**Bridging ConflictTransformation and Human Rights: Lessons from the Israeli- Palestinian Peace Process**

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| By  Mohammed Abu-Nimer and Edward (Edy) Kaufman From J.Helsing and J. Mathus, (eds*.), Human Rights and Conflict* (Washington DC, United States Institute of Peace, 2006, pp 277- 308**.**) In this joint article, drawing from the authors’ own work in nongovernmental organizations (NGOs) in Israel and Palestine, we examine how conflict resolution practitioners can benefit from introducing a human rights framework within their overall strategies, and the types of obstacles that face them in such efforts. As used by academics, the terms “human rights,” interpreted as the current international standard of “justice,” and “conflict resolution,” interpreted as the agent of “peace,” have been mainly associated with the legal and social sciences paradigms respectively. In prevailing asymmetric conflicts, the stronger parties generally advocate the maintenance of “peace and security” in terms as close as possible to the status quo (in Hebrew, *shalom emet,* a “true peace”), while the weaker side advocates change justified in terms of justice, that is, recognition of its “legitimate rights” (in Arabic, *hoquq shara’ia*) before moving into a true reconciliation (or *sulh*). The gap between the two interpretations was captured in the wording “just and lasting peace” by the United Nations Security Council Resolution 242 that followed the Six-Day War of June 1967. The Oslo Peace Process, initiated in 1993 after reaching what was perceived by many on both sides to be a promising agreement, suffered a severe backlash in September 2000 with the failure of the Camp David negotiations and the subsequent cycle of violence. Frustration prevails among those of us who share across the divide the values of human rights, democracy, and peace. Hence, the importance of finding avenues to channel the intersection of such values becomes more relevant than ever. We start by showing how the human rights dimension was mostly absent from the failed Oslo experiment and from the potential benefit of introducing it into a renewed peace process. Civil society organizations (CSOs) face many difficulties, and not only with policymakers, in highlighting the advantages of including human rights principles in the peace process. Even within the CSO community within and across the national divide, it has been difficult to get the human rights and peace/conflict resolution NGOs to act together in the pursuit of their shared goals. Additionally, we often find defiance by the underdog to share with the “Other” its exclusive victim status. Given the unremitting level of violence against civilians in recent years, and the societal support on both sides for a “stronger hand” policy, special emphasis is given to NGO work in the defense of the right to “life, liberty and security of person” (Art. 3, Universal Declaration of Human Rights, hereinafter UDHR) —a precondition for preventing massacres of large groups, and the further development into genocidal situations. Over the long years of the conflict, and particularly since the Oslo agreements of 1993, CSOs have undertaken myriad projects, and through trial and error lessons can be drawn. The article concludes with brief recommendations for advancing coordination and integration between human rights and conflict resolution in Israel/Palestine. The article follows the authors’ project of bringing together human rights and peace organizations from both sides to search for common ground, and endorses an action plan based on their joint work. To provide the reader with a touch of reality, we have documented our thoughts and findings with concrete illustrations and testimonial evidence. We trust that our own reflection and experience can be relevant for the many other protracted communal conflicts worldwide and perhaps also generate feedback from other experts and practitioners in this field, thus enriching what is for us still a work in progress.A word of caution about what we are *not* going to discuss here. First, we do not pass judgment on the claim of a “right to peace,”1 since such a shortcut in the connection of the two issues has not yet received any formal recognition by the international community. Collective rights such as “self-determination” and “the right to peace” have not passed the declaratory stage in the human rights international regime.2 We also exclude any discussion on adherence to nonviolence versus “just wars,” as explored in studies by Walzer,3 since here, too, it has been difficult to find a broad consensus. Nor do we cover the prospects for nonviolence, which is in itself a strategy respectful of human rights. But human rights do not preclude the rebellion against tyranny. Our analysis will focus heavily on the connection of the struggle for peace with internationally recognized human rights. The universal protection of *individual* human rights has been widely endorsed and ratified, including by our related partners to the conflict. The covenants embodying *group* rights have been more limited (to women, children), but notably there has been no significant progress toward a consensus on minority rights except when abuses reach genocidal dimensions. In the concluding section, we will only briefly dwell with the proposition that introduces “democracy” as an intervening variable, covered in UDHR Article 21 as the right to elect and be elected. The hypothesis that the international action against gross violations of human rights has made processes of democratization possible has been widely studied. The connection can be further made with the widely accepted proposition that democracies tend not to fight wars with each other, although there is no agreement about the causes of such a proposition.4 This argument has also been applied to the analysis of the Israeli-Palestinian case.5 The combination of both assumptions has led to the proposition that the defense of fundamental human rights has contributed to a process of democratization that, in its consolidation, strengthens the prospects of peace.6 Unfortunately, the inverse process is also occurring, in which retreat in the peace process has caused a decline in the standard of democracy in Israel and paralyzed the process of democratization in the Palestinian territories.**Human Rights: Missing in the Israeli-Palestinian Track I**By referring generically to the Israeli-Arab conflict, we risk missing a clear-cut differentiation between the protracted *intrastate Israeli-Palestinian* communal conflict and an *interstate border dispute* with an established neighboring country—such as the past and present disputes between Israel and Egypt, Lebanon, and Syria. The Palestinian-Israeli conflict has a large human dimension and as such is different from the Golan Heights, which was sparsely populated before 1967 when it was a Syrian militarized zone, and which today, under Israeli occupation, is home to only about 35,000 people, half of them Jewish and the other half Druze. As an intrastate conflict, the Palestinian-Israeli conflict should be seen above all as a major human problem involving approximately three million people who have been systematically deprived of their individual freedoms and right of self-determination through nearly three decades of military occupation—nodoubt one of the longest in modern postcolonial history. The Jewish settlements in the Occupied Territories of the West Bank and Gaza are seen by Palestinians as a ploy to regain control over the entire promised “Land of Israel.” On the other hand, most of the five million Israeli Jews fear that the Palestinian maximal goals are not only to take back the Occupied Territories of the West Bank and Gaza, but to regain control over “historic Palestine” —in other words, the eradication of the Jewish state. If a territorial split of the Holy Land into two separate states does not happen, then the human rights perspective provides the alternative of a binational state, that is, a state for all its citizens. But this is not expected in the foreseeable future. In the Israeli-Palestinian conflict, in contrast to the wars fought between Israel and other Arab neighbors, the majority of victims on both sides have been civilians. Therefore, it may be more important in this case than in the border disputes (with Egypt, Syria, and Jordan) to secure the acceptance of peace not only by the leaders but also through the active endorsement of the citizenry. From this perspective, the Israeli-Palestinian case shares with the examples of South Africa, Sri Lanka, Yugoslavia, Cyprus, and Northern Ireland the attributes of “identity-driven conflicts,” which are often referred to as intractable or protracted. There are many explanations for the decline of the Israeli-Palestinian Oslo peace process, officially launched at the White House in 1993. (Appendix I shows the results of systematically revisiting the extent to which the decisions and implementations related to human rights principles are absent or present in the Oslo agreement). While often compromises with such norms will need to be made, these criteria by which the agreement is measured should remain as a universal yardstick, even if adjustments are required in order to progress. And yet, often the rights of one group conflict with those of the other (such as the right to security and right to life vis-à-vis the right to return and right to freedom of movement). This is precisely where facilitation of the process by a third party can play a key role, transforming the rigid zero-sum equation into an innovative win-win. Some of the intangible principles of respect, acknowledgment, or punishment do not carry a material gain per se, but even finite resources such as disputed sovereignty over land or water rights can be resolved by