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Building a Sustainable Peace: The Limits of Pragmatism in the Israeli-Palestinian Negotiations

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Source: *Journal of Palestine Studies*, Vol. 28, No. 1 (Autumn, 1998), pp. 36-50

Published by: University of California Press on behalf of the Institute for Palestine Studies

Stable URL: <http://www.jstor.org/stable/2538054>

Accessed: 20/01/2010 05:31

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## **BUILDING A SUSTAINABLE PEACE: THE LIMITS OF PRAGMATISM IN THE ISRAELI-PALESTINIAN NEGOTIATIONS**

**HERBERT C. KELMAN**

*This article argues that the strictly pragmatic, step-by-step approach of Oslo has reached a dead end and that cajoling the parties into signing an agreement is now irrelevant. To move the peace process to a successful conclusion, the parties must now commit themselves to a principled solution whose key elements include prior commitment to a genuine two-state solution as the end point of the final status negotiations, provision of meaningful citizenship to the Palestinians of the territories and the refugees, and mutual acknowledgment of the other's nationhood and humanity. Such a proposal, though seemingly utopian, represents the most realistic option at the present juncture.*

THE PROSPECTS FOR ISRAELI-PALESTINIAN PEACE are probably dimmer now than they have been at any time since the beginning of negotiations at the Madrid Conference in 1991. The Oslo agreement represented a major breakthrough in the conflict, which was made possible by the consummate pragmatism of the leaders on both sides; indeed, Oslo could stand as a virtual monument to pragmatism. Both Israeli prime minister Yitzhak Rabin and PLO Chairman Yasir Arafat were persuaded of the political necessity of an early peace agreement and recognized that they needed each other to reach that agreement. They were not deterred by ideological dogma from making the necessary compromises as long as their fundamental interests—Israeli security and ultimate Palestinian statehood, respectively—were safeguarded. Out of these pragmatic commitments, Rabin and Arafat were able to develop a partnership that, in due course, probably would have achieved a mutually satisfactory agreement.

With the current Israeli government, that partnership has broken down. Prime Minister Benjamin Netanyahu and his coalition are not prepared to make the compromises required for achieving an agreement. Under the circumstances, it is highly unlikely that the strictly pragmatic, step-by-step process of exchanging concessions and confidence-building measures in the

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hope that this will eventually lead to some kind of agreement can succeed. Without the understanding that the two sides have to work together to shape a mutually acceptable agreement addressing the central concerns of both parties, the step-by-step approach will either collapse without an agreement or, if there is sufficient outside pressure, produce an agreement that is not workable and not conducive to a sustainable peace.

To save the peace process today, it is necessary to go beyond a pragmatic peace to a principled peace, opening the way to resolution of the conflict and to reconciliation. I am arguing, paradoxically, that at this low point in the peace process it is necessary to aim higher than the Oslo Accord—that, at this stage, there can be no peace without reconciliation. I am not speaking of reconciliation as a precondition for negotiation or as an instant outcome, but rather as a process. There is no way to sidestep the essential political give-and-take of negotiating an agreement, but the process and outcome of negotiations must be consistent with the requirements for ultimate reconciliation. Stated succinctly, this means that the negotiations must be anchored in the mutual acceptance of the other's nationhood and humanity.

### THE OSLO ACCORD

To understand the significance of the Oslo Accord, it helps to note that there were in effect two processes going on at Oslo simultaneously and that the agreement reflects the effect of both: a process of distributive bargaining between two parties with unequal power and an initial, rudimentary stage of a process of reconciliation. At the risk of oversimplification, one might describe the Declaration of Principles (DOP) as primarily a product of distributive bargaining and the letters of mutual recognition exchanged between Arafat and Rabin as a product of a rudimentary process of reconciliation.

The DOP reflected—both in what it included and in what it omitted—the power differential between the parties. To be sure, some of the DOP's features created a clear opening for a Palestinian state, which indeed made it possible for the PLO to sign the agreement: It established a territorial base for the Palestinian Authority (PA) in Gaza and the West Bank and provided for the early empowerment of the PA. But it did not *guarantee* an independent Palestinian state; it did not explicitly prohibit the expansion of settlements (although it did rule out changes on the ground that would preempt the final status negotiations); it did not address the question of refugees except to defer it to the final status negotiations. The items that did make it into the DOP—the terms of agreement—reflect the difference in power by favoring the stronger party. Moreover, the ambiguities that were purposely left in the DOP in order to make an agreement possible also work in favor of the stronger party, which is better positioned to resolve them in its own favor. It was this advantage, resulting from power-based, distributive bargaining, that led some Palestinian critics of Oslo to describe it as a Palestinian surrender and defeat. Interestingly, in characteristic mirror-image fashion, some Israeli

and Jewish writers have criticized Oslo as a surrender by Israel. Thus, one writer described Oslo as “Zionist surrender that was driven by the palpable yearning of Israelis for normal life in a very dangerous neighborhood.”<sup>1</sup>

