

Breaking the Stalemate: Avoiding Last Period Defection within Israeli-Palestinian Final
Status Negotiations through Statistical Modeling

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-John J. Villa

Timeline of Important Historical Documents:

- a. Section 1: Colonial Agreements (1915-1922)
 - i. McMahon Letter - October 24, 1915
 - ii. Sykes-Picot Agreement - May 19, 1916
 - iii. Balfour Declaration - November 2, 1917
- b. Section 2: Pre-Partition (1922 - November 28, 1947)
 - i. Churchill White Paper – June, 1922
 - ii. The Mandate for Palestine – July 24, 1922
- c. Section 3: Post-Partition (November 29, 1947 – Current).
 - i. Resolution 181 – November 29, 1947
 - ii. Israel is admitted to the UN – May 11, 1949
 - iii. Israel Speaks to UNSC over shipping lanes – June 6, 1967
 - iv. Six-Day-War – June 5, 1967
 - v. UNSC 242 - November 22, 1967
 - vi. UNSC 338 - October 22, 1973
 - vii. UNSC 446 – March 22, 1979
 - viii. UNSC 452 – July 20, 1979
 - ix. UNSC 2334 – December 23, 2016

Terms:

1. Green Line: The Green Line is the border established prior to the 1967-War also known as the Six-Day-War. When someone refers to pre-1967 borders their reference is most often to the borders that settled following the 1948 Arab-Israeli War.
2. Occupation: An occupation is defined in depth later in this publication, but the basic premise is in reference to people who “find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”¹
3. Settlements: Settlements are housing blocks established for the express purpose of reclaiming or disrupting a future Palestinian state. When a settlement is established it creates a fact on the ground, which makes a two-state solution more difficult to implement. The Government of Israel often creates settlements, but there are some additional settlements setup by individuals; these are called outposts.
4. UNSC: The United Nations Security Council poses legally binding resolutions and has five permanent members who all hold veto power. The UNSC is also composed of ten of rotating member states.
5. UNGA: The United Nations General Assembly is composed of all member nations and is the largest body in the United Nations. The UNGA does not have the power to impose legally binding resolutions and has often been criticized for the disproportionate number of resolutions it has passed regarding the Israeli-Palestinian Conflict.

¹ "Geneva Convention (IV) on Civilians, 1949." *American Red Cross*. The American National Red Cross,

6. Ratification: To bring legal documents into force, a nation must independently ratify a treaty within its domestic legal systems. Simply signing a treaty is not enough for it to be used against a nation within the international justice system.
7. Final Status: The term Final Status refers to a proposal that directly mentions the exact borders within the context of both an Israeli and Palestinian State.

Nomenclature:

All too often scholarship and media coverage surrounding the Israeli-Palestinian conflict is highly polarized, using biased terminology when shaping an argument. Thus the nomenclature in this paper will reflect only the historical and documented names for all people, places, and objects. When addressing issues prior to November 29, 1947, only historical nomenclature, often derived from as far back as 1150 BCE, will be used.

Nomenclature for issues that took place after the United Nations de facto recognition of Israel in 1947 via the Partition Plan, will use geography as the point for division. Within United Nations recognized sovereign land, area within the Green Line will be referred to by Hebrew terms, while the remaining areas will be identified by their Arabic names. In some cases, Israeli Settlements and Outposts may be across the Green Line but may only have Hebrew names. The proclaimed capital of both Israel and Palestine will be identified by its non-partisan English name of Jerusalem.

Introduction:

Debates over the Israeli-Palestinian Conflict can be rife with individual bias, distortions of fact and skewed accounts of history. This publication has two main goals: (1) establish a factual analysis of legal documentation pertaining to the “final status” agreements for the West Bank and East Jerusalem and (2) to utilize raw settlements data to model several feasible two-state solutions with the goal of avoiding common causes of negotiation defections. Both ethical and historical claims to the land, while important, serve mostly to obstruct or divert the peace process, as each group makes claims that serve its own domestic constituency but are inconsistent with the basic assumptions of the “other side.” Final status proposals are all too often based upon desire, history, and personal agendas, ignoring the physical realities on the ground. The illustrations I am able to provide will afford a clearer basis for a blueprint of how to get “there” (a final agreement) from “here” (the actual current pattern of settlements and territory).

Negotiators face a particularly thorny strategic setting, one that game theorists call “the last period problem.” In the Israel-Palestine context, the Final Status negotiation means that neither side has any incentive to compromise or cooperate, because the negotiations end and the agreement is implemented if both sides agree. But that means that both parties make one last major push for their respective goals, often disregarding their partners’ objectives and previous patterns of cooperation.² The idea of last minute defection is best modeled through an iterated Prisoners Dilemma in which cooperating

² Technically, the problem is that in an iterated Prisoner’s Dilemma game with a known “endpoint,” all players act as if the interaction were a one-shot

with ones' partners is advantageous until the final move when defection often provides additional gains with no repercussions.³

When applying this reasoning to territory-based negotiations the last period is that of a Final Status agreement. There is no incentive to compromise because each party believes that they are in the final stage and any defection will not have negative repercussions. The greater the ability of either party to grab territory enhances the negotiation position for the final round, and there is no mechanism for rewarding a conciliatory stance. Thus the participants act irrationally—as individuals and in terms of the goals of their domestic audiences—by refusing to cooperate, but the aggregate effect is to block any of the Final Status configurations that would make both parties better off compared to the status quo. This “individually rational, group irrationality” outcome is typical of the Prisoner’s Dilemma context. As a result, Final Status territorial disputes can be accurately modeled as iterated prisoner’s dilemmas facing a last-period obstacle: negotiators recognize that the “other side” will always defect in the last period, which causes an “unravelling” in previous periods as both sides attempt to enhance their bargaining strength by grabbing territory or other assets. Good faith attempts to establish a reputation for being reasonable and willing to offer compromises cannot solve this problem, because the “shadow of the future” disappears in the last period.

The issue of defection between partners during territorial Final Status agreements is not a new trend.

³ Telser, L. G. "A Theory of Self-Enforcing Agreements." *The Journal of Business* 53.1 (1980): 27-44. Web. 29 Mar. 2017.

- Nearing the end of World War II, both the Russians and Americans undermined years of active military alliance and cooperation by rushing to grab land during the last days of the war, hoping to strengthen their negotiating positions.
- Likewise, throughout the Nixon-Kissinger attempts at negotiation in Paris to sign an agreement establishing a “final” boundary for North and South Vietnam, the North Vietnamese military was being urged by its leaders on the ground to annex more territory. Each new grab of land enhanced the position of the North Vietnamese negotiators, but it also required a constant redrawing of maps, so that negotiators always felt they were starting over rather than making final arrangements.⁴

These examples highlight an additional issue, which comes up frequently during Final Status negotiations, that being preemptive defection. The Israeli-Palestinian Conflict and specifically the placement of the Settlements in the West Bank can be seen as a preemptive defection per the internationally disruptive intentions behind each settlement. In the 1970s, Israeli Prime Minister Ariel Sharon popularized the term, “Facts on the Ground.” Sharon’s goal was to establish Israeli enclaves across the West Bank that would eventually grow so large that a contiguous Palestinian state would no longer be a viable option.⁵ In the 1980s, Sharon made his defection from good-faith negotiating very clear when he said, “everyone there should move [to the West Bank], should run, should grab more hills, expand more territory. Everything that’s grabbed will be in our hands.

⁴ Karnow, Stanley. *Vietnam: A History*. New York, NY: Penguin, 1997. 631. Print.

⁵ McGirk, Tim. "Ariel Sharon: 1928-2014." *Al Jazeera America*. Al Jazeera America, LLC, 11 Jan. 2014. Web. 10 Feb. 2017.

Everything we don't grab will be in their hands."⁶ Thus the issue of preemptive defection, as well as final stage defection in iterated territorial negotiations, is the issue that this paper attempts to address.

To address this issue, this publication uses a specialized Criteria Alternative Matrix (CAM)⁷, a method in which physical realities, such as population, distance, and area, are used to compute composite annexation and separation scores for each settlement, thus displaying a feasible final status border. By limiting each actor's role in the decision-making process and using tangible data to limit negotiations, there are fewer opportunities for actor defection and the resulting collapses.

For the model to be most applicable it is essential to first understand the legal roots of modern Israeli-Palestinian. Simply modeling conflicts isolated from the surrounding political landscape can lead to both inaccurate results as well as unintentional bias. Thus preceding the model is a journey through the legal history of the Israeli settlements in the West Bank and East Jerusalem.

⁶ AP. "Former Israeli Prime Minister Ariel Sharon Dies at 85." *Washington Examiner*. The Washington Examiner, 11 Jan. 2014. Web. 28 Mar. 2017.

⁷ Macrae, Duncan, and James A. Wilde. *Policy Analysis for Public Decisions*. Lanham, Md: U of America, 1985. Print.

SECTION I: Colonial Agreements

The legal documents pertaining to modern jurisprudence within the Israeli-Palestinian Conflict are divided into three sections, those being the Colonial Agreements (1915 -- 1921), Pre-Partition (1922 -- November 29, 1947), and Post-Partition (November 30, 1947 -- Current).

