

ISRAEL and PALESTINE



Two States for Two Peoples *If Not Now, When?*

**BOSTON STUDY GROUP
ON MIDDLE EAST PEACE**

Alan Berger

Harvey Cox

Herbert C. Kelman

Lenore G. Martin

Everett Mendelsohn

Augustus Richard Norton

Henry Steiner

Stephen M. Walt

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by the Boston Study Group on Middle East Peace

Contents

Preface.....	ii
Brief Biographical Sketches.....	iii
Policy Statement of Boston Study Group on Middle East Peace.....	1
Palestinian Refugees	
<i>Herbert C. Kelman and Lenore G. Martin</i>	15
West Bank Settlements and Borders	
<i>Henry Steiner</i>	23
Jerusalem	
<i>Harvey Cox</i>	38
The Challenge of Mutual Security	
<i>Stephen M. Walt</i>	45
The Right Time, As Ever	
<i>Alan Berger</i>	51
U.S. Presidents and the Arab-Israeli Conflict	
<i>Augustus Richard Norton</i>	57
Timeline and Glossary of Israeli-Palestinian Conflict & Peacemaking	
<i>Everett Mendelsohn</i>	75

PREFACE

THE BOSTON STUDY GROUP ON MIDDLE EAST PEACE started its regular meetings in September 2008. Its members all have a strong interest in the Israeli-Palestinian conflict. Some have been intensely engaged with this subject for decades. Others have closely followed the conflict within the context of their professional work in conflict resolution, international law and international relations, religion and U.S. foreign policy. The biographical sketches note the principal career work of each author that is relevant to this report.

The group's principal contribution is the jointly written policy statement entitled *Israel and Palestine—Two States for Two People: If Not Now, When?* The statement stands as a collegial, collective enterprise that represents a consensus view of the group.

Prior to drafting the policy statement, each member undertook to research and write a background paper on one of the topics integral to our policy statement. The group as a whole discussed drafts of each of these seven papers (now chapters in this report), thereby benefiting each other with respect to both substance and organization. In the end, the authors determined the text of their own papers, which therefore represent individual contributions; all members of the group do not necessarily agree in all important respects. Hence an author's name appears on each chapter.

The group profited greatly from meetings or telephone conversations on the themes of its statement with Bernard Avishai, James Carroll, Naomi Chazan, Flynt Leverett, Daniel Levy, Emile Nakhleh, Robert Malley, Lucy Nusseibeh, Itamar Rabinovich, Mara Rudman, Khalil Shikaki, Mohammad Shtayyeh and Stephen Van Evera. We are grateful for the insights they offered, but none is responsible for the final text.

Boston Study Group on Middle East Peace

Alan Berger

Harvey Cox

Herbert C. Kelman

Lenore G. Martin

Everett Mendelsohn

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Stephen M. Walt

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Short Biographical Sketches

ALAN BERGER, an editorial writer at the Boston Globe, has been writing about the Middle East and Israeli-Palestinian peacemaking efforts since 1982. He has interviewed many of the principals and policymakers. And has not yet lost hope.

HARVEY COX is Hollis Research Professor of Divinity at Harvard University. He teaches courses on religion and society in the Divinity School and in the Faculty of Arts and Sciences, among them a course on the history, religion and culture of the city of Jerusalem. He has worked with the Middle-East Peace Program of the World Council of Churches, and has lectured at both Jewish and Palestinian institutions in Israel.

HERBERT C. KELMAN is Richard Clarke Cabot Professor of Social Ethics, Emeritus, and co-chair of the Middle East Seminar at Harvard University. He was the founding Director (1993–2003) of the Program on International Conflict Analysis and Resolution at the Weatherhead Center for International Affairs. A pioneer in the development of interactive problem solving, he has been engaged for nearly 40 years in efforts toward the resolution of the Israeli–Palestinian conflict.

LENORE G. MARTIN is the Wyant Professor at Emmanuel College in Boston. She is co-Chair of the Middle East Seminar co-sponsored by Harvard University’s Weatherhead Center for International Affairs and Harvard’s Center for Middle Eastern Studies. Her publications analyze national security in the Gulf, the Palestinian-Israeli conflict, the larger Middle East and Turkey. She researches, lectures and travels throughout the Middle East and Turkey.

EVERETT MENDELSON is Professor Emeritus of the History of Science at Harvard University. For more than forty years he has been actively involved in Israeli-Arab/Palestinian peace making first as chair of the Middle East program of the American Friends Service Committee (Quakers) and then as Chair of the Middle East Program of the American Academy of Arts and Sciences’ program on International Security. He is author/co-author of *A Compassionate Peace: A Future for Israel, Palestine and the Middle East* (1982, rev. ed.1989); *Israeli-Palestinian Security: Issues in the Permanent Status Negotiations* (1995).

AUGUSTUS RICHARD NORTON is a Professor in the Departments of International Relations and Anthropology at Boston University, and Visiting Professor in the Politics of the Middle East at the University of Oxford. He served for a dozen years on the United States Military Academy faculty, and was a career Army officer, retiring as a Colonel. He is a member of the Council on Foreign Relations, and in 2006 was an adviser to the Iraq Study Group (“Baker-Hamilton Commission”). His most recent book is *Hezbollah: A Short History* (Princeton University Press, 2009). He has on-the-ground research experience in eight Middle East countries, including Egypt, Israel, Iraq and Lebanon, as well as Gaza and the West Bank.

HENRY STEINER, Jeremiah Smith, Jr., Professor Emeritus at Harvard Law School, founded the School’s Human Rights Program and directed it for 21 years. His writing addresses a broad range of international human rights issues. Steiner has taught courses and lectured in over 30 countries, including Israel, the West Bank-Gaza, and three Arab states.

STEPHEN M. WALT is Robert and Renee Belfer Professor of International Affairs at Harvard’s Kennedy School of Government. He is a member of the American Academy of Arts and Sciences and a contributing editor at *Foreign Policy* magazine. His recent writings include *Taming American Power: The Global Response to U.S. Primacy* (2005) and (with John Mearsheimer), *The Israel Lobby and U.S. Foreign Policy* (2007). His daily weblog can be found at <http://walt.foreignpolicy.com>.

ISRAEL AND PALESTINE

Two States for Two Peoples

If Not Now, When?

Policy Statement of the Boston Study Group on Middle East Peace

A **TWO-STATE SOLUTION** to the Israeli-Palestinian conflict is of compelling interest to the United States. It offers the only realistic prospect for lasting peace and attainable justice for Israelis and Palestinians. It offers clear and substantial benefits to Americans, Palestinians and Israelis, as well as to most of the other states in the region.

- *For Americans*, a two-state solution would eliminate one of the grievances that feeds radical extremism throughout the Arab and Islamic worlds. It would fulfill pledges that U.S. President Barack Obama made during his historic June 2009 Cairo speech to the Muslim world, and it would enhance the U.S. position throughout the region and around the globe. An end to the conflict would also help fulfill America's long-standing commitment to Israel's survival and its commitment to Palestinian self-determination.
- *For Palestinians*, obtaining their own state means an end to more than four decades of occupation, acknowledgment of their past suffering, the fulfillment of their national aspirations and an opportunity to shape their own destiny at last.
- *For Israelis*, a two-state solution ends the demographic challenge to Israel's character as a Jewish-majority state, removes the stigma of being an occupying power, enables a lasting peace with the entire Arab world and eliminates a critical barrier to full international acceptance.

The benefits of a two-state solution are incontestable, and genuine progress must be achieved

quickly. Continuing the status quo—fruitless negotiations, Palestinian divisions and the steady expansion of Israeli settlements—may soon make it impossible to create two states for two peoples. The result would be the latest in a long line of tragedies: extremists on both sides would be vindicated; America’s image would suffer, complicating foreign policy in a crucial region; Israel would cease to be a democratic and Jewish-majority state and be condemned as an apartheid society; and the Palestinians would continue to suffer in poverty and powerlessness.

Therefore, achievement of a two-state solution should be a top foreign-policy priority for the United States. Although many observers look at past failures and despair of future progress, there is now widespread recognition that a two-state solution is the only outcome consistent with the principles of attainable justice.

Accordingly, this policy statement makes the case for strong U.S. action to bring about a two-state solution sooner rather than later. Part I describes the basic elements of a two-state solution. Part II considers the possible alternatives and shows why they are unacceptable. Part III examines the political context of negotiations and summarizes the current positions of Palestinians, Israelis and Americans. Part IV outlines why achieving two states for two peoples is vital to U.S. foreign policy and security, and the Conclusion explains why the Obama Administration must use its full influence on both parties to bring about a fair and final settlement.

I. FRAMING A TWO-STATE SOLUTION

THE BASIC ELEMENTS of a two-state solution are now well established and widely, though not universally, accepted by Palestinians, Israelis and many states in the Middle East. A solution along these lines enjoys broad international support—from the United States, from the European Union (EU) and from the United Nations (UN)—and reflects decades of negotiations.¹ Some skeptics argue that this is a difficult time to try to achieve peace because of the current state of internal politics within the Israeli and Palestinian communities. However consideration of the progress that has been made and the significant understanding that has been reached since 1988 suggests that it is possible to overcome such difficulties and to achieve a two-state solution.²

The breakdown of Israeli-Palestinian negotiations, following the failure of the Camp David summit in the summer of 2000 and the onset of the second intifada shortly thereafter, has created the belief on each side that there is no credible negotiating partner on the other side. Mutual distrust has deepened. As a result, while majorities of the two publics continue to endorse a two-state solution in the abstract, they have been unwilling to make the “painful concessions” that such a solution requires. They are afraid that these concessions might endanger their security or even their national existence since they do not trust the other side to reciprocate. Under the circumstances, it is essential to frame a two-state solution in a way that reassures each population about the commitment of the other side, creates a positive vision of their future as neighbors, and thereby generates popular support for a peace agreement.

To this end, we propose that a two-state solution should be framed as a principled peace, based on a historic compromise whereby the two peoples agree to share the land—to which both are deeply attached and in which both have historic roots—in a way that allows each to exercise its right to national self-determination, to fulfill its national aspirations and to express its national

identity in an independent state living in peaceful coexistence with the other. Framing a two-state solution in these terms brings into play certain fundamental principles for dealing with the core issues in the conflict, dictated by the logic of the historic compromise. Thus, the issues of borders, security, settlements, Jerusalem and refugees must be resolved in a way that enables each people to maintain its national existence and express its national identity in its own state.

Elements of a Two-State Solution

The elements of a two-state solution that have emerged from decades of negotiations and proposals can be summarized as follows:

- Israel would withdraw from nearly all of the West Bank and end its blockade of Gaza. The new Palestinian state would be territorially contiguous on the West Bank, with equitable access to water resources and a secure land connection between the West Bank and Gaza. If Israel retains small agreed-upon portions of the West Bank, the Palestinian state would be compensated with land of equal size and value from Israel.
- The two sides would agree to security provisions designed to protect them from attack. These arrangements might include early warning stations, buffer zones, limitations on armaments and/or deployments and the stationing of international peacekeeping forces on the territory of Palestine, Israel or both.
- Jerusalem would be a shared, open city. Jewish neighborhoods would be under Israeli sovereignty and Palestinian neighborhoods under Palestinian sovereignty. The western portion would become the internationally recognized capital of Israel. East Jerusalem would become the capital of the Palestinian state. This solution recognizes that although Jerusalem's borders and status have shifted markedly over many centuries, the city remains a powerful source of meaning and identity for Jews, Muslims and Christians alike.
- The holy sites in Jerusalem (Western Wall, Haram al-Sharif/Temple Mount, Church of the Holy Sepulcher) would be administered under mutually acceptable terms of sovereignty over these areas. For example, the "Clinton parameters" talk about Palestinian sovereignty over the Haram al-Sharif/Temple Mount and Israeli sovereignty over the Western Wall. Other arrangements may emerge that are acceptable to all the parties.
- The issue of Palestinian refugees would be resolved in a manner that satisfies the Palestinian concern for justice and historical recognition but would not jeopardize Israel's character as a Jewish-majority state. Such a resolution would include compensation; resettlement, whether in the states where they currently reside, other states, the new Palestinian state or Israel, with its agreement; and citizenship, whether in the state where they will permanently reside or in the new Palestinian state.

- A peace agreement between the Palestinians and Israelis would constitute the end of all their claims and end their conflict.
- As envisioned in the Arab League peace initiative of 2002 (reaffirmed in 2007), the 22 states in the Arab League would formally recognize the State of Israel and establish normal relations with it. The initiative calls for agreements leading to Israeli withdrawal from the occupied territories including the Golan Heights, resolution of the Palestinian refugee problem and the formation of an independent Palestinian state.

The manner of implementing a two-state agreement may be as important as the terms of the peace accord itself. Both sides need to be assured in advance that the phases and timing of implementation will not endanger them and will not lead to an unraveling of the two-state agreement.

Once a final-status agreement has been signed and ratified with appropriate international backing, the two sides will have to follow a schedule of mutually agreed-upon actions. There may be different workable sequences for those actions, but whichever sequence is chosen, it must assure Palestinians that the occupation is truly ending and Israelis that their security is preserved.

One logical sequence would start with Israel withdrawing all settlements and settlers from the agreed-upon territory of the new Palestinian state, thereby allowing the Israel Defense Forces (IDF) to begin rapidly transferring its security duties to Palestinian police and international peacekeepers.³ The Palestinian Authority (PA) could then continue the work of state building with the assistance of the UN, international nongovernmental organizations (NGOs) and other governments. In a second phase, Israeli troops would withdraw entirely from the new state and be replaced by an international peacekeeping force. Once Palestinian state institutions are fully established and able to provide for Palestinian internal security as well as safeguarding against attacks on Israel, the international peacekeepers would leave.

II. ARE THERE REAL ALTERNATIVES?

FREQUENTLY MENTIONED alternatives to a two-state solution include:

- Failure to agree and continuation of the occupation and conflict.
- Formation of a single Israeli-Palestinian state.
- Reabsorption of the Palestinian territories by Jordan and Egypt.

Not one of these constitutes a realistic alternative to two states for two peoples.

A. Failure to agree and continuation of the occupation

The failure to achieve a peace agreement could well mean continuing military occupation of the West Bank and East Jerusalem in its present form, thereby assuring ongoing humiliation as well as economic, political and social hardship for the Palestinians.

For Israel, not only would the threat of violence remain and likely grow, but other risks would also arise. Increasingly the over 40-year occupation—now involving about one-half million settlers (including the West Bank and East Jerusalem)—would be characterized as a de facto annexation. Thus, the vital question of whether Israel can remain a Jewish-majority state and democratic becomes ever more urgent.⁴ The predicted demographic trend, stemming from the higher birth rate of Palestinians than that of Jews, would change the population in the near future from rough equality to a majority of Palestinians in the territory between the Jordan River and the Mediterranean Sea. In such circumstances, a Jewish voting public could continue to elect Israel's government only by continuing to deny the vote to Palestinians outside the Green Line (the 1949 armistice boundaries established at the end of the initial war between Israel and its Arab neighbors).

A broadening international understanding of Israel and the occupied territories as amounting to a de facto state would open Israel more readily to characterization as racist and as a practitioner of apartheid. Such a trend could only increase Israel's isolation, heighten its insecurity and create further obstacles to realizing its deep desire for a secure and peaceful future. The conclusion seems unavoidable: A two-state solution would permit Israel to remain a Jewish-majority and democratic country, whereas ongoing occupation poses a serious threat to one or the other, or both.

B. The 'one-state' solution

There is limited but growing interest in some circles for some form of "one-state" solution that could take many forms, including a binational state. Much of this interest arises from those who no longer believe that a negotiated agreement for a two-state solution is possible. However attractive this vision might be to small minorities of Palestinians and Israelis in the abstract, it is extremely problematic as a practical objective. Recent historical illustrations of states with such a character include Belgium, preinvasion Cyprus and Lebanon. None of these examples offers an encouraging illustration of the possibilities of such a state in the Israeli-Palestinian context. A binational state would require a degree of mutual understanding and respect that does not now exist and is unlikely to exist in the near future. It would also mean the end of a Jewish-majority state in Israel, an option most Israelis would resist. Even those who find the ideal of a binational state appealing must acknowledge that binational states are extremely difficult to forge and are often fraught with violence.

These arguments do not negate the possibility of more amicable and cooperative arrangements between independent Palestinian-majority and Jewish-majority states living side by side. Confederal arrangements may develop at some point in the future, and perhaps Jordan and other countries might be involved. The time for this form of arrangement may or may not come, but it is surely not now.

C. Reabsorption of the Palestinian territories by Jordan and Egypt

Lastly, some commentators have suggested the reabsorption of Gaza into Egypt and the return of portions of the West Bank to Jordan. This proposal ignores the fact that Jordan formally renounced this option in 1988 and Egypt relinquished its claims to Gaza when it signed the Camp David accords in 1978, which set Egypt's border as the internationally recognized border between Egypt and mandated Palestine. Both Egypt and Jordan reject this option, and there is little prospect that either will alter its position. Moreover, this "solution" denies the Palestinians' right to self-determination in the territory from which Palestinian nationalism emerged.

III. THE POLITICAL CONTEXT TODAY

ALTHOUGH A TWO-STATE SOLUTION faces many obstacles, the events of the past several decades have seen growing acceptance of this option among Palestinians and Israelis. The United States has also come to champion this solution as the best option available, and the Obama Administration has repeatedly stated its support for "two states for two peoples."

Palestinian context

Political power in the Palestinian territories is currently split between the PA, controlled by Fatah in the West Bank, and Hamas (the Islamic Resistance Movement) in Gaza. Fatah recognizes the State of Israel and seeks to resolve the conflict through negotiations. This policy has been challenged by Hamas, which achieved political power through the Palestinian parliamentary elections of 2006 and took control of Gaza from Fatah by force in 2007. Hamas does not recognize Israel: although different factions express different opinions, leading voices within it continue to call for Israel's destruction. The existing split between the two Palestinian governments in the West Bank and Gaza and the difference in their basic political positions have created uncertainty about the possibility of reaching a negotiated agreement with Israel acceptable to the majority of Palestinians.

The Hamas position on negotiations has been fluid. At one point it agreed that the Palestine Liberation Organization (PLO) could negotiate with Israel with the understanding that any agreement would be brought to a referendum of the Palestinian people. The status of this earlier understanding is unclear at this time for several reasons. First, it is unknown whether reconciliation between Hamas and the PA will be achieved. Second, it is also not clear that Hamas will hold to its earlier offer to allow the PLO to negotiate on behalf of the Palestinian people. Third, Hamas itself is being challenged by more radical Islamist groups in Gaza.⁵

Clearly, for a peace agreement to be accepted in a referendum by the Palestinian people, Hamas and its politics must be addressed. About half of Palestinians polled support a two-state solution but they doubt it will be achieved in the next five years. The Palestinian Center for Policy and Survey Research (PSR) poll of August 13–15, 2009, also shows that there is a decline in support among Palestinians for the type of agreements outlined by the Clinton parameters and the 2003 Geneva initiative and a rise in support for the Arab League peace initiative.⁶

In fall of 2009 Palestinian Prime Minister Salam Fayyad proposed that the PA devote the next two years to building state institutions, enabling it to then ask for international recognition of a Palestinian state. By the end of that period Palestinian-Israeli negotiations could succeed in establishing a Palestinian state alongside Israel or the Palestinians would take unilateral action.

Israeli context

Israeli policy statements have slowly moved toward acceptance of a two-state solution. The current prime minister, Benjamin Netanyahu, expressed qualified support for a two-state solution in his speech at Bar Ilan University in June 2009, but a number of his cabinet ministers continue to reject this outcome. A successful negotiation will be hard to achieve unless there is a change in the composition of the current Israeli governing coalition. Nonetheless, the long process of negotiation has moved successive Israeli governments from total rejection to qualified acceptance of the idea of a Palestinian state. Shortly before leaving office, Prime Minister Ehud Olmert stated, “If the day comes when the two-state solution collapses, and we face a South African-style struggle for equal voting rights...then, as soon as that happens, the State of Israel is finished.”⁷ This reflects a clear recognition of the demographic factor that will present an existential challenge to Israel as a Jewish-majority and democratic state.

The majority of Israeli Jews accept the general idea of a two-state solution. Yet public opinion remains volatile among Israelis as it does among Palestinians, often reflecting leadership and events on the ground. Recent polling among Israeli Jews and the February 2009 election show that the Israeli body politic is shifting to the right.

According to political statements, there is widespread support for a two-state solution. Unfortunately, Israel’s actions on the ground—including construction and expansion of settlements in the West Bank and building Israeli housing in East Jerusalem that involves eviction of Palestinians and demolition of their homes—conflict with the stated goals of a two-state solution.

The United States

In 1947 the United States supported UN General Assembly Resolution 181 calling for the partition of Palestine into two states, one for the Arab population and another for the Jewish population. With Israel’s victory in the 1948 war and the Arab rejection of partition, the United States lost interest in a two-state solution and focused primarily on relations among the existing states in the broader context of the cold war.

This position began to change after the 1967 Six-Day war. The Rogers Plan in 1969 under the Nixon Administration called for the withdrawal of Israel from the territories it had occupied during the 1967 war. In 1978 President Jimmy Carter led negotiations between Israel and Egypt, culminating in the Camp David accords that set the framework for the Israeli-Egyptian peace treaty in 1979. The first section of the Camp David accords calls for the formation of an autonomous self-governing authority on the West Bank and Gaza. However, the Palestinians were excluded from the negotiations and rejected the accords, as did most of the Arab states. A decade later in 1988, the Palestinian National Congress, the legislative body of the PLO, explicitly recognized the State of Israel. On September 13, 1993, the Oslo accords supported by President Bill Clinton were signed on the White House lawn. The agreement called for the establishment of

a Palestinian Authority to govern the West Bank and Gaza. The Clinton parameters announced at the end of President Clinton's two-term presidency in December 2000 outlined the establishment of a Palestinian state composed of the Gaza Strip and approximately 94–96 percent of the territory of the West Bank. In June 2002 President George W. Bush endorsed the concept of an independent Palestinian state when the United States, Russia, the EU and the UN established the "Quartet," a multi-party initiative for Middle East peace. In 2007, the Quartet sponsored negotiations between the Israelis and Palestinians held in Annapolis, Maryland. No agreements emerged from these efforts.

President Obama has emphasized his commitment to a two-state solution from the very beginning of his presidency. On October 27, 2009, President Obama's National Security Adviser General James Jones said that the Palestinian-Israeli conflict is the "epicenter" of many problems. It "ripples" around the globe, and solving it would help the United States address other challenges. Therefore, if he could choose one problem to solve in the world, this would be it.⁸ This evolution of U.S. policy stems from a growing recognition in the United States that there is no other realistic option. A *USA Today*/Gallup Poll conducted May 29–31, 2009, found that 51 percent of Americans favor "the establishment of an independent Palestinian state on the West Bank and the Gaza strip."⁹

IV. WHY IS A TWO-STATE SOLUTION IN AMERICA'S NATIONAL INTEREST?

WE BELIEVE IT IS VITAL for President Obama to educate the American public about the need to invest serious effort and resources to reach a two-state solution. In particular, he should explain to the American people that:

- Middle East peace is an essential condition for the security and survival of Israel, which has been a key element of U.S. policy since 1947, and for the self-determination of the Palestinian people.
- The combination of Israel's occupation of Palestinian lands and unstinting U.S. support for Israel continues to generate anger and resentment in the Arab and Muslim worlds. These attitudes help extremists rally support for their positions and aid terrorist recruiting, threatening both the United States and many of its allies. They also make Arab rulers wary of meeting U.S. policy requests, for fear of fueling domestic opposition. Accordingly, a final resolution of the conflict would help counter the terrorist threat and facilitate U.S. diplomacy throughout the region.
- The Palestinian-Israeli conflict provides an effective wedge for Iran in the Arab world. Iran's support for Hamas and Hezbollah and its efforts to delegitimize Israel appeal to a frustrated Arab public. A continuing Palestinian-Israeli conflict has led to the strengthening of extremist jihadist groups that are less pragmatic than Hamas in the occupied territories and has the potential to again spark major and deadly Palestinian-Israeli violence.

- Resolving the Palestinian-Israeli conflict will make it easier for Arab states to cooperate openly with the United States on matters of common concern, including the possible emergence of a nuclear-armed Iran.
- Peace between Palestinians and Israelis would facilitate stable and productive relationships throughout the region. The Arab League peace initiative supports this view. Clearly other major destabilizing issues will remain in the area, but Israeli-Palestinian peace will make it easier to address them.
- Removing one of the enduring sources of regional tension by resolving the Palestinian-Israeli dispute will reduce the threat of conflicts that might interfere with access to Middle East oil.
- Finally, achieving a two-state solution is intrinsically desirable on humanitarian and moral grounds. Generations of Israelis and Palestinians have suffered as a result of this conflict. Bringing this long struggle to a final close is consistent with America's oft-stated commitment to building a more harmonious world.

CONCLUSION: WHAT IS THE BEST APPROACH?

THERE IS NO SHORTAGE of useful advice for how the Obama Administration should approach these difficult problems.¹⁰ In our view, the following guidelines will maximize prospects for success.

First, the United States should take a comprehensive regional approach, moving simultaneously on several fronts. In addition to guiding Israelis and Palestinians to make tangible progress toward a final-status agreement, the Administration must participate actively in negotiating a peace deal between Israel and Syria and engage directly with Iran. Some experts believe that this approach is too ambitious and creates the danger that progress on a two-state solution will be held hostage to other negotiations. But we believe that a comprehensive approach is needed to reduce Syrian or Iranian incentives to act as a spoiler by increasing support for Palestinian extremists or for groups like Hezbollah. In this regard, President Obama should use the Arab League peace initiative as a “building block” for a more comprehensive regional settlement.

Second, achieving a two-state solution will require continuing high-level U.S. mediation. Special Envoy for Middle East Peace George Mitchell's work to date represents an important beginning. President Obama must continue to support this effort as a top priority.

As negotiations begin, the United States should identify its own understanding of the core principles that will guide a final agreement. As negotiations proceed, U.S. representatives should play an active and fair-minded mediating role, identifying areas of agreement and offering their own independent proposals to bridge remaining differences. The United States should also help the two sides develop effective mechanisms for monitoring compliance with the agreement and help implement those mechanisms scrupulously. In particular, the United States must cultivate a role as a “repository of trust,” showing sensitivity to both sides' concerns and constraints and demonstrating readiness to protect the legitimate interests of both parties.

Third, the United States should be open to possible reconciliation between Hamas and Fatah. If a two-state solution is the goal, it is important to try to neutralize Hamas' actions that impede progress in achieving that goal. The formation of a Palestinian "unity government" may be desirable, but it should not be a prerequisite for meaningful U.S. engagement or for a final-status agreement. Even if the United States is unwilling to meet directly with Hamas, it should recognize the value of other parties such as the EU and key Arab states in doing so, with an eye toward obtaining Hamas' tacit acceptance of genuine final-status talks.¹¹

Fourth, the Administration will have to spell out U.S. interests and values that are at stake in the Israeli-Palestinian conflict. It must make clear that it will have to act in line with those interests and values and will not support actions and policies by either side that are inconsistent with them. The United States must be willing to use the leverage at its disposal to encourage both sides to come to an agreement. The most important aspect of U.S. leverage is the use of positive incentives in the form of economic, security and diplomatic support to the two parties as they move toward a negotiated agreement. There are times, however, when the use of negative incentives may be necessary and appropriate. Thus, the United States should be prepared to condemn unequivocally actions by either side that violate previous agreements, that are inconsistent with human-rights principles or that present obstacles to productive negotiations for a two-state solution. On occasion, the United States may need to exert pressure by making its support for one or the other party in a given domain conditional on that party's refraining from actions that undermine the peace process and/or U.S. interests and values. For example, U.S. votes in the UN Security Council, its public statements and its bilateral contacts should all reflect the U.S. national interest in a two-state solution.

A good case in point in the U.S. relationship to Israel is the continuing process of building or expanding settlements in the West Bank and East Jerusalem area. It is entirely reasonable for the United States to insist that Israel stop "creating facts on the ground" while negotiations are under way and to point out that the continuing settlement activities violate international law, are contrary to commitments in the Quartet-backed "Road Map" and undermine prospects for peace.¹² An example of effective use of pressure with respect to the settlement issue was the threat by the first Bush Administration in the early 1990s to withhold loan guarantees equivalent to funds used for expansion of settlements as long as Israel continued settlement activity. The pressure in this case worked because it was very specific and pinpointed in its focus—both in the actions against which it was directed and in the sanction it introduced. At the same time, it reminded the Israeli leadership and public that Israel's vital relationship to the United States was at risk—which seemed to contribute to Prime Minister Yitzhak Shamir's defeat in the 1992 election.

