INFORMATION BRIEF

The Palestine Center

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Reconciliation: Lessons for Peace and Justice in Palestine
(Part One)
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Overview: Often, peace in the Holy Land is treated as the consequence of a negotiated settlement on material issues between Israel and the Palestinians: the border, jurisdiction over East Jerusalem, the fate of the refugees, Palestinian militarization and sovereignty. This understanding undermines the importance of historical memory. Positive peace will not come about simply by agreeing on such issues, but instead rests on popular-level historic memory and feelings towards the other.[1]

Israelis and Palestinians must engage in reconciliation efforts to achieve sustainable peace. Reconciliation does not necessarily imply "forgiveness." Instead, it is a means of conflict transformation. The aim of reconciliation is to form new relationships among divided groups by addressing historical grievances and systemic injustices while working toward future cooperation. In the context of inter-group conflict, reconciliation is sought among national, political, social groups or sometimes between individual members of one or more groups. Conflict settlement without reconciliation leaves historic grievances and systemic injustices embedded in collective memories and narratives which often may lead to prolonged cycles of violence.

In the absence of a credible reconciliation process, the Israeli-Palestinian conflict will likely result in unfavorable and unsustainable "solutions." For instance, the most likely alternative to reconciliation would be a two-state "solution" reflecting the current power asymmetry through cantonized Palestinian communities with Israeli domination over resources[2]. Other unfavorable results may involve a total military defeat or a continuation of the "status quo". Looking at reconciliation processes in prior conflicts offers some lessons that can be applied to Israel and the Palestinians.

What is Reconciliation?

Reconciliation is one part of the greater framework of transitional justice. The International Center for Transitional Justice defines transitional justice as a process that "seeks recognition for victims and to promote possibilities for peace, reconciliation, and democracy."[3] Recognition can vary from mere acknowledgment of responsibility to establishing formal judicial bodies such as criminal tribunals. Transitional justice embodies a variety of mechanisms, including: criminal prosecutions, truth commissions, reparations, security system reform and memorialization efforts. In its formal application, reconciliation has been a function of state sponsored truth and justice mechanisms but it can also be very instrumental at the grassroots level. The International Center for Transitional Justice stresses the importance of incorporating as many of the five approaches as possible because one alone is often insufficient.

Transitional justice mechanisms offer the hope of recovery from both inter and intra-group conflict. After reaching a stalemate in unabated conflict and violence, some inter-group conflicts converted from struggles for nationalist liberation to campaigns for political and economic equality; major examples include South Africa and Northern Ireland. In other cases, reconciliation was deemed a goal of inter-state collaboration like the reconciliation between post-Yugoslav states with their dominant focus on international retributive justice via the International Criminal Tribunal for the former Yugoslavia.[4]

Since no two conflicts are identical, it follows that any transitional justice mechanisms or reconciliation institutions created for Israel and Palestine must be individualized. There can be no archetypal or model framework for post-conflict reconciliation. Many have attempted to provide important guidelines which refer to academic conflict transformation frameworks more generally[5] or design a tentative model for Israel-Palestine specifically[6]. Examples from other conflicts can provide important insights on which policymakers and peacemakers must draw. These lessons are crucial for Palestinians and Israelis to move forward from the occupation and history of displacement, whether their path to peace lies in partition or unification.

Truth and Justice

The pursuit of truth and justice is central to reconciliation. Because there are different interpretations for the "core causes" of the conflict, two kinds of truth commissions are necessary for Israel and Palestine to expose and overcome from both historical grievances and systemic injustices. Israel and many of its supporters view this conflict as an identity-based quest for ethnic survival attached to their historic homeland. Palestinians are driven by a desire to restore land that was stolen and seek justice against Israeli oppression and occupation. An objective historical investigation of the past that sets out for a truth may be needed towards the building of a common narrative. Palestinian legislator, activist and scholar Hanan Ashrawi explains, "allowing the truth to come out will go a long way to starting a process of reconciliation."[7]

Divergent narratives are considered a major factor in prolonging many intractable conflicts. An absence of a common historical narrative impedes reconciliation because each party views itself as the sole and absolute victim and justifies its use of violence or oppression as a means to prevent perpetual victimhood. Northern Ireland tried several different kinds of commissions and imposed government-mandated political laws to achieve the status of equality categorized as distributive justice. Still, society remained separated along ethnic cleavages due to conflicting historical narratives. A Historical Enquiries Team was eventually created in 2005 to address these grievances[8]. Bosnia is another example of a case where historical grievances continue to fuel disunity and unrest and is described today as more ethnically divided than it has been in the past fourteen years[9]. Rwanda's conflicting narratives is another example of strife perpetuated by warring parties viewing "the other" as unconditional perpetrators.[10]

The existing Palestinian-Israeli relationship is often treated as zero-sum in terms of the differing historical narratives. Accepting a historic truth, independent of polarized collective memories, is consequently central to reconciliation. Formulating a common historical narrative is not impossible. For example, a joint German, Czech and Slovak historical commission succeeded in drafting a common interpretation of the events of 1938-1947.[11] A similar joint historical commission would be necessary in Israel and Palestine to prevent biased interpretations. It may present a unified story that not everyone will agree on but it would be a powerful starting point to a necessary conversation.