While some scholars trace back the genealogy of conflict in historical Palestine thousands of years, the period of conflict pertaining to modern jurisprudence begins in the Colonial period on July 14, 1915, in which Sharif Husayn ibn Ali of Mecca corresponded with Sir Henry McMahon, leader of British forces in Egypt, requesting national rights to,

“The north by Mersina and Adana up to the 37th degree of latitude, on which degree fall Birijik, Urfa, Mardin, Midiat, Jezirat (Ibn 'Umar), Amadia, up to the border of Persia; on the east by the borders of Persia up to the Gulf of Basra; on the south by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west by the Red Sea, the Mediterranean Sea up to Mersina.”

These lands requested make up a large portion of historical Palestine. On October 24, 1915, Sir Henry McMahon responded in a note to Sharif Husayn ibn Ali, granting him his desired parcel of land only if he rebelled against the Turks, which read,

“Great Britain is prepared to recognize and support the independence of the Arabs in all the regions within the limits demanded by the Sharif of Mecca.”⁸

Thus this correspondence is the beginning of the modern era because it was the first transnational document regarding the future of historical Palestine. The contents of the

⁸ Gerner, Deborah J., and Jillian Schwedler. "The Historical Context." *Understanding the Contemporary Middle East*. Boulder, CO: Lynne Rienner, 2008. 57-58. Print.

letters are clear in that an Arab contingency was the first to receive a promise to the historical land of Palestine, but it was not the only one. The next colonial legal document pertaining to historical Palestine formed between November and May of 1916, when British and French colonialism was raging with European powers scouring the Middle East for its wealth of natural resources. At an unknown time and place, the British and French, represented by Mark Sykes and François Georges-Picot, divided large portions of the Middle East in what is now known as the Asia Minor Agreement or the Sykes-Picot agreement.⁹ The agreement had the British acquiring large swaths of Iraq and the Persian Gulf, while the French took Lebanon, Syria, and a section of Anatolia.¹⁰ The agreement went on to designate Palestine as internationally controlled, the land itself was designated as the “Brown Zone.”¹¹ Thus in the span of less than one year the British had promised the Arab delegations large swaths of historical Palestine and subsequently designated historical Palestine as an international zone, owned by no one.

The final contradictory colonial document came on November 2, 1917, and is known as the Balfour Declaration. The declaration was a hard-earned accomplishment of Chaim Weizmann. Weizmann, both an avid chemist and a true Zionist, met with high-level British leadership in 1905 and pushed for a home for the Jewish people, but he gained no concessions on the spot.¹² It was Weizmann’s prowess as a chemist, and his breakthrough creation of synthetic Acetone, which brought him grace and favor from the British government. The British government was in need of synthetic Acetone in order to

⁹ Tesch, Noah. "Sykes-Picot Agreement." *Encyclopædia Britannica*. Encyclopædia Britannica, Inc., 31 May 2016. Web. 10 Feb. 2017.

¹⁰ Lust, Ellen. "Chapter 1 : The Making of the Modern Middle East." *The Middle East*. Washington, D.C.: CQ, 2011. 26-30. Print.

¹¹ Mahler, Gregory S., and Alden R. W. Mahler. *The Arab-Israeli Conflict: An Introduction and Documentary Reader*. London: Routledge, 2010. 49-50. Print.

¹² Glueckstein, Fred. "Finest Hour." *The Churchill Centre*. The International Churchill Society, Fall 2015. Web. 06 Mar. 2017.

manufacture explosives to be used against the Central Powers leading up to World War I, and Weizmann possessed the patent. Thus Weizmann's control over synthetic Acetone gave him leverage with the British Government and especially with Foreign Secretary Balfour. Weizmann used this leverage and facilitated the Balfour Declaration, which stated that; "his Majesty's Government views with favor the establishment in Palestine of a national home for the Jewish people."^{13 14}

The Balfour Declaration enraged Britain's Arab allies in the Middle East and directly contradicted both the 1915 McMahon-Husayn Correspondence, which promised the land to the Arabs, and the 1916 Sykes-Picot Agreement, which designated historical Palestine as an international entity. Thus in three years the British had promised historical Palestine to three separate entities, a clear harbinger of future distress as historical Palestine emerged from the Colonial Era.¹⁵

SECTION II: Pre-Partition

As rapidly as British policy in historical Palestine changed prior to 1917, it continued to shift during the summer of 1922. As summer broke, the British government sent an official correspondence to the Palestine Arab Delegation and the Zionist Organization outlining a reinterpretation of the Balfour Declaration. This document, known as the Churchill White Paper of 1922, clarified the British position stating,

“When it is asked what is meant by the development if the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish

¹³ (Mahler, 51)

¹⁴ "Chaim Weizmann Of Israel Is Dead." *The New York Times*. The New York Times, 9 Nov. 1952. Web. 06 Mar. 2017.

¹⁵ (Lust, 27)

nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community”¹⁶

The White Paper explained that the Balfour Declaration provided a home for Jews “in” Palestine but did not designate the entirety of historical Palestine as a Jewish state. The latter half of the letter went on to severely limit Jewish immigration citing, “economic capacity.”¹⁷ The British argument regarding economic capacity was an excuse to limit Jewish immigration into historical Palestine and was a clear reversal from the 1917 Balfour Declaration.

On July 24, 1922, the first major international legal instrument pertaining to historical Palestine’s ownership was issued by the League of Nations. The document, the British Mandate for Palestine supplemented by the Transjordan Memorandum of September 16, 1922, gave the British mandatory rights over historical Palestine according to Article 22 of the League of Nations Covenant.¹⁸¹⁹ The Mandate was within the rights of the League of Nations according to Article 22 of the League of Nations Covenant and allowed the League to use its powers to establish a Mandate:

“To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of

¹⁶ (Mahler, 54)

¹⁷ (Mahler, 55)

¹⁸ "The Covenant of the League of Nations." *Avalon Project*. Yale University, 2008. Web. 12 Feb. 2017.

¹⁹ (Mahler, 58)

civilization and that securities for the performance of this trust should be embodied in this Covenant.”²⁰

As of September 29, 1923, the document was ratified and her Majesties’ government was to,

“[put] into effect the declaration originally made on November 2nd 1917, by the Government of his Britannic Majesty, and adopted by the said Powers, in favour of the establish in Palestine of a national home for the Jewish people.”^{21 22}

While the establishment of the Mandate was intended to prepare the Jewish people for self-rule, the British had no intentions of relinquishing the land. The British took their Mandate to an extreme and pillaged the natural resources of historical Palestine, rarely utilizing any nation building tactics as directed under the Mandate. The British are documented as having closed 114 schools targeting the Arab population in historical Palestine with numerous additional grievances originating from both the Jewish and Arab residents of the land.²³

After the creation of the British Mandate, conditions began to deteriorate for those living within historical Palestine. It was late in the 1930s when the foundation was laid for the second major international legal instrument, United Nations General Assembly Resolution 181. British rule during this period became very harsh and stoked flames within both the Arab and Jewish peoples. Jewish opposition to British control over historical Palestine grew significantly following the immigration restrictions of 1939 and

²⁰ "The Covenant of the League of Nations.", *Avalon Project*. Yale University, 2008. Web. 12 Feb. 2017.

²¹ Rayman, Noah. "Mandatory Palestine: Jews and Muslims Under British Administration." *Time*. Time Inc, 29 Sept. 2014. Web. 06 Mar. 2017.

²² (Mahler, 58)

²³ ÊAdwaġn, Saġmiġ., ÊAbd Al-Razzaġq., Dan Bar-On, and Eyal J. Naveh. "Palestine in the 1920's." *Side by Side: Competing Histories of Israel/Palestine*. New York: New, 2011. 50+. Print.

1944 and spawned a Jewish-terrorist group known as the Irgun. While the Irgun has a complex and deep ideological history, its most applicable period begins on December 1, 1943, when community leader and future Prime Minister of Israel, Manachem Begin, took the reins. The Irgun's ideology was that of a traditional terrorist group; its plan was to create a sense of chaos and unpredictability in the region in order to gain political ground. Its members were looking to destabilize historical Palestine and make the British presence as costly as possible, eventually forcing them to withdraw from the land entirely. The group's most famous act of terrorism was that of the King David Hotel bombing of July 1946. The King David Hotel itself was the location for the head of British Military forces in Palestine and the Transjordan. Thus the attack was meant to be highly symbolic, yet it ended up killing scores of British officers, and by 1947, the Irgun had succeeded in destabilizing British rule in the region with one American diplomat describing the "British officials attempting to administrate from behind masses of barbed wire... With some officials living in pathetic seclusion."²⁴

The bombing of the King David Hotel was the last straw for the British Government, and on November 29, 1947, the United Nations General Assembly suggested that historical Palestine was ready to be removed from the British Mandate of 1922 and be partitioned into two separate nations. The Partition Plan was a non-binding resolution, yet the document still held some weight in international law. Resolution 181 formally replaced the League of Nations Mandate due to the new Trusteeship system, which was intended to return colonized -- or de facto colonized -- nations to their rightful owners. Thus it was under the power invested in Chapter XII Articles 77,78,79, and 80 of

²⁴ Hoffman, Bruce. "Chapter 1." *Inside Terrorism*. New York: Columbia UP, 2006. 49-51. Print.

the United Nations Charter that the British Mandate over historical Palestine was formally released.²⁵

SECTION III: Post-Partition

When examining the following legal documents, it is essential to understand the difference between United Nations General Assembly Resolutions and United Nations Security Council Resolutions as well and the UNSC's power within the international court system. General Assembly resolutions are not legally binding while Security Council Resolutions gain their power from Chapter V, Article 25 of the United Nations Charter, which reads,

“The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”²⁶

In order to enforce UNSC resolutions the Council has the right to refer a party to the International Criminal Court under Article 13(b) of the Rome Statute, which states,

“A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations”²⁷

In reference to Article 13 (b)'s mention of crimes, the applicability stems from Article 5 (c) in which War Crimes are covered. Thus Israeli's alleged violation of the 4th Geneva Convention, a convention regarding the protection of civilians in a time of war, would be subject to the Rome Statute and ICC. On August 28, 2002, the Government of Israel issued a statement arguing that it was not party to the Rome Statute, resending its signature and emphasizing its lack of ratification within the Knesset. The statement read,

²⁵ "Chapter XII." *United Nations Charter*. United Nations, n.d. Web. 12 Feb. 2017.