incentives such as “expanding the pie,” no-same-kind compensation, and so on. However, in the Israeli- Palestinian conflict we find negotiations to be more of a Middle Eastern bazaar than a logical dialogue using recognition of entitlements and equal rights as the departing point. Without concrete improvement of basic human rights as confidence-building measures in real time, and integration of those rights in the delineation of the agreements in the final/permanent status issues (involving refugees, sovereignty in Jerusalem, borders, settlements, security), such signed documents have so far been worthless and cannot be sustained. Now, a decade after the first Oslo agreements, the economic and political rights of Palestinians have deteriorated to a situation far worse than the starting point. Basic rights are being violated on a daily basis for most Palestinians. On the other hand, despite the asymmetric power realities of the occupation and all the security arrangements, the Israeli public is terrified of the suicide bombings that have violated the basic rights personal and collective security of all Israelis. Based on this experience, it is clear for many Israeli and Palestinian analysts and peace workers that the next political agreement has to tackle the respect of fundamental freedoms, the granting of civil-political rights, and the provision of a minimal level of socioeconomic rights in a more effective way than the Oslo accords have done. For those who support its full integration, a human rights framework can provide a road map for designing these processes,7 particularly if merged with the “Dual Concern Model,” a cornerstone in the field of conflict resolution. 8 While there has been a growing consensus that introducing human rights issues at a later stage may consolidate the tenuous and often minimalist peace accords, we the authors have been investigating the potentialadvantage of bringing the two agendas simultaneously from the early stages of the process. The advocacy for human rights is often perceived by those involved in conflict resolution to be part of the problem, but it may instead be an important ingredient toward the conflict’s solution. While I can be respected for demanding my rights, according to the UDHR preamble’s “common standards of all nations,” we will fare better if we also attend the needs of the “Other.” Addressing the psychological dimension of protracted social conflict is a key to its resolution, for sometimes the mere recognition of my *rights* as a matter of principle is more important than a demand for their immediate implementation. When I know that being attentive to the needs of the “Other” can bring the solution closer, then I may be ready to sacrifice my inalienable rights for the common good, and it is my prerogative to do so. The necessity in addressing basic needs [and identities] of the contending parties is self-evident. Human needs of identity, security, and access to political power are at the core of protracted communal conflicts.9 Let us illustrate the amalgamation of rights-based and needs-based approaches, using several examples from the Israeli-Palestinian conflict. **Conflict of Rights**The Palestinian right of return and the Israeli Law of Return have generated conflicting demands over the same territory, making it very difficult to pass judgment sensibly. Jewish refugees have already found their safe haven. When looking into the Palestinian right of return, there is no question that they are entitled to do so according to human rights covenants. How could Jews deny the Palestinians’ right of return to the land of their ancestors after five decades while at the same time legitimately asking the Arab world to recognize the Jews’ own right of return to the land of Israel after 2000 years? Who is to say which people has the greater right: the group that was expelled from the Holy Land earlier or the group that was expelled later? Rather than decide who has *more* rights, both Arabs and Jews, who have fought stubbornly for preserving their presence, must have *enough* rights, and the issue at stake is how to satisfy the core needs of the members ofboth communities. It can also help the healing process to share the concern for all the suffering by the Palestinian refugees; however, from the human rights point of view, the plight of the population, expulsion, or any other reason does not make more or less valid that people’s right to return. Oncelegitimate rights are recognized, we can put aside the statement of principle, and then Israelis can communicate their core needs to maintain the Jewish majority in Israel: hence their request to all Palestinians to implement their right by coming back not to their *homes* in Israel but to their *homeland* in the new Palestinian state. While the original claim of both sides was to live and settle in the entire Holy Land, restricting such a claim to their respective states may be a pragmatic mutual compromise to restrict the number of Palestinian refugees returning to Israel, as well as the number of Jewish settlers in the Palestinian Territories. A generous compensation is to be offered and priority should be given to those who are deprived of their socioeconomic (and often civil and political) rights: the Palestinians still in refugee camps.**Unilateral Granting of Rights**Social Security (SS) for Palestinians in East Jerusalem has been part of their rights as residents of the city, which was officially annexed by Israel. The solution discussed for Jerusalem is that it serve as capital for two states. But meanwhile, Palestinians in East Jerusalem have been paying SS andenjoying the privileges after retirement. While technically Israel would transfer control of the city to the Palestinian government, such a move does not automatically ensure the Palestinian government’s readiness to assume responsibility for such social security services. The elderly population in particular will be deprived of an important part of their livelihood. This is an important *need* for them; could the Israeli government accept unilaterally to take responsibility for such care?”**Subordinate Rights**The implementation of all just claims guaranteed by human rights does not need to be seen with the same sense of urgency, and some setting of priorities may be in order. For one thing, the punishment of gross human rights violators may need to be postponed, perhaps indefinitely.10 Both Israeli and Palestinian political leaders can be held responsible by the opposing community for acts of omission or commission that may amount to crimes against humanity. But even though such actions are legally feasible, the international community as well as the civil societies of both nations may decide to refrain from such actions, given that the main goal is to encourage the two leaderships to move toward peace and reconciliation. Other elements that are important for exemplary justice, however, can be kept and even emphasized, such as truth mechanisms in order to prevent such gross violations from occurring again.**Generating Rights**It is important to remember that even during atrocious situations all human beings, including terrorists, “collaborators,” and oppressors, have inalienable rights. The release of Palestinian prisoners who have “blood on their hands”—an expression used commonly in Israel to refer to those who have planned, assisted, or carried out acts of violence against noncombatants— is a thorny issue. While there is no clear obligation of a state to release those who carry a sentence ormore of life imprisonment, there has been a tradition of granting amnesties at times of peace processes, and even including this provision as a part of the accords, as it was in The Good FridayAgreement in Northern Ireland. The underlying need of the Palestinians as a whole, and the families of the prisoners in particular, to see those who are behind bars released is obvious. So how can Israel be sensitive to these needs and, through confidence-building measures (CBMs), find ways to move toward such an accord? Human rights principles can help as well by agreeing that the policy to be implemented should be equally applied to both Arab and Jewish prisoners with “blood on their hands.” Given that several amnesties were granted in the past to Jews accused of such acts, it would not be a good idea to hold the Palestinians to be released accountable to the same standards as Jewish members of the terrorist underground (individual petition, expressions of remorse, and promise for no future acts of violence). This last issue is of crucial importance and, in the release process mechanisms, should be jointly worked out to minimize recidivism.11 In all cases, the dry letter of the human rights wording is important. But what is more important is to find a formula that, while accepting the validity of claims as just, at the same time shows humanity and understanding toward the needs of the “Other.” Not all such needs are guaranteed by international human rights law, which is but a work in progress by the world community. Having clarified the crossroads between needs and rights, we return to a more systematic analysis of the human rights dimension. A thorough review (see appendix I) of the many documents signed reveals that only a handful actually mention “human rights” or specific “rights” as listed in the Universal Declaration of Human Rights. Kaufman and Bisharat present a detailed illustration of possible integration of human rights in peacemaking. 12 Briefly summarizing their study, human rights can be an integral part of the three stages of the process:**The Pre-negotiation Phase.