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A 'declaration of principles' for the Mideast

By Herbert C. Kelman | March 9, 2008

HAIM RAMON, a vice prime minister of Israel, recently stated that Israel hoped to reach agreement with its Palestinian negotiating partners by the end of 2008 on a "declaration of principles" for peace, but not on a detailed peace treaty. At this time of escalating violence and diminishing hope, the call for such a declaration offers an opportunity for revitalizing the Israeli-Palestinian peace process.

To represent a dramatic breakthrough, a declaration would have to go beyond a vague, general commitment to a two-state solution, and lay out the fundamental principles on which such a solution must be based if it is to be perceived as fair and just by the two populations and offer them a positive vision of their future relationship. The statement must address the key final-status issues - notably borders, Jerusalem, settlements, and refugees - that a viable two-state agreement would have to resolve. In essence, the statement would frame the envisaged final agreement as a principled peace, based on a historic compromise that meets the fundamental needs of both peoples, validates their national identities, and declares an end to the conflict and to the occupation consistent with the requirements of fairness and attainable justice.

To concretize the components of a statement of basic principles for framing a negotiated agreement, I offer the following hypothetical draft of what such a statement, issued by the two leaderships, might contain, in the hope that it might stimulate thought.

Israeli-Palestinian joint statement of principles

The parties agree that the land that has been in dispute between the Jewish and the Palestinian peoples - the land that includes the State of Israel and the occupied territories (the West Bank and Gaza) - belongs to both peoples: both have historic roots in it, both are deeply attached to it, and both claim it as their national homeland. We are convinced that there is no military solution to the conflict resulting from these competing claims.

The attempt to impose a solution by violence has caused pain and suffering to both peoples for generations, which we deeply regret. The conflict threatens to destroy the future of both peoples and of the land itself. We are therefore committed to ending the conflict by negotiating a principled peace, based on a historic compromise in the form of a two-state solution. We agree to share the land in a way that allows each people to exercise its right to national self-determination, express its national identity, and fulfill its national aspirations in its own independent, viable state within the shared land.

The details of a peace agreement that concretizes this historic compromise have to be negotiated, but we are committed to certain basic principles, dictated by the logic of the historic compromise, that must be followed in resolving the key issues in the negotiations. Specifically:

The borders between the two states will follow the 1967 armistice lines, with minor, mutually agreed-upon adjustments, based on an exchange of West Bank territories that contain most of the Israeli settlements for Israeli territories of equal size and value, and with a secure link between the West Bank and Gaza. These borders are necessary in order to enable the Palestinian state to meet the criteria of true independence, viability, governability, and contiguity within the West Bank. Palestinians can accept the fairness of these borders because they conform with international legitimacy, as expressed in appropriate United Nations resolutions.

Jerusalem will be shared by the two states and contain the national capital of each state, in recognition of the central importance of the city to the national identities of both peoples. Jerusalem's Jewish neighborhoods will be under Israeli sovereignty and its Arab neighborhoods under Palestinian sovereignty, with jointly

administrated arrangements for security, freedom of movement, and municipal services for the entire city and for governance of the Old City. A plan of shared or joint sovereignty will be negotiated for the holy sites, allowing each side control over its own sites and assuring free access to them from both parts of the city.

Israeli settlements with extraterritorial rights and status (including separate roads and protection by Israeli troops) will be removed from the Palestinian state in order to ensure the state's independence, viability, governability, and contiguity. The right of individual settlers to stay in place as Palestinian citizens or as resident aliens, subject to Palestinian law, will be negotiated.

In negotiating solutions to the problem of Palestinian refugees, Israel recognizes that the refugee problem and the right of return are central to the Palestinian national identity and national narrative, and acknowledges its share of responsibility for the plight of the refugees. Concretely, the refugee problem will be addressed in all its dimensions, with comprehensive plans for financial compensation, regularization of the status of refugees in host countries, and resettlement when needed or desired. Refugees will be granted citizenship in and the right of return to the Palestinian state. Only a limited number, however, will return to Israel proper, in order to allow Israel to maintain its character as a Jewish-majority state.

The final negotiated agreement, based on a historic compromise as reflected in the above principles, is designed to yield a principled peace, characterized by the following conditions:

Mutual recognition of the national identity of the other people and of each people's right to express this identity in an independent state within the shared land.

A sense that the agreement is not merely a product of the balance of power, but is consistent with the principle of attainable justice and with international law and the international consensus.

An end to the occupation and to the conflict.

Integration of both states in the region and the international community.

As we commit ourselves to negotiating a final agreement based on the concept of a historic compromise and meeting the conditions of a principled peace, we are enabled to develop and to communicate to our publics a positive vision of a common future for the two peoples in the land they are agreeing to share. Our vision contemplates:

A secure and prosperous existence for each society.

Mutually beneficial cooperation between the two states and societies in various fields, including economic relations, public health, environmental protection, telecommunications, cultural and educational programs, and tourism.

Regional development.

Stable peace with ultimate reconciliation.

Our positive vision extends not only to the future of the two peoples in their independent states within the land they are agreeing to share, but to the future of the shared land itself: a land to which both peoples are attached, even though each agrees to claim only part of it for its independent state.

In this spirit, our vision of a common future includes freedom of movement across state borders, as well as a range of cooperative activities that treat the shared land as a unit and are designed to benefit it in its entirety.

A joint statement of principles along the lines proposed above would reassure the two publics about the intentions of the other side and help to reestablish trust in the availability of a negotiating partner. By advocating a principled peace that acknowledges each side's national identity and national narrative, that conforms to the dictates of attainable justice, that provides a rationale for the concessions each side is expected to make, and that offers a positive vision of the future, it has the potential for energizing the two

publics and eliciting their full support for the negotiated agreement on a two-state solution.

Given the apparent readiness of the two leaderships to formulate a declaration of principles, the challenge now is to utilize this moment as an opportunity to create a visionary document that will reassure and energize the two publics and elicit their enthusiastic support for negotiating a historic compromise.

Civil society efforts, in the form of unofficial Israeli-Palestinian dialogue, can be instrumental in generating ideas for such a document and conveying them to the political leadership. The US government and other third parties can contribute significantly by encouraging the parties to formulate a statement of basic principles and identifying the issues that it must address, keeping in mind that, in the end, the document must be crafted by the parties themselves in order to reflect their concerns and engender their commitment.

Finally, to be maximally effective, movement toward and beyond the proposed joint statement of basic principles must be accompanied by significant changes in the conditions on the ground, designed to improve the security, economic well-being, quality of life, and personal dignity of the two populations.

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