

A ONE-COUNTRY / TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT

Herbert C. Kelman

Dr. Kelman is the Richard Clarke Cabot Professor of Social Ethics, emeritus, at Harvard University. This article is based on a lecture presented at Ben-Gurion University of the Negev, Israel, on November 30, 2010. A previous version, "Negotiating a Historic Compromise: New Opportunities in the Israeli-Palestinian Peace Process," appeared in Resolving the Israeli-Palestinian Conflict: Perspectives on the Peace Process, M. Salinas & H. Abu Rabi, Eds. (Cambria Press, 2009).

The Israeli-Palestinian peace process has been stymied since the failure of the Camp David summit in 2000, followed by the onset of the second intifada. The current, off-again/on-again, process of negotiation is not very encouraging. There are serious questions whether the leadership on either side has the capacity to make the concessions required for a final-status agreement.

Prime Minister Benjamin Netanyahu by now seems to recognize the necessity of a two-state solution, as proclaimed in his Bar-Ilan speech on June 14, 2009, but it is not clear whether his conception of the future Palestinian state meets the minimum conditions of his Palestinian interlocutors — for example, on issues of Jerusalem, borders and settlements. Recall that in the 1990s, he was proposing Palestinian autonomy over enclaves in the West Bank and added: "If the Palestinians want to call it a state, let them call it a state." Today, he himself seems prepared to call it a state. But it is not clear how much closer he is

to accepting the conditions required for a viable Palestinian state. Apart from his own ideological reluctance to move in that direction, the survival of his coalition depends on right-wing and religious parties, which limit his freedom of movement.

President Mahmoud Abbas (Abu Mazen), on his part, is quite clearly eager to negotiate a two-state solution and prepared to make many of the concessions that it would require — for example, on the refugee issue, if it is carefully framed — although he does have some limits on such issues as the size of the Palestinian state and sovereignty over East Jerusalem. He has not, however, made clear commitments about what he is prepared to accept, and he has been reluctant to enter into unconditional negotiations because of his political limitations. He does not, personally, have a strong political base, and he is not in control of Gaza (even though a large proportion of the Gaza budget is provided by the Palestinian Authority). President Obama's original call for a cessation of all

Israeli settlement activity as a condition for negotiation (from which he has since pulled back) has made it hard for Abu Mazen to enter into negotiations without a settlement freeze.

NECESSITY AND POSSIBILITY

Despite the weakness of the leaderships and the faltering negotiation process, I believe that a negotiated two-state solution is still possible and that we cannot give up the effort to achieve it. My starting point is the lack of an acceptable alternative. The failure so far to reach a negotiated agreement, along with the changing realities on the ground — the growth of Israeli settlements in the West Bank, the building of separate roads, the confiscation of land, the construction of the security barrier, the proliferation of checkpoints, the development of Jewish housing in East Jerusalem — have led increasing numbers of Palestinians to the conclusion that a two-state solution is no longer possible. They propose, instead, to work for a one-state solution, whether in the form of a unitary state (based on the principle of one-person/one-vote) or a binational state. The calls for a one-state solution come primarily from the Palestinian diaspora, not from the West Bank and Gaza. Moreover, some of the people who now argue that a two-state solution has become impossible have never accepted a two-state solution in the first place or have accepted it only reluctantly.

There is no question that Israeli facts on the ground have made the establishment of a viable Palestinian state increasingly difficult; to a certain extent, they were indeed designed to do so. The settlement process has created increasing opposition within Israeli society to a two-state solution that would require abandoning the

settlement project and sharing Jerusalem. But opposition to a one-state formula within Israel would be much stronger and virtually unanimous, since it would mean abandonment of the essence of the Zionist project, which is the establishment of a Jewish-majority state. The preservation of Israel as a Jewish-majority state is an existential concern for an overwhelming majority of Israeli Jews. I might add here that the majority of Palestinians in the West Bank and Gaza prefer a solution that would allow them to establish an independent state in the West Bank and Gaza, in which they can exercise their right to national self-determination and give expression to their national identity.