** It may well be that in Oslo both the Israeli Labor Party’s and the Palestine Liberation Organization’s highlighting pragmatism considered human rights language merely rhetorical burden, or perhaps its omission results from the two sides’ leadership’s lack of socialization in the use of such language.13 No doubt, the negotiators took upon themselves a formidable task in devising solutions to a large number of pressing concrete issues. The title, “Put an End to Decades of Confrontation and Conflict,” and the short preamble to the text inspire us to move in the direction of rights;14 however, there is little specific commitment to the improvement of human rights as a stimulus for progress in the process itself or whenever reference is made to “final status issues.”15 Such has also been the case in Northern Ireland with the incorporation of the European Convention on Human Rights to the 1998 as a basis for the Good Friday agreement.16 Human rights clauses can reduce the perceived asymmetries between groups. Language of dignity and respect is important for persecuted people, who are often reluctant to confront the cost of compromise. For on the losing side, rejection, negatives, and boycotts are often perceived as the only remaining source of strength. The use of a language of “entitlements” by the strong is expedient, since it may elicit from the underdog a more constructive attitude. Rather than conceding to “give up” territories in “Judea and Samaria” let the Israeli authorities stress that Palestinians have an inherent right to a state in part of historic Israel or Palestine. Granted that inclusion of a human rights provision may not guarantee its implementation, butwithout its inclusion there would be no chance for implementation at all.**The Negotiation Phase.** Peacemaking in protracted communal conflicts is normally a rather lengthy process that requires public acceptance during the interim stages. The transition from one stage to another can be facilitated by CBMs, often delineated in human rights principles. Palestinians do not regard “peace dividends” in terms of the above-mentioned rights. Equally, Israelis do not consider the peace negotiation process as providing personal or collective security. In a comprehensive sense, including socioeconomic and cultural rights, the concept of “human security” as developed by the United Nations17 stresses the importance of the satisfaction of fundamental needs to prevent violent conflict. Socioeconomic deprivation fosters violence, adding to the ethnopolitical nature of the conflict. More concretely, some of these measures include that Israel desist from holding prisoners in administrative detention without trial, respect the freedom ofmovement within the Occupied Territories, refrain from housing demolitions, halt confiscation of property, stop using collective punishment against Palestinian civilians in response to individual suicide bombings, and bring to an end the excessive use of force in dealing with Palestinian demonstrators. The interim period includes an improved but so far unequal distribution of water. Both the Israeli and Palestinian authorities should offer financial compensation for innocent victims of violence, adhere to their own commitment to prohibit the use of torture or “moderate physical pressure” in interrogations (even when the “bomb is ticking”), and above all denounce and effectively act upon the violation of the right to life by suicide bombers and extrajudicial, targeted assassinations. The inclusion of a human rights element is relevant as a CBM during the process’s interim phases. Human rights principles, while opening new dimensions for the duration of the negotiation, also propose to resolve permanent status issues. What might such an approach have offered? In addition to the already mentioned conflict of rights concerning refugees, let us briefly illustrate two other important issues: ■ *Jerusalem.* The future status of the city, considered the major stumbling block to the resolution of our conflict, can be viewed at three different levels in terms of rights. The expectation of interestedmembers of the international community (mostly Jews, Muslims, and Christians), is that freedom of religion (UDHR, art. 18) will be upheld, although no additional rights of citizenship will be providedto nonresidents. Second, while Israelis and Palestinians alike desire “Yerushalaim” or “al-Quds” as their capital—and their aspirations are understandable and should be supported—no such right can be determined based on international human rights law. Finally, the right of both major groups in Jerusalem to enjoy fully their individual rights in the city (see UDHR, most articles) may result in the overwhelming majority of the city’s Muslim and Jewish populations living in the city under the authority of their own respective sovereign states. Emphasis on individual rights would mean that those who are affected more directly should have greater priority in determining the quality of life and the future of their own city. This could potentially generate a shared Jerusalemite identity based on rights and privileges for its residents. This important dimension has been neglected in the negotiations so far (as the mentioned example of social security services to Palestinians in East Jerusalem).■ *Water Rights.* Water need no longer be seen as a finite, zero-sum resource. Though water resources are scarce, it may be possible not only to come to an agreement on joint management of the shared aquifers but also to determine general principles for water rights.18 Such principles could be based on equal rights to the basic water supply for all, and scaled greater payments for excess consumption. The incremental pricing policy for increased consumption will allow the biggest users to finance the cost of desalinization. **The Post-negotiation Phase.** Often called the “post-conflict” stage, this is the time for implementation of the agreements and for reconciliation. Given the current depressive status of the Israeli-Palestinian peace process, dealing in detail with the post-conflict stage may seem impractical and idealistic. But out ofthe three phases, this last has received perhaps the largest consensus for integrating human rights concerns. Examples include Latin America’s special commissions such as Argentina’s National Commission on the Disappeared (CONADEP), The Chilean Truth and Reconciliation Commission or Rettig Commission, the UN Verification Mission in Guatemala (MINUGUA), the UN Observer Mission for El Salvador (ONUSAL),19 and the South African Truth and Reconciliation Commission, which stressed the justice, truth, and healing aspects.20 Addressing past human rights violations is a strategy widely accepted by the international community in the effort to close the cycle of violence, and indeed these steps can enable the beginning of a new chapter in a collective and cooperative history. It seems, however, that the parameters for the transition from the post-negotiation period to the envisaged consolidation into a “warm” peace need to be reexamined. Granted, nearly all cases of transitional justice relate to intrastate, domestic strife, and the review being undertaken by a new regime must critically investigate the past violations of its predecessor.21 In our context, the impunity of individuals involved in acts of violence is likely to remain unquestioned, since those who continue to share power have, more often than not, officially sanctioned their actions. With the formal establishment of the Palestinian state there will be two sovereign governments, each representing more continuity than change. Both entities have already been perpetrators and victims of individual, group, and state terror. Given the asymmetry of power and the level of violence sanctioned by the authorities of both nations in the past, it appears unlikely that either the Israeli government or the Palestinian authority will unilaterally undertake such an initiative. It is not surprising that a gap exists between the ideals and the feasibility of using the “Truth and Reconciliation” mechanisms as in South Africa. This has been discussed by a Palestinian (Fatah Azzam) and an Israeli (Yuli Tamir). According first to [Azzam], “We must develop a sense of justice to make reconstruction possible . . . being tired of war is not enough . . . if people believe that justice has been served, even though it may be incomplete—moral reconstruction will occur.” Then Tamir states: “I think it is dangerous to build reconciliation on victimization and suffering… people tried to determine who was victimized more than the others. This kind of inquiry only increases the tensions created by past actions. Nobody wants to forget anything, because the basis of rights is grounded in the degree of suffering.”22. The mentioned convergence of the human rights paradigm with the “basic needs” approach can result in a real advantage at the post-conflict stage. Human rights should be used not only as an important criterion to remind the parties that there are international standards, but also to stress that the expected concessions are not unwarranted—that is, that these guidelines follow established principles and customs agreed upon by the international community. Yet human rights, though a necessary condition, are not enough by themselves to be effective in conflict transformation. Justice, too, can now emerge as a leading consideration. We can now move minimalist pragmatic treaty arrangements into declaratory and real policies that acknowledge accumulated suffering. For a durable and lasting peace, both sides will need to see the justice of individual, minimalist, restorative (rather than punitive) measures acknowledged, and to a certain extent, will also need to assist in practical ways to redress suffering.23 If experience in peacemaking with Egypt and Jordan is any indicator, reconciliation in the Israeli-Palestinian context will probably be easier to obtain by “carrots”  (financial compensation) than “sticks” (the punishment of the perpetrators). The collective memory can be improved