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Op-Ed

THE COMPONENTS OF A 'PRINCIPLED COMPROMISE'

Herbert C. Kelman

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In opening the Camp David summit, President Clinton spoke about the need for a "principled compromise" that yields a substantive agreement. The summit could be counted a significant success if the two sides could agree on the components of such a principled compromise, even if they have not yet formulated the precise terms of that agreement.

Articulation of a set of principles is not only a more realistic expectation for the summit than formulating the precise terms of an agreement; it is also more likely to advance the peace process. Both leaders are subject to pressures from significant segments of their populations against making too many concessions. Such pressures represent serious impediments to creative negotiations.

If success is measured by minimizing concessions, then one side's success inevitably becomes the other side's failure. Each leader will find it necessary to sell the agreement reached to his public by emphasizing how little he has conceded compared with his counterpart. An agreement presented in these terms is not likely to capture the imagination of the two peoples and form the basis for a new relationship conducive to stable peace and mutually beneficial cooperation.

By contrast, acceptance of a set of principles would enable the leaders to return to their respective communities with the message that they have agreed on a foundation on which to build a peace that is right and fair and does justice to both sides.

In achieving this outcome, the summit would make a unique contribution to the peace process, since the leaders have never articulated a set of underlying principles before, nor have they attempted to persuade their publics that a mutually satisfactory peace agreement is not only necessary but also right.

Once the underlying principles have been articulated and communicated to the two publics, the details of the agreement could be negotiated. The negotiations would be guided by joint efforts to live up to these principles rather than merely by the attempt to extract a maximum of concessions from the other with a minimum of concessions on one's own side. Clearly, even negotiations guided by agreed-upon principles will require compromises on each side and will give neither party everything it wants and feels entitled to. But they will have a greater likelihood to produce an agreement that addresses both sides' basic needs and conforms to the fundamental requirements of justice.

What, then, are some of the principles that might form the basis of Israeli-Palestinian negotiations? From my intensive involvement, over many years, in discussions with and between Israelis and Palestinians, I have drawn 10 possible principles. There are my formulations and can therefore only serve to illustrate the kinds of ideas that could emerge from the direct interaction between the two sides.

Aiming for a win-win solution. The parties' aim in the negotiations should not be to get the best deal for themselves at the expense of the other but to arrive jointly at a solution that makes both of them winners, because it addresses the fundamental needs of both sides. To arrive at such a solution calls for a readiness to transcend the imbalance of power and to accept some pragmatic limits to abstract justice. Only a solution that satisfies both parties' needs can elicit their commitment and serve as the foundation for a stable, long-term peace and a mutually enhancing relationship.

Reaffirming the historic compromise. In the Oslo accord, the parties implicitly accepted a historic compromise based on a

readiness to share the land that both claim. In essence, each side agreed to give up part of the land with the understanding that this compromise would end the conflict and ensure its right to a sovereign, secure, and viable state in the part that remained under its jurisdiction. The negotiation of a final peace agreement should reaffirm the historic compromise by giving substance to these understandings.

Deepening the mutual recognition. To add moral strength to the historic compromise, the final agreement should deepen the mutual recognition between the two peoples, which was the key element of the Oslo agreement. It should go beyond acceptance of the other's political legitimacy to acknowledging the other's status as a people with authentic links to the land, and demonstrating concern for the lives and welfare of the other's citizens and respect for their rights and dignity.

Establishing a viable Palestinian state. From the Palestinians' point of view, the essence of the historic compromise is their offer to end the conflict in return for an independent state composed of the West Bank and Gaza (less than a quarter of the territory of Palestine). It is very important to Palestinians, therefore, that there be no further encroachment on the amount of territory Israel cedes to them or on their ability to govern in that territory. Any territorial changes designed to address Israeli concerns about defensible borders and reducing the number of settlements to be dismantled must be kept to an absolute minimum and appropriately compensated.

Reversing the damaging effect of settlements. Israeli settlements have been a major obstacle to the establishment of a viable Palestinian state and thus to a historic compromise in the form of a two-state solution. A solution of the settlements problem must prevent infringement of settlements on the sovereignty, contiguity, and governability of the Palestinian state while protecting the civil rights of Israelis who choose to remain under Palestinian jurisdiction. A mutually satisfactory solution must also take into account Israelis' concern about the effect of dismantling settlements and evacuation of settlers on the internal cohesion of their state.

Committing to finality of the agreement. From the Israeli point of view, the essence of the historic compromise is their offer to give up part of the land - which they claim and now control - to a Palestinian state in return for Palestinian assurance of the finality of the agreement. The principle of finality is of concern to both sides, but Israelis in particular attach importance to the understanding that there be no further claims on the State of Israel once an agreement has been reached, and no efforts to undermine its legitimacy, security, and identity.

Normalizing the status of the Palestinian refugees. A central principle for a peace agreement is that it must at last address the plight of the Palestinian refugees. While this is primarily a humanitarian issue, it raises significant practical and symbolic concerns for both sides, which touch on the core of their identities. A solution of the refugee problem must balance Palestinians' need for an Israeli acknowledgement of the refugees' right of return and compensation and Israelis' concern about the finality of the agreement and about the implications of a large-scale return of refugees to Israel for the stability and identity of their state. The distinction between the principle of the right of return and its implementation can help provide that balance.

Sharing an undivided Jerusalem. A solution of the Jerusalem problem needs to respect the national, cultural, religious, political, legal, and historical rights of both peoples and their attachments to the city. Jerusalem should be an open, undivided city, with free access for each community to its holy sites, and should contain the capitals of both states. Residents of the Palestinian and Israeli neighborhoods can share municipal services while maintaining citizenship in their respective states.

Assuring mutual security on an equal basis. The agreement must address the security needs of each side with the understanding that security is mutual. Appropriate arrangements must be worked out cooperatively to meet the special security concerns of each state without infringing on the security, sovereignty, and viability of the other state.

Transforming the relationship between the former enemies. The peace agreement should open the way to a new relationship between the two societies based on equality and reciprocity, and conducive to stable peace, mutually enhancing cooperation, and ultimate reconciliation.

Movement toward such a relationship would be enhanced by the patterns of cooperation established to deal with conflicts over resources and economic policies. Water issues, for example, should be resolved in a way that gives equal weight to the needs and rights of both states and institutes joint management and development of water resources. In general, cooperative arrangements should be designed to meet the needs of both sides, enhance mutual trust, and reduce

inequalities between the two societies.

The illustrative principles listed above are designed to reflect not merely abstract desiderata but the fundamental concerns of the two parties. Negotiations guided by such principles can indeed produce a "principled compromise" rather than one determined by the amount of power each party can bring to bear on the process.

HERBERT C. KELMAN Herbert C. Kelman is director of the Program on International Conflict Analysis and Resolution at Weatherhead Center for International Affairs, Harvard University.

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