict resolution.

### 3.2.2 Value conflicts

A value conflict arises from a situation where the parties have different priorities regarding values, for example about religion. The actors value an object differently; they disagree how to value a good or a necessary evil. The disagreement can be either normative or factual. Such a disagreement does not always lead to conflict. A profound conflict of values will tend to keep the antagonists apart, and thereby reduce the risk of open conflict. They do not value the same things and they therefore tend to encounter each other less frequently than would otherwise have been the case (Aubert 1963: 29).

A dissensus does not in itself lead individuals or groups to attack each other. On the other hand, we will often see such a disagreement over values leading to conflict, political struggle or ideologically based war. According to Aubert this can happen because there also exists a conflict of interest between the parties in addition to the conflict of values. Ideological differences can also create a basis for a conflict of interest. A dissensus becomes a conflict of interest if and when both parties wish to agitate for its values. In that case, a supporter won for one opinion is a supporter lost for the other. Both parties will
then try to secure its position of power so that they can defend and fight for its own ideas and beliefs (Aubert 1981: 199). And power is a scarce resource.

Aubert raises the question whether conflicts of values can be avoided in the same fashion as interest conflicts, e.g., by compromise. Values and beliefs can not be traded the same way as merchandise and services. In can be difficult to put a price on values and in some situations it is not regarded legitimate to bargain over believes. Values and opinions on actual fact in not something one can consider a personal belonging. According to Aubert, there is no private ownership of values. That would contradict their communal origin (Aubert 1963: 29). A person has therefore no “right” to make concession if the statement is not proven wrong. Because of this it is difficult to reach an agreement based on compromise in this type of conflict (Aubert 1981: 199). The terms for reaching a solution by negotiations, exchange and compromise is less favorable for conflicts of values than for conflicts of interests.

### 3.3 Conflict behavior

Wiberg’s second meaning of the word conflict refers to conflict behavior. This is a kind of behavior which is aimed at depriving the opposing party of some form of value (Wiberg 1990: 25). In Galtung’s conflict triangle this is simply called behavior.

Conflict may be institutionalized, i.e. regulated by a set of rules to which all the participants agree. An example is the electoral process. Institutionalized conflict is often taken as evidence of a healthy democratic process. In this view, society is a complex of competing interests. Democratic rules and institutions allow the articulation and resolution of conflict, and prevent any interest group from always prevailing in every issue.

Oppressed groups can create situations of conflict in order to spark social change. Conflict may also be unregulated, or non-institutionalized, such as the violence by and against terrorist organizations or revolutionary movements. Unregulated conflict can be dangerous in that it often turns violent. When this happens, a cycle of violence may persist, resulting in many victims.

Competition in its broadest sense exists when any potential positions of two parties are mutually incompatible. But whereas all cases of conflict involve competition, not all cases of competition involve conflict. The intensity of this competition depends on whether one or both parties are moving into the incompatible area. According to Boulding (1963: 5), conflict may be defined as a situation of competition in which the parties are aware of
the incompatibility of potential future positions, and in which each party wishes to occupy a position that is incompatible with the wishes of the other.

The most difficult of all conflicts are armed conflicts. They are different from other conflicts in that they are irreversible actions. War is one of the most destructive phenomena that one human group can inflict on another (Wallensteen 2002: 17). In the following I will use the definition of armed conflicts used by the Uppsala Conflict Data project (see www.pcr.uu.se or Gleditsch et al. 2002).

An armed conflict is defined in the Uppsala Dataset as a “contested incompatibility that concerns government and/or territory where the use of armed force between the two parties result in at least 25 battle-related deaths in one calendar year” (Uppsala Conflict Data project: www.pcr.uu.se). This definition applies to both interstate and internal conflicts. The dataset distinguishes between three categories of intensity:

1. **Minor armed conflict**: conflicts with at least 25 battle-related deaths per year but less that 1000 for the year and for the duration of the conflict.
2. **Intermediate armed conflicts**: conflicts with at least 25 battle-related deaths and less that 1000 for a year, but more that 1000 for the duration of the conflict.
3. **War**: conflicts with at least 1000 battle-related deaths on one year.

The conflicts included in the project are those that have at least one state or government as a party, and the incompatibility involved must be either over government or over territory. A conflict over government is about control of the whole state (who should control it and how, the type of political system, the replacement of the government or the change of its composition). A conflict over territory is about control of part of the state (who should control it and how). In an interstate conflict this means a change from one state to another, in an internal conflicts it means secession or autonomy. Internal armed conflicts occur between a government of a state and internal opposition groups with or without intervention from other states.

### 3.4 Conflict theory and the Israeli-Palestinian conflict

The conflict between the Jews and the Arabs in Israel and Palestine goes back to the late 19th century. Since then the conflict has escalated into a civil war over control of the territory.
According to Galtung (Galtung 1972: 39), “the parties have to be specified, their values (goals and interests) must be given and the incompatibility of these values must be demonstrated”. In this conflict the parties are given. Their goal and main interest is the same land area.

There is no doubt that a high level of tension persists between the Israelis and the Palestinians. The conflict fits well the description of conflict as a “social situation in which a minimum of two parties strive to acquire at the same moment in time an available set of scarce resources” (Wallensteen 2002: 16). The Israelis and the Palestinians both want the same piece of land. They want, and feel entitled to, not only a home, but a state, and they compete over access to as well as control over scarce resources.

According to both Galtung and Wiberg’s definition of conflict, the conflict over Palestine is a fully articulated conflict, because it involves Attitude/Assumption, Behavior, and Contradiction:

1. The Israelis and the Palestinians are in a state of conflict with each other because of differences in interests and goals. It seem like it is impossible to find a division of the land that takes into account both parties’ interests.

2. The Israelis and the Palestinians are in a state of conflict with each other because they attack each other in different ways. The conflict can be labelled as an unregulated conflict. According to the Uppsala Conflict database, the conflict over Palestine is an armed conflict at the intermediate level, with 485 battle-related deaths in 2004 (Uppsala Conflict Data project: www.pcr.uu.se, April 11, 1005).

3. The Israelis and the Palestinians are in a state of conflict with each other because they have negative attitudes to each other.
Chapter 4  Rational choice theory

4.1  Introduction

Rational choice theory is a theory of human action and social integration. Human action is explained by referring to the actor’s own interests. People will chose by different possible actions that may lead to different outcomes.

Rational choice theory was developed in economics but it has also been applied in other social sciences. Coleman and Elster⁶, among others, have criticized followers of the Durkhemian tradition that focuses on the macro level of society, and that believes explains human action as governed by norms.

In sociological literature, the understanding of what rationality and rational action means, vary somewhat. But the emphasis on the individual and his or her interests is always the starting point. Different theorists may make somewhat different assumptions about the individual and may proceed in different ways from the individual to larger social groupings and systems. But the individual is always the basic unit of rational choice theory.

4.2  Postulates of individualism

The “point of departure” for rational choice theory is self interests and calculative rationality. In sociology, four postulates about human actions are generally taken as fundamental. Human beings are presumed to be (Barnes 1995: 12):

⁶ See for example Coleman 1990, Elster 1989a and Elster 1989b
1. **Independent**
   The assumption of the actor as independent is the most important of all. Action is produced by an actor who is independent of the immediate context.

2. **Rational/calculative**
   The actors’ “wants” or “desires”. This explains why actors choose one course of action rather than the other.

3. **Goal oriented**
   The desires can be ranked in an order of priority, and human beings can act optimally to realize them.

4. **Egoistic**
   It is assumed that the wants and desires are related to the individual’s own benefit rather than the benefit of others. This is, however, the least important benefit of the postulates, and is absent in some texts.

The individualistic approach to human action can be summed up as follows: The human being will “…take stock of the situation: rationally calculate in the light of what she knows how each available action is liable to affect the situation; note which action is likely to be the most effective in furthering her goals; and enact that action accordingly” (Barnes 1985: 13)

### 4.3 What is rational choice?

As humans we engage in activities with other humans. The question is why we engage in this social exchange. Elster (1989a) argues that human behaviour is governed by the principle of intended maximization of aims under given constraints. Actors have a set of actions to choose from which will lead to different outcomes. The actor has preferences or desires on which of these outcomes that are to be realised. Rational choice theory then considers an action as a result of a process of two filters. The first filter is the objective, physical, economic and social surroundings in which the human being acts. These will make a number of alternative actions impossible. The actor is then left with a feasible set of alternatives where the actor can choose the alternative that best satisfy its preferences.

According to rational choice theory, a choice of action is rational if it meets three demands (Coleman 1990):

1. The choice is made on a basis of rational *desires*
2. The choice is made on a basis of rational beliefs.
3. The choice is the result of a successful maximization procedure.

**Desires**

In rational choice theory, a desire is the only independent element. This means that only desires can motivate a particular action. Desires establish what an actor wants to accomplish. The other two elements (beliefs and the maximization procedure) can only decide how this best can be accomplished.

**Beliefs**

The beliefs mask the actors’ knowledge about the alternative as well as the situation in which the actor makes the choice of action, and the consequences of the different actions.

One can distinguish between a formal and a more substantial demand for the beliefs to be rational. In the many presentations of rational choice theory one can distinguish between theory that demands “complete rationality” and theory that expresses “limited rationality”. Complete rationality will demand that the actor has full complete information about everything concerning the choice of action. Among those who talk about limited rationality there exists an understanding that there are limitations to the information humans beings have of possible choices of action and their possible consequences. According to Elster (1989: 25), the concept of full information is not possible. It may seem unreasonable to demand that the actor shall have full information about everything concerning a choice of action. Elster states that beliefs have to be rational according to the evidence available to the actor.

**Maximization procedure**

A decision is rational if it is a result of a successful cost-benefit calculation where the different alternative are considered in the light of the actor desires and beliefs, and where the actor choose the alternative that gives most benefits for the least costs.

A huge advantage of rational choice theory is that it gives a precise analytical tool for explaining human actions. Rationality models are an analytical tool that is used to explain how rational actors will act under given situations (Hovi and Rarch 1997: 18).
4.4 Rational choice and conflict resolution

According to Mitchell and Banks (1996: xvii), the term conflict resolution can refer both to “1) an outcome, in which the issues in an existing conflict are satisfactorily dealt with through a solution that is mutually acceptable to the parties, self sustaining in the long run and productive of a new, positive relationship between the parties that were previously hostile adversaries; and 2) any process or procedure by which such an outcome is achieved”.

Conflicts might end in different ways. Sometimes one of the parties disappears, with the consequence that the social relation ends. But of greater interest here is the situation where a conflict resolution mechanism comes into force. The term conflict resolution covers the variety of different methods and techniques, which can vary enormously, depending on the type of conflict. According to Aubert, mechanisms for conflict resolution will have to include all methods that involve reducing, mitigating, or ending of the conflict (Aubert 1981: 192).

Typically they involve ways to better communication between the parties, recognition of the other party’s interests and establishment of a set of norms that makes it possible to negotiate. The methods and techniques for solving conflicts do not mean that the existing relationship between the disputing parties has to end, but it has to change into a new form.

A basic motive for negotiations, and for the parties’ strategies in a negotiation, is a wish to minimize the risk for maximum loss, also called the ‘mini-max-principle’. This means that one sacrifices the chance for maximum gains in order to have a guarantee against maximum loss. When a conflict is solved by negotiations, it is not necessary to agree on neither the history of the conflict nor the general norms that shall apply between the parties. Overall, Aubert states, it is not necessary to agree on anything else but the point where both parties see their interests better cared for than if no negotiations took place (Aubert 1981: 196–197).

According to Wallensteen (2002) one can assume that actors act rationally when they make their decisions and pursue their strategies that eventually lead to conflict and war. Therefore, mechanisms for reaching agreements and ending conflicts have to be seen in the same light. We can assume that parties initiate wars to win them. If the actors act rationally, this means that the parties make calculations showing that the benefits of a conflict are greater than the costs. On the opposing side the parties may make calculations
for defending itself. If time passes and nobody wins, the initial calculations have to be revised. Potential benefits may be reduced and costs may be increased.

Zartman (1989: 268) states that if the future does not seem to include a victory for one of the parties, and the parties find this stalemate to be painful, it may lead them to strategic rethinking.

Successful negotiation requires effective means of communication between the two contesting parties. Steven Brams and Alan Taylor have developed such a tool, which they call the *Adjusted Winner Procedure*. They use rational calculation as a method of conflict resolution. This perspective assumes that actors have their own rationality, form their own judgment, make decisions, pursue strategies and, thus, initiate a chain of events that lead to war and/or peace. The purpose is to understand the real interests of the parties, and thus look beyond their stated positions (Wallensteen 2002: 44–45).

Impartial procedures that do not favor a particular party are, according to Brams and Taylor, the key to finding a fair settlement of a dispute. They describe their different fair division procedures by rules which are legal choices that can be enforced by a referee without the knowledge of the parties’ different preferences. The parties will base their strategies, or courses of action, not only on these rules but also on their knowledge, for example on their value of the different items to be divided. There are many different strategies that the parties can follow, and nothing says that you must follow a particular prescribed strategy.

Brams and Taylor’s purpose is to find procedures which can lead to solutions that can reconcile the parties' conflicting interests or principles in a way that the participants themselves consider to be satisfactory and fair. Fair division procedures leave to the parties what procedure they will adopt, and what choices they will make. Underlying all of Brams and Taylor’s work is the idea of voluntary choice. They insist that the participants should be able to implement their own solution and not have to rely on an outside party. An outside party should never impose a settlement, but the parties themselves should work towards a solution. But Brams and Taylor recommend the use of mediators. A mediator may serve as a clarifier and facilitator, but cannot dictate the settlement. A mediator may help the disputants define what the issues are, including what needs to be divided. But he or she may not dictate the settlement or decide what the division will be (Brams and Taylor 1996: 7).
Chapter 5  Fair division

5.1 Introduction

The problem of fair division is certainly not new. Some division procedures, like divide-and-choose, go as far back as to the bible. Many scholars before Brams and Taylor have written books on how to solve problems and disputes, and on how to reach agreements that both parties believe to be fair. Fisher and Ury (1999) emphasize that there is a middle ground between winning a negotiation and losing a negotiation. Their book Getting to Yes: Negotiating an agreement without giving in helps the parties in a dispute to put some structure on their talks or negotiations. Fisher and Ury emphasized, among other things, that it is important in a negotiation to communicate clearly and to consider your opponent’s interests as well as your own. Brams and Taylor’s approach to the problem of negotiation is different than Fisher and Ury’s in the way that they take a well-structured problem and help the parties obtain a fair settlement. In their book Fair division: from cake-cutting to dispute resolution they give strategies that provide a guarantee of fairness. Brams and Taylor (1999) believe that the parties in a negotiation ultimately want to know which issues they will lose, which they will win and which they will have to compromise. Their approach to negotiation problems involves finding procedures that the disputants themselves can implement. In addition to the rules of the procedures, they present strategies that the disputants can use to guarantee themselves a certain degree of satisfaction.

Brams and Taylor ask why everyone should not go out to win whatever he or she can. Their answer is that “winning”, in the sense of beating an opponent, is not always the best thing. According to them it is naive to think that winning it all or losing it all are the only two alternatives in a dispute. A much better alternative is that both parties are considerate winners. When negotiations succeed, all parties can win, and when negotiations fail, all parties can lose (Brams and Taylor 1999: x).
5.2 The setting

In the following I state what situations and what kinds of disputes I focus on. Not all disputes are suited for the fair division procedures I discuss in this thesis.

Two party disputes

My focus in this thesis is two-party disputes. International and internal conflicts, like the one between Israel and Palestine that will be treated here, often involve two coalitions whose members have shared interests and where the leaders of the coalitions coordinate these interests. For practical purposes, a coalition can be considered as a single actor. This is problematic seen from the principle of methodological individualism. This principle states that every social phenomenon must be explained based on the individual actor (Hovi and Rasch 1993: 28). Both the Israeli and the Palestinian side consist of different groups, but I will still treat each side as a single party. I will therefore use the terms Israel and Palestine, or Israelis and Palestinians about the parties. To treat them as two single actors is a strong simplification of reality, but it is a necessary simplification for the sake of this thesis.

Goods and issues

The distinction between goods and issues can often be blurred. The term goods might be used about physical objects, while issues might be used about matters on which there are opposing interests. Brams and Taylor use goods and issues interchangeably, although they state that goods are more appropriate when discussing fair division problems, like splitting the property in a divorce settlement, and issues are more appropriate when analyzing negotiations, like negotiations between labor and management (Brams and Taylor 1996: 65). But many disputes involve both goods and issues.

They use expressions like “the piece she considers largest” and “the piece she values the most” interchangeably, although they do admit that the intuitions behind these two expressions are quite different (Brams and Taylor 1996: 9). They state that “size interpretations”, like the first expression, is more useful in thinking about objects like cake and bread, and “value interpretations”, like the latter expression, is more used in thinking about objects in which size is not the measure of worth.
What will be important in the later analysis is whether goods and/or issues, which might be referred to as items, are divisible. The question is whether or not they can be divided and/or shared without losing their value.

Application
An application can be carried out in two different ways; direct and indirect. A direct application of the AW procedure would mean that the parties themselves carry out the procedure. Alternatively they can get help from a mediator, who may serve as a clarifier and facilitator. A mediator may help the disputants define what the issues are, including what needs to be divided, but they cannot decide what the division may be. They can ease communication, reduce tension and aid the disputants in working out practical details of applying a procedure.

An indirect application would mean that mediators or researchers carry out the entire procedure based in the information they have of the parties’ preferences. By interviewing the disputing parties, the researcher or mediator can get information about the parties’ preferences on the different issues, and then suggest a specific division.

The ideal situation would be to have a direct application, or alternatively, depending of the negotiation setting and what is practical in each dispute; a combination of direct and indirect application.

Rules and strategies
The procedures presented by Brams and Taylor do not give solutions to a division or a negotiation problem. The procedures give rules for how to obtain a fair division. A solution on the other hand would, in addition to giving rules for a division, entail a description on how to apply the rules to achieve some stated level of satisfaction.

Rules are legal choices that can be enforced by a referee, without knowledge of any party’s preferences. An example of such a rule is: *divide the items into two piles*. By counting the piles, a referee can say whether the rule has been followed or not. A strategy, on the other hand, is a course of action the parties can choose which is consistent with the procedures' rules. Parties base their strategies not only on the rules given, but also on their private knowledge. When the rules for the procedure have been laid down, there are many different possible strategies the parties can select in order to achieve a division (Brams and Taylor 1999: 16–17).
Brams and Taylor distinguish between a guarantee strategy and a sophisticated strategy. A guarantee strategy provides you with a guarantee of a certain level of satisfaction (here related to envy-freeness). The degree of satisfaction you get from using this strategy does not depend on the actions of the other players (Brams and Taylor 1999: 17). A sophisticated strategy is one that takes into account how the other players will act, based on their preferences, in deciding upon one’s own optimal choice (Brams and Taylor 1999: 151).