by reports on “peace and reconciliation” that document human rights violations of the past, where intangible “carrots,” without necessarily any price tag, can also become cathartic for healing the wounds. Acknowledgment of morally problematic actions in the past, the prospects of a brighter future without discriminatory acts, sincere efforts to seek equality before the law, and the satisfaction of basic needs could be jointly understood as a pragmatic choice that is worth the effort. In moving toward a progressive and shared vision, we can engage in brainstorming scenarios for a future in which the rights of Palestinian and Israeli individuals will be dramatically improved once formal peace is agreed. Although sovereignty rests in two separate political entities, interdependence can provide the long-expected peace dividends needed to begin improvement in social and economic conditions, while full civil-political rights of all citizens are ensured. The implementation of agreements, based on equal rights, will require monitoring and regulation. In cases of disagreements, there is a need for mediating mechanisms and procedures that can effectively acknowledge the complexities of emerging problems. This effort should incorporate clearly designed early warning indicators and provide training in preventive action. There must also be a procedure for dealing with unresolved issues from the past, when the deprivation of rights (violence, economic depravation) was not given due attention. Clearly, the more that the process can, over time, address and eradicate causes of “structural violence,”24 the more durable peace will be.**Conflict Resolution and Human Rights at the Governmental Level: The “Top Dog”**Although the more powerful actor can attempt to maximize security for the ruling group—often at a high human cost—it has no effective way of silencing long-term ethnopolitical opposition by sheer intimidation or limited repression. To win a war so comprehensively as to be able to dictate the nature of the post-conflict settlement, the victor must usually act ruthlessly (e.g., conducting ethnic cleansing or massacring large numbers of civilians) —more ruthlessly than legal and public opinion in most democracies can tolerate. And when a majority imposes its rule over a disenfranchised, rebellious minority, it cannot expect its “solution” to endure indefinitely; hopes for a lasting outcome require a genuine endorsement by both sides. This principle is vitally relevant to the Israeli-Palestinian peace process, in which military victories have not resulted in compliance.25 For the Jewish state, reaching a historic, mutually internalized reconciliation leads the way to the eventual closure of the cycle of violence. The declared finality of the conflict can be included in a treaty, and the public can better understand that isolated acts of terror—rejected by the leadership and civil societies of both sides—are a serious but unavoidable price to pay. Moreover, the application of human rights standards can be also invoked for the sake of the citizens of the stronger party. Although they often enjoy more rights than the oppressed minority, their right to life is often challenged by the armed opposition, which can also be made accountable for the respect of human rights standards. In the case of Israel, as in other Western cultures, there is a fear of commitment to principles that can bring about demands that the declaratory policy be meticulously implemented. However, it has often been argued that in high–context cultures—where individual behavior is highly controlled by traditional collective rules—the minority or the weaker side is expecting a symbolic recognition of rights that does not necessarily mean full implementation. The extraordinary value of the acknowledgment of injustices has been increasingly recognized in the apologies of distinguished political leaders around the world. Nations that have been oppressed throughout decades or centuries may find healing in the expression of such statements and in what often amounts to symbolic and very partial redress of past violations. Many of the issues accumulated in protracted conflicts are related to human suffering and not necessarily to tangible goods that may have been lost forever. When revisiting the Palestinian refugee issue, it is clear that Israel is afraid that recognition of shared responsibility carries the acceptance of the principle of implementation. This fear reflects a flawed understanding; there needs to be reassurance that once the wording of the recognition is agreed, one can put the magnanimous declaration aside and then work out the practical implications. A “realpolitik” critique often reminds us that demands to include human rights clauses in the formulation of an accord may well be a delaying factor at a time when the window of opportunity is relatively short. Moreover, there have been more than a few cases in which aspects of the text of the agreement seem to violate, explicitly or implicitly, universal standards. The plausible political counterargument is that appealing to human rights as a paradigm does not necessarily mean that all measures must be congruent with such lofty principles. Rather, the purpose of the human rights language in the agreement is mostly to communicate an expectation to achieve the highest standards possible. On the other hand, the total avoidance of human rights considerations may in fact prolong the peace process. Adherence to universal standard setting by the stronger side can be beneficial for Israel’s image and its Diaspora and, in the long run, help ensure the cherished “lasting” peace. **Conflict Resolution and Human Rights at the Governmental Level: The “Underdog”**Reconciliation builds on overcoming the scars of past injustices and victimhood. When members of the “victimizing” community express acknowledgment of the victims’ suffering, the process can move forward. However, in the Israeli-Palestinian conflict, each side subjectively considers itself the major or even sole victim; thus, acknowledgment is often difficult to elicit, as it is associated with “weakness.” Until we find ways to share victimhood status and express empathy toward the suffering of the “Other,” legal sanctions and punishment will not bring the conflict closer to resolution. Going beyond rights into “gestures of reconciliation”26 is necessary for moving the negotiation process forward, as well as being part and parcel to healing. While most Jews with a collective memory of suffering through history, and of the Holocaust in particular, would expect some understanding of their plight, most Palestinians do not seem to be able to empathize openly, at this stage, with Jewish suffering. What with fears of intimidation by extremists, and of being misunderstood by one’s own society in the high-context Palestinian culture, individual initiatives, though remarkable when they occur, have been very few.27 Such recognition of a shared victimhood becomes almost impossible for the large segment of Palestinians who currently live under an occupation reality based on “ghettoization policy” as a result of the “separating wall.” Hundreds of thousands of Palestinians are deprived of their daily basic right to move or even leave their town, village, or house. The construction of the separating wall brought a new level of collective imprisonment and punishment to the Palestinians population. Such sense of collective victimization needs to be recognized by the “Other” in order to restore a basic degree of dignity that allows a person or group to recognize or even look outside its humiliating reality. Within this context, the horrendous suicidal homicides, by individuals or extremist groups targeting innocent Israeli civilians, have had a disastrous negative impact on the peace process. Many moderates tend to be paralyzed when tragic events such as terror attacks or structural violence occur. This paralysis is caused by shame, awkwardness, or ignorance of the “legitimate” responses. As a result, opportunities for expression of empathy through public or private grieving are lost. In an even more insidious way, chances for manifesting solidarity are missed whenever we fail to comfort the victims of structural violence, which, although bloodless is no less damaging psychologically. Basic principles of human dignity, highlighted already in the UDHR, are essential in pursuing a partnership for peace. Just to illustrate, Mohammed Abu-Nimer, one of this essay’s authors, was a member of an international team working to facilitate a Palestinian-Israeli meeting to discuss Palestinian elections. Because of recent suicide bombings, the Palestinian delegates were not allowed to leave their cities and participate in joint meetings in Jerusalem. A member of the Palestinian Legislative Council described our efforts to get the author’s permission to leave his town in Ramallah as legitimizing the violation of his basic human right to vote and elect. The author decided not to ask the Israelis for clearance, in order not to negotiate his basic right. This restriction not only is a violation of “freedom of movement” but also has generated a situation of structural violence, causing loss of lives and permanent damage to a large number of innocent people. By preventing movement at all levels, the policy has also limited the possibility of medical treatment for chronically sick people and made birth delivery more difficult; it has jeopardized the possibility of employment and hence caused increased poverty and often malnutrition; it has prevented educational institutions, from kindergartens to universities, from functioning normally, causing the loss of countless days and hours of classes; it has also prevented the reconstruction of demolished houses resulting from yet another illegal policy of collective punishment. With such levels of deprivation, it takes an incredible inner strength to empathize with the pain caused to the “Other.”