Attractive though a one-state solution may be (and I write as someone who favored a binational state in the 1940s, before the establishment of Israel), pursuit of that option at this historical juncture is a formula for continuing and escalating the conflict, with predictably destructive consequences for both sides. The choice, in my view, is between a two-state solution and a one-state non-solution. I therefore see no alternative to the vigorous pursuit of a two-state solution.

Despite the setbacks and frustrations of the last few years and the limited progress in the negotiating process, and despite the realities on the ground that are creating obstacles to the establishment of a Palestinian state, I believe there is room for what I call strategic optimism: an optimism that is anchored in a realistic assessment of the situation, but actively seeks out all the possibilities for movement toward peace and vigorously pursues them.

A major source of my optimism, or sense of possibility if you will, is awareness of how much has changed in the past 40 years. The Israeli-Palestinian conflict is,

indeed, a very longstanding and intractable conflict, and there is good reason to feel discouraged by the obstacles to a peaceful resolution that arise whenever there seems to be a sign of progress. It is important to remember, however, that in the 1970s, the idea of negotiations between the Israeli government and the PLO toward establishment of a

Palestinian state in the occupied territories was barely on the horizon. Even within

the Israeli peace movement, only a minority endorsed this idea. On the Palestinian side, acceptance of a state alongside Israel in 22 percent of mandatory Palestine was unthinkable — as reflected in a 1978 article in *Foreign Affairs* by Walid Khalidi, embracing this formula, which was entitled “Thinking the Unthinkable: A Sovereign Palestinian State.”

Today, the two-state solution is widely accepted among Israelis and Palestinians and around the world. Even elements of the Israeli right are now resigned to the establishment of a Palestinian state, although their conception of the nature of that state is not acceptable to Palestinians. On the Palestinian side, even elements of the Hamas leadership have hinted that they would go along with a two-state solution if negotiated by Fatah leaders and endorsed by the public, as long as they did not have to renounce their ideological principles.

The formula for a historic compromise in the form of a two-state solution began to take shape after the 1967 war and the resulting Palestinianization (or re-Palestinianization) of the Arab-Israeli conflict.¹ It took another quarter century, which

brought major changes in the global and regional environment (including the end of the Cold War, the aftermath of the first Gulf War, the Egyptian-Israeli peace treaty, and the first intifada), to persuade Israeli and Palestinian leaders of the *necessity* of negotiating a compromise.² The growing number of unofficial interactions over the

course of these years helped to persuade them of the *possibility* of doing so.³ These developments

culminated in the Oslo accord of 1993, “which I still regard as a major breakthrough in the Israeli-Palestinian conflict, despite its inherent flaws and despite the failure of the Camp David talks in the summer of 2000, the onset of the second intifada later that year, and the breakdown in the ‘Oslo process’ in 2001.”⁴ The major breakthrough of the Oslo accord was the mutual recognition between the PLO and the State of Israel, in effect acknowledging each other’s political legitimacy, which still stands despite the breakdown of the Oslo process itself.

I have written elsewhere⁵ about the ups and downs of the Oslo process, which ultimately led to its collapse with the failure of the Camp David summit and the onset of the second intifada in 2000. Negotiations continued for several months after Camp David, but ended completely after an apparently productive last round in Taba, Egypt, in January 2001. Despite the total breakdown of negotiations in 2001, the general shape of a two-state solution — with provisions on the key issues of borders, Jerusalem, settlements and refugees — that could be acceptable to the moder-

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ate elements in the Israeli and Palestinian communities and that is likely to emerge if serious final-status negotiations were resumed is by now widely known. The negotiations in Taba came very close to such an agreement. Similarly, the Clinton points of December 2000,⁶ the People's Voice Initiative of 2002,⁷ and the very ambitious Geneva Accord of 2003⁸ all envisaged a solution more or less along these lines.