The United States should make it clear that it considers a unilateral solution, imposed by Israel without regard for Palestinian national rights and aspirations, to be inconsistent with U.S.—and indeed with Israel's own—interests and values, and that it will not lend support to such an approach.¹³

The U.S. special relationship with Israel also gives it leverage vis-à-vis the Palestinians. Palestinians have generally favored U.S. mediation precisely because of the ability of Washington to exert influence on Israel. They have shown some readiness to moderate their positions in order to gain U.S. support for negotiations with Israel and for their positions within those negotiations.

Together with the EU, the United States does have significant potential leverage over the PA on the West Bank by virtue of the economic and political support it provides.

Fifth, a successful diplomatic effort will also require a major public education effort in Israel, in the Palestinian community and in the United States itself. President Obama and his advisers will need to explain to the American public as well as to other countries why a two-state solution is a national security priority for the United States, and why active U.S. efforts to encourage Israelis and Palestinians to achieve such a solution are also very much in the interest of both sides. They can point out that the two-state formula is not only a “win-win-win” solution—good for Israel, for the Palestinians and for the United States—but also one of several steps essential to reducing the appeal of radical Islam.

In his June 4, 2009, speech to the Muslim world in Cairo, President Obama said a two-state solution was “...in Israel’s interest, the Palestinians’ interest, America’s interest and the world’s interest.”¹⁴ Delivering on that vision will lend credibility to his words and cast the United States in the role of peacemaker rather than policeman.

Endnotes

- 1 These basic elements of a two-state solution can be found in a number of official and unofficial documents. The Clinton parameters of December 2000—which were accepted by both sides with certain reservations—provide a good outline of what a two-state solution might look like (see “The Clinton Parameters,” www.peacelobby.org/clinton_parameters.htm). Subsequent negotiations at Taba clarified a number of issues that were left unresolved at the Camp David summit (see “Taba Negotiations: The Moratinos Non-Paper,” mideastweb.org/moratinos.htm). An unofficial document that spells out the basic elements of a proposed two-state solution in great detail is the “Geneva Accord,” (www.mideastweb.org/geneva1.htm). Another unofficial document that presents the general principles that might govern a two-state solution is “The People’s Voice,” also known as the Nusseibeh-Ayalon Initiative (www.cmep.org/documents/peoplesvoice.htm).
- 2 The following are examples of progress that has been made during recent years:
December 1988: The Palestine Liberation Organization (PLO) accepts UN Resolution 242, recognizes Israel in its 1967 borders and renounces terrorism.
September 1993: Israel and the PLO sign the Oslo accords (Declaration of Principles on Interim Self-Government Arrangements). The PLO formally recognizes the state of Israel and the Israeli government recognizes the PLO as the legitimate representative of the Palestinian people. A Palestinian Authority (PA) is established in the West Bank and Gaza.
December 2000: Clinton parameters: The Clinton parameters provide a summary of what President Clinton believed Israelis and Palestinians could accept as the basis for a peace agreement in light of the Camp David summit negotiations of July 2000. The document delineates the territory for a Palestinian state; calls for an international presence, to be withdrawn by mutual consent; outlines security arrangements including early warning stations; places the Arab neighborhoods of Jerusalem under Palestinian sovereignty and the Jewish neighborhoods under Israeli sovereignty; offers solutions to the problem of Palestinian refugees; and stipulates that the agreement would mark the end of the conflict.

January 2001: Clinton parameters are more fully discussed in negotiations between the Israeli government and the PA in Taba, Egypt. No formal agreements are concluded but an unofficial report by the EU observer, Spanish Foreign Minister Miguel Moratinos, is prepared.

March 2002: Arab League peace initiative, adopted by all 22 members of the Arab League and PA President Yasir Arafat, calls for an independent Palestinian state in the West Bank and Gaza with its capital in East Jerusalem, Israeli withdrawal from all Arab territories and a just solution to the refugee problem. Under these conditions the signatories declare their readiness to end the Arab-Israeli conflict, to sign a peace agreement and to establish normal relations with Israel.

April 2003: A Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, issued by the “Quartet”—United States, EU, Russia and the UN—specifies three phases: 1) Palestinians end violence and undertake comprehensive political reform; Israel freezes all settlement expansion and begins to withdraw from occupied territories; the two sides recognize each other’s right to an independent state. 2) An international conference begins establishing a Palestinian state within provisional borders; Arab states restore pre-intifada relations with Israel. 3) A permanent-status agreement is signed marking the end of the conflict; the parties meet with the Quartet to resolve issues of borders, refugees, Jerusalem and settlements; the Arab states agree to peace with Israel.

November 2007: Annapolis Middle East peace conference: Presidents George Bush and Mahmoud Abbas and Prime Minister Ehud Olmert are joined by representatives of 35 other states. Palestinians and Israelis issue a joint statement endorsing a two-state solution as the final outcome, agreeing to implement the “Road Map” of April 2003.

- 3 The issue of international peacekeepers is complex, deserving its own treatment and including such factors as the composition of the peacekeepers, their rules of engagement, the location of deployment, etc.
- 4 Population statistics remain contested. But, the following are good representations of recent statistics:

The total population of Israel—according to a *Jerusalem Post* report of figures released by the Central Bureau of Statistics on September 16, 2009—is 7,465,000. The total includes 5,634,000 (75.47%) Jews, with an annual growth rate of 1.7%; 1,513,200 (20.27%) Palestinian Arabs, with an annual growth rate of 2.6%; and 318,000 (4.26%) others (Jonny Hadi, “CBA: Israel’s population numbers 7,465,500,” *Jerusalem Post*, September 16, 2009).

The Jewish population figure includes Israeli Jews living in West Bank settlements and in East Jerusalem neighborhoods. According to an IDF Civil Administration report the figures are 304,569 for the West Bank and about 200,000 for East Jerusalem. For West Bank statistics, see Chaim Levinson, “IDF: More than 300,000 settlers live in West Bank,” *Haaretz*, July 27, 2009 (www.haaretz.com/hasen/spages/1103125.html, accessed December 8, 2009).

The Palestinian population, according to figures released by the Palestinian Central Bureau of Statistics on November 7, 2009, is 2.4 million in the West Bank and 1.5 million in Gaza, for a total of 3.9 million (www.pcbs.gov.ps/Portals/_pcbs/

[PressRelease/population_dE.pdf, accessed December 8, 2009](#)). The annual growth rate for that population is approximately 3.3% (CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/we.html>, accessed December 8, 2009).

The most important point revealed by these figures is that the gap between the number of Jews and the number of Palestinians living in the land between the river and the sea—Israel and the Palestinian territories—is already very narrow: 5.634 million Jews compared to 5.413 million Palestinians (combining the Palestinian population in the West Bank and Gaza with that in Israel proper). The numbers are likely to be reversed in the foreseeable future in light of the differences between Palestinian and Israeli growth rates.

- 5 “ Hamas crackdown on Gaza challengers,” BBC News, August 15, 2009 (news.bbc.co.uk/2/hi/8203362.stm, accessed November 2, 2009).
- 6 www.pcpsr.org/survey/polls/2009/p33e.html
- 7 Aluf Benn, David Landau, Barak Ravid, and Shmuel Rosner, “Olmert to *Haaretz*: Two State Solution, or Israel is Done For,” *Haaretz*, November 29, 2007 (www.haaretz.com/hasen/spages/929439, accessed December 8, 2009).
- 8 General James Jones’ speech on October 27, 2009, at the J Street conference, “This is the epicenter” (vimeo.com/7302509).
- 9 www.pollingreport.com/israel.htm
- 10 See Daniel C. Kurtzer and Scott B. Lasensky, *Negotiating Arab-Israeli Peace: American Leadership in the Middle East* (Washington: U.S. Institute of Peace, 2008); Martin Indyk and Richard Haass, eds., *Restoring the Balance: A Middle East Strategy for the Next President*. (Harrisonburg: The Brookings Institution and the Council on Foreign Relations, 2008). Other useful guidance can be found on Daniel Levy’s Web site www.prospectsforpeace.com, the Israel Policy Forum at www.israelpolicyforum.org, the International Crisis Group at <http://www.crisisgroup.org> and Miftah at <http://www.miftah.org/>.
- 11 Jimmy Carter, “An Unnecessary War,” *The Washington Post*, January 8, 2009 (www.washingtonpost.com/wp-dyn/content/article/2009/01/07/AR2009010702645.html, accessed December 10, 2009).
President Carter says in the article: “After extended discussions with those from Gaza, these Hamas leaders [in Damascus] also agreed to accept any peace agreement that might be negotiated between the Israelis and Palestinian Authority President Mahmoud Abbas, who also heads the PLO, provided it was approved by a majority vote of Palestinians in a referendum or by an elected unity government.”
- 12 After meeting with President Mahmoud Abbas, President Obama stated, “In my conversations with Prime Minister Netanyahu, I was very clear about the need to stop settlements, to make sure that we are stopping the building of outposts...” Glenn Kessler, “Obama Pushes Israel on Settlement Issue,” *The Washington Post*, May 29, 2009 (www.washingtonpost.com/wp-dyn/content/article/2009/05/28/AR2009052803771.html, accessed October 20, 2009).
- 13 Israel’s withdrawal from Gaza exemplifies the security vacuum created by unilateral

actions. It is crucial that responsibilities for both Palestinians and Israelis be negotiated by both parties and recognized by the international community.

14 President Obama's Cairo speech (www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-Cairo-University-6-04-09/, accessed October 20, 2009).

PALESTINIAN REFUGEES

by Herbert C. Kelman and Lenore G. Martin

Background

THE FATE OF PALESTINIAN REFUGEES, in its humanitarian and political dimensions, represents a central issue in the Israeli-Palestinian conflict and a major challenge to its resolution.

The refugee issue goes back to the Arab-Israeli war that followed the establishment of the State of Israel. United Nations General Assembly Resolution 181 of November 1947, which called for the partition of mandatory Palestine into Jewish and Arab states, was accepted by the Zionist leadership but rejected by the Arab states and the Arab leadership in Palestine as illegitimate and unfair to the Palestinian Arab majority. In response to the partition resolution, Palestinian Arabs initiated guerrilla warfare against the Jewish population. As the British mandate came to an end in May 1948, the Jewish leadership declared independence, establishing the State of Israel.

The new state was immediately attacked by troops from Egypt, Transjordan, Syria, Iraq and Lebanon. By the end of the war, Israel was in possession of a large portion of the territory that had been projected for an Arab state by the UN partition resolution, leaving it with a total of approximately 78 percent of mandatory Palestine. In the course of the war, between 600,000 and 760,000 Palestinian Arabs—about half of the Arab population of the former British Mandate of Palestine—were displaced from their homes in what became the State of Israel.¹ They became refugees in the Gaza Strip (which was left under Egyptian control at the end of the war), the West Bank (which was left under the control of Transjordan and in 1950 annexed to become part of the renamed Kingdom of Jordan), Lebanon and Syria. Egypt and Iraq also received small numbers of refugees while approximately 150,000 Palestinians remained inside the new Israeli state.²

Palestinians and Israelis have differed sharply in their accounts of the Palestinian exodus in 1948. According to the Palestinian narrative, Arab refugees were deliberately expelled by

1 Estimates of the number of Palestinians displaced during the war have varied between 520,000—a figure cited by some Israelis—and 900,000—a figure cited by some Palestinians. The British Foreign Office has used the figures of 600,000–760,000, which Benny Morris—an Israeli “new/revisionist historian” who has analyzed the events of 1948 in detail—considers as probably the closest estimate. Morris points out, however, that it is almost impossible to be sure because it is not known how many Arabs were in Palestine illegally when the war began and how many Bedouins were exiled or remained in the Negev. See Benny Morris, *The Birth of the Palestinian Refugee Problem, 1945–1948*, (Cambridge: Cambridge University Press, 1987), pp. 297–298.

2 Ian J. Bickerton and Carla L. Klausner, *A History of the Arab-Israeli Conflict*, 5th ed. (Upper Saddle River, NJ: Prentice Hall, 2007), p. 107. Some of the Palestinians who remained in Israel were displaced from their original homes—often because their villages were destroyed—but they are considered internally displaced rather than refugees.

Jewish forces or fled in fear of massacres—some of which did indeed occur. According to some earlier Israeli accounts, the Arab population was urged by its own leaders to leave their homes in anticipation of an imminent return after the defeat of the Jewish forces by the Arab armies. The more recent writings of Israeli “revisionist historians” (e.g., Morris, 1987) support the claim that there were indeed some systematic expulsions of the Arab population by Jewish forces at various times and places. No doubt a combination of circumstances created refugees in a war that was fought in the midst of the country’s towns and villages.

Palestinians and Israelis differ in their assessment of responsibility for this war and hence for the refugee problem. The divergent accounts of the origins of the refugee problem are closely linked to the two sides’ grand narratives of the events of 1948. For Israelis, the refugee problem arose in the context of Israel’s “War of Independence,” which was forced on the new state by the violent rejection of the UN partition plan on the part of the Palestinian Arab community and the neighboring Arab states. Palestinians, on the other hand, view the refugee problem in the context of what they describe as the *nakba* or catastrophe of 1948, which spelled the loss of their homeland, the destruction of their society and the expulsion of their population.

There is also disagreement over the definition and number of Palestinian refugees. The United Nations Relief and Works Agency (UNRWA)—which is charged with the welfare of Palestinian refugees—defines Palestinian refugees as those Palestinians who registered with UNRWA after leaving their homes in 1948, as well as their descendants. Most of the refugees by this definition remain refugees to this day. According to the latest UNRWA figures, the number of Palestinian refugees as of June 2009 is 4,718,889.³ Of the UNRWA total, 771,143 refugees are registered in the West Bank, 1,090,932 in Gaza, 421,993 in Lebanon, 467,417 in Syria and 1,967,414 in Jordan.⁴ Some analysts in Israel and the international community question UNRWA’s definition of Palestinian refugees and consider its figures inflated.

According to UNRWA, approximately one third of the refugees live in refugee camps.⁵ These camps are essentially poor neighborhoods with limited facilities and opportunities, dependent on UNRWA for healthcare, schooling and occupational training. Most refugees in Lebanon and Syria remain stateless, as do many Palestinians living elsewhere in the Arab world. Palestinian refugees in Lebanon, in particular, live under abject conditions and suffer various forms of discrimination including laws that deny them access to many professions. Only Jordan has granted citizenship to Palestinian refugees residing there.

3 This number does not include the Palestinian diaspora—i.e., nonrefugee Palestinians living in Arab countries, in Europe, in the Americas and elsewhere in the world. Nor does it include Palestinian citizens of Israel, who constitute some 20% of the Israeli population. It also does not include “displaced persons”—i.e., Palestinian residents of the West Bank and Gaza who left in 1967—except those who were already refugees by the UNRWA definition.

4 The number registered in a given country does not necessarily correspond to the number actually living there since legitimately registered refugees often move, usually for economic reasons. Jordan, it should be noted, also has a large nonrefugee Palestinian population that—together with the Palestinian refugees—constitutes the majority of the country’s population.

5 UNRWA, “Where Do The Refugees Live?” (www.un.org/unrwa/refugees/wheredo.html).

Defining the Issues

Sixty years after the creation of Israel—and of the problem of Palestinian refugees—the number of refugees and the wretched conditions under which so many of them continue to live are realities that must be addressed in a just and viable peace agreement. While both sides recognize the need for a comprehensive solution of the refugee issue and have begun to develop ideas and formulas for compensation, resettlement and citizenship for the refugees, reaching an overall agreement on the issue has proven very difficult. The difficulty arises principally from the fact that within the Palestinian narrative, the issue has been framed in terms of the refugees' right of return—a framework that has significant implications for each side's historical narrative and national existence. Palestinians have insisted on Israel's acceptance of the refugees' right of return, while Israelis have insisted that Palestinians renounce the right of return. The understanding of what a right of return might mean and what it might entail in practice has been refined over time. Nevertheless, choosing a formula that bridges the incompatible views of both sides presents a major challenge due to the existential implications of such a resolution.

The Palestinian Perspective

Palestinians refer to United Nations General Assembly (UNGA) Resolution 194 (December 11, 1948) to underline the international legitimacy of their claims to the right of return. Resolution 194 offers refugees the choice between compensation and return, stating "...that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return..." Resolution 194 has been repeatedly affirmed by the UN and, in fact, supported by the United States. Two subsequent UN resolutions have not gone beyond UNGA 194 or spelled out its implications. Like UNGA 194, each contains a substantial degree of constructive ambiguity. Thus, UN Security Council (UNSC) Resolution 242 (November 22, 1967) simply calls for "achieving a just settlement" of the refugee problem; UNSC 338 (October 22, 1973) calls for the implementation of Resolution 242. The lack of detail in these resolutions leaves much to future negotiation.⁶

The significance of the right of return in the negotiations of the refugee issue must be understood in the context of the practical issues that these negotiations must address. A central item on the negotiating agenda for Palestinian leaders is normalization of the status of the refugees to the satisfaction of the individual Palestinians involved and of the entire Palestinian community. Normalization of the status of individual refugees could take any one or combination of the following forms: return to Israel (perhaps their original homes where that is still feasible), return to the Palestinian state, financial compensation, resettlement in a country outside of Palestine, integration with citizenship in the state where they are now living or Palestinian citizenship and permanent status in the state where they are now living. Palestinian leaders

6 As early as 1978, Walid Khalidi, a leading Palestinian intellectual, in a *Foreign Affairs* article ("Thinking the Unthinkable: A Sovereign Palestinian State," *Foreign Affairs*, Vol. 56, No. 4, July 1978, p. 708; www.foreignaffairs.org/19780701faessay9869/walid-khalidi/thinking-the-unthinkable-a-sovereign-palestinian-state.html), acknowledged that as a practical matter, the right of return mandated by UNGA Resolution 194 was limited and subject to Israeli assent.

want to make sure that the options offered to the refugees satisfy the various segments of the Palestinian community—whether in the refugee camps of Lebanon, Jordan and Syria or in the wider Palestinian diaspora—and that the final peace agreement was not achieved at the expense of any part of that community. They are concerned that an agreement that severely limits the right of return of refugees to Israel—even if their original homes or villages no longer exist—could well be seen as illegitimate by large segments of the Palestinian population; and indeed, that a Palestinian state established without insistence on the right of return (to Israel proper, not just to the Palestinian state) could be seen as illegitimate by the millions of Palestinians living outside of that state.

The way the refugee problem is resolved raises not only practical issues—often with existential implications—but also important symbolic issues for the two sides. If the practical issues relate to the *implementation* of the right of return, the symbolic issues relate to the *principle* of the right of return. The symbolic issues raised by the right of return as the solution to the refugee problem are a result of each side's narrative about the origins of the refugee problem, as discussed earlier in this chapter.

Thus, some Palestinian moderates, who have indicated a readiness to compromise on the implementation of the right of return, are nevertheless asking for an Israeli acknowledgment of the principle of the right of return.⁷ From the Palestinian perspective, Israeli acknowledgment of the right of return presupposes admission of direct moral responsibility for the plight of the refugees. Such an acknowledgment and admission would confirm the Palestinian narrative about the consequences for the Palestinian people brought on by the Zionist enterprise, the Jewish settlement in Palestine and the establishment of Israel. Confirming the Palestinian narrative would also recognize the Palestinians' claim to the land and national rights that are anchored in this narrative.

There seem to be two interrelated but separable reasons for the emphasis Palestinians have placed on this symbolic issue. Psychologically, in order to accept the finality of a peace agreement, and to satisfy their sense of justice and their demand for equality, Palestinians express the need for an Israeli acknowledgment that refugees have a right to return to the homes from which they were wrongfully displaced. Practically, they seek this acknowledgment to support the validity of their claims, such as claims for financial compensation.

The Israeli Perspective

In the Israeli view, UNGA Resolution 194 does not grant Palestinian refugees a right of return; rather, it makes return of individual refugees contingent on Israeli approval. To Israelis, the right of return of Palestinians to Israel proper represents a major threat with existential implications.⁸ They are concerned, above all, about how a large-scale return of Palestinians to Israel would affect the demographic balance and the Jewish character of the state. Furthermore, they perceive

7 Salah Khalaf (Abu Iyad)—long second to Arafat in the Palestine Liberation Organization (PLO) leadership—acknowledged that “a total return is not possible,” but considered it “essential that Israel accept the principle of the right of return or compensation with the details of such a return to be left open for negotiation” (“Lowering the Sword,” *Foreign Policy*, No. 78, Spring 1990, p. 103).

8 Yossi Beilin, “Solving the Refugee Problem,” *Bitterlemons*, December 31, 2001 (www.bitterlemons.org/previous/bl311201ed5.html).

such a large-scale return as disruptive to society because it would raise many divisive questions about the ownership of homes, villages and other properties that have changed hands or been destroyed after the 1948 events. In short, they see a large-scale return of refugees to Israel proper as an existential threat to Israel because it would undermine the Jewish majority and the viability and stability of the state.⁹

The concept of the right of return as the solution to the refugee problem also raises important symbolic issues for Israelis, as it does for Palestinians. Israelis have serious concerns about acknowledging the principle of a Palestinian right of return, even if Palestinians were to agree that this right will not be implemented through a large-scale return of refugees to Israel proper. Acknowledgment of that principle is particularly troubling, from the Israeli perspective, if it entails admission of moral responsibility for the plight of the refugees. Such an acknowledgment and admission would undermine the Israeli narrative about the rightful return of the Jewish people to its ancestral homeland, the Arab rejection of the UN partition resolution of 1947, the establishment of the State of Israel, the Arab attack on the new state and the resulting refugee problem. Some Israelis agree that Israel bears a share of the responsibility for the refugee problem, but argue that much of the responsibility rests with others—including the Arab leadership and the population of Palestine and the Arab states who resorted to war against the new State of Israel.¹⁰ Israelis also stress that the Arab states have done little or nothing to ease the plight of the Palestinian refugees; nor has the Palestinian leadership exerted pressure on them to do so, since maintaining the refugee camps and the refugee status of the affected Palestinians is seen as a way of keeping the demand for the right of return alive.¹¹ Furthermore, Israelis point out that the establishment of Israel and the resulting conflict created large numbers of Jewish refugees from Arab countries—often fleeing in response to or out of fear of persecution—who were accepted by Israel and integrated into Israeli society.

Again, there appear to be two reasons for the Israeli stance on this symbolic issue and, in particular, for their reluctance to accept direct moral responsibility for the plight of the refugees. Psychologically, they are not willing to accept a national self-image that negates the righteousness of their cause and implies that the creation of Israel was illegitimate. Practically, they are concerned that accepting the principle of the right of return and moral responsibility for the refugee problem would keep the issue open, even after a peace agreement has been signed, and make Israel vulnerable to future claims.

9 There is also concern among Israelis about a mass return of refugees to the future Palestinian state because of its potential impact on the stability and economy of that state. Likewise, this concern is shared by the Palestinians themselves, who are at least as mindful as Israelis about the absorptive capacity of the Palestinian state. Beyond that, Palestinians could well argue that the Palestinian state should have the same sovereign right as Israel to decide how many people to admit to its territory.

10 Joseph Alpher and Khalil Shikaki, with the participation of the Joint Working Group on Israeli-Palestinian Relations, "Concept Paper: The Palestinian Refugee Problem and the Right of Return," *Middle East Policy*, Vol. 6, No. 3, February 1999, p. 181.

11 "Palestinian Refugees and the Politics of Peacemaking," International Crisis Group Report, Middle East Report No. 22, February 5, 2004 (www.crisisgroup.org/home/index.cfm?id=2511&CFID=31144957&CFTOKEN=83111988).

Given their concern about possible future claims, Israelis were not particularly reassured by Khalil Shikaki's findings in surveys he conducted from January to June 2003 among Palestinian refugees in the West Bank, Gaza, Jordan and Lebanon.¹² Respondents were asked to indicate their personal preferences from among several options for ending their refugee status, including return to Israel. The numbers choosing that option varied across the different refugee populations, but overall only 10 percent preferred it over the other options. The survey was criticized by some Palestinians for weakening the demand for the right of return. For Israelis, however, such findings are not sufficient to overcome their unwillingness to accept the principle of the right of return, for fear that in the future, large numbers of Palestinians may avail themselves of this right even if the current numbers are low, and because of the implications of this principle for the Israeli national narrative.

The Search for Solutions

The above description of the contending Palestinian and Israeli perspectives demonstrates the profound difficulty of finding a solution to the Palestinian refugee problem, but it also helps define the limits within which a solution must be forged. On the one hand, there are no foreseeable circumstances under which Israelis will accept, in practice or in principle, the right of return of Palestinian refugees to Israel proper (i.e., Israel within its final negotiated borders). They see this as a threat to the Jewish character of Israel—to Israel as a Jewish-majority state, which was the essence of the Zionist enterprise. On the other hand, there are no foreseeable circumstances under which Palestinians will renounce or formally relinquish the principle of the right of return—even if they agree to restrict its implementation—because they see it as an integral part of their national narrative and of their claim to an independent state.

Creative negotiations will have to develop a formula that respects these limits and at the same time addresses the refugee problem in all its dimensions in order to bring finality to the issue. Finality is of great concern to both societies. For Israelis, a lack of finality with respect to this issue would open the way to future claims and would represent a continuing threat to the integrity of the state. For Palestinians, an agreement that fails to achieve a definitive resolution of the refugee problem would be viewed as incomplete by the Palestinian population and would represent a continuing threat to the perceived legitimacy of the state.

In formulating a solution to the problem of Palestinian refugees, a final agreement must be responsive to the fundamental concerns of both sides. It needs to find a proper balance between the two sets of concerns where they seem to be at odds with each other. Ideally, the agreement would address the Palestinian concerns that lie behind their demand for Israeli acceptance of the right of return, and the concerns of Israelis that lie behind their demand for Palestinian renunciation of the right of return, without referring to the right of return as such.

Thus, on the one hand, the agreement needs to state clearly that there can be no unrestricted return of Palestinian refugees to Israel proper since that would undermine Israel's character as a Jewish-majority state, which is the ultimate reason for the establishment of the state. In educating the publics about the reasons for this provision in the peace agreement, it is important to stress that it flows from the underlying logic of a two-state solution, which calls for the establishment of

12 www.pcpsr.org/survey/polls/2003/refugeesjune03.html

two states, expressing the national identity and fulfilling the right to national self-determination of the Jewish people and the Palestinian people, respectively.

On the other hand, the agreement must contain provisions that are responsive to the existential and symbolic concerns of the Palestinians, including the following:

- At the symbolic level, Israel needs to recognize the centrality of the refugee problem—and the concerns underlying the claim to the right of return—to the Palestinian identity and national narrative. Moreover, Israel needs to acknowledge its share of responsibility and express its regret for the plight of the refugees.
- The agreement should contain provisions for the absorption of a limited number of refugees by Israel, at its sovereign discretion. One criterion for selection may be family reunification, which has an earlier history in Israeli policy and is favored by many Israelis.¹³ Another criterion, proposed by Rashid Khalidi, would give priority to refugees whose original villages inside Israel are still intact.¹⁴ The agreement should offer Palestinian refugees the right to live in the Palestinian state (under some specified conditions) as well as citizenship in the state, whether or not they choose to live there.
- The agreement must address the concrete problems of the refugee population, including comprehensive plans for financial compensation; normalization of the status of Palestinian refugees in their host countries as citizens or permanent residents (with Palestinian citizenship); and resettlement when needed or desired.

In the interest of both parties, the agreement should assure finality—practically and psychologically—to the refugee problem, including a gradual phasing out of refugee status, refugee camps, UNRWA and other manifestations of the problem. The Israeli-Palestinian conflict will not be resolved unless and until the refugee issue is addressed in all its dimensions.

An agreement that offers finality on the refugee issue, clearly, must be negotiated by the Israelis and the Palestinians themselves. Third parties, however, have important roles in this process. In particular, Arab states that host large numbers of Palestinian refugees will play an essential role in the integration, normalization of status and the amelioration of the living conditions of those refugees who—by choice or because of limited options—will wish to remain there.¹⁵

Arab states can also play an essential political role in encouraging and legitimizing

13 In 1949, Israel proposed the absorption of 100,000 Palestinian refugees as part of a comprehensive peace agreement that did not materialize. From the early 1950s to 1967, Israel carried out a family reunification program under which some 40,000–50,000 refugees returned to Israel. See Joseph Alpher and Khalil Shikaki, with the participation of the Joint Working Group on Israeli-Palestinian Relations, “Concept Paper: The Palestinian Refugee Problem and the Right of Return,” *Middle East Policy*, Vol. 6, No. 3, February 1999, p. 174.

14 “Toward a Solution,” *Palestinian Refugees: Their Problem and Future: A Special Report*, (Washington, D.C.: Center for Policy Analysis on Palestine, 1994).