What these critics miss is that there was a second process going on alongside the distributive bargaining process, captured best by the letters of recognition. Although those letters also reflect the power differential in that Rabin’s response to Arafat was much briefer and less specific in its commitment, the essence of this exchange of letters (and, by implication, of the DOP itself) is an act of mutual recognition. It is this exchange, more than the DOP, that states the underlying principle of the Oslo agreement. It provides the basis for a just solution—at least in the sense of pragmatic justice<sup>2</sup>—that goes beyond the balance of power.

The breakthrough character of the Oslo agreement, from the Palestinian perspective, was Israel’s recognition of the PLO as its negotiating partner. Because the PLO has, since the late 1960s, stood for the concept of an independent Palestinian state, recognition of the PLO clearly conferred legitimacy on that concept. It was tantamount to recognition of Palestinian peoplehood with the implication that, at the end of the day, a Palestinian state would be established. From the Israeli perspective, the breakthrough character of the Oslo agreement was Palestinian recognition of Israel’s legitimacy, thus opening the door to recognition in the Arab world. Indeed, the Oslo Accord led, in short order, to an agreement between Israel and Jordan, to diplomatic relations between Israel and several Arab states, and to Israel’s increasing economic integration in the region—gains that are now at risk because of the policies of the current government. In short, the mutual recognition of the Oslo agreement “represented a fundamental shift in the relationship between the two peoples. Acknowledging each other’s legitimacy was a significant affirmation of the other’s national existence, which the two sides had systematically denied to each other throughout the history of their conflict. . . . This conceptual breakthrough . . . is irreversible, even if the current peace process were to collapse.”<sup>3</sup>

The logic of the Oslo Accord was to move toward a final political outcome through a series of interim stages. There was no commitment on Israel’s part that the final outcome would take the form of an independent Palestinian state, but the recognition of the PLO and some of the terms of the DOP clearly pointed in that direction. This was well understood by Palestinians, by Israelis, and by the rest of the world. In this sense, the Oslo agreement represented a move toward a principled solution of the conflict—toward a historic compromise, opening the way to reconciliation.

## **A POLITICAL PARTNERSHIP**

In signing the Oslo agreement, with its far-reaching implications and limited commitments, both Rabin and Arafat took significant risks. Rabin took the risk that even if the experience of the interim period did not reassure

Israel that a Palestinian state would be consistent with its own security requirements, the logic of the process might inexorably lead to a state anyway. He felt able to take that risk because the agreement contained no explicit commitment to a Palestinian state; thus the option of saying “no” in the end, though politically costly, remained available. Arafat took an even greater risk by signing an agreement that unambiguously recognized Israel—giving away what he used to call his last card—without an explicit promise of an independent state. He took the risk because his options were severely limited and because he had reason to believe that the process he was entering offered a high probability of a Palestinian state at the end of the day. Ultimately, the two leaders took these risks because their assessment of the political realities in relation to their interests led them to conclude that the time had come for a historic compromise based on mutual recognition.

Because both men also recognized that they needed each other to succeed in the peacemaking process, they entered into a political partnership despite serious reservations and initial distrust of each other.<sup>4</sup> The evolving partnership between Rabin and Arafat, and the subsequent partnership between Peres and Arafat, were clearly limited. Each side tried to gain advantages for the interim negotiations and for the final status negotiations that lay ahead. Neither side observed the letter and the spirit of the Oslo agreement in all respects. The continuing settlement process during the Rabin and Peres era represented the most serious violation of the spirit of the agreement. Rabin, while often disdainful of the settlers, was clearly worried about the political costs of blocking settlement expansion; he missed an opportunity to dislodge the Hebron settlers after the Hebron massacre, when there was support for such a move in his cabinet. The PA, on its part, did not always adhere to the precise terms of the agreement with respect to such issues as establishment of PA offices in Jerusalem or the size of the security forces.