Brams and Taylor also guarantee a certain “minimal” outcome to each of the participants who use one of the fair division procedures, regardless of what the other participants do (Brams and Taylor 1996: 7). But, as I will comment on later, sometimes this minimal outcome can be improved upon through strategic maneuvers by one or more players. These strategic maneuvers capitalize on information that might be privileged or at least not common knowledge. On the other hand, such strategies are risky, because they force a player to give up the security of a guaranteed minimal outcome. This is because the participants, in order to make use of the privileged information, have to depart from the original script of the procedure.

### 5.3 Fair division criteria

One essential question for this thesis is: What does it really mean to be fair? According to Brams and Taylor, there are four criteria by which to judge the fairness of a negotiation procedure or a settlement; proportionality, envy-freeness, efficiency, equitability. A procedure or a settlement is fair to the degree that it satisfies these criteria. Ultimately one can reduce these to three criteria, because the first is really a weaker version of the second.

1. **Proportionality**
   
   An allocation is proportional when every one of the parties involved thinks it received a portion that is worth at least 1/n of the total value. This means that if there are two parties, each party thinks that it is a “fair share” getting at least one-half of the total value (Brams and Taylor 1999: 13).
2. *Envy-freeness*

Envy-freeness means that no party is willing to give up the portion it receives in exchange for the portion someone else receives. An allocation is envy-free when each party thinks it receives a portion that is at least as large or as valuable as the portion received by every other party. Then no party will envy the others. In a two-party dispute there is no difference between envy-freeness and proportionality. If each player receives what he/she believes is at least ½ of the total value (proportionality), neither thinks the other player receives more (envy-freeness). And if neither player envies the other (envy-freeness), each of the two players must think that he/she receives at least ½ of the total value. One can therefore say that envy-freeness is a stronger version of proportionality (Brams and Taylor 1999: 13–14)\(^7\).

3. *Equitability*

Equitability is the aspect of satisfaction. It means that each of the parties think they receive the same fraction of the total value. Even if you think you got slightly more than half of the total value, you may envy the greater happiness the other party expresses for thinking he or she got so much more than half of the total value. Coupled with envy-freeness, equitability means that both parties get more than 50%, and that both parties exceed 50% by the same amount. Equitability would mean that, for example, party A thinks he got 70% of the total value and party B thinks he got 70% of the total value. But this may be very hard to measure. How does one measure if the parties are equally happy? (Brams and Taylor 1999: 14–15).

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\(^7\) When there are three or more players, this equivalence does not exist. For example, if each of the players in a three-party dispute thinks that he/she receives at least ⅓ of the total value, it may still be that one player believes another received more (for example ½ of the total value). This means that proportionality does not imply envy-freeness. On the other hand, if no player envies another, each must believe that he/she receives at least ⅓ of the total value. Therefore one can say that envy-freeness is a stronger version of proportionality; whenever envy-freeness exists, so do proportionality, but not the other way around (Brams and Taylor 1999: 14).
4. Efficiency

An allocation is efficient if there is no other allocation that is strictly better for at least one of the players without being worse for any of the others. In economics, such an allocation is referred to as Pareto-optimal or Pareto-efficient. An efficient allocation does not need to be proportional, envy-free or fair. What the notion of “efficiency” conveys is that there is no better overall outcome for everybody. This means that if some people improve their lot, others will be hurt. Then no outcome that helps everybody – or at least some people, without hurting others – is possible where there is efficiency (Brams and Taylor 1996: 44).

5.4 Fair division methods

Webster’s dictionary of American English defines envy as “a feeling of discontent caused by a desire for another’s advantage or achievements” and “a longing to possess something awarded to or achieved by another” (Dalgish, 1997: 260). Brams and Taylor search for procedures that eliminate or at least minimize envy. Some of the theoretical schemes and procedures they present are based on cake-cutting algorithms, which are most applicable to the division of divisible goods or issues. Divisible goods are items that realistically can be split or shared without losing the value of its parts to the disputing parties. Other procedures like point allocations or bidding schemes, are more applicable to the division of indivisible goods or issues, which means that they cannot be divided without destroying their value.

5.4.1 Strict alteration

The most common way for two people to divide a collection of items, is to take turns. In such a case, first one person chooses an item, then the other, and so on. The procedure is called strict alteration when each party select only one item when it is his or her turn to choose.

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8 Efficiency by itself is no guarantee for a fair allocation. An allocation that gives everything to party A and nothing to party B is efficient because any other allocation that makes party B better off, will make party A worse off. When efficiency is combined with proportionality, envy-freeness and equitability, a fair allocation is guaranteed, according to Brams and Taylor (Brams and Taylor 1999: 15).
The strict alteration strategy is vulnerable to manipulation. If we assume that the parties know each other’s preference, and that each knows that the other party will act without spite, it is natural to assume that rational parties will:

1. Never choose their last-preferred item
2. Not “waste” choices on a desired item that they know will remain available and, hence, can be chose later.

This means that you might pass over your top choice on the first round because you think it will still be available to you later in the game, assuming that the other party will not choose to spite you. This results in what is called the bottom-up strategy. Part A puts herself in party B’s shoes and asks what his last choice would be. The answer is that part B’s last choice would be at the bottom list on party A’s list. A completely analogous line of reasoning shows that party B will never choose his least preferred item, so party A will wait until her last choice to take it. And the procedure continues until all the items are listed.

Strict alteration can create envy. Part B will definitely envy party A if she goes first, the number of items is even, and they rank the items the same because party A will get the preferred of their two highest-ranked items, the preferred of their two next-highest ranked items, and so on.

Under the assumption that the parties can only compare collections if one collection is item-by-item preferred to another, strict alteration is efficient if:

1. Both parties are sincere by choosing the best item available; or
2. Both parties use the bottom-up strategy.

If, instead of item-by-item comparison, we assume that any two collections can be compared, efficiency can fail. Suppose that there are six items to divide. Party A think that two items are of about equal value and the other four are virtually worthless, whereas party B consider the items to be about equal value. Then both party A and party B will prefer the results given by the choice sequence A-A-B-B-B-B to the results given by strict alteration. This means that the procedure is efficient, based on item-by-item comparison, if the parties make sincere or sophisticated choices. But here may be other choice sequences that benefit both parties when they compare entire collections.

The property of equitability is difficult to interpret in the case of strict alteration, because we don not know what fraction the different items represent to the parties.
Therefore we cannot say whether or not their fractional share of the total value is the same (Brams and Taylor 1999: 19–27).

To sum up, strict alteration is a procedure that is not envy-free, but it might be an efficient procedure. Equitability is difficult to measure.

5.4.2 Divide-and-choose

The rule for the divide-and-choose algorithm is that one party divides an item in two pieces, and the other party chooses which part he/she prefers. The divide and choose procedure is considered fair because the divider can, by making the division of the item as equal as possible, ensure that no matter what piece the chooser selects, the divider will receive at least half the item. The procedure can give a proportional and envy-free allocation

If the item is a homogeneous good, which means that it is the same throughout, a solution based on the divide-and-choose procedure possesses two of the four criteria that characterize a fair division procedure; proportionality and envy-freeness. Neither of the two disputants thinks the other party receives a larger piece that himselves/herselves, and neither of the players envies the other.

But if the parties are to divide a heterogeneous good, the divide-and-choose procedure is also vulnerable to manipulation. Strategizing under divide-and-choose depends very much on the information available. If the divider has information about the chooser’s preferences, he or she may exploit this.

This can be illustrated with an example of Karen and Peter, who are to divide a cake consisting of 75% chocolate and 25% vanilla. If we assume that the divider is acting conservatively and that she knows nothing about the chooser’s preferences, she will cut the cake 50–50 in her own estimation. This guarantees her a portion of the cake that she considers to be as valuable as the portion the chooser gets. The result is envy-free. But the parties might have different opinions about the value of the cakes different parts. Let’s assume that Karen prefers the vanilla three times as much as the chocolate and that Peter is indifferent between the two flavors, but Karen knows nothing about this. She may still divide the cake 50–50 in her own estimation, but because she prefers the vanilla three times more than the chocolate (and thereby values the 75% chocolate portion the same as the 25% vanilla portion) she also may cut the vanilla away from the chocolate. This is a division that Peter will profit considerably upon because it allows him to choose the chocolate portion, which he believes to be 75% of the cake’s total value (Brams and Taylor
But if Karen knows that Peter is indifferent between the two flavors, she can divide the cake into two pieces where one piece consists of slightly more than 2/3 of the chocolate, which is slightly more than 50% of the total value of the cake. Then this piece will be of greater value to Peter, since he believe he will then receive the bigger piece in his own estimation. Karen’s piece will then consist of all the vanilla, which she believes to be 1/2 of the total value and 1/3 of the chocolate. This means that both Peter and Karen will think that they receive more than 50% of the cake’s total value (Brams and Taylor, 1999: 55).

To sum up, divide-and-choose is a procedure which is envy-free but not efficient, assuming that the divider has no information about that chooser’s preferences and makes the division 50–50 in his or her estimation (Brams and Taylor 1999: 149).

5.4.3 Austin’s moving-knife

The moving-knife procedure is a two-person game that applies directly to cake cutting, but it can also be adapted to the division of discrete objects as well. A referee holds a knife at the left edge of the cake. The referee slowly moves the knife across the cake, from left to right. At every point along the horizontal edge, the knife remains parallel to its starting position at the left edge. At any time, one of the two players can call “cut”. The player who first calls “cut”, receives the piece to the left of the knife, and the other player receives the piece to the right. If a player calls cut precisely when he or she thinks the knife will cut the cake in exactly two will receive a piece of the cake that he or she thinks is at least 1/2 of the cake (Brams and Taylor, 1996: 22). Using this strategy, the players can ensure themselves both proportionality and envy-freeness.

Like divide-and-choose, the moving-knife procedure is also vulnerable to manipulation. According to Brams and Taylor, the role of information/misinformation may leave one or both of the players feeling that the other party is more pleased with the outcome of the division. Austin’s moving-knife is a modified version of the original moving-knife procedure that provides a way for the two players to achieve a 50–50 division simultaneously.

Austin’s procedure produces a division of the cake into two pieces in such a way that both players can guarantee the division to be exactly 50–50 in his or her estimation. The modified procedure begins with a knife slowly moving across the cake for left to right until one party (party A) calls “stop”. To ensure himself a certain portion of the cake he must call stop when he thinks the knife will cut the cake exactly 50–50. At this time, a
second knife is placed at the left edge of the cake. The party who first called stop then moves both knives across the cake in parallel position. This means that the physical distance between the two knives may vary, but it is required that when the knife on the right arrives at the right-hand edge of the cake, the left knife lines up with the position that the first knife was in at the moment “stop” was called the first time. While the two knives are moving, the other party (party B) can call stop at any time, but if he wants to ensure himself a certain portion of the cake, he will call “cut” when the piece between the two knives is \( \frac{1}{2} \) in her own estimation. After calling stop, party B selects either the middle piece or the piece made up of the two sides (Brams and Taylor, 1996: 25–26).

Austin’s modified procedure has a property not arising under the divide-and-choose procedure and the filter-and-choose procedure; the strategy of waiting for the other player to call stop first. This strategy of waiting, regardless of how long it takes, is better than calling stop when the size of the piece is \( \frac{1}{2} \) in a player’s estimation.\(^9\) But here might be situations where both players employ the wait-for-your-opponent-to-call-stop strategy. Then the first knife will move from the left side of the cake to the right side of the cake without making any cut. Brams and Taylor do not specify any rule for this situation, but they indicate that one way to dissuade a player from using this strategy can be flipping a coin at the end to see who gets what piece. This means that one player risk getting no cake at all (Brams and Taylor, 1996: 26–27).

To sum up, Austin’s moving-knife procedure is envy-free but not efficient.

**5.4.4 Adjusted Winner**

Fair-division procedures, like strict alteration, divide-and-choose and the moving-knife do not generally produce efficient and equitable fair divisions. But envy-freeness and equitability and/or efficiency do not need to be incompatible in a two-person game. Brams and Taylor show this with their new negotiation procedure called Adjusted Winner. The Adjusted Winner procedure can be used by parties with either the goal of solving a conflict, or as a tool for analyzing conflicts and prescribing solutions. It is a procedure that

\[ \text{let's say that you wait, and the other player calls stop at a point where you believe that the size of the piece is } \frac{3}{4} \text{ of the whole cake. Then, when the two knives start moving you call stop as soon as possible. The result is that if you choose the middle piece, you are left with a little less that } \frac{3}{4} \text{ of the cake, and you will think that the other player will receive only a little more that } \frac{3}{4} \text{ of the cake (Brams and Taylor, 1996: 26).} \]
primarily is designed for conflicts between two parties disputing over $k$ goods or issues, although the two authors do illustrate how the procedure can be applied to conflicts involving three or more parties\textsuperscript{10}. As stated earlier, Brams and Taylor use goods, issues and items interchangeably. They do, however, admit that there is a distinction between goods and issues, but their solution is to simply refer to both goods and issues as items. The most important for the procedure is whether the goods/issues/items can realistically be split or share without losing the value (Brams and Taylor 1999: 9).

The procedure begins by listing the goods and issues that need to be resolved ($k \geq 2$). Then the two players need to explicitly indicate how much they value each of the different goods/issues. Each party is given 100 points which they will use to quantify the relative importance of each item to itself by distributing the points across the items. Brams and Taylor assume that the goods/issues are separable, that the parties can independently assign points to each of the items and that the points distributed are positive, additive and sum up to 100. For example, if there are four items to be divided and one party regards the four items for equal importance, the party will allocate 25 points to each item. If the party regards one item as more valuable than the others, he or she will allocate, say, 70 points to that item, and 30 points across the other items.

The AW procedure gives rules for dividing each of the goods between the two players so that the resulting allocation is satisfactory according to some – if not all – the fair-division criteria (Brams and Taylor 1996: 68). A referee or a mediator can divide the items as follows (Brams and Taylor 1996: 68–70, Brams and Taylor 1999: 71–77):

1. Party A temporarily wins the item(s) on which it has allocated more points, and party B wins those on which it has allocated more points.

2. Tied items (items where the parties have put the same number of points) are awarded, one-by-one in any order, to the party with the fewer points at the time at which the item is awarded.

3. If the total number of points won by each party is the same, the procedure ends.

\textsuperscript{10} For more information on the AW procedure for three or more players, see Brams and Taylor 1996: 80–83).
4. If one party wins more points than the other party, the next step in the procedure involves transferring items, or parts of items, from the party with more points to the other in a certain order until they both have the same number of points. This is called equitability adjustment. This giveback starts with the item that has the lowest ratio of the party with more points to the party with fewer points. This is called the smallest-ratio item.

5. If equitability is still not achieved, one moves to the next-lowest ratio, and so on until the point totals for the two parties are equal.

To illustrate the Adjusted Winner procedure, I have adopted an example from Massoud (2000: 335–336). In Table 5.1, there are three issues to be divided between State 1 and State 2. The issues are listed as Issue1, Issue2 and Issue3, with the parties' point assignments. The larger of the two point assignments is underscored.

<table>
<thead>
<tr>
<th></th>
<th>Issue1</th>
<th>Issue2</th>
<th>Issue3</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>State 1’s announced values</td>
<td>20</td>
<td>20</td>
<td>60</td>
<td>100</td>
</tr>
<tr>
<td>State 2’s announced values</td>
<td>10</td>
<td>50</td>
<td>40</td>
<td>100</td>
</tr>
</tbody>
</table>

Assume that State 1 is Israel and State 2 is Palestine. Initially, Israel will win on Issue1 and Issue3, which will leave it with 80 points, and Palestine will win on Issue2, leaving it with 50 points. This means that points have to be transferred from Israel to Palestine to create equitability. For each item that Israel won initially, we look at the fraction by the ratio of Israel’s points to Palestine’s for that item.

\[ \text{Issue}_1: \frac{X_1}{Y_1} = \frac{20}{10} = 2 \]

\[ \text{Issue}_3: \frac{X_3}{Y_3} = \frac{60}{40} = 1.5 \]

This means that the smallest ratio of the players’ valuation is for Issue3. But leaving all of Issue3 to Palestine will place Palestine far ahead of Israel. Because of this the two parties have to share or split Issue3. To find out how much of Issue3 each party will get, we use algebra. \( X \) denotes the fraction of Issue3 that will stay with Israel, and \( 1-x \) denotes the fraction of Issue3 that will be transferred to Palestine.
20+60(x) = 50+40(1-x)
20+60x = 50+40-40x
60x+40x = 50+40-20
100x = 70
x = 0.7

This means that Israel will retain 70% of Issue3 and Palestine will get 30% of Issue3. Both Israel and Palestine will then end up with 62 of their distributed points (Israel: 20 + (60 * 0.7) = 62, Palestine: 50 + (0.3 * 40) = 62).

There are situations in which the players do not necessarily receive equal allocations, in terms of their own valuations. The AW procedure can be adapted to situations where the players are entitled to different fractions of the disputed items. Brams and Taylor define a player’s entitlement as “the minimal proportion of a good or goods that he or she must receive under a fair-division procedure” (Brams and Taylor 1996: 241). Entitlements can be incorporated into AW by altering its basic calculation so as to enable one party to receive, for example, twice as many points as the other. The procedure is carried out in the same way as in the original setting, but adjustments have to be made by transferring points, starting with the lowest winner-loser ratio, from one player to the other. For example, Israel could be entitled to 2/3 and Palestine to ⅓ of the total value. This gives the ratio of 2/1. In the initial assignment, the ratio is 1.6 (80/50 = 8/5 = 1.6, based on Israel winning 80 points and Palestine winning 50 points). Points must therefore be transferred from Palestine to Israel.

If we use the previous example again, this unequal entitlement can be accomplished by giving Israel Issue1, Issue3 and a fraction of Issue2 and Palestine the remaining fraction of Issue2 (1-x). To ensure that Israel receives twice as many points as Palestine, we set Israel’s points equal to twice its points. Palestine is on the right side of the equation and Israel is on the left side:

\[ 20+60+20x = 2 [50(1x)] \]
\[ 80+20x = 100-100x \]
\[ 20x+100x = 100-80 \]
\[ 120x = 20 \]
\[ x = 0.167 \]
This means that Israel will get 16.7 % of Issue\(_2\) = 3.34, leaving it with a total of 83.34 points. Palestine will get 83.3 % of Issue\(_2\) = 41.67 points. Originally Palestine was entitled to \(1/3 = 33.3\) % of the total value, and Israel was entitled to \(2/3 = 66.7\) % of the total value. By applying the AW procedure, they both came out better; both players received about 25 % more points that they were entitled to (Israel 83.34 = 16.64 points above 66.7, Palestine 41.67 = 8.36 points above 33.3). Because the parties exceed their entitlements by the same percentage, equitability is ensured. But envy-freeness might lose its meaning when you have unequal entitlements.