15 Arab states may also play a role if the issue of compensation for Jews who fled from Arab countries as a result of the Arab-Israeli conflict is raised, although this issue stems from policies and actions of some of the Arab states and is not directly linked to the issue of Palestinian refugees.

negotiation of the refugee issue. Indeed, through the Arab League peace initiative, they have signaled their support for a negotiated solution with respect to the refugee issue. The initiative seeks “achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with U.N. General Assembly Resolution 194.” This position gives the Palestinian leadership some flexibility in negotiating an issue that has often been presented in absolute terms in Palestinian and other Arab discourse. It also helps to reassure Israelis that a compromise solution to the refugee issue is negotiable.

Finally, the United States, Europe and other countries need to be involved in the negotiation of the refugee issue because of their potential roles in the compensation and especially the resettlement of Palestinian refugees. Third parties—particularly the United States—can also contribute politically by articulating the general principles, such as those delineated above, on which a solution to the refugee problem must be based; by encouraging the parties to negotiate on the basis of these principles; and by facilitating the negotiating process as the need arises.

WEST BANK SETTLEMENTS AND BORDERS

by Henry J. Steiner

THIS BACKGROUND PAPER for the Policy Statement of the Boston Study Group on Middle East Peace concentrates on Jewish settlements in the West Bank. What follows is a description of the circumstances in the West Bank and the settlements that are relevant to negotiations between Israel and the Palestinians toward a two-state peace agreement.

Israeli statehood and borders

The question of Israel's borders is intimately related to that of West Bank settlements. The dilemmas for peace posed by the settlements are best understood within the larger framework of ongoing disputes over Israel's statehood and borders, involving principally Israel and the Palestinians but other Arab states as well. Only two such states, Egypt and Jordan, formally recognize Israel as a sovereign state with a right to exist. The peace treaties between Israel and those states define the common boundaries separating them. For two other neighboring states, Lebanon and Syria, the effective boundaries have remained for six decades those agreed on to end violence—basically the armistice lines of 1949 that were not intended to recognize or delineate a new state of Israel.

The large majority of countries throughout the world, including the United States, recognize Israel as a sovereign state. They mark Israel's legal boundary as basically the Green Line, which itself is based on the earlier 1949 armistice lines. The Green Line marked the state's northern and eastern boundaries at the outbreak of the 1967 war. No other state recognizes as part of Israel the additional land that Israel has either formally annexed—East Jerusalem (as part of Greater Jerusalem), whose boundaries Israeli law has significantly extended into the West Bank since 1967—or has effectively annexed through the Golan Heights Law. To the world at large, those areas together with the West Bank (and for a long period until the 2005 unilateral Israeli withdrawal of settlements, also Gaza) continue to constitute belligerent occupied territories, subject to the humanitarian laws of war and in particular, to the provisions of the Fourth Geneva Convention that govern occupation. Israel, and to some extent Egypt, today blockade Gaza. Thus Gaza's borders with Israel and Egypt have their own set of distinct complexities.

Snapshot of settlements: 1967–2009

No issue requiring resolution by a peace agreement touches the question of land and sovereignty

more forcefully than that of Jewish settlements in the Israeli-occupied territory. After the Israeli withdrawal from Gaza, such territories comprise principally the West Bank and East Jerusalem. The rage and violence between Palestinians and Jews over those areas continue to generate hatred between the parties. The occupied territories have become dominant features of the larger Israeli-Palestinian conflict.

This background paper focuses on the West Bank, though it includes statistics about Jewish settlers in East Jerusalem, as annexed by Israel and expanded into the West Bank. For the West Bank, the term *settlements* refers primarily to built-up and fenced-in residential areas together with a few industrial areas that are reserved almost entirely for Israeli Jews and Jews from other countries who are entitled under the Law of Return to acquire Israeli citizenship. Palestinians, primarily construction workers, enter settlements only with special permission and to perform specific tasks.

Settlements as such have long played an important role within the Zionist movement. Even before Israel's creation, they were integrally related to the Zionist enterprise of establishing and expanding footholds in the ancient homeland. Their construction in the occupied territories began soon after the 1967 war. Previously, Jordan controlled what we know today as the West Bank and East Jerusalem (in biblical days, Judea and Samaria), extending from the Green Line to the Jordan River. Syria controlled the Golan Heights, Egypt controlled the Sinai and Gaza and Jerusalem remained divided by the armistice lines of 1949 into western and eastern parts. That is, the territories conquered in 1967—where Israeli settlements later sprang up—were prior to the 1967 war in the hands of surrounding Arab states.

The Israeli-Egyptian peace treaty signed in 1979 (under Israeli Prime Minister Menachem Begin and Egyptian President Anwar Sadat) required the withdrawal of Israeli inhabitants from settlements in the Sinai, while Israel's unilateral withdrawal in 2005 from Gaza (under Prime Minister Ariel Sharon) included the eviction of 7,000–8,000 of its citizen-settlers. As a consequence, today's settlements lie only in the West Bank, East Jerusalem and the Golan Heights.

Settlements: growth since 1967

Prior to the 1967 war, neither the Israeli government, political parties nor nonstate groups advocated conquest and occupation of the West Bank. The question was not a matter of public debate. The attack by Israel launching that war—following Egypt's closing of the Straits of Tiran, the removal at Egypt's request of United Nations (UN) peacekeepers stationed between Egypt and Israel, Egypt's buildup in key locations of armed forces and repeated Egyptian threats of war—was not intended to gain territory. Rather, Israel's stunning military success over Egypt, Jordan and Syria left it in control of the West Bank, Jerusalem, the Golan Heights and Sinai. Israel itself and the conquered territory it newly occupied amounted to about 78 percent of mandatory Palestine. The remaining 22 percent, which has generated such intense conflict over the subsequent 43 years, amounted to about half of the percentage of mandatory Palestine that the 1947 UN partition plan had allocated to the Arab population.

During the closing days of the war and more dramatically thereafter, leading Israeli government and military figures took different positions on major questions. How should Israel deal with the conquered territories—with Sinai and Gaza as Egyptian troops retreated, with the West Bank as Jordanian forces retreated to the east bank of the Jordan River, and with the

Golan Heights, which were wrested from Syria in the war's closing hours? A broad spectrum of proposals and warnings were aired: occupation of the conquered areas, in order to use them later as bargaining chips in negotiations; offers to withdraw to modified boundary lines in exchange for recognition and peace agreements; focus on settlements and military outposts in the Jordan Valley for security purposes; and warnings that an occupied West Bank with its large Arab population would eventually become a burden, perhaps a tragic one, for Israel.

Settlements began, in modest number and in population, in the years immediately following the war. Currently, residential housing sits upon approximately three percent of the territory of the West Bank, within some 120 settlements. However, the fenced and protected areas surrounding the housing—areas included within a settlement's "jurisdiction"—also contain extensive undeveloped land set aside for security and for the expansion of population through both an infusion of settlers and internal growth (see map links for greater detail).

The 1993 Declaration of Principles, the first step in the Oslo process, led to Israeli recognition of the Palestine Liberation Organization (PLO) as the official representative of the Palestinians, and to the PLO's recognition of Israel as a sovereign state. Furthermore, it divided the occupied territories into three zones: Zone A, where Palestinians controlled their own life through local government including local security; Zone B, where Israel reserved the right for security-based interventions into a Palestinian self-government area; and Zone C (60 percent of the West Bank), which remained completely under Israeli security control with non-security-related matters under Palestinian administration. About 70,000 Palestinians live in Zone C, subject (as in East Jerusalem) to serious discrimination in fields like housing where construction permits are routinely granted to settlers but predominantly denied to Palestinians. The PLO transferred local administrative power to the newly established Palestinian Authority (PA), which would oversee governance in its respective zones.

Early on, the Oslo process was marred by broken promises on both sides. The period following the accords saw a rapid expansion of settlements, an issue not directly addressed by the agreement. The process collapsed progressively with the onset of the second intifada in the fall of 2000 and in 2002 when Israel reentered all Palestinian territory including Zone A. These new arrangements did not affect the status of settlements. Recent years have seen intermittent reentering by the Israel Defense Forces (IDF), such as patrols through Ramallah for security reasons. Zone A still retains some local autonomy. All these events have rendered the accords close to a dead letter.

Approximate figures follow, revealing the increase in the number of West Bank settlers as well as settlers in East Jerusalem and the Golan Heights from a few years after the 1967 war to 2007. A certain percentage of this growth is attributable to births within (rather than migration into) the settler population.

	West Bank	East Jerusalem	Golan Heights	TOTAL
1972	1,000	9,000	100	10,100
2000	193,000	172,000	16,000	381,000
2007	276,000	185,000	18,000	479,000

The settler figure in the West Bank continued to grow in 2008 and 2009. Estimates in late 2009 suggest that they number close to 300,000, while the Arab population comes to about 2.2 million. Together with East Jerusalem's Jewish (settler) and Palestinian population, the totals amount to some 500,000 settlers and slightly less than 2.5 million Palestinians.

As of late 2009, signals from the Netanyahu government were at best mixed regarding whether it would act soon and seriously to arrest (let alone reverse) this trend. In November 2009, the cabinet approved a policy statement that prohibited new housing units in the West Bank settlements for a period of ten months, a statement that went part way toward meeting a long-held Palestinian/Fatah condition that a total freeze on settlement construction, including East Jerusalem, be imposed before negotiations toward a final solution could resume. This Israeli undertaking excluded about 3,000 units already under construction, certain types of public buildings and any construction in East Jerusalem. After a year in office, the Obama Administration has sought to persuade Israel to impose a total freeze, but has not succeeded.

Evolving characteristics of settlements

Israeli law applies extraterritorially to govern relations among settlers, who are immune from the application of Palestinian law even when events involving settlers and Palestinians occur off settlement land. All judicial or other proceedings involving settlers are staffed with Israelis in official roles such as decision maker. Extraterritorial application of Israeli law and enforcement of judgments or other decisions by Israeli officials have displayed ongoing discrimination against Palestinians, evidenced by the different degree of investigation, procedure for arrest, prosecution and punishment applied to Palestinians acting violently against settlers versus settlers so acting against Palestinians.

Powerful connections between Israeli territory (within the Green Line) and settlements abound. For example, Israel generally requires its citizens to return to vote in elections (if they so wish) rather than vote abroad by absentee ballot or at Israeli consulates. Settlers, however, vote within the settlements, without need to return to Israel. Such phenomena draw the Israeli political and legal system deeply into the West Bank, despite the fact that no settlement land (other than in East Jerusalem and, effectively, the Golan Heights) has been annexed.

Settlements vary widely in size and population, some with barely 1,000 settlers and a few in the neighborhood of 40,000 (see map links for greater detail). In addition, about 100 small "outposts" have sprung up with as few as 30 residents. These threshold or incipient settlements, not authorized by relevant authorities, are sometimes spawned by nearby larger ones as part of an expansionist vision or as part of a plan to block direct routes between Palestinian population centers. They are generally illegal under Israeli law. Even when ordered by the Israeli High Court (the Israeli equivalent to the U.S. Supreme Court) to evacuate an outpost, the government has only rarely instructed the IDF to expel the outpost's residents. To the contrary, it has supported outposts by authorizing the provision to them of such necessities as electricity and water, as well as IDF protection. A tried-and-true strategy of religious and nationalist settlers seeking to avoid hostile reactions to new "settlements" or the enactment of laws against the unauthorized establishment of settlements, the outposts play an initiating role in the long-run growth of settlements.

Settlements are spread throughout the West Bank, from the North (Samaria in biblical times)

to the South (Judea), from close to the Green Line to the Jordan River. Some larger settlements ranging from 30,000 to 40,000 inhabitants lie close to the Green Line, while others such as Ariel and Ma'ale Adummim are located farther to the east. Settlements that have a more religious or religious-nationalist character tend to be situated farther to the east of the Green Line, a fact of importance with respect to possible Israeli withdrawal of designated settlements pursuant to a peace agreement.

The character of settlements varies widely. Many amount to “bedroom communities,” effectively suburbs or housing communities of a relatively secular character. Most of these inhabitants commute to work within the Green Line predominantly to Tel Aviv and other coastal cities but also to Jerusalem. Driving (on good road networks) from a large settlement bloc like Ariel to Tel Aviv can take 30–45 minutes.

Orthodox Jews imbue numbers of settlements restricted to such believers with a strong religious character. Such religious Jews may lack any particular commitment to the West Bank as such. That is, their religious commitments may be independent of their location in the West Bank or Israel proper. However, a substantial number of settlements have either a strongly religious-fundamentalist character, or an intense nationalist-expansionist commitment or both. Settlers from these backgrounds, quoting biblical text, believe and preach that all or large parts of the West Bank including Judea and Samaria were promised by God to the Jewish people for all time. Within such a system of beliefs, the occupied territories were not conquered but liberated; the land itself is sacred. Thus, expanding the Jewish population at the cost of wresting land ownership from Palestinians and destroying agricultural landscapes identified with earlier styles of Arab life constitute a God-given right and duty. From this perspective, negotiation looking toward a two-state solution or indeed any degree of withdrawal from the West Bank or East Jerusalem is anathema, and at the extreme, acts of treason to Israel’s Jewish character and God-given land. The assassination of Prime Minister Yitzhak Rabin in 1995 by such a believer offers a tragic case in point.

All calculations in discussions about restructuring the West Bank take account of these distinctions among types of settler communities. Most observers assume that it will be a far easier task, if an Israeli-Palestinian agreement so requires, to persuade the “bedroom community” secular settlers to relocate within the Green Line, partly through compensation (similar to but likely higher than the compensation given to the settlers required to leave Gaza) that would cover the costs of establishing new roots. The religiously motivated and nationalist settlers, committed to the West Bank as sacred or essential ground, will probably be the most difficult to move for they are less likely to respond to financial or other material inducements.

Settlements: land fragmentation, roads and security barrier

The construction of settlements requires the taking of dominantly rural and agricultural land for habitations, as well as for security and expansion zones around the habitations. Some land was bought from Palestinians and some private lands of Palestinians were confiscated for use as settlements, a practice that has to a certain extent been regulated and curtailed by decisions of the Israeli High Court. Partly in response to such decisions, the government turned to the practice of creating “public lands” out of Palestinian-owned lands, to be controlled by Israel for asserted security purposes, and later made some of those lands available for settlement construction.

Nonetheless, it appears from recent reports (based on government records) that over 30 percent of the land on which numbers of the larger, important settlements sit was illegally taken from private Palestinian parties.

These shifts have played havoc with topography, social relations and Palestinian economic life. Numbers of settlements have been located to serve security purposes, as in the Jordan Valley (a situation on high ridges with commanding views). Others grew out of distinct motivations, such as responding to the high demand for residential communities within modest commuting distances to Israel proper, or inserting a small religious settlement within the historically important city of Hebron. Some locations appear to have been chosen to break up the territorial contiguity of the West Bank by dividing Palestinian cities, towns and villages into numerous smaller areas, a fragmentation that threatens the plausibility of a two-state solution. Moreover, expansion of the Ariel settlement bloc and current plans for building in the E1 area would extend settlements in those areas in east-west directions so as to divide the West Bank into three distinct north-to-south sections, thereby denying contiguity to a new state and subjecting north-south traffic to Israeli checkpoints.

Roads have become an increasingly prominent and contentious ingredient of the expanding Israeli presence. Major roads now connect larger settlements directly to other settlements and to parts of Israel itself. Such roads block movement from one Palestinian city or village to another since they are protected by side barriers against crossings, thus requiring far longer trips by Palestinian residents who must have recourse to lesser roads to circumvent barriers blocking a direct trip. Some major roads are reserved for Israelis; Palestinians must acquire special permits for their use. These types of restrictions, often justified as security measures, reinforce the pervasive policy of “separation” that has come to characterize the West Bank. Other roads are open to shared use; secondary roads are largely used by Palestinians.

Traffic on roads open to Palestinians is frequently interrupted by movable barriers or relatively permanent checkpoints operated by the IDF, exclusively (Israel argues) for security purposes such as screening for militants, weapons or for the gathering of information. (The recently constructed security barrier constitutes a major obstacle for suicide bombers or other terrorists seeking to enter Israel.)

The bars to movement formed by the settlements, checkpoints, exclusive new roads, road blocks and the security barrier have created a living environment that most Palestinians experience as humiliating and degrading. It breeds resentment and anger, further eroding the hope of free movement of persons and goods within a contiguous Palestinian state. Occasional curfews, long waits at checkpoints, subjection to searches as daily matters and the limited hours during which given checkpoints may be open further impede movement and frustrate efforts by Palestinians to lead normal personal and commercial lives. The occupation indeed permeates and darkens the everyday routines of normal lives.

The last few years have added the ongoing construction of a security barrier (also referred to as “fence” or “wall”) to this already complex landscape. Most of the barrier amounts to an electrified fence with cleared land and barriers on both sides. In populated areas such as East Jerusalem, it consists of an eight-meter concrete wall separating Palestinian from Jewish communities. At times, it cuts through and divides a Palestinian community. What has already

been built, together with the projected final plans, would lead to a barrier considerably longer than the Green Line, since the “wall” makes several substantial incursions into the West Bank. These incursions—which the International Court of Justice has found to be illegal—serve the purpose of including within the barrier major Israeli settlements (or clusters known as “blocs”) that lie west of the Green Line—for example, the Ariel and Ma’ale Adummim settlements. Regardless, the barrier has further disrupted the life of thousands of Palestinians.

Many observers believe that the security barrier has been effective in sharply reducing suicide bombings within Israel since its construction began. Israel continues to insist that the barrier is not meant to constitute a preemptive settling of the question of a boundary line in the event of a two-state solution, but the barrier’s significance for the drawing of a definitive boundary line remains to be negotiated.

Governmental policies about settlements

It is sometimes said that settlements are a private matter, built and inhabited by Jewish Israeli citizens making independent and voluntary decisions based on a great range of considerations. Insofar as it goes, this statement is accurate. The full story, however, is more complex and graphically demonstrates the extent to which the Israeli government has been and remains pivotal to the existence and growth of settlements.

Several Israeli governments—for example, under Prime Ministers Yitzhak Shamir, Ariel Sharon and Benjamin Netanyahu—strongly advocated settlement expansion. Other major political figures were more complexly engaged with the settlement cause, sometimes supportive and sometimes critical. Leaders like Rabin who were deeply opposed to the religious-nationalist settler movement (though not to settlements in strategic locations designed to serve national security purposes) nonetheless failed to act strongly against it. One reason was the intensity of pressure from the settlers and their political supporters within Israel, which led the government to doubt its own ability to attract popular support. Another probable fear was the possibility that West Bank settlers would resist evacuation orders to the point of forcefully opposing IDF troops charged with enforcing them. To some extent, even the willingness of religious-nationalist IDF officers and soldiers (whose families might live in the settlements) to execute such orders has come into question.

In vital respects, the different government coalitions during this long period, their leading parties (Labor, Likud, Kadima) and national unity governments have all nourished the settlements or accepted and supported them in important ways. No government has thus far assumed the risk of taking decisive political action to reduce the significance of West Bank settlements or even freeze their growth. The constant stream of criticism from Europe, the United States and many other countries has had only occasional and transient effect. The initiative remains with the settlers and their political allies, benefited by their productive connections with numbers of similarly thinking officials in government.

Constraints on decisive government action stemming from Israel’s form of proportional representation have also played a role—a form currently giving all parties gaining at least two percent of the total vote representation in the Knesset. In order to hold a majority of the 120 Knesset seats, coalitions have been essential for the formation of governments. Governments have thereby become hostage to the smaller parties (generally with extreme supportive views about

settlements), who threaten to withdraw from a coalition and cause the collapse of the government unless a particular policy affecting settlements were abandoned or pursued.

In effect, only a distinct minority of Israeli Jews actively support settlements, just as only a minority of settlers understand the settlements as a God-given duty or a political imperative of territorial expansion. That determined minority has carried the day, implementing the strategy of creating “facts on the ground” that would effectively block successful negotiations toward peace and two states. It is ironic that such a situation has developed against the background of broad opinion polls frequently confirming that the Israeli public favors an agreement trading designated land and settlements for a peace that it could believe in.

Government’s socioeconomic policies and legislation benefiting settlers

During the many years of occupation, some leaders like Sharon were forceful advocates for permanent settlements and their expansion. Nonetheless, such a view was never a part of a systematic, long-run plan held by successive governments or of legislation in the Knesset. Nor has the government encouraged a broad political debate among the public about the occupation. Rather, nonstate advocacy groups and the private sector have played a major and proactive role as leaders in founding and expanding settlements, sometimes under very sympathetic and helpful governments such as the current coalition led by Netanyahu. To an important degree the role and effectiveness of government has been defined by the government’s reactions (including failure to react) to settler initiatives and its extensive support of new settlements.

The West Bank continues under military administration, and is not directly governed by Israeli law as is the case with the Golan Heights and (annexed) East Jerusalem. But the government has proposed and implemented an elaborate system of laws, permits and various other protections for the settlement community that go well beyond military protection. This intricate West Bank legal system has imposed separate systems of law on Jewish settlers and Palestinian inhabitants. Substantial budgetary allocations have been necessary to service this network of policies designed to attract and protect settlers, and also for the construction of a major road system and a security barrier serving particularly the settlers.

For example, the government together with nonstate actors has offered substantial incentives to attract settlers. It has arranged attractive terms for mortgages; subsidized and thus lowered housing prices below those prevailing for comparable properties within Israel; granted tax incentives; provided for good schools; assured the settlers and settlements of protection by the IDF; and in general made available clean, open-air living in larger housing units and spaces than were easily available within Israel at comparable prices.

Settlements could not exist without a range of governmental authorizations from the start. The government has consistently assured the provision of necessities like water and electricity through authorizing the expansion of relevant utility infrastructures. In per capita terms, a grossly disproportionate amount of scarce water resources have been allocated to settlements in comparison to the amounts provided for Palestinian inhabitants. The government has liberally issued building permits for new housing units in the settlements, while following a restrictive policy with respect to permits for Palestinians. Moreover, without interference from the government, construction has also taken place without official permits. There have been reports of secret government accounts supporting new housing in the settlements. In summary, the

government has become an indispensable component in the complex web of public and private initiatives and actions underlying the settlement movement.

National security

The most explicit engagement by the Israeli government in the four decades of settlement activity has centered on national security and military matters. The debate over the significance of the West Bank and settlements for Israel's security began soon after the 1967 war. A continuing theme, for example, in both Labor and Likud governments has been the relevance of settlements in the Jordan Valley serving as warning stations and first lines of resistance in the event of a land attack. Moreover, settlements and related checkpoints on the roads have helped maintain a system of gathering national-security information from both settlers and Palestinian informers.

The theme of national security has figured broadly in the political and legal defense of numerous settlements both by their inhabitants and by the government. Several decisions of the Israeli High Court have turned on the issue of whether an adequate security justification could be advanced for construction or expansion of a settlement or related facilities like roads. Several of these decisions have gone against the government.

The IDF represents the most visible form of the Israeli government's participation in the control and administration of the West Bank. Troops are stationed in the West Bank, while barracks are located within numbers of settlements. From the perspective of Israel's own security, this military presence acts to curb planning and action originating in the West Bank that targets attacks within Israel.

Numerous attempts at suicide-bomber missions have been thwarted through the Israeli security apparatus in the West Bank, at the checkpoints in the separation barrier and elsewhere on Israel's border with the West Bank and within Israel. Given the number of suicide missions that have killed hundreds of Israeli civilians and the constant threat of future attacks, Israel has long insisted that the PA and elected Palestinian governments show a demonstrated ability to abort suicide missions planned in the West Bank intended for execution in Israel. Israeli demands for such Palestinian ability to prevent attacks cover other threats to Israeli security, such as additional rocket attacks from the West Bank. Over the last year, the Palestinian security forces in the West Bank—growing in number and competence under training provided by a U.S. staff headed by Lieutenant General Keith Dayton to keep law and order—have contributed to the recent cessation of suicide attacks, although Israel claims its own ongoing military incursions should be given most of the credit.

Events of the last decade have underscored how deeply the context for national-security considerations has changed. Fear of more effective rockets or other air attacks launched from outside Israel or even of nuclear weapons has taken priority over earlier concerns of armed forces attacking across Israel's borders. Hence the role of occupation, settlements and military outposts as primary guarantors of national security is being rethought in this larger and far more dangerous environment.

Legal aspects

Israel, the PLO and PA, third countries including the United States, international organizations like the UN and the European Union (EU), nongovernmental organizations (NGOs) and legal

experts have expressed views about the legal status under international law of the occupation and of the construction of settlements. Most of the recent arguments have stressed the settlements and their ongoing growth. The Israeli government's arguments, made before its own High Court of Justice, to the UN and to other countries, have claimed that Israeli policies and actions comply with conventional and customary international law. Meanwhile, Israeli NGOs and legal experts (Jewish and Arab) have taken diverse and opposing positions among themselves on these issues. The dominant, indeed overwhelming, opinion of other states—including almost all democratic states, UN organs, the EU, NGOs and foreign legal experts—holds that the settlements are illegal under international law. Agreement is even deeper that settlements constitute a major block to peaceful resolution of the conflict.

The United States has consistently criticized the settlements. Some Administrations (e.g., those of Presidents Nixon and Carter) condemned them both as a violation of international law and as a serious obstacle to reaching a peace agreement with Palestinians. No later Administration has reversed this initial position that the settlements violated international law. Nonetheless, later Administrations (e.g., those of Presidents Reagan, Clinton, G.H.W. Bush, G.W. Bush and Obama) have concentrated on arguing that the settlements obstruct a solution to the problem—and since Clinton, that they block a desirable two-state solution. No U.S. Administration has approved or defended settlements.

The American criticisms have often been couched in soft terms (e.g., settlements are “unhelpful”). Only rarely (as briefly under the Administration of President George H.W. Bush, in a confrontation managed by Secretary of State James Baker that concerned a particular aspect of settlement policy) have the censorious statements from the President, State Department, Secretary of State or other U.S. officials led to forceful governmental action. Such action could consist of strong messages to the Israeli government, important speeches and declarations in the United States and international organizations, votes in the Security Council and other UN organs, threats to withhold types of financial aid and so forth. All such actions could be intended to underscore the United States' strong opposition to settlements because they are a block to a two-state solution. Such U.S. statements, pressures and action would not however call into question the established and ongoing commitment to Israel's national security and survival. This “special relationship” would continue. The Obama Administration's first year has seen more consistently strong remarks addressed toward Israeli policy formulation or action involving the settlements, but by the end of 2009 it has produced no concrete results.

Arguments over the legality (primarily under international law, with special attention to the Geneva Conventions) of the occupation itself and of the construction of settlements has figured importantly in discussion from the start of the settlement movement. Forty years ago, these arguments dominated the debate. Over these four decades, Palestinians have drawn heavily on international law in their arguments, for broadly speaking, the large majority of states agree more with their legal positions than with those of Israel.

Like many other conflicts to which international law is formally applicable but of doubtful efficacy, that body of law (as understood by one or the other party) may nonetheless influence the outcome of negotiations by creating a background or framework for the discussion of certain issues. But legal opinions or decisions; declarations or resolutions by other states, UN organs and NGOs; and broadly respected legal experts have not carried the day and are unlikely to.

The conflict is too politicized, too deeply rooted, too ideological, too joined to the fate of states and of two peoples to lend itself to resolution by legal institutions. In negotiations between the adversaries, the political, ideological, moral, expedient and practical considerations, the power of each party, the strength of each party's desire for a stable peace and the efficacy of persistent pressure from other states are more likely to prove decisive than the marshalling of legal claims.

The legal criticism of Israel's actions with respect to occupation and settlements has rested primarily on the following arguments:

- (1) The UN Charter forbids what is effectively the acquisition of territory by force, here evidenced by over four decades of military occupation, significant land acquisition and construction of settlements. This prohibition applies even in the context of Israel's right of self-defense and the taking of the occupied territories during the waging of a war justified by Israel as a preemptive or defensive one.
- (2) The Fourth Geneva Convention on the protection of civilian persons in time of war and on the provisions governing belligerent occupation applies (Art. 2) to the Palestinian occupied territories. Occupation implies time-limited control of the relevant territory, whereas a period in excess of four decades speaks to permanence, even to de facto annexation, rather than a temporary occupation. The Convention forbids Israel (Art. 49, par. 6) from encouraging, assisting and actively supporting the transfer of persons (even if voluntary on the part of such persons, not required by the state) from Israel to the West Bank to found, inhabit and expand settlements.
- (3) Israel has violated the customary international law on occupation, stemming from the 1907 Fourth Hague Convention, by drawing the occupied territories into its own national scheme (including the taking of extensive public lands for its own use) rather than acting to preserve the situation it found as conqueror for the ultimate benefit of the inhabitants when the occupation ends.
- (4) UN Security Council Resolutions, included Resolution 242 requiring "withdrawal of Israel armed forces from territories occupied in the recent conflict," obligate Israel to pull its military control back to the Green Line—or under more recent developments and understandings, to a new but closely related boundary resulting from negotiations that would likely involve territorial swaps.

