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Preconditions in Mideast negotiations

THE LONG-TERM survival of Israel as a Jewish-majority state, giving political expression to the national identity of the Jewish people, depends on negotiating a fair two-state solution that establishes an independent, viable Palestinian state in the West Bank and Gaza, with its capital in East Jerusalem. Early return to the negotiating table is not a favor to the Palestinians, but an urgent requirement for protecting the vital interests of both peoples.

Under the circumstances, it is counterproductive to impose conditions on Palestinian negotiating partners that are unbalanced, unrealistic, and unnecessary. The three conditions that have been set — recognition of Israel's right to exist, renunciation of violence, and acceptance of prior agreements — are in themselves not unreasonable. Israel cannot be expected to sign an agreement with a partner who does not recognize its right to exist and hence is not committed to ending the conflict; violence contributes to creating an environment that is not conducive to constructive negotiations, and failure to live up to past agreements helps to erode the trust that negotiations require. But if the goal is to promote negotiations, application of these conditions must be guided by the principles of flexibility and reciprocity.

Flexibility in the requirement of Palestinian recognition of Israel relates primarily to the issue of timing. Thus, it is not necessary for Hamas to take the ideologically difficult step of recognizing Israel's right to exist in order for Israel to *begin* negotiations with a Palestinian unity government, even though such recognition is necessary to *conclude* a negotiated agreement. Experience suggests that engagement in a serious negotiation process is, in fact, one of the best ways to promote such an ideological shift. In the meantime, the implied recogni-

tion represented by Hamas's willingness to negotiate with Israel can move the process forward.

On the issue of renunciation of violence, the key requirement is a commitment by the Palestinian negotiating partner to make every effort to prevent acts of violence. It would be a mistake, however, to make the start or continuation of negotiations contingent on the total elimination of any incidence of violence. Such an inflexible application of this condition for negotiations would hand to the antinegotiation elements the power to block or derail negotiations at will.

The conditions should advance, not impede, talks and be guided by the principles of flexibility and reciprocity.

As for the third condition, Hamas seems to have met it implicitly by agreeing to "respect" previous agreements, along with international and Arab resolutions. A rigid insistence that Hamas make this concession explicit — admitting, in effect, that it has changed its ideological position — would create an unnecessary impediment to the restart of negotiations. It would be much wiser to accept a degree of ambiguity and leave it to the dynamics of the negotiating process to overcome the ideological resistances.

Along with the need for flexibility in their application, the conditions for negotiations must adhere scrupulously to the principle of reciprocity. Reciprocity is an essential ingredient of a negotiating process that addresses the needs and interests of both parties and can therefore yield an agreement conducive to a stable, lasting peace, mutually enhancing cooperation, and ultimate reconciliation between the two peoples. Furthermore, the princi-

ple of reciprocity provides a sound basis for assessing the reasonableness and appropriateness of preconditions: Israel should be prepared to adhere to the same conditions that are being set for its Palestinian negotiating partners.

Thus, Palestinian commitment to end the conflict and recognition of Israel's right to exist in peace and security have to be matched by Israeli commitment to end the occupation and recognition of the Palestinians' right to establish an independent, viable state in the West Bank and Gaza, with its capital in East Jerusalem, living peacefully and securely alongside of Israel. Palestinian commitments to forgo violence must be matched by parallel Israeli undertakings, such as a pledge to maintain a cease-fires and to discontinue military incursions into the occupied territories. Palestinian acceptance of past agreements and commitment to live up to them must be matched by an Israeli commitment to live up to past agreements, such as the understanding — implicit in the Oslo accord and explicit in the road map — that there would be no further building and expansion of Israeli settlements in the West Bank.

The precise wording of these reciprocal conditions will have to be prenegotiated, perhaps with the facilitation of one or another third party. But the general rule is clear: If negotiations are to be constructive and conducive to a mutually satisfactory outcome, they must be based on the principle of reciprocity. Neither party can ask the other to negotiate under conditions that it is itself unwilling to accept.

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