²⁶ "Chapter XII." *United Nations Charter*. United Nations, n.d. Web. 12 Feb. 2017.

²⁷ "Rome Statute of 1998." (1998): n. pag. *ICC*. International Criminal Court. Web. 6 Mar. 2017.

[I]n connection with the Rome Statute of the International Criminal Court adopted on 17 July 1998, [...] Israel does not intend to become a party to the treaty. Accordingly, Israel has no legal obligations arising from its signature on 31 December 2000. Israel requests that its intention not to become a party, as expressed in this letter, be reflected in the depositary's status lists relating to this treaty.²⁸

While Israel may not be among the 122 parties to ratify the Statute, Israel can still be prosecuted in the International Criminal Court under the precedent set in UNSC Resolution 1593 in which Sudan was referred to the ICC by the UNSC even though Sudan had not ratified the Rome Statute. The document argued that even though Sudan was not party to the Rome Statute the UNSC,

“1. Decides to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court;

2. Decides that the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully.”²⁹

While Israel has yet to be prosecuted in the International Criminal Court under War Crimes charges, it has been taken to the International Court of Justice in 2004 regarding

²⁸ "Pacific Islands Treaty Series." *PacLII*. University of the South Pacific, 7 Apr. 2006. Web. 09 Mar. 2017.

²⁹ "Security Council Resolution 1593." (2005): n. pag. International Criminal Court, 31 Mar. 2005. Web. 9 Mar. 2017.

the construction of a wall/barrier/fence (WBF). In the ICJ's advisory opinion, it found that the WBF was illegal, but the larger judgment was in reference to the legality of Settlements, in which the Court found that,

“Israel, [is] the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, [and] are contrary to international law.”³⁰

Thus the international court systems are clear in their judgment that Israel is illegally occupying the West Bank and East Jerusalem. The claim of illegality originates out of the 4th Geneva Convention of 1949. The Convention, with its application to Israel, was ratified in 1951 by the Government of Israel (GOI).³¹ The document pertains to the rights of Civilian Persons during a time of war and is the foundation for subsequent UNSC Resolutions regarding the movement of peoples within the West Bank. One of the two applicable sections of the Conventions, which relates to Israel, is the definition of Protected Persons in Article 4,

“Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”³²

The idea of Protected Persons is applicable in its relative application regarding Article 49, which reads,

³⁰ "Press Release 2004/28." *International Court of Justice*. ICJ, 9 July 2004. Web. 09 Mar. 2017

³¹ "Israel." *Treaties, States Parties, and Commentaries - Israel*. International Committee of the Red Cross, n.d. Web. 09 Mar. 2017.

³² "Geneva Convention (IV) on Civilians, 1949." *American Red Cross*. The American National Red Cross, n.d. Web. 09 Mar. 2017.

“An occupier may not forcibly deport Protected Persons, or deport or transfer parts of its own civilian population into occupied territory.”³³

Thus those identifying as Palestinian living in West Bank Areas A or B are living under an Israeli government that they do not find themselves party to and are not citizens of. As a result of the presence of the Israeli Defense Forces and the rule under military law in the West Bank, it can be considered illegally occupied. Thus those Palestinians living under Israeli Military Law should be considered Protected Persons in an occupied territory under Articles 4 and 49 of the Convention.

Becoming a signatory to the 4th Geneva Convention laid the groundwork for the United Nations Security Council to reprimand the forcible deportation and transfer of civilian populations. While the GOI has often said that it will not abide by UNSC Resolutions, it is legally bound by its ratification of the United Nations Charter and subsequent membership.

When it comes to taking a stance regarding the Israeli-Palestinian conflict, the United Nations Security Council made its opinion very clear regarding the illegality of Settlements in the West Bank in UNSC Resolutions 242, 338, 446, 452, and 2334.³⁴ UNSC Resolution 242 is a foundational text regarding the application of International Law to the Israeli Settlements in the West Bank and East Jerusalem. The majority of the legal arguments surrounding the applicability of the resolution are rooted in events that occurred relating to the 1967 Arab-Israeli War. The Resolution itself calls for the

³³ "Geneva Convention (IV) on Civilians, 1949." *American Red Cross*. The American National Red Cross, n.d. Web. 09 Mar. 2017.

³⁴ "Security Council Resolution 2334." (2016): n. pag. *United Nations*. UN.org, 23 Dec. 2016. Web. 9 Mar. 2017.

“Withdrawal of Israeli armed forces from territories occupied in the recent conflict.” And “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 threats or acts of force.”³⁵

The debate pertaining to 242 relates to a common claim that land taken in a defensive war can be kept by the party who was subject to the initial attack. While the claim is often used, it has no standing within international law. Although the question of whether or not the 1967 War was a defensive war has no legal standing, the frequency of the argument made within the literature warrants a response. All too often the first act of the 1967 War, the Blockade of the Straits of Tiran by Egypt, is over simplified and designated as the initial act of conflict between Israel and the Egyptian-Arab coalition.

Egypt’s blocking of the Straits of Tiran can only be considered an act of war within the context of international law if (1) the Straits were legally recognized as an international maritime waterway or (2) if the Straits were legally Egyptian waters and the blockade happened during a time of peace. Had the Straits been sovereign Egyptian territory during a time of war, the blockade would have been a legal move.³⁶

The first question one must ask is; was the Straits of Tiran an international waterway and thus covered by the 2nd Article in the 1958 Geneva Convention on the High Seas, which requires that international waterways be free for safe passage. The

³⁵ "The Avalon Project : United Nations Security Council Resolution 242." *The Avalon Project : United Nations Security Council Resolution 242*. Lillian Goldman Law Library, n.d. Web. 09 Mar. 2017.

³⁶ Selak, Charles B. "A Consideration of the Legal Status of the Gulf of Aqaba." *The American Journal of International Law* 52.4 (n.d.): 660. Web. 9 Mar. 2017.

answer is maybe. When the United National General Assembly met for its 660th time, the group debated whether or not the Straits of Tiran should be formally categorized as an international waterway and thus protected under the Convention on the High Seas. The result of the assembly was that no decision was made and thus no designation made either. Without a formal designation as an international waterway, Egypt's blockade did not violate Article 2 of the Convention on the High Seas.³⁷

While the blockade may not have been illegal under the aforementioned convention, it could still have violated international law by denying Israeli ships safe passage during a time of peace. Thus the question now becomes: were Israel and Egypt still legally at War from their previous confrontation? The answer is that Israel was not at war with Egypt when the blockade took place in 1967, but the path to that conclusion was not an easy one.

After the 1948 War, Israel and Egypt signed a general armistice that has historically acted as a precursor to a formal peace treaty. What is abnormal about this situation is the length of the armistice treaty. The treaty was never followed up by a formal long-term peace agreement, and thus Egypt claimed that the two nations were still at war while Israel argued that the armistice agreement was a de facto peace agreement. The issue went all the way to the United Nations Security Council resulting in UNSC Resolution 95, which stated that,

“Considering that since the armistice regime, which has been in existence for nearly two and a half years, is of a permanent character, neither party can

³⁷ (Selak, Charles, 1958)

reasonably assert that it is actively a belligerent or requires to exercise the right of visit, search and seizure for any legitimate purpose of self-defense.”³⁸

The Security Council went on to find that the,

“Restrictions together with sanctions applied by Egypt to certain ships which have visited Israel ports represent unjustified interference with the rights of nations to navigate the seas and to trade freely with one another, including the Arab States and Israel.”³⁹

UNSC Resolution 95 clearly states that the Armistice was a significant enough agreement to be regarded as a long-term peace between Israel and Egypt. Thus blocking a territorial waterway during a time of peace can be judged as an act of war, and as a result the 1967 War was a defensive war. It is important to remember that while Israel may have taken the land in a defensive war, there remains no legal mechanism for rightfully occupying or annexing land taken in either a defensive or offensive war.