The Israeli government and part of the Israeli community of NGOs and international-law experts have challenged these arguments. Their fundamental arguments include:

- (1) No sovereign "owned" the West Bank prior to the 1967 war. Rather the territory was disputed and therefore open to conquest, settlement and acquisition of public lands by Israel as the outcome of a justified war.
- (2) The Fourth Geneva Convention does not apply since the West Bank was not

previously the territory of any state party to that Convention (as required by its Art. 2).

(3) Even if it did apply (and Israel has agreed to apply the humanitarian provisions of the Fourth Geneva Convention as if the Convention applied), Art. 49, par. 6, refers only to coerced population transfers into the occupied territories, whereas the settlers have acted on their own incentive, voluntarily for their own individual reasons.

(4) Resolution 242 does not refer to “all territories” but simply to “territories,” which leaves room for negotiation and agreement consistent with Israeli needs.

(5) The settlements, as well as the IDF’s presence and control, are essential to Israel’s national security needs for effective resistance to an armed attack by hostile Arab states. They are also considered essential for the prevention of rocket attacks, suicide bombings or other forms of terrorism that could originate in the West Bank.

Change in Israeli and Palestinian attitudes: evolving language

Despite the near stalemate over settlement policy and peace negotiations, combined with the Fatah-Hamas rift within the Palestinian political system, the conflict has not remained static. To the contrary, significant turnarounds in the language of politics reflect new political realities and possibilities, which have created new vocabularies about the conflict that inevitably shape ideas. Seen over time, the situation appears more fluid than observers attentive only to today’s acerbic interactions and frustrations may perceive. For example:

(1) Only four decades ago, many Israelis denied the existence of a distinct population known as “Palestinians,” or alternatively claimed that the term could as readily embrace Jews as it could Arabs, all living within the former mandate’s area. Today the term has a concrete and shared meaning among Israelis. It refers to the Arab population of the West Bank, East Jerusalem and Gaza (and increasingly to Israel’s own population of Palestinian citizens). Events have formed a Palestinian identity and national consciousness that was not nearly as vivid before the 1967 war. Palestinian claims have gained a global audience.

(2) For several decades after the war, the relatively small number of Israelis publicly discussing a two-state solution would be subjected to harsh criticism involving charges as strong as treason to the Israeli state. The notion of Israel’s right to exist was equally offensive to most of the Palestinian population of the occupied territories, then involving the West Bank and Gaza. Within Israel today, however, the idea of a neighboring Palestinian state is commonplace in political discourse, an ascendant opinion about what the country ought to work to achieve. Over this same period, acceptance and recognition of the state of Israel together with its right to exist have become commonplace among most Palestinians, either as a present phenomenon or as an understood component of a peace agreement. Indeed, the Arab League peace

initiative of 2002, reaffirmed in 2007, held forth such acceptance, recognition and normal relations between the 22 Arab countries and Israel after an Israeli-Palestinian peace agreement has been reached. Today the Hamas government of Gaza stands outside that consensus, though there are serious differences in position among its different factions within Gaza and in Damascus. Nonetheless prominent leaders continue to deny Israel's right to exist and some call for its destruction.

(3) For many years the term "occupation" had become anathema among many Israelis, particularly among religious-nationalist settlers. The denial of that term's appropriateness (for the West Bank and formerly Gaza) accompanied the ongoing Israeli refusal to recognize the formal applicability to the conflict of the Fourth Geneva Convention. Rather, a different language applied. Israel had implemented God's promise to the Jewish people of such land; or over time and with the aid of settlements, it had achieved legitimate governance in the disputed territory of the West Bank; or settlements together with the entire occupation were essential to Israel's national security. "Occupation" was replaced by references to Israeli "administration" or "rule," or to "disputed" lands. At least within Israel (if not within the settlements), the term occupation has now become commonplace, used by the highest authorities. Prime Minister Sharon, referring to Israeli control over several million Palestinians in the West Bank and Gaza rather than to the land itself, observed that the 40 years of such control must be recognized by Israelis for what it is, an occupation.

(4) The system of "separation" (the descriptive term used in Israeli explanations of the Jewish domination imposed by the Israeli military on the West Bank) has led to increasing characterization by Palestinians, Arab states and a number of other countries as analogous to apartheid. Israel has reacted strongly against such a characterization of the West Bank, which it views as odious and unfair, biased and anti-Semitic. Present high officials in the Israeli government as well as an increasing number of newspaper articles have referred to the risk of ongoing and intensifying separation in more critical terms, approaching and occasionally using the offensive term. Recently Prime Minister Ehud Olmert referred to the possibility that if the two-state solution collapses, then Israel might very well confront a "South African-style struggle for equal voting rights" that could mean "the State of Israel is finished." At a minimum, Israelis are more aware of and more readily willing to discuss the high risk of an ongoing occupation that discriminates against Palestinians' basic human rights such as political participation. They recognize the risk that Palestinians and other states might increasingly view the occupation as a de facto annexation imposing a regime of apartheid.

Implications for peace negotiations of 43 years of occupation and settlements

Consider some consequences for peace negotiations and for the parties after 43 years of military

occupation of the West Bank and escalation of settlements and settlers:

(1) A broad consensus has developed over several essential requirements of a Palestinian state, including the necessity that it be viable, contiguous on the West Bank and connected from there to Gaza by a land (road, tunnel, bridge) corridor (assuming that a Palestinian state would include the West Bank and Gaza). But as now situated and still expanding, settlements block the requirements of viability and contiguity from being satisfied. The task that any imaginable peace agreement would impose on Israel—abandoning numerous settlements designated in the agreement and relocating (taking account of estimates of different observers) some 60,000–100,000 settlers to Israel—becomes ever more daunting for Israeli governments.

(2) A substantial majority of today's Israeli population grew up knowing about settlements. Increasing numbers of Jewish citizens have close relatives or friends living in settlements. Thus for many the settlements are neither new nor problematic, but rather are longstanding features of their country's landscape and politics. Indeed, only a small percentage of Israelis living within the Green Line have seen in any detail parts of the West Bank aside from settlements, and hence have a limited knowledge of the conditions under which Palestinians are ruled and go about their daily tasks. Roads, including major ones reserved for Israelis, connect Israel proper to settlements. They carry back and forth to Israel proper settlers and other citizens within the Green Line, with hardly an indication to the voyagers that they cross an internationally recognized boundary separating Israel from its occupied territory. Thus, the Green Line withers away as a national marker. Passage of time reinforces this sense of (at least *de facto*) one country, burdening the task of even an Israeli government committed to working toward two states.

(3) Nonetheless, what alternative future for the West Bank could be acceptable to both parties? A one-state solution achieved by Israeli force and annexation of the West Bank or by agreement between Israel and Palestinians would soon lead to a state with a majority Palestinian population displacing the Jewish majority that Israel has known since its creation. As difficult to achieve as the two-state solution may appear, it is inconceivable that Israel's Jewish population would now accept a one-state solution. Even today (including Gaza) the Arab population of the area between the Mediterranean and the Jordan River slightly exceeds the Jewish population—and if Gaza were excluded, the same would still be true a certain number of years from now. If a single state embracing this entire territory were a democratic one with equal political participation for all citizens, political power would shift toward the Palestinians. Israel as a Jewish-majority and Jewish-ruled state—as it has proclaimed itself since its creation—would disappear. The single state could still remain a Jewish-ruled state if it did so by force and denied most (West Bank, East Jerusalem, Gaza) Palestinians the right to vote and other rights. Such a policy would spur ever deeper and wider accusations that Israel constitutes *de facto* or *de jure* a single

apartheid state. Both its Jewish-majority and democratic character could disappear. As stated in 2009 by Brigadier General (ret.) Ilan Paz of the IDF, head of Israel's Civil Administration in the West Bank from 2002 to 2005: "If the peace process comes to an end and the window of opportunity to create peace on the basis of a two-state solution will end, we will have to decide whether we will be a state of all its residents or an apartheid state. These are the only two possibilities if the two-state solution is over."

(4) No single issue has drawn as much worldwide criticism of Israel as the subordination of Palestinian welfare and ultimate self-determination to the growth and protection of settlements. The longer the occupation continues, the more the image is entrenched in many parts of the world of Israelis as oppressors and Palestinians as victims, as Goliath and David. A large majority of states including Western democracies view the occupation not only as a bar to peace, but also as an ongoing source of violations of the laws of war and human rights; a breeding ground for suicide-bombers, related attacks and possible future intifadas against Israel; a path toward an ever worsening standard of living for Palestinians; and a way of entrenching ever greater reciprocal hatred and violence. Its continuation threatens to lower prospects of both Jews and Arabs for a better life. From the critical perspectives of national security and international support, time on these matters is not on Israel's side.

Conclusions

My personal views about settlements with respect to a possible peace agreement for two states lie within the broad consensus that has developed over the last decade among a great many partisans of that solution. That consensus envisions the withdrawal of settlements from nearly all of the West Bank, subject to agreed-on swaps of land of equal size and value that are now part of Israel but would become part of Palestine, and that are now part of the West Bank but would become part of Israel. Among other benefits, such swaps would sharply reduce the number of settlers who have to be displaced and resettled within Israel. The agreement would leave the new country of Palestine as a contiguous and viable state. This consensus view implicitly assumes that Hamas and Fatah will by agreement bring the West Bank and Gaza into one state of Palestine, with both parts connected by a land corridor.

JERUSALEM

by Harvey Cox

Twenty-five hundred years ago a Hebrew prophet wrote the following about Jerusalem:

*How lonely sits the city that was full of people!
How like a widow she has become...
She weeps bitterly in the night,
Tears on her cheeks...
Among all her lovers
She has none to comfort her.*

Lamentations I:1,2

TODAY JERUSALEM is hardly lonely, and paradoxically she may now have too many lovers. In fact, her sadness is that so many people love her to death. For Israelis, the “City of David” was the center of his kingdom, the site of the ancient temple, the subject of countless prayers and poems and the “Zion” from which the Zionist movement derives its name. For Palestinians the city, known as *Al-Quds* in Arabic, has for centuries been the center of health services and governance, the place where generations of their most prominent families, the “venerables,” have lived and the city they hope will become the capital of an independent Palestinian state. Christian pilgrims still flock to the sites associated with Jesus’ final week. Both the blessing and the bane of Jerusalem is that she is a city “holy to three faiths.” But there is a real possibility that the divergent “holinesses” that have sometimes afflicted the city could also be a source of healing.

It is not easy to separate the religious from the political conflicts that fuel disagreements about Jerusalem. Still, it is important not to confuse the two. The picture is further complicated because over the centuries the word “Jerusalem” has been attached to many different entities. King David’s Jerusalem lay completely outside the presently existing walled “Old City” and was much smaller. During the Arab Muslim period (638–1099) there were Christian, Jewish and Muslim “quarters” in the Old City, but during the century of Crusader rule (1099–1187), Jews and Muslims were prohibited from residing there. The Crusader “Kingdom of Jerusalem,” however, reached north into what is now Lebanon and encompassed all of what was later the British Mandate for Palestine. During the long era of Ottoman rule (1517–1917), the quarters returned and they still remain today, although Jews have settled in previously Muslim-Arab parts. In 1883 Jerusalem consisted of an area of only one square kilometer, and everyone lived within the walled area. Theodor Herzl, the founder of modern Zionism, and the early Zionists saw Jerusalem as a musty, desiccated symbol of what they hoped their project could overcome. They preferred the

coast, and Tel Aviv. But after the Israeli capture of East Jerusalem in the 1967 war, the city took on a new significance. Then, by 1990, due to Israeli annexations and extensions of the municipal boundaries, the city had expanded to over 100 times its previous size. It now covers 123 square kilometers.

During various discussions of the partition of Palestine, the United Nations (UN) General Assembly in Resolution 181 suggested that in addition to a Jewish and an Arab domain, Jerusalem itself should be a *corpus separatum*, administered internationally. Instead, at Israel's independence in 1948, after a pitched battle between the armed forces of Israel and Jordan, the UN divided the city between Israeli and Jordanian control. But the Old City was entirely on the Jordanian side, and barbed wire divided it from West Jerusalem. After their successful 1967 war, the Israelis annexed East Jerusalem and expanded the city's boundaries to include the airport to the north and suburbs to the west for several miles. They also razed the old "Moroccan" quarter adjacent to the Western Wall to create a plaza. The southern city limits reached nearly to Bethlehem.

These historical considerations demonstrate that what is called Jerusalem has meant different things to different people at different times. *Demographically*, the population of Jerusalem today, consisting of a mixture of Jews (ultraorthodox, Haredi and secular), Muslims and Christians, is vastly larger than that of ancient Jerusalem, and has been changing substantially over the past century. The following table shows some of this change:

1931	Jews	51,000
	Muslims	19,900
	Christians	19,300
	Total	90,853
1948	Jews	100,000
	Muslims	40,000
	Christians	25,000
	Total	165,000
1967	Jews	195,000
	Muslims	55,000
	Christians	12,000
	Total	262,000
2006	Jews	471,000
	Muslims	221,000
	Christians	1,400
	Total	793,400

The last set of figures represents a very large growth over a relatively short time. The increase in Jewish population is largely due to immigration to the city, but the Muslims are growing much more quickly. Demographers project that by 2020, Jerusalem will be 60 percent Jewish, but

by 2035, Jews and Muslims will each account for 50 percent. Due to emigration, the Christian population, which traces its roots to the first century, will have declined to less than one percent, a prospect viewed with sadness by Christians around the world.

Today Jerusalem, including the areas annexed in 1967, is Israel's largest city. Some of the Jewish settlements near Jerusalem are in effect suburbs, although they are located in occupied territory on the West Bank. Some peace plans suggest they could be included within an Israeli Jerusalem in a peace accord in exchange for equivalent Israeli land turned over to Palestine, but this idea is strongly opposed by most Palestinians.

Politically, Jerusalem's status is still in question. On December 5, 1949, Israel's first prime minister, David Ben-Gurion, proclaimed Jerusalem as Israel's capital, but it became the capital only with the passage of the Jerusalem Law of 1980. This law, however, was found to be a violation of international law by UN Security Council Resolution 478, which also declared that no embassies should be located there. Since then, most branches of the Israeli government have resided in Jerusalem. But most of the world's countries, including the United States, have not recognized it as the capital since under international law the status of the whole area is still to be settled by a peace accord. Meanwhile, the embassies remain in Tel Aviv. In October 2008, retiring Israeli Prime Minister Ehud Olmert stated that in order to reach a peace accord, Israel would have to withdraw from most of the West Bank settlements and share Jerusalem with a Palestinian state. But today the building and enlargement of settlements, many in East Jerusalem and some cutting deep into the West Bank, continue unabated. One positive step toward peace that Israel could take immediately would be to terminate the financial incentives that encourage their continuation.

Religiously, Jerusalem is known around the world as a holy city, in fact holy to three faiths. One thinks immediately of the Western ("Wailing") Wall, the Haram-al Sharif (Temple Mount) and the Church of the Holy Sepulcher as well as many other Jewish, Christian and Muslim holy sites. But holy to three faiths also raises a number of more basic questions pertinent to the future of Jerusalem.

Other chapters of this report will focus mainly on the political dimensions of a final-status agreement, including the status of Jerusalem. But Jerusalem's religious meaning—its holiness—cannot be overlooked if there is to be peace in the Middle East. The meaning of holiness varies from one religious tradition to another, and so therefore does the holiness of Jerusalem. It is therefore important to recognize the different ways in which Jerusalem *became* holy to Jews, Christians and Muslims, and that its holiness refers mainly to the Old City, not to all of it. It is also well to remember that at times in the past the city was not holy to any of them, or holy to more than these three faiths, and at times (including now) it has been viewed as a holy city for more than one faith.

Holy city is a multivalent and mutable term, and it is still changing. The holiness of the city has waxed and waned over the centuries due in some measure to political circumstances and to developments then current among the three Abrahamic traditions. The meaning of Jerusalem's holiness is responsive to human influences, and it could change again. It is possible that all three traditions (and eventually others as well) could work with each other and with the relevant political powers to deepen and expand the meaning of the city's holiness.

From its first days under David (c.1000 BCE), Jerusalem was holy to at least two religions, ancient Judaism and the religion of the Jebusites. At that time the city was located outside

just south and east of the present walled Old City. The Bible says little about how David came to occupy Jerusalem, only that he wanted it to be called City of David (cf. Constantinople, Washington, D.C., Ho Chi Minh City). However, the residents still referred to it by its previous pre-Jewish name, Jerusalem. According to the biblical account, David purchased the central religious site of the city, the “thrashing floor,” from the Jebusites. He then allowed their priests, who had previously occupied the site, to remain and to continue to use it for worship, alongside (or perhaps mixed with) the worship of Yahweh, the deity of the Jews, which he introduced. In short, Jerusalem under David was not a city marked by an exclusive monotheism.

David’s successor, King Solomon, consecrated his temple about 950 BCE, but he also allowed, even welcomed, other spiritual practices to Jerusalem, many of them imported along with his many wives. Many of the Jewish prophets railed against this practice, but the fact that they complained demonstrates that it went on. For many years the Jewish YHWH religion remained decentralized, with centers in various places in Canaan. But eventually, more for political than for religious purposes, worship was centralized in the temple of Jerusalem, which Solomon had built. Other religious centers were outlawed.

During the exile of the Jewish elites to Babylon in the early sixth century BCE, Zion, the poetic equivalent of Jerusalem, became a symbol not just of a city but of a whole way of life that had been lost and that the exiles—like exiles ever since—romanticized and longed to regain. Seventy years passed. Then, when under the Persian ruler Cyrus, the Jews were allowed to “return” in 537 BCE (though obviously few if any of the original deportees remained alive), they rebuilt the city walls and the temple under Ezra. A powerful temple-centered priestly religion, closely integrated with the political ruling class, was set up. When, in 63 BCE, the Romans under Pompey conquered Jerusalem, they ruled through their collaborators in the priestly class, centered in the Jerusalem temple built by Herod, the king the Romans installed.

This largely puppet regime kindled a variety of protests from the Jewish people, ranging from the armed rebellion of the Zealots, to the desert withdrawal of the Essenes (who hid the Dead Sea Scrolls, discovered there in the 1950s), to the nonviolent “Jesus Movement,” which opposed both the Romans and the temple leadership, but did not withdraw. Centered first in Galilee, when its leader brought his protest to Jerusalem, he was executed by the Romans. His movement continued to grow and spread, soon including many Gentiles, but these early Christians did not hold Jerusalem to be holy. Rather, as the site of the crucifixion, they despised and avoided it.

After the initial success, then defeat, of the Jewish rebellion against Roman rule in 68–70 CE, the temple (except for the Western Wall) was razed and the city itself destroyed. The Jews were deported from the city creating a huge diaspora. The Roman emperor Hadrian renamed the city “Aelia Capitolina” and built a temple to Zeus there, making the city “holy” in the Roman imperial polytheistic religion. But even in exile, Jews prayed facing Jerusalem, and for 1,900 years, sang and spoke about returning (“Next year in Jerusalem!”).

With the “conversion” of the Emperor Constantine in the fourth century and his deployment of Christianity as an imperial religion, Jerusalem became yet another kind of holy city, this time of just one religion, Byzantine Christianity. Constantine and his mother, Helen, built several churches in the city, but Jews continued to be banned, though they were admitted once a year—on the Ninth of Av—to mourn at the Western Wall for the destroyed temple. This was not, however, a generous gesture on the part of the Byzantine authorities. They wanted the Jews to play an

unintended role in a theological drama. As the Jews wailed, the Christians watched and were told that the sorrow of the Jews was a result of God's punishment on them for refusing to recognize their Messiah. By the 600s, far from despising Jerusalem, Christians now viewed it as the holiest of cities, and the tomb of Christ as the navel of the cosmos, the very source of salvation. But they left the ancient temple in ruins as a stern reminder of God's punishment on the Jews.

In 637, Arab armies under Omar reached Jerusalem. Muslim rule in the city lasted, except for the Crusader Kingdom (1099–1187) and a few minor interruptions, until 1917. Whenever the earliest Muslims prayed, according to the instructions of the Prophet, they faced Jerusalem. It was their first *kiblah* (direction of prayer) since the Prophet honored the previous revelations that had been centered there. Shortly thereafter Mecca supplanted Jerusalem as the primary *kiblah*. But Jerusalem continues to be endowed with holiness because of its association with the Jewish prophets and because of Mohammed's "Night Journey" (*al-Israa*), during which he met Abraham, Moses and Jesus (the previous prophets) after ascending (*al mi'raj*) from the Temple Mount. The stone from which he ascended is preserved under the golden Dome of the Rock, which has become a postcard trademark of Jerusalem. The city changed hands among various Muslim factions until 1517, when it was captured by Ottoman Turks, who held it until General Sir Edmund Allenby led the British forces through the Jaffa Gate on December 11, 1917.

Changing patterns of political rule have often altered the religious profile of Jerusalem. During the centuries of Arab and Ottoman control, and the three decades of British mandate, Jerusalem was open to all faiths. When the western section of Jerusalem became a part of the newly created State of Israel in 1948, the city was divided by barriers. The Old City remained in Jordanian hands. Most Muslims moved or were forced out of the western part, which now lay in Jewish hands, while Jews were forbidden to visit their holy sites in the Jordanian-controlled eastern section. Then, in 1967, the Israelis captured the eastern half, including the old walled city, changing the religious patterns of the city once again. Despite the urging of some Israeli zealots to dismantle the Dome of the Rock, cooler heads prevailed: the Israelis wisely preserved it and promised to continue the equal-rights approach. Today the Haram-al-Sharif is administered by the Muslim Waqf subject to the constraints of the Israeli occupation. Jews pray at the Western Wall, but are forbidden by Israeli security agents to pray on the Temple Mount. They are, however, settling in the traditionally Arab eastern parts of the city, both inside and outside the walls. Christians still maintain a deep religious interest in the city, but make no claim to political sovereignty.

Holiness refers to something set aside, made special, for sacred purposes. The history of Jerusalem shows that although it is considered holy by three faiths, what holiness is is a mercurial concept, and its meaning varies both among the three religions and also within different wings in each of them. History also suggests that while the city has been the site of horrendous violence, nonetheless for significant periods the three faiths have been able to live together in relative harmony.

New ideas often lie concealed in old ones, so the history of Jerusalem can be instructive. When King David bought the sacred section in Jerusalem from the Jebusite ruler in 1000 BCE and founded his sanctuary there, he allowed the previous residents to continue their worship along with his. When Caliph Omar and his Muslim army conquered the city in 637, he allowed the Christians to continue to worship and invited the banished Jews to return. Saladin, who

recaptured the city from the crusaders in 1187, welcomed Christian pilgrims and Jews to the city, if they entered peaceably. One of General Allenby's first acts when he entered the city in December 1917 was to assemble the leaders of the three religions and assure them that he would guarantee access to all holy sites. Some religious leaders suggest that these periods of religious amity in Jerusalem's past could be drawn upon imaginatively today to move toward a peaceful future.

Sacred spaces can be shared. All three faiths honor the Tomb of the Patriarchs in Hebron. Muslims and Christian pilgrims visit the "milk cave" outside Jerusalem where Joseph and Mary are believed to have stopped with the infant Jesus on their way as refugees to Egypt. Holy cities can also be shared. If Jerusalem is a key issue to finding peace, it will be necessary to take both political and religious factors into consideration. Over the past decades, several peace plans have been advanced (described in other parts of this report). Each contains within it proposals for Jerusalem. These include the 1993 Oslo accords, the July 2000 Camp David summit and the so-called "Clinton parameters" of December 2000, which were expanded at the 2001 Taba talks. The Arab League peace initiative of 2002 was endorsed again in 2007 by all 22 of the league's members. The unofficial Geneva accords of 2003 called for a shared status for Jerusalem. Still, very little progress has been made, and the final status of the city remains highly contested. An agreement will require sensitive negotiations, including how the Haram al-Sharif/Temple Mount can be shared. Then, if this highly charged symbolic issue can be resolved, sharing of the rest of the Old City—which already has its separate quarters—seems more likely.

The blessing and curse of Jerusalem is that, like no other city on earth, three major faiths and people from virtually every nation on the globe feel a sense of kinship and veneration for it. They also have legitimate claims to access to the sites associated with their faiths. Like no other city, Jerusalem does in some sense "belong to the whole world." Some have suggested placing the Old City under the "sovereignty of God," or declaring it a "world city" and making it an area where no national flags are flown. But how would the actual implementation of this old but new idea function?

Some have suggested that since the walled Old City (not the entire city) of Jerusalem already belongs to the world spiritually, it could be declared a world heritage site and administered by the UN in cooperation with an interfaith council composed of representatives from the Syrian Orthodox, Roman Catholic, Russian Orthodox, Protestant (Evangelical and Ecumenical), all three branches of Judaism and Shi'i and Sunni Islam traditions. This arrangement would, of course, encompass only the section inside the walls of the Old City (and the walls themselves) including the Haram al-Sharif/Temple Mount, Western Wall, the Church of the Holy Sepulcher and all the other religious sites. Within reasonable limits (stated services and prayer times, etc.), people of all faiths would be allowed to visit all sites.

Following the guidelines of the Clinton parameters of 2000 and some other proposals, the rest of the city, outside the old-walled portion, could be divided into eastern and western sections (borders to be negotiated), with the western part recognized by the international community as an integral part of Israel and the eastern section as part of a Palestinian state. The international community would recognize both as the capitals of their respective states, and governing councils should be established both for the two sides and for the city as a whole. These could be constituted by neighborhood councils. Today, unfortunately, the Israeli "wall" or "security barrier" snakes

through Jerusalem, dividing neighborhoods and fragmenting the city. A future border between the two sections should be as porous as possible, and supervised by either joint Israeli-Palestinian teams and/or international units.

A number of recent polls suggest that a majority of Jerusalemites (both Israeli and Palestinian) would welcome such an arrangement. An accord on Jerusalem could contribute significantly toward generating some of the trust and goodwill between both sides that is needed today in order to move ahead on other issues. If that happens, the appropriate biblical passage for the holy city might not be the doleful one quoted above from *Lamentations* but these words from the prophet Isaiah:

*Comfort ye, comfort ye, my people, Says your God.
Speak tenderly to Jerusalem, and cry to her that her warfare is ended.*

THE CHALLENGE OF MUTUAL SECURITY

by Stephen M. Walt

A WORKABLE SOLUTION to the Israeli-Palestinian conflict must provide adequate security for Israelis and Palestinians alike. This objective will not be easy to achieve even in the context of a two-state solution, as each state will be comparatively small and the two sides will have to coordinate border controls, access to water and key religious sites and other potentially contentious issues. The long history of conflict will magnify security concerns, and both sides are bound to worry that concessions made in the context of a final-status agreement might one day be opened up for further negotiation. Despite these challenges, a two-state solution offers the best chance of mutual security for Israelis and Palestinians alike, both now and for the foreseeable future.

Israel's Security Requirements

To fully grasp Israel's current security requirements, one must recognize how much its security situation has changed since 1948. Indeed, with respect to conventional military threats, Israel is far more secure now than it was when it conquered the West Bank and Golan Heights in 1967. Israel used to face the combined opposition of the entire Arab world; today, Egypt and Jordan have signed peace treaties with Israel, and in 2007, the entire Arab League reaffirmed the Arab League (or Saudi) peace initiative of 2002. In 1967, Israel's defense spending was less than half the combined defense expenditures of Egypt, Syria, Jordan and Iraq; today, Israel's defense spending exceeds the combined expenditures of its neighbors by a considerable margin. Syria lost its Soviet patron in 1989, Iraq has been decimated by three ruinous wars and Iran is hundreds of miles away and has little or no power-projection capability. Moreover, Israel won the 1948, 1956 and 1967 wars decisively—at a time when the United States was not providing significant economic or military aid—and it won the 1973 October war despite being the victim of a successful surprise attack. Today, Israel is the strongest military power in the region, a close U.S. ally and the recipient of billions of dollars of U.S. military and economic aid. Finally, Israel had no nuclear deterrent before 1967 but today has an arsenal believed to number over 200 weapons. Within its pre-1967 borders, in short, Israel is more secure than it has ever been and it no longer faces a serious threat from conventional military attack.¹

1 According to a 2005 assessment presented by Tel Aviv University's prestigious Jaffee Center for Strategic Studies, "the strategic balance decidedly favors Israel, which has continued to widen the qualitative gap between its own military capabilities and deterrence powers and those of its neighbors" (Amos Harel, "Israel Maintains Its Strategic Advantage, Says Jaffee Center," *Haaretz* (online), November 23, 2005). The Jaffee Center has now been incorporated into the new Institute for National Security Studies. For additional data supporting the conclusion that "Israel is the only state to sustain high enough overall expenditures to maintain most force levels and improve quality," see Anthony

Today, the main threats to Israel's security arise from unconventional forms of combat, including short-range missile attacks by Palestinian groups in Gaza, more potent missile threats from Hezbollah in southern Lebanon and the continued possibility of terrorist attacks (including suicide bombings) against Israeli forces in the occupied territories or against civilians in Israel itself. These threats should not be minimized, but not one constitutes a threat to Israel's survival. More importantly, Israel's presence in the occupied territories does not eliminate these dangers. On the contrary, Israel's continued effort to settle the West Bank and confine the inhabitants of the Gaza Strip is one of the main reasons why Palestinian groups continue to target Israel itself. Absent a two-state solution, these unconventional dangers will not go away. Indeed, they may well get worse.

