

‘Annapolis: a view from Amman’¹

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The middle-east conference to be convened in Annapolis, Maryland on 27 November 2007 must, if it is to be effective, be conceived as a return to a peace-building process whose objective is to realise a permanent solution to the Israeli-Palestinian impasse. Most of the issues to be addressed are exceptionally complex: they relate in particular to the overwhelming issue of the Palestinian diaspora, and include matters such as confidence-building, inclusive security, regional conflict-prevention, attitudes to extremists, the gap between final and permanent status, and the need to combine a peace process with a reconciliation process.

The discussion in advance of the conference has included the significant letter sent to the United States president and secretary of state on 10 October by a distinguished non-partisan group of former senior US officials: Zbigniew Brzezinski, Lee H Hamilton, Carla Hills, Nancy Kassebaum-Baker, Thomas R. Pickering, Brent Scowcroft, Theodore C Sorensen, and Paul Volcker (see "Failure Risks Devastating Consequences", *New York Review of Books*, 8 November 2007).

The letter, in stating that a "positive outcome" at the conference "could play a critical role in stemming the rising tide of instability and violence" also emphasises that this is a moment to display "the ambition as well as the courage to chart new ground and take bold steps".

In light of this and other contributions, what follows is the view from Amman, as I see it, on the eve of the Annapolis conference. The text is in two parts: the first dealing with the core ingredients of a peace settlement, and the second with some of the outstanding questions that it needs to address if the settlement is to endure.

Part One: In transit - how peace begins

Peace and reconciliation

Peace is not reconciliation. What is needed between Israelis and Palestinians is genuine reconciliation. This has to start with an acknowledgment of the genuine claims of the Palestinians and the acceptance of responsibility for what happened to them. Reconciliation mechanisms include truth commissions and victim compensation. Addressing claims by both sides as to the wrongs they have suffered in order to settle the record and avoid the festering of claims is desirable. This mechanism should be used for reconciliation as well as for the

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reduction of prejudice and hatred. The time has come to shed prejudice and build intra-societal dynamics and respect for the other irrespective of national origin, religion, and creed.

Without reconciliation there can be no lasting peace. Peace treaties are instruments through which we can arrive at a "warm peace" between adversaries. The two peace treaties that did not succeed in achieving warm peace are those between Israel and Egypt and Jordan respectively; this outcome is due to the failure to normalise inter-state peace in the ranks of the people and to transform the official state-to-state accords into human accord between people. That can only be achieved if human justice is assured through the application of the agreed terms on the ground. A fear of people-to-people peace must be overcome. Beyond bilateral peacemaking, regional cooperation could craft a new partnership in the region to replace rejection and hatred with visible mutual respect and acceptance as well as humanitarian standards of interaction.

Confidence-building

Before the commencement of negotiations, a number of confidence-building measures can be implemented: for example, the bilateral release of detained people, the removal of checkpoints or *mahsums*, free access to places of worship in Jerusalem, and both sides' decision to refrain from violence.

As these take effect, other specific measures should be developed; some should apply immediately and others throughout the course of the negotiations as means to implement any agreement reached. Respect for human life and for people's dignity is essential to confidence-building, as is the primacy of rule of law and stability. There is a need for international support to establish a legal system and the rule of law in Palestine as a way of insuring its future stability, paving the way to democracy, encouraging foreign investment and economic development and guaranteeing the existence of a peaceful, secular and democratic state.

From final status to permanent status

The dynamics between "final status" and "permanent status" provide the missing link to lasting peace. The question is: how to bridge that gap? Final status is bilateral. Permanent status starts with confidence-building measures and ends with fundamental and comprehensive, not selective, guarantees of a regional order.

Final status is reached at the conclusion of negotiations between adversaries - Palestinians and Israelis in our case. A more important goal is a permanent-status solution in which cooperation becomes the order of the day.

Statehood

It is clear that there is broad consensus that there is to be a Palestinian state. This necessarily implies that its nationals will enjoy citizenship rights in their country. The issues here are different and concern the sovereignty of the state: they include its communications with other neighbouring states; freedom of egress and ingress; how the state will administer its airport and port facilities; customs, police and security issues; whether it will have a sovereign army or be demilitarised; and the extent of any limitations on its right to make independent treaties.

The majority of people in the world enjoy the benefits and responsibilities of citizenship as a fundamental right; the Palestinians should not be an exception if peace is to endure. The two-state solution could undoubtedly be a wise one. It would be wiser yet to honour United Nations resolutions that address the issue of Israel's occupation of the Palestinian territories. Acquisition of any territory by force should not be condoned nor should such acquisition be rewarded.