While Resolution 242 and its subsequent defensive war claims dominate the majority of media in regard to Israeli-related UNSC resolutions, there have been several additional resolutions that hold serious weight within international law. The 2nd major United Nations Security Council Resolution applicable to the settlements is that of UNSC 338. The Resolution was signed on October 22, 1973, and was created to reinforce perceived ambiguity in UNSC Resolution 242. Critics argue that 242 only calls for a withdrawal of troops from some but not, “all” areas of land occupied in the recent conflict. UNSC 338 clarifies the language of UNSC 242 by,

³⁸ "Egyptian Restrictions on Israeli Shipping in the Suez Canal: United Nations Security Council Resolution, September 1, 1951." *The Avalon Project*. Lillian Goldman Law Library, 2008. Web. 09 Mar. 2017.

³⁹ (ibn)

“Call[ing] upon all parties to present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions after the moment of the adoption of this decision, in the positions they now occupy; Calls upon all parties concerned to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts.”⁴⁰

While the entire Resolution is important, the most applicable section is that which calls for the reimplementation of UNSC 242. By stating that Israel must comply with Resolution 242, it implies that the current status quo, occupation, is in violation of United Nations Resolution 242.

The third applicable United Nations Security Council resolution within the context of the settlements in the West Bank and East Jerusalem is that of UNSC 446. The document, passed on March 22, 1979, acts as a 2nd clarification for previous Security Council Resolutions as the criticism of UNSC 338 was that it cited UNSC 242 and thus had the same flaws regarding removal of troops from all vs. some of the West Bank and East Jerusalem. UNSC 446 acts as a reinforcement mechanism for the previous UNSC Resolutions stating that,

“Israel, as the occupying Power, [must] abide scrupulously by the 1949 Fourth Geneva Convention, to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied

⁴⁰ "U.N. Security Council Resolution 338." *The Avalon Project*. Lillian Goldman Law Library, 2008. Web. 09 Mar. 2017.

since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories.”⁴¹

This resolution was quickly followed by UNSC 452, which simply restated that,

“The policy of Israel in establishing settlements in the occupied Arab territories has no legal validity and constitutes a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.”

And “Calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.”⁴²

Finally, UNSC 2334, passed on December 23, 2016, was the highly critical and deliberate in addressing the tangible realities settlements create with the context of a two-state solution. The resolution condemns,

“the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions.”

This section is arguably the most important section of any United Nations Security Council Resolution regarding the future of a two-state solution because of how overt the wording is presented, leaving little room for debate. The most vital section of the document and most reflective of the passage of time is that where the document states that, “continuing Israeli settlement activities are dangerously imperiling the viability of

⁴¹ "Security Council Resolutions 1979." *United Nations*. United Nations, n.d. Web. 09 Mar. 2017.

⁴² "United Nations Security Council Resolution 452." *The Avalon Project*. Lillian Goldman Law Library, 2008. Web. 09 Mar. 2017.

the two-State solution based on the 1967 lines.”⁴³ The direct mention of a two-state solution is impressive and shows that the UN and thus the world are proponents of the two-state solution.

⁴³ "Security Council 2334." (2016): n. pag. *United Nations Security Council*. United Nations, 23 Dec. 2016. Web. 9 Mar. 2017.

Methods:

All too often when analyzing Final Status peace plans and proposed borders regarding a two-state solution, personal biases, good and bad, are injected into these agreements. The results are proposals that ignore the facts on the ground and push a political agendas. The goal of the following proposed final status agreements is to analyze the division of land from a neutral perspective. The only neutral perspective, with intentional limitation of bias, comes through the application of mathematics. The following Final Status proposals are based upon a specialized Criteria Alternative Matrix (CAM).⁴⁴ The goal of the specialized CAM is to figure out which Israeli settlements are too difficult to remove and thus must be annexed to Israel under a future agreement. Thus the inverse of the model will depict which Israeli settlements must be vacated and annexed to a future Palestinian state. The specialized CAM computes individual annexation scores for each settlement in the West Bank with the final rating noted as “composite scores.” Each composite score is made up of six variables: Year established, distance from the Green Line, physical area of the settlement, square meters of private Palestinian land as part of the Israeli settlement, population in the settlement, and the number of households built within the boundaries of the settlement. These six variables were selected for two reasons (1) there was limited quantitative data for all settlements (2) six separate variables covering what the author believed to essential factors provided satisfactory projections once the model was tested. Point two can be expanded to say that the model, using only these six variables, accurately predicted generally accepted land swaps and thus did not need additional variables.

⁴⁴ Munger, Michael C. *Analyzing Policy: Choices, Conflicts, and Practices*. New York: W.W. Norton, 2000. Print.

Each of the 134 settlements measured has its own unique characteristics according to the PeaceNow “Settlements Database,” obtained from head of the *Settlements Watch Team*, Hagit Ofra.⁴⁵ The CAM is specialized because the values for each settlement have been standardized relative to each other. In other words, all values for a single variable were placed into a column and recoded relative to each other with zero being the minimum score and 100 being the maximum. The standardization formula was $100 * ((\text{Value}) - \text{Minimum Value in Column}) / ((\text{Maximum Value in Column}) - (\text{Minimum Value in Column}))$.

Three of the metrics, year established, distance from the Green Line and private Palestinian hand, had to be wrapped in a 100- formula to match the idea of having a higher rating correspond to a higher annexation probability. In other words, without a 100- formula added to these three metrics, the higher a number the less likely the annexation probability. This issue arises from thinking through each metrics and asking if this metric shows a higher rating would that mean that it would increase or decrease its annexation probability. For the three metrics, which showed that a lower score would represent a high annexation probability, the metric’s inverse was taken thus standardizing the variables. If a variable was a non-ratio scale variable, its zero was changed to N/A and the metric eliminated from the composite score as it would otherwise significantly decrease a composite score if left in improperly.

After each metric was standardized and subsequently corrected for inverse representations, a composite score was generated. In the composite score each variable for its matching metric was multiplied (weighted) by a decimal coefficient and the results

⁴⁵ PeaceNow has simply provided the data for this report and has no connection to any opinions or conclusions drawn as a result of this dataset. This report and PeaceNow have no further connections past the exchange of this dataset.

summed. The sum of the coefficient was always 1 in order to ensure that no annexation score exceeded 100. In this model two sets of coefficients were used as a method of computing composite score. The first set of coefficients is known as the even coefficients (COEF1), giving each metric equal weight. COEF1 had coefficients of 1/6 thus the sum of coefficients was one. COEF2 was an unevenly weighted set of coefficients designed by the researcher based on academic knowledge and best-guess estimates as to which variables may be most important. COEF2's coefficients were year established (.05) distance from the Green Line (.475), physical area of the settlement (.20), square meters of private Palestinian land as part of the Israeli settlement (.025), population in the settlement (.20), and the number of households built within the boundaries of the settlement (.05).

The metrics given higher coefficients had higher correlations to physical aspects of the settlements, and the lower rated metrics drew more upon cultural, personal, and historical aspect of the settlements. The idea behind the model is to minimize personal narratives and historical ties to the land in order to create a model based upon facts and not feelings, which helped shaped these coefficients.

Since the values are standardized relative to each other, their composite scores are merely reflections of where each settlement places amongst its peer settlements, but is not an indicator of abstract annexation value. Thus artificial cutoffs must be set in order to decide which settlements should be annexed and which absorbed into a Palestinian state. Both COEF1 and COEF2 were modeled three times with three iterations of cutoff values being 45, 50, and 55. When a composite score was above this number the model returned a list of settlements which fulfilled the cutoff criteria. Thus this model produced six Final

Status maps based on two sets of coefficients and low (45), middle (50), and high (55) cutoff ranges.

Once the model generated a list of settlements for each of the criteria stated, the settlements were given unique numerical object ID's noted as FID's. The list of FID's were present in both the analytical dataset as well as the shapefile it was match to. A shapefile is an amalgamation of mapping data with data points, in this case the settlements in the West Bank, already entered. In order to map the data, the mirrored datasets needed to have a metric to join upon; thus setting up unique FID's was essential from mapping the data. The shapefile used was that of a general international base map provided through ESTI's Open Street Map.

In ArcGIS, the uploaded dataset, the list of applicable settlements, was matched to the shapefile. Each of the six maps had its own data points selectively uploaded after being sorted by the cutoff and coefficient criteria. The function used to sort the data can be summarized in 10-step process. The process beings with (1) standardizing all data (2) multiplying all data by either COEF1 or COEF2 (3) summing applicable variables to compute a composite score (4) creating new columns which matches the coefficients with the cutoffs (5) clean dataset iterations and prepare for upload in Open Refine (6) Upload Data iterations into ArcGIS (7) match each data iteration with the shapefile (8) take the inverse of each data iteration and map the settlements which need to be vacated (9) merge both the dataset annexation iteration and its inverse onto the same plane (10) color and define the imagining of the maps.