PUBLIC AMBIVALENCE

Public-opinion polls have consistently shown that majorities on both sides support a two-state solution loosely based on these parameters. Moreover, majorities in a joint poll conducted in late 2004 endorsed mutual recognition of the national identities of the two states after an agreement is reached: 70 percent of Israeli and 63 percent of Palestinian respondents accepted the concept of Israel as the state of the Jewish people *and* Palestine as the state of the Palestinian people.⁹ This finding has been replicated, with fluctuating majorities, in subsequent polls. And yet the publics have not fully embraced such initiatives as the Geneva Accord, especially its formulas for resolving the issues of Palestinian refugees and sovereignty in Jerusalem. Nor have they given whole-hearted support to negotiations.

The main reason for the publics' ambivalence has been the profound mutual distrust that has marked the relationship between the two communities since the failure of the Camp David summit and the onset of the second intifada. The prevailing narrative on each side has held that, while "we" have demonstrated our readiness to make the necessary compromises for peace, "they" have refused to do so. Opinion data bear out this conclusion. Shamir and Shikaki,¹⁰ who posed the same ques-

tions to Israeli and Palestinian samples, found that both sides, in mirror-image fashion, underestimated the extent of support on the other side for a two-state solution. The distrust is reinforced by such events as the continuing settlement process on the Israeli side and the electoral victories and continuing strength of Hamas on the Palestinian side. The publics have been unwilling to support the painful concessions on such emotional and existential issues as the right of return and Jerusalem, that the Geneva Accord and other initiatives call for, at a time when they have no confidence that the other side will reciprocate and follow through on its commitments.

The widely held belief on each side that there is no credible negotiating partner on the other side explains the anomalous findings of the opinion polls. Even as majorities on both sides have continued to endorse a two-state solution and some of the compromises it requires, majorities (with fluctuating percentages) have also supported anti-Israeli violence, including suicide bombings, on the Palestinian side, and violent and at times indiscriminate reprisals on the Israeli side. The view on each side seems to be that, since the other is not responding to "our" peaceful overtures, they leave us no choice but to use violence, "the only language they understand." Public ambivalence also expresses itself at the electoral level. Palestinians gave Mahmoud Abbas a landslide victory in the presidential election, which constituted a mandate to pursue negotiations, but then empowered Hamas in the legislative elections. Support for Hamas has fluctuated, but it is now in control of Gaza and still a force to be reckoned with in the West Bank. In Israel, the peace camp has increasingly lost electoral support in the past decade, and the latest elections were marked by a strong shift to

the right — not, in my view, because of rejection of a two-state solution, but because of the sense that it is not possible to achieve it. Importantly, support for violent tactics or hard-line leaders has not necessarily coincided with opposition to peace negotiations or a two-state solution.

In sum, we find ourselves in a situation in which majorities of both publics embrace a two-state solution and yet are not ready to give wholehearted support to negotiations because of profound distrust of 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 the pragmatic approach exemplified by the Oslo agreement, the Geneva Accord or the People's Voice Initiative. Pragmatism was essential to the considerable progress that has been made and continues to be essential to shaping the terms of a final agreement, but it is insufficient to the task of overcoming the current level of mutual distrust. It is unrealistic to expect the publics to accept painful concessions — especially on such existential issues as the right of return and Jerusalem — on the grounds that there is no other option, at a time when they are not persuaded that the other side can be trusted to live up to its commitments. To overcome the mutual distrust, the publics must be assured that it is possible to negotiate a solution that is fair, safe and conducive to a better future.

To this end, the 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 — that each can achieve the needed acknowledgments, com-

mitments, and concessions *from* the other only by offering such acknowledgments, commitments and concessions *to* the other. Paradoxically perhaps, this will require a step toward reconciliation, which is generally viewed as a post-negotiation process, in order to move negotiation forward.