Unequal entitlements and power asymmetry is not the same. Unequal entitlements are for example rights reflected in a document (wills etc), whereas power asymmetry is not that specified. But it is something known as a fact.

To sum up, AW is envy-free, equitable and efficient (Brams and Taylor 1996: 137).
Chapter 6  History

We and they want the same thing: we both want Palestine. And this is the fundamental conflict
David Ben-Gurion, May 19, 1936 (Slaim 2000: 18)

6.1 Introduction

A conventional view among western scholars and diplomats is that dwelling on the history of conflicts in general is counterproductive, mainly because the parties’ interpretations of history often appear irreconcilable. At the same time, it is important to understand the history of conflicts because it plays a central role in shaping people’s collective identities, perceptions of each other, and general attitudes to the conflict and to possible resolutions. Gerner (1994: 46) states that the history of the conflict “forms the foundation of the contemporary situation”. Therefore, I give a brief account of the history of the Israeli-Palestinian conflict.

In this chapter I will describe the parties of the Israeli-Palestinian conflict to provide a context for understanding their contending interpretation of history. I will then give an overview of the central turning points and crucial dynamics throughout the history of the conflict. I have tried to be as objective as possible when reading literature on the history of the conflict. But it is important to remember that the retelling of history in general and histories of protracted conflicts in particular are never simple and objective. There are different interpretations of the history by the principal actors in the conflict and by the writers of the history.

6.2 Two peoples – Palestinians and Israelis

The conflict has played a central role in shaping the collective identities of both Palestinians and Jews. The two peoples have, for the most part, been in direct opposition to each other. Until the 1990s they also denied the legitimacy of the other party’s identity
claims. Today, the terms *Palestinians* and *Israelis* are commonly used to describe the parties in the conflict. But not long ago these terms were themselves controversial.

*Palestinians*

Most Jews, politicians, scholars and journalists worldwide have not use the word *Palestinians* up until recently. Only since the 1980s has the term has to some extent been integrated into the mainstream discourse on the conflict. In many formal organs and organisations, the term Occupied Territories (OT) and Occupied Palestinian Territories (OPT) are still used. But since the signing of the Oslo Accords and the establishment of the Palestinian National Authority (PNA), the term *Palestine* has gradually replaced such formulations.

The term Palestinians refers to the Arabs – Muslims, Christians and Druze – who have lived in Palestine for centuries. The Palestinian population is usually divided into three subgroups:

1. Palestinians who live inside Israel’s pre-1967 borders and holds Israeli citizenship
2. Palestinians who live in the West Bank and Gaza
3. Palestinians who live in the diasporas

(Sharoni and Abu-Nimer 2004: 172).

*Israelis*

The extensive use of the term *Israelis* dates back to the establishment of the state of Israel in 1948, but it invokes biblical references to the people of Israel and to the ancient Israelites. Up until the 1990s, the Arab countries and some other sympathizers with the Palestinian cause refused to use the term, and instead used such terms as *Jews* or *Zionists*.

The Israeli society is very heterogeneous because of immigration form numerous countries. It reflects a variety of ethnic and linguistic groups, different cultural, political and historical backgrounds, and different religious preferences. The two main ethnic groupings are *Ashkenazi Jews* and *Mizrachim Jews*. Ashkenazi Jews originate mostly in Europe and North America. Mizrachim Jews (Mizrachim meaning Orientals in Hebrew) originate mostly from North Africa and the Middle East (Sharoni and Abu-Nimer 2004: 174).
6.3 The emergence of Arab and Jewish nationalism

At the beginning of the 20th century, the land known as the Mandate of Palestine was part of the Ottoman Empire, which had ruled Western Asia since 1516. The area was filled with hundreds of small villages and a few large towns. Political loyalties were community based, and the heads of prominent families and the religious leaders in each town or region held significant power. The Ottoman rulers were far away and not involved in the day-to-day administration of local affairs, and allowed the populations a great deal of autonomy (Gerner 1994: 9–10).

The population was ethnically diverse, the legacy of migrations by Greeks, Romans, Turks, Persians, and Jews during the previous two millennia. But these groups never displaced the Arabs who had settled there in the 600s. From the seventh century through the mid-twentieth century, Palestine was predominantly a Muslim area. One does not know for certain how many people lived in Palestine during the first decades of the 20th century. A British census in 1922 counted more than three-quarters of a million inhabitants, but those numbers are thought to underestimate the true population. Of those counted in 1922, 78% were Arab Muslims, 11% Jews, and nearly 10% were Christians. Virtually all the Christians and Muslims had been born in Palestine. Of the Jews, about 2/3 were immigrants who had come to Palestine in the previous 40 years (Gerner 1994: 11).

6.3.1 Zionism

The Zionist movement emerged in Europe in the last two decades of the 19th century. Zion is one of the biblical names for Jerusalem and the term Zionism were coined in 1885 by the Viennese Jewish writer Nathan Birnbaum (Shlaim 2000: 1). There is no single definition of the term Zionism. The meanings and practices associated with the term, depends of the person or group defining it. For most Jews, Zionism is an answer to the Jewish Problem that derived from two facts: “the Jews were dispersed in various countries around the world, and in each country they constituted a minority” (Shlaim 2000: 2). The Zionist solution was to restore their right to live in the land of their ancestors, to attain majority status there and, ultimately, political independence and statehood. Palestinians, however, view Zionism as an “exclusive ideology that underlies the settler-colonial movement responsible for the occupation Palestine and for the exploitation of its indigenous population” (Sharoni and Abu-Nimer 2004: 176).
The father of political Zionism was Theodore Herzl (1860-1904). In his book *Der Judenstaat* he insisted that Jews were not only a religious group but also one people, and therefore entitled to a separate state. His book gave a detailed description for a Jewish state. But the question on where to establish this proposed state was left open. One suggestion was Palestine, on account of the historic association. But vacant land in Argentina, where Jewish agricultural colonization had already begun, the Sinai Peninsula, and Uganda, were also suggested. The First Zionist Congress was held in August 1897, in Basel, Switzerland, where some 200 delegates attended. The congress was very important for the emergence of Jewish nationalism. One of the resolutions that came out of the congress stated that “Zionism aims at the creation of a home for the Jewish people in Palestine to be secured by public law” (Gerner 1994: 14).

At the end of the 19th century the rabbis of Vienna decided to explore Herzl’s ideas and sent two representatives on a fact-finding mission to Palestine. This resulted in a cable from Palestine in which the rabbis wrote, “The bride is beautiful, but she is married to another man.” (Shlaim 2000: 3). The Zionists were aware that an Arab population already lived on the land, but they tended to ignore that the land already had an existing indigenous population. Most of the delegates on the First Zionist Congress had never been to Palestine. They operated under the illusion that Palestine was an almost empty land, and that the few people already living there would welcome the Jewish immigrants.

The Zionist movement believed that it would achieve its main goal – a Jewish state – not through an understanding with the local Palestinians, but through an alliance with the dominant great power of the day. They aimed at British support for a Jewish state, and appealed to the British imperial interest in having a friendly nation in a region of great strategic importance. On November 2, 1917, Foreign Secretary Arthur J. Balfour wrote a letter to Lord Rothschild saying:

*His Majesty’s Government view with favor the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object.*

(Shlaim 2000: 7).

This letter became known as The Balfour Declaration. According to Palestinian historians, this political decision is one of the root causes of the Palestinian’s disadvantage. It undermines the rights of the indigenous Palestinian population, and it promises to support...
the establishment of a Jewish national home in Palestine (Sharoni and Abu-Nimer 2000: 168). At the time of its issue, the Jewish population of Palestine numbered some 56,000 as against an Arab population of 600,000, or less than 10% (Shlaim 2000: 7).

6.3.2 Arab and Palestinian nationalism

The development of Arab nationalism was in many ways more straightforward than that of the early Zionist movement. They already had a shared language, history and culture, and they were on the land. Thus, they had a general sense of shared identity. Palestinian nationalism developed somewhat later than Arab nationalism. Initially Arab nationalism, emerging in the 1880s, was expressed primarily as a desire of replace the Ottoman Empire with local Arab political control. But at the end of the 19th century, with growing Jewish immigration to Palestine and the sale of land to Jews, Palestinians began protesting. After the overthrow of the Ottoman sultan in 1908, anti-Zionist protests were expressed more widely and began to be explicitly linked with Arab and Palestinian nationalism (Gerner 1994: 23).

After Word War I, the Ottoman Empire was replaced by British control. Britain’s pro-Zionist policy, especially the Balfour Declaration, threatened Palestinian nationalist aspirations. Many Palestinians had hoped for a Greater Syria, but by the end of 1920, it was evident that Lebanon and Palestine were not going to be included in a Greater Syria. With the collapse of this option, Palestinians focused attention on appealing for independence from British control and resisting the implication of the Balfour Declaration.

In December 1920, the Third Palestinian Congress was held. This resulted in the creation of the Arab Executive, a nine-member group elected to conduct political activities between the congress meetings. In 1923 the Palestine Arab National Party was formed. This was the beginning of Palestinian political expression. The seventh Congress in 1928 established a number of permanent committees and a resolution where passed that called for “the establishment of parliamentary government and a representative council to govern Palestine” (Gerner 1994: 24)

6.4 International involvement and riots

After World War I, Palestine came under the direct control of the British Military Administration, and in July 1920 the British established a Civil Administration for the region. Britain’s mandate was confirmed by the League of Nations in July 1922, and
officially began in September 1923. But Britain had already made commitments regarding the future of Palestine, like the Balfour declaration.

Within British governing circles there was a lack of agreement about the appropriate policy towards Palestine. In the 1920s and early 1930s a number of commission reports, white papers, and private letters were issued to clarify Britain’s role in Palestine and the balance between Palestinians and Zionist claims. At the same time, Zionism and Palestinian nationalism were on a collision course. From 1920 and onwards Jews and Palestinians clashed several times. In some cases the Zionists started the confrontations, at other times the Palestinians started. Among the best known confrontation are the Wailing Wall riots, beginning on August 23, 1929. The immediate trigger was the issue of access to the Wailing Wall in the Old City in Jerusalem. This place is sacred to both Muslims and Jews. The control over the wall came to symbolize not only religious differences but also political power. The violent riot in Jerusalem spread to Hebron and Safed and a total of 120 Jews and 87 Palestinians died as a result of the riot (Gerner 1994: 26).

Further collisions between the Zionist movement and Palestinian nationalists were almost inevitable, and throughout the 1930s the tension between Zionists, Palestinians and the British continued. The Arab Revolt, lasting from 1936 to 1939 is the longest-running Palestinian protest against Jewish national aspirations prior to the establishment of Israel. It was mostly a grassroots movement and involved both violent and non-violent dimensions. The first period of the revolt ended when the newly formed Arab Higher Committee for Palestine (AHC) urged Palestinians to wait for the outcome of deliberations by the Palestine Royal Commission (the Peel Commission). As a respond to the Arab revolt, the British government appointed a commission to investigate and assess the options available to the British. The Peel commission concluded that the solution would be to partition the Mandate of Palestine into two states in order to accommodate the competing claims of Palestinians and Jews. The plan was resisted by both parties, and resulted in even further escalation of the conflict. Jews Palestinians and British forces continued to fight for control, and Britain eventually abandoned the partition plan (Shlaim 2000: 19).

11 For the Muslims, this wall is part of al-Haram al-Sharif, the third holiest site in Islam and the location of the Dome of Rock and the al-Aqsa mosque. For the Jews, the Wailing Wall is a sacred place, as it is part of the ancient wall the surrounds the area on which Salomon and Herod built their temples (Gerner 1994: 25).
6.5 The partition of Palestine

Even though the Peel plan was abandoned, partition plans continued to surface. The idea of partition became more popular and gained international legitimacy after World War II and the Holocaust. In 1947, the UN Special Committee on Palestine came up with two proposals to end the conflict over Palestine. One called for a single, unified state in Palestine that would be democratic and secular and grant equal rights to all citizens. The other proposal was a partition plan which called for the creation of one Jewish state and one Arab state in Palestine. On November 29, 1947, the UN General Assembly voted in favour of the partition plan, also known as the UN Resolution 181.
The Palestinians viewed the plan as fundamentally unjust and an illegal attempt to divide Palestine. At this time the Jewish population in Palestine “represented only about 33% of the total population and owned only 7% of the land” (Gerner 1994: 43). Still, the plan gave the state of Israel 57% of Palestine. Palestinians also feared that the establishment of two states would result in expulsion of Palestinians who lived in areas that fell within the designated territory of the Jewish state. Instead of UN Resolution 181, the Arab leadership
in and outside Palestine endorsed the alternative UN plan that called for a single state in Palestine.

The Zionist response to Resolution 181 was to “endorse it with reservations” (Sharoni and Abu-Nimer 2004: 171). The Zionist leaders did not abandon the conviction that all of Palestine eventually should come under Jewish control, and they wanted the Jewish homeland to be distinctively Jewish rather than religiously and ethnically pluralistic.

The UN vote in favour of the partition sparked a wave of violence which escalated into a war after the establishment of the state of Israel on May 14, 1948. The Jews refer to this war as the War of Independence, making the fulfilment of their national aspirations with the establishment of their own national state. At the end of the war, Israel controlled 77% of the total area of Palestine, including significant portions not originally allocated to it by the UN. The remaining 23% was divided between Jordan, controlling the West Bank including East Jerusalem, and Egypt, administering the Gaza Strip (Sharoni and Abu-Nimer 2004: 178–179).

The Palestinians refer to this war as Al-Nakbah (meaning the catastrophe) (Sharoni and Abu-Nimer 2004: 178). It left the Palestinians in shock and despair. Of the total Palestinian population of approximately 900,000 people, only 150,000 remained in what became the state of Israel. An estimated 750,000 Palestinians left their homes, most of them not voluntarily (Gerner 1994: 48–51). 418 Arab villages were destroyed and depopulated (Sharoni and Abu-Nimer 2004: 178). Large groups of refugees settled in camps in the West Bank and in Gaza, and some fled to nearby Arab countries. The Palestinians remaining inside the Israeli borders after 1948 were viewed by Zionist leaders as a “threat to the internal security of Israel and as a hindrance to the achievement of a fully Jewish state” (Gerner 1994: 48). They were placed under regulations and military rule until these were abolished in 1966. Because of the lack of both political leadership and economic resources they became dependent on neighbouring Arab states. With the exception of the establishment of PLO in 1964\(^\text{12}\), Palestinian nationalism was for the most

\(^{12}\) The Palestinian liberation organization (PLO) was established by the Arab League in 1964. It gradually gained independence from the Arab countries and is today considered an umbrella organization for different political factions including Fatah, The Popular Front for the Liberation of Palestine (DFLP) and the Palestine Communist Party (PCP).
part muted. Resistance to Israel was for the most part expressed by Arab leaders living outside Palestine. Israeli Jews, on the other side, worked to build a Western style Jewish state.

6.6 Regional conflicts

Israel has been involved in six major international wars since its declaration of independence in 1948. Besides the 1948 war, three of these wars involved the issue of Palestine; the 1967 war, the 1973 war and the 1982 Lebanon war.

On June 5, 1967, in what is also referred to as the Six Day War, Israel occupied the West Bank including East Jerusalem, the Gaza Strip, The Sinai, and the Golan Heights. This war is interpreted in different ways. Conventional Israeli interpretations have insisted that Israel occupied these territories in a war of self-defence. Others state that there is “…evidence illustrates that Israel initiated the war under the pretext of preemptive attack” (Sharoni and Abu-Nimer 2004: 180). Some of Israel’s occupation was temporary. On June 19, 1967, Israel returned the Sinai to Egypt and the Golan Heights to Syria in return for demilitarization and peace. But Jerusalem was declared an indivisible part of Israel, and the West Bank and the Gaza strip continued to be occupied by Israel. Large amounts of land were confiscated to build Jewish settlements. The UN opposed to the occupation, and on November 22, 1967 the UN Resolution 242 was unanimously adopted. It called for Israel to withdraw from territories occupied during the war. Israel objected to a complete withdrawal.

13 The Golan Heights were annexed by Israel in 1981.
On October 6, 1973, Egypt and Syria launched a coordinated attack on Israel, and the last war between Israel and an Allied Arab force began. The war is also called the *Yom Kippur*
War. October 6 is Yom Kippur (“Day of Atonement”), the holiest day in the Jewish calendar (stateofisrael: www.stateofisrael.com, consulted May 29, 2005). US Secretary of State, Henry Kissinger flew to Moscow on October 20, 1973. Together with the Soviet government, the US proposed a cease-fire resolution in the UN Security Council. The Council met on October 21, and UN Security Council Resolution 338 was adopted on October 22, 1973 by 14 votes to none. The Resolution called upon the parties to cease fire and to start implementing Resolution 242 (Shlaim 2000: 322).

The war ended on October 24, with defeat for Egypt and Syria. Israel recaptured most of the Sinai territory and solidified its hold over the Golan Heights. As a result of their defeat in both the 1967 war and the 1973 war, Palestinians felt more and more disillusioned with the ability of the Arab states to lead the struggle over Palestine, and they began to seek their independent representation through the national resistance movement led by the PLO.

In 1977 the right-wing Likud party unexpectedly won the Israeli elections. Contrary to predictions of many analysts, the result was a temporary de-escalation of the Arab-Israeli conflict. A few months after the election, the Egyptian president Anwar Sadat became the first Arab head of state to visit Jerusalem. In 1978 the Israeli and Egyptian governments began direct negotiations, and in 1979 Israel signed a formal peace treaty with Egypt, often referred to as the Camp David Accords. The accords contained two documents. One titled “A Framework for the Conclusion of a Peace Treaty between Egypt and Israel” which outlines an understanding of an eventual peace treaty between the two states. The other document, titled “A Framework for Peace in the Middle East” attempted to address the problems of Gaza and the West Bank. The document provoked strong reactions from the Palestinians. The document was vague in its formulations, and many crucial details concerning the future of the Palestinian people were left unspecified.