	45	50	55
COEF 1	COEF1/45	COEF1/50	COEF1/55
COEF 2	COEF2/45	COEF2/50	COEF2/55

Table 1. A matrix of dataset iterations

Out of the 134 settlements, 28 were not recognized in the shapefile and thus if any of these settlements were selected for annexation they were mapped not via matching with the shapefile but through manually mapping the latitude and longitude of the settlement and creating a radius of 591.30 meters. ArcGIS requires each manually entered point to have a buffer around it. The buffer range and thus the radius was found determined by taking the average area of a settlement, 1,098,437.52 meters² and solving for the radius using $r = c/2\pi$.⁴⁶ In order to map these additional points in ArcGIS, the 28 points were uploaded via the display XY function and for each set of points the selected settlements were recoded in binary. A query was established with the function, MATCH IF binary column = 1 in order to selectively map the variables.

⁴⁶ While each settlement is not perfect circle this is the closest method of estimation for missing data points

Results:

The results section is comprised of six figures and ten tables. Each of the figures are depictions of the modeled two-state solutions. Each figure's content is unique and is based upon the established cutoffs of 45, 50, and 55. Within the six figures there are two sets of composite annexation scores for individual settlements. In addition to these two sets of composite scores there are also the inverse composite scores used to map the settlements, which will be vacated and given to a future Palestinian state.

Map Key:

Red = Annex to Israel

Blue = Vacate and Annex to Palestine

Both circle and abnormal shapes hold equal weight as settlements

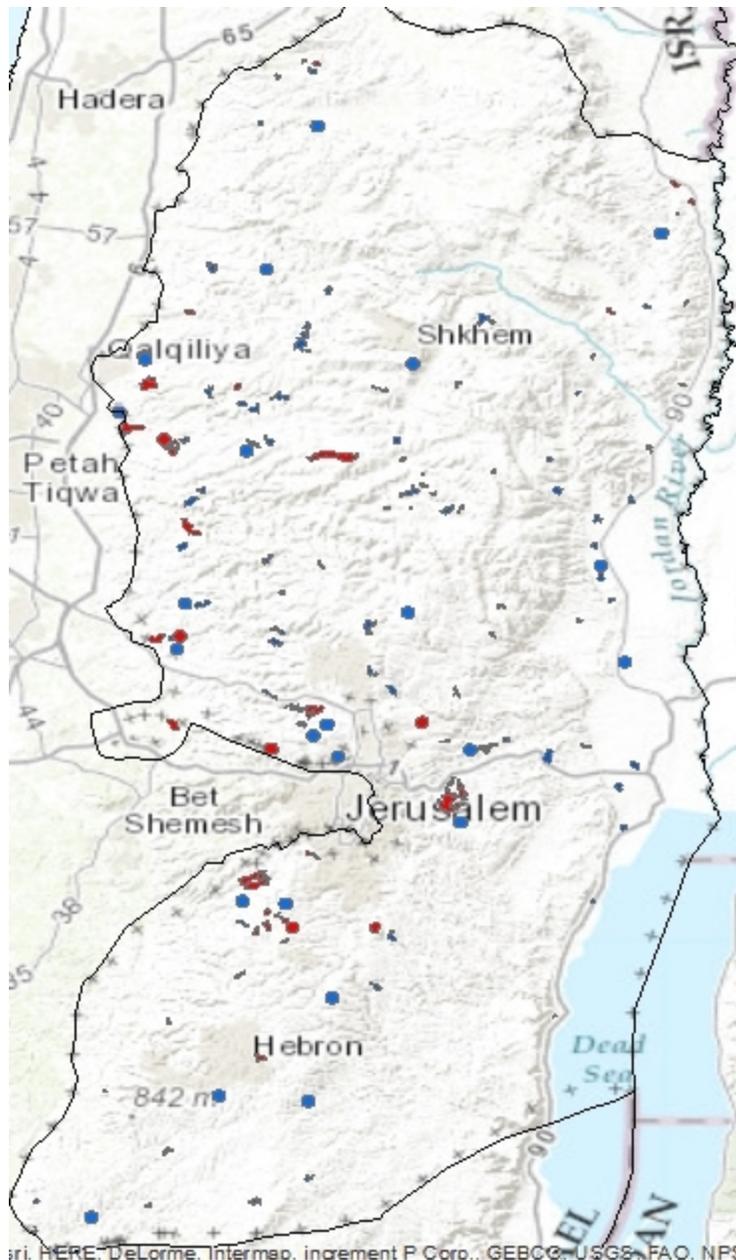


Figure 1: Map of COEF 1 with annexation ratings above 45. See Tables 3, 4, and 5 for data points

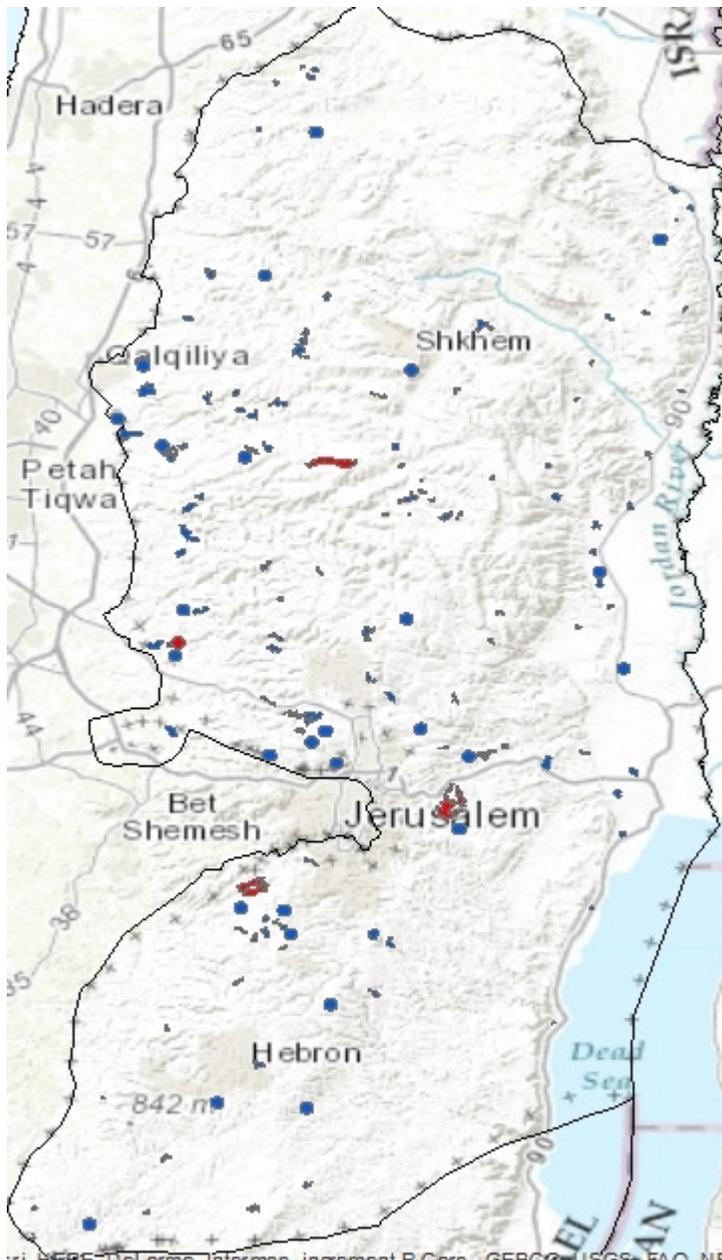


Figure 3: Map of COEF 1 with annexation ratings above 55. See Table 5 for data points

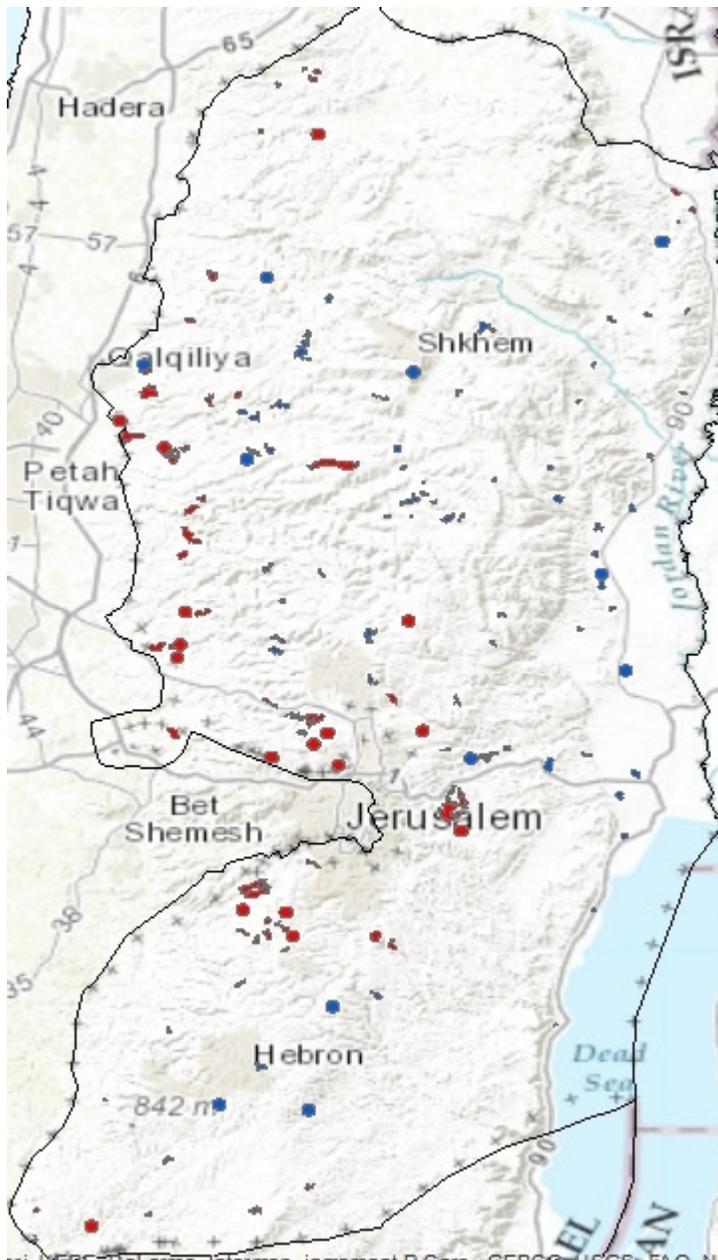


Figure 4: Map of COEF 2 with annexation ratings above 45. See Tables 7, 8, and 9 for data points