Fortunately, there are still classified documents in Israeli archives that can be used in deciding historical narrative and truth[12], as can the documentation of oral history narratives of the survivors of key events. The emergence of "new historians" in Israel focusing on the establishment of the state in 1948 offers one such avenue for collective narrative-building. They argue that in 1948 "it cannot be disputed that the Jews (and later the IDF) carried out violent acts, often targeting civilians."[13] This, some argue, is not only possible but also inevitable as information and exchange is facilitated by technology. Director of Mada al-Carmel and Palestinian Israeli Professor of Conflict Resolution Nadim Rouhana believes new Israeli historians represent a "greater readiness of new generations, farther removed from the original injustice, to face the historical truth."[14] In facing the historical truth, apologies and reparations can then be sought similar to those offered to Israel by Germany after World War II.

The second kind of truth commissions that should be established must deal with addressing and remedying injustice. Those, for instance, whose homes have been demolished or appropriated, must be compensated for their losses. Otherwise, those victims not accounted for in peace agreements may turn

to violence which would threaten to undermine them. The risks of failing to account for history are thus tangible.

Such commissions raise the difficult tension between the simple restoration of victims' livelihoods and retribution against the former oppressors; the latter may be at odds with peace. Determining what kind of transitional justice mechanisms are best suited to the conflict is therefore integral to the process. Restorative justice is aimed at healing the relationship between the victims and perpetrators and seeks to restore communal well-being by acknowledging and validating victim's experiences of wrongs committed. The South African Truth and Reconciliation Commission is perhaps the most well-known example. Retributive justice concentrates on punishment of crimes by domestic and international bodies. For example, criminal tribunals of Rwanda and ex-Yugoslavia led to the imprisonment of war criminals.

Many scholars prefer restorative rather than retributive justice in Israel-Palestine because the conflict involves a diverse and broad set of actors, far beyond the simple formula of high-level perpetrators on whom formal criminal trials generally focus; retributive justice would therefore not be able to capture the complex nature of violations in the conflict.[15] Retributive forms of justice may also not be feasible. Truth commissions are likely better equipped to address the long and complex nature of the Israel-Palestine conflict because violence is more systemic than interpersonal. Therefore, "even successful prosecutions do not resolve the conflict and pain associated with past abuses."[16] Furthermore, in Israel and Palestine, "recognition of responsibility is not likely to lead to demands for the prosecution of individual perpetrators of crimes.[17]" Considering both models and concerns is an important part of the reconciliation process especially since Palestinians view the concept of justice as primary to their historic narrative[18].

Practical Concerns

Truth seeking commissions have been established in more than 30 countries including East Timor, Liberia, Chile, Morocco, Sierra Leone and South Africa. "The work of truth and reconciliation commissions is designed to acknowledge the distinctive identity of the victims, strive to repair the damage done to them through violence, stigmatization, and disrespect, and include their history in the collective memory of the relevant political community."[19] Each country must come up with its own interpretation of justice and truth according to the particular needs of that public for reconciliation to succeed.

South Africa's former apartheid regime employed state violence. As part of their reconciliation process they valued remorse and imposed a system of amnesty for truth. For some, this led to complaints and further resentment over the impunity of criminals. The lessons learned from South Africa informed the creation of the current Liberian truth commission which also values remorse but accepts that words are not an effective measure of remorse. Action, like community service, is tied to the notion of remorse and amnesty. Both South Africa and Liberia did not offer blanket amnesties, like many cases in Latin America, because they found it ineffective and unjust. In fact, blanket amnesty is now considered contrary to customary international law.[20] Conditional amnesty is offered more often. Even though most South Africans viewed the amnesty policy to be unfair, overall the public still felt it was an important and legitimate means to secure a peaceful transition.[21] They feel that seeking truth only in order to promote healing did not address the inherently unjust socio-economic system. The goal of truth-seeking and reconciliation in other scenarios has not been healing but rather to uncover systemic injustices and determine ways to rectify them in the future.