On June 6, 1982 Israel invaded Lebanon for the second time. Most of the members of the Israeli government at the time insisted that PLO was the source of unrest and troubles in the West Bank and Gaza, and the official goal of the invasion was to damage the PLO’s political and military infrastructure. After two months, Israel agreed to stop the

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14 In March 1978, Israel invaded Lebanon for the first time an established control of what they labelled a buffer zone. They withdrew on June 13, after strong US pressure, and turned the area over to their allies, the Maronite Christians (Gerner 1994: 124).
bombing of Lebanon and Beirut, if the PLO evacuated the area. This cease-fire lasted only until mid-September 1982. In response to the assassination of the newly elected Lebanese president, Israeli troops returned to Beirut and occupied the entire city on September 15. The refugee camps of Sabra and Shatilla, home to Palestinian refugees and poorer Lebanese, were sealed off. These actions resulted in one of the most tragic events in the history of the Arab-Israeli conflict: the massacre in Sabra and Shatilla by the Israeli allies, the Maronite Christians. When the camps were unsealed after 40 hours, about 1,000 people were found dead, the majority civilians (Gerner 1994: 126–127).

Between 15,000 and 20,000 Palestinians, Lebanese and Syrians and about 500 Israeli Military personnel were killed during the war (Gerner 1994: 127), and the Israeli invasion in Lebanon and the massacre in Sabra and Shatilla triggered massive protests inside Israel. It reinvigorated existing Israeli peace groups such as Peace Now, and it triggered the emergence of a whole range of new groups. And for the first time in Israel’s history, Israeli citizens not only questioned their government’s policies, but also took to the streets to voice their discontent. The first national demonstration against the war on June 26, 1982 drew approximately 20,000 Israelis. After the massacre in Sabra and Shatilla, Israel witnessed its largest demonstration ever when about 400,000 people participated.

6.7 The Intifada

The destruction of the PLO infrastructure in Lebanon contributed to the emergence of a more organized grassroots, autonomous resistance movement in the West Bank and the Gaza Strip. This resistance gained prominence on the world’s stage with the outbreak of the Intifada in December 1987. The Intifada, meaning *shaking off* in Arabic, has taken the conventional meaning *uprising*.

The Palestinian uprising began on December 8, 1987, “when an Israeli army tank transporter collided with a line of cars filled with Palestinian workers waiting at the military checkpoint at the north end of the Gaza Strip” (Gerner 1994: 97). Four Palestinian workers died and seven were seriously injured. Rumors spread rapidly that this had not been an accident, but a deliberate act by Israel in retaliation for the murder of an Israeli salesperson in Gaza two days earlier. The funerals of the dead Palestinians turned into a massive demonstration which continued the next day, and rapidly spread to East Jerusalem and the rest of the West Bank. The collision is often viewed as a catalyst for the popular uprising in Gaza and the West Bank, but most analysts agree that the living conditions for
the Palestinians “resembled a pressure cooker, and thus an explosion was imminent” (Sharoni and Abu-Nimer 2004: 185).

The Intifada was characterized by mostly non-violent actions, such as street demonstrations, tax resistance, commercial strikes and the establishment of alternative education centers and agricultural cooperatives (Sharoni and Abu-Nimer 2004: 186). The uprising caught the Israeli government by surprise. In the beginning, Israelis described it as a peak in the normal cycle of violence, and they had trouble formulating a good response. The Israelis were unable or unwilling to deal with the consequences, and stop the uprising, and the Intifada marked a significant shift in power relations between the two parties.

The general atmosphere in the Palestinian community was extremely positive, and the construction of Palestinian institutions began. The Palestinians established five principal popular committees to deal with agriculture, education, food storage, health care and security. This was the beginning of the Palestinian political, economical and social infrastructure, and soon became the most practical mechanism for political mobilization and for the preservation of the community. For many Palestinians this represented the infrastructure of a future Palestinian state (Sharoni and Abu-Nimer 2004: 186). In November 1988, The PNC unanimously declared the independence of the State of Palestine on the basis of UN Resolution 181, and thereby, formally and publicly endorsed the two-state solution. The PNC also adopted a new political platform that made significant concessions to Israel. This was a dramatic transformation of Palestinian policy toward Israel. Still, the Israeli government for the most part ignored this declaration and continued to respond to the Intifada with repression and military actions. But Yasser Arafat got new international support. More that 60 countries recognized the state of Palestine within two weeks, and others expressed support for the principle of creating such a state (Gerner 1994: 142).

6.8 Territorial separation and peace initiatives

The Gulf crisis started with the Iraqi invasion of Kuwait in August 2, 1990. The condemnation of the Iraqi invasion by the League of Arab States led to a serious split in the Arab world. The official Palestinian position was complex and underscored two principles: denunciation of the Iraqi occupation and opposition to military solution to resolve the crisis. But many Palestinians, including Arafat, expressed sympathy with Saddam Hussein for standing up to the US and the West in general and especially to Israel.
Palestinians criticized the double standard of both the US and the international community for use of international law to demand Iraq’s immediate withdrawal for Kuwait, when they did not apply the same measures to the Israeli occupation of the West Bank and Gaza (Sharoni and Abu-Nimer 2004: 187).

Many view the Palestinians decision to partially side with Saddam Hussein as a poor political choice, and the Gulf crisis led to an escalation of the tension between Israel and the Palestinian people. Israel imposed restraints, such as curfews and restriction on movement, against the Occupied Territories. The economic impact on the Palestinians population was devastating. Their industrial sector was unable to function, farming was not possible and Palestinian workers were not able to go to work inside Israel. In addition, external contribution from other Arab countries dried up.

After the end of the Gulf war, the Israeli-Palestinian conflict was back on the agenda. In the fall of 1991 a regional peace conference was held in Madrid, cosponsored by the US and the former Soviet Union. This conference represented the most serious peace attempt ever by the United States (Slaim 2000: 485). The Conference opened on October 30 with delegations from Egypt, Israel, Lebanon, Syria and a joint Jordanian-Palestinian delegation. Israel refused the PLO to lead a separate Palestinian delegation (Gerner 1994: 188), but this was still a breakthrough for the Palestinians who, for the first time, were able to represent themselves in negotiations. Not much came out of the first round of the Madrid conference, but talks continued. In 1992 the Labor Party won the Israeli election and a new sense of optimism accompanied the further peace talks. From October 1992 to July 1993 a total of ten rounds of negotiations took place. Because of little progress, both Palestinian and Israeli support for the peace process declined (Gerner 2004).

After the Madrid talks, bilateral negotiation continued in Washington, DC, but no progress was made. At the same time, unknown to the delegates involved in the bilateral talks in Washington, secret negotiations were taking place in Oslo, Norway. A small group of Israeli and PLO negotiators held 14 informal sessions, beginning on January 20, 1993. The negotiations in Oslo took place parallel to the bilateral talks in Washington and without the knowledge of the official negotiators on both sides (Shlaim 2000: 512). In August 1993, rumors began to spread about the Norwegian Channel, and on September 9, Israel’s Prime Minister Yitzhak Rabin and PLO leader Yasser Arafat exchanged letters of mutual recognition. On September 13, 1993, the official ceremony for the signing of the “Declaration of Principles on Interim Self-Government Arrangements” (also known as the Oslo Accords) took place in Washington, DC.
The Declaration of Principles was not a peace treaty, but rather an agenda for further negotiations governed by a tight timetable (Slaim 2000: 516). The declaration called for “transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolution 242 and 388”. During this period, Israel would gradually withdraw from major Palestinian centres in Gaza and the West Bank. Within two years after the Israeli withdrawal, the parties were to begin final status negotiations. In May 1994, the signing of the Cairo agreement ratified the Declaration of Principles. Soon afterwards the Israeli military began its redeployment as the Palestinian police began to move into the newly autonomous areas. On July 1, 1994, Yasser Arafat returned to Palestine from his exile. He formed the Palestinian National Authority, and the first democratic elections were held in January 1996.

Initially, the Oslo Accords enjoyed public support from both Palestinians and Israelis (Gerner 1994: 189). But support for the agreements and for the peace process in general, declined as the implementations dragged on and living conditions failed to improve. In November 1995, a fellow Jew who opposed the peace plan assassinated Yitzhak Rabin, and in May 1996, the Likud party, led by Benjamin Netanyahu, unexpectedly won the Israeli election. This complicated the already delayed implementation of the Oslo Accords and resulted in the total collapse of the peace process (Sharoni and Abu-Nimer 2004: 190).

In May 1999, Labor leader Ehud Barak won the Israeli election, and there was again hope for a peaceful settlement of the Israeli-Palestinian conflict. In July 2000 the parties meet at Camp David, but no agreement is reached. On September 28, 2000, Likud leader Ariel Sharon visited the Haram al-Sharif (Dome of the Rock) where he made a speech in which he pledged that Israel would never give up the Temple Mount. This provocative act, together with the massive police presence, sparked off the second Intifada, also called the al-Aqsa Intifada. In contrary to the first Intifada, the second Intifada resembled regular warfare more that a “shaking off”, and there was more violence on both sides.

In 2001 Ariel Sharon took over as Prime Minister in Israel. The September 11 terrorist attacks against the World Trade Center and the Pentagon, had strong implications on the already deteriorating relationship between the PLO and Israel. Sharon declared that Arafat was not relevant in the negotiations, and that Israel would not negotiate with the Palestinians as long as Arafat was the PLO leader (Sharoni and Abu-Nimer 2004: 192). In the spring of 2002, PLO leader Yasser Arafat was put into house arrest in his Ramallah
headquarters as a result of the second Intifada. Sharon offered him permanent exile, but Arafat refused, stating that he would rather die than leave the West Bank.

In 2002, as the Israeli-Palestinian peace process eroded leaders of both Likud and the Labor Party made several proposals for a security fence separating the West Bank from Israel. It was stated that plan was to build a wall on the 1949 Armistice lines (the Green Line) established between Israel and Palestine. The Green Line is crossed by numerous dirt roads and it is difficult to patrol it. These roads crossing the Green Line are used daily by Palestinians working in Israel. The Israeli government stressed that the construction of the wall was in order to protect Israel from Palestinian suicide attacks, terrorism and theft.

The fence is opposed by both Israelis and Palestinians. Many Israelis oppose the wall because they feel it represent a recognition of the 1949 armistice Green Line as a final border. Most of the settlements inside the West Bank are left outside the wall.

The Palestinians and the Palestine National Authority also opposed the wall. The result of the wall is what Palestinians call “land grab”. Many places the wall is build far into Palestinian land in order to ensure Israeli settlement will end up on the Israeli inside of the wall. Palestinians also oppose the wall because it cuts people off from work and medical services (Mideastweb: www.mideastweb.org, consulted August 25, 2003).

On December 12, 2003, the UN General Assembly requested the International Court of Justice to (ICJ) “urgently render an advisory opinion on the following question: What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?” (United Nations Information System on the Question of Palestine: www.domino.un.org, consulted January 12, 2004).

On July 9, 2004, the International Court of Justice declared that the wall violates international law. Any part of the barrier built on the Palestinian side of the Green Line is illegal (Palestinian Ministry of Foreign Affairs: www.mofa.gov.ps, consulted September 2004). The Palestinian National Authority hailed ICJ’s ruling over what they called the “Apartheid Wall”. Israel rejected this ruling. Even so, the Israel High Court has ruled many sections of the wall illegal because the route does not provide “the proper balance between security needs and hardship to the population” (Mideastweb: www.mideastweb.org, consulted December 15, 2005).
During the second Intifada, there have been several peace initiatives. One of the immediate effects of the second Intifada was a new American diplomatic initiative. Although the parties did meet for negotiations early in 2001, no agreement was reached. In January 2003, the world learned about the Geneva Accord. This proposed agreement had been negotiated over almost three years by former Israeli and Palestinian officials, and tackled the issues that have torpedoed other peace efforts: the fate of Israeli settlements, the borders of a Palestinian state, the status of Jerusalem and Palestinian refugees. The Accord shows that “there is a peace plan that is widely acceptable to both Israelis and Palestinians as an alternative to the current violent impasse and that credible partners exist” (Foundation for Middle East Peace, www.fmep.org, consulted June 1, 2005). On April 30, 2003, The Road Map for Peace, developed by the United States, in cooperation with Russia, the European Union, and the United Nations, was presented to Israel and the Palestinian Authority. The plan was a performance-based, goal-driven plan, with clear phases, timelines, and benchmarks, but it did not lead to an agreement between the two parties (U.S. Department of State, www.state.gov, consulted June 1, 2005).

December 18, 2003, in a speech to the Fourth Herzliya Conference Ariel Sharon announced that his disengagement plan. His plan was to unilaterally withdraw Israeli forces and to evacuate Israeli settlements from Gaza and four settlements in the northern West Bank (Samaria). The reason for this plan was to “allow Israel to conserve resources being wasted on the settlements, reduce friction with Palestinians, and reduce pressure on Israel to negotiate a settlement on unfavorable terms” (mideastweb: www.mideastweb.org, consulted November 15, 2005).

Although polls show that a majority of the Israeli population was in favor of the disengagement plan, Sharon failed to gain public support from many of his ministers. To ensure legitimization for his plan, he agreed to hold a referendum of registered Likud voters in advance of an Israeli cabinet vote. The referendum, held on May 2, 2004, showed that 65% of the voters opposed the plan. This resulted in an amended disengagement plan, which was approved by the Israeli government in June 6, 2004, and the Knesset gave its approval for the plan with 67 for, 45 against, 7 abstentions and 1 absent, on October 26, 2004 (Wikipedia, the free encyclopedia www.wikipedia.org, consulted November 15, 2005).

Although polls show that a majority of the Israeli population was in favor of the disengagement plan, there have been opponents both on the right and the left. Some fear that are making a tactical error by giving up the settlements without anything in return.
from the Palestinians. A unilateral pull-out could also weaken the long-term prospects for a negotiated permanent agreement

The Palestinian Authority welcomed the disengagement plan when it was presented. But many Palestinians have protested the plan. They are afraid that the unilateral disengagement aims to “bypass” previous international agreements. They also fear that this would mean a strengthening in Israel’s hold on other West Bank settlements. In contrast to the road map, which focus on discussions between the Israelis and the Palestinians on final borders, the disengagement plan calls for steps to be taken by Israel alone, without input from the Palestinians. The plan will unilaterally determine short-term boundaries between Israeli and Palestinian areas, and may Palestinians fear that this will become final borders (Council on Foreign Relations: www.cfr.org, consulted on January 20, 2006)

On August 15, 2005, the evacuation of the Israeli settlements in Gaza began. On September 11, a ceremony was held when the last Israeli flag was lowered. After 38 years occupation, the last Israeli soldier left the Gaza Strip (CNN international: www.cnn.com, consulted September 14, 2005). The evacuation of the settlement in the West Bank was finalized a few days later.

6.9 Changes in the political landscape

In the fall of 2004, Palestinian president Yasser Arafat became sick. He underwent medical checks and treatment at the Percy Military Teaching Hospital outside Paris, from October 29, but failed to recover. On November 11, 2004 he was pronounced dead. Although Arafat's death created emotional upheaval, many analysts speculate if his death will increase the possibility of a peaceful resolution to the conflict over Palestine. On January 9, 2005, Mahmoud Abbas (Abu Mazen) was elected as the new Palestinian president.

On November 21, 2005 Prime Minister Ariel Sharon formally left the Likud party. He formed a new centrist and liberal party called Kadima, meaning “forward” or “onward” in Hebrew. It appears that Sharon hopes to attract members of the Knesset from other parties and well-known politicians.

On November 28 the new party presented main points of its national agenda in a drafted statement. When it comes to the Israeli-Palestinian conflict, Kadima presented its politics as follows (Ha’aretz: www.haaretz.com, consulted November 28, 2005):
The Israeli nation has a national and historic right to the whole of Israel. But part of the Land of Israel must be given up to maintain a Jewish and democratic state.

- Jerusalem and large settlement blocks in the West Bank will be kept under Israeli control.
- The Road map will be the Israeli national agenda to end the Israeli-Palestinian conflict and to achieve two states for two nations. A demilitarized Palestinian state will be established only after terror organizations are dismantled, firearms are collected, and security reforms are implemented in the Palestinian Authority.

The new party’s future became uncertain when Sharon was hospitalized in mid-December 2005 due to a minor stroke. During his hospital stay, the doctors discovered heart problems, and Sharon suffered a second stroke, this time massive. In January 2006, Kadima chose Ehud Olmert as acting chairman. Olmert is also Acting Prime Minister (BBC News: www.news.bbc.co.uk., consulted January 20, 2006).

On January 26, 2005, Palestinian parliamentary elections were held in Gaza and The West Bank. Many individuals and parities contested the elections, but the two biggest groups were Palestinian President Mahmoud Abbas's Fatah movement and the Islamist militant group, Hamas. Fatah has been the dominant force in Palestinian politics and de facto ruling party for many decades. Before this last election, Fatah was holding 49 of the 88 seats in the PLC, with another 15 independent deputies affiliated to Fatah (BBC News: www.news.bbc.co.uk, consulted January 25, 2006).

Hamas was contesting parliamentary elections for the first time. The party has long advocated armed attacks and refusing negotiations with the Israelis. But it also has an established social welfare program.

On Election Day, the polls estimated that Fatah would win more that 40% of the votes, while Hamas would win about 30% (Aftenposten: www.aftenposten.no, consulted January 26, 2006). This turned out to be completely wrong. Hamas won a huge majority of the 132 seats in the Palestinian parliament, and Palestinian president Mahmoud Abbas asked Hamas to form the next government.

It is still early to conclude on what this election result will have to say for the peace process. Several state leaders have urged Hamas to stop advocating violence, and to engage in further peace negotiation with Israel. Acting Israeli Prime Minister Ehud Olmert
said, before Hamas claimed victory, that Israel can not trust a Palestinian leadership in which the Islamic group has a role. US President Bush stated that the United States would not deal with Hamas until it renounces its position calling for the destruction of Israel (Yahoo! News: news.yahoo.com, consulted January 26, 2006).

On March 28, 2006 the parliamentary election in Israel will be held. Many are anxious to see how Sharon’s new part Kadima will do in an election. In the beginning of March 2006, acting chairman of Kadima, Ehud Olmert announced his new plan to pull out of most West Bank territory. Media has debated how the reveal of this plan will effect the election. Many ask how the Likud voters who moved to Kadima will react. How many of them will get cold feet and return home? On the other hand, will Labor or even Meretz voters move to Kadima? (Ha’aretz: www.haaretz.com, consulted March 12, 2006). Several news papers have stated that the March 28 elections have become the referendum on Olmert's plan.
Chapter 7 Main issues

In the land of Israel the Jewish people were born, its spiritual, religious and national identity was formed...
The first sentence from the Israeli Declaration of Independence (1948).

Palestine, the land of three monotheistic faiths, is where the Palestinian Arab people was born, on which it grew, developed and excelled...
The first sentence from the Palestinian Declaration of Independence (1988).

