

Two Issues, One Objective, Nothing more important

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Despite their lack of progress last week, Israeli and Palestinian negotiators will, at some point this year, affirm Palestinian statehood. Yet this will likely occur without resolving, even in theory, the two most difficult issues they face: Jerusalem and Palestinian refugees.

The solution lies in seeing that the problems can be solved in tandem in a way that would not only contribute to a permanent peace, but would give each side some of what it wants most.

The dangers of leaving Jerusalem and the refugee problem unresolved are multiple. First, there is the political uncertainty: Neither Palestinian leader Yasser Arafat nor Israeli Prime Minister Ehud Barak will remain in power indefinitely, and it is likely that their political successors will be less willing and less able to lead their people to painful, but necessary, concessions. More fundamentally, if all territorial issues are resolved except Jerusalem, it will become the focal point for the conflict. Day in and day out, inside Jerusalem, there will be efforts and counter-efforts to promote and resist de facto Palestinian sovereignty. A Jerusalem-centered conflict has the potential of being something worse than anything we have yet experienced: a Jewish-Islamic war that would inflame both Jewish and Muslim militancy.

The general outline of what is required to resolve each issue is clear. There are 200,000 Palestinians living in East Jerusalem—including those in the Old City, where Palestinians comprise 90 percent of the population. They are about to become citizens of the state of Palestine, with or without Israeli permission. Yet, 94 percent of Palestinians say they would refuse even Palestinian statehood if it meant accepting Israeli sovereignty over all of Jerusalem. No Palestinian leader can or will abandon Jerusalem. It is clear that no solution will be found until Israel is ready to let go of the Palestinian neighborhoods inside East Jerusalem, and work out some method of sharing the Old City. Yet, fearful of the reaction of the Israeli public, that country's leaders repeatedly have made clear that such proposals are out of the question.

Similarly on the refugee issue, the painful reality is clear to Palestinian leaders: Despite United Nations resolutions that since 1948 have affirmed the right of Palestinians to return to their homes within Israel, the refugees will never be allowed to go back, except in small numbers. As many as 4 million Palestinians assert that they have a "right of return." Israeli Jews look at these numbers, factor in the 1 million Palestinians who are citizens of Israel, consider a Palestinian birthrate that is significantly higher than their own, and conclude that any substantial Palestinian return would mean the end of Israel.

Policymakers on all sides consider providing Palestinians with financial compensation for their lost homes and land as an alternative to their return. While seeking compensation, Palestinian leaders cannot formally renounce the right of return. They are not prepared to tell their people that, like the Biblical Esau, their birthright has been given to the sons of Jacob for a bowl of pottage. Instead, they are asking Israel to recognize a Palestinian "right of return" in principle, with an understanding that Israel will control its implementation.

Barak has taken the position that Israel is under no moral obligation to the Palestinians because the refugee problem emerged in the course of an effort to destroy Israel. While his logic is questionable (in war, families who flee in terror or are forcibly evicted do not lose their rights because of the aims of the combatants even if they sympathize with them), he has pragmatic reasons for resisting any recognition of a Palestinian right of return. In part, this has to do with responsibility for compensation. But more fundamentally, Israelis fear that if a right of return is accepted, there might be pressure to keep the door open forever. Israelis want just the opposite—to definitively lay the right of return issue to rest.

Refugees living in camps throughout the Arab world could settle in the territory of the new Palestinian state. But for this compromise to be meaningful--for a return to Palestine to be accepted as a new beginning rather than a stage in the old struggle--the Palestinian state must include the heart of the homeland, Jerusalem, even if shared.

The University of Maryland's Jerusalem Project, which I direct, conducted detailed studies of the attitudes of Palestinians and Israelis toward Jerusalem in 1996. The results were telling. Those Israelis who believed that an accord would lead to lasting peace were willing to make major concessions on Jerusalem, painful as they would be. But most Israelis were quite skeptical that a peace treaty would end the conflict. As long as Palestinians, from one generation to the next, pass on the aspiration to one day return to territory within Israel, Israelis are likely to see a peace agreement as merely an extension of the current truce. And for this, a major compromise on Jerusalem will not be forthcoming.

A solution can be found by bringing these two Gordian knots together. Palestinians are not going to renounce their right of return. Rather than seeking what is impossible, negotiators should focus on gaining Palestinian acceptance of that which logically constrains the exercise of the right of return--the right of Israel to remain a Jewish state. Such acceptance would redefine the situation as a conflict of rights. It would create a situation in which Israelis and Palestinians provide each other with the validation they seek. For Palestinians, it would affirm that each refugee does, in principle, have a right of return. And at the same time, it would provide a conceptual, legal and moral basis for accepting the fact that the wholesale exercise of return will not happen.

Would Palestinians affirm Israel's Jewishness? Skeptics may doubt it. Yet a foundation already exists for Palestinian recognition of Israel's right to remain a Jewish state.

In November 1988, the Palestinian National Council (the PLO's highest decision-making authority), issued the Palestinian Declaration of Independence, which acknowledged the United Nations 1947 Partition Resolution as part of international law. The same resolution, which called for two states, is also referred to in Israel's Declaration of Independence. Strikingly, in the text of the Palestinian Declaration, the PLO explicitly noted that the partition resolution provided for "two states, one Arab and one Jewish."

It is this recognition--that not just Israel, but Israel's Jewishness, is grounded in international law--that offers a conceptual basis upon which Arafat can build in affirming Israel's moral and legal right to remain a Jewish state. But in order for Israelis to be willing to share Jerusalem, they will need more than a simple affirmation. They need to see evidence that the next generation of Palestinians will come to a more nuanced understanding of the conflict. Throughout their entire schooling, the next generation of Israelis and Palestinians should be brought into sustained contact with each other, to hear from each other the human stories that can make foreign narratives comprehensible.

Arafat, on the other hand, cannot simply tell the Palestinian people that the right of return is a qualified right and then launch a process of genuine reconciliation. He cannot tell them that they can exercise that right in the state of Palestine if that state does not include East Jerusalem. But a solution that links the two issues provides both governments with a way to honorably address their people and history. For Palestinians, accepting Israel's right to remain a Jewish state is validated as the price required to ensure that the state of Palestine includes Jerusalem. For Israelis, sharing Jerusalem is validated as the price required to end the conflict forever.