The continued acquisition of territory endangers hopes for any viable Palestinian state. The retention of any Palestinian territories by Israel should only be accepted by mutual consent based on minor adjustments of the 4 June 1967 lines and on the basis of fair reciprocity concerning the areas exchanged and their respective potential and market value. Issues of a trans-boundary nature should be addressed and resolved; these include (but are not limited to) water resources, transportation, electrical transmission, labour rights and drug-trafficking and other criminal issues. The issue of citizenship of the two states should be agreed upon and reciprocity guaranteed.

The matter of Palestinian statehood and all the complexities of trans-boundary issues are not limited to Palestinians because the diameter of conflict goes beyond the parameter to all national "brand names". An appreciation of the regional carrying capacity (or *aménagement de territoire*) would introduce socio-economic planning parameters for all the riparians of the Jordan Valley within a water and energy community for the environment, following the model of the coal and steel community which was seminal to the creation of the European Union. Such models can also be applied to the other vital elements pertaining to sovereignty as previously touched upon; among them boundary-crossings, air and maritime navigation, army and police.

Security

The issue of security for both Israel and the Palestinian state is not solely a bilateral concern. Except for specifically bilateral issues, the security of Israel and the Palestinians should be the shared responsibility of the outer-perimeter countries. Any threat to their security coming from the east would threaten Jordan as well. The same applies to dangers coming from the north or south: these would threaten the respective perimeter countries. A meaningful security arrangement should depend on a regional order, including a pact for the elimination of weapons of mass destruction and other forms of arms control, rather than mere unilateral deterrent instruments.

Achieving full inclusiveness requires a regional code of conduct for a process of human security and cooperation; this in turn would include a regional community for water and energy and a regional social charter. These instruments should constitute the building-blocks for a regional security package consolidated by the establishment of a Conference on Security and Cooperation for the Middle East. Again, I emphasise that Europe provides an ideal model for such a structure. A conflict-prevention capability must form an integral part of such a process. A country which is party to a regional security conference must not pursue the development of weapons of mass destruction.

These measures would help move the region away from unilateral partisan prejudice to a regional approach of intra-independence, initiating a new societal dynamic where morality and good governance in economy and society would open the way for more inclusion of citizens in matters concerning their welfare and destiny.

There have been "track I" and "track II" negotiations between Jordan and Israel; Egypt and Israel; and Jordan, Egypt and Israel - which have over the past ten years demonstrated that such undertakings can produce useful results.

Attitudes to "extremists" and "the other"

The western attitude to Hamas and its translation into action by western governments has not been even-handed. There are groups similar to Hamas in Israel, among western Jews and also among Christians - and for that matter among many religious denominations and political persuasions. But that does not mean that all of the members of such a group are extremists nor does it mean that some of their extreme views cannot be negotiated. Yet, while Hamas is condemned and boycotted by all, similar groups such as those mentioned above are supported in the west, both by the private and public sectors. Legitimising everything that is done on one side and demonising everything that is done by the other side is a historically failed recipe for peace. Even-handedness is a much-needed prescription to address the complicated issues of conflict.

Part Two: Resources, faiths, and refugees

The new state of Palestine must have the capacity to sustain itself and to develop. Without economic viability and the prospect of economic growth, it will turn into a *de facto Bantustan* for Israel, offering only cheap labour and ultimately a great deal of increasing alienation and suffering. An economically emergent Palestine, beginning with economic and human guarantees for the Palestinians themselves, is the key to stability and peace. Thus, it is indispensable to have an economic-development plan at the ready so that any part of it that would need the mutual cooperation of the two states is taken into account within the proposed peace agreement.

This plan must include such matters as currency convertibility, freedom of movement of goods, access to ports and airports, reduction of restrictions on freedom of movement of people and secure investment opportunities. In addition, joint economic-growth projects must be considered in depth, which would include Jordan in such comprehensive and far-reaching issues as: sharing of water resources, various water and irrigation projects, a joint transportation system (roads, buses and trains) that offer the potential of practically connecting the three states and enhancing their respective economies, joint or shared utilities and other similar sub-regional infrastructure projects (some of which, in the Gaza area, may also involve Egypt). In short, economic interrelationships and mutual economic interests not only make for a healthy neighbourhood but also consolidate peace through real economic empowerment, ultimately translating into real social improvement.