Despite its flaws, the partnership took hold in a way that partly transcended the balance of power. Each side was cognizant of the concerns and constraints of the other and refrained from creating situations that would be embarrassing or politically sensitive for the other side. They consciously tried to be responsive to each other and to avoid actions that might undermine their counterparts’ political standing in their own community. They closed their eyes to occasional violations, with a degree of understanding of the political necessities that prompted them. Thus, the partnership developed during those years into a relationship characterized by significant elements of working trust and responsiveness at the leadership level.

One of the regrettable consequences of Rabin’s and Arafat’s consummate pragmatism is that they did not draw their publics into this evolving partnership. They preferred to see and present themselves as pragmatists yielding to necessity rather than as visionaries preparing for a process of long-term reconciliation. It seems that they did not trust their publics sufficiently to be able to share with them what I believe was their own readiness for a historic compromise. As a result, they did not educate their publics with respect to both

the realities and the underlying principles that led them to Oslo and the subsequent partnership.

Rabin and Peres did not tell the Israeli public that the peace process was expected, ultimately, to lead to a Palestinian state. The evidence from public opinion data and informal observations suggests that the Israeli public would not have been surprised to hear that. It was generally understood, by both supporters and opponents of Oslo, that this was what the agreement meant. Instead of downplaying that fact, public education could have stressed that the successful unfolding of the process would probably lead to a Palestinian state and that such an outcome would be both just and in Israel's long-term interest. Such a message would have confirmed the Israeli public's expectations about the likely outcome and, at the same time, increased the perceived legitimacy of this outcome and the public's commitment to it as a goal that was necessary and right from the Israeli point of view.

Similarly, Arafat did not tell the Palestinian public that the Oslo agreement, although clearly pointing in the direction of a Palestinian state, did not guarantee this outcome. Nor did he explain to his public why he concluded that this was the best agreement he could achieve at this time, why he had strong reason to expect that it would ultimately lead to an independent state, and why the current process and its anticipated outcome were necessary and right, given the realities and the ultimate hopes of the Palestinian people. Just as Rabin underplayed the degree to which the Oslo agreement implied a Palestinian state, Arafat overplayed the degree to which a commitment to such a state had already been achieved. Neither leader told his public that there were risks, but that they were worth taking, or that there would inevitably be setbacks, but that they could be overcome.

Although the publics were not fully brought into the process, the partnership at the leadership level was sufficiently solid to allow Arafat and his Israeli counterparts to pursue the peace process in a pragmatic mode and wait until they had clear evidence of success before strengthening the public consensus in favor of a two-state solution as a fair and just historic compromise. Had Labor stayed in power, chances are good that the parties would eventually have achieved an agreement in the form of a two-state solution. But this pragmatic process could not survive the change in Israeli leadership that brought to power a coalition that was not committed to the political partnership that Arafat and the Labor party leaders had developed.<sup>5</sup>

### **NETANYAHU'S APPROACH TO THE PEACE PROCESS**

The approach to the peace process of the present Israeli government is qualitatively different from that of the previous government. Netanyahu has not made the strategic decision to end the conflict with a historic compromise based on mutual recognition. He has not accepted the Oslo agreement's implication that Israel will yield territory and control to an

independent Palestinian state at the end of successful negotiations. He has shown no willingness to continue the political partnership with the PA that his predecessors established. He gives no consideration to what the Palestinians would need if a solution to the conflict is to be feasible from their point of view and politically acceptable to them. Indeed, he takes systematic steps that destroy the possibility of such solutions—for example, by unilaterally changing the status and demography of Jerusalem, expanding settlements, confiscating Palestinian lands, and blowing up Palestinian houses.

To be sure, Netanyahu has accepted certain political realities. A Palestinian self-governing authority is in place in Gaza and most of the West Bank cities, and it is universally recognized. Netanyahu does not intend to reoccupy these areas or to expel the Palestinians. He has thus found himself in a situation in which he has to deal with the PA as a territorially based political entity. His much-publicized handshake with Arafat visibly broke his long-standing taboo against negotiating with the PLO. In January 1997, he signed the Hebron agreement calling for partial redeployment of Israeli troops from Hebron and other West Bank areas. In June of that year, he presented a final status map to his inner cabinet, showing the areas of the West Bank (some 40 percent) that he might be prepared to turn over to the PA in a final agreement.<sup>6</sup> By negotiating with the PA about redeployment and territory, Netanyahu demonstrated that he—along with a significant part of the Israeli Right—has recognized that the consequences of the Oslo agreement are not entirely reversible and is entertaining the concept of territorial compromise and some kind of partition of Greater Israel. Indeed, many settlers and right-wing ideologues, including members of his own party, are accusing him of selling out the cause by showing willingness to give up even a small part of the land.

