

## IN THE WAKE OF THE ANNAPOLIS CONFERENCE: AN OPPORTUNITY TO NEGOTIATE A PRINCIPLED PEACE

Herbert C. Kelman

As expected, the U.S.-sponsored Annapolis conference between Israeli and Palestinian leaders, attended by representatives of some 50 countries, including 16 Arab states, did not produce a dramatic breakthrough. The joint statement, in which President Mahmoud Abbas and Prime Minister Ehud Olmert committed themselves to actively negotiate a two-state agreement, was quite general and vague and fell short of a statement of basic principles, addressing the key final-status issues—notably borders, Jerusalem, settlements, and refugees—that a viable two-state agreement would have to resolve.

The conference has, however, opened up the best opportunity since the failure of the Camp David summit for a return to serious negotiation of a final agreement on a two-state solution. Several factors point in this direction. Abbas and Olmert have clearly committed themselves to such negotiations in a highly visible international forum. Abbas's political standing in his own community has received an important boost. Olmert's post-Annapolis statements have given indicators that he understands both the importance and the implications of a two-state solution from Israel's perspective and is prepared to educate his public in that direction. The Bush administration, especially in the person of Secretary of State Condoleezza Rice, is more actively engaged in promoting negotiations and prepared to monitor their outcome than ever before. And the participation of many Arab states, including Syria, in the Annapolis conference has provided Abbas with important Arab support and Olmert with the added incentive of improving Israel's relations with its Arab neighbors.

Maximizing the opportunities created by the Annapolis conference requires three kinds of initiatives within and between the two societies.

First, to help create a supportive environment for productive negotiations, it is necessary to introduce early and 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. The most urgent steps in this regard are (a) cessation of violence and strengthening of security arrangements, including commitment and adherence to a cease-fire in the West Bank and Gaza; and (b) cessation of all settlement activity, including expansion of existing settlements and land confiscation. Other domains of early action include release of prisoners, facilitating movement of people and goods, meeting the basic needs of the West Bank and Gaza population, and eliminating hateful language in education and the media. Whenever action on these immediate issues requires negotiations, these should be conducted without conditions and with the participation of whichever persons or agencies are relevant to the resolution of a particular issue. Visible improvements in the conditions on the ground are not only important in their own right, but will also enhance the atmosphere for negotiations by increasing each public's trust in the seriousness of the other side's intentions, belief in the value of negotiations, and hope for a better future.

Second, to broaden public support for the process and outcome of the negotiations, it is necessary to provide openings that will bring representatives of all major political tendencies within each society into the process, directly or indirectly. In this connection, it is particularly important to remember that Hamas remains a key actor, not only in Gaza, but also in the West Bank. A negotiation process and outcome that

appear to serve the interests of Fatah at the expense of Hamas, or of the West Bank at the expense of Gaza, would lose legitimacy in the eyes of many Palestinians.

Third, to deepen public support for the process and outcome of the negotiations, it is necessary to start the process with a clear outline of the shape of a final agreement in the form of a statement of basic principles that addresses the way the key final-status issues will be resolved. Commitment to such an endpoint is essential at this juncture in the up-and-down peace process in order to reassure the two publics that the negotiations are safe and will not jeopardize their vital interests and their very existence as nations. Negotiations of the details of the agreement can proceed productively with full public support once the endpoint is clear—and, of course, widely acceptable.

The state of public opinion in the two societies has been rather anomalous since the failure of the Camp David summit and the onset of the second intifada in 2000. Majorities on both sides have continued to endorse a two-state solution, with a general understanding of what such a solution would have to entail. Majorities have also shown readiness to accept the national identity of the other's state. And yet, the two publics have not fully embraced the various proposals for a two-state solution that have been proffered; they have supported (with fluctuating percentages) acts of violence against the other side; and they have empowered political elements opposed to a negotiated solution. The publics' ambivalence stems from the mutual distrust in the availability of a credible negotiating partner on the other side, which has prevailed since 2000. They have been unwilling to support the painful concessions that a peace agreement would require at a time when they have no confidence that the other side will reciprocate and follow through on its commitments.

To overcome their publics' ambivalence and produce a statement of principles governing a two-state agreement that captures public support while realistically addressing itself to the key final-status issues, the two leaderships will have to adopt a visionary approach, transcending the balance of power and the calculus of bargaining concessions. They will have to come to recognize that, in a profound conflict over national identity and national existence, only an integrative, win-win strategy can provide a solution: Each side can obtain the acknowledgments (e.g., of the Palestinian right of return or the Israeli right to a state with a Jewish identity), the commitments (e.g., to end the occupation or to end the violence and the conflict), and the concessions (e.g., on the issues of Jerusalem or refugees) that it needs *from* the other only by offering such acknowledgments, commitments, and concessions *to* the other.

In this spirit, I have proposed that the terms of an agreement need to be framed 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 consistent with the requirements of fairness and attainable justice. To concretize the kind of statement of principles that I have in mind, I have composed a hypothetical draft of an Israeli-Palestinian Joint Statement of Principles that Mahmoud Abbas and Ehud Olmert might issue at the outset of and as the framework for negotiations. I feel very strongly that any such statement must be produced by the parties themselves in order to reflect their concerns and engender their commitments. I offer this hypothetical draft only as a way of stimulating thought about reviving a meaningful Israeli-Palestinian peace process in the wake of the Annapolis conference. The hypothetical draft follows:

## *Israeli-Palestinian joint statement of principles*

1. *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 continuing 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, to express its national identity, and to fulfill its national aspirations in its own independent, viable state within the shared land.*
  
2. *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:*
  - a. *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 UN resolutions.*

- b. **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.*
- c. 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 insure 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.*

d. *In negotiating solutions to the problem of Palestinian refugees, Israel recognizes the centrality of the refugee problem and the right of return in 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.*

3. *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; and*

*--integration of both states in the region and the international community.*

4. *As we commit ourselves to negotiating a final agreement based on the principles 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; and*

*--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.*

I believe that 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.

**Herbert C. Kelman** is Richard Clarke Cabot Professor of Social Ethics, Emeritus, and Co-Chair of the Middle East Seminar at Harvard University.