The population-resources equation

This factor must be examined carefully. We must ensure equity in resource- allocation. The production of Jaffa oranges, which are grown with water drawn from the coastal aquifer and from the Jordan River, has resulted in Palestinians being denied access to their traditional water sources. Examples such as this highlight the need to address resource allocation in a comprehensive manner. The territories of historic Palestine are water- and energy-poor; but there are unproven reserves of natural gas in the territorial waters which may be extractable in the future.

Resource allocation will remain a vital issue, not only in the lands of historic Palestine but also in the outer-perimeter countries due to demographic shifts within the region and from outside. The long-standing animosity surrounding this protracted conflict has not only barred cooperation between the outer-perimeter countries and Israel on the protection of natural resources, but has adversely impacted these shared resources. For instance, the unilateral actions undertaken by Israel and by Jordan and, separately, by Syria have adversely impacted on the Dead Sea basin including the Jordan River system and the Dead Sea itself.

The population-to-natural-resources equation largely determines the carrying capacity of physical land space. Admittedly, there have been distortions in this equation. The crucial issue of carrying capacity can only be addressed by a supranational authority, because only a supranational authority could be expected to be non-partisan in terms of human, economic and natural resources. Such an authority should in no way proscribe the attainment of final status. Carrying capacity (and recovery capacity for that matter) is a medium-to-long-term policy vision of intra-state and intra-communal relations through a rational utilisation of competing resources. A supranational vision would promote equity where now there is asymmetry, and sharing where now there is dominance by one side over another.

After almost a century of enmity and confrontation, the time has come for a meaningful recovery from human suffering on all sides and for environmental recovery. People's recovery includes their empowerment to fight want, enjoy human rights and exercise democracy; to reap the benefits of societal innovation during the transitional stages; to normalcy of relations between nationalities and between peoples and their systems of government. All this should be underlined by efforts to aid the human capacity to recover from the traumatic effects of protracted conflict. The recovery of natural resources would be possible through regional cooperation in mechanisms such as the proposed community of water and energy and other concepts that promote supranational innovation and interdependence.

It is necessary at this point to emphasise that any move towards economic and social development, in addition to peace-building, must be founded on humanitarian principles, respecting life and dignity. Israel has for too long used might as a right against the Palestinians, looking at Arab and Muslims as the enemy. This must change. Similarly, Palestinians, Arabs and Muslims must learn to look at Israelis and Jews in a positive manner. We must revive the essence of beliefs that existed at the foundation of the Abrahamic faiths, beginning with reclaiming the dignity of the human being. Without that there can be no peace, no reconciliation and no future for this region or beyond.

Jerusalem

The overwhelming historic and spiritual importance of Jerusalem to all Abrahamic faiths and thus to all believers in the world, as well as others for whom Jerusalem and its sites (holy and archaeological) are part of the world's cultural heritage, makes this among the most sensitive issues of the conflict. This is a city with a unique status in the consciousness of the great monotheistic faiths.

Therefore we must confront the challenge of preserving the municipal administration of the city as an integral whole but with rigid observance of equal treatment to all religious denominations and equal participation of representatives of all faith communities in the city's government. This may require special-status legislation for Jerusalem within the context of a

municipal administration with independent moral authority above all others in order to guarantee non-discrimination.

Jurisdiction over the walled city of Jerusalem is of vital importance. This issue encompasses the preservation of moral authority for the city in terms of ecumenical communication among the three monotheistic faiths, with no faith impairing the functioning of another. Moreover, the Jordan-Israel peace treaty gives Jordan a specific role in the management of the holy sites of the city, both Muslim and Christian. This requirement recognises the rights of all Arabs, Muslims and Christians, in the management of their holy space. Viewing the city, old and new, merely within the limited and short-sighted parameters of a territorial and political bargaining-chip ignores this important spiritual role and this moral responsibility. The city of Jerusalem, within its spiritual and emotional context, can contribute greatly to recovery, cooperation and the sustainability of peace.

Territories surrounding walled Jerusalem are subject to the provisions governing the fate of the occupied territories. Distrust should be allayed through reconciliatory acts on the ground. The issue of faith communities' right of return to Jerusalem, which also applies to internally-displaced persons, is essential within this context. For example, we could ask what message is sent to the Palestinians of Shu'fat when it is proposed that the town be dislocated from the Greater Jerusalem area in return for its refugees relinquishing their right of return.

Jerusalem and other holy sites have a special significance for the followers of the three Abrahamic faiths as reflected in the faith-based communities living in the region of these holy sites. It is therefore important to be sensitive to the maintenance of these communities as historically relevant and culturally and spiritually irreplaceable and to reject depopulation policies.