Accusations from the more extreme elements of his coalition and constituency do constrain his ability to maneuver. But he has also given no indication that, in the absence of these constraints, he would vigorously pursue a peace process. While he accepts some of the new realities and responds to outside pressures when they become sufficiently persistent, it has become increasingly clear that he is not prepared to pay the price for peace. He remains committed to keeping as much of the land and as much control as possible. He has given no indication that he is prepared to allow the Palestinians to establish anything resembling a contiguous, viable, independent state on the pieces of land they may in the end be offered.

Netanyahu and much of the Zionist Right have now embraced the Oslo agreement and present themselves to the Israeli public and the American mediators as ready to pursue the peace process. However, as Ian Lustick points out in his detailed analysis,<sup>7</sup> they use the Oslo agreement as a legal document rather than as the opening to a political partnership that it was intended to be. Netanyahu does not deal with the Palestinians as partners who are responsive to each other's concerns and constraints, but wields the terms of the agreement as a weapon against them, demanding that they

honor certain specified terms before Israel will take the next step. These demands have been one-sided, have not considered the constraints of the Palestinian leadership, and have denied Israel's own failures to live up to its obligations under the accord.

Netanyahu has used the term "reciprocity" to frame his demands on the Palestinians. But reciprocity is a norm governing a relationship between equals, in which each party has both rights and obligations. In a relationship based on this norm, each party is expected to consider the needs, aspirations, and constraints of the other and to give the other what it asks for itself: reassurances regarding security, acknowledgment of identity, respect for dignity, understanding of sensitivities. A relationship can flourish only if both sides adhere to the norm of reciprocity. In Netanyahu's vocabulary, however, the word "reciprocity" is used as an ultimatum. For example, the Israeli government has refused to carry out the next (previously agreed-upon) stage of redeployment unless the PA takes certain "reciprocal" steps in curbing terrorism, such as arresting or extraditing a specified list of suspects.<sup>8</sup> Yet security itself is best addressed in the context of a partnership, within a framework of reciprocal rights and duties, in which the parties jointly work out cooperative arrangements that are technically and politically feasible and consistent with the welfare and dignity of each. In this regard, the partnership between the Rabin/Peres government and the PA was actually quite successful in developing cooperative security arrangements that seemed to work, but that with the collapse of the partnership have been eroding.

Netanyahu's embrace of Oslo and demand for reciprocity seem designed to delay any further redeployment as long as possible and to set conditions that the Palestinians are likely to reject. The resultant breakdown of the negotiations could then be blamed on the Palestinians, setting the stage for Israel's unilateral imposition of a solution. It remains quite possible, however, that a combination of external and internal pressures may yet bring about a further Israeli redeployment and a return to the negotiating table. It is even possible that this government (though not without a great deal of internal opposition) will in the end agree to the establishment of some entity that could be called a Palestinian state. This possibility has been bruited by some of Netanyahu's associates. Their idea seems to be to turn over to the Palestinians whatever disconnected pieces of land they are prepared to offer and to tell the Palestinians that, if they wish, they can call it a state.

With or without negotiations, however, it is quite clear—from Netanyahu's map, his actions, and his pronouncements—that what he is prepared to offer the Palestinians, whether or not it is called a state, comes nowhere near to what Palestinians would minimally expect. It is, essentially, a limited autonomy in Gaza and several West Bank enclaves, excluded from Jerusalem, and heavily dependent on Israel. Even if this entity were to be called a state, it would lack the geographical contiguity, control over its population and resources, and all of the attributes of sovereignty, viability, and security that an independent state requires. Moreover, such a state would not solve



the central problem of the Palestinian people, which is their lack of citizenship—a fundamental human right in the modern world. It would in effect be a set of Bantustans offering only the pretense of citizenship, without the capacity to protect the population or meet its needs. Even if the Palestinians accepted such an arrangement, it could not form the basis for a stable, sustainable peace.

The very fact that a Palestinian state is now being talked about by elements on the Israeli Right underlines the inevitability and growing legitimacy of a two-state solution based on territorial compromise. It is a solution that is now almost universally viewed as a fair historic compromise, widely accepted by Palestinians, and increasingly by Israelis. But ironically, the Right's adoption of the concept of a Palestinian state poses a danger of distorting and trivializing that concept as a key element of a just solution to the conflict. If the Palestinian state envisaged in a two-state solution is to take the form that Netanyahu and his associates are prepared to accept, it will have lost its meaning as a way to terminate the conflict and establish a basis for long-term peace and cooperation.