A second unconventional threat is Iran's continued quest to master the full nuclear fuel cycle, which would then give it the capacity to build nuclear weapons if it so chose. Israel's concerns about this possibility are easy to understand, especially given Iranian President Mahmoud Ahmadinejad's offensive statements questioning the occurrence of the Holocaust and his repeated statements challenging Israel's legitimacy.² Yet this legitimate concern should not be overstated or lead us to draw the wrong conclusions about the best course of action vis-à-vis the Palestinians. Moreover, Ahmadinejad recently acknowledged that Iran would support a two-state solution if Israel and the Palestinians were to negotiate one.³

Second, even if Iran does one day acquire nuclear weapons, we should not forget that Israel has a robust nuclear deterrent of its own. No Iranian leader could attack Israel without triggering a devastating retaliation, and any use of nuclear weapons would require active participation by many individuals in Iran's leadership and armed forces. It is hard to imagine that a substantial fraction of Iran's senior leadership would invite martyrdom in this fashion. The danger of nuclear blackmail is equally remote, because carrying out a nuclear threat is not credible against a nuclear-armed opponent. Israel (and others) has reason to be concerned about Iran's nuclear programs but such concerns are not an argument against a two-state solution. On the contrary, this concern merely underscores the extent to which control of the occupied territories is no

Cordesman, "Military Balance in the Middle East IV: Arab-Israeli Balance," Center for Strategic and International Studies, 2009 (downloaded from csis.org/files/media/csis/pubs/mbmeivai122798.pdf).

- 2 President Ahmadinejad did not say Israel "should be wiped off the map," a mistranslation implying he sought Israel's physical destruction. Ahmadinejad said the occupation regime in Jerusalem should "vanish from the page of time," the same phrase Ayatollah Ruhollah Khomeini had used to describe the fall of the Shah's regime or the collapse of the former Soviet Union. Thus, Ahmadinejad was suggesting that Israeli control over Jerusalem was a temporary political situation and could be changed. While still highly objectionable, he was not threatening to attack Israel with a weapon of mass destruction. See Jonathan Steele, "Lost in translation," *The Guardian*, June 14, 2006; and "Iranian President at Tehran Conference: 'Very Soon, This Stain of Disgrace Will Be Purged from the Center of the Islamic World—And This is Attainable,'" Middle East Media Research Institute, Special Dispatch Series No. 1013, October 28, 2005.
- 3 On April 26, 2009, Ahmadinejad was asked by ABC's George Stephanopoulos if Iran would support an agreement between Israel and the Palestinians. After some prodding he replied: "Whatever decision they take is fine with us.... Whatever decision they take, we will support that" (abcnews.go.com/ThisWeek/story?id=7421719&page=1).

longer essential for Israel's security (i.e., it offers no defense against ballistic missiles or suicide terrorists).

In fact, Israel's continued presence in the territories actually serves Iran's interests by giving Iran a potent card to play in the competition for influence within the wider region and in its efforts to bargain with Washington. As Trita Parsi has shown, Iran's commitment to the Palestinian cause is largely opportunistic and of relatively recent origin. Revolutionary Iran did not begin supporting Palestinian extremists such as Hamas or Islamic Jihad until the early 1990s, in response to the U.S. strategy of "dual containment" and American attempts to isolate it within the region.⁴ Other prominent Iranian politicians (such as former President Mohammed Khatami) have previously expressed their own willingness to accept any agreement that is agreed to by the Palestinians and to end support for Hamas, Islamic Jihad and Hezbollah in the context of a "grand bargain" with the United States.⁵ By removing Iran's main source of leverage and by facilitating a rapprochement between Israel and countries such as Saudi Arabia (that have their own concerns about Iran), a two-state solution may in fact be the best way to minimize the threat that Iran now presents.

A two-state solution would also address Israel's desire for enduring legitimacy. Israel's acknowledged military strength does not fully compensate for the insecurity produced by the unwillingness of neighboring countries to acknowledge Israel's existence and legitimacy. Until Israel's status in the region is acknowledged and accepted, its citizens will continue to fear that their future is contingent on their own dominance and that any erosion of Israel's strength could place the country's existence at risk. By removing the most serious obstacle to regional acceptance, a two-state solution would make a mutually beneficial and enduring peace possible. Indeed, it is hard to imagine Israel being accepted by the other states in the region as long as it retains the territories and continues to deny meaningful political rights to the Palestinians.

At the same time, a two-state solution will have to be implemented in ways that protect Israel from attacks arising from the territory of the new Palestinian state. No country can ever expect absolute security, of course, but Israelis will obviously want to ensure that the state of Palestine does not become the base for intensified attacks on Israel itself. The ultimate protection against this danger will be the growth of positive and friendly relations between the two peoples—thereby removing the incentive for further attacks. In the interim, however, a workable two-state solution will also require limits on Palestinian armaments (as envisioned in the Clinton parameters, see "Timeline and Glossary" chapter); the continued development of effective Palestinian security forces (i.e., police and paramilitary units), a process currently underway; and possibly the interim

4 See Trita Parsi, *Treacherous Alliance: The Secret Dealings of Iran, Israel, and the United States* (New Haven, CT: Yale University Press, 2007).

5 Khatami first raised the possibility of a rapprochement in early 1997, but his olive branch was not grasped by the Clinton Administration. Iran made another proposal in May 2003, offering to address Iran's WMD programs; to "stop...any material support to Palestinian opposition groups (Hamas, Jihad, etc.);" work to make Hezbollah a mere "political organization" in Lebanon; and accept a two-state solution along the lines of the 2002 Arab peace initiative (see www.nytimes.com/packages/pdf/opinion/20070429_iran-memo-3.pdf). The Bush Administration dismissed the overture, so there is no way to know if a "grand bargain" could have been reached at that time. The Obama Administration has said it is open to negotiations without preconditions; it remains to be seen if this initiative will bear fruit.

deployment of a robust international security force, perhaps including U.S. troops, during the initial period of Palestinian statehood. It should be remembered that mutual agreement, prior planning and a clear delineation of responsibility was missing when Israel withdrew from Gaza unilaterally in September 2005, creating a gaping security vacuum and a disastrous situation for Israelis and Palestinians alike, eventually leading to missiles landing in cities in southern Israel, a blockade of Gaza and the Gaza war of 2009.

Security Requirements for an Independent Palestine

Creating the minimum requirements for a secure Palestine is an even more daunting task. Even the most expansive blueprints for a future Palestinian state will grant them sovereignty over no more than 22 percent of the original territory of Mandate Palestine, including the Gaza Strip. Even if connected by a “land bridge” (i.e., a narrow transit corridor), a future state will be comprised of two distinct parts, the larger of the two being completely land-locked and contained by Israel to the west and by Jordan to the east. The new state will be substantially poorer and weaker than its Israeli neighbor for many decades to come, and past peace proposals (including the Clinton parameters of December 2000) envision a future Palestinian state being substantially demilitarized. However, the Palestinians would be permitted to establish an adequate internal security force, which presumably would be permitted to grow as the Palestinian population expanded.⁶ The Clinton parameters also suggested that 1) Israel could maintain three early warning stations on Palestinian territory with their status to be reviewed after ten years and revised by mutual agreement; 2) Palestinian sovereignty would extend to its airspace with special arrangements covering “Israeli training and operational needs”; and 3) Israeli military forces would have the right to reenter Palestinian territory in the event of a national emergency, defined as an “imminent and demonstrable threat to Israel’s national security of a military nature.”

These are significant compromises to Palestinian sovereignty; indeed, it is hard to think of any independent country facing similar constraints in perpetuity. In effect, the most likely arrangements for a future Palestinian state seek to maximize Israel’s security by ensuring that the future Palestinian state is never in a position to threaten Israel directly, and to ensure that Israel can take whatever steps it deems necessary in the event of future disagreements. Although this would be a dramatic improvement from the Palestinians’ present condition (i.e., with no state of their own and under direct Israeli military control), these constraints are still bound to be deeply worrying, especially given the potential for future disputes over access to water resources and religious sites, along with the near-certainty that Palestinian and Israeli extremists will try to stymie any agreement by conducting acts of violence. No responsible Palestinian government can ignore the possibility of new threats arising from elsewhere in the region.

As a number of observers and participants (including Clinton himself) recognized, the most promising solution to this challenge is some form of international peacekeeping force. If properly designed and implemented, the presence of an international force would reassure Israel about

6 In the language of the Clinton parameters, “I understand that the Israeli position is that Palestine should be defined as a ‘demilitarized state’ while the Palestinian side proposes ‘a state with limited arms.’ As a compromise, I suggest calling it a ‘non-militarized state.’ This will be consistent with the fact that in addition to a strong Palestinian security force, Palestine will have an international force for border security and deterrence purposes.” (For the complete proposal, see “The Clinton Parameters,” www.peacelobby.org/clinton_parameters.htm.)

possible threats arising from a Palestinian state while simultaneously protecting the new state from external pressure. It should be emphasized that even this proposal faces certain obstacles: Israel is unlikely to be reassured if the peacekeeping force does not include a substantial U.S. presence, but the Palestinians may reasonably question whether a U.S.-led force would be able or willing to stare down the Israel Defense Forces (IDF) in the event of a serious confrontation. Nonetheless, some form of international guarantee (and international presence) would appear to be a prerequisite for successful implementation of a two-state solution.

These considerations highlight the degree to which a successful two-state solution will require both sides to approach relations with the Palestinians from a somewhat different perspective than they have adopted previously. In the past, Zionist and Israeli leaders have generally preferred their Palestinian adversaries to be weak and divided because this facilitated their own efforts and made it less likely that the Palestinians could mount a serious challenge. This approach made sense in the past but is positively counterproductive today. Today, Israel's security would in fact be enhanced by a competent and legitimate Palestinian state that could provide for its own people and keep order in the area under its control. Paradoxically, a weak or divided Palestinian community is precisely the sort of environment in which anti-Israeli terrorism can flourish. Similarly, Palestinian leaders must come to see their Israeli neighbors as partners against the shared danger from extremists both inside and outside the Israeli-Palestinian arena. It is clear that some leaders on both sides have been able to achieve this change of heart, but it is hardly universal or even widespread.

Achieving this goal will require that Israel offer a final deal that is generous enough to give the Palestinian leader who signs it a substantial political bonus. Imposing an onerous or one-sided deal would merely undercut whichever leaders agreed to it and allow revanchism to grow. In other words, it is in Israel's interest to give the Palestinians a deal that most will willingly accept, both at the moment of signing and far into the future. Paradoxically, the better the deal looks from the Palestinians' perspective, the more confident Israelis can be that the Palestinians will in fact abide by it. By the same logic, a one-sided deal might tempt future generations to try to renegotiate it, and is therefore more likely to prolong the conflict than to end it. As British Prime Minister Winston Churchill once advised, victorious powers are wise to be magnanimous to reduce their former rival's incentive to restart the conflict.

Finally, security between Israelis and Palestinians will ultimately depend on more than military arrangements, peacekeeping forces, access agreements and balances of power. The ultimate objective must be a transformation in how each side views the other so that conflict between them begins to seem like a remote, tragic aberration—increasingly “unthinkable.” This goal may seem far-fetched at present, but we should not forget that other long-standing rivalries (e.g., France and Germany) have undergone similar transformations in the past. To that end, security arrangements must be understood to include a concerted effort by both governments to delegitimize hate speech and other forms of racist or inflammatory propaganda. This raises further issues of free speech and civil liberties that lie beyond the scope of this report, but at a minimum, a final-status agreement should contain pledges that official representatives of the two governments will refrain from provocative language and condemn it when it does occur.

It is apparent that Israel and any future Palestinian state will face complex security challenges, and an agreement on a final settlement will not eliminate all of the security problems that the

two states will face. Implementing a final-status agreement cannot be done overnight; it will require patience and steadfastness on both sides to bring it into fruition. Indeed, those who favor a peaceful solution must steel themselves to the possibility that an agreement could actually lead to increased conflict in the short term, as hardliners on both sides seek to derail progress by claiming more victims. Yet one should not be dissuaded by this possibility because rejectionists on both sides offer an even more perilous and tragic future.

THE RIGHT TIME, AS EVER

by Alan Berger

THE HISTORY OF PREVIOUS EFFORTS to achieve a negotiated peace agreement between Israelis and Palestinians suggests that the timing was never quite right, but also that it was never entirely wrong. A review of missed opportunities, beginning with the early 1990s, suggests that the failures were due less to unfavorable conditions than to a lack of will or resoluteness in Israeli, Palestinian and American leaders.

In its original setting, the 1991 Madrid peace conference looked like the perfect moment to seize an unprecedented peacemaking opportunity. An international coalition, acting with legitimacy provided by the United Nations (UN), had just driven Iraqi President Saddam Hussein's forces out of Kuwait, preserving an Arab state system that had been challenged at its weakest point. The coalition had been led by the sole surviving superpower, the United States. Even the rejectionist regime of Syria's Hafez Assad had dispatched a contingent of 19,000 troops to show that the campaign against Saddam could not be construed as a conflict between the West and the Arab world.

President George H.W. Bush (1989–93) and his Secretary of State James A. Baker convened the Madrid conference to fulfill an obligation they had incurred when recruiting Arab governments to undo Saddam's annexation of Kuwait. Before that war, they intimated that the defeat of Saddam would open the way to a comprehensive resolution of the Arab-Israeli conflict. It seemed an ideal time for the United States to demonstrate that it was the indispensable Mideast peace broker. Washington appeared to be holding all the cards. While Iraqi troops were ravaging Kuwait, the Soviet Union was imploding. The Middle East had suddenly ceased to be a cold-war battleground for two superpowers. There would no longer be a Soviet provider of weapons-on-permanent-credit to Arab parties hoping to roll back Israel's 1967 conquest of Arab land by force of arms.

With the fall of the Soviet Union, the removal of Iraq's army as a strategic threat on Israel's eastern front, and America's emergence as defender of the Arab state system and unchallenged arbiter of what promised to be a new world order, Israel had reason to feel more secure than it ever had before—more able to overcome settler opposition and trade land for peace. But the Israeli government of Yitzhak Shamir was unwilling or unable to make that trade. Yasir Arafat's Palestine Liberation Organization (PLO) was not invited to the Madrid conference and remained, at that juncture, too slow to adapt itself to this new opportunity. And some Arab states balked at abjuring the "three noes" of the 1967 Arab League summit in Khartoum, Sudan: "no peace with Israel, no recognition of Israel, no negotiations with it."

After Madrid, the Palestinian delegates met separately with their Israeli counterparts for

a series of bilateral discussions in Washington. Although the PLO was not at the table, the Palestinian participants negotiated under direct instructions from the PLO leadership. The Washington talks proved unproductive and eventually reached an impasse. Although Bush and Baker applied more pressure on Israel than their successors would—reducing U.S. loan guarantees in response to Israeli settlement expansion—they were never quite able to seize the Madrid moment and shepherd their indebted regional allies and clients into sustained negotiations, much less a conflict-ending peace accord.

In retrospect, the failure of Madrid might suggest the time was not yet right for a comprehensive Middle East peace, that the parties still clung to debilitating illusions, that they were either too complacent or too insecure to make the compromises peace would require. To adopt this reading of that lost opportunity, however, is to accept some form of historical determinism—the belief that whatever happened in history had to happen.

Whatever philosophical truth there may be in this determinist proposition, it should have no influence on political leaders who have to make decisions grounded in the assumption that they can create new circumstances. Bush and Baker, Shamir and Arafat, Assad and Saudi Arabia's King Fahd—they all failed to transform the peacemaking potential of the Madrid moment into peace.

Two years after the missed opportunity of Madrid came the missed opportunity of the Oslo accords. The Declaration of Principles signed between Israel and the PLO on the White House lawn in September 1993 certainly reflected a positive evolution in the approach of Israeli and Palestinian leaders, including as it did mutual recognition, the establishment of an interim self-governing Palestinian Authority (PA) and the implementation of UN Security Council resolutions 242 and 338.

In hindsight, however, the failings of the Oslo process appear evident. Some of those failings were structural. The endgame of the Oslo stages was not spelled out. Too many “interim” phases were envisioned, permitting each side to avoid measures needed to reach a final-status agreement and to take actions that destroyed the other side's trust. The indefinite chronology of the Oslo accords also opened a window of opportunity for spoilers in each camp to take actions that provoked and disheartened the other camp.

No matter how faulty the construction of the Oslo peacemaking structure, the Palestinian and Israeli leaders who hung back from implementing it—reserving for themselves the options of armed struggle or prolonged occupation—cannot escape responsibility for its failure. Nor should the American and Arab statesmen, who neglected to use all their influence either to make the PLO act against terrorism or to make Israel stop building new settlements, escape responsibility for the collapse of the accords.

Seven years later, at the U.S. presidential retreat, Camp David, a similar pattern was repeated. Then as now, there was a configuration of conditions that favored a great leap forward in peacemaking—but there were also countervailing forces that would make a breakthrough difficult to achieve. Each in his own way, PLO leader Arafat and Israeli Prime Minister Ehud Barak were under political duress when they arrived at Camp David that summer. Members of Barak's coalition government had resigned over his refusal to disclose his “redlines” for Camp David—the concessions he would not make regardless of pressure. Arafat was being castigated in some Palestinian quarters for walking into an American-Israeli trap and for preparing to sell out the Palestinian cause. Perhaps most important of all, the PLO leader came to the negotiating

table without the backing of the Arab states for a conflict-ending agreement between Palestinians and Israelis that would inevitably be required for a comprehensive resolution of the Arab-Israeli conflict.

President Bill Clinton (1993–2001) also bears some of the responsibility for what Camp David failed to accomplish, and for what happened afterward. Clinton waited too long before trying, in the eighth year of his presidency, to mediate an Israeli-Palestinian peace agreement. He failed to prepare the ground properly when he finally did summon the parties to Camp David, neglecting to spend political capital to gain support for the summit from Arab states allied with Washington. Perhaps worst of all, Clinton then broke his promise not to blame either side in the event of failure. When he cast blame on Arafat, apparently believing this would help Barak win reelection as prime minister, Clinton not only failed to help Barak; he harmed the peace camp in Israel by validating the claim that there was no negotiating partner on the Palestinian side, inadvertently setting the stage for the second intifada (uprising) in September 2000.

Many things have changed for the worse since the Camp David failure. Chief among these setbacks to peace was the eruption of the so-called second intifada in September 2000 and Israel's retaliation; the recurrence of suicide bombings inside Israel and the construction of the security barrier closing off Palestinian land east of the 1967 Green Line of demarcation; the war with Hezbollah (Shi'ite Muslim political/military group in Lebanon) in the summer of 2006; the Hamas seizure of power in Gaza the following summer and Israel's ensuing economic blockade of the strip; the breakdown of the Gaza truce and the Israeli attack on Gaza launched December 27, 2008.

Arab League peace initiative

But if there has been one crucial change for the better since the watershed year of 2000, it is the Saudi peace initiative first approved at a 2002 Arab League summit in Beirut, Lebanon, and reaffirmed five years later at a Riyadh, Saudi Arabia, summit gathering. The Arab League peace initiative offers Israel peace and normalized relations with all 22 Arab states once Israel and the Palestinians negotiate an agreement that brings into being “a sovereign independent Palestinian state.”

On the issue that is often portrayed as the most contentious and emotionally fraught—“a just solution to the Palestinian refugee problem”—the Arab League text deliberately uses language allowing for constructive ambiguity. Rather than demanding that all refugees and their descendants be allowed to return to Israel proper if they so choose under an unqualified right of return, the text invokes a solution “to be agreed upon in accordance with UN General Assembly Resolution 194.” The intentional vagueness of this formulation sends an extremely useful message to Israelis and Palestinians alike. It is a way of saying that the Arab League does not wish to dictate specific terms for a two-state resolution of the Israeli-Palestinian conflict but will accept the arrangements agreed upon by the two parties to the conflict.

Both in its core promise of a comprehensive Arab-Israeli peace and through its supple framing, the Arab League initiative offers Israelis and Palestinians a prospect that was sorely lacking in the past. Israel's early leaders hardly dared dream of a time when all the Arab states might offer peace and normal relations with the Jewish state. And Arafat, whose career was marked by recurring imbroglios with different Arab regimes, could not have imagined receiving

such a blank check from those states to establish a Palestinian state alongside Israel. Perhaps most important of all for Palestinians and Israelis who seek a negotiated two-state solution as the best hope for their communities, the Arab League initiative holds out the prospect of a definitive end-of-conflict accord. It envisions not a temporary truce between belligerents but a permanent peace agreement that supersedes and cancels all previous claims by the parties that sign it.

The Arab League's offer of a comprehensive peace reflects a consensus among its members that geopolitical conditions have been changing rapidly in the region and, as a result of those changes, they no longer regard Israel as a primary threat to their interests. They are increasingly anxious about the ascendance of Iran and the prospect that the Islamic republic may realize its ambition to become the dominant power in the Persian Gulf and beyond. Expressing a corollary of that anxiety, senior officials in Saudi Arabia, Jordan and Egypt have made public remarks about the specter of a Shi'ite crescent haunting the Sunni Arab regimes, even alleging that Shi'ites in Arab countries will always reserve their ultimate loyalty for non-Arab, Shi'ite Iran.

In the last few years, the Sunni Arab states have witnessed the flourishing of Iranian influence with the majority Shi'ite government that came to power in Baghdad in the wake of the Bush Administration's invasion and occupation of Iraq—a country that had once been the military power that provided the first line of defense for the Sunni Arab states against Iran. Those states have been similarly apprehensive about Tehran's strategic reach through Syria and into Lebanon. Iran's arming and funding of Hezbollah has reconfigured the regional order in ways that are almost as disturbing to Sunni Arab states as to Israel. During Hezbollah's war with Israel in the summer of 2006, Iranian leaders were able to present themselves to Arab publics as the foremost defenders of the Palestinians and of Islam. In the contest for popular favor, Iran's backing for the Sunni Islamist movement Hamas allows Iranian leaders to argue that they are acting not on the basis of sectarian parochialism, but on religious and political principle.

As seen from Riyadh, Cairo or Amman, Iran's penetration into the Arab sphere of influence is cause for anxiety. Iran has been trying to draw Arab Iraq into its orbit while maintaining an alliance with Syria and projecting its power into Lebanon. Moreover, by providing Hamas and Palestinian Islamic Jihad (PIJ, formed in 1979 in Egypt to unite the Arab and Muslim world and destroy Israel) with money, weapons and training, Tehran has also plucked from the Arab regimes the emotionally potent Palestinian card—a cause that was used in the past to confer on those regimes a crucial form of legitimacy.

As a consequence of these geopolitical shifts—and of lesser threats from al-Qaeda and like-minded Sunni Arab terrorist groups—the Arab League's embrace of a negotiated two-state solution to the Israeli-Palestinian conflict coincides with the interests of the parties to that conflict, and with American, European and Turkish interests.

A telling sign of these converging interests was on display throughout much of 2008 in preliminary Israeli-Syrian negotiations conducted through Turkish go-betweens. Turkish mediators took up a task that in the past had fallen to American peace brokers. As a long-standing strategic partner of Israel and a recent good neighbor of Syria, Turkey was well positioned to step into a diplomatic role that the Bush Administration declined to play, in part because of a doctrinal belief that a superpower need not negotiate with regimes of which it disapproves.

The Israeli-Syrian talks in Istanbul were broken off after Turkish Prime Minister Recep Tayyip

Erdogan castigated Israel for its 2008–2009 offensive in Gaza. An Israeli-Syrian peace treaty, however, would still offer significant benefits to Israel, Syria, Lebanon, the other Arab states and the United States. Israel would find itself at peace with all three of the states surrounding it: Egypt, Jordan and Syria. If Syria were to recover the Golan Heights and resolve all outstanding conflicts with Israel, it would no longer have any justification for denying true independence to Lebanon. As part of any such agreement, Syria would be required to cease supporting nonstate armed groups such as Hezbollah in Lebanon or Hamas and the PIJ. Above all, Syrian President Bashar Assad would have to end his tactical alliance with the Islamic Republic of Iran—or at least transform that marriage of convenience substantially. Bringing Syria back into the Arab fold has become a prime objective of Arab states that want to contain Iranian influence. And any such reconfiguring of the regional power balance would be in the interest of the United States.

Indeed, Assad has made no secret of his intention to parlay a negotiated peace treaty with Israel into a transformed relationship with Washington. For his regime, the great prize of peace with Israel—beyond recovery of the Golan Heights—is to end Syria's isolation from the West and to become eligible for badly needed foreign investment and technology. It would be a great economic boon for Syria if the United States came around to supporting the rehabilitation of an Iraqi oil pipeline through Syria to the Mediterranean. But for this kind of triangular bargain to be struck, involving American rewards along with Syrian and Israeli compromises, the Administration of President Barack Obama will have to play an active role as peace broker and regional power balancer.

In the past, there have been Israelis and Palestinians alike who opposed efforts to forge an Israeli-Syrian peace before resolving the Israeli-Palestinian conflict. Whatever the wisdom of that position at earlier junctures, today there are sound reasons to believe it will be easier for Palestinians and Israelis to come to terms once Syria has relinquished its spoiler role in the region.

With Syria realigned, there would be an overwhelming consensus of Arab governments in support of the Palestinian peace camp. PA President Mahmoud Abbas, or a successor, would enjoy the kind of Arab backing for a historic compromise with Israel that Arafat lacked at Camp David. Far from shunting aside the Palestinians and their quest for an independent state, an Israeli-Syrian peace could have the effect of isolating rejectionist currents in the Palestinian polity and making it more difficult for Tehran to exploit Palestinian suffering in furtherance of Iranian geopolitical ambitions.

Israelis would then have an historic opportunity not merely to resolve the so-called demographic problem that comes with permanent occupation of the West Bank, but also to usher in an era of greatly enhanced security. With Syria removed from Iran's orbit and from the rejectionist camp, Israel will have a chance to achieve recognition from all the Arab states by resolving once and for all the issue at the core of the Israeli-Arab conflict—national self-determination for the Palestinian people. Israelis will then have a choice before them that is tilted entirely in one direction: either to prolong the occupation and the insecurity that goes with it or to bring a viable Palestinian state into existence and, in so doing, circumscribe the threats from Iran and Sunni Arab extremists.

But no matter how favorable the present alignment of geopolitical forces and interests may appear, no matter how right this time seems for negotiating a two-state solution to the Israeli-Palestinian conflict, one crucial factor is still lacking. That factor is leadership. It will take strong,

shrewd, confident leaders, not only in Israel and the PA but also in Washington, to seize the current opportunity for a two-state solution and bring it into being.

Palestinian political power is now divided between Fatah and Hamas, between the West Bank and Gaza. This political and geographical fracturing raises the specter of a three-state solution, at least for the short run. If there is to be any realistic prospect of a negotiated peace between Palestinians and Israelis, either Fatah and Hamas will have to form a national unity government, a new government will have to be chosen in fresh elections, or Hamas will have to give a PA president the authority to negotiate the terms of a two-state agreement for all Palestinians.

The divisions and distinctions in Israeli politics are different but no less debilitating. Currently, Prime Minister Benjamin Netanyahu presides over a coalition government containing hard-line factions opposed to negotiating a conflict-ending, two-state peace accord with any Palestinian partner. For too long, Israeli leaders have acted as though there is a realistic possibility of prolonging the control of occupied territories indefinitely. And most of those leaders have allowed themselves to be intimidated by extremist settler groups.

If a new Israeli government is to seize the present opportunity to liberate Israel from the status of occupier and achieve normalized diplomatic relations with all the Arab states, it will need to comprise a coalition stable enough to withstand opposition from settlers and diehard nationalists. That government will also need a prime minister with something of the self-assurance of an Yitzhak Rabin, universally known as a “martyr for peace.”