Granting amnesty in return for truth is indeed a contentious choice surrounding reconciliation processes. However, in similar situations where criminal accountability for individual perpetrators is either impossible or extremely difficult, amnesty, or non-prosecution, may be unavoidable. Rwanda is a quintessential example of scale overpowering feasibility to the extent that it was impossible to fully attain retributive justice. To accommodate this, many people were tried through an alternative kind of "quicker" community-based court system known as Gacaca tribunals. Since even that retributive process was too slow and insufficient the government planned to release several thousand suspects after a few years. As a result, public demand shifted in favor of restorative justice measures[22].

Lasting Peace and Justice through Reconciliation

The case of Israel and Palestine is one of the longest-running conflicts in recent history. Significant steps in reconciliation must therefore be taken while remaining cognizant of the aforementioned lessons. Likely, it will require a combination of different kinds of truth commissions that employ both restorative and retributive justice as well as more grassroots forms of social healing, including developing civic trust as well as social and economic cooperation. These types of communal reconciliation arise from the growing field of conflict transformation in social psychology that aims to create a "more equitable moral order that recognizes the value of difference but is also marked by perceptions of common humanity among former enemies."[23] This should be recognized by peacemakers as well. There is no viable and just alternative to reconciliation in Israel-Palestine. Nevertheless, because reconciliation is an inherently long-term process, it is not considered a practical one. Approaches to the Israeli- Palestinian conflict usually include track one negotiations over "final status" issues that are currently zero-sum in nature and do not address underlying injustices. Zero-sum issues like the Right of Return of Palestinian refugees or recognition of Israel as a "Jewish state" can never be fully resolved or deemed acceptable by the parties. In fact, reconciliation prior to settlement is also necessary for the "wider population to be sensitized to co-existence for any elite-level negotiated settlement to last".[24]

Although a solution that favors integration over separation would be ideal, even fervent proponents of a two state solution must acknowledge the indisputable need for reconciliation. A two-state settlement along 1967 borders and with UN Resolution 194 implemented would still necessitate a form of reconciliation needed to establish normalcy between adversaries, build a new culture of human rights and the respect for the other's sovereignty and allow the new states to distance themselves from the unjust policies of the former "regimes".[25] The success of such a settlement would ideally eventually lead to a coalition or federation of two interconnected entities that will have to share land, water, collaborate on security and trade of capital and labor.[26]

Therefore, a formal structure of transitional justice implementation must be incorporated into Israel-Palestine negotiations. It will be very difficult for Israel to accept this after decades of enjoying impunity for violation of international law and is in fact perhaps the greatest impediment to Israeli-Palestinian peace and reconciliation. Ariel Myerstein describes the necessity of the Israeli Jewish public to acknowledge its role in Palestinian suffering as the key to acquiring historical justice.[27] However, the asymmetrical power dynamic creates a problem whereby the weaker party needs the support of the international community because the "power majority" has more resources and ability to propagate its narrative as "absolute fact".[28] That is why pressure must come from internal Israeli society in addition to the international community. Recent events such as the UN inquiry on Gaza, international boycott, and the United Kingdom withdrawal of certain arms sales to Israel are positive indications by the international community that unconditional support for Israel and its policies may be waning.

Although policymakers must consider it, reconciliation will also need to be rooted on the ground. Building incentive within Israeli society for a historic shift from its previous outlook towards the land's natives should be one goal of intergroup reconciliation. Establishing a historical commission will play an integral role in settlement and would not obviate other forms of truth and justice commissions.[29] Ultimately, peace will rest on individuals from one group forming new relationships with individuals from the other group that will lead to change in the political arrangements between Israelis and Palestinians. As many conflict resolution academics have theorized, a significant component to perpetuating inter-group conflict is the blanket view of "the other" as an absolute enemy based on a lack of meaningful interaction or "social distance." This theory is known as the "contact hypothesis".[30] Creating educational, social and cultural institutions that foster positive Palestinian and Israeli interaction would be useful preparation for formal incorporation of transitional justice mechanisms. An overarching vision of reconciliation established together by Israelis and Palestinians for these institutions are the keys to a successful transformation of the conflict into a state of lasting peace. [31]

Part Two of this info brief examines the grassroots reconciliation practices that are currently taking place in Israel and Palestine.

* This information brief was written by Palestine Center intern Hania Bekdash, a student at the Fletcher School at Tufts University, as culmination of her research during the Summer 2009 Internship Program. The views expressed within are her own and do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This brief may be used without permission if credit is given to the Center.

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