It is no longer enough, therefore, to engage in a peace process that envisages a two-state solution without specifying what *kind* of two-state solution it is to be. One must be clear about the nature of the Palestinian state that will emerge from the final negotiations and its precise relationship to Israel.

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## THE NEED FOR A PRINCIPLED PEACE

To revive the peace process now, the parties need to recreate the working trust and reestablish the political partnership that have broken down. This can no longer be achieved by the step-by-step approach of distributive bargaining that seemed to be working when the Labor party was in power. The parties must now go beyond the pragmatism of the Oslo process and commit themselves to a *principled* outcome of the negotiations that not only serves the interests of both parties, as it must, but that is also fair and just. Thus, to restore Palestinian trust in the peace process, Israel must commit itself, on a principled basis, to a two-state solution as the end point of negotiations and negotiate the remaining issues on the premise of a Palestinian state. Such an Israeli commitment will allow the Palestinians, in return, to commit themselves to a principled two-state solution and thus help revive the political partnership.

My model for a peace process based on commitment to a principled outcome is South Africa. The breakthrough in that conflict occurred when white South Africans decided to dismantle apartheid because it was immoral and committed themselves to negotiate a new political arrangement based on the principle of majority rule, and black South Africans committed themselves to safeguarding the security, welfare, and full rights of the white popu-

lation. The new South African democracy still faces serious difficulties, and the destructive effects of the apartheid era are still taking their toll. Yet, the resolution of the South African conflict is an outstanding achievement that illustrates the way in which a principled agreement can open the way to ultimate reconciliation.

The current need for defining a principled outcome of the Israeli-Palestinian negotiations, conducive to a sustainable peace, must be vigorously inserted into the political thinking and the political debate in the two societies. The priority of this requirement must be clearly understood by Israelis, Palestinians, and third parties who have an interest in salvaging the peace process. It must figure high on the agenda of Palestinian leaders and political activists, of the political opposition and the peace camp in Israel, of the United States and other countries seeking a role in mediating this conflict, and of unofficial actors engaged in track-two diplomacy or grass-roots efforts. Political leaders need to bring this message to the public and mobilize support for it. One can only hope that the next Israeli elections will focus on this issue and bring in a new government with the mandate to pursue a principled peace.

#### **ELEMENTS OF A PRINCIPLED PEACE**

To move the peace process in the direction of a principled peace and ultimate reconciliation, there are four key ideas that need to be understood, promulgated, and acted upon in the coming negotiations:

- Negotiations must be based on the understanding that the final outcome will be a two-state solution;
- The Palestinian state emerging from the negotiations must possess the properties of sovereignty, viability, and security that are essential to a genuinely independent state;
- Such a state is the only mutually acceptable vehicle for providing meaningful citizenship to the Palestinian people; and
- The negotiations must be anchored in mutual acknowledgment of the other's nationhood and humanity.

#### **Prior Commitment to a Two-State Solution**

The Oslo agreement left the question of Palestinian statehood open until the end of the negotiations. With the total erosion of working trust, that option is no longer available. For the process to fulfill itself under the present circumstances, it must be clear at the outset that there will be a two-state solution and that only the modalities are the subject of negotiation. Such

commitment can restore the trust necessary for productive negotiations to proceed.

Moreover, both sides' commitment to a two-state solution as the end point of the negotiations must be a *principled* commitment, comparable to the commitment of the South African parties to majority rule as the end point of their negotiations. The two-state solution must be adopted on the grounds that it is right—that it is perceived by the parties, and indeed by the rest of the world, as a just and fair historic compromise to the long and bitter conflict. Although this solution may not give each side all it wants and feels it deserves, it can at least address each side's basic needs for identity, security, well-being, and self-determination, and it can serve both sides' long-term interests. Only a commitment to this kind of principled outcome can lead to a sustainable peace—to a stable, cooperative, and mutually enhancing relationship between the two states for the long term.

### **A Genuinely Independent Palestinian State**

In a principled two-state solution, the Palestinian state, like Israel, must be sovereign, viable, and secure. If the state is to meet these criteria, it must have contiguous territory in the West Bank and a secure link between the West Bank and Gaza; it must be free of foreign troops and extraterritorial settlements; it must be able to exercise control over its land, resources, and population; and it must be able to secure the rights of its citizens.