STATEMENT OF PRINCIPLES

What I am proposing, in essence, is that the pragmatic terms of a negotiated agreement be complemented and framed 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 fairness and 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. This framework, as I see it, would take the form of a joint statement of principles, containing four main components:

- *Mutual recognition* of the other's national identity and attachment to the land, and commitment to a historic compromise that allows each people to express this identity in its own state within the land they both claim
- Spelling out what the *logic of a historic compromise* implies for the key final-status issues
- Highlighting the *meaning of a historic compromise* in terms of the nature of the peace that it brings into being
- Offering a *positive vision of a common future* for the two peoples in the shared land.

To concretize what I have in mind, I composed a hypothetical draft of a Joint Statement of Principles that Israeli and Palestinian leaders might present to their publics as the framework for final-status negotiations.¹¹ I did this with some misgivings, because I feel very strongly that any such statement must be produced by the parties themselves in order to reflect their concerns and engender their commitment. I offer this hypothetical draft only as a way of stimulating thought about reviving a meaningful Israeli-Palestinian peace process in the current political atmosphere. The text of this hypothetical draft may be found in the Appendix. Let me discuss its four components, which I consider the essential elements of a framework for a principled peace.

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 have decided 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 coexistence 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, which 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 might address the issues of borders, Jerusalem, settlements and refugees along the following lines:

- 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 settlers for Israeli territories of equal size and value, and with a secure link between the West Bank and Gaza.
- 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, municipal services for the entire city, and 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.

- To ensure 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.
- 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 — 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 the conflict
- 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. This vision would contemplate 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 the 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.¹²

A bold statement of the positive vision of a common future might call for a united country with divided sovereignty.¹³ I have come to describe this vision as a *one-country/two-state*

solution to the Israeli-Palestinian conflict. This concept 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. It builds on the two peoples’ attachment to the land as a unifying rather than a divisive force, as a source of common purpose rather than deadly competition. 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 citizens of the Palestinian state could visit Jaffa and appreciate or even write poems about it, 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. This vision might enable the two communities to build toward a new, transcendent identity alongside their sepa-

rate national identities, such that sharing the land would not be seen as equivalent to losing the land.

PUBLIC IMPACT

I have proposed that 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

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toward a two-state solution. Let me now summarize why I believe this to be the case.

Let us keep in mind that opinion polls have consistently shown public readiness for a solution based on two states for two peoples. The publics are ambivalent about negotiations to this end because they are not convinced that there is a credible negotiating partner on the other side. The most important contribution of a joint statement of principles would be to reassure each public about the intentions of the other side and reestablish trust in the availability of a negotiating partner. The fact that credible leaders on the other side have explicitly acknowledged your identity and tied achievement of their own national rights to achievement of your national rights provides the best reassurance that you are not jeopardizing your national existence by signing a peace agreement.

The mutual recognition of the other’s national identity is not only reassuring to each people; it also provides important affirmation of its national self-image. The conflict has been marked over the decades by each side’s systematic denial of

the other's national identity and national rights, indeed its national existence. To at last have your identity recognized and the legitimacy of your claims acknowledged — to be told by the adversary that you have authentic roots in the land, that you belong in it and that it belongs to you — is an immensely liberating experience for each group. It is the long-sought confirmation by the other of what you have always known and the other has heretofore refused to acknowledge.

Moreover, the concept of a principled peace based on a historic compromise speaks to an inherent sense of justice. It promises the two peoples that the injustices done to them are finally being addressed and, to the extent possible, rectified. Beyond that, it also enables them to feel that they are fair and just in their dealings with the erstwhile adversary.

The historic compromise embraced by the proposed statement of principles also provides a rationale for the painful concessions that each side is asked to make. These concessions can be seen as not just losses that you have to sustain because it is the best you can achieve in a bargaining process governed by the balance of power. They become the necessary elements of a historic compromise in which both sides make concessions to achieve a solution that conforms to the principles of fairness and attainable justice and meets the basic needs and interests of both.