**Conflict Resolution and Human Rights at the NGO Level: Challenges and Potential**Nongovernmental organizations and civil society are the type of setting in which such necessary linkages between human rights and conflict resolution groups should take place. However, as is typically the case in protracted communal conflicts, unilateral claims are not confined to the political leaders in power but are widely shared within their respective nations.28 It should not be surprising that many of the Israelis searching for a compromise have been involved in what has been called the “peace movement” or “peace camp,” while the human rights groups have been mostly small, staff-driven organizations. In its largest demonstration, Peace Now was able to gather some 400,000 people in Tel Aviv to protest the massacre of Palestinians by Maronite Lebanese in the Sabra and Shatila refugee camps in 1982—an action tacitly facilitated by the Israeli military. The group has also held large yearly large masses to commemorate Prime Minister Yitzhak Rabin’s assassination. On the other hand, identifying with the rights of the “Other,” particularly when Palestinians are involved in brutal violence against Israelis, is not an easy proposition. Hence, only a few come to protest house demolition as a form of inhuman collective punishment. There is a certain tension between those who call for an “end of occupation” and those who are concerned with the daily violation of Palestinian rights, whose efforts are perceived to be a useless effort to “humanize occupation.” As a result, and compared with Palestinians NGOs, very few Israeli organizations have monitored or paid systematic attention to the human rights violations caused by the Israeli occupation since 1967. (B’tselem is one well-recognized Israeli organization that has led campaigns of public awareness and advocacy since the late 1980s.) Conversely, on the Palestinian side, there has not been an organized massive “peace movement.” Only a few small NGOs espousing nonviolence have been in existence for more than a decade, although lately a few staff-driven conflict resolution NGOs have been a welcome addition. Only one small university-based peace center continues to operate. Often, like their Israeli counterparts, peace and nonviolence advocates have been ostracized and criticized by their fellow citizens, although a sizeable group continues to persevere in the face of daunting adverse circumstances. On the other hand, there has been a mushrooming of human rights organizations, mobilizing around issues such as deportation, imprisonment, house demolition, and land confiscation. A debate emerged about the duty of Palestinian human rights organizations to monitor not only the violations of the Israeli government but also those committed by the Palestinian National Authority. In the pre-Oslo era, most of the Palestinian and Israeli groups worked on monitoring human rights violations separately along their ethnic divides —to some extent similar to the Sri Lankan peace and human rights groups.29 And even now, although Palestinian and Israeli human rights organizations cooperate in gathering and distributing data, they run mostly separate and independent operations. The Palestinian human rights organizations often refuse to engage in formal dialogue with Israelis. However, this started to change after the Oslo peace processes started to decline, at which pointmany Palestinian and Israeli organizations initiated joint peace and conflict resolution projects. Still, many Arab activists continue to criticize the Oslo peace process for lack of protection of human rights, a situation that has worsened during the Al Aqsa Intifada.30 The asymmetry of power in the situation between Israel and Palestine not only makes it materially difficult for the Palestinians to attend meetings but also has psychological implications.31 Most Palestinians have claimed, when asked to attend joint peace meetings with Israelis, that attaining basic rights for free movement and freedom of expression is far more important than engaging in joint peace work. Thus, advocacy to gain and ensure such rights become more central to those who live under occupation, especially in view of the targeted assassinations; torture; administrative detention; mass, forced migration; massive curfews; closure of schools and so on, that are an integral part of their daily lives. Palestinians also argue that in order to be able to engage and learn tactics of peacebuilding and dialogue, a minimal degree of basic socioeconomic needs must be met so that they can exist with dignity. Several projects based on both universality and reciprocity aptly illustrate the search for common ground in defending the right to life as well as addressing the need for apology, joint sorrow, and truth. A dialogue was begun, which later led to the establishment of Healing Early Action Link (HEAL).32 During its first year, HEAL realized that condolence and comfort visits to victims require a significantly higher level of preparation than originally anticipated. To give a deeper understanding of the meaning of political violence, Palestinian participants revealed to the Israelis the flagrant issue of structural violence. This altered the objectives of the project and restored symmetry to the work of HEAL in its second year. Sensitivity enhancing dialogue is just as legitimate and effective in alleviating human suffering as the more visible and concrete interventions, such as condolence visits; practical, logistical help for the sick and wounded (in cases of closures of Palestinian towns); contacting victims of (impending) house demolitions; mediating in legal aid; and articles published through various media venues. Another, albeit short-lived, project responded to the large number of children killed during the first stages of the Intifada Al Aqsa, as published in the mainstream Israeli and Palestinian newspapers (see appendix II). Many from both sides who were concerned with the right to life signed, but a few had reservations about the inclusion of children of Jewish settlers. Another project brought together sixteen Israeli and Palestinian human rights and peace workers in a joint research and conceptualization initiative on how best to “humanize” the new peace process, including a state-of-the-art training course for trainers, on peace building and on further developing a campaign to reach out to a wide audience.33 In the project’s current third phase, the focus on “freedom of movement” works primarily on the draconian restrictions in the Palestinian Territories, though it is also concerned about the fear of Israeli Jews and Arabs alike to ride buses. In most of these joint meetings, Palestinians have chosen the empowering language of basic human rights to stress their victimhood. Through the call for universal justice, a sense of moral superiority emerges when advocacy details the violation of human rights under occupation. Many Israelis in such encounters experience a sense of shame and the need to be defensive.34 In this context, Palestinians often criticize the conflict resolution and peace workers who insist on creating balance between Palestinian just claims and suffering, and the Israeli sense of victimhood,35 particularly when the state violence carried out by Israel is recognized as a legitimate defense policy, whereas Palestinian reactions to the occupation are termed “terrorism.”36 The difficulties usually appear in the relative ability to relate to peace in the future while insisting on the principles of justice and accountability in the present tense. On the other hand, when negotiating and dialoguing, such a sense of equality is not reflected, and in some cases the dialogue itself can perpetuate the sense of asymmetric power relations and inequality. 37 Peace work promoted by Israelis often addresses the psychological and perceptional aspects of the conflict, focusing on reduction of stereotypes through dialogue, teaching communication skills, and exploring cultural differences and similarities. While such peace encounters are helpful in relieving the individual fears and stereotypes of the Israeli participants, they often fall short in addressing the basic human rights violations that the Palestinians experience always, including while on their way to the dialogue or peace worker meeting and as they return home afterward. Conversely, the Palestinian participants’ exclusivist human rights point of view often fails to empathize with the needs of the Israelis and sometimes even with those Israelis who have a basic willingness to compromise. **Conclusions**Ultimately, the political elites of both nations have not been socialized, on the whole, into the language and use of human rights as universal principles. In general, due to their short-term electoral objectives of political gain, politicians have rarely engaged in peace and justice initiatives. In Israel, rather than confronting the settlers and the political forces behind them, many political leaders have deferred any decisive policy of withdrawal from the Occupied Territories, ignoring the long-term consequences for the transformation of their country into a binational state. On the Palestinian side, survival in their positions seems to be the prevailing preoccupation of the leadership. At this stage it seems impossible that the recognition of the intrinsic relationship between peace and justice for both sides will come from a topdown initiative. Still, we should continue, jointly and separately, to point out that while the relative strength of forces provides one side with the ability to win wars, it will never provide the ability to impose a stable peace. We must also continue to condemn strongly the use of violence against civilian targets, be