In the debate about a two-state solution, it has to be made very clear that what Netanyahu and his government now envisage as the Palestinian entity is very different from a genuine Palestinian state, even if in the end they are willing to call it a state. What they seem prepared to offer would in effect continue the occupation, while allowing the Palestinians to establish a limited, nonsovereign autonomy, which could be called a state only in the sense that the South African Bantustans were called states. It is important to forestall the co-optation of the concept of a Palestinian state by the Israeli Right and its redefinition as another version of a Bantustan. In advocating and committing to a two-state solution, it is now essential to specify that what is being called for is a genuine Palestinian state possessing the essential attributes of an independent polity.

### **Meaningful Citizenship for the Palestinian People**

The necessity of an independent Palestinian state at this historical juncture can perhaps be framed most persuasively in terms of the issue of citizenship. Citizenship is a central human right in the modern world, since it is a condition for assuring many other basic rights both at home and abroad. To lack citizenship is to lack protection, access to resources, and even personhood. One of the political and moral imperatives of an Israeli-Palestinian peace agreement is that it must provide meaningful citizenship to the Palestinian population of the West Bank and Gaza, as well as to the refugee population.

The only feasible and mutually acceptable vehicle for providing meaningful citizenship to the Palestinian people is a two-state solution that establishes a genuinely independent Palestinian state. The limited autonomy that the Netanyahu government envisages could offer the Palestinians under its jurisdiction passports and other trappings of citizenship. But even if it were called a state, it would be heavily controlled by Israel and would not have the capacity to offer the population most of the benefits and protection that citizenship normally entails. In effect, this arrangement would offer Palestinians the pretense of citizenship while denying them citizenship rights in the polity that controls their lives.<sup>9</sup>

There is one morally acceptable alternative to an independent Palestinian state: a unitary binational state in the whole of Palestine, in which Palestinians and Jews would be full and equal citizens while maintaining their separate cultural, religious, and linguistic identities. This solution has the advantage of remedying the Palestinian problem of lack of citizenship by establishing a pluralistic state consistent with the principles of liberal democracy. Its major disadvantage is that it is unacceptable to the vast majority of Israeli Jews and, probably, to a large majority of Palestinians. Israeli Jews, including most of the Left and the peace camp, reject binationalism because it would erode the Jewish character of the state and spell the end of the Zionist project of national self-determination for the Jewish people.<sup>10</sup> Among Palestinian intellectuals, especially in the diaspora, the option of a binational state has been receiving increasing attention. Many of the advocates of binationalism have turned to it because they have lost hope that the current peace process will lead to an independent Palestinian state. The available data suggest, however, that the large majority of Palestinians—in the territories and probably abroad—still prefer the two-state solution because they have not given up the dream of national self-determination in a state of their own and probably because they are afraid they will not achieve equal rights within a binational framework.

In short, I do not believe that a binational state is the principled solution to the conflict at this historic juncture, because each people remains committed to national self-determination in its own state. Abandoning the quest for a two-state solution in favor of a binational state would only perpetuate the conflict, perhaps for generations to come. Under the circumstances, a two-state solution remains the only feasible, mutually acceptable vehicle for providing meaningful citizenship to the Palestinian people.

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*Abandoning the quest for a two-state solution in favor of a binational state would only perpetuate the conflict.*

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Raising the issue of binationalism is useful, however, because it focuses attention on the imperative of Palestinian citizenship. In the debates about the ultimate solution of the Israeli-Palestinian conflict, it is important to stress that a situation in which Palestinians are permanently deprived of citizenship is morally and politically unacceptable. Israel has to be reminded—by the political opposition and peace forces within the country, as well as by the

U.S. government and democratic voices throughout the world—that if it rejects the establishment of a Palestinian state that can offer meaningful citizenship to its population, it will have to offer the Palestinians citizenship in Israel, which in effect will turn Israel into a binational state.

### **Mutual Recognition of the Other's Nationhood and Humanity**

Over the decades, the parties have engaged in systematic denial of each other's national identity, with the aim of delegitimizing the other's national movement and political aspirations.<sup>11</sup> Clearly, if the parties are to conclude a principled agreement, conducive to sustainable peace and reconciliation, they will have not only to reverse this pattern, but also to take active steps to acknowledge the other's nationhood and humanity in word and deed.