7.1 Introduction

The conflict over Palestine has from the very beginning been a struggle over land and physical space. Two peoples, the Arabs and the Jews, have both claimed the right to the Holy land. In this chapter I will define the main issues in the territorial conflict between Israelis and the Palestinians. I try to present what the Israeli and the Palestinian positions on the different issues are. The aim for this presentation is to get the information needed for an application of the Adjusted Winner procedure to the conflict. This information is based on statements made by the two sides, political plans, population polls and agreements between the parties.

If one assume that “conflicts will come to an end at some point in time” (Wallensteen 2002: 14), then somewhere there has to be a prescription for a permanent solution between the two contesting parties. As I see it, there are three possible outcomes:

1. An uncompromising winner-takes-all situation.

Here there are several proposed scenarios:

- **Greater Israel**: a Jewish state including the West Bank and the Gaza Strip where the Palestinian population is “transferred” to other Arab countries.

- **Greater Palestine**: a Palestinian state on all the territory of historical Palestine, with no Israeli Jews except those who lived in the area before 1948.

- **Greater Israel**: A Jewish state in all the territory of historical Palestine with Palestinians as citizens.
Greater Palestine: a Palestinian state in all the territory of historical Palestine with Israeli Jews as citizens.

2. Israelis and Palestinians mutually waive their nationalist aspirations in favor of a binational state on the land of Israel/Palestine.

3. Territorial compromise, i.e. a partition of the contested land area.

As I see it, the question is whether to continue fighting over the land, to share the land conjointly or to divide it between the two parties. The first possible outcome will probably not lead to a permanent peace between Israelis and Palestinians. The second outcome will probably seem dreaming and maybe utopian to some and offensive to others. To the extent that the conflict over Palestine is possible to solve, partition seems like the most logical answer. In this situation, a partition based on the AW procedure might become consistent with fair share and fair division. In the following, I concentrate on the major issues concerning partition.

7.2 Territorial compromise

Partition describes dividing contested land in order to avoid or terminate ethnic conflict. Dividing up and sharing the land becomes a necessity because there is no other rational way out of the conflict. That partition becomes the solution out of a necessity, underscores that there is nothing uplifting or inspiring about the situation. On the other hand, the first public opinion survey ever carried out jointly by Israeli and Palestinian research institutes revealed at the start of 1998 that both peoples held very similar views on the need for establishing a closed, clearly demarcated border between the two entities. 63% of the Palestinians polled, and 81% of the Israelis, favored such separation (Klieman 2000: 46). And by solemnly signing the Declaration of Principles in 1993, the two historic protagonists changed the basis of their relationship. They have gone from de-legitimizing each other to extending mutual recognition. In the later years, the peace process has stagnated, but in March 2005 a joint Israeli-Palestinian public opinion poll showed that 84% of the Palestinians and 85% of the Israelis support a return to the negotiations on a comprehensive settlement (Palestinian Center for Policy and Survey Research: www.pcpsr.org, consulted April 4, 2005). To me, this shows that a peace agreement based on territorial compromise is a step in the right direction.
The idea of a two-state solution in the conflict between Israelis and Palestinians is not new. In 1937 the British Peel plan called for a division of Palestine, and the Zionist leadership accepted with reservations the notion of sovereign control over only a portion of the biblical holy lands. Their support for partition of the land was registered again in 1947 when the Jewish Agency spokesmen lobbied in favor of the United Nation partition initiative. They saw it as “Peel plus Negev”. The General Assembly vote in favor of the partition plan is still regarded as a singular triumph for Zionism. The Palestinians rejected any plan for partition. The Arab Higher Committee, which represented the Palestinian Arabs at the time, called the partition plan “absurd, impracticable and unjust” (Shlaim: 2000: 27). This is clearly expressed in Article 2 of the 1964 Palestine National Covenant, which states unequivocally that “Palestine, with the boundaries it had during the British Mandate, is an indivisible territorial unit”. And the first part of Article 19 pronounces: “the partition of Palestine in 1947 and the establishment of the State of Israel are entirely illegal, regardless of the passage of time” (Klieman 2000: 49–50).

But the Palestinian attitude to territorial compromise has shifted in the last 20 years. In November 1988 the Palestinian National Council, upon issuing the “Palestinian Declaration of Independence” the Palestinian National Council for the first time made positive reference to the UN General Assembly Resolution 181. In December, PLO chairman Yasser Arafat publicly stated that the previously condemned UN Resolution 181 vouched for the right of all parties concerned in the Middle East conflict to exist in peace and security, including “the state of Palestine, Israel and other neighbors” (Klieman 2000: 51). In the days before signing the Declaration of Principles in September 1993, Prime Minister Yitzhak Rabin and Chairman Yasser Arafat exchanged letters where they recognized the other party. This way, the Palestinian side has made concessions not on the level of official ideology and on declaratory policy (Klieman 2000: 50). The fact that the Palestinian side has acknowledged the reality of the state of Israel might seem like an enormous concession to the Palestinian people. To some, it might even be seen as a public confession of failure.

In my opinion, territorial compromise in Israel/Palestine carries with it the potential for putting an end to the civil war. Given the expressed desire of both Israelis and Palestinians to separate, the motivation for partition is certainly there. It also promotes Palestinian Arab and Israeli Jewish majority status in a state of their own. The question is exactly how – in political and geographic terms – to fulfill this mutual desire. The important question is whether a peace map based upon territorial compromise can be
drawn between minimal Israeli and Palestinian objectives. What will be the two new states’ exact location and boundaries?

7.3 The landscape

It is important to define the territory that is to be partitioned. Does it involve a narrow or expansive territorial adjustment? Are we talking about all of historic Palestine? Extending to “Transjordan” and encompassing the East Bank as well? Or, in the narrowest Palestinian interpretation, taking territorial compromise to mean acknowledging the Jewish state’s existence inside the 1948–67 armistice borders? It is indicated that only a majority of Jews seriously support slogans like “Jordan is Palestine” or “Jordan is an integral part of Filastine.” This effectively reduces the partitionable area in question to “cis-Jordania” – the constricted stripe of land between the Mediterranean Sea and the Jordan River.

Territorial compromise addresses the territorial dimension of the conflict between Israel and Palestine. On order to reach and agreement on partition of the land, there are different landscape realities one has to take into consideration. Among these realities are the nature and extent of the land to be divided, the different ethnic subpopulations resident on the land, the sensitive religious and historical sites, and the location of natural resources
The total land area of Israel in its pre-1967 borders is 20,330 square kilometers. If we include the Gaza strip, and the rest of the West Bank up to the Jordan River the total figure is 115,214 square kilometers (Klieman 2000: 70). The country is a narrow, irregularly shaped strip of land with four principal regions: the relatively flat coastal area along the Mediterranean, the mountains, located east of the coastal plain, in the south the hills of the northern Negev give way to the desert hills and mountains north of the Red Sea. Further east, elevation drops steeply entering the Great Rift Valley.

Israel has always opposed the idea of granting the Palestinians full autonomy, and current Israeli peace plans seem to involve a Palestinian entity that would be somewhat controlled by Israel. In the past Israel pushed the option of some type of confederation with Jordan, but in 1988 Jordan dropped the claim and severed all administrative ties with the West Bank. Israel now envisions different spheres of authority, depending on the issue. One example is the issues of security and protection of the settlers. Here Israel expects to play a dominant role (Massoud 2000: 342).

For the Palestinians, the establishment of a sovereign state is perhaps the most important goal. To accomplish this Palestinians have, over the decades, used a variety of approaches ranging from diplomacy to terrorism in pursuit of this objective. In 1988 the PLO unilaterally proclaimed an independent Palestinian state, and anything short of Palestinian statehood is not likely to be acceptable to the Palestinian people.

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15 The map shows Israel and the surrounding Arab countries according to the armistice lines (borders) following the War of 1948. In addition, the map shows the Golan Heights (as of 1967) and the UNDOF (United Nations Disengagement of Forces) Zone (established 1974). (Israeli-Palestinian ProCon.org: www.israelipalestinianprocon.org, consulted May 29, 2005)
7.4 Important UN Resolutions

Various US resolutions have been passed concerning the conflict between the Israelis and the Palestinians. The most important resolutions are UN General Assembly Resolution 181, UN Security Council Resolution 242 and UN Security Council Resolution 338. I will here give a brief account for these resolutions.

**UN General Assembly Resolution 181**

The United Nations General Assembly Resolution 181 called for the partition of the British-ruled Palestine Mandate into a Jewish state and an Arab state. The two states were to be established by July 1, 1948. Jerusalem and Bethlehem were to become a *corpus separatum* under UN jurisdiction (Gerner 1994: 43).

Resolution 181 was approved by the General Assembly on November 29, 1947 with 33 votes in favor, 13 against, 10 abstentions and one absent. The resolution was accepted by the Jews in Palestine, but rejected by the Arab states.

**UN Security Council Resolution 242**

On November 22, 1967 the UN Security Council unanimously passed Resolution 242 as a response to the 1967 war. The resolution was to serve as a framework for peace in the Middle East and a basis for all future UN mediation activities (Gerner 1994: 114). It supported the Arabs on the issue of territory and the Israelis on the issue of peace because it basically proposed a deal where Israel would get peace in exchange for returning the occupied territories to the Arab states (Shalim 2000: 260). The resolution emphasizes “the inadmissibility of the acquisition of territory by war” and affirms that “a just and lasting peace in the Middle East” should be based on the following principles: “(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict; (ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from any threats or acts of force.”

After the resolution was passed, a disagreement arose over what the term *territories* refer to. Palestinians claimed that it refers to all the territories occupied by Israel during the 1967 war, whereas Israel insisted that it does not refer to all the territories and that it therefore does not require withdraw from East Jerusalem.
**UN Security Council Resolution 338**

In the later stages of the October 1973 War, the international community tried to stop the fighting. Together with the Soviet government, the US proposed a cease-fire resolution in the UN Security Council. On October 22, the UN Security Council passed Resolution 338 by 14 votes to none. Resolution 338 is quite short and calls upon the parties to the fighting to “cease all firing and terminate all military activity” and to immediately start “the implementation of Security Council Resolution 242 in all of its parts (Israeli Ministry of Foreign Affairs: www.mfa.gov.il, consulted May 29, 2005).

### 7.5 Issues for negotiation

Once the Israeli government and the PLO have agreed to sit down together and negotiate, there are a number of issues concerning territorial partition that need to be resolved. Each of these issues is both significant and controversial. But they must all be addressed in order to reach a permanent peace agreement between Israel and Palestine. These issues include:

- The West Bank
- The Gaza Strip
- The settlements
- Jerusalem
- Borders
- Natural resources

Even with mutual consent, a Middle East partition plan is going to be very hard to carry out because the Jewish and Palestinian communities are so thrown together. Some 6.6 million people live in Israel today. More than five million are Jews; the rest are mostly Arabs. Of its 6.6 million people, 77 percent are Jews, 19 percent are Arabs (mostly Muslim) and the remaining 4 percent comprise Druze, Circassians and others not classified by religion (Israel Ministry of Foreign Affairs: www.mfa.gov.il/mfa, consulted October 15, 2004). In 1997 the total population in the Palestinian territories were 2,895,687 people. 1,873,476 lived in the West Bank and 1,022,207 people lived on the Gaza Strip. The projected mid-year 2005 population in the Palestinian territories are 3,762,005 (Palestine Central Bureau of Statistics: www.pcbs.gov.ps, consulted April 6, 2005).
7.5.1 Borders

The establishment of the borders between Israel and a Palestinian state is a crucial issue. The issue of borders is closely tied to the various UN resolutions that have been passed since the onset of the conflict, and to the wars fought between the Israelis and the Arabs. The border issue is also closely tied to the issue of Palestinian sovereignty. How the border issue is solved determines whether there will be a separate Palestinian state or not.

For the Palestinians, sovereignty is probably the most important issue. In the past the Palestinians rejected Israel’s existence, and demanded the whole area for a Palestinian state. Now they insist that the only just resolution of the border issue is for the borders to revert back to the pre-June 1967 war status. This means that they envision a sovereign Palestinian state that encompasses the West Bank, Gaza and East Jerusalem. Their position is based on UN Resolution 242, which calls on Israel to withdraw from the occupied territories gained in the 1967 war. This position would require the withdrawal of Israel from all of Gaza and the West Bank, including East Jerusalem. In 1988 Arafat unilaterally declared an independent Palestinian state based on this position.

Israel maintains a different interpretation of the UN Resolution 242. It is willing to withdraw only from part of the Occupied Territories. Israel’s plan for a Palestinian state seems to be an entity that is somewhat controlled by Israel. For the Israelis, the border issue is very closely connected with the security issue. Israel will not permit the formation of a Palestinian entity that in the future would endanger the security of its people. Today, Palestinian sovereignty seems possible in Gaza, but complete sovereignty in the West Bank seems unlikely. In the fall of 2005 Israel unilaterally withdrew from the settlements in the Gaza Strip, but they only evacuated 4 of the settlements in the West Bank. By giving up control over most of the West Bank, Israel perceives it would lose an important buffer zone in case of an Arab attack. The concern for Israel is not only Palestinian threats, but also a fear that the West Bank will be used by other invading forces. Israel will therefore demand some control over the Jordan Valley border and the Green Line16.

7.5.2 The West Bank

The West Bank is the territory west of the Jordan River, incorporating the northwest quadrant of the Dead Sea. The area is 5,607 sq km (Columbia Encyclopaedia online,

16 The Green Line is the 1949 Armistice line that constituted the de facto borders of pre-1967 Israel.
www.bartleby.com, consulted April 6, 2005), and estimated population for mid 2005 is 2,372,216. As of December 2003 there were 665,246 Palestinian refugees registered with the UNRWA\textsuperscript{17}, and 179,541 live in one of the 19 refugee camps on the West Bank (United Nations Relief and Works Agency for Palestine Refugees: www.unrwa.org, consulted April 6, 2005). As of 2003 there were 155 formal settlements inhabited by 223,199 Israeli Jews. In addition there were 184,589 Israeli settlers living in those parts of East Jerusalem which were annexed by Israel in 1967(Palestine Central Bureau of Statistics www.pcbs.gov.ps, consulted April 6, 2005).

The West Bank was part of the territory reserved by the 1947 Partition Plan (U.N. General Assembly Resolution 181) for an Arab state. The Palestinian Arabs rejected the UN plan (Shlaim 2000: 27), and a Palestinian state was never established. In 1949 the West Bank was declared part of Jordanian territory after Israel and Jordan signed armistice agreements, but this occupation was not recognized by the UN. or by the international community. In the Six-Day War of 1967, Israel occupied this territory, but the UN. did not recognize it and asked for Israel’s withdrawal in Resolution 242.

Israelis regard the area as properly Jewish territory and often refer to the West Bank by the biblical names of Judaea and Samaria. Israel has constructed numerous settlements in the West Bank. They state that the settlements are legal and that the Fourth Geneva Convention does not apply to them (Palestinian Ministry of Foreign Affairs: consulted www.mfa.gov.il/mfa, April 4, 2005). Israel states that the West Bank is important for security reasons. The concept of an “eastern front” refers to an Israeli scenario of an attack from the east by a Syrian force against the Golan Heights combined with an attack by Iraq, Jordan and possibly Saudi Arabia along the 150 mile Jordanian-Israeli border. A worst case scenario also assumes that the Palestinian population in the West Bank (and Gaza) would launch a guerrilla campaign against Israeli deployments, and block the central access roads essential for shifting forces to the front line. To prevent such a scenario, it is important to Israel to have control over the West Bank.

\textsuperscript{17} The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programs for Palestine refugees
In 1997, two main plans for the West Bank were debated: Defense Minster Mordechai’s plan and Minister Sharon’s plan. Both plans reflect Israel’s interest in maintaining control over Greater Jerusalem and at least one half of the West Bank.

According to Minster Mordechai’s plan, Israel would retain 52% of the West Bank with about 40 settlements falling outside Israeli control, while Minister Sharon’s plan leaves 64% of the West Bank under Israeli control (Peace Monitor, 1998: 124). The Sharon map gives the Palestinians the least amount of territory. It reserves 30% to 39% of the West Bank to Palestinian rule, centering on the three major Palestinian areas of Nablus, Ramallah and Hebron. The Sharon plan would leave 30 Israeli settlements surrounded by Palestinian territory. The plan also envisions a 20-kilometer-wide strip along the Jordan Valley border and a 7 to 10 kilometer-wide strip along the Green Line border falling under Israeli control.

In mid-1997, Netanyahu unveiled the Allon Plus map, which is a middle position between Mordechai’s plan and Sharon’s plan. It gives the Palestinians up to 46% of the West Bank and adds another 10 settlements that would be surrounded by Palestinian territory. It also envisions a 15-kilometer belt along the Jordan Valley Border (Peace Monitor: 1998, 138–139).

In the beginning of March 2006, acting chairman of Kadima, Ehud Olmert announced his "convergence initiative" to pull out of most West Bank territory (Ha’aretz: www.haaretz.com, consulted March 12, 2006). Olmert, which is also acting prime Minister, has stated that he intent to set the new borders for Israel unilaterally by 2010. Israel has stated that it will not negotiate the future borders with the Palestinians as long as Hamas, which now runs the Palestinian government, does not recognize Israel’s right to exist (VG: www.vg.no, consulted March 11, 2006).

Ehud Olmert has stated that he intend to he will proved with the following plan if he wins the Israeli parliamentary election on March 28:

- The the new lines will include large settlement blocs like Ariel, Ma'aleh Adumim and Gush Etzion, and the Old City and adjacent neighborhoods in East Jerusalem.
- The border will be marked by the separation fence.
- Israel will maintain security control over the Jordan Valley.
- The settlement blocs would be strengthened, and Israel would build up the disputed E-1 zone between East Jerusalem and the settlement of Ma'aleh Adumim.

(Ha’aretz: www.haaretz.com, consulted March 12, 2006).
None of these maps or plans seems to meet the expectations of the Palestinians in the negotiations. However, there are indications, for example in the Abu Mazen–Beilin plan, that the Palestinians would agree to make some concession over the border issue to account for Israeli interests in East Jerusalem and the Green Line. In return, the Palestinians expect to get a passage corridor between the West Bank and Gaza (Massoud 2000: 345). Palestinians recognizes Israel’s security concerns. The Palestinians might agree to demilitarization, cooperating Israeli security forces, and possibly accepting some Israeli troop presence in certain areas. Terrorist acts from Israeli extremists will also be a concern for Palestinians. Palestinians argue that whatever security arrangements are made to meet Israel’s concerns should apply to the Palestinians as well.