A key component of the proposed framework is the positive vision of a common future for the two peoples in the shared land. As indicated earlier, such a vision would begin to compensate the two populations for the inevitable costs that an agreement would entail. An agreement committed to the future welfare and security of both societies and to peace and reconcilia-

tion between them is capable of generating enthusiasm and energizing the two publics, both of which are exhausted by the unending conflict. A visionary approach has the potential of eliciting wholehearted public support in a way that strictly pragmatic formulations of the terms of a compromise agreement have been unable to do.

The acknowledgment that each people is attached to the entire land even though it claims only part of it for its own independent state may well strike a responsive chord in both publics. 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.

ROLE OF CIVIL SOCIETY

The development of a framework for a negotiated agreement and the construction of a joint statement of principles embodying this framework would be greatly facilitated by visionary leadership on one or both sides, as exemplified by Nelson Mandela or Anwar Sadat. Such leadership has not yet emerged on either side, but it may be waiting in the wings, ready to emerge when the need for it becomes clear. Outside powers like the United States could help in this regard by stressing the need for a visionary approach at this historical juncture. They could also contribute by encouraging the parties to think seriously about 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.

Until visionary leadership emerges in the two societies, the primary initiative for constructing and disseminating a framework for a principled peace based on

a historic compromise rests with civil society in the two communities. Civil society has already prepared the ground for such a project. There has been a wide variety of Israeli-Palestinian people-to-people projects, particularly in the last 20 years, promoting communication, cooperation and reconciliation. More directly relevant are the Geneva initiative¹⁴ and the People's Voice Initiative¹⁵ mentioned earlier: very ambitious civil-society enterprises that have, each in its own way, developed specific ideas for the *terms* of a final agreement, disseminated them widely, and actively sought public support for them in the two societies.

The need now is for civil-society efforts that build on these two important initiatives by constructing and disseminating a *framework* for the agreement whose terms these initiatives have spelled out. Framing the agreement as a principled peace based on a historic compromise, I have argued, would reassure the publics and mobilize their wholehearted support. A track-two approach like interactive problem solving, which my colleagues and I have applied in the Israeli-Palestinian conflict for nearly four decades now,¹⁶ can contribute to such efforts by providing a joint process of "negotiating identity." In this process, each side can acknowledge and accommodate the other's identity, at least to the extent of eliminating negation of the other and the claim of exclusivity from its own identity, in a context in which the core of its own identity and its associated narrative are affirmed by the other.¹⁷ Ideas that emerge from such an interactive process can then be injected into the political debate and the political culture of each society.

Let me offer a very modest illustration of how an approach like ours might contribute to the enterprise from a session

in 2009 of an Israeli-Palestinian working group that has been meeting periodically for several years. In the course of this session, we came back to the question with which this group had started: how to rebuild trust in the availability of a negotiating partner on the other side and thus energize public support for the negotiation process. Each party pointed out that there are certain things their population needs to hear from the leadership of the other side in order to be reassured that the other is seriously committed to concluding a peace agreement, and each party expressed its frustration about the absence of such statements. In light of that discussion, we decided to undertake a small exercise, which took less than an afternoon to complete. Each party prepared a brief statement that it would like to hear presented by the leadership from the other side, declaring their commitment to a genuine two-state solution in a way that would generate hope and trust in the other side's population and thus elicit public support for negotiating a final agreement. The assumption was that the two statements would be pre-negotiated and issued simultaneously or in a prearranged order. After each statement was presented, the other party proposed some minor changes, and both groups agreed on the final wording of the two statements.

The statement drafted by the Palestinian participants for the Israeli leadership and agreed upon by the Israelis after some minor editing reads as follows:

The State of Israel recognizes the right of the Palestinian people to self-determination and to live in a free, sovereign state. To achieve this, the State of Israel is committed to ending its occupation of the territories it occupied in 1967 in the context of a negotiated agreement. The State of Israel

accepts its share of responsibility for the plight of the Palestinian refugees that resulted from the war of 1948 and states its willingness to mitigate the suffering through all available means. The States of Israel and Palestine will live side by side in peace and security and will enjoy neighborly and full diplomatic relations on the basis of mutual respect and equal standing.