it suicide bombing or targeted assassination, as the equivalent of a crime against humanity, and a major obstacle to the peace process. By formulating claims in accepted universal principles, we can strengthen the possibility of achieving a higher level of legitimacy internationally and, hopefully, within our own societies as well. The acceptance of the humanity of the “Other” and the inherent human dignity of the person, even at the declaratory level, can set up a better atmosphere conducive to more successful negotiations. And yet, the asymmetry of power is clear, and there may not be a strong immediate incentive for the more powerful side (Israel) to recognize the grievances of the weaker one (Palestinians) without the direct involvement of the international community, as was the case in Rwanda and theformer Yugoslavia. But the strong international alliance of Israel with the United States, the still comparatively “low-intensity” level of casualties, and the shared responsibility of both sides make any external military intervention to take control of the West Bank and Gaza unlikely. Moreover, such intervention could meet with much resistance by the Israeli public at large, which is understandably fearful of existential threats as recorded in its traumatic historic memory. Hence, the challenge is to develop a shared understanding on how to move “from here to there.” While there seems to be a growing understanding that an Israeli-Palestinian agreement on final-status issues should be close to the agreements reached at the 2000 Taba meeting or the “Geneva Accord” launched by Yossi Beilin and Abed Rabbo,38 we must not forget to include a dimension that can strengthen people-to-people relations and provide a renewed hope in political peace negotiations. Since, in general terms, large majorities in both nations profess to ascribe to universalhuman rights values and to democracy, and the leadership of both nations has also uttered such declaratory adherence, we need to work hard to make all concerned understand the implications of such a stand. If the universal jurisdiction of such principles is accepted, it then means that both Palestinians and Israelis should be guaranteed at least the fundamental freedoms and basic needs that each individual deserves as a human being. Human rights principles can provide the Palestinians with new ideas for unilateral initiatives, such as struggling for the right of freedom of movement now; calling for elections and struggling nonviolently for the right to conduct them under the scrutiny of the international community; and demanding that Israel not forestall any longer the exercise of their citizen’s rights, by allowing them to become citizens of the occupying state and, eventually, decide by referendum whether to secede or to become part of a multinational secular state. Approximately half the peace treaties since World War II have not been fully implemented and the overall ratio for Israeli-Arab agreements does not seem to be better. Given the protracted and bloody nature of our conflict and the numerous problems already faced in the implementation of the Oslo agreement, unless we consolidate any new accords into a stronger bottom-up bond, we will slip back time and again into a cycle of violence. Facing such realities places a heavy burden on the human rights and peace groups of both sides to take a leadership role in the process. Awareness of the intrinsic connection of the two principles has been confined to the minds and deeds of only a few academics and activists, but the potential to expand the ranks is there. Even if it is difficult to conceive at this time that the leaders of both nations will find common ground, building a “sectorial peace” involving understanding between important social movements of both societies can provide a strong basis for a concerted international and domestic action. For a variety of reasons, we have seen human rights and peace/conflict resolution NGOs on both sides working separately and the mixed composition of the mentioned core groups already shows the potential of this initiative. Lisa Schirch39 makes several recommendations to theoretically link the two fields of human rights and peacebuilding. We can easily adapt and expand some of those recommendations to the Israeli- Palestinian context, as follows: ■ Stimulate consensus building around the convergence of human rights and peace work as represented by the term of “just peace”— the unifying concept toward a sustained process of reconciliation. ■ Israeli and Palestinian peacebuilding groups and organizations should focus on the human needs and rights both of themselves and of the “Other” as an analytical framework for action andevaluation of impact. Doing this will also allay the skepticism among participants that peacebuilding work tends to neglect the concrete and tangible needs of individual participants.■ Peacebuilding work, when guided by the fulfillment of human needs and rights of Palestinians as well as Israelis, makes the issue of impartiality and neutrality of the third party less relevant. It willalso address, even though partially, the concern for asymmetric relations between the Israelis and Palestinians who participate in peacebuilding projects.■ Create a broad-based effort to institutionalize coordination networks among human rights and peacebuilding groups.40 When such networks are actively planning, implementing, and evaluatingtheir various projects and initiatives, they become a source of strength and complementarities rather than weakness and competition.■ Encourage the use of nonviolent sanctions in the struggle for a just peace, since doing so translates the concept from mere goals to means. Regardless of the individual or group endorsement of pacifism or “just war” as a last resort, searching for common ground can result in the preference for nonviolence as a first choice for action. ■ See that the joint actions of both Palestinian and Israeli human rights and peace/conflict resolution civil society organizations focus on agendas with issues of current relevance, such as defending the right to life (UDHR, art. 3) of innocent civilian victims of suicide bombers and targeted assassinations, and easing the restrictions on freedom of movement because of checkpoints or the erection of a separating fence/wall (UDHR, art. 13). Such blatant violations are also an impediment to peace (e.g., the illegitimacy of the killings increasing the reciprocal level of hatred; the building of the wall, changing unilaterally the future borders of the two states). Facing this challenge, we must also acknowledge the obstacles fromwithin our own civil societies and seek out a better understanding of our mutual values and expectations. Generating “epistemic communities”41 of those who have developed a shared understanding across the divide and ways to implement this shared understanding is an important prerequisite for progress. Facing the current adverse circumstances, we the authors find some source of encouragement in the ability to have expressed together this analysis of the problem. Still, the hard work has only begun.**Appendix 1****Human Rights References in the Israeli-Palestinian Peace Agreements**In determining whether the concept of “human rights” has been used in the negotiations, we have analyzed hundreds of pages of the official documents from the Israeli-Palestinian peace process, beginning with the Letters of Israel-PLO Recognition that were exchanged after the Oslo Negotiations, from September 9, 1993, until the Wye River Memorandum (1998).42The following documents were analyzed:■ Israel-PLO Recognition, September 9–10, 1993■ Israel-Palestinian Declaration of Principles, September 13, 1993■ Agreement on the Gaza Strip and the Jericho Area, May 4, 1994:Preamble and ArticlesAnnex I: Security ArrangementsAnnex II: Civil AffairsAnnex III: Legal MattersAnnex IV: Protocol on Economic Relations, April 29, 1994Maps■ Rabin-Arafat: Exchange of Letters■ Agreement on the Preparatory Transfer of Powers and Responsibilities(Israel-PLO), August 29, 1994Annex I: Protocol Concerning Preparatory Transfer of Powers andResponsibilities in the Sphere of Education and CultureAnnex II: Protocol Concerning Preparatory Transfer of Powers andResponsibilities in the Sphere of HealthAnnex III: Protocol Concerning Preparatory Transfer of Powersand Responsibilities in the Sphere of Social WelfareAnnex IV: Protocol Concerning Preparatory Transfer of Powersand Responsibilities in the Sphere of TourismAnnex V: Protocol Concerning Preparatory Transfer of Powers andResponsibilities in the Sphere of Direct TaxationAnnex VI: Protocol Concerning Preparatory Transfer of Powersand Responsibilities in the Sphere of VAT on Local Production■ Interim Agreement between Israel and the Palestinians, September28, 1995Annex 1: Redeployment and Security ArrangementsAnnex 2: Elections ProtocolAnnex 3: Civil AffairsAnnex 4: Legal MattersAnnex 5: Economic RelationsAnnex 6: Israeli-Palestinian CooperationAnnex 7: Release of Palestinian PrisonersMaps■ Summit of Peacemakers: Final Statement (Sharm el-Sheikh),March 13, 1996■ Agreement on Temporary International Presence in Hebron,May 9, 1996■ Protocol Concerning the Redeployment in Hebron, January 17,1997**Results**In the main documents the term “human rights” is not used. It is used only in secondary items and annexes, as follows:A. In the exchange of letters between Prime Minister Rabin and Chairman Arafat the term “human rights” was never mentioned.B. In the “Declaration of Principles” (an eleven-page document), the concept was never mentioned. In the introductory paragraph, there is only an allusion to the recognition of the two sides’ mutual legitimate and political rights.C. In the “Agreement on the Gaza Strip and the Jericho Area” (a twelve-page document), the concept is mentioned only once, in one small