On refugees: the right of return

The right to leave and return to one's own state is guaranteed in the international covenant on civil and political rights without discrimination. No discrimination should be used against the Palestinians seeking to come home. This is a binding legal obligation and not merely a principle of justice and equality. The Palestinians' right of return must be recognised in the successor state, namely Israel. That principle has to be recognised even though for a variety of reasons there may be conditions on the exercise of such a right, for example family reunification. For those denied such a right of return, the principle of compensation should be established and the peace treaty should contain a mechanism for such compensation. Those who could not exercise their right of return in the successor state and who have been given compensation should be allowed to settle in the new state of Palestine.

The right of return for Palestinian refugees in accordance with the principles of justice and equality is a primary issue. If the right of return is to be denied to Palestinian refugees and those living in the diaspora, it should equally be denied to non-Israeli Jews living in that diaspora.

There is also an imperative issue of the legal characterisation of the new state of Palestine. It could be considered as a successor state of the original state of Palestine in reliance upon the 1947 partition plan of the general assembly of the United Nations, with respect to the territories occupied by Israel, post-1967, which had been administered by Jordan and by Egypt, acting as *de facto* trustees of these territories.

Palestinian refugees, displaced and stateless families, scattered across the world, and particularly in neighbouring countries, are a key factor in resolving the Palestinian-Israeli conflict. The denial of their existence, plight, misery, humanitarian aspirations, dignity and right to lead a normal life in a country of their own would drive the younger generation of refugees, and others, to further despair, frustration and extremism. The ultimate goal of the peace process - to have a durable peace, a stable region and normal and popular acceptance of Israel - cannot be achieved through denial of the refugee issue.

On the other hand, the claim that responding to the Palestinian refugees' aspirations would erase the Jewishness of the state of Israel is simply distorted. Israel itself has stretched the definition of "Jewishness" by practically "importing" people from Sudan, Russia, Ethiopia and South America. Not all of these immigrants can claim a pure Jewish bloodline. The latest studies offer triumphant figures of greater Israeli population growth than Palestinian. Recognising the rights of the refugees, as displaced and stateless persons, is a matter of human, moral and legal importance. While the implementation of such rights is a matter that involves difficult decisions for a new life, new citizenship, expenses of restarting, and time-span (among other issues), the assumption that time will make the refugees forget their rights and that new generations will be less insistent is an illusion.

Foremost among the rights of refugees is the right to compensation: for those who had to leave as well as those who were expelled over the years or prevented from returning.

Conclusion

This is a conflict which should have run its course. Paradoxically, it has come full circle after over sixty years involving five international wars and a harsh occupation for a large segment of the Palestinian which continues today.

In 1947 a partition plan was proposed which was rejected by the Arab states. Following that the state of Israel was established in 1948. After the first war between the newly-founded state of Israel and the Palestinians and supporting Arab states, armistice agreements were established in 1949, leaving Israel with 23% more of the territory allotted to it by the partition plan. Since then the Palestinians and Arab states at first rejected the state of Israel and shunned peaceful coexistence with it. The subsequent acceptance by treaty of Israel by Egypt and Jordan gives hope that a similar peace treaty will follow with Syria and Lebanon. This would complete the circle of peace between these contiguous states.

To the Palestinians and their Arab supporters, the acceptance of a two-state solution is a return to the partition plan, which was earlier rejected. It is one of the tragedies of humanity that political settlements must sometimes be forged through years of hardship and pain but now that we have reached this point, it is essential to make sure that the two-state solution works. That is why, in addition to peace, we need mechanisms for reconciliation, economic development initiatives, allocation of resources, joint enterprises and mechanisms and structures for effective cooperation between states.

The nature of the future state of Palestine will depend very much on the degree of cooperation and support it gets from the state of Israel, the Hashemite Kingdom of Jordan and the Arab Republic of Egypt. Laying down the foundations for this sub-regional community will not only be of importance for the economic viability of Palestine, but also for the sub-region's peaceful coexistence, prosperity and security. Just as Palestine needs Israel for its economic



development, so Israel needs Palestine for its security, and all four states need to cooperate for a peaceful and prosperous future.

A mere peace agreement cannot be viewed as the sole requirement to achieve a lasting peace. It must be followed by a number of other agreements and mechanisms which further its goals and aspirations. Without these supporting measures, the issues raised in this article and perhaps many more, will fester and the imagined peace will only raise expectations without establishing foundations for its fulfilment. The past offers many examples of such disappointment. Enforcement measures and transitional mechanisms to peace are essential to ensure a smooth implementation of a final settlement. These would also provide a confidence-building infrastructure and help deal with future difficulties.

Peace will not endure with just one agreement.

End

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