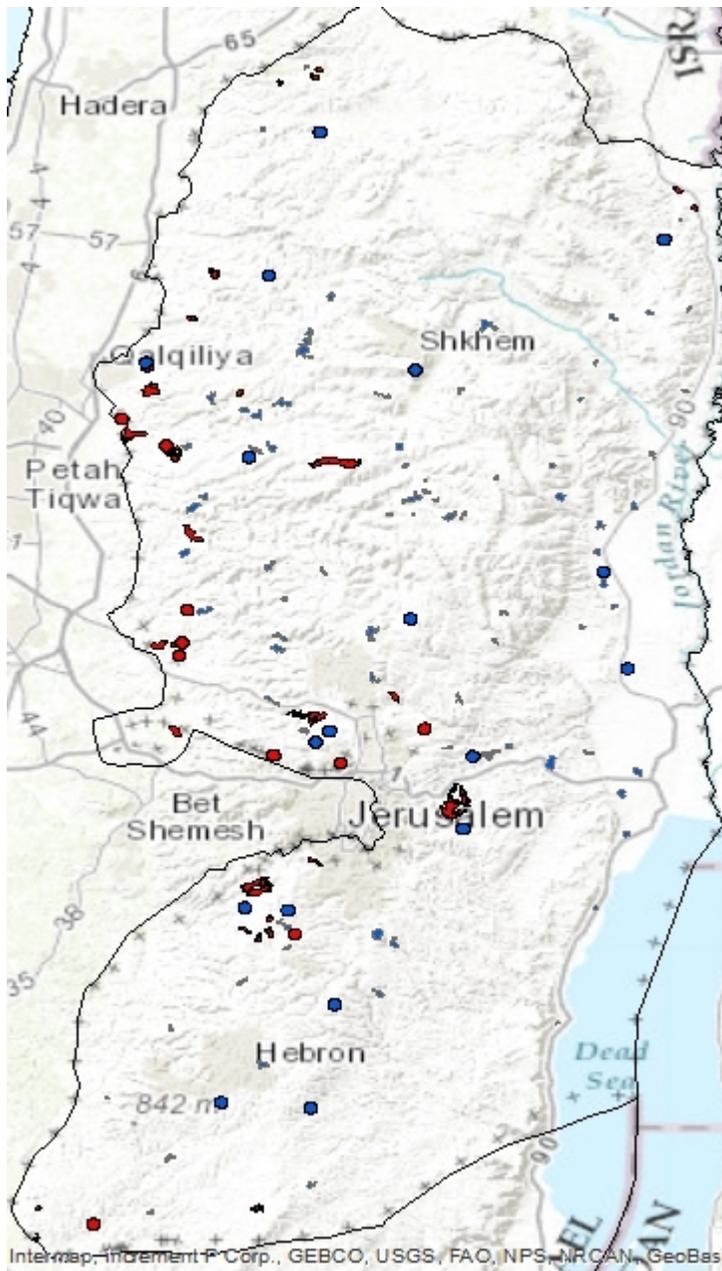


Figure 5: Map of COEF 2 with annexation ratings above 50. See Tables 8 and 9 for data points

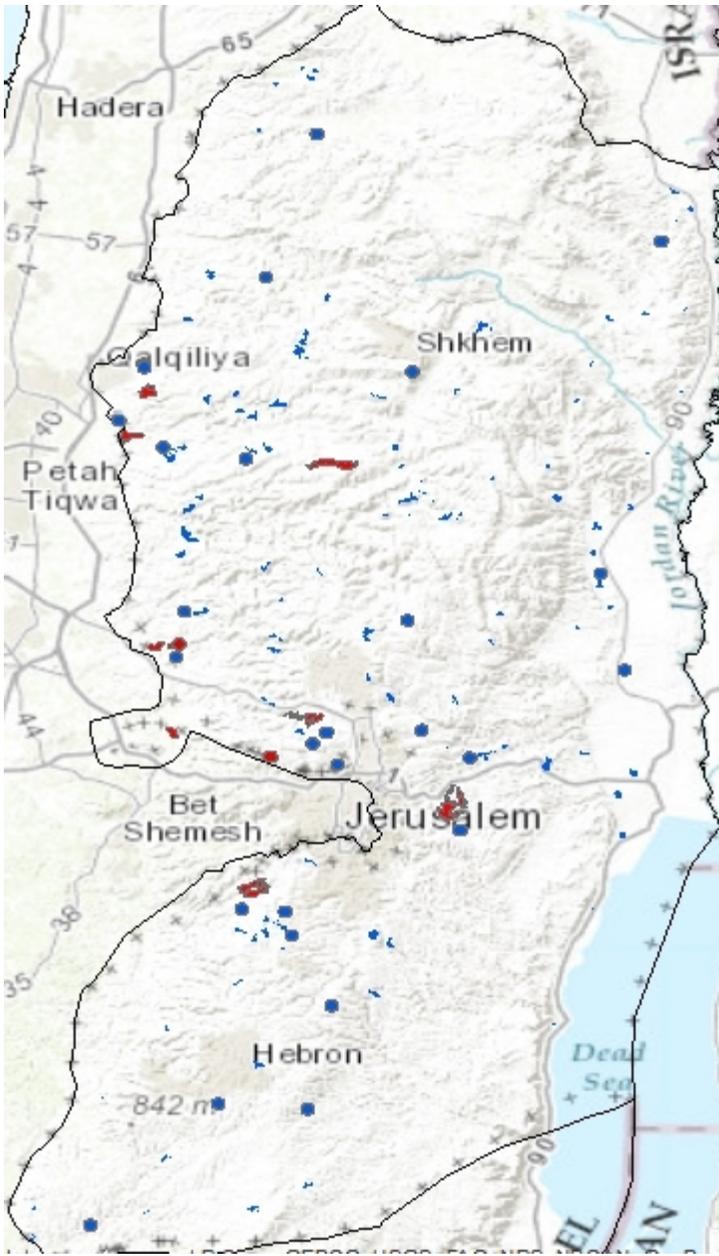


Figure 6: Map of COEF 2 with annexation ratings above 55. See Table 9 for data points

The coefficients for the evenly weighted composite scores, COEF 1, are as follows:

Tal Menashe (23.67), Nerya (officially part of Talmon, aka Talmon B) (23.68), Shvut Rachel (27.45), Rechelim (29.44), Maskiyot (29.55), Migdalim (29.62), Yafit (31.81), Itamar (32.73), Kochav Ha'shachar (33.37), Tomer (33.58), Gitit (33.68), Niran (34), Ovnat (34.13), Na'ama (34.39), Ma'ale Levona (34.61), Eli (34.64), Mechora (34.68), Nirit (a town inside Israel that has expanded into the West Bank) (34.8), Elon More (35), Petzael (35.07), Bracha (35.14), Netiv Ha'gdud (35.22), Alon (Officially part of Kfar Adumim) (35.52), Kfar Tapuah (35.66), Har Shmuel (officially part of Givat Ze'ev) (35.71), Ofra (35.74), Yitzhar (36.1), Revava (36.1), Beit Ha'arava (36.14), Nofei Prat (officially part of Kfar Adumim) (36.18), Negohot (36.72), Gva'ot (addresss later) (37.23), Sansana (37.42), Rimonim (37.43), Ateret (37.44), Ro'i (37.52), Gilgal (37.53), Ma'ale Efraim (37.76), Ma'ale Michmash (37.9), Masu'a (38.19), Asfar (38.22), Kfar Ha'oranim (38.26), Vered Yericho (38.39), Almog (38.43), Beit El (38.58), Shilo (38.66), Kiryat Netafim (38.79), Yitav (38.84), Immanuel (38.9), Chemdat (39.13), Ma'ale Amos (39.13), Psagot (39.52), Karnei Tzur (39.62), Haggai (39.69), Shavei Shomron (39.78), Nahliel (39.85), Pnei Hever (40.05), Talmon (40.14), Nofim (40.41), Argaman (40.44), Ofarim (united with Beit Arye in 2004) (40.52), Otniel (40.55), Etz Efraim (40.58), Dolev (40.83), Hamra (40.85), Rotem (40.9), Yakir (41.09), Keidar (41.09), Barqan (41.21), Almon (41.29), Mitzpe Yericho (41.4), Adora (41.48), Na'ale (41.53), Avnei Hefetz (41.53), Enav (41.64), Bat Ayin (41.73), Telem (41.79), Tzofim (41.84), Hermesh (42.1), Ma'ale Shomron (42.38), Halamish (42.43), Nokdim (42.61), Pedu'el (42.78), Susiya (42.87), Tene (43.09), Shim'a (43.15), Carmel (43.24), Kalia (43.37), Giv'on Ha'hadasha (43.39), Eshkolot (43.39), Kedumim (43.54), Neve Daniel (43.6), Shaked (43.98), Giv'on (united with Givat Ze'ev) (44.2), Shani (a town in Israel expanded into the West Bank) (44.32), Nili (44.36), Kochav Ya'akov (44.43), Kfar Adumim (44.43), Ma'on (44.44), Mevo Dotan (44.47), Alei Zahav (44.5), Beit Horon (44.56), Matityahu (44.78)