To bring any Palestinian and Israeli leaders together and shepherd them into a peace agreement, President Obama will have to be willing to risk considerable political capital in a peacemaking venture early in his first term—not in the last year of a second term as Bush II and Clinton did. The new President will need to assign a strong, seasoned team of American mediators to ride herd on the Palestinian and Israeli negotiators. And Obama would do well to assemble a broad-based group of countries in support of an Israeli-Palestinian peace accord like the coalition that Bush I and Baker brought together to expel Saddam Hussein from Kuwait.

This may be the right time for a two-state resolution of the Israeli-Palestinian conflict, but only if determined leaders make it so.

U.S. PRESIDENTS AND THE ARAB-ISRAELI CONFLICT

by Augustus Richard Norton

WHEN BARACK OBAMA was inaugurated as the 44th President of the United States on January 20, 2009, an unofficial and unsteady cease-fire was only in its third day in the Gaza strip. For three weeks, beginning December 27, 2008, Israel's powerful military unleashed its might against Hamas, the Palestinian Islamist party. In the process, much of the already deteriorating infrastructure of Gaza was left in ruins and about 1,300 Gazans were killed, including some 300 children. Hamas, Israel's sworn foe, exacted a much smaller toll of 10 Israeli soldiers and 3 civilians, but the group survived, arguably weakened militarily but buoyed politically. The announced objective of Israel's campaign was to stop the firing of inaccurate rockets and mortars from Gaza against Israel. Thousands of these locally made munitions have been fired in recent years, and not only do they occasionally injure or even kill Israeli civilians, but they represent a form of potentially deadly harassment that disrupts normal life, especially in Israeli towns within range of Gaza.

If President Obama needed any reminder, the inconclusive end to the Gaza war signaled that, if left unaddressed, the Arab-Israeli conflict could erupt yet again during his tenure in office. One of his first foreign policy decisions explicitly recognized this danger, as he named respected former Senate Majority Leader George J. Mitchell (D-ME) to the post of Special Envoy for Middle East Peace. Mitchell had earned acclaim for his role as a patient mediator in Northern Ireland, which concluded with the successful signing of the Good Friday Agreement in 1998 by the British and Irish governments and Northern Ireland political parties, ending three decades of conflict.

Barack Obama is the twelfth President who has had to decide how to address the difficult challenges posed by the Arab-Israeli conflict since the end of World War II. Although each of his predecessors approached the challenges of the Middle East somewhat differently, every U.S. President since Harry S. Truman has confronted serious crises in the Middle East, and these crises have often been related to the Arab-Israeli conflict. The historical record reveals that this unresolved conflict creates opportunities for America's rivals, ranging from the Soviet Union during the cold war (1945–89) to the Islamic Republic of Iran in recent years. Beginning with President Gerald R. Ford, in 1975, each chief executive has acknowledged that a key component of any resolution of the Arab-Israeli conflict requires addressing the national aspirations of the Palestinian people while ensuring the long-term security of Israel. However, these two competing goals have proven extremely difficult to reconcile in practice.

Notwithstanding the crucial role that the United States has often played as a mediator in the Arab-Israeli conflict, some of the most important diplomatic breakthroughs have stemmed from actions by the warring parties. The 1977 initiative of Egyptian President Anwar Sadat, which led to the 1979 Israeli-Egyptian peace treaty, and the 1993 Israeli-Palestinian Oslo agreement are prime examples of instances in which U.S. Presidents capitalized on opportune diplomatic forays rather than launching them.

This chapter reviews some of the Middle East challenges that have confronted President Obama's 11 predecessors and briefly highlights their respective efforts to respond to these challenges.

The Truman Presidency (1945–53)

America's seminal role in the Arab-Israeli conflict began six decades ago when President Truman supported the partition of Palestine and swiftly recognized the new State of Israel. Truman's decision was supported enthusiastically by some of his key advisers, especially those focused on domestic politics, such as White House Counsel Clark Clifford, but many of his key foreign affairs advisers argued strenuously that U.S. interests would be jeopardized by promoting the creation of Israel. Notable among the skeptics was Secretary of State George C. Marshall, author of the Marshall Plan for European economic recovery.¹ During Truman's presidency, the Palestinian refugee crisis sprang from the first Arab-Israeli war (1947–49), but as he anticipated, neither he nor his successors would enjoy much success in resolving the Palestinians' plight. As for the Arab states, while they provided sanctuaries for the refugees, most of them refused to extend citizenship to the homeless Palestinians.

The Eisenhower Years (1953–61)

President Dwight D. Eisenhower succeeded Truman and he faced a major crisis when Israel joined Britain and France to attack Egypt in 1956, igniting one of the notorious crises of the cold war. Eisenhower was angered by the attack, which distracted the world's attention from the Soviet Union's repression of the uprising in Hungary, then a Soviet satellite. Eisenhower was also opposed to aggression on principle, emphasizing during the crisis that "we cannot subscribe to one law for the weak, another law for the strong."² The United States compelled Britain and France to withdraw their forces from Egypt within weeks of their invasion. While Israeli Prime Minister David Ben-Gurion resisted U.S. pressure for several months, Israel did withdraw its forces from Egypt's Sinai Peninsula in 1957.³ Eisenhower sponsored several Arab-Israeli mediation efforts in the Middle East during his presidency, including an effort by the respected Quaker official, Elmore Jackson, in 1955, but they all failed.

- 1 An informed discussion of the partition issue is found in Donald Neff, *Fallen Pillars: U.S. Policy Towards Palestine and Israel since 1945* (Washington, D.C.: Institute for Palestine Studies, 1995). A basic primary source on this crucial period are the declassified records found in U.S. Department of State, *Foreign Relations of the United States, 1948: The Near East, South Asia, and Africa*, Part 2, vol. V (Washington, D.C.: U.S. Government Printing Office, 1976).
- 2 Dwight D. Eisenhower, *The White House Years: Waging Peace, 1956-1961* (Garden City: Doubleday, 1965), p. 83. The former president's account of the crisis remains a remarkable testament to his dedication to international law. His account of the crisis is found on pp. 58–98.
- 3 The best account of the 1956 Suez crisis remains Kenneth Love, *Suez: The Twice Fought War* (New York: McGraw-Hill, 1969).

The Kennedy (1961–64) and Johnson (1964–69) Eras

While there was no Arab-Israeli war during the watch of President John F. Kennedy, he did have to deal with a secret but burgeoning nuclear weapons program in Israel, an agenda rationalized by the rejection of Israel by its hostile Arab neighbors. Kennedy attempted to leverage U.S. arms sales in order to gain surveillance over Israel's nuclear facilities in the Negev Desert, but was ultimately unsuccessful.⁴

In 1967, President Lyndon B. Johnson witnessed the June 1967 (“Six-day”) war in which Israel rapidly defeated the armies of Egypt, Jordan and Syria, capturing the Sinai, Gaza, East Jerusalem, the West Bank and the Golan Heights in the process. (The Sinai was completely returned to Egypt by 1983 as a result of the Camp David accords and the subsequent Israeli-Egyptian peace treaty.) Moreover, Johnson implicated the United States much more deeply in the Arab-Israeli conflict by supplanting France as Israel's main arms' supplier following the 1967 war.

The Nixon Presidency (1969–74)

In December 1969, U.S. Secretary of State William P. Rogers launched an effort to begin negotiations between Israel and Egypt under United Nations (UN) auspices, but it was only after the 1973 October war that President Richard M. Nixon or his influential national security adviser, Henry A. Kissinger, focused seriously on dampening the Arab-Israeli conflict. In 1973, Egypt and Syria (with some help from Iraq) fought to regain the lands captured in 1967 by Israel. As tensions soared in the first few weeks of the war, the United States and the Soviet Union placed their vanguard military units on full alert and only through intense U.S.-Soviet diplomacy was the crisis quelled. A case may be made that had Nixon and Kissinger (who replaced Rogers as Secretary of State in 1973) been more attentive to the diplomatic signals being sent by Egyptian President Sadat prior to the war, particularly when he expelled many Soviet military advisers in 1972 and signaled a tilt toward the United States, a war might have been prevented. Sadat decided to go to war precisely in order to reach a negotiated settlement with Israel, but in order to achieve that, he would need to win the attention of U.S. diplomacy and peacemaking.

The October war affected the livelihood and lifestyles of many Americans because the Arab oil-producing states, led by Saudi Arabia, embargoed oil sales to the United States and to the Netherlands in retaliation for their support of Israel. This led to widespread shortages, long lines at gasoline stations and a sharp increase in prices.

The 1973 war also produced several notable examples of U.S.-mediated step-by-step diplomacy, most importantly, the 1974 Golan Heights disengagement agreement between Israel and Syria, which remains in force, and the Sinai cease-fire agreement between Israel and Egypt. The Israeli-Egyptian agreements provided the foundation for the subsequent peace treaty between Egypt and Israel in 1979.

Notwithstanding the diplomatic successes of Nixon and Kissinger, the Arab-Israeli conflict remained unresolved. It bears emphasis that the two men viewed the conflict through the prism of the cold war, as did most Western policymakers during that period. Therefore, by buttressing

4 Leonard Beaton, *Must the Bomb Spread?* (Harmondsworth, Middlesex, England: Penguin Books, 1966); and Warren Bass, *Kennedy's Middle East and the Making of the U.S.-Israeli Alliance* (New York: Council on Foreign Relations, 2003).

Israel they believed they were helping thwart Soviet ambitions in the region. Although the Soviet Union and its allies were important early supporters of the creation of Israel—as well as arms suppliers—relations deteriorated in the early 1950s, and diplomatic relations were not restored for more than three decades.

Equally significant during the Nixon Administration, by the end of the 1960s the Palestinian nationalist movement had begun to coalesce as an important political force. Some of the heretofore relatively quiescent Palestinians grew militant and violent, at times embarking on deadly acts of terrorism including airline hijacking and indiscriminate attacks on civilians, both inside and outside Israel. In the first decades of the conflict, the Palestinian component was commonly depicted as a refugee issue by Western diplomats, but by the late 1960s Palestinian demands for statehood were gaining salience and international support.

The Ford Presidency (1974–77)

President Gerald R. Ford assumed office when Nixon resigned as a result of the Watergate scandal. Ford was, in turn, obliged to confront the Arab-Israeli conflict. It was during his Administration that Deputy Assistant Secretary of State Harold H. Saunders made a famous statement before the House International Relations (now Foreign Affairs) Committee, arguing that the Palestinians were “at the very heart of the conflict.” The Saunders’ comment was a trial balloon by Kissinger (approved by Ford) that reflected the view within the U.S. government that the core issue in the Arab-Israeli conflict must be addressed, not merely for the sake of the Arabs and Israelis but for the sake of U.S. national interests as well.⁵ Ford and Kissinger were frustrated by what they described as the “inflexibility” of Israeli decisionmakers, resulting in a “reassessment” of U.S. policy undertaken by Kissinger in 1975. This included consultations with many of the most respected senior statesmen in the United States, who urged the President to adopt a more ambitious diplomatic agenda in the Middle East. However, Ford’s stance met opposition in Congress: 76 senators signed a letter signaling their opposition to applying pressure on Israel—an illustrative example of the imbalance that Capitol Hill now routinely reveals on Arab-Israeli matters. Notwithstanding the domestic carping, Kissinger’s resumption of step-by-step diplomacy produced the Sinai II agreement that laid the foundation for later Israeli-Egyptian peacemaking. Yet the core Palestinian issue remained untouched.⁶

The Carter Presidency (1977–81)

President James “Jimmy” E. Carter initially imagined convening an international conference that would include the Soviet Union as a step toward solving the Arab-Israeli conflict, but neither Israel nor Egypt embraced the idea. Egyptian President Sadat, who abhorred the idea of restoring Soviet influence, had begun tilting toward the United States even before the 1973 war. A key event proved to be Sadat’s visit to Jerusalem in 1977 and his famous speech to the Knesset (following secret contacts between Israel and Egypt). Sadat’s trip inspired an historic peacemaking opportunity, which Carter was intent to see realized. President Carter’s stubborn shepherding of the Camp David talks between Sadat and Israeli Prime Minister Menachem Begin ultimately

5 ‘Diodotus,’ “Playing to the PLO: The New U.S. Policy in the Middle East” *The New Leader*, January 5, 1976, pp. 4–5.

6 William B. Quandt, *Decade of Decisions: American Policy Toward the Arab-Israeli Conflict* (Berkeley and Los Angeles: University of California Press, 1977), pp. 267–71.

bore fruit in the 1979 peace treaty between Egypt and Israel. Significantly, Carter comprehended the central importance of the Palestinian question. It was for this reason that the Camp David negotiations also produced a “framework for peace in the Middle East.” Carter also recognized that Israel needed to curtail its efforts to control the fate of the West Bank through the building of settlements. Despite Carter’s best efforts, Israel continued to establish settlements, usually with negative results for any ongoing peace negotiations.⁷ Egypt was ostracized by its fellow Arab states for making a bilateral peace with Israel, especially during Sadat’s lifetime, which ended with his assassination in October 1981 at a parade commemorating the eighth anniversary of the October 1973 war. While Carter expected that his hard work to produce a more stable and peaceful Middle East would gain momentum, this did not happen.

For its part, Israel viewed the treaty with Egypt, the most powerful Arab state, as a great strategic success, because it would be difficult for the remaining Arab states to mount a credible military challenge against Israel without Egypt’s support. Particularly for right-wing Zionists who believed in a doctrine of a Greater Israel, the Camp David accords were opportune because they permitted Israel to consolidate its control of the occupied West Bank (which they refer to as “Judea” and “Samaria,” using biblical geography) and the Golan Heights, areas that they had no intention of ever relinquishing.

During this period, a complex and often savage civil war was raging in Lebanon, sparked in part by the growth of militant Palestinian groups and the conversion of Lebanon into another battleground in the Arab-Israeli conflict. The Palestinian guerrillas had found sanctuary in Lebanon in the early 1970s after they were thrown out of Jordan, where they had maintained a strong presence until they challenged the Jordanian army and lost. Lebanon, too, became a battlefield between various Arab states and cold-war rivals. Fighting between rival Lebanese militias (in which Palestinian groups often played major roles) was often savage and chaotic, and behind the horrible bloodshed were unrequited struggles for gaining and retaining political privilege. The Lebanese civil war would continue through several phases until it ended with a new power-sharing agreement in 1989.

The 1970s were marked by horrendous acts of Palestinian terrorism—many of them targeting Israel and Israelis—including the infamous attack at the Munich Olympics in 1972 and a variety of assaults on towns and villages in northern Israel, near the border with Lebanon. Furthermore, in 1978, Israel invaded Lebanon, fomenting a major crisis in U.S.-Israeli relations and further complicating efforts to bring the Lebanese civil war to an end.

Israel was forced to withdraw most of its forces in 1979 at President Carter’s insistence. Carter notified Begin that if Israel remained in Lebanon he might invoke the Arms Export Control Act of 1976. This step would necessitate a cutoff in U.S. arms aid to Israel if it was determined that weapons provided by the United States had been used for nondefensive purposes. Carter also threatened to submit a resolution to the UN Security Council condemning Israel’s invasion, which he viewed to be an overreaction to Palestinian attacks.⁸ The Israel Defense Forces (IDF) did withdraw under U.S. pressure, but Israel remained active in Lebanon (as did other regional

7 The former president notes that: “Whenever we seemed to be having some success with the Arabs, Begin would proclaim the establishment of another group of settlements, or make other provocative statements.” Jimmy Carter, *Keeping Faith: Memoirs of a President* (New York: Bantam, 1982).

8 Jimmy Carter, *The Blood of Abraham: Insights into the Middle East* (Boston, Houghton Mifflin Co., 1985).

powers) through local militias. Israeli soldiers and agents also routinely crossed the border into Lebanon in violation of UN Security Council Resolution 425, which required the withdrawal of Israeli forces from Lebanon and established the mandate for a UN peacekeeping force that remains in southern Lebanon today.⁹

The Reagan Years (1981–89)

When President Ronald Reagan came into office, he and his advisers were very much focused on the cold war. Even so, like his predecessors, Reagan was forced to confront one crisis after another in the Middle East. The newly established Islamic Republic of Iran sponsored violence and terrorism throughout his term, including the 1983 truck bombing of the U.S. Marine barracks in Beirut, Lebanon, which killed some 250. In 1980, an Iraqi invasion of Iran sparked a conflict that would last eight years. Meanwhile, Reagan became involved in a complex scandal that involved the sale of U.S. and Israeli arms to Iran in return for money to support pro-U.S. forces in Central America and to free Western hostages held by pro-Iranian terrorists in Beirut.

Once again, in 1982, Israel invaded Lebanon, but this time with the goal of destroying the Palestine Liberation Organization (PLO) as a military and political force, and solving the Arab-Israeli conflict on its own. By 1982, the PLO had become a major military presence in Lebanon and Begin, who characterized the PLO as a Nazi reincarnation, was intent on seeing it and its leader, Yasir Arafat, crushed.¹⁰ Thus, the expressed intent of Israel's "Peace for Galilee" war was to create a buffer zone in southern Lebanon, but its true ambitions were much grander than those publicly announced. Israeli Defense Minister Ariel Sharon saw the invasion of Lebanon as a means for remaking the Middle East. He was not only intent on destroying the PLO, but also wanted to install a Lebanese ally in office in Beirut so that the country would become the second Arab state to make peace with Israel. (Sharon's intentions were not known to the Israeli public, a number of Israeli officials or the United States.)

Thus, by the summer of 1982, the United States and Israel were at odds once again.¹¹ Veteran diplomat Philip Habib was dispatched to end the conflict and he succeeded in negotiating the withdrawal of most of the Palestinian forces from Lebanon. Despite Habib's diplomatic success in August 1982, the fundamental tensions between the United States and Israel persisted. Habib and other diplomats understood that Israel's plans for Lebanon would not lend stability to the region, but would further inflame regional tensions and anti-American animosities.¹²

In September 1982, Reagan offered a plan to end the Arab-Israeli conflict by linking autonomous Palestinian regions (the West Bank and Gaza) to Jordan, but Israel was uninterested in any arrangement that would not allow it to consolidate its gains in Lebanon.¹³ The Arab response was the 1982 Fez plan, which called for a complete withdrawal of Israel from the occupied Palestinian territories, but might have allowed for serious negotiations if Israel had

9 For an account of the United Nations Interim Force in Lebanon (UNIFIL) by a former senior United Nations official see Marrack Goulding, *Peacemonger* (London: John Murray, 2002).

10 Zéev Schiff and Ehud Ya'ari, *Israel's Lebanon War* (New York: Simon and Schuster, 1984), p. 37.

11 Reagan, who was notably sympathetic toward Israel, was nonetheless incensed by the Israel's shelling of civilians in Beirut, which was featured nightly on the evening news. See John Boykin, *Cursed Is the Peacemaker: The American Diplomat Versus the Israeli General, Beirut 1982* (Belmont, CA: Applegate Press, 2002), pp. 233–5.

12 Boykin, *Cursed Is the Peacemaker*.

13 Itamar Rabinovitch, *The War for Lebanon: 1970–1983*. (Ithaca, Cornell University Press. 1983), pp. 155–6.

been willing. Sharon's ambitions began to unravel later in September when Israel's Lebanese ally, Maronite militia-chieftein Bashir Gemayel, was killed by a bomb planted by a Syrian agent. A horrible massacre in the IDF-encircled Sabra and Shatila camps followed. About 1,000 Palestinian and Lebanese civilians were killed by Lebanese gunmen aligned with Israel, and Sharon was later held "indirectly responsible" for the massacres by an Israeli commission of inquiry.

It was during the Reagan Administration that a series of officially characterized "strategic cooperation" agreements drew the United States and Israel closer and closer together, implicating Washington more deeply in the Arab-Israeli conflict as a confidant and booster of Israel. The agreements codified Israel's relations with its most important supporter, while also reinforcing U.S.-Israeli cooperation against the Soviet Union.

Following the Israeli invasion of Lebanon in 1982, some U.S. officials believed the PLO was finished as a political force. By the end of the Reagan Administration, it was clear this view was wrong. In late 1987, an uprising, popularly known as the first intifada, began in Gaza and the West Bank to challenge Israel's occupation. Initially, the intifada's leadership was indigenous to the occupied territories, but over time the PLO gained a controlling hand and demonstrated that it would not be easily marginalized. With significant coaching from leading pro-peace members of the American Jewish community, the PLO took a step toward negotiations with Israel. In December 1988, PLO Chairman Arafat accepted the dictates of the two major UN Security Council resolutions governing the peace process (Nos. 242 and 338). He acknowledged Israel's right to exist and to live in peace and security in the region, and he renounced the use of terrorism. This carefully choreographed statement provided the context for a shift in U.S. policy, which had been deterred by congressional prohibitions of any dialogue with the PLO so long as it practiced terrorism.¹⁴

Thus, in the waning months of the Reagan Administration, Secretary of State George P. Shultz began to move toward a dialogue with the PLO by laying out the conditions it would have to meet for discussions with the United States. In December 1988, Shultz appeared at a press conference and declared: "It's obvious that if you're going to get to a peaceful settlement in the Middle East you have to include the Palestinians in the process from the beginning and at the end."¹⁵

The First Bush Presidency (1989–93)

When President George H. W. Bush came into office, he faced a geopolitical landscape that would have been unimaginable a mere eight years before when Bush assumed office as Reagan's Vice-President. The year 1989 is known in Europe by the Latin term *annus mirabilis* ("miracle year"), in reference to the crumbling of the Soviet empire. In short, the Middle East was hardly at the top of the White House agenda. After he left office, Secretary of State James A. Baker noted: "From day one, the last thing I wanted to do was touch the Middle East peace process."¹⁶ However, Bush and Baker's preoccupation with the Soviet collapse was interrupted by Iraq's invasion of Kuwait in August 1990. The two conducted a brilliant diplomatic campaign to coalesce a truly international

14 A well-researched account of this breakthrough is Muhammad Rabi, *U.S.-PLO Dialogue: Secret Diplomacy and Conflict Resolution* (Gainesville: University Press of Florida, 1996).

15 Donald Neff, *Fallen Pillars: U.S. Policy Towards Palestine and Israel since 1945*.

16 James A. Baker III with Thomas M. DeFrank, *The Politics of Diplomacy: Revolution, War and Peace, 1989–1992* (New York: G. P. Putnam & Sons, 1995), p. 115.

coalition to defeat Iraq. Victory against Iraq unleashed hopes that there could be a “new Middle East” marked by peace and prosperity rather than war and woe. Bush and Baker showed real imagination in creating an impressive structure for seeking peace. Rather than adopting the Nixon/Kissinger “step-by-step” approach, a more ambitious two-track structure was adopted to combine face-to-face negotiations between Israel and its neighbors with multilateral dialogues that would foster a broad foundation for peace.

The Palestinian question remained at the heart of the conflict. In the run-up to the Madrid peace conference of 1991, Israel refused to accept a separate Palestinian delegation and insisted that only Palestinian personalities with no overt ties to the PLO should represent their people as part of the Jordanian delegation. The PLO therefore appeared to be effectively shut out of the two negotiating tracks. While King Hussein of Jordan agreed to the arrangement, his diplomats were instructed to decline to negotiate on behalf of Palestine. In other words, if Israel was going to discuss the Palestinian question, it would have to be with Palestinian, not Jordanian, interlocutors. Accommodating State Department officials moved chairs, couches and coffee into the corridors so that “informal” talks between Israelis and Palestinian members of the Jordanian delegation could begin without implying that Israel recognized a separate delegation from Palestine. These distinguished figures included Faisal Husseini and Dr. Haidar Abdul Shafi (now both deceased) and Professor Hanan Ashrawi. They were wary of Israeli divide-and-rule tactics and any appearance that they were “selling out” Palestinian aspirations for statehood. Throughout the negotiations they stayed in regular contact with Arafat and the PLO headquarters in Tunis. Israel was effectively conducting indirect negotiations with the PLO.

Then in January 1992, in Moscow, a series of innovative multilateral forums were launched to deal with broad regional issues: security, economic development, refugees, water and the environment.¹⁷ The complex structure evoked real excitement in the region—the idea of peace now seemed truly feasible.¹⁸ The multilateral talks were an encouraging, if limited, success. Many extra-regional states became involved in the multilateral track, including Canada, Italy, Japan and Russia, and regional participation was impressive.¹⁹ While Syria and Lebanon formally boycotted the multilaterals—arguing that they were a form of implicit recognition of Israel that should follow not precede bilateral treaties—and Iraq was not invited, the remaining Arab states enthusiastically participated. The bilateral tracks also made substantial progress, but only Israel and Jordan succeeded in reaching a peace agreement. Syria and Israel held a series of significant negotiations that clarified the basic terms of a final settlement—i.e., the return of the Golan Heights in exchange for full peace (Rabin’s assassination in 1995 ultimately sidetracked these talks). Peace between Lebanon and Israel remained hostage to the Syrian-Israeli relationship—no peace with Damascus meant no formal peace with Beirut either.

President Bush made a dramatic decision in September 1991. Israeli Prime Minister Yitzhak Shamir requested that the U.S. guarantee \$10 billion in loans to Israel (enabling Israel to borrow at more favorable rates), with part of the funds to be used to finance housing for Soviet Jews who were seeking to immigrate to Israel. Bush and Baker refused the Israeli request on the

17 The basic framework was anticipated in Muhammad Mohammad Muslih and Augustus Richard Norton, “The Need for Arab Democracy,” *Foreign Policy*, No. 83 (1991).

18 Augustus Richard Norton and Robin Wright, “The Middle East Post-Peace Crisis,” *Survival* 36, No. 4 (1994).

19 Joel Peters, *Pathways to Peace: The Multilateral Arab-Israeli Peace Talks* (London: Royal Institute for International Affairs, 1996).

grounds that the United States would not underwrite the building of settlements in occupied territory.²⁰ (See the chapter on “Settlements and Borders” for more discussion of the history and rationale of settlements.) Shamir and some of his Likud associates, particularly Benjamin “Bibi” Netanyahu, were distrusted by U.S. officials because of their efforts to obstruct peace talks with the Palestinians. Although polls suggested that there was broad support for Bush’s position, the response from Israel and from some pro-Israeli personalities in the United States was fierce.²¹ Bush stuck to his guns until the following summer when Shamir was defeated in elections by Yitzhak Rabin. Once Rabin was in office, the loan guarantees were approved.

Questioned about the decision in February 2003, the senior Bush reiterated his belief that he had made the right decision. Then he observed, “and I paid a hell of a price for it too,”²² referring to the efforts that pro-Israeli voters made to defeat him in his bid for reelection (arguably his loss to Bill Clinton had more to do with the then ongoing recession confronting U.S. taxpayers than his stance on Israeli settlements). The loan-guarantee matter remains an important example of how a President can articulate a reasonable position that serves U.S. national interests and wins widespread public support, even in the face of strong opposition from organized special-interest groups.²³ President Bush’s strenuous opposition to Israeli settlement construction in the Palestinian territories stands in contrast to the euphemistic terminology used by his next two successors, who sometimes noted that the settlements were “counterproductive” to reaching a viable and peaceful settlement of the Israeli-Palestinian conflict. Outside of the United States, and notably in Europe, the settlements are generally considered illegal under international law because they violate the Fourth Geneva Convention of 1949.²⁴

Even before the first Bush Administration ended, exploratory back-channel talks were under way between Israel and the PLO. The United States played no significant role in the back-channel talks, which the Norwegians would later mediate discretely. By 1993 the PLO and Israel had reached a landmark agreement that was understood by many Palestinians to offer them a path toward statehood in return for enhanced security for Israel and peace with one of its most ardent enemies. Unfortunately, the hopes of both sides were thwarted.

20 Baker, *The Politics of Diplomacy*, pp. 540–57.

21 In reality, the president enjoyed broad support for his stance, and polls published in the ensuing weeks supported the decision by impressive margins. An NBC/*Wall Street Journal* poll showed Bush enjoying nearly 70 percent support for his firm stand against, according to the *Jerusalem Post*, September 27, 1991. *The Wall Street Journal*, September 26, 1991, reported that the public supported Bush by a three to one margin. A fairly told insider’s account is Aaron David Miller, *The Much Too Promised Land: America’s Elusive Search for Arab-Israeli Peace* (New York, Bantam Books, 2008), pp. 224–28. After Shamir was defeated by Prime Minister Yitzhak Rabin in the 1992 Israeli elections, Israel received not only the \$400 million in loan guarantees that it had originally requested, but an additional \$1.6 billion in guarantees. Former Secretary of State James Baker notes that despite Israeli promises to the contrary, systematic Israeli efforts were made to settle Russian Jewish immigrants in the West Bank. See Baker, *The Politics of Diplomacy*, pp. 541–44.