The mutual recognition of the Oslo agreement represented an initial step in that direction. It did not go much beyond a pragmatic acceptance of the fact that the other exists and must be accommodated in order to achieve a mutually satisfactory solution of the conflict. This was enough, for the reasons discussed earlier, to establish a degree of working trust and a promising political partnership. But today, in the light of what has been happening on the ground and in the peace process, it is not enough. Today, it is necessary to be more proactive and more explicit in the exchange of mutual recognition so that the parties can reestablish trust and make the commitment to a principled outcome on which revival of the peace process depends.

On the Israeli side, commitment to a genuinely independent Palestinian state, which would be able to offer full citizenship to its population, would represent the most concrete form of acknowledging Palestinian nationhood. The significance of this step would be further enhanced by official Israeli statements echoing what the Israeli peace forces have acknowledged for a long time: that the Palestinians, as a nation, have rights in the land in which they have lived for generations; that an injustice has been done to them; and that an independent state providing Palestinian citizenship is designed to rectify the historical injustice by establishing their national rights.

Both before and after Israeli acknowledgment of Palestinian national rights and commitment to a Palestinian state, it is necessary to take full cognizance of what has been happening on the ground and to take steps to reverse it. The policies and practices of the Israeli government seem designed to squeeze Palestinians out of large portions of the remaining land. In the densely populated and impoverished Gaza Strip, several thousand Israeli settlers occupy some 20 percent of the land and use a disproportionate amount of the water. In the West Bank, Israeli settlements are expanding, Palestinian land is being confiscated, Palestinians are denied building permits and houses built without permits are demolished, and water is in short supply for Palestinians—though not for their settler neighbors. In Jerusalem, there are deliberate attempts to reduce the number of Palestinian residents—for example, by denying building permits or by canceling the ID cards required for residency—while houses for Jewish occupants are being built or

bought in the Palestinian parts of the city. The effect of these policies and practices is to leave the Palestinians very little space on which to establish a national presence in the country, to make it difficult for them to claim ownership of any part of Jerusalem, and to deprive them of the opportunity to lead normal lives.

Acknowledgment of Palestinian humanity requires a commitment to ending the arbitrary treatment, violence, and humiliation to which they are now often subjected. A case in point is the frequent border closures, which are of dubious security value to Israel but entail severe costs for Palestinians. They have had a disastrous impact on the Palestinian economy. They have disrupted a wide variety of transactions between Palestinians in Jerusalem, Gaza, and various parts of the West Bank. On a number of occasions, they have barred people from essential medical care, at times with tragic consequences. These and other Israeli policies and practices have conveyed the message that Palestinian lives and welfare are of lesser value than Israeli lives and welfare. To create the atmosphere required for negotiating a principled peace, Israel will have to declare and demonstrate that it attaches value to the lives and welfare of Palestinians and respects their rights and dignity.

I have dwelt at length on Israel's part in the mutual acknowledgment of the other's nationhood and humanity because I believe that the initiative must come from Israel. Israel is the occupying power, the party in control, the party with the greater power and resources. It is also the party that has been blocking progress in the peace process. Moreover, if Arafat were to come up with a major gesture of acknowledgment at this time, it would be seen on both sides as an act of submission to Netanyahu's coercive tactics; Israelis would discount the gesture, while Arafat's own constituencies would discredit him for it.

But once Israel—perhaps the next Israeli government—takes the initiative in acknowledging Palestinian nationhood and humanity, it is essential that the Palestinian leadership be prepared to reciprocate. Notwithstanding Israel's power advantage, the Israeli public, if it is to support a principled peace and reconciliation, needs the reassurance that can only come from Palestinians' acknowledgment of Israelis' humanity and nationhood. At the human level, the core issue is Palestinian attitudes toward violence against Israelis. There must be no ambiguity about Palestinian renunciation of violence. Violence cannot be used as a bargaining chip or as a negotiating tactic that can be turned on and off as the situation requires. There can be no glorification of suicide bombers or rhetoric hinting that violence remains a political option. Violence must be renounced as a matter of principle, not only because it undermines the peace process, but because it kills and harms human beings. Palestinians will have to declare and demonstrate that they attach value to the lives and welfare of their Israeli neighbors. Clearly, Palestinians can offer this acknowledgment only in the context of genuine reciprocity.