The statement drafted by the Israeli participants for the Palestinian leadership and agreed upon by the Palestinians after some minor editing reads as follows:

The Palestinian people reaffirms its commitment to a durable peace based on the principle of two independent states for two peoples, each with the sovereign right to determine its own national character. We pledge to work for a comprehensive peace treaty that will satisfy the essential needs of both parties, end the occupation, ensure an agreed and just solution to the problem of the Palestinian refugees, guarantee security for all, mark the end of the conflict, and usher in an era of coexistence and cooperation between Israel and Palestine.

These two statements are a long way removed from the extensive joint statement of principles that I have been advocating. They do suggest, however, that it is possible for politically influential mainstream Israelis and Palestinians to develop a narrative and a language of reconciliation that can help to advance the process of negotiation.

CONCLUSION

I would like to comment on an issue that is related to my formulation of the historic compromise. I refer to Prime Minister Netanyahu's recent insistence that the Palestinians recognize Israel as the state

of the Jewish people as a precondition for negotiations. This action has been widely criticized. I share some of this criticism, not because of an objection to the concept itself, but because of the timing and manner of Netanyahu's introduction of this issue and its potential for undermining the negotiations.

As far as the concept itself is concerned, there is nothing new about it. It goes back to the original UN resolution of 1947, which called for the partition of Palestine into two states — one for the Jewish people and one for the Palestinian people — and which served as the basis for the establishment of the State of Israel. Proponents of a two-state solution, on both sides and in the international community, usually describe this vision as “two states for two peoples.” This view is also consistent with public-opinion data on both sides, particularly the polls I cited above, showing that sizable majorities in both communities endorsed mutual recognition of the national identities of the two states after an agreement is reached — i.e., accepting the concept of Israel as the state of the Jewish people *and* Palestine as the state of the Palestinian people.

Indeed, the essence of a historic compromise based on a two-state solution is that the two peoples agree to *share* the land to which both are deeply attached and that both claim as their homeland in a way that allows each to exercise its right of national self-determination, fulfill its national aspirations, and express its national identity in a state of its own within the shared land, in peaceful coexistence with the neighboring state of the other.

The problem with Netanyahu's demand, then, as I see it, is not with the concept itself, but with the fact that he is demanding recognition of Israel as the

state of the Jewish people as a precondition for negotiations — without offering a reciprocal recognition of Palestine as the state of the Palestinian people, without acknowledging the Palestinian narrative, and without providing reassurances about the implications of the concept of Israel as the state for the Jewish people for the Palestinian refugees and the Palestinian citizens of Israel.

Accepting this precondition is extremely difficult for Abu Mazen and the Palestinian leadership for several reasons. First, recognizing Israel as the state of the Jewish people is a direct contradiction of the Palestinian narrative, according to which the entire land between the river and the sea is the homeland of the Palestinian people, 78 percent of which was violently and illegitimately appropriated by the Zionist project for the establishment of the State of Israel in 1948. The Palestinian movement, according to this narrative, has given up its claim to this land, in the resolution of the 1988 Palestinian National Council and in the Oslo accord of 1993, by recognizing Israel within its pre-1967 borders. Such recognition is the basis on which Israel signed peace treaties with Egypt and Jordan. Palestinians, however, according to this narrative, are now being asked to go beyond that and, in effect, embrace Zionist ideology by recognizing Israel as the state of the Jewish people.

Second, recognizing Israel as the state of the Jewish people would mean giving up on the principle of the right of return of Palestinian refugees. The PLO leadership knows that in a final peace agreement the right of return will not be implemented in more than a symbolic way; there will be no

mass return of refugees and their descendants to their original homes inside Israel. But they are not prepared to yield on this principle in advance, without assurance that the final agreement will adequately address the refugee problem in all its dimensions, practical as well as symbolic.

Third, recognizing Israel as the state of the Jewish people raises questions about the status of the million and a half Palestinian citizens of Israel. The Palestinian leadership cannot recognize Israel as the state of the Jewish people without assurance that the Palestinian citizens of Israel will be equal citizens of that state and that their individual and collective rights will be fully protected.