22 Bush was speaking at Tufts University on February 26, 2003.

23 On the role of pro-Israel groups in shaping U.S. policy toward the peace process, see Michael Lind, “The Israel Lobby,” *Prospect*, (2002) and John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy* (New York: Farrar Straus and Giroux, 2007). Aaron Miller seeks to downplay the lobby’s clout somewhat in his 2008 account of the peace process, but his book nonetheless contains abundant evidence about the lobby’s impact. See Miller, *The Much Too Promised Land*.

24 Under the terms of Article 49 of the Convention, an occupying power may not “transfer parts of its own population in the territory it occupies.”

The Clinton Presidency (1993–2001)

When President William “Bill” Jefferson Clinton took the oath of office, the process that began with great expectations in Madrid was stalled. Having run on the slogan “It’s the economy, stupid,” Clinton evinced little initial interest in Middle East peacemaking.

By 1993, the Washington-sponsored Israeli-Palestinian negotiating track had reached its limit. Meantime, in Gaza and the West Bank, militant Islamist organizations gained popular support, especially Hamas (the Arabic word for “zeal,” as well as an Arabic acronym that stands for “Islamic Resistance Movement”). Formally, Hamas rejects negotiations with Israel, which it vowed to destroy in its 1988 charter. (Hamas was, however, willing to pragmatically cede “negotiating space” to the PLO leadership, while averring that efforts to negotiate with Israel were unlikely to win more than tactical concessions from Israel.)

Paradoxically, in the 1980s Israel saw Islamist organizations as a way to undermine PLO support; however, by 1993 Hamas was viewed as an existential threat. Wary of the Islamist group’s growing support, Prime Minister Rabin agreed to secret arm’s length talks with the PLO in Oslo, under the auspices of Norwegian foreign minister Johann Jørgen Holst. Given the PLO’s declining fortunes after the Persian Gulf war, this was a golden opportunity for resurrection. Ironically, the PLO—blood foe of Israel—was now understood by Rabin to be an essential partner. The United States was duly informed of the discussions, but the last thing that U.S. Secretary of State Warren Christopher and his advisers expected was a diplomatic breakthrough in distant Scandinavia.

Yet the Oslo talks succeeded beyond Israeli and American expectations. In September 1993, President Clinton hosted the signing of the first of a series of agreements collectively referred to as the Oslo accords. The image from the White House lawn of Rabin reluctantly shaking hands with his longtime nemesis Arafat became an icon of the peace process.

Despite a number of setbacks, the peace process maintained forward momentum as long as Rabin was in charge. However, his assassination in 1995 at the hands of an Israeli Jewish extremist intent on sabotaging the peace process put the Oslo accords in jeopardy. Rabin’s death propelled Labor party veteran Shimon Peres into the position of prime minister, but a series of terrorist attacks in early 1996 lent credibility to Likud leader Netanyahu, an avowed opponent of the Oslo process. Netanyahu beat Peres in a razor-close election, and for the next three years progress slowed markedly. Netanyahu’s Likud party rejected the idea of a Palestinian state, and the new prime minister recommitted himself to expanding settlement construction, not least in the contested environs of Jerusalem.

When Prime Minister Netanyahu took office in 1996, Israel not only enjoyed full diplomatic relations with the two Arab states that had signed peace treaties (Egypt in 1979 and Jordan in 1994), but it also had quasi-diplomatic ties with five other Arab countries (Morocco, Oman, Qatar, Tunisia and the United Arab Emirates). For a few years, at least, the idea of peace between Arabs and Israelis—and even a new Middle East—no longer seemed far-fetched.²⁵

Netanyahu’s election was an unwelcome surprise for the Clinton team. Relations between Clinton and Netanyahu were often strained, but Clinton and his team declined to follow George H.W. Bush’s example and put any pressure on Israel for a halt to settlement construction. Instead, the crowning success of this period was the Hebron agreement of 1997, which succeeded in ac-

25 Shimon Peres’ *The New Middle East* (New York, Henry Holt & Company, 1993) reflected the hopes then afoot.

commodating the historic claims of 200 Israeli settlers who had staked a claim to the old Jewish quarter of the city. The agreement split the city into two major parts to the disadvantage of the Palestinian population of the city, which today numbers about 150,000, of whom about 30,000 live in the portions of the city claimed by settlers.

A further attempt at peacemaking was made through the Wye Agreement of 1998, which provided a framework for the gradual transfer of territory to the Palestinian Authority (PA), the interim governing body set up by the Oslo accords. The arrangement collapsed when Netanyahu claimed the PA was not making a sincere attempt to improve security and combat terrorism.

Netanyahu's popularity proved short-lived, and former IDF Chief of Staff Ehud Barak defeated him in elections in 1999. The Israeli public had wearied of Israel's protracted involvement in southern Lebanon, and Barak promised the voters that he would have Israel out of Lebanon within a year of his election, even if Israel had to withdraw unilaterally and without the agreement of Syria. He kept his word, and by May 2000, the IDF withdrew from Lebanon; the proxy militia that Israel had trained and equipped crumbled in a matter of hours.

By the end of 1999, a draft Israeli-Syrian treaty was leaked in the Israeli press, revealing that tremendous progress had been made. President Clinton and Syrian President Hafez Assad met in Geneva, Switzerland, in March 2000 in a much anticipated summit, which was preceded by a flurry of diplomatic contacts, including a dozen phone calls between the two presidents. Yet the summit failed when Barak got cold feet and refused to return a sliver of Syrian land on Lake Tiberias. Clinton valiantly explained to the Syrian leader that Barak had concluded the Israeli public would not approve of giving Syria access to Israel's largest watershed, but Assad was unwilling to countenance anything less.²⁶

With Israeli-Syrian talks at a standstill, Barak turned his attention to the West Bank and Gaza. Never a fan of the Oslo approach, Barak preferred a comprehensive agreement that would require the Palestinians to accept the full parameters of peace, instead of proceeding from one interim step to another and postponing the tough compromises that both sides would eventually have to swallow. Initially, Barak wanted to keep the United States in the background, but by the summer of 2000 he needed Clinton's help. Barak was losing political support in Israel and he calculated that a deal with Arafat would not only be in Israel's interest, but would reverse his fortunes. He prevailed on Clinton to host a summit meeting at Camp David, the presidential retreat where Carter had overseen pathbreaking negotiations between Israel and Egypt in 1978.

The meeting was convened in July 2000, despite Arafat's expressed anxiety that the groundwork had not been prepared. Barak and Clinton were intent to move forward, and Clinton assured the Palestinian leader that no one would be held to blame if the talks failed. Even so, Arafat and the Palestinian delegation brought a large ration of distrust and suspicion with them to Camp David. The interim agreements had been only partially implemented by Israel, and among other things the Palestinians were worried that they would be forced to renegotiate arrangements that had already been settled. They did not agree with Barak's approach to skip the interim steps

26 Well before the March 2000 Clinton-Assad summit, Barak was having second thoughts, as he revealed the previous fall in discussions with Clinton and others. This leaves unanswered questions about why Clinton went forward with the Geneva meeting. For comments by the principal participants, see Charles Enderlin, *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995–2002*, trans. Susan Fairfield (New York: Other Press, 2002).

outlined in the Oslo agreement. From Israel's perspective, the PA had not fulfilled its security responsibilities under the accords, pointing out that Arafat had failed to move strenuously against violent militants and terrorists. Arafat also often failed to grasp that indiscriminate attacks on Israeli civilians poisoned the negotiating environment. The Palestinian scholar Salim Tamari notes aptly that security was the "jewel in the crown" of Oslo for Israel. Without security, Israel's commitment to any peace accord is in question. To make matters worse, Arafat and Barak never developed any rapport, and they held one another in low esteem.

It is difficult to say precisely what Barak actually offered at Camp David. Israel's offers were never put on paper, and Barak himself never addressed the topic with any specificity. Nonetheless, by sifting through participants' accounts, it is possible to assemble the outlines of the package that was on offer.²⁷ A number of taboos were broken; for example, Camp David was the first time that the question of Jerusalem was put on the table. Unlike his predecessors, Barak was willing to concede significant areas of the city, particularly Arab neighborhoods, to the Palestinians' authority. He was also prepared to cede control but not sovereignty over the Haram al-Sharif/ Temple Mount. Whatever the dimensions of the areas involved, this was a groundbreaking offer by an Israeli prime minister, demonstrating that the fate of the revered city was negotiable.

Of the final-status issues, the question of the "right of return" is crucial to Palestinians and a matter of grave concern to Israel. There are about 4 million Palestinians living outside of historic Palestine. Arafat's insistence that the right of return extend not just to the West Bank and Gaza but to Israel as well was disquieting. The very nature, not to say the survival, of Israel would be jeopardized by the return of millions of Palestinians. Most serious Palestinians understand this is a redline issue for Israel and that only a very limited number will ever be able to return to their former homes in Israel. What the Palestinians were demanding, however, was a right, in principle, that Barak was not willing to provide.²⁸

With respect to the borders of a proposed Palestinian state, Barak offered to withdraw from 88 to 94 percent of the West Bank.²⁹ The precise dimensions of the offer were never spelled out at Camp David, despite some very categorical claims in the press.³⁰ The territory retained by Israel would include most of the extensive settlement blocks abutting Bethlehem and Jerusalem. In compensation, Israel offered a small land-swap accounting for about 1 percent of the West Bank. Since the Oslo accords also specify safe-passage routes between Gaza and the West Bank, one needs to presume that those routes would require from 1 to 3 percent of Israel's territory. Thus, the Palestinians were being offered the equivalent of more than 90 percent of the occupied territory.

As for the crowded Gaza strip, where 6,000 Israeli settlers occupied 20 percent of the land

27 In *The Missing Peace*, his own memoir of the peace process, Dennis Ross places blame for the failure at Camp David solely on Yasser Arafat. By contrast, virtually all the other accounts of the Oslo process and the Camp David summit apportion the blame much more equally, and argue that the United States, Israel and the Palestinians all made significant mistakes. See for example Enderlin, Malley/Agha, Hanieh.

28 This is corroborated by polling carried out by the Palestinian Center for Policy and Survey, which is headed by the respected political scientist, Dr. Khalil Shikaki. Shikaki and colleagues found that among Palestinians in the diaspora only ten percent overall wished to exercise a right of return in order to settle in Israel. *New York Times*, July 14, 2003.

29 Joshua Ruebner et al., "The Current Palestinian Uprising: Al-Aqsa Intifadah," (Washington: The Library of Congress, *CRS Report for Congress*, January 5, 2001), p. 1.

30 E.g., David Brooks, "The Death of Compromise," *The Weekly Standard*, July 2/July 9, 2001, pp. 26–31.

area, it was understood that the settlements were untenable. Israel closed down the settlements in 2005 and withdrew its military forces from the strip. Israeli control over Gaza's fate persists however: Israel controls sea access to the strip, dominates Gazan air space, does not permit Gaza to operate its own seaports or its small airport; border crossings between Israel and Gaza may be closed by Israel at will, and some border areas in Gaza remain under Israel's military control.

Although Barak's offer was more generous than any previous Israeli position, it was still not especially attractive from the Palestinians' point of view. From their perspective, they had already conceded 78 percent of historic Palestine to Israel in 1993 when they renounced terrorism and accepted Israel's legitimacy in the Oslo accords. Barak's best offer would still have divided the Palestinian territory on the West Bank into two or three separate cantons, and Israel would have retained the Jordan River Valley for some six to twenty years. The new Palestinian state would also have had many other onerous restrictions placed upon it. As Israeli Foreign Minister Shlomo Ben Ami later recalled, "If I had been a Palestinian, I would have rejected Camp David as well."³¹

The combination of Barak's negotiating style, which included extending, rescinding, replacing and revising offers through Clinton rather than face-to-face with Arafat, and Arafat's failure to produce any counterproposals, lent a somewhat surreal aspect to the Camp David negotiations. Barak insisted that the Palestinians accept his offer in good faith, adding that nothing would be on offer after Camp David unless Arafat agreed on the spot. But good faith was in short supply. After an extraordinary 14 days, Arafat would not accept the package proffered by Barak.

The major stumbling block at Camp David was not the "right of return," but the status of the Old City of Jerusalem (see the "Jerusalem" chapter). Both sides view their claims to sacred sites in the Old City as inalienable. The core issues are the control of the Dome of the Rock mosque, which Muslims revere as the third-holiest site in Islam, and the Western or Wailing Wall, considered the most holy site for Jews as it is believed to be the remnant of the Second Temple destroyed by the Romans.

In point of fact, the Camp David talks were not well prepared diplomatically or psychologically. Arafat failed to articulate a clear position at Camp David; he also failed to enunciate a path toward peace to his own public, either before or after the summit. The result of this dereliction of responsibility was a diminishment of moderate voices and an elevation of radical ones, which, in turn, undermined Arafat's moral authority as a peacemaker. Equally important, Clinton focused on Barak's reelection efforts instead of actively attempting to give shape and direction to the negotiations. Clinton's angry words at the conclusion of the summit, when he made plain his frustration that Arafat did not contribute more to the negotiations, also undercut his credibility as an honest broker.³²

There is no question that Israel won the public relations battle over what happened at Camp David.³³ While the Israeli position was promptly articulated, it was only 10 months later that the

31 Quoted in *The Independent*, "Johann Hari: A last chance for peace in Israel?" September 22, 2008, <http://www.independent.co.uk/opinion/commentators/johann-hari/johann-hari-a-last-chance-for-peace-in-israel-937582.html>

32 Prior to the Camp David meeting, Clinton addressed Arafat's concerns that the Palestinians would be the "fall guy" should the talks fail. Clinton promised not to assign blame in the event of failure, but he broke his promise when he assailed Arafat for the failure.

33 For the most influential critical assessment of the Camp David summit, see: Robert Malley and Hussein Agha, "Camp David: The Tragedy of Errors," *New York Review of Books*, April 9, 2001.

Palestinian side published, in serious detail, their version of events.³⁴

Once the dust had settled, and particularly after the al-Aqsa intifada erupted on September 29, 2000, the negotiations resumed. While the world's attention focused on Camp David as a singular event, the negotiations there were, in reality, part of a process. Despite Barak's adamant take-it-or-leave-it position at Camp David, he recommitted himself to negotiations, as did the PA. During the next five months, Israeli and Palestinian negotiators met, often under U.S. auspices, and they moved much closer to common ground on the tough issues of Jerusalem, territory and refugees.

After nearly eight years of avoiding staking out a U.S. proposal, Clinton finally offered his own views on the outlines of a settlement on December 23, 2000 (known as "the Clinton parameters"). He suggested that the Palestinians receive roughly 94 percent of the West Bank, plus an additional land swap of 3 percent as compensation for settlements that would be annexed to Israel. Palestinian territory on the West bank would be contiguous and there would be a land corridor connecting it to Gaza. Complex arrangements would be made to protect Palestinian control of Haram al-Sharif and Israeli control of the underlying land of the Temple Mount, including the Western or Wailing Wall. Israel would agree to limited numbers of Palestinians returning to Israel, and there would be an unlimited right of return to the West Bank and Gaza (although it was anticipated that many Palestinians would stay where they were, or emigrate to the West).

Clinton's bridging proposals were accepted by Barak—albeit with certain reservations, which he outlined in a lengthy letter to Clinton—and subsequently by Arafat and the Palestinians, albeit with reservations of their own.³⁵ Both sides continued negotiating in Taba, the Egyptian resort town. All participant accounts point to impressive progress. While technical issues remained to be solved, the shape of an agreement, closely following Clinton's December parameters emerged (for text of the parameters see the "Timeline and Glossary" chapter). Unfortunately, the Taba breakthroughs came too late in the day. Barak's credibility had shrunk to the point that he suffered the most lopsided electoral defeat in Israel's history and was replaced by hard-line ex-general Ariel Sharon. With Sharon's assumption of the office of prime minister, the Oslo process was effectively over.

Tragically, the most promising opportunity for a genuine two-state solution had been squandered. Arguably, a more assertive and balanced U.S. role might have enabled the belligerents to make peace. The collective failure left all of the parties—Israel, the Palestinians and the United States—in a substantially worse position.

President George W. Bush (2001–2009)

After finally gaining the White House in one of America's most hard-fought elections, President George W. Bush made no secret of his desire to stay at arm's length from the Arab-Israeli conflict. Bush's long vacation in Crawford, Texas, in August 2001, far from the then accelerating clashes

34 The Palestinian account is by Akram Hanieh, an influential Palestinian publisher who was close to Arafat. The original Arabic version was published in *al-Ayyam* (Jerusalem), July 29–August 8, 2000. See also Akram Haniyeh, *The Camp David Papers* (Ramallah: 2000).

35 On January 3, 2001, White House spokesman Jake Siewert announced that "both sides have now accepted the President's ideas with some reservations," and Clinton confirmed this point in a speech to the Israel Policy Forum on January 7. See "Excerpts: White House Spokesman on Clinton-Arafat Talks," issued by Press Section, U.S. Embassy in Israel, January 3, 2001; Transcript of "Clinton Speech on Mideast Parameters," January 7, 2001, Office of the White House Press Secretary, January 8, 2001; and Enderlin, *Shattered Dreams*, p. 344.

between Israelis and Palestinians, underscored his detachment from the passions of Middle East politics. Deputy Secretary of State Richard L. Armitage expressed the dominant sentiment in the Administration: “You can’t want peace more than two parties want peace. ... what does Mr. Clinton think about having spent the waning days of his presidency locked in at Camp David to no effect?”³⁶

Yet like each of his predecessors, Bush found he could not remain aloof or conduct Middle East diplomacy according to his own timetable. The Bush Administration argued that even before September 2001 there was an evaluation of U.S. policy in the Middle East under way and that the President was leaning toward supporting a Palestinian state, yet it is likely that the horrible events of September 2001 hastened the embrace of the idea. Although Bush Administration spokespersons were often intent to dismiss Osama bin Laden’s frequent references to the Arab-Israeli conflict as opportunistic, the Administration was faced with ample evidence that the unsettled conflict was a major source of Muslim complaints about U.S. policy in the Middle East.

President Bush often emphasized his commitment to see the conflict resolved through a two-state solution. In November 2001, he appeared before the UN, becoming the first U.S. President to declare his support for an independent Palestinian state. His words revealed a new understanding of the need to find a solution to this inflammatory conflict.

Following the lead of Israeli Prime Minister Sharon, whom the U.S. President was said to much admire, Bush agreed to isolate and not deal with Arafat. In fact, until the Palestinian leader’s death in 2004, much U.S. diplomatic effort was expended on fostering an alternative Palestinian leadership. The beneficiary of those efforts was Mahmoud Abbas, who became the president of the PA. Bush demanded an end to Palestinian violence, but he also spoke repeatedly of two states living side-by-side. This was an important rhetorical watershed in U.S. Middle East policy, but Bush was unwilling to personally play the hand of honest broker between the two very unequal sides. As a result, U.S. initiatives tended to quickly lose momentum and Israel often acted unilaterally with tacit, if not always explicit, U.S. endorsement.³⁷

Meanwhile, Sharon evinced little interest in negotiations leading to a two-state solution. In 2002 after the Israeli army in “Operation Defensive Shield” destroyed many of the policing institutions that the PA was permitted to maintain under the Oslo agreements, Bush and his then National Security Adviser Condoleezza Rice demanded that the Israeli forces withdraw from the Palestinian areas. Sharon was annoyed by the demands and paid them no heed; Bush relented. Sharon’s major initiative came in 2005 when he executed his policy of unilaterally withdrawing 8,000 Israeli settlers from Gaza, where periodic attacks by Palestinians required a serious expenditure of Israeli army strength to provide security. Bush embraced the initiative as a step toward an Israeli withdrawal from the occupied West Bank, but Sharon’s government evinced little interest in leaving the West Bank. Instead, Sharon focused on consolidating Israeli control there through an expanding network of roads, checkpoints and movement restrictions on Palestinians. In particular, the construction of an extensive security barrier (also referred to as “fence” or “wall”) not only encroached on private Palestinian lands, but also demarcated significant sections of West Bank territory that Israel may intend to include within a final boundary.

36 Comments at a media roundtable in Sydney, Australia, August 17, 2001, <http://www.usembassy-israel-org.il>.

37 Miller, *The Much Too Promised Land*, pp. 321–60.

In 2002, the 22-member Arab League launched an important initiative that offered Israel recognition and normal relations provided that it withdrew from the Palestinian territories that it has occupied since 1967. While Bush did acknowledge the Arab League peacemaking effort, which was reiterated in 2007, his Administration did not make a serious effort to exploit the initiative, perhaps because the Israeli response was, at best, equivocal at that time. The United States, along with the European Union, Russia and the UN (the “Quartet”) came together in 2003 to sponsor a “road map” for a settlement by 2005. This is a performance-based document that grew out of an international committee chaired in 2000–2001 by the respected former Senator Mitchell (who, as noted above, was named Special Envoy for Middle East Peace in 2009). The road map calls for serious efforts by the PA and by Israel to reduce violence, and it also calls for a variety of “confidence-building measures,” including the freezing of Israeli settlement activity and the reform of Palestinian political structures. In practice, neither side conscientiously implemented the road map. Israel had no interest in doing so, as evidenced by the continuing spread of settlements, and typically insisted that Palestinians reduce violence as a first condition, whereas the Palestinians were provided few political or material incentives to do so. In short, the road map went nowhere close to the stated goal of a solution by 2005.

In January 2006, the Palestinians living in the occupied West Bank and Gaza conducted elections to fill the seats of the Palestinian Legislative Council. These were the first Palestinian elections that had been held in a decade. However, they took place as the Palestinian public was experiencing growing frustration with the deteriorating economy, the absence of meaningful progress in the so-called “peace process,” and the rampant corruption of leading Palestinian groups, especially Fatah, the largest nationalist group. Abbas, the president of the PA, was also concerned with the growing strength of Hamas, and he urged U.S. diplomats to agree to postponing the elections. The Israelis also suggested postponing the elections. Nevertheless, Bush was committed to his “freedom agenda,” and he insisted that the elections go forward. To the admitted surprise of leading figures in the U.S. government, including then Secretary of State Rice, Hamas won an impressive victory in the elections.

Although Hamas has proven itself capable of pragmatism, the group has consistently refused to recognize the right of Israel to exist. It has sponsored or endorsed a number of attacks on Israeli civilians, including serious acts of terrorism, and it does not accept the agreements signed by Arafat or Abbas. The unexpected Hamas victory in 2006 presented the United States with a tough policy choice: Would it acknowledge the results of the election and try to work with Hamas, or would it attempt to ostracize Hamas and prevent it from governing until it made profound changes in its positions? While the U.S. has designated Hamas as a terrorist organization, some informed non-U.S. officials urged that Washington should permit its European allies to try to encourage incremental changes in Hamas and gradually move the group in a pragmatic direction.³⁸ Some senior U.S. officials offered President Bush similar advice. However, after a few days of wavering, the United States, with strong urging from Israel, adopted a tough stance aimed at isolating Hamas and preventing it from successfully governing, especially in Gaza where it is strongest.

38 This is discussed in a leaked UN document (“The DeSoto Report”) that details the prospects for gradually changing the Hamas position. Alvaro DeSoto, “End of Mission Report by the Under-Secretary General, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General,” 2007.

After Hamas won the January 2006 legislative council elections, Gaza was subjected to an Israeli blockade, which tightened after Hamas seized complete control of Gaza in June 2007. With backing from the United States, Israel responded to threats from Gaza with a combination of punitive sanctions and military force, which has often taken a large toll in Palestinian civilian lives. By 2007 the United States was actively involved in arming and training allied Palestinian forces under the leadership of Muhammad Dahlan, a Fatah figure who has been a consistent opponent of Hamas and a dependable American ally. In the late spring, clashes were growing in seriousness between Fatah loyalists and Hamas militants in Gaza. Then in June, Hamas struck and toppled the PA administration in Gaza. Whether an anti-Hamas initiative was imminent is debatable, but preparations were probably being made for displacing Hamas through military action.³⁹ Instead, Hamas emerged as the dominant power in Gaza.

After Hamas seized power in Gaza, Bush and Rice did attempt to regain the initiative. In the autumn of 2007, the United States sponsored a major meeting in Annapolis, Maryland, that brought together 40 different countries to help move toward a two-state solution. The meeting marked the launch of a serious effort by Rice to fulfill Bush's promise that a two-state solution would actually be reached by the end of 2008. Rice would travel to the Middle East eight times in the next year, but no agreement was reached. In addition, the domestic political situation on both sides was not especially favorable for initiating peace negotiations. The PA was weak politically. Although outgoing Israeli Prime Minister Ehud Olmert, who replaced Sharon after he suffered a stroke in 2005, accepted the necessity of a two-state solution in a remarkable personal transformation, he also was weak politically. Despite Rice's exhortations, there was little to show for her exhaustive efforts. Bush did pronounce his support on several occasions, yet her strenuous diplomatic forays were viewed in Washington and in Tel Aviv as "Condie's project" rather than the President's.

Meanwhile, clashes persisted between Israel and Hamas, which dominated Gaza and thereby underlined the weakness of the PA. Cease-fires between Hamas and Israel significantly reduced violence for extended periods in 2006 and 2008, but the cease-fires were periodically breached. Even when Hamas respected a cease-fire, as it did from June to November 2008, other Palestinian groups—including rival Islamist groups and factions within Fatah—launched weapons in violation of the cease-fire. The 2008 cease-fire was broken by Israel on November 4, according to an extensive official Israeli study. Thereafter, violence escalated: Over the course of the next month and a half, Gaza militants fired more than 300 rockets and mortars into Israel.⁴⁰

By late 2008 the Israeli government decided to crush Hamas, teach the Gazans a lesson and reassert Israel's deterrent power, which had been blemished by the failed 2006 war in Lebanon. In an apparent attempt to exploit the last days in office of a very friendly U.S. President, Israel launched a major campaign against Gaza in late December that continued until mid-January 2009, resulting in the deaths of 14 Israelis and more than 1,300 Palestinians. There is not yet any ironclad evidence to suggest that the United States urged Israel to invade Gaza, but the White House no doubt understood what Israel was planning. Deputy National Security Adviser Elliott

39 David Rose, "The Gaza Bombshell," *Vanity Fair* (April 2008).

40 Prior to the June 2008 cease-fire, an average of 380 rockets or mortars were fired into Israel per month. Intelligence and Terrorism Information Center at the Israel Intelligence Heritage & Commemoration Center, "The Six Months of the Lull Arrangement," December 2008. May be downloaded at: http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/hamas_e017.pdf

Abrams, who had earlier supported thwarted plans to topple Hamas, notes that he was routinely in contact with the Israeli ambassador in Washington as frequently as five or six times a day.⁴¹ President Bush and his Administration lent strong support to Israel, as did most European states and a number of key Arab governments, including those of Egypt and Saudi Arabia. When the fighting finally ended, days before the inauguration of President Obama, Gaza had suffered extensive structural damage and great human suffering. Usually reliable nongovernmental organizations report that up to the beginning of the 2008–2009 war in Gaza, about 3,000 Palestinians had been killed by the Israeli military, 40 percent of whom were noncombatants, including 635 minors.⁴²

In the past, Israeli efforts to reduce support for its opponents (e.g., Hezbollah in Lebanon) by causing widespread devastation have failed, but it remains to be seen if this case will be any different. Israel has suffered considerable criticism for its conduct of the Gaza war, notably in the widely discussed report of the UN Fact-Finding Mission on the Gaza Conflict⁴³ (“The Goldstone Report”). Since the war, while Hamas has consolidated its control of Gaza, it has also taken steps to significantly reduce attacks on Israel.

President Barack Obama (2009–)

Despite President Bush’s repeated statements of support for a two-state solution and for a lasting resolution of the conflict, the Arab-Israeli file that he handed over to his successor showed little evidence of progress toward this avowed goal, with the arguable exception of a significant improvement in the Palestinian security forces in the West Bank.

In marked contrast to his four most recent predecessors, President Obama came into office intent to make progress toward the resolution of the Arab-Israeli conflict. He understands that the unresolved conflict contaminates U.S. relations with many Muslim states and affords U.S. adversaries a wedge for undermining American interests in the region. This reality was bluntly stated by Saudi Foreign Minister Prince Saud al-Faisal: “Undoubtedly, the sore that festers in the Middle East, that taints every aspect of life in the Middle East, is the continuing conflict between Israel and the Palestinians.”⁴⁴ Equally important, like many of Israel’s supporters, Obama believes that resolving the conflict would be a major contribution to preserving the Jewish state. While Obama made significant progress in allaying distrust and enmity toward the United States in the Muslim world, notably through speeches in Turkey and Egypt, his early insistence that Israel freeze its continuing construction and expansion of settlements in the occupied territories was exploited by Prime Minister Netanyahu and other right-wing Israeli politicians to mobilize opposition to a two-state solution. Obama did win a minimalist embrace of the two-state solution from Netanyahu, as well as a limited 10-month moratorium (excluding East Jerusalem) on new settlement construction. Given the mutual mistrust and the political weakness of both the PA and the Israeli government, perhaps the most important lesson of Obama’s first year is that there will be little progress toward a two-state solution without a forceful role by the U.S. President.