As for acknowledging nationhood, Palestinians have come a long way in recognizing Israel's legitimacy—both in Arafat's letter to Rabin accompanying the Oslo agreement and in prior and subsequent actions of the Palestine National Council. Ultimately, however, they will need to take one further step required for a principled peace conducive to reconciliation: the acknowledgment that the Jewish people have authentic links to the land—that they are not just European colonial settlers engaged in an imperialist project, but a people that has returned to its ancestral homeland. Such an acknowledgment is extremely difficult and painful for Palestinians because it threatens the basic tenets of their national narrative.<sup>12</sup> It can be made only in a context of genuine reciprocity. But a sustainable peace, conducive to reconciliation, ultimately requires each side to acknowledge that the other belongs in the land and has rights there. This acknowledgment of the other's nationhood began with the Oslo agreement but has been kept at a level of pragmatic accommodation. It now must be pushed to the level of principle.

## CONCLUSION

Sustainable peace is not possible if the long-term relationship between the two peoples will be based on perpetuating Israeli power and Palestinian grievance: on Israel's continuing belief that it must maintain control over the lives of Palestinians, and on the Palestinians' continuing belief that Israel's existence is illegitimate. It is essential now to work toward a principled peace, based on the four components that I have described. It may seem utopian to advocate a more demanding process at a time when a less demanding, more pragmatic process is on the verge of collapse. But I believe that, with the right leadership, the two peoples are ready for such a principled approach. I would argue that it is the most realistic option under the present circumstances, with the capacity of setting a new dynamic into motion.

## NOTES

1. Jerold S. Auerbach, "The Map to Middle East Peace," *Boston Globe*, 26 January 1998, p. A15.

2. See Walid Khalidi, *Conflict and Violence in Lebanon: Confrontation in the Middle East* (Cambridge, MA: Harvard Center for International Affairs, 1979).

3. Herbert C. Kelman, "Some Determinants of the Oslo Breakthrough," *International Negotiation* 2, no. 2 (1997), p. 193.

4. For helpful discussions of the nature of that partnership, see Ian S. Lustick, "Ending Protracted Conflicts: The Oslo Peace Process Between Political Partnership and Legality," *Cornell International*

*Law Journal* 30, no. 3 (1997), pp. 741-57; and Ian Lustick, "The Oslo Agreement as an Obstacle to Peace," *JPS* 27, no. 1 (Autumn 1997), pp. 61-66.

5. Cf. Lustick's argument that Oslo was "the product of a cross-polity partnership between . . . Arafat and the Rabin-Peres team, rather than a polity-to-polity partnership" between the two peoples (Lustick, "Ending Protracted Conflict," p. 747).

6. See "Netanyahu Presents His 'Allon Plus' Final Status Map," *JPS* 27, no. 1 (Autumn 1997), pp. 126-28.

7. Lustick, "Ending Protracted Conflict" and Lustick, "The Oslo Agreement."

8. Note, in this connection, the statement in an editorial in the English edition of *Ha'Aretz* ("Warning from Cairo," 6 July 1998, p. 6) that "most of the demands Israel is making of the Palestinians on the basis of the principle of mutuality are included in the U.S. initiative and already have been accepted by Arafat. The Palestinians have agreed to tighten security cooperation with Israel, confiscate illegal weapons, set up mechanisms to oversee the release of prisoners and the numbers of Palestinian policemen, and even clamp down on Hamas and Islamic Jihad activists."

9. See Herbert C. Kelman, "Israel in Transition from Zionism to Post-Zionism," *Annals of the American Academy of Political and Social Science*, no. 555 (January 1998), pp. 57-58.

10. One of the main arguments of Peace Now against annexing the territories was that it would confront Israel with the choice between being a democratic

state or a Jewish state. Peace Now advocated territorial compromise, so that Israel could maintain its Jewish majority without disenfranchising the Palestinian population.

11. Herbert C. Kelman, "Overcoming the Barriers to Negotiation of the Israeli-Palestinian Conflict," *JPS* 16, no. 1 (Autumn 1986), pp. 13-28; "The Political Psychology of the Israeli-Palestinian Conflict," *Political Psychology* 8 (September 1987), pp. 347-63. See also Daniel Bar-Tal, "Delegitimization: The Extreme Case of Stereotyping and Prejudice," in D. Bar-Tal, C. Graumann, A. W. Kruglanski, and W. Stroebe, eds., *Stereotyping and Prejudice: Changing Conceptions* (New York: Springer Verlag, 1989), pp. 169-82.

12. See Herbert C. Kelman, "Acknowledging the Other's Nationhood: How to Create a Momentum for the Israeli-Palestinian Negotiations," *JPS* 22, no. 1 (Autumn 1992), pp. 18-38.