

# ISRAEL HORIZONS

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# Negotiating a Principled Peace Based on Historic Compromise

Dr. Herbert C. Kelman

**T**here are good reasons to be skeptical—even cynical—about the outcome of the Annapolis Conference and pessimistic about the prospects of achieving a negotiated agreement by the end of this year. Yet, granting the vagueness of the commitments made in Annapolis and the discouraging effect of subsequent actions on the ground that have undermined the peace process, the conference has opened up the best opportunity since the failure of the Camp David summit for a return to a serious negotiation of a final agreement on a two-state solution. I saw such an opportunity, for example, in a February statement by Haim Ramon 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.

Depending on its precise nature, such a declaration, issued jointly by the two leaderships, could represent a dramatic breakthrough in the Israeli-Palestinian conflict by mobilizing the enthusiastic support for peace negotiations among the two populations. Public opinion on both sides is characterized by the anomaly that majorities support a

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two-state solution, but are not ready to give wholehearted support to negotiations because of profound distrust in the ultimate intentions of the other side. I propose that, to energize public opinion toward final-status negotiations at this point, it is necessary to go beyond pragmatism—essential though that continues to be shaping the terms of a final agreement—and adopt a visionary approach,

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transcending the balance of power and the calculus of bargaining concessions. The leaderships 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—i.e., that each can achieve the needed acknowledgments, commitments and concessions *from* the other only by offering such acknowledgments, commitments and concessions *to* the other.

In this vein, the statement of principles that I envisage would complement and frame the pragmatic terms of a negotiated agreement by a joint vision of a *principled peace*, based on a historic compromise that meets the fundamental needs of both peoples, validates their national identities, and allows them to declare an end to the conflict consistent with the requirements of attainable justice. If such a framework is constructed through a joint Israeli-Palestinian process, it can reassure the two publics that the agreement is not jeopardizing their national existence and promises mutual benefits that far outweigh the risks it entails.

To concretize what I have in mind, let me describe the four components that, in my view, a statement framing a principled peace needs to contain.

First, the statement must be based on mutual recognition of the other's national identity and acknowledgment of both peoples' historic roots in the land and authentic links to it. Ideally, from my point of view, it would start with the proposition that the land—the entire land—belongs to both peoples. If the framers are not prepared to endorse such a strong departure from ideological positions, they could negotiate a softer formulation, e.g., that the land is claimed—with some legitimacy—by both peoples and that both are deeply attached to it.

The statement would then proceed to acknowledge that the pursuit of the two peoples' national aspirations on the basis of their conflicting claims has led to decades of violent, destructive conflict and express regret for the suffering that each people has caused the other in the course of this struggle. It would assert that neither people can prevail by military means at an acceptable cost and that continuation of the present course may well lead to mutual destruction. Therefore, instead of pursuing a military solution to the conflict, the parties need to end it with a historic compromise, whereby the two peoples agree to share the land to which both are so deeply attached in a way that allows each to exercise its right to national self-determination, fulfill its national aspirations, and express its national identity in a state of its own within the shared land, in peaceful co-existence with the neighboring state of the other.

Second, while details of the final agreement that reflects this historic compromise remain to be negotiated, the statement would

affirm certain basic principles, dictated by the logic of the historic compromise. These principles must be followed in resolving the core issues—issues that engage each people's national narrative—in order to enable each people to maintain its national existence and express its national identity in its own state. In particular, the statement

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might address the issues of borders, Jerusalem, settlements, and refugees along the following lines:

1. The *borders* between the two states would be drawn in a way that conforms with international legitimacy (as expressed in appropriate UN resolutions) and establishes a Palestinian state (consisting of the West Bank and Gaza) that meets the criteria of independence, viability, governability, and contiguity within the West Bank. To this end, the borders would 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.
2. In recognition of the central importance of *Jerusalem* to the national identities of both peoples, the city would be shared by the two states and contain the capital of each. The city's Jewish neighborhoods would be under Israeli sovereignty and its Arab neighborhoods under Palestinian sovereignty, with joint administration of 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 would 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.
3. To insure the independence, viability, governability, and contiguity of the Palestinian state, Israeli *settlements* with extraterritorial rights and status (including separate roads and protection by Israeli troops) would be removed from the West Bank. The right of individual settlers to stay in place as Palestinian citizens or as resident aliens, subject to Palestinian law, would be negotiated.
4. Israel would recognize that the *refugee* problem and the right of return are central to the Palestinian national identity and national narrative, and acknowledge its share of responsibility for the plight of the refugees. Concretely,

the refugee problem would 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 would be granted citizenship in and the right of return to the Palestinian state. Only a limited number, however, would return to Israel proper, in order to allow Israel to maintain its character as a Jewish-majority state.