41 *Jerusalem Post*, “One on One: ‘I was the resident skeptic’ [interview with Elliott Abrams], February 12, 2009.

42 For instance, see <http://www.btselem.org/English/index.asp>

43 Download the report from <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>

44 Douglas Jehl, “Saudi Says Bush’s Words may Soothe Arab Feelings,” *New York Times*, November 23, 2001, p. A6.

TIMELINE AND GLOSSARY OF ISRAELI-PALESTINIAN CONFLICT & PEACEMAKING

by Everett Mendelsohn

- 1947 November 29, United Nations General Assembly Resolution (UNGAR) 181 adopted** by a vote of 33–13, with 10 abstentions; calls for the partition of Palestine—56% Jewish state, 43% Arab state, 1% international zone (Jerusalem and Bethlehem, corpus separatum). Arab states reject resolution.
- 1948 May 14, Israel declares independence and establishes the State of Israel** as British mandate ends. War begins as Arab states refuse to recognize Israel.
- December 11, UNGAR 194.** Drafted as war between Arabs and Jews draws to close; deals with protection and access to holy sites, demilitarization and UN control of Jerusalem, free access to Jerusalem, return of refugees.
- 1949 Armistice agreements** between Israel and Egypt, and with Lebanon, Jordan and Syria, February–July. The truce boundary, or “Green Line,” gives Israel 78% and Arabs 22% of the original Palestine mandate. Jordan controlled the West Bank and East Jerusalem, Egypt controlled Gaza. During the course of the war ca. 750,000 Palestinian Arabs fled from areas captured by Israel.
- 1956 July 26, Suez crisis/war.** Egypt nationalizes Suez Canal, prompting Israel to join Britain and France in an attack on Egypt beginning October 24, 1956. U.S. President Dwight D. Eisenhower forced a cease-fire on former allies and took the conflict to the UN, which adopted UNGAR 1001, establishing the United Nations Emergency Force (UNEF). Britain and France rapidly withdrew in December 1956; Israel withdrew from the Sinai in March 1957. The UNEF was deployed in the Sinai Desert.
- 1964 May, Palestine Liberation Organization (PLO) founded** at a meeting in East Jerusalem, bringing together a number of Palestinian resistance groups. Its aim was to liberate the sacred homeland, Palestine. Yasir Arafat became chairman of the PLO in February 1969.

1967 June 5, ‘Six-day’ war. Israel launches a preemptive attack against Egypt after the Egyptians expelled the UNEF from the Sinai and moved forces to the Israeli border. Jordan and Egypt joined the war, attacking Israeli forces in Jerusalem and the West Bank. Syria joined, shelling northern Galilee from its positions on the Golan Heights. At the war’s end, after less than a week, Israel had captured positions on the northern Sinai, the whole of the Gaza strip, the West Bank and the Golan Heights.

June 27, Jerusalem boundaries extended by Israel to include Arab East Jerusalem and Arab villages to the north near Ramallah, east to include Mt. Scopus and south toward Bethlehem. Israeli settlers moved into these areas. Following the war, the Israeli government also approved establishing the settlements Kfar Etzion, near Bethlehem, and Kiryat Arba, near Hebron.

August 29–September 1, “Three Noes of Khartoum.” The Arab Summit Conference in Sudan, in response to the Israeli military victories, adopts a resolution which includes the following: no peace with Israel, no recognition of Israel and no negotiation with Israel.

November 22, UN Security Council Resolution (UNSCR) 242 calls for “the establishment of a joint and lasting peace in the Middle East,” which would include Israeli withdrawal from territories occupied in the recent conflict, the termination of all claims or states of belligerency and the respect for the right of every state to live in peace within secure and recognized borders. (Contest over the exact meaning of some of the terms persists to the present day. Israeli occupation of all the territory except for the northern Sinai also continues to the present.)

1973 October, Yom Kippur war/Ramadan war/October war. The result of Egypt and Syria attacking Israeli forces in the Sinai, crossing the Suez Canal and the Golan Heights, respectively. UNSCR 338, passes unanimously October 22, 1973, calling for a cease-fire and an immediate return to “the implementation of UNSCR 242 (1967) in all of its parts” and a resumption of negotiations. At the war’s end, Israel made minor territorial gains on the Sinai front, and larger ones on the Golan Heights.

1977 November 19, Egyptian President Anwar Sadat journeys to Jerusalem and at the Knesset (Israeli parliament) proclaimed: “I have come to you so that together we might build a durable peace,” adding that “the cause of the Palestinian people and their legitimate rights are no longer ignored or denied today by anybody.”

1978 September, Camp David accords, the first steps toward the peace treaty

between Egypt and Israel later signed at the White House by Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin and witnessed by key mediator U.S. President Jimmy Carter in March 1979. The first step in the accords called for negotiations to establish a Palestinian self-governing authority in Gaza and the West Bank and to fully implement UNSCR 242. The future of Jerusalem was left out of this agreement. This initial section was less conclusive than the second of the accords, which delineated Egyptian-Israeli issues to be set out in the peace treaty that was to be negotiated within six months. Israel completely withdrew from the Sinai. An international peacekeeping force was established in the Sinai (multinational force and observers). Normalization of relations between Israel and Egypt began in January 1980, including the exchange of ambassadors and the development of trade and airline flights. Due to the disapproval of other Arab states, Egypt was suspended from the Arab League for 10 years and the league's headquarters moved from Cairo. Both Egypt and Israel received additional financial aid from the United States. Several hundred Israeli settlers in northern Sinai were forcibly removed.

1980 July 30, Jerusalem Law adopted by the Knesset. It declares, "Jerusalem, complete and united, is the capital of Israel." UNSCR 478 (nonbinding, August 20, 1980) called on Israel to rescind the law. The vote was 14 to 0; the United States abstained.

1981 December 14, Golan Heights annexed by Israel.

1982 June 6, Israel invades Lebanon and forces the PLO to leave Beirut and relocate to Tunis.

September 1, Reagan peace initiative proposing Israeli withdrawal from the occupied territories; the Palestinians were to be represented by Jordan, not the PLO.

September 9, Fez Twelfth Arab Summit Conference (Fez plan) calls for Israeli withdrawal from all Arab lands, including Arab Jerusalem, the dismantling of settlements and the recognition of the PLO as the "sole and legitimate representative" of the Palestinian people.

1987 December 9, Palestinian intifada (uprising) begins in Gaza and spreads through the West Bank and East Jerusalem; it lasts until 1993 and the signing of the Oslo accords.

1988 December 14, PLO accepts UNSCR 242 in a speech by Yasir Arafat to the UN General Assembly in Geneva; he promised recognition of Israel in its 1967 borders and renounced terrorism. This followed the November 1988 meeting of

the Palestinian National Congress where an independent Arab state of Palestine was declared.

1991 October 30–November 1, Madrid peace conference (following the first Iraq war) brings Israel into direct negotiations with Syria, Lebanon, Jordan and a Palestinian delegation (not officially represented by the PLO). The United States and Russia serve as hosts. Bilateral and multilateral negotiations continue through 1992.

1993 January, Oslo accords develop during secret talks initially held between unofficial Israeli academics and PLO figures in Oslo, Norway. Early in the meetings the Israeli government joined in what became the first important Israeli-Palestinian negotiations.

September 13, Declaration of Principles on Interim Self-Government Arrangements (Oslo accords), signed by Yasir Arafat, head of the PLO, and Yitzhak Rabin, prime minister of Israel.

- Israeli forces were to withdraw from the West Bank and Gaza; the Palestinian Authority would be established and have responsibility for self-government.
- The West Bank and Gaza would be divided into three zones: Area A, full Palestinian control; Area B, Palestinian civil control, Israeli security control; Area C, full Israeli control, military and civil, over Palestinians.
- A five-year interim period was designated during which a permanent agreement covering Israeli settlements, final borders, Palestinian refugees and Jerusalem was to be negotiated.
- In an exchange of letters of mutual recognition, the Israeli government recognized the PLO as the legitimate representative of the Palestinian people and the PLO recognized the State of Israel and its right to exist and renounced terrorism and its desire to destroy Israel.
- The Palestinians were to hold elections for a council that would have jurisdiction over the West Bank and Gaza and responsibility for health, education, culture, social welfare, tourism and taxation matters.
- Israeli military forces would withdraw from the West Bank and Gaza but Israel would maintain responsibility for external security and the internal security and public order of settlements and Israelis. Israeli military forces and civilians would continue to use roads freely.

1994 May 4, Palestinian Authority (PA) formally established by Gaza-Jericho Agreement (Cairo agreement); limited to Gaza and Jericho.

- July 1, Arafat returns to Gaza;** elected president of the PA in January 1996 in first full popular elections in Palestine.
- October 15, Nobel Peace Prize awarded to Yitzhak Rabin, Shimon Peres and Yasir Arafat** “for their efforts to create peace in the Middle East.”
- 1995 September 28, Oslo II, Interim Agreement on the West Bank and Gaza Strip,** extends Palestinian authority from Gaza and Jericho to most remaining major cities and to some 450 towns and villages of the West Bank. An additional nine other agreements between the Israelis and Palestinians were signed between 1993 and 1999.
- November 4, Yitzhak Rabin assassinated** by a right-wing Orthodox Israeli for his part in the Oslo agreement.
- 1997 January 17, Hebron Protocol,** signed by Israel and the PA, divides Hebron between 80% Palestinian rule and 20% Israeli rule, to protect the several hundred settlers who had moved there.
- 1998 October 23, Wye River Memorandum,** signed by Israel and the PA, delineates further Israeli redeployment from the West Bank; also requires changes to clauses in the Palestine National Charter offensive to Israel. Implementation stalled as Israel entered new elections and was further suspended following the new (al-Aqsa) intifada in September 2000.
- 1999 September 4, Sharm el-Sheikh Memorandum** on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations signed by newly elected Israeli Prime Minister Ehud Barak and Yasir Arafat. It was an effort to break the stalemate in Israel-PA negotiations.
- 2000 July 11, Camp David II peace summit convenes after an invitation from President Clinton** to PA Chairman Arafat and Israeli Prime Minister Barak. The summit ended on July 25, 2000, without an agreement. The focus was to be on final-status issues: refugees, Jerusalem, final borders, settlements and security.

Borders

- The Palestinians wanted return of all the lands captured in the 1967 war, indicating they would consider a one-to-one exchange of territories.
- Israel offered to initially return 73% of the land and after 10 to 25 years expand this to a total of 90%–91% of the land, excluding greater Jerusalem.

Jerusalem

- The Palestinians wanted the return of all of East Jerusalem, with the Jewish Quarter and the Western Wall placed under Israeli authority (not sovereignty). They insisted on full Palestinian sovereignty over East Jerusalem Muslim holy sites, especially the al-Aqsa Mosque on the Temple Mount/Haram al-Sharif. They wanted an open city with shared services.
- The Israelis proposed annexing to Israel the newly established Jewish neighborhoods in “greater Jerusalem,” which lay outside the 1967 borders; in exchange they would turn over to the Palestinians several villages and small cities that it had annexed in 1967.

Refugees/Right of Return

- The Israelis rejected any return of Palestinian refugees to Israel proper, claiming that such a shift in the demographic balance would undermine the Jewish character of the state. Israel rejected its responsibility for the refugee problem, but did propose that a limited number of refugees be allowed into Israel on a humanitarian basis or for family reunification. The bulk of the refugees, the Israelis proposed, should be permanently settled where they were currently living, be brought to the new Palestinian state or resettled in third-party countries; international funds would be sought to cover the costs.
- The Palestinians held firm to their claim of full implementation of the right of return; that all refugees should be given the option to return to their original homes with their property restored or to accept compensation in its place.

Security

- Israel wanted to install early warning stations within the Palestinian state; to have control of Palestinian airspace and to have the right to redeploy Israeli forces into Palestine in an emergency.
- An international force was to be stationed in the Jordan Valley, and Palestine was to be demilitarized.

September 28, Ariel Sharon, Israeli opposition leader, visits the Temple Mount accompanied by hundreds of security personnel, which appears to trigger large Palestinian demonstrations that turned into the second, or **al-Aqsa, intifada**.

December 23, ‘**Clinton parameters**’ for Israeli-Palestinian peace are President Clinton’s “summary” of what he believed the Israelis and Palestinians could adopt as the basis for a peace agreement in light of the July Camp David negotiations; they were delivered in person at the White House to delegates from Israel and the PA.

Borders/Territory

- 94% to 96% of the West Bank should be part of the Palestinian state.
- Land annexed by Israel should be compensated by a land swap of 1% to 3%, in addition to a safe passage corridor between Gaza and the West Bank.
- Criteria for land
 - 80% of settlers clustered in blocks,
 - contiguity of Palestinian territory,
 - minimize annexed areas,
 - minimize number of Palestinians affected.

Jerusalem

- Arab areas Palestinian, Jewish areas Israeli; this would apply to the Old City; develop maps for maximum contiguity for both.
- Haram al-Sharif/Temple Mount: two possible formulations, both would require international monitoring:
 - a. Palestinian sovereignty over the Haram al-Sharif.
 - Israel sovereignty over Western Wall and Holy of Holies.
 - No excavation beneath the Haram al-Sharif or behind the Western Wall.
 - b. Palestinian sovereignty over the Haram al-Sharif and Israeli sovereignty over the Western Wall.
 - Shared functional sovereignty over excavation—under the Haram al-Sharif and behind the Western Wall—with mutual consent required before any excavations can take place.

Refugees

- Israel prepared to acknowledge the moral and material sufferings of the Palestinians as a result of the 1948 war and the need to assist the international community in addressing the problem.
- An international commission should be established to implement all aspects that flow from an agreement: compensation, resettlement, rehabilitation, etc.
- The United States is prepared to lead an international effort to help the refugees.
- Problem: How to handle the concept of the right of return. It will be hard for the Palestinians to appear to be abandoning the principle.
- Israel could not accept any reference to a right of return that would imply a right to immigrate to Israel in defiance of Israel's sovereign policies and threaten the Jewish character of the state.
- Both needs must be addressed.
- Solution must be consistent with the two-state approach that is accepted by both sides as the way to end the conflict: the state of Palestine is homeland for the Palestinian people and the state of Israel is homeland of the Jewish people.

- With two-state solution, Palestine should be the focal point for Palestinians who wish to return to the region without ruling out that Israel will accept some of the refugees.
- Therefore there is a need to adopt a formulation that will make clear there is no specific right of return to Israel itself but that does not negate the aspirations of the Palestinian people to return to the area.
- Two alternatives:
 1. both sides recognize the right of Palestinian refugees to return to historic Palestine, or,
 2. both sides recognize the right of Palestinian refugees to return to their homeland.
- Therefore there are five possible homes for the refugees:
 1. state of Palestine,
 2. areas being transferred from Israel to Palestine in a land swap,
 3. rehabilitation in a host country,
 4. resettlement in a third country,
 5. admission to Israel.(Possibilities 3 and 4 depend on policies of those countries.)

- Israel could indicate it would establish a policy so that some refugees could be absorbed into Israel consistent with Israel's sovereign decision.
- Priority should be given to the refugee population in Lebanon.
- Parties would agree that this implements UNGAR 194.

Security

- An international presence that can only be withdrawn by mutual consent, whose responsibilities would include monitoring implementation.
- Israeli presence in Jordan Valley for minimum of 36 months.
- Three Israeli early warning stations in West Bank, with a Palestinian liaison; subject to review every 10 years.
- Emergency developments:
 - “imminent and demonstrable threat” of a military nature that requires a national state of emergency; international forces would need to be notified.
- Airspace: Palestinian state would have sovereignty; two sides to work out special arrangements for Israeli training and operational needs.
- A “nonmilitarized” state of Palestine as a compromise between the two positions: “demilitarized” (Israel's proposal); “state with limited arms” (Palestinian proposal); Palestine will have a strong Palestinian security force and an international force for border security and deterrent purposes.

End of Conflict

- This agreement would clearly mark the end of the conflict with a new UN

Security Council Resolution noting that UNSCR 242 and 338 have been implemented.

N.B. No written text was presented but Clinton's aides reviewed the notes taken by both sides for accuracy. The notes above are derived from the version published in *Haaretz*, the Israeli newspaper, as presented by the Palestinian-based Jerusalem Media and Communication Center version.

2001 January 21–27, Taba talks, follow-up of talks begun in Washington, D.C., under guidance of President Clinton, convened at a resort on the Sinai peninsula, Egypt. The negotiations terminated when Prime Minister Barak recalled the Israeli delegation during the final days of the Israeli election campaign. The talks ended without an agreement, but the concluding joint Israeli-Palestinian statement (January 27, 2001) noted that the “talks were unprecedented in their positive atmosphere and expression of mutual willingness to meet the national, security and existential needs of each side.”... “The sides declare that they have never been closer to reaching an agreement and it is thus our shared belief that the remaining gaps could be bridged with the resumption of negotiations following the Israeli elections.” No official report of the negotiations was published by the two sides, but the official European Union (EU) observer, Miguel Moratinos, presented a detailed report (nonpaper) of his discussions with the participants. Both sides acknowledged the accuracy of his report. This report is the fullest account of what the official Israeli and Palestinian negotiations had achieved.

January 27, The Moratinos report (nonpaper), drawn up by EU Special Representative to the Middle East Process, Ambassador Miguel Moratinos, who was present on the fringes of the talks held at Taba.

Territory

Both sides agreed that in accordance with UNSCR 242, the June 4, 1967, lines would be the basis for the borders between Israel and the state of Palestine.

- West Bank—both sides presented their own maps. Israelis stated Clinton proposals allowed annexation of settlement blocs. Palestinians did not agree; annexation would be harmful to Palestinian interests and rights, particularly for residents in the proposed areas for annexation.
- Settlements—all Israeli settlements to be evacuated; Gaza under Palestinian sovereignty; a safe passage linking Gaza to West Bank would territorially link the two.
- Jerusalem—both sides accepted Clinton principle of Palestinian sovereignty over Arab neighborhoods of East Jerusalem including parts of the Old City and Israeli sovereignty over Jewish neighborhoods, including the Jewish Quarter of the Old City, and parts of the Armenian Quarter. Jerusalem

would be the capital of the two states—Yerushalaim and Al-Quds; both sides favored an open city with “soft borders” between the two sectors. The holy sites—Western Wall and the Haram al-Sharif/Temple Mount—were still to be resolved.

Refugees

Both parties agree that a just settlement of the refugee problem should be in accordance with UNSCR 242 leading to implementation of UNGAR 194. Israel said its understanding was that the wish to return would be implemented in one of the following frameworks.

A. Return and repatriation:

1. to Israel in limited numbers,
2. to Israeli-swapped territory,
3. to the Palestinian state.

B. Rehabilitation and relocation:

1. rehabilitation in host country,
2. relocation to a third country.

Both sides agreed the United Nations Works and Refugee Agency should be phased out over five years. Israel requested that the issue of compensation for former Jewish refugees from Arab countries be recognized while accepting this was not a Palestinian responsibility or a bilateral issue.

Security

Israel requested to have three early warning stations on Palestinian territory. Palestinian side agreed but subject to certain conditions.

Military Capability of Palestinian State

- Israel maintained Palestine would be nonmilitarized as in Clinton proposals. Palestinians agreed to accept limitations on acquisition of arms and to be defined as a state with limited arms.
- Both agreed on Palestinian sovereignty over air space. Israel agreed to accept and honor all Palestinian civil aviation flights according to international regulations, but sought a unified air control system under overriding Israeli control. Israel requested access to Palestinian air space for military operations and training. Palestinians interested in models of cooperation and coordination but rejected overriding control by Israel. Palestinians rejected Israeli military operations and training in Palestinian airspace and could not grant these privileges to Israel while denying them to its Arab neighbors.
- Israel agreed to withdrawal from the West Bank over 36 months but wanted an additional 36 months for withdrawing from the Jordan Valley in conjunction with the introduction of an international force. Palestinians

rejected the 36-month West Bank withdrawal timetable, concerned that a lengthy process would increase Israeli-Palestinian tensions.

- Israel requested to maintain and operate five emergency locations in the Palestinian Jordan Valley; the Palestinians wanted a limit of two, with a time limit for dismantling them. The Palestinians wanted these emergency locations to be internationally run, not run by the Israelis.
- The Palestinians rejected deployment of Israeli armed forces on Palestinian territory during emergencies, but agreed to consider a role for international forces in the context of regional security cooperation efforts.
- Both sides were prepared to commit themselves to promoting security cooperation and fighting terrorism.
- Palestinians were confident that their sovereignty over borders and international crossing points would be recognized; Israel was less certain, raising questions of monitoring and verification.

February 6, Ehud Barak (Labor party) loses the election for prime minister and Ariel Sharon (Likud) becomes the new Israeli prime minister.

April 30, Mitchell Report: Report of the Sharm el-Sheik Fact-Finding Committee, established by President Clinton and chaired by former Senate Majority Leader George Mitchell (D-ME) after the failure of the July 2000 Camp David negotiations and the outbreak of violence. The report hoped to restart the peace negotiations. The committee called for action in three phases: (1) an immediate cessation of all violence; (2) rebuilding confidence, with the PA making a full-scale effort to prevent terrorism and Israel freezing settlement activity, together with other measures; and (3) resumption of negotiations.

June 13, Tenet cease-fire plan, proposed by George Tenet, director of the U.S. Central Intelligence Agency, it was intended to stop the violence of the second intifada by getting the security organizations of Israel and the PA to strengthen their commitments to the agreements embedded in the Mitchell Report of April 2001. It was a very detailed plan, outlining specific steps each side would take in resuming security cooperation: immediate measures to enforce strict adherence to the declared cease-fire and to stabilize the security environments; Palestinian and Israeli security officers will provide each other and designated U.S. officials information on terrorist threats, including information on suspected terrorist operators in areas under the other's control; each party will move aggressively to prevent individuals and groups from using areas under their respective control to carry out acts of violence—areas under their control will not be used as launch sites or refuges; they will forge—within one week of commencement of security committee meetings and resumption of security cooperation—an agreed-upon schedule to implement the complete redeployment of Israeli forces to positions held before September 28, 2000; within the one week, a specific

timeline will be developed for lifting of internal closures as well as for the reopening of internal roads, the Allenby Bridge, Gaza Airport, the Port of Gaza and border crossings, and security checkpoints will be minimized according to legitimate security requirements, following consultation between the two sides.

December 2001–April 2002, PA President Yasir Arafat put under house arrest in Ramallah by Israel. House arrest reimposed in June by Israeli forces.

Israel reoccupies most West Bank cities, during the spring and early summer, 2002.

2002 March 26, General Anthony Zinni, U.S. special envoy to the Middle East, proposes a cease-fire plan aimed at establishing a mechanism for implementing the cease-fire plan initiated by CIA director, George Tenet, a year earlier. A Trilateral Security Committee, Israel, the PA and the United States were to oversee the implementation of the various steps.

March 28, Saudi-Arab League peace plan (Arab League Beirut Declaration), adopted by all 22 members of the Arab League and PA President Yasir Arafat at the Beirut Arab League Summit after being prepared by Saudi Crown Prince Abdullah (now king). It was reendorsed at the Riyadh summit, March 28–29, 2007, including by PA President Mahmoud Abbas.

The plan noted the “conviction of the Arab countries that a military solution to the conflict will not achieve peace or provide security for the parties”; and “requests Israel to reconsider its policies and declare that a just peace is its strategic option as well.”

The plan called for:

- “withdrawal from all the territories occupied since 1967, including the Syrian Golan Heights, to the June 4, 1967 lines as well as the remaining occupied Lebanese territories in the south”;
- “achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194”;
- “acceptance of the establishment of a sovereign independent Palestinian state on the Palestinian territories occupied since June 4, 1967 in the West Bank and Gaza Strip, with East Jerusalem as its capital.”

In return the Arab states will:

- “consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all states in the region”;
- “establish normal relations with Israel in the context of this comprehensive peace.”

They called on “the government of Israel and all Israelis to accept this initiative in order to safeguard the prospects for peace and stop the further shedding of blood, enabling the Arab countries and Israel to live in peace and good neighborliness and provide future generations with security, stability and prosperity.”

June 24, President George W. Bush for the first time proposes an independent Palestinian state, living side by side with Israel in peace and security. In his Rose Garden speech, a number of conditions were noted: election of new Palestinian leaders not compromised by terror; building a democracy, a new constitution, a parliament chosen in multiparty elections; economic reform, etc.

July 27, Nusseibeh-Ayalon principles, entitled *The People’s Voice*, an informal document drafted by Sari Nusseibeh, president, Al-Quds University, and Ami Ayalon, Maj. General (res.) and former head of Shin Bet (Israeli security services), widely circulated in Israel and Palestinian territories. The proposal:

- **Recognized right** of both Israel and Palestine to exist: “two states for two peoples”;
- **Permanent borders** based on June 4, 1967, lines, UN resolutions and Saudi-Arab League proposal;
- **Palestinian state** will have a connection between the West Bank and Gaza;
- **Border modifications** based on agreed-upon territorial exchange (1:1);
- After borders established, **no Israeli settlers will remain** in the Palestinian state;
- **Jerusalem** established as an open city, the capital of two states; freedom of religion and full access to holy sites guaranteed for all;
- **Refugee** suffering and plight of Palestinians recognized; the international community, Israel and the Palestinian state will initiate and contribute to an international fund to compensate them;
- **Palestinian refugees** will return only to the State of Palestine, Jews will return only to the State of Israel; international compensation for those refugees willing to remain in their country of residence or who wish to migrate to third-party countries;
- Palestinian state will be **demilitarized**; the international community will guarantee its security and independence;
- **End of conflict**: upon full implementation of these principles, all claims on both sides and the Israeli-Palestinian conflict will end.

2003 April 30, A Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, advanced by the United States, the

EU, Russia and the UN (the Quartet). Three phases were outlined:

Phase I (Immediate): End to Palestinian violence; normalize Palestinian life and introduce political reform; Israel to freeze all settlement expansion and withdraw from occupied territories, dismantle outposts; Israel and Palestine recognize the right of each other to exist in two states, side by side.

Phase II (June–December 2003): International conference to support Palestinian economic growth and recovery; begin process of establishing an independent Palestinian state within provisional borders; revive multilateral efforts on required water resources, environment, refugees, arms control, economic development; Arab states restore pre-intifada relations/links with Israel.

Phase III (2004–2005): A second international conference; permanent status agreement and end of Israeli-Palestinian conflict; Quartet meets to resolve issues of borders, Jerusalem, refugees and settlements. Arab states agree to peace with Israel.

December 1, Geneva Accord/Initiative, launched in Geneva, Switzerland, was developed by an informal group of former Israeli and Palestinian officials, politicians, diplomats and security personnel, many of whom had been involved in previous negotiations. The text, produced after a series of meetings over two years, was drafted to represent a treaty between the two sides, dealing in detail with borders, security, Jerusalem, refugees—the permanent status issues.

Borders

Starting with the June 4, 1967, borders, adjustments may be made for Israeli security needs, and settlements close to the borders containing 70-80% of settlers; e.g., Givat Zeev and Maale Adumim. In return Palestinians would gain comparable Israeli territory on a 1:1 basis; both sides worked out maps of proposed trades. Palestine would get approximately 98.5% of the occupied territories. Most of the settlements would be dismantled.

Jerusalem

Would be divided, those areas predominately inhabited by Palestinians would become part of Palestine, predominately Jewish sections remain part of Israel. It would be the capital of two states. The Haram-al-Sharif/Temple Mount would be under Palestinian sovereignty; the Western Wall under Israeli sovereignty. There would be international monitoring of archeological digs under the Haram.

Refugees

Will have several options: right of return to the new Palestinian state; remain in their host countries with compensation and restitution; a severely limited

return to Israel if they had homes there, about 40,000 per year for several years, with Israel having right to decide who can return. The return would not be seen as a “right” but rather as a humanitarian gesture. An international fund would be created, to which Israel would contribute, to compensate those who do not return.

Security

Palestine would be a “nonmilitarized state,” with a strong security force; a multinational force would provide security guarantees and act as a deterrent and would be deployed in the Palestinian state.

The agreement represents “the settlement of the Israeli-Palestinian conflict in all its aspects,” and “paves the way to the reconciliation between the Arab World and Israel,” leading to normal