Table 2: COEF 1 with a 0-45 Rating

Geva Binyamin (aka Adam) (45.19), Yatir (aka Metzadot Yehuda) (45.38), Hinanit (45.41), Kiryat Arba (45.49), Bqa'ot (45.56), Migdal Oz (45.57), El'azar (45.73), Hashmonaim (45.99), Tko'a (46.1), Har Adar (46.3), Mitzpe Shalem (46.39), Reihan (46.74), Sha'arei Tikva (46.92), Elkana (46.95), Karnei Shomron (47.02), Oranit (47.24), Har Gilo (47.27), Sal'it (47.46), Shadmot Mehola (47.92), Beit Arye (48.29), Mechola (48.6), Rosh Tzurim (48.6), Efrata (49.44), Kfar Etzion (49.85)

Table 3: COEF 1 with Ratings 45-50

Alfei Menashe (50.19), Alon Shvut (50.87), Givat Ze'ev (52.11), Mevo Horon (52.81)

Table 4: COEF 1 with Ratings 50+

Ariel (60.08), Modi'in Ilit (70.58), Beitar Illit (73.72), Ma'ale Adumim (87.43)

Table 5: COEF 1 with Ratings 55+

The coefficients for the unevenly weighted composite scores, COEF 2, are as follows:

Nerya (officially part of Talmon, aka Talmon B) (4.78), Tal Menashe (5.18), Gitit (9.48), Yafit (10.81), Migdalim (11.79), Petzael (13.33), Tomer (15.11), Ma'ale Efraim (15.3), Shvut Rachel (16.37), Gilgal (17.81), Niran (18.42), Masu'a (19.3), Netiv Ha'gdud (19.46), Na'ama (22.19), Mechora (22.72), Rechelim (23.09), Kfar Tapuah (24.22), Yitav (24.33), Argaman (25.57), Bracha (25.6), Beit Ha'arava (26.04), Ovnat (26.2), Ma'ale Levona (26.65), Shilo (28.03), Hamra (28.22), Almog (28.59), Itamar (29.13), Kalia (30.37), Elon More (30.99), Vered Yericho (31.18), Rimonim (31.24), Yitzhar (31.31), Kochav Ha'shachar (33.62), Eli (34.05), Ateret (34.49), Chemdat (35.43), Asfar (35.57), Ma'ale Amos (36.19), Alon (Officially part of Kfar Adumim) (36.67), Mitzpe Yericho (36.97), Ro'i (37.68), Revava (38.37), Pnei Hever (38.84), Shavei Shomron (38.99), Maskiyot (39.13), Bqa'ot (39.26), Nahliel (39.46), Haggai (39.83), (40.18), Kiryat Netafim (40.24), Immanuel (40.33), Yakir (40.98), Nofei Prat (officially part of Kfar Adumim) (41.18), Nofim (41.43), Barqan (41.88), Kiryat Arba (41.95), Halamish (42.36), Psagot (42.96), Ma'ale Michmash (43.02), Karnei Tzur (43.54), Kfar Adumim (43.8), Beit El (43.87), Otniel (44.24), Dolev (44.3), Enav (44.59), Kedumim (44.6), Talmon (44.64), Telem (45)

Table 6: COEF 2 with Ratings 0-45

Mitzpe Shalem (45.45), Rotem (45.54), Har Shmuel (officially part of Givat Ze'ev) (45.6), Ma'ale Shomron (45.71), Mevo Dotan (45.8), Adora (45.93), Migdal Oz (46.13), Ofra (46.21), Almon (46.21), Carmel (46.31), Keidar (46.32), Nokdim (47.17), Etz Efraim (47.52), Giv'on (united with Givat Ze'ev) (47.79), Tko'a (47.88), Hermesh (47.98), Negohot (48.6), Alei Zahav (48.61), Na'ale (48.74), Beit Horon (48.91), El'azar (48.96), Giv'on Ha'hadasha (49.09), Pedu'el (49.19), Ofarim (united with Beit Arye in 2004) (49.25), Gva'ot (addresss later) (49.34), Ma'on (49.56), Neve Daniel (49.68), Shim'a (49.99),

Table 7: COEF 2 with Ratings 45-50

Geva Binyamin (aka Adam) (50.28), Nirit (a town inside Israel that has expanded into the West Bank) (50.5), Nili (50.54), Avnei Hefetz (50.7), Shaked (50.78), Tene (51.12), Rosh Tzurim (51.18), Eshkolot (51.25), Kfar Etzion (51.53), Sansana (51.6), Kochav Ya'akov (51.74), Bat Ayin (52.23), Tzofim (52.67), Karnei Shomron (52.69), Hinanit (52.75), Shadmot Mehola (52.8), Reihan (53.15), Shani (a town in Israel expanded into the West Bank) (53.29), Susiya (53.31), Mechola (53.32), Har Gilo (53.54), Kfar Ha'oranim (53.56), Sal'it (53.97), Beit Arye (53.97), Efrata (54.36), Sha'arei Tikva (54.41), Alon Shvut (54.72), Elkana (54.82), Yatir (aka Metzadot Yehuda)

Table 8: COEF 2 with Ratings 50+

(55.21), Matityahu (55.87), Hashmonaim (56.6), Har Adar (57.33), Mevo Horon (59.1), Alfei Menashe (59.33), Oranit (59.73), Ariel (60.12), Givat Ze'ev (71.01), Beitar Illit (81.43), Modi'in Illit (82.82), Ma'ale Adumim (84.52),

Table 9: COEF 2 with Ratings 55+

COEF 1 # of Annexations	COEF 2 # of Annexations	Between Groups Difference
COEF 1 45-50 (24)	COEF 2 45-50 (28)	+4 COEF 2
COEF 1 50-55 (4)	COEF 2 50-55 (29)	+ 25 COEF 2
COEF 1 55+ (4)	COEF 2 55+ (12)	+ 6 COEF 2
Total Annexed: 32	Total Annexed: 69	Additional Settlements Annexed Under COEF 2: 35

Table 10. This table shows the number of settlements which fell into their respective annexation cutoffs

Conclusion: While each of the six maps varies significantly, it is difficult to conceptualize how the model changes with varying cutoffs and weighting coefficients through only maps and raw data scores. Table 10 shows that COEF 2's weighting impacted the total annexations in a positive manner. By altering the weighting mechanism COEF 2 produced 35 additional annexations, a significant difference. I believe that COEF 2 is a more accurate approach to rating settlements because COEF 2 takes into account the fact that not all annexation variables are equal. The issue with using COEF 2 instead of a standardized and even coefficient, such as the setup for COEF 1, is that the potential for bias becomes a larger factor in determining the total number of annexations. A possible method of reducing bias while using unweighted coefficients is that of polling both Israelis and Palestinians regarding how they would weight their coefficients. By taking the average of both of these groups it might be possible to find unbiased and weighted coefficients.

The model itself is not an abstract tool, creating annexations far from the reaches of reality. Both COEF 1 and COEF 2 included annexations for Ariel, Modi'in Ilit, Beitar Illit, and Ma'ale Adumim, all of which are massive settlement blocks that are widely recognized as being cornerstones of any future land swap agreements. Ma'ale Adumim for example is in the top 10% of settlements with regard to population and area, a trend, which is mimicked by Ariel, Modi'in Ilit and Beitar Illit.

On the other side of the spectrum, the settlements that are widely regarded as necessitating the inhabitant to vacate are Tal Menashe, Rechelim, Kfar Tapuah, and Bracha all of which are projected to be vacated by the model. Thus the model is foundationally sound, producing results, which are generally accepted. The fact that the

model correctly predicted generally accepted land swaps is a massive success because it sets a precedent for the more contentious settlements. Because of this precedent, I have great faith that this model will have a high level of accuracy in predicting where the most challenging settlements should end up. While the model calculates accurate annexation scores the applicability of the model is inextricably tied to the common causes of Final Status negotiation failures.