Third, the statement would highlight the meaning of the historic compromise in terms of the nature of the peace that the final negotiated agreement is designed to put in place, that is, 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.

Finally, the joint statement of principles that I am proposing for framing a negotiated agreement would offer a positive vision of a common future for the two peoples in the land to which both are attached and which they have agreed to share—and of the future of the shared land itself: a vision that contemplates a secure and prosperous existence for each society, mutually beneficial cooperation between the two societies in various spheres (e.g., economic relations, public health, environmental protection, telecommunications, cultural and educational programs, tourism), regional development, and stable peace with ultimate reconciliation. Positive expectations for the future would begin to compensate the two populations for the losses inevitably entailed by a historic compromise. In this vision of a common future, the extent and speed of institutionalization of cooperative activities and the possibility that they may culminate in an economic union or even a confederation, conceivably including Jordan as a third partner, would be left to future developments and depend on how the relationship evolves over time.

A bold statement of the positive vision of a common future might call for a united country with divided sovereignty. This concept

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differentiates between state and country and allows both Israelis and Palestinians to maintain their attachment to the land as a whole, while claiming “ownership”—in the form of independent statehood—over only their part of the land. To lend reality to this concept, the vision requires a range of cooperative activities that treat the shared land as a unit and are designed to benefit each state and its population, as well as the country as a whole. It would also require free movement across state borders so that, for example, citizens of the Palestinian state could visit Jaffa, and Israeli Jews could come to worship at Abraham’s tomb in Hebron. Such cross-border attachments would not be threatening to the other side in a context in which both sides acknowledge that each is attached to the entire land but relinquishes claims to ownership of the part of the land that constitutes the state of the other people. A vision of a united country with divided sovereignty might enable the two communities to build toward a new, transcendent identity alongside of their separate national identities, such that sharing the land would not be seen as equivalent to losing the land.

A joint statement of principles along the lines I have outlined can cut through the ambivalence of public opinion and mobilize

wholehearted support for negotiations toward a two-state solution. The fact that credible leaders on each side have tied achievement of their own national rights to achievement of the other’s national rights would help to reassure each public about the intentions of the other side and to reestablish trust in the availability of a negotiating partner. The mutual recognition of the other’s national identity also provides the long-sought confirmation by the other of each group’s national self-image.

Moreover, the concept of a principled peace based on a historic compromise speaks to people’s sense of justice. It also provides a rationale for the painful concessions that each side is asked to make. The positive vision of a common future for the two peoples in the shared land, which is a key component of the proposed framework, would begin to compensate the two populations for the inevitable costs that an agreement would entail.

The acknowledgment that each people is attached to the entire land even though it claims only part of that land for its independent state may well strike a responsive chord in both populations. It makes it easier for people to accept the compromises entailed by an agreement by conveying the message that they are not *losing* the land by agreeing to *share* it. ✡

## Six Degrees of Separation:

‘Pro-Israel Realists’ Versus ‘Worried Jews’

Aaron Ahuvia, Ph.D.

**H**ow can advocates for a two-state solution win the debate within the American Jewish community? To a large extent, we already have. In February 2008, the Jewish Council for Public Affairs, the umbrella agency representing 14 national Jewish groups and 125 local Jewish community relations councils, voted that “the organized American Jewish community should affirm its support for two independent, democratic and economically viable states—the Jewish state of Israel and a state of Palestine—living side-by-side in peace and security.”

Only one Orthodox affiliate objected and even that only abstained. We’ve come a long way from the time that advocating this view could get one branded as a self-hating Jew, but the debate isn’t truly over yet.

American Jewish opinion falls into four broad categories. On the hawkish extreme, a small but well-funded group I call “Greater

Israel maximalists” still opposes the creation of a Palestinian state as a matter of principle and supports settlement expansion. In the opposite corner, a small but vocal group of “Palestinian solidarity Jews” sees Israel as the villain in the ongoing conflict and often does not accept the legitimacy of a Jewish state at all.

According to a variety of polls, about 85 percent of US Jews fall between these two extremes and support a two-state solution, at least in principle. This large central group can itself be divided into two broad camps, which I call “pro-Israel realists” and “worried Jews.” The ‘pro-Israel realists,’ such as Meretz USA and Brit Tzedek v’Shalom supporters, see a negotiated two-state solution as strongly in Israel’s interests and see the status quo as highly dangerous; they want to move quickly towards a negotiated agreement. The ‘worried Jews’ on the other hand support a two-state solution in principle but see it as risky for Israel, whereas they see the status quo as relatively safer.

The key to advancing our political cause is organizing and mobilizing ‘pro-Israel realists’ who already agree with us, while winning over those ‘worried Jews’ who are fairly sympathetic to our viewpoint already. Converting the ‘Greater Israel maximalists’ is unlikely. And while some ‘Palestinian solidarity Jews’ may be won over, they are a

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