article (Article XIV: Human Rights and the Rule of Law). Israel and the Palestinian Authority shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.In the various annexes, human rights are mentioned as follows:Article VIII: Rules of Conduct in Security Matters (same Gaza agreement, in an annex). Subject to the provisions of this Agreement, the security and public order personnel of both sides shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally accepted norms of human rights and the rule of law and shall be guided by the need to protect the public, respect human dignity andavoid harassment.2. Both sides shall take all necessary measures to ensure that the treatment of individuals transferred under this Article complies with the applicable legal arrangements in Israel and in the Territory and with internationally accepted norms of human rights regarding criminal investigations.D. In the “Interim Agreement between Israel and the Palestinians on the West Bank and the Gaza Strip” (twenty-one pages), the concept appears once in Article XIX: Human Rights and the Rule of Law.Israel and the Council shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.E. In Annex 1 on the “Protocol Concerning Redeployment and Security Arrangements” (sixty-nine pages), it also appears once, in Article XI: “Rules of Conduct in Mutual Security Matters.”In Article IX: “Movement Into, Within and Outside the West Bank and the Gaza Strip,” it mentions Israel’s right, for security and safety considerations:d. The provisions of this Agreement shall not prejudice Israel’s right, for security and safety considerations, to close the crossing points to Israel and to prohibit or limit the entry into Israel of persons and of vehiclesfrom the West Bank and the Gaza Strip. In addition, the provisions of this Agreement shall not prejudice the use of safe passage.In Annex 3, on the “Protocol Concerning Civil Affairs” (sixty-six pages), the term is not used. However, there are some references to academic rights under Article 2, concerning archaeology; Article 11, concerning theright of employment; and Article 21, concerning the rights of the workers;Article 23, concerning intellectual property rights; and Article 32, concerning religious rights.In Annex 4, on the “Protocol Concerning Legal Affairs” (eight pages), the term is mentioned once under Article II, “Legal Assistance in Criminal Matters”:h. (l) Both sides shall take all necessary measures to ensure that the treatment of the individuals transferred under this article complies with the applicable legal arrangements in Israel and in the Territory and withinternationally-accepted norms of human rights regarding criminal investigations.Under Article IV, concerning scientific and technological cooperation, intellectual property rights are mentioned. F. In the Final Statement—Summit of Peacemakers: Sharm el-Sheikh (two pages), the term is not used.G. In the Wye River Memorandum, 1998 (eight pages), the concept appears once only in reference to the Palestinian police, Article II, under section C, numeral 4.Pursuant to Article XI (1) of Annex I of the Interim Agreement, and without derogating from the above, the Palestinian Police will exercise powers and responsibilities to implement this Memorandum with due regard to internationally accepted norms of human rights and the rule of law and will be guided by the need to protect the public, respect human dignity, and avoid harassment. **Appendix 2****“Stop Killing Our Children” Campaign**The following text was part of advertisements published in Hebrew (in Ha’aretz) and Arabic (in Al Quds) in March and April 2001. **[**We should make our voices heard loud and clear: PLEASE DO NOTMAKE OUR CHILDREN AND YOUNG THE TARGETS OF THE FIGHT AMONG OUR ADULTS. KEEP THEM OUT. . . . We do not want to go into a futile discussion about who is killing more children, who are thekillers, and whether or not they were officially sanctioned and instigated.The crux of the issue is undisputed—children and infants are dying. . . .Children under the age of 16 are normally protected by society. We donot allow them to drive nor to vote or drink. Many of us question the morality and expedience of using violence against each other. Indeed, there are different opinions, but it seems to me that there is a universalconsensus—amongst Arabs and Jews—as part of the world at large, that the human rights of minors must be protected. Most certainly, unarmed, innocent children should not be killed and wounded. We must takeresponsibility and prevent their deaths, both by commission and omission. By not using lethal weapons against them, as well as preventing them from venturing into life-threatening situations, and unsafe environments. Not only are our own brothers cutting short the precious lives of our innocent children, but the family, at large, is deeply suffering . . . the community is crying. . . .(1) We should ask our leaders, both Arafat and Sharon, to record, in their own voices, a general statement deploring the death of children and young, and calling our nations and armed forces to refrain from suchacts. We should ask the official media to broadcast these statements daily until violence stops and start again if there is another minor killed.(2) The Israeli Government and the Palestinian National Authority should at least officially undertake to investigate the death of each minor and publish the findings. Furthermore, if they could agree to have joint teams including a representative of an international organization protecting the rights of children (e.g. UNICEF, Save The Children, Defense for Children International) that would be a great step forward.3) Regardless of what the governments are going to do or not do, we must agree to act ourselves: it could be as simple as sending joint letters of condolences to the families of victims, or newspapers; that we ask our own Jewish and Arab children or pupils to find ways to communicate to children of the other nation that are wounded by our own people (Send books and/or pictures to one another, establish pen-pals etc).**Notes****1.** See Philip Alston, “Peace as a Human Right,” in *Human Rights in the World Community,* ed. R. P. Claude and B. H. Weston (Philadelphia: University of Pennsylvania Press, 1992), 198–209.**2.** David P. Forsythe, *Human Rights and Peace: International and National Dimensions* (Lincoln, NB: University of Nebraska Press, 1993).**3.** Michael Walzer, *Just Wars and Unjust Wars* (New York: Basic Books, 1977).**4.** Bruce Russet, *Grasping the Democratic Peace: Principles for a Post–Cold War World* (Princeton, NJ: Princeton University Press, 2003); James Lee Ray,*Democracy and International Conflict: An Evaluation of the Democratic Peace Proposition* (Columbia, SC: University of South Carolina Press, 1995).**5.** Edy Kaufman, Shukri B. Abed, and Robert L. Rothstein, eds., *Democracy,Peace, and the Israeli-Palestinian Conflict* (Boulder, CO: Lynne Rienner, 1993).**6.** Edy Kaufman, “The Relevance of the International Protection of Human Rights to Democratization and Peace,” Occasional Paper Series, Kroc Institute for International Peace Studies, University of Notre Dame (July 1994).**7.** Lisa Schirch, “Human Rights and Peacebuilding: Toward Just Peace” (unpublished paper, delivered at annual meeting of International Studies Association, April 2002); and Schirch, *A Peacebuilding Framework to Link Human Rights and Conflict Transformation* (Harrisonburg, VA: Eastern Mennonite University,forthcoming **8.** See section on the Dual-Concern Model, in John Davies, “Power, Rights, Interest, and Identity: Conflict Management Strategies for Building a Democratic Peace,” in *Track II /Citizens Diplomacy: Applied Techniques of Conflict Transformation,* ed. John Davies and Edy Kaufman  (Lanham, MD: Rowman and Littlefield, 2002), 115–116.**9.** Edward Azar, “Protracted Social Conflicts and Second Track Diplomacy,” Ibid. 15–30.**10.** Schirch coined the expression BATARJ (best alternative to truth and reconciliation) [AU: “Best Alternative to Restorative Justice”, is that what you mean?], adapting from R. Fisher and W. Ury’s BATNA the realistic concept that the options need to be seen in the relative sense and not as absolute demands. Schirch, *A Peacebuilding Framework,* 28.**11.** Mubarak Awad and Edy Kaufman, “Prisoner Release as a Fork in the Road Map: Switching from the Past toward the Future to Bring Palestinians and Israelis Together,” *Al Quds* (daily), August 11, 2003 (in Arabic).**12.** Edy Kaufman and Ibrahim Bisharat, “Humanizing the Israeli/Palestinian Peace Process, *Israel-Palestine Journal* 6, no. 1 (1999): 8–13.**13.** A later content analysis of the speeches made by Prime Minister Ariel Sharon and President Yasser Arafat during 2000–2003 shows a nearly total absence of the term “human rights” by the first, and the use of “rights” by the second only as attributed to the Palestinian people.**14.** Article XIV of the Gaza-Jericho Agreement stipulates, “Israel and the Council [of the Palestinian Authority] shall exercise their powers and responsibilities pursuant this Agreement with due regard to internationally-accepted norms and principles of human rights and the rule of law,” and in Annex III, art. 2 discussesthe issue of treatment of individuals of either group when transferred to the judicial authorities of the other.**15.** For an overall detailed analysis see appendix 1. One of the few one-sided examples was the Wye River Memorandum, which has a reference only to the Palestinian police, admonishing them to behave according to “internationally accepted norms of human rights and the rule of law,” but the Israeli delegation, led by Prime Minister Netanyahu, was allegedly adamant in refusing to accept any commitment to human rights standards.**16.