According to the disengagement plan, Israel has evacuated four settlements in the northern West Bank, and all permanent military installations in this area. But Israel will continue to build the West Bank barrier, and Israeli military activity will continue in the areas where Israel retains a presence (BBC News: news.bbc.co.uk, consulted January 20, 2006).

If the Palestinians does not accept Israel’s conditions of renouncing terror, disarmament, recognizing Israel and accepting previous agreements, the Israelis will not negotiate any peace agreement. Israel will then set the border, after reaching an internal consensus and obtaining international backing. The Palestinian president, Mahmoud Abbas, has repeatedly rejected Israel’s plan to act alone when setting the borders between Israel and the future Palestinian state.

### 7.5.3 The Gaza Strip

The Gaza Strip is a rectangular coastal area, only 370 sq km on the Mediterranean Sea adjoining Egypt and Israel. The area is a densely populated; the estimated population for mid 2005 is 1,389,789 (Palestine Central Bureau of Statistics: consulted www.pcbs.gov.ps, April 6, 2005). As of December 2003 there were 922,674 Palestinian refugees registered with the UNRWA, and 484,563 of these lived in one of the 8 refugee camps in the area (United Nations Relief and Works Agency for Palestine Refugees: www.unrwa.org, consulted April 6, 2005). As of 2003 there were 17 formal settlements inhabited by 7,595 Israeli Jews (Palestine Central Bureau of Statistics: www.pcbs.gov.ps, consulted April 6, 2005).
Israel occupied the Gaza Strip during the Six-Day War of 1967. In the 1970s and 1980s Israel built a number of Israeli settlements in the Gaza Strip to strengthen their presence. Resentment stemming from Israeli occupation, a weak economy, and a large refugee population made the region a center for Palestinian activism and political unrest. Riots, demonstrations, and violent confrontations between Israelis and Palestinians developed into a Palestinian uprising, or Intifada, which began in the Gaza Strip in 1987.

Autonomy for the area was promised by the Camp David Accords in 1978. In 1993 an accord between Israel and the PLO called for limited self-rule in the area. Under the Gaza–Jericho agreement of 1994, Israeli forces left much of the Gaza Strip and a Palestinian police force was deployed but Israel retained frontier areas and buffer zones around Israeli settlements. In 2000 the peace talks between Israel and the PLO broke down, and in 2003 the Israeli army moved in more aggressively to control sections of the Gaza Strip in response to Palestinian Intifada.

In the fall of 2005 Israel finished the evacuation of the settlements in Gaza as part of the disengagement plan. This, however, did not mean that the Palestinians have full control of the Gaza strip. Despite the withdrawal, the Israelis will have military presence in the area along the border area between the Gaza Strip and Egypt called "The Philadelphia Corridor". Israel also retains the right to expand the area in which military operations are conducted. Israel will also exclusively control the airspace of the Gaza Strip, and they will continue to carry out military operations in the sea (BBC News: news.bbc.co.uk, consulted January 20, 2006)

Many Palestinians feel, even though they appreciate the departure of the Israeli settlers, that the evacuation was a one-sided operation and an attempt from the Israeli side to dictate the future borderline between an Israeli and a Palestinian state

### 7.5.4 Settlements

Several Israeli public statements make reference to the right of Jews to settle anywhere in Palestine, and Israel has always claimed the necessity of settlements for its sovereignty and security. From 1967 to 1977, Labor governments justified building settlements in terms of security. Likud expanded on this practice in the 1980s and attached a national and religious significance to them (Massoud 2000: 337). The Palestinians have always argued that all Israeli settlements in the occupied territories are illegal and contradict international laws and resolutions (the Fourth Geneva Convention).
The settlements in Gaza seem to hold no special meaning to Israel. Prime Minister Ariel Sharon’s disengagement plan involved the evacuation of Jewish settlers in Gaza. In a speech given at the Herzliyya Institute of Policy and Strategy on December 18, 2003, Sharon stated that “the relocation of settlements will be done, first and foremost, in order to draw the most effective possible security line, which will create the said disengagement between Israel and the Palestinians”. The Knesset approved this plan on October 26, 2004 with 67 against 45 votes. By 2005, the settlers in Gaza in addition to some settlers in the West Bank had to move (VG: www.vg.no, consulted October 26, 2004).

Unlike the settlements in Gaza, the settlements in the West Bank are important to Israel because they hold religious, national and symbolic significance. The character and number of settlers also differ from the Israeli settlers in Gaza. Most Israelis also view settlements in Greater Jerusalem as part of Israel. Hence, from the Israeli perspective, settlements in the West Bank refer to those outside of Greater Jerusalem. The Israeli position has been that no settlements will be abandoned or evacuated in the West Bank. Their position on the Israeli settlers in the West Bank is reflected in the Oslo II agreement. This agreement divides the West Bank into three Zones:

- **Zone A** gives the Palestinian Authority full control over civilian matters. It comprises approximately 1% of the West Bank, and includes the major Palestinian cities and gives the Palestinian Authority full control over civilian matters.

- **Zone B** comprises about 27% of the West Bank and makes up the rest of the Palestinian population centers (villages and towns). It provides for joint Palestinian-Israeli control, however, Israel retains overall security arrangements.

- **Zone C** comprises the rest of the West Bank and incorporates most Israeli settlements, military bases and other state lands. Israel holds sole control over this area.

The Wye Accord in October 1998 called for further transfer of 13%, in three stages over a period of three months, giving the Palestinian Authority full or partial control of 40% of the territory (Shlaim 2000: 603–604). On November 20, 1998, Israel withdrew from 2% of Area C, which then became part of Area B, and 7.1% of Area B, which became Area A. Most of the areas evacuated were around Jenin, in the Northern part of the West Bank. But then Prime Minister Netanyahu’s right-wing government suspended the implementation of Wye and called off the further IDF (Israeli Defense Forces) withdrawals from the West Bank.
7.5.5 Jerusalem

Holy city to three major religions, Jerusalem is the home to a unique concentration of religious sites. Both Israel and Palestine claim East Jerusalem as central to their sovereignty. This issue is perhaps the most contentious between the two sides.

There has always been a national consensus in Israel on the status of Jerusalem as Israel’s capital. Israel captured East Jerusalem from Jordan during the 1967 war, and by the end of June 1967, it extended its laws and administration over East Jerusalem. Since 1967, all Israeli Governments have declared their policy to support a united Jerusalem under Israeli sovereignty. On July 30, 1980 the Knesset passed a basic law which declared Jerusalem as the capital of Israel. The law stated that “Jerusalem, complete and united, is the capital of Israel”, and the seat of its main governing bodies (Israel Ministry of Foreign Affairs: www.mfa.gov.il/mfa, consulted October 15, 2004). Israel has, since 1967, proceeded to separate East Jerusalem from the rest of the West Bank. In 1995, the Jewish Municipality Planning Department announced that Jews in East Jerusalem outnumbered Palestinians 168,000 to 160,000 (Massoud 2000: 339).

Israel has rejected any scheme that divides the city of Jerusalem. Israel argues that East Jerusalem is not part of the West Bank, but rather a disputed territory falling outside of the principle of the Fourth Geneva Convention dealing with the treatment of occupied territories. The concept of Jerusalem as a Corpus Separatum (separate entity) originated in the UN General Assembly Resolution 181 of November 1947. Israel views the Corpus Separatum solution as nothing more than one of many inappropriate historical attempts made to examine possible solutions for the status of the city. Israel also argues that there is no basis in international law for the position supporting a status of Corpus Separatum because:

- The idea was a non-binding proposal, which never materialized, and became irrelevant when the Arab states rejected the UN Resolution (Israel Ministry of Foreign Affairs: www.mfa.gov.il/mfa, consulted November 20, 2004).
- There has never been any agreement, treaty, or international understanding which applies the Corpus Separatum concept to Jerusalem (Ministry of Foreign Affairs: www.mfa.gov.il/mfa, consulted November 20, 2004).

East Jerusalem is a very important national issue for the Palestinian people. Many Palestinian national institutions are located in East Jerusalem and Palestinians envision the Arab population of East Jerusalem as part of a capital of a future Palestinian state. Their
position is based on UN Resolution 242, which defines east Jerusalem as part of the West Bank. According to this resolution, Israel should withdraw from Arab territories conquered during the 1967 war. However there are indications that the Palestinian side might show some flexible on the issue of East Jerusalem. In 1996, Arafat made a statement suggesting that Jerusalem be a united capital for both peoples (Massoud 2000: 340).

7.5.6 Natural resources

Control over natural resources is also an important territorial issue. The most important natural resource for both Israelis and Palestinians is water. Access to water is maybe a greater obstacle to Palestinian agricultural development than scarcity of land. For Israel, water is a necessary precondition for a state with massive immigration and settlements.

The conflict over water in the region, stem from three crucial factors: limited water resources; Israel’s occupation of the Gaza Strip and the West Bank, including East Jerusalem; and the political uncertainty in the wider Middle East which prevents joint management and accountability of water resources that are largely shared by two or more states.

The primary water resource for Israel and the Palestinians are the underwater aquifers, generally known as mountain and coastal aquifers (Elmusa 1967: 7–11). Surface water is mainly provided by the Jordan River, which makes water not only a bilateral, but a multilateral issue as well. The conflict over the Jordan basin after 1948 led to the Johnston Plan of 1955, which set usage quotas of the Jordan basin to the riparian states. Israel’s victory in the 1967 war allowed it to bring most of the headwaters of the Jordan River under its control (Massoud 2000: 343).

Today, both parties can be said to have a water emergency. Israel, which controls much of the water resources, pumps more water from the aquifers than nature can replace. In 1993 a report from Peace Now stated that the Jewish settler’s per capita irrigated areas are seven larger that the areas accorded to Palestinians for irrigation in the Gaza Strip and thirteen times larger in the West Bank. The Jerusalem Media and Communication Center (JMCC) reported in 1992 that lack of water has forced Palestinian farmers to remove tracts from cultivation and that the digging of dwell in the settlements was causing subsequent

18 There is a disagreement over what the term territories refer to. Palestinians claims that it refers to all the territories occupied by Israel during the 1967 was, whereas Israel insist that it does no refer to all the territories and that it therefore does not require withdraw from East Jerusalem.
shortages for Palestinian farmers (Jerusalem Media and Communication Center: www.jmcc.org, consulted April 15, 2005).

The discussion between Israel and the Palestinians on the issue of water, revolve around two main issues: equitable rights and joint management. Since 1967, Israel has exercised control over the water resources of the West Bank and Gaza, restricting the use of water by Palestinians. As a result, there is a gap in the extraction and use of water between Israel and the Palestinians in favor of Israel.

The overriding demand of the Palestinians will be water rights. The current water allocations are unequal, and they seek to change the situation. They contend that the principle of equitable utilization should be determined by the social and economical needs of the two sides.

Israel looks to the principle of prior use as a basis for negotiations. The Israelis are also concerned about the eventuality of joint management of the West Bank and Gaza water resources. It is important to Israel to ensure that the settlers in the West Bank will have enough water to meet their needs. Furthermore, Israel is interested in exploring new water sources but seeks primarily to sell its water desalination technology to states in the region.

There have been three interim agreements on the issue of water: Oslo I, the Cairo agreement (which transferred water management to the Palestinian authority), and Oslo II (which gave the Palestinians more water and preserved settler’s water levels). The interim agreements so far suggest the following principle: equitable utilization of water rights and joint management.

7.6 Summary

In this chapter I have tried to show the Israeli and the Palestinian position on the different territorial issues: the West Bank, Gaza, settlements, Jerusalem, borders, and water. The issues and the assumed position of the two parties are presented in Table 7.1.

It seems as if Israel has come to terms with the idea of a separate Palestinian state. Where the final borders for the future Palestinian state and the State of Israel shall be laid is not clear. Israel is not willing to go back to the pre 1967 borders, and is not willing to give up all of the West Bank for security reasons. Israel has already given up the settlements in Gaza, and some of the settlements in the northern West Bank, as part of the
disengagement plan, but it still controls Gaza by military presence. Jerusalem is very important, and it is not likely that Israel will give up the concept of a united Jerusalem as the capital of Israel. Israel opposes both UN Resolution 181 and 242. Israel will withdraw from only part of the occupied territories in fear of attack on the State of Israel, for protection of the settlers and for control over the water resources. Especially the Jordan River is an important water resource for the Israelis.

For long, the Palestinians opposed the idea of the state of Israel, but have now acknowledged Israel’s right to exist within the pre-1967 borders. That means that the PLO regards the Israeli occupation of the West Bank and the Gaza Strip as illegal. They support UN resolution 242 and calls for Israel’s withdrawal from the occupied territories, including East Jerusalem. The Palestinians also regard all the Israeli settlements in the West Bank, Gaza and East Jerusalem as illegal, and they state that East Jerusalem is part of a future Palestinian state.
**Table 7.1 Main issues in conflict over territory, and the parties’ assumed positions**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Israel’s position</th>
<th>Palestine’s position</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Bank</td>
<td>* Important for security</td>
<td>* All settlement are illegal</td>
</tr>
<tr>
<td></td>
<td>* Will give up some of the WB, but will keep control over most of the settlements</td>
<td>* UN Resolution 242* UN Resolution 181</td>
</tr>
<tr>
<td>Gaza</td>
<td>* Willing to give up control of the Gaza Strip</td>
<td>* All settlements are illegal</td>
</tr>
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<td></td>
<td></td>
<td>* UN Resolution 242* UN Resolution 242</td>
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<tr>
<td>Settlements</td>
<td>* Will give up Gaza settlements.</td>
<td>* All settlements are illegal</td>
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<tr>
<td></td>
<td>* Will fight to keep most of the WB settlements.</td>
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<tr>
<td></td>
<td>* Will keep all the settlements in East Jerusalem.</td>
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</tr>
<tr>
<td>Jerusalem</td>
<td>* Holy city</td>
<td>* UN Resolution 242, which defines east Jerusalem as part of the West Bank</td>
</tr>
<tr>
<td></td>
<td>* East Jerusalem is not part of the WB, supports a united Jerusalem</td>
<td>* East Jerusalem as the capital of a future Palestinian state</td>
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<td></td>
<td>* Capital of Israel</td>
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<tr>
<td>Borders</td>
<td>* Willing to withdraw only from part of the occupied territories</td>
<td>* UN Resolution 242</td>
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<td></td>
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<td>* Israel has to withdraw form the occupied territories</td>
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<tr>
<td></td>
<td></td>
<td>* Pre-1967 borders</td>
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<tr>
<td>Water</td>
<td>* The principle of prior use</td>
<td>* Equitable utilization</td>
</tr>
</tbody>
</table>
Chapter 8 Adjusted Winner and the conflict over Palestine

8.1 Introduction

In this chapter I will show a hypothetical application of the Adjusted Winner procedure to the conflict over Palestine. My aim is to present a plausible illustration of how the conflict between the two parties can be resolved, using the AW procedure.

I have already discussed the main issues of the conflict. To arrive at a ranking of the issues, I follow a procedure in three steps. The first step is to specify what winning and sharing on the different issues would imply for the parties. This is presented in Table 6.1. The second step is to systematically compare the issues and set up ordinal rankings of the issues (one for each party). This is presented in Tables 6.2 and 6.3. The third and final step is to turn the ranking into point assignments that reflect the parties’ intensities of preferences for the different issues.

When the hypothetical point allocation is worked out, the AW procedure is carried out. In this thesis I will present two different solutions to the Israeli-Palestinian conflict using the AW procedure.

8.2 Issue ranking and point allocations

The Israelis and the Palestinians have yet to reach a final agreement, and it is impossible to know exactly how the parties would have ranked the issues in a potential negotiation setting. This means that the rankings are hypothetical. But there is, as I have presented, available information from a variety of sources to evaluate the relative importance of the issues to each side. Documents, statements by officials, past negotiations and agreements provide clues on how the two parties view the territorial issues, and this allows me to arrive at rankings of the issues.
The AW procedure assumes that each side understands what winning and losing on an issue would imply for the parties, and the rankings of the issues are also based on the knowledge of implication of winning and sharing on the issues. Brams and Taylor (1999: 104) state that “the determination on what is entailed by winning and losing on each issue would have to be worked out beforehand”.

The issues differ in terms of whether it is difficult or relatively straightforward to suggest what winning or losing will imply for the two parties. For issues with few alternatives or very clear solutions, it might be relatively easy to define what winning or losing on an issue implies for the parties.

Defining what partially winning and partially losing would imply can wait until the parties can see on which issue there is an equitability adjustment. Once the equitability adjustment is known, the parties can be informed (for example a 4:2 split on the water issue), but they will not be told who is the relative winner and who is the relative loser. The parties will then be told to negotiate two agreements; one in which Palestine is the four-sixth winner and one in which Israel is the four-sixth winner. Brams and Taylor (1999: 105) state that this will motivate the two sides to reach an agreement on what being the four-sixth winner means, whichever side this turns out to be (Brams and Taylor 1999: 105). Table 8.1 presents what winning would imply for the Israelis and the Palestinians.
Table 8.1 What winning on issues would imply for the parties

<table>
<thead>
<tr>
<th>Issue</th>
<th>Israel</th>
<th>Palestine</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Bank</td>
<td>Winning: The West Bank as Jewish territory.</td>
<td>Winning: Palestinian control over the territory and the Israelis will have to withdraw from the area.</td>
</tr>
<tr>
<td>Gaza</td>
<td>Winning: some security control over the area.</td>
<td>Winning: Full control over the area and the Israelis will have to withdraw</td>
</tr>
<tr>
<td>Jerusalem</td>
<td>Winning: a united Jerusalem under Israeli sovereignty</td>
<td>Winning: a Palestinian capital in East Jerusalem</td>
</tr>
<tr>
<td>Borders</td>
<td>Winning: Still control of the West Bank, Gaza and the Jordan Valley border, and control of the Green Line</td>
<td>Winning: Pre-1967 borders. The Israelis will have to withdraw from Gaza and the West Bank.</td>
</tr>
<tr>
<td>Water</td>
<td>Winning: an agreement based on the principle of prior use.</td>
<td>Winning: an agreement based on the principle of equitable use</td>
</tr>
</tbody>
</table>

Under the Adjusted Winner procedure a total of 100 points are to be distributed across the items, depending on the relative importance to the parties. To mirror the parties’ valuation of the different issues using point allocation can be difficult. One possibility is to start by ranking the issues from **most important** to **least important** on a 6-point scale. To reflect the true weight of each fraction, the 6-point scale is reversed. This means that a rating of 6 becomes **most important** and a rating of 1 becomes **least important**\(^{19}\). By applying the information I have on the importance of the issues to the parties, I am able to identify an

---

\(^{19}\) The rating scale reflects the following: 6 = **most important**; 5 = **very important**; 4 = **quite important**; 3 = **somewhat important**; 2 = **less important**; 1 = **least important**.
ordinal ranking. Tables 8.2 and 8.3 shows hypothetical suggested ordinal rankings of the different issues for the Israelis and the Palestinians.