I have argued that recognition of Israel as a state for the Jewish people — and its Palestinian-Arab minority — is highly desirable, as part of a joint declaration of principles guiding the negotiations and certainly as part of the final agreement. It must come, however, in a context of full reciprocity, with the understanding that the problem of Palestinian refugees is being addressed in a meaningful way (albeit without a mass return to Israel) and a commitment to the full and equal rights of the Palestinians inside Israel. Mutual recognition of the concept of two states for two peoples should ideally become part of a new and transcendent narrative of reconciliation, jointly constructed by the two communities without abandoning the core of their own national narratives. Such a narrative, however, cannot be imposed unilaterally as a precondition for negotiations. To do so can only serve to undermine the negotiation process.

APPENDIX

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 settlers 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 administered 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 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.
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 principles 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.
 4. 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.

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- ² H.C. Kelman, "Some Determinants of the Oslo Breakthrough," *International Negotiations*, Vol. 2, 1997, pp. 183-94.
- ³ H.C. Kelman, "Contributions of an Unofficial Conflict Resolution Effort to the Israeli-Palestinian Breakthrough," *Negotiation Journal*, Vol. 11, 1995, pp. 19-27.
- ⁴ H.C. Kelman, "Interactive Problem Solving in the Israeli-Palestinian Case: Past Contributions and Present Challenges." In R.J. Fisher, ed., *Paving the Way: Contributions of Interactive Conflict Resolution to Peace-making* (Lexington Books, 2005), pp. 41-42.
- ⁵ H.C. Kelman, "The Israeli-Palestinian Peace Process and Its Vicissitudes: Insights from Attitude Theory," *American Psychologist*, Vol. 62, 2007, pp. 287-303.
- ⁶ W.J. Clinton, *The Clinton Peace Plan* (2002), http://www.jewishvirtuallibrary.org/jsource/Peace/clinton_plan.html.
- ⁷ "Ayalon-Nusseibeh Statement of Principles," *Israel Horizons*, Fall/Winter 2003, p. 9. <http://meretzusa.org/horizons/ih200312.pdf>.
- ⁸ "Geneva Accord," *Tikkun*, Vol. 19, No. 1, 2004, pp. 34-45.
- ⁹ Joint Palestinian-Israeli Public Opinion Poll, press release, issued January 18, 2005, Ramallah, Palestinian Center for Policy and Survey Research; Jerusalem, Harry S. Truman Research Institute for the Advancement of Peace, Hebrew University.
- ¹⁰ J. Shamir & K. Shikaki, "Public Opinion in the Israeli-Palestinian Two-Level Game," *Journal of Peace Research*, Vol. 42, 2005, pp. 311-28.
- ¹¹ H.C. Kelman, "A 'Declaration of Principles' for the Mideast," *The Boston Globe*, March 8, 2008, p. K9.
- ¹² M. Ma'oz, G. Khatib, et al., "The Future Israeli-Palestinian Relationship: A Concept Paper by the Joint Working Group on Israeli-Palestinian Relations," *Middle East Policy*, Vol. 7, No. 2, 2000, pp. 90-112.
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- ¹⁴ Geneva Accord, *Tikkun*, op. cit.
- ¹⁵ "Ayalon-Nusseibeh Statement of Principles," *Israel Horizons*, op. cit.
- ¹⁶ H.C. Kelman, "Interactive Problem Solving in the Israeli-Palestinian Case: Past Contributions and Present Challenges," op. cit., pp. 41-63.
- ¹⁷ H.C. Kelman, "The Role of National Identity in Conflict Resolution: Experiences from Israeli-Palestinian Problem-Solving Workshops," in R.D. Ashmore, L. Jussim, & D. Wilder, eds., *Social Identity, Intergroup Conflict, and Conflict Reduction* (Oxford University Press, 2001), pp. 187-212.