** Committee on the Administration of Justice, “Human Rights: The Agenda for Change,” (Belfast, December 1995), 3. In an analysis of the 1998 Northern Ireland Peace Agreement, Human Rights Watch expressed that the organization “is particularly pleased to note that the new agreement reflects an understanding of the relationship between the protection and promotion of universal human rights and the probabilities for a lasting just and durable peace.” Human Rights Watch, *Justice for All?* 10, no. 3 (April 1998), http://www.hrw.org/reports98/nireland.**17.** United Nations, “Human Development Report, 1994,” *UN Documents* (New York: United Nations Publications, 1994).**18.** Eran Feitelson, Marwan Haddad, Shaul Arlosoroff, and Taher Nassereddin, “A Proposed Agenda for the Joint Management of the Shared Groundwater,” in *The Management of Shared Groundwater Resources: The Israeli-Palestinian Case within an International Perspective,* ed. E. Feitelson and M. Haddad (Boston:Kluwer Academic Publishers, 2000).**19.** For an analysis of the human rights dimension in several post-negotiation contexts in the Western Hemisphere, see Cynthia J. Arnson, ed., *Comparative Peace Processes in Latin America* (Palo Alto, CA: Stanford University Press, 1999).**20.** Eileen R. Borris, “Reconciliation in Postconflict Peacebuilding: Lessons learned from South Africa,” in *Track II/Citizens Diplomacy,* ed. Davies and Kaufman, 161–82.**21.** See Neil J. Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Former Regimes,* 3 vols. (Washington, DC: United States Institute of Peace Press, 1995).**22.** Henry Steiner, ed., *Truth Commissions: A Comparative Assessment* (Cambridge, MA: Harvard Law School, Human Rights Program, 1996).**23.** Daan Bronkhorst, *Truth and Reconciliation: Obstacles and Opportunities for Human Rights* (Amsterdam: Amnesty International Dutch Section, 1995).**24.** On the concept of “structural violence,” see Joan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969): 167–91.**25.** Edy Kaufman and Ibrahim Bisharat, “Are Human Rights Good for the Top Dog as Well? Rescuing the Missing Dimension of the Israeli-Palestinian Peace Process,” *Palestine-Israel Journal* (September 2003): 81–88. **26.** Christopher Mitchell, *Gestures of Reconciliation: Factors Contributing to Successful Olive-Branches* (New York: Macmillan, 2000).**27.** One overall expression of such reluctance is to avoid visiting the Holocaust Museum; only lately a group of Israeli Palestinians challenged this attitude by visiting the sites of former Nazi concentration camps in Europe.**28.** As on the more global level, the difference between human rights and peace NGOs has been that “whilst the former campaigns publicly on the consequences of conflicts, namely human rights abuses, the latter has eschewed the public approach in favor of quietly building trust and understanding amongst the various parties to a conflict. In the past , this has led to a certain amount of tension with both sides concerned that their work is being hampered or even undermined by the other’s distinct approach and different sets of priorities.” International Alert, *Code of Conduct—Conflict Transformation Work* (London: International Alert, 1998), 20.**29.** Jehan Perera, “Building Legitimacy and Trust,” *Human Rights Dialogue* (Winter 2002): 9–10.**30.** Quoting a Palestinian in the HEAL network (see note 32): “In speaking about the challenges that we face, these days many Palestinians ask, why do you do joint projects with Israelis? The Israelis have everything and we don’t have anything. This project is part of normalization, part of perpetuating the status quo, and part of creating facts on the ground. . . . The asymmetry will continue, and Ifeel it is time for Palestinians and Israelis to shift from victim and guilty to social responsibility.”**31.** As Abu-Nimer has observed: “We cannot work on dialogue and peace when we are deprived of our basic rights of freedom, mobility, and expression. The emphasis of the Palestinian civil society should be on the advocacy for protection of human rights and not wasted on psychological manifestation of the conflict. When Israelis call for dialogue during these times when there is a total closure on all Palestinian civilians, it is clear that the dialoguer does not recognize the harsh reality of occupation that Palestinians experience.” (taken from**]** conversations with Palestinian political and civil society leaders who were invited to participate in a joint meeting with Israeli leaders, to discuss Palestinian elections in Jerusalem, January 2003).**32.** “Healing Early Action Link,” a network of Israelis and Palestinians working (a) to alleviate suffering inflicted by political and structural violence in the conflict, inter alia; (b) to transform cumulative hatred into a tool for reconciliation; (c) to prepare proactive strategies and tools for coping; (d) to study how to improvethe quality of solidarity and grief-sharing activities in the Israeli-Palestinian conflict; (e) to reflect on novel ways of symbolically and jointly coping with pain and injustice; (f) to develop alternative ways of releasing stifled and suppressed emotions.” Over fifty Israeli and Palestinian psychologists, social workers, conflictresolution practitioners, educators, and writers were involved in HEAL. The participants were committed to effecting change through their personal intervention and to limiting the effects of political and structural violence. HEAL activities consisted of interactive brainstorming and problem-solving workshops, interventionactivities by small groups, training in sharing and coping with emotions, and formal dialogues. Over a period of two years (1997–99) HEAL participants worked to gain indispensable skills for dealing with culturally and religiously accepted codes of grieving among Jews, Muslims, and Christians. In addition, critical insightswere gained through researching ways of releasing fury, anguish, and dejection in post-traumatic stress situations. Sensitivity training focused on learning how to elevate contextually appropriate messages of support.**33.** Panorama—the Palestinian Center for the Dissemination of Democracy and Community Development (Jerusalem), a Palestinian NGO, and the Truman Institute (at the Hebrew University of Jerusalem), in cooperation with American University, coordinated this initiative. Because of political events, participants fromthe various NGOs mostly met separately, and only a few Palestinians from Jerusalem managed to attend the joint meetings.**34.** Members of the Israeli team were divided between those from several human rights organizations who agreed with the Palestinian arguments, and those who counterattacked, defending their national stance, detailing the abuses carried out by the Palestinian Authority against Palestinians, and the impact ofsuicide bombings on Israeli society**35.** When facilitating one of the groups’ activities, Abu-Nimer observed, “Divides and stereotypes between human rights and peace workers are also reflected in the Palestinian/Israeli context, too. Several concrete arguments were made by group members who pointed out the different perspectives held by various members of the group. Palestinian members of the group emphasized the constant violation of human rights committed by the Israeli occupation, and insisted on a vivid description of the violations, with occasional reference to the international laws and the 1949 Geneva Convention on Human Rights that have to be respected even under armed conflict. Members of the Israeli delegation were divided between those who agreed with the Palestinian arguments (especially those who were in the human rights organization) and those who felt the need to defend their national side. Thus, they launched a counterattack detailing the violation of human rights carried out by the Palestinian Authority against Palestinians, and the impact of suicide bombings on the Israeli society. The Palestinian participants’ exclusive human rights point of view often would fail to engage the needs, fears, and interests that caused the reluctance of Israeli public opinion and sometimes even of those Israelis who have a basic willingness to compromise. When meeting with Israelis, Palestinians who insist on moral absolutism and absolute justice become more frustrated and angry at their Israeli counterparts. Similarly, the Israeli participants express their disappointment that the Palestinians cannot understand their collective concerns, even when they acknowledgethe destructiveness and evil of the occupation.”**36.** Richard Falk has captured such asymmetry: “The impression is that Israeli violence against Palestinian refugees and neighboring states constitute generally acceptable acts of war and expression of security policy, while Palestinian violence is treated as “terrorism.” Richard Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World* (New York: Routledge, 2000), 158.**37.** Mohammed Abu-Nimer, ed., *Reconciliation, Coexistence, and Justice Theory and Practice* (New York: Rowman and Littlefield, 2001).**38.** See the Geneva Accord Web site, <http://www.heskem.org.il/Heskem>  **39.** Schirch, “Human Rights and Peacebuilding.” **40.** According to a representative of the International Donors Forum (interview with author, Jerusalem, January 7, 2003), the international donors in Palestine have an informal network for coordination, headed by a representative from  Norway. (Members of this network include USAID, Norway, UNDP, Sweden, Japan, Germany, and others.) Also, there are several networks among Palestinian and Israeli NGOs, although there is no overall systematic coordination among these separate yet interdependent entities.**41.** Emanuel Adler, “Cognitive Evolution: A Dynamic Approach for the Study of International Relations and Their Progress,” in *Progress in Postwar International Relations,* ed. E. Adler and B. Crawford (New York: Columbia University Press, 1991), 43–88. |