**Table 8.2 Hypothetical ordinal ranking for Israel**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Jerusalem</td>
</tr>
<tr>
<td>5</td>
<td>West Bank</td>
</tr>
<tr>
<td>4</td>
<td>Water</td>
</tr>
<tr>
<td>3</td>
<td>Borders</td>
</tr>
<tr>
<td>2</td>
<td>Settlements</td>
</tr>
<tr>
<td>1</td>
<td>Gaza</td>
</tr>
</tbody>
</table>

6 = most important, 1 = least important.

**Table 8.3 Hypothetical ordinal ranking for Palestine**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Borders</td>
</tr>
<tr>
<td>5</td>
<td>Jerusalem</td>
</tr>
<tr>
<td>4</td>
<td>West Bank</td>
</tr>
<tr>
<td>3</td>
<td>Water</td>
</tr>
<tr>
<td>2</td>
<td>Gaza</td>
</tr>
<tr>
<td>1</td>
<td>Settlements</td>
</tr>
</tbody>
</table>

6 = most important, 1 = least important.

**8.2.1 Outcome 1: Simple linear relationship**

The transformation of the ordinal ranking of issues into a 100-point scale is inspired by Massoud (2000: 350). The ordinal ranking points are used as a basis for calculating the parties’ point allocation. To calculate how many points to assign to an issue, I divide the ordinal ranking point of that issue by the sum of ordinal ranking points of all issues for each party, and multiply with 100. This allows me to assign points to each issue. The result is shown in Table 8.4, where the points are rounded to the nearest integer. The greater point allocation for each issue is underlined.
The parties temporarily win the issues on which it has allocated more points. In Table 8.4, Israel will win on the issues of the *West Bank*, *settlements*, *Jerusalem*, and *water*, with a total of 81 points. The Palestinians will win on the issues of *borders* and *Gaza*, with a total of 38 points.

When one party wins more points than the other party, points have to be transferred. In Table 8.5 an equitability adjustment is required to give each party the same number of points. The giveback starts with the smallest-ratio issue, which in this case is the issue of *Jerusalem*. But giving all the points of this issue to Palestine will leave Palestine 10 points ahead of Israel (Palestine: 29 + 9 + 24 = 62, Israel: 24 + 9 + 19 = 52). Both sides have to share or receive a fraction of their demands on the issue of *Jerusalem*. Let x denotes the fraction of the issue that will stay with Israel and (1 - x) denotes the fraction of the issue that will be transferred to Palestine.

\[
24 + 9 + 19 + 29(x) = 29 + 9 + 24(1-x) \\
52 + 29x = 38 + 24 - 24x \\
29x + 24x = 38 + 24 - 52 \\
53x = 10 \\
x = 0.188
\]

This means that Israel will retain 19% of the issue of *Jerusalem* and Palestine will get 81% of the issue of *Jerusalem*. Both Israel and Palestine will then end up with \( \approx 57.5 \) of their distributed points (Israel: 24 + 9 + 19 + (29*0.188) = 57.452, Palestine: 29 + 9 + (24*0.812) = 57.488).

Based on the AW procedure, the following settlement is suggested:

- Israel wins on the issue of the *West Bank*. This means that the Israelis will control the area.
• Israel wins on the issue of Settlements. This means that Israel will keep the settlements in the West Bank, and maybe not evacuate the settlements in the Gaza Strip.

• Israel wins on the issue of water. Israel will control the water resources and a possible agreement with the Palestinians on the use of the water resources will be based on the principle of prior use.

• Palestine wins on the issue of borders. The borders between Israel and the new Palestinian state will be based on the pre-1967 borders.

• Palestine wins on the issue of Gaza. The Palestinians will get full control over the area and the Israeli troops will have to withdraw.

• The issue of Jerusalem will have to be shared. The Israeli demand is that Jerusalem stays united as a capital of Israel, and that East Jerusalem is not part of the West Bank. The Palestinians argue that East Jerusalem, as part of the West Bank, belongs to the Arabs, and they envision East Jerusalem as the capital of a future Palestinian state. In this case, Israel will probably have to accept that East Jerusalem will be the capital of a Palestinian state in the future. The Palestinians might be willing to let Jerusalem be a united capital for both peoples as long as they can control East Jerusalem.

8.2.2 Outcome 2: curvilinear relationship
It can be argued that the distances on the 6-point scale do not represent the same weight. The value between rating 2 and 1 does not have the same significance or weight as the value between 6 and 5. It seems reasonable to suggest that the rating of quite important should be four times as important at the rating of less important. Massoud (2000), therefore, suggests that the distribution of points should represent a curvilinear relationship. This can be done by squaring the points on the scale. The new ordinal ranking
of the issues will then have a point scale ranging form $36 = \textit{most important}$ and $1 = \textit{least important}^{20}$.

**Table 8.5 Hypothetical ordinal ranking for Israel**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>Jerusalem</td>
</tr>
<tr>
<td>25</td>
<td>West Bank</td>
</tr>
<tr>
<td>16</td>
<td>Borders</td>
</tr>
<tr>
<td>9</td>
<td>Water</td>
</tr>
<tr>
<td>4</td>
<td>Settlements</td>
</tr>
<tr>
<td>1</td>
<td>Gaza</td>
</tr>
</tbody>
</table>

$36 = \textit{most important}, 1 = \textit{least important}$.

**Table 8.6 Hypothetical ordinal ranking for Palestine**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>Borders</td>
</tr>
<tr>
<td>25</td>
<td>West Bank</td>
</tr>
<tr>
<td>16</td>
<td>Jerusalem</td>
</tr>
<tr>
<td>9</td>
<td>Water</td>
</tr>
<tr>
<td>4</td>
<td>Gaza</td>
</tr>
<tr>
<td>1</td>
<td>Settlements</td>
</tr>
</tbody>
</table>

$36 = \textit{most important}, 1 = \textit{least important}$.

The question is whether the solution under the AW procedure will be different with this method. To answer this question, I have re-run the analysis, and the hypothetical point allocation result is shown in Table 8.7, where once again the points are rounded to the nearest integer. The greater point allocation for each issue is underlined.

---

$^{20}$ The rating scale reflects the following: $36 = \textit{most important}; 25 = \textit{very important}; 16 = \textit{quite important}; 9 = \textit{somewhat important}; 4 = \textit{less important}; 1 = \textit{least important}$.
Table 8.7 Hypothetical point allocation, curvilinear relationship

<table>
<thead>
<tr>
<th></th>
<th>Borders</th>
<th>West Bank</th>
<th>Gaza</th>
<th>Settlements</th>
<th>Jerusalem</th>
<th>Water</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israel</td>
<td>10</td>
<td>27</td>
<td>1</td>
<td>4</td>
<td>40</td>
<td>18</td>
<td>100</td>
</tr>
<tr>
<td>Palestine</td>
<td>40</td>
<td>18</td>
<td>4</td>
<td>1</td>
<td>27</td>
<td>10</td>
<td>100</td>
</tr>
</tbody>
</table>

The results in Table 8.7 are similar to those obtained by using the simple linear procedure. Both the Israelis and the Palestinians temporarily win on the same issues; Israel will temporarily win on the issues of the *West Bank*, settlements, *Jerusalem*, and water, with a total of 89 points. The Palestinians will win on the issues of borders and Gaza, with a total of 44 points. To achieve equitability, the issue of Jerusalem, which is the smallest-ratio issue, has to be shared or split between the two parties.

\[
27 + 4 + 18 + 40x = 40 + 4 + 27(1-x) \\
49 + 40x = 44 + 27 - 27x \\
40x + 27x = 44 + 27 - 49 \\
67x = 22 \\
x = 0.328
\]

This means that Israel will retain about 33% of the issue of *Jerusalem* and the Palestinians will receive about 67%. Both Israel and the Palestinians will end up with ≈ 62.1 of their distributed points (Israel: 27 + 4 + 18 + (40*0.328) = 62.12, Palestine: 40 + 4 + (27*0.672) = 62.14).

By using the curvilinear procedure the total number of points each party receives is somewhat higher (62.1 points to 57.5 points), which is natural since the issues they win becomes more important than in the case with simple linear relationship. The biggest difference between the two outcomes is in the equitability adjustment. By using the curvilinear procedure, Israel will retain a larger portion of the issue of *Jerusalem* (33% rather 19%).

But even if the difference in points is significant, the difference in the result is relatively small. The division between the two parties is changing only slightly. This shows that the results of the AW procedure only to a very minor degree depend on the use of either the simple linear relationship or the curvilinear relationship.
8.3 The fairness of the agreement

The outcomes produced by the AW procedure can be regarded as fair because both these outcomes satisfy the criteria for a fair division:

*Envy-freeness*

Both the Israelis and the Palestinians receive at least 50 of its own points. The parties will therefore not envy each other because they “will not desire to have what the other party received” (Brams and Taylor 1999: 77).

*Efficiency*

The outcome satisfies this criterion because there is no other assignment that could have given both parties more points. The AW procedure ensures that there are no win-win opportunities that are missed in the final allocation (Brams and Taylor 1999: 78).

*Equitability*

In both outcomes the parties receive the same amount of points. This is guaranteed by the equitability adjustment.
Chapter 9 Potential problems

9.1 Introduction

The Adjusted Winner procedure is the only procedure that satisfies all of the fair division criteria; envy-freeness, equitability and efficiency. However, there are some potential problems with the procedure. In this chapter I will discuss the potential problems concerning the AW procedure, and see how these might affect the application of the procedure to the conflict over Palestine.

The AW procedure relies on a set of assumptions, which might cause different problems for the application of the procedure to a civil war conflict. These assumptions include three general assumptions: 1) The parties are honest in their point allocations, 2) The parties behave as rational actors, 3) The parties can bind themselves to the procedure and can accept application of the AW procedure. In addition the procedure relies on three specific and technical assumptions: 1) Willingness to allocate points 2) Additivity, 3) Linearity. These assumptions will be discussed one by one.

Conflict potential, or the basis of the conflict, refers to the relationship between the conflicting parties, and is very relevant for a hypothetical application of the Adjusted Winner procedure to the conflict. Is the conflict over Palestine a conflict of interest or a conflict of values? Classification of the conflict as belonging to either the one or the other category is difficult, and I will elaborate on this later in this chapter.

There is also a problem with the distinction between goods and issues. The distinction between goods and issues might often be blurred, and Brams and Taylor (1996: 65) use the two words interchangeably. This might be a problem since they do state that goods are more appropriate when discussing fair division problems.
9.2 Assumptions of the AW procedure

In Chapter 6 I presented how the AW procedure theoretically can provide the parties with a settlement that is envy-free, efficient and equitable. But the procedure is based on some assumptions that might call into question whether the procedure is useful when it comes to internal conflicts. The first three assumptions are general assumptions concerning the use of AW as a rational choice model for solving civil wars. The last three assumptions are specific assumptions of the AW procedure.

9.2.1 The parties are honest in their point allocations

AW satisfies the fair division criteria (envy-freeness, efficiency and equitability), provided that the parties are truthful in their announced valuations if the items in a dispute (Brams and Taylor 1999: 86).

Young (1994: 130) states that “preferences are usually private information, and we cannot expect people to honestly reveal them unless it is their interest to do so. The challenge, therefore, is to design procedures that induce the claimants to reveal enough information about their preferences so that an efficient and equitable solution can be implemented”. Under the AW procedure, the parties have to indicate how much they value each of the different goods or issues. If the criteria of envy-freeness, efficiency and equitability are to be met, it is important that the parties are truthful in their point assignments. But honesty might be a problem under the AW procedure.

The players’ values are unlikely to be common knowledge. The points under the AW procedure are announced points, which may or may not reflect their true values. There is always a chance that one or both players choose not to be sincere about their valuation of the items in question. Requiring that players assign points to different goods and issues raises the question of whether they can gain something out of being honest in announcing their valuations. Maybe it is smart not to be too honest (Brams and Taylor 1996: 66).

It might be tempting for the parties to estimate the other party’s point allocation, and then be strategic in the allocation of their own points. If only one side possesses information about the other party’s preferences, the party holding this information can use it to his or her advantage. But if knowledge is roughly symmetric, the attempts by one side to be strategic, may lead to disaster even without the players trying to be spiteful (Brams and Taylor 1999: 80). I will illustrate this with a hypothetical example. Palestine thinks the issue of water is three times as valuable as the issue of settlements, whereas Israel thinks
the issue of settlements is three times as valuable as the issue of water. If they both are sincere about their point assignment, the result will be as in Table 9.1.

Because of the symmetry here, there is no need for an equitability adjustment; they both end up with 75 points. Palestine will win on the issue of water and Israel will win on the issue of settlements.

**Table 9.1 Point allocation of issues**

<table>
<thead>
<tr>
<th></th>
<th>Water</th>
<th>Settlements</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israel’s announced values</td>
<td>25</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Palestine’s announced values</td>
<td>75</td>
<td>25</td>
<td>100</td>
</tr>
</tbody>
</table>

But if Palestine knows Israel’s preferences, its negotiators can capitalize on this information. By pretending to like the issue of water only slightly more than they know Israel do, they will benefit. By putting 26 points on this item, they will get all of the issue of water (which they really value as 75%), but it will appear as if they are getting only about ¼ of the total value in their opinion, whereas Israel is still getting about ¾ in its opinion. This requires equitability adjustment, which means that points have to be transferred for Israel to Palestine. This is presented in Table 7.2.

**Table 9.2 Strategic point allocation, example 1**

<table>
<thead>
<tr>
<th></th>
<th>Water</th>
<th>Settlements</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israel’s announced Values</td>
<td>25</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Palestine’s announced Values</td>
<td>26</td>
<td>74</td>
<td>100</td>
</tr>
</tbody>
</table>

\[
75x = 25 + 75(1-x) \\
75x = 26 + 75 - 75x \\
75x + 75x = 26 + 75 \\
150x = 101 \\
x = 0.67
\]
This means that Israel will retain 67% of settlements \((75 \times 0.67 \approx 50)\) and Palestine will get water and 0.33 % of settlements \((26 + (74 \times 0.33) \approx 50)\). They both end up with about 50 points. But in terms of their true preferences, Palestine will get about 5/6 of its total sincere valuation of the two items \((75 + 0.33 \times 25 = 75 + 8.33 = 83.33)\), and Israel will get only about ½ of its total sincere valuation. This shows that one player with complete information can exploit the other player, which do not possess this kind of information (Brams and Taylor 1999: 79–82).

There is also another disastrous example of strategic allocation of points. If both players think they know the other party’s preferences and if both assume that the other party will be sincere about his or her point allocation, each might be motivated to try to take advantage of this situation by being strategic. The result of Israel and Palestine’s point assignments might then be as shown in Table 9.3.

### Table 9.3 Strategic point allocation, example 2

<table>
<thead>
<tr>
<th>Water</th>
<th>Settlements</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israel’s announced Values</td>
<td>74</td>
<td>26</td>
</tr>
<tr>
<td>Palestine’s announced Values</td>
<td>26</td>
<td>74</td>
</tr>
</tbody>
</table>

The result is that Palestine will get the water and Israel will get settlements, and there will be no equitability adjustment since both players will receive 74 of their assigned points. But because they both really believe that the issue they got only represents 25% of the total value, they both really received 25 points each. This result is of course inefficient, but it also leaves both players envious of each other. This shows, according to Brams and Taylor, that insincerity carries with it a huge risk. Being too aggressive in misrepresenting their true preferences might lead the players to hurt the other party as well as themselves (Brams and Taylor 1999: 82). In this example, where there are only two issues to divide among the players, they could have traded with each other and still get the issue they wanted most. But in situations where there are more issues to divide, a trade between the players afterwards is much more difficult. Who is then to decide which issues to trade.
9.2.1.1 **Outcome 3: Strategic allocation**

It is possible that the Palestinians will try to capitalize on the information they have about Israel’s preferences. Israel has stated publicly that they will withdraw from Gaza Strip. Therefore, it is reasonable for the Palestinians to believe that Israel rank the issue of Gaza very low. As a consequence, the Palestinians may also put Gaza at the bottom of their ranking. Another re-run of the AW analysis, gives the hypothetical point allocation presented in Table 9.4.

**Table 9.4 Hypothetical point allocation, strategic allocation**

<table>
<thead>
<tr>
<th></th>
<th>Borders</th>
<th>West Bank</th>
<th>Gaza</th>
<th>Settlements</th>
<th>Jerusalem</th>
<th>Water</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israel</td>
<td>14</td>
<td>24</td>
<td>1</td>
<td>4</td>
<td>29</td>
<td>19</td>
<td>100</td>
</tr>
<tr>
<td>Palestine</td>
<td>29</td>
<td>19</td>
<td>1</td>
<td>4</td>
<td>24</td>
<td>14</td>
<td>100</td>
</tr>
</tbody>
</table>

Israel will temporarily win on the issues of the *West Bank, Jerusalem* and *water*, with a total of 72 points. The Palestinians will temporarily win on the issues of *borders*, with a total of 29 points. There are two tied issues here; *Gaza* and *settlements*. Tied items are awarded, one-by-one in any order, to the party with the fewer points at the time at which the item is awarded. This means that the Palestinians will be awarded the issues of *Gaza* and *settlements*, and will receive a total of 43 points.

Points have to be transferred for Israel to Palestine, starting with the issue of *Jerusalem*, which is the lowest-ratio issue.

\[
24 + 19 + 29(x) = 29 + 5 + 9 + 24(1-x) \\
43 + 29x = 43 + 24 - 24x \\
29x + 24x = 43 + 24 - 43 \\
53x = 24 \\
x = 0.453
\]

This means that Israel will retain about 45% of the issue of *Jerusalem*, and Palestine will receive about 55% of the issue of *Jerusalem*. Both parties will end up with \( \approx 56.1 \) of their distributed points (Israel: \( 24 + 19 + (29*0.453) = 56.137 \), Palestine: \( 29 + 5 + 9 (24*0.547) = 56.128 \)).
In this round of the AW procedure, the parties will end up with slightly less points than in the original analysis (56.1 points to 57.5 points). The major change is that the Palestinians will win on one more issue (settlements), but they will have to share a greater part of the issue of Jerusalem.

I have described how misrepresentation by both parties can backfire if each party tries to exploit its knowledge of the preferences of the other party. Honesty in announcing one’s point allocations, therefore, is generally a sound policy to follow – both for ethical and strategic reasons (Brams and Taylor 1999: 86). Although one party, with complete information, can exploit the other party that does not possess such complete information, Brams and Taylor state that AW offers the two players an incentive to be honest (Brams and Taylor 1999: 71).