A Final Status agreement in the Israeli-Palestinian Conflict has long been one of the most elusive international territorial disputes. The conflict lacks resolution not because a solution does not exist but because (1) historically negotiations have lacked legitimate permeates upon which Final Status agreements could be built upon and (2) neither party gets far enough into a pattern of cooperation due to the generalist nature of the negotiations.

The two international documents that are regarded by the international community as the cornerstone for any future agreement between Israeli's and Palestinian's, are Quartet's Road Map and the Mitchel Report.⁴⁷ Both of these documents share the same fatal flaw in that they lack any sort of concrete Final Status proposal. The documents present general ideas of cooperation and limiting violent clashes do not attempt to answer the hard questions of specifically how the land should be divided between Israel and Palestine.

These generalist policies have been the cornerstone for American and thus international conflict resolution when it comes to Israel and Palestine. Former Vice President Joe Biden, once asked to how he would solve the Israeli-Palestinian conflict,

⁴⁷ Migdalovitz, Carol. "Israeli-Arab Negotiations: Background Conflicts, and U.S. Policy." *DTIC Online*. CRS, 29 Jan. 2010. Web. 29 Mar. 2017.

repeated the traditionally bi-partisan non-specific American lines that, “Israel has to work towards a two-state solution” and “not build more settlements, dismantle existing outposts, and allow the Palestinians freedom of movement based on their first actions.”⁴⁸ While these are great outlines for peace, they are not enough to address such a complex issue.

The lack of a serious Final Status proposal in the international community is one of the main reasons why peace has yet to be achieved. This publication attempts to fill that void and provides legitimate apolitical Final Status proposals. By using a statistical model based on tangible factors such as year established, distance from the Green Line, physical area of the settlement, square meters of private Palestinian land as part of the Israeli settlement, population in the settlement, and the number of households built within the boundaries of the settlement, bias from both parties can be limited.

By using a model with this kind of specificity and non-biased architecture, negotiators should be able to jump-start Final Status talks by addressing the hardest questions first. For the issue is not that the land cannot be divided in a fair and objective manner, as this publication has shown, but that most world leaders and negotiators do not have a tool by which they can objectively analyze land divisions.

After years of Road Maps and general frameworks it is time for real, tangible, and feasible proposal. Thus this publication provides an in-depth and complete peace plan, independent of political bias. This publication was created through aggregating and standardizing tangible variables relating to how disruptive a settlement is to a two-state solution. By combining both statistics and deep regional knowledge, this publication has produced a legitimate beginning for Israeli’s and Palestinians to negotiate upon. Issues,

⁴⁸ Gearan, Anne. "AIPAC Policy Conference 2009." *Salon.com* (2009): 13-14. Print.

such as the Israeli-Palestinian Conflict, seem most daunting when viewed in the abstract without analyzing where the true disputes lie. By finding which pieces of land are most contentious, a metric calculated in the model as “Composite Score,” negotiators will be able to identify the problems, which have long been regarded as elusive or too complex. By analyzing every inch of land and using a system by which one can easily understand which pieces of land create the most tension, legitimate negotiations for a Final Status agreement can begin.

The goal of this publication is certainly a lofty one, to provide an in-depth Final Status map of what a two state solution should look like. While lofty, a true Final Status proposal is exactly what the Israeli-Palestinian Conflict currently lacks. Neither the Quartet nor any other major international power has suggested a true Final Status agreement. As a result of this lack of in-depth and apolitical peace plans there have been no major advances in the Israeli-Palestinian Conflict in recent memory. This publication and its subsequent modeling are for those who do not know where to begin when negotiating a Final Status agreement, which seems to be a large portion of the International community. Thus it is with great pleasure that I present to you the Villa-CAM Final Status Framework for Israel and Palestine.

Works Cited

- ÊAdwaì n, Saì miì ÊAbd Al-Razzaì q., Dan Bar-On, and Eyal J. Naveh. "Palestine in the 1920's." *Side by Side: Competing Histories of Israel/Palestine*. New York: New, 2011. 50+. Print.
- AP. "Former Israeli Prime Minister Ariel Sharon Dies at 85." *Washington Examiner*. The Washington Examiner, 11 Jan. 2014. Web. 28 Mar. 2017.
- "The Avalon Project : United Nations Security Council Resolution 242." *The Avalon Project : United Nations Security Council Resolution 242*. Lillian Goldman Law Library, n.d. Web. 09 Mar. 2017.
- "Chaim Weizmann Of Israel Is Dead." *The New York Times*. The New York Times, 9 Nov. 1952. Web. 06 Mar. 2017.
- "Chapter XII." *United Nations Charter*. United Nations, n.d. Web. 12 Feb. 2017.
- "The Covenant of the League of Nations." *Avalon Project*. Yale University, 2008. Web. 12 Feb. 2017.
- "Egyptian Restrictions on Israeli Shipping in the Suez Canal: United Nations Security Council Resolution, September 1, 1951." *The Avalon Project*. Lillian Goldman Law Library, 2008. Web. 09 Mar. 2017.
- Gearan, Anne. "AIPAC Policy Conference 2009." *Salon.com* (2009): 13-14. Print.
- "Geneva Convention (IV) on Civilians, 1949." *American Red Cross*. The American National Red Cross, n.d. Web. 09 Mar. 2017.
- Gerner, Deborah J., and Jillian Schwedler. "The Historical Context." *Understanding the Contemporary Middle East*. Boulder, CO: Lynne Rienner, 2008. 57-58. Print.
- Glueckstein, Fred. "Finest Hour." *The Churchill Centre*. The International Churchill Society, Fall 2015. Web. 06 Mar. 2017.
- Hoffman, Bruce. "Chapter 1." *Inside Terrorism*. New York: Columbia UP, 2006. 49-51. Print.
- "Israel." *Treaties, States Parties, and Commentaries - Israel*. International Committee of the Red Cross, n.d. Web. 09 Mar. 2017.
- Karnow, Stanley. *Vietnam: A History*. New York, NY: Penguin, 1997. 631. Print.
- Lust, Ellen. "Chapter 1 : The Making of the Modern Middle East." *The Middle East*. Washington, D.C.: CQ, 2011. 26-30. Print.
- Macrae, Duncan, and James A. Wilde. *Policy Analysis for Public Decisions*. Lanham, Md: U of America, 1985. Print.
- Mahler, Gregory S., and Alden R. W. Mahler. *The Arab-Israeli Conflict: An Introduction and Documentary Reader*. London: Routledge, 2010. 49-50. Print.
- McGirk, Tim. "Ariel Sharon: 1928-2014." *Al Jazeera America*. Al Jazeera America, LLC, 11 Jan. 2014. Web. 10 Feb. 2017.
- Migdalovitz, Carol. "Israeli-Arab Negotiations: Background Conflicts, and U.S. Policy." *DTIC Online*. CRS, 29 Jan. 2010. Web. 29 Mar. 2017.
- Munger, Michael C. *Analyzing Policy: Choices, Conflicts, and Practices*. New York: W.W. Norton, 2000. Print.
- "Pacific Islands Treaty Series." *PacLII*. University of the South Pacific, 7 Apr. 2006. Web. 09 Mar. 2017.
- Peteet, Julie. "Words as Interventions: Naming in the Palestine-Israel Conflict." *Third World Quarterly* 26.1 (2005): 153-72. *Duke University*. Web. 10 Feb. 2017.
- "Press Release 2004/28." *International Court of Justice*. ICJ, 9 July 2004. Web. 09 Mar. 2017.

- Rayman, Noah. "Mandatory Palestine: Jews and Muslims Under British Administration." *Time*. Time Inc, 29 Sept. 2014. Web. 06 Mar. 2017.
- "Rome Statute of 1998." (1998): n. pag. *ICC*. International Criminal Court. Web. 6 Mar. 2017.
- "Security Council 2334." (2016): n. pag. *United Nations Security Council*. United Nations, 23 Dec. 2016. Web. 9 Mar. 2017.
- "Security Council Resolution 1593." (2005): n. pag. International Criminal Court, 31 Mar. 2005. Web. 9 Mar. 2017.
- "Security Council Resolution 2334." (2016): n. pag. *United Nations*. UN.org, 23 Dec. 2016. Web. 9 Mar. 2017.
- "Security Council Resolutions 1979." *United Nations*. United Nations, n.d. Web. 09 Mar. 2017.
- Selak, Charles B. "A Consideration of the Legal Status of the Gulf of Aqaba." *The American Journal of International Law* 52.4 (n.d.): 660. Web. 9 Mar. 2017.
- Telser, L. G. "A Theory of Self-Enforcing Agreements." *The Journal of Business* 53.1 (1980): 27-44. Web. 29 Mar. 2017.
- Tesch, Noah. "Sykes-Picot Agreement." *Encyclopædia Britannica*. Encyclopædia Britannica, Inc., 31 May 2016. Web. 10 Feb. 2017.
- "U.N. Security Council Resolution 338." *The Avalon Project*. Lillian Goldman Law Library, 2008. Web. 09 Mar. 2017.
- "United Nations Security Council Resolution 452." *The Avalon Project*. Lillian Goldman Law Library, 2008. Web. 09 Mar. 2017.