Successful manipulation requires, in addition to having a good idea of your opponent’s preferences and sincere point assignments, that you also have a pretty good idea of your opponent’s announced point assignments. Since such complete information is rare, it is often safer to be sincere. Brams and Taylor state that sincerity provides a guarantee of obtaining at least 50% of the total value of the items in one’s own eyes. What the players receive above 50 points (surplus) is the same for both, i.e. one player’s “more” is the same as the opponent’s “more”. Because each player will receive at least 50%, sincerity under the AW procedure is what Brams and Taylor calls a guarantee strategy. This means that no matter what strategy the other player chooses, sincerity will guarantee an envy-free portion to the sincere party (Brams and Taylor 1999: 83).

9.2.2 The parties behave as rational actors

The AW procedure is based on a rational choice model. The idea is that the disputing parties will weigh costs and benefits of possible courses of action, and then choose the alternative they believe will produce the best possible outcome in relation to their preferences. According to the idea of the parties’ rational behavior, one can assume that the AW procedure will be accepted by the parties only if they believe that the procedure is giving them the best possible outcome, compared to other forms of negotiations or going back to war.

The question is whether the fair division criteria, envy-freeness, efficiency and equitability, can be attractive principles in a negotiation when the parties behave as rational actors. Is it likely that the parties, who often are bitter enemies, will accept the other side’s
right to an equitable and envy-free portion of the items? According to Brams and Taylor, there are no obvious alternatives or BATNA\textsuperscript{21} in civil wars, as the parties lack a viable fallback position. There is an assumption in Brams and Taylor’s arguments for the AW procedure that this procedure will give greater payoffs for both parties compared to other negotiation procedures or going back to war.

9.2.3 Binding procedure

Can the parties bind themselves to the procedure, and can the parties accept arbitration by a procedure or by a direct application of the AW procedure? The idea of the AW procedure is that the division is final when the equitability adjustment is finished. But, although the AW procedure gives a theoretical guarantee for a fair division, it might be difficult for the parties to bind themselves to a procedure where they don’t have control over the outcome. A less binding application of the AW procedure might help the parties overcome the unwillingness to bind themselves to what can be considered arbitration by a procedure. Mediators can, on the basis of information on the parties’ preferences, suggest a solution based on the AW procedure.

If one assume that the division of items is not final, who is to say that the parties cannot trade items, or part of items? There may be situations where one or both parties are not satisfied with the outcome of the division. These situations may occur if, for example, the parties have not been truthful in their point allocation. The question then is who is to decide if the parties should trade items, or maybe go through the whole procedure again? Can one of the parties demand a trade or do both parties have to agree?

If we do assume that the division is not final at the end of the procedure, there is a chance that the AW procedure ends up as being circular. If the parties can just walk away if they do not like the conclusion, there is a chance that one will never reach a decision based on this procedure. However, this is not something that is unique for the AW procedure, but rather something that is possible also by the use of any other conflict resolution procedure.

9.2.4 Willingness to point allocate

If a settlement is not to be imposed, then the parties must be given the opportunity to state their preferences. For a nonimposed fair division to work well, the disputants must be

\textsuperscript{21} See definition of BATNA in Chapter 1.
willing to indicate how much they value certain things. In terms of stating preferences, the least a procedure can ask is that the disputants be willing to pick a favorite item. But the AW procedure asks much more. The disputants have to distribute 100 points across all the items, indicating the relative value of each item (Brams and Taylor 1999: 11–12). If the parties are not willing to point allocate a subjective utility value of the items, the procedure cannot be carried out.

9.2.5 Additivity
A key question in applying the AW procedure is whether issues can be treated independently of each other. “An issue is separable if a party’s value of winning on that issue is independent of winning on other issues” (Brams and Taylor 1999: 98). AW assumes that value points can be added, and this can only be done properly if the issues are separable. “Winning on a set of two and more issues gives a value for the set equal to the sum of the points of the individual issues that the set comprises” (Brams and Taylor 1999: 98). The way that I have addressed and defined the issues, the issues can be treated independently. The parties’ value of winning on one issue is independent of winning on other issues.

In real life, however, rendering issues separable might be a very difficult task. The issues might not be separable because of complementarities, and obtaining one issue might affect the value on obtaining form others (Brams and Taylor 1996: 72). If separability is a problem, one solution is to group related issues together under one category. But this will usually result in lower points total for each party.

9.2.5.1 Outcome 4: lumping issues
It might be argued that the issues of borders, the West Bank and the Gaza Strip are linked together. If these issues cannot be treated independently, the solution is to group them together as one issue. The “new” issue is called Borders.

Table 9.5 Hypothetical point allocation, lumping issues

<table>
<thead>
<tr>
<th></th>
<th>Borders</th>
<th>Settlements</th>
<th>Jerusalem</th>
<th>Water</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Israel</td>
<td>43</td>
<td>9</td>
<td>29</td>
<td>19</td>
<td>100</td>
</tr>
<tr>
<td>Palestine</td>
<td>57</td>
<td>5</td>
<td>24</td>
<td>14</td>
<td>100</td>
</tr>
</tbody>
</table>
In table 9.5, Israel will win on the issues of the settlements, Jerusalem, and water, with a total of 57 points. The Palestinians will win on the issues of borders, with a total of 57 points. One can see that in the first round, the Palestinians will receive more points and the Israelis will receive fewer points than they did under the previous scenarios. Both parties receive the same total number of points, and no equitability adjustment is needed.

When the issues of Borders, the West Bank and the Gaza Strip are lumped together into one single issue, each party receives 57 points. This means that they receive more than half of their distributed points, which means that the criterion of envy-freeness is fulfilled. Also the equitability criterion is fulfilled because the both parties exceed 50% by the same amount. But this scenario does not fulfill the criterion of efficiency. By lumping issues together the parties received lower points total that in the previous scenarios.

9.2.6 Linearity
Linearity means that “the players’ marginal utilities are constant – instead of diminishing as one obtains more of something. This means that 2X percent of a good are twice as good as X percent” (Brams and Taylor 1996: 243).

Under the equitability adjustment, at least one item has to be divided between the disputants to make sure that they receive an equal amount of their allocated points. But the perceived change in utility value may be far greater if you receive a portion of something (instead of having nothing), compared to losing a portion of the same item (but still have a portion left). The total subject utility value received by the disputants may then be unequal.

9.3 Goods versus issues
It is important to distinguish between the state of the conflict and the conflict potential. Conflict potential refers to the relationship between the conflicting parties, and is very relevant for a hypothetical application of the Adjusted Winner procedure to the conflict. Is the conflict concerning Palestine a conflict of interest or a conflict of values?

A conflict of interests refers to a situation where the parties have the same interests and want the same “thing”. The parties are then in a state of conflict with each other because there is not enough of this “thing” to satisfy both parties wishes or goals. In his sense one can say that the conflict over Palestine is a conflict of interest. Both the Israelis and the Palestinians want the same piece of land. Earlier the conflict over Palestine could be called an absolute conflict or a cut-throat competition. Both parties felt that they have
exclusive right to control the land area, and he parties wanted to eliminate each other. Now the conflict can be called relative. The two parties are arguing over the same territory, but they have recognized each other. Before the signing of the Oslo Accords in 1993, the parties exchanged letters where they recognised each others right to exist and committed to negotiate with each other.

A conflict of values refers to a situation where the parties value an object differently. A conflict of value, which in itself does not lead to attack, will often lead to open conflict and even war if and when the parties start to agitate for its values. There may exist a conflict of interest between the parties in addition to a conflict of value. One can argue that the conflict concerning Palestine has elements that fit with the definition of value conflicts. Palestine in general is important to the Jews because of the religious binding they have to the land area. And the city of Jerusalem has religious important to both the Jews and the Arabs. One might define the conflict concerning Palestine as a conflict of interests (over territory) with an underlying value conflict.
Chapter 10  How plausible are these outcomes?

10.1 Introduction

In this thesis I have carried out three investigations. First, I have conducted a theoretical investigation into the literature on conflict theory, the many definitions of conflict and conflict resolution. Second, I conducted a case study on the different territorial issues in the conflict between the Israelis and the Palestinians. Third, I conducted a hypothetical application of Brams and Taylor’s Adjusted Winner procedure to the territorial Israeli-Palestinian conflict.

These three investigations is the basis for my conclusion on whether it is fruitful or not to use the AW procedure as a tool for conflict resolution in the conflict between Israel and Palestine. In this chapter I will discuss how plausible the results of the hypothetical point allocations are.

At this stage of the conflict it seems like both parties have concluded that the only possible solution to the conflict is a two-state solution. They have to reach a final agreement with the other side because they have no fall-back position, and the two sides have no option but to try to live with each other. Arafat’s death in November 2004 created an emotional upheaval on the Palestinian side. At the same time, it seemed as if his death had a positive effect on the possibility for reaching a peace agreement between the two parties. Once again, Israel engaged in talks with the Palestinian side and they evacuated the Gaza Strip. The question for this thesis is whether a solution based on the AW procedure is a plausible solution.

The allocations presented in this thesis are based on the parties’ stated positions on the different issues. Still, the solutions presented are hypothetical, and the distribution of points might be different if and when the Israelis and the Palestinians actually meet for negotiations. But, although different point allocations would produce different resolutions,
it would not alter any of the properties guaranteed by AW: envy-freeness, efficiency and equitability.

10.2 Does the potential problem affect the plausibility of an AW solution to the conflict?

The potential problems discussed in Chapter 9 are of various types and have different effects on the potential AW solution. Some of the problems are concerning the issues whereas other problems concern the parties. Some of the problems concern the application of the AW procedure in general, and some concern the application of AW specifically to the conflict between the Israelis and the Palestinians.

The AW procedure relies on three specific and technical assumptions: willingness to allocate points, additivity and linearity. These problems are not special when it comes to the application of the AW procedure to the conflict between the Israelis and the Palestinians, but rather generalized problems that have to be met in any application of AW. Brams and Taylor state that the willingness to allocate points, additivity and linearity are basic requirement for any application of the AW procedure. Concerning the application of AW to this specific conflict, additivity seems to be the biggest problem. I feel that the way that I have addressed and defined the issues in this thesis, the issues can be treated independently. But I am aware that this might be more difficult when it comes to an application of the procedure in real life. The conflict between the Israelis and the Palestinians has been a part of the daily lives of these people for centuries. Living so close to “the enemy” and experience the effect of such a conflict in the everyday life might make it difficult for the parties to separate the different issues. Some might argue that it is not possible to separate the issue of borders, from the issues of the West bank and the Gaza Strip. Others might argue that the issue of water is connected to the issue of borders, or that the issue of borders is connected with the issue of Jerusalem. The Israelis and the Palestinians might also have different views on how the different issues are separated or connected.

In outcome 4, where some issues are lumped together, shows that not all of the fair division criteria are satisfied. In this scenario the parties receive less points that in the scenario where the issues where kept separable, and therefore the efficiency criterion is not satisfied. Brams and Taylor states that the consequence of this is that it will be an incentive
to the parties to identify as many issues as possible. In theory, I agree. But in real life I see that this will be a major problem in the conflict between Israel and Palestine.

Brams and Taylor (1996: 72) state that “Perhaps the main drawback of AW is the extent to which it fails to induce the players to be truthful about their valuations, and thereby fails to lead to an envy-free, equitable and efficient outcome, based on their valuations”. The big question is whether it is in the interests of the parties to reveal their real valuations of the issues or if they will try to estimate the other party’s point allocation, and then be strategic in the allocation of their own points.

The Israelis and the Palestinians do not trust each other a great deal. The parties have previously reached a number of agreements that have been broken. There is a lot of tension between the parties and they are very suspicious of each other’s motives. This question is especially relevant in light of the current political changes in both Israel and Palestine. I therefore believe that the parties will have problems trying to be completely honest in their point allocations if the AW procedure is applied directly. It involves a huge risk for the parties to try to be honest in their point allocations since they have no control over how the other party is valuing the different issues or if they are trying to be strategic in their point allocation. Also, this means that they have no control over the specific outcome.

According to Brams and Taylor, the Adjusted Winner Procedure is easily applied to goods but less easily to issues. When the dispute is concerning issues then the parties need to reach agreement before the application of AW can even begin. They have to agree on not only what the issues are, but also what winning and losing on each issue means.

The fact that interest and values are intertwined in this conflict, do represent a problem. But I believe that this is a problem that can be solved. It does, however, require more of the parties, and what is really the problem if whether the parties are willing to go into negotiations about what winning or losing means.

10.3 Summing up

The Adjusted Winner procedure is a very interesting procedure when it comes to conflict resolution. It is a procedure that can guarantee the parties fair share. In a conflict with two parties, like the conflict between the Israelis and the Palestinians, the AW procedure guarantees that each party will receive at least half of the total value of the item(s) in dispute.
The AW procedure can produce solutions that are envy-free, efficient and equitable. But this demands that the procedure is used “correctly” by the parties, i.e. that the parties are truthful in their allocation of points, that the issues are separable and so on. But I believe that this is a very difficult task in the conflict between the Israelis and the Palestinians. I believe that the potential problems are too big and two many. A direct application of the AW procedure involves too much risk for the parties.

This does not mean that the AW procedure can not be a fruitful formula for solving conflicts in general. It does provide a technical framework for reaching a solution that satisfies the fair division criteria (envy-freeness, efficiency and equitability). In conflicts where the issues are more clear-cut and feelings, values and interests are not so intertwined, I believe that the AW procedure can produce fair divisions.

I believe that the two AW solutions shown in this thesis are plausible solutions to the conflict between Israel and Palestine. The question is whether, in real life, the two parties will be able to stay clear off the potential problems presented in Chapter 7. When it comes to a direct application of the AW procedure in this particular conflict, I believe that the parties will meet these problems, and this will cause the procedure to collapse.

In this civil war conflict, the AW procedure might be more fruitful used indirectly by mediators. I believe that the procedure can be a helpful instrument when it comes to identifying the issues, define what winning and losing means and show specific scenarios for conflict. An indirect application will also involve less risk for the parties, especially if they do not immediately have to bind themselves to the produced solutions. An indirect application, where the parties do not bind themselves to the outcome, can serve as a basis for further discussions, and therefore indirectly lead to a conflict solution.

But only a real-life application of the AW procedure to the conflict between the Israelis and the Palestine can show with certainty if the procedure will be fruitful or not. I believe that this thesis has shown that the use of the AW procedure to this conflict is possible but maybe not realistic as a direct application.

In the 1990’s the relationship between the Isaraelis and the Palestinians changed. The former enemies managed to negotiate with each other. Both the two parties and the rest of the world were very optimistic when the parties mutually accepted each others right to exist in september 1993. The signing of the Declaration of Principles on Interim Self-Government Arrangements gave hopes for a future permanent peace agreement.
Now, the peace process between the Israelis and the Palestinians is in a very critical state. There are no negotiationa going on at this moment. Since Hamas won the Palestinian election in January 2006, the Israelis have refused to negotiate anything with the Palestinians as long as Hamas does not accept Israel’s right to exist and does not accept previous agreements.

Ehud Olmert has presented a plan to unilaterally withdraw from most of the West Bank by 2010. Mahmoud Abbas and the Palestinians have on several occasions rejected Israel’s plan to act alone when setting the borders between Israel and the future Palestinian state. This means that even if the Israelis does withdraw for most of the West Bank, there will be no peace agreements between the two parties.

By presenting his plan for the West Bank right before the Israeli government, Ehud Olmert has outlined his next coalition if Kadima wins the election: The Netanyahu-led Likud will not be able to be part of it. With such a plan, Olmert's natural partner is Labor, which will join for the political plan. Together with the ultra-Orthodox and perhaps Lieberman's Yisrael Beiteinu and Meretz, Olmert has a stable coalition for four years and eight months (Ha'aretz: www.haaretz.com, consulted March 12, 2006).

The March 28 elections have become a referendum on Olmert’s plan. If Kadima wins and Olmert forms the next government in Israel, nobody will be able to say he doesn't have authority to act on his plan. Noone will be able to demand a referendum before the big pullout of the West Bank and the evacuation of settlers.

It is still not completely clear how the new Hamas government will proceed with the peace negotiations with Israel. The Palestinian president Mahmoud Abbas have asked the new government to recognize the previous Israeli-Palestinian agreements, even if Hamas always have stated that they do not recognize Israel's right to exist and has never recognized the Declaration of Principles on Interim Self-Government Arrangements (the Oslo agreement). On the other hand, Hamas have stated that it will present it’s own plans for peace agreement with Israel, including a long term armistice agreement if the Israelis withdraw for all the territories occupied in the 1967 war.

For the moment the parties are not negotiating. In this situation it would be interesting to bring in the AW procedure as an indirect procedure. The procedure can help the parties to identify the issues that need to be solved, define what winning or losing on the different issues will mean, and more important; show different scenarios for possible solutions to this conflict. By using the AW procedure as an indirect procedure, the parties
have, in my opinion, nothing to lose and much to gain. I believe that this might be a possible way to get then negotiations back on track.
References


Sharoni, Simona and Mohammed Abu-Nimer 2004: ‘The Israeli-Palestinian Conflict’. In Gerner, Deborah J. and Jillian Schwedler (Ed.): *Understanding the contemporary Middle East*. Boulder, CO: Lynne Rienner


Internet sources:

Uppsala Data Project: www.pcr.uu.se

U.S. Department of State: www.state.gov

Palestine Center for Policy and Survey Research: www.pcpsr.org

Palestine Central Bureau of Statistics: www.pcbs.gov.ps

Israeli Ministry of Foreign Affairs: www.mfa.gov.il

Colombia Encyclopedia Online: www.bartleby.com

Jerusalem Media and Communication Center: www.jmcc.org

Verdens Gang: www.vg.no

Aftenposten: www.aftenposten.no

United Nations Relief and Works Agency for Palestine Refugees (UNRWA): www.unrwa.org

Israeli-Palestinian ProCon.org: www.israelipalestinianprocon.org

Stateofisrael: www.stateofisrael.com

Mideastweb: www.mideastweb.org

Foundation for Middle East Peace: www.fmep.org


Palestinian Ministry of Foreign Affairs: www.mofa.gov.ps
Yahoo! News: news.yahoo.com

Ha’aretz: www.haaretz.com

Wikipedia, the free encyclopedia: www.wikipedia.org

CNN international: www.cnn.com

Council on Foreign Relations: www.cfr.org

BBC News: news.bbc.co.uk

Other sources:

The Palestinian Declaration on Independence (1988)

The Israeli Declaration on Independence (1948)


The Road Map for Peace (2003)

UN General Assembly Resolution 181

UN Security Council Resolution 242

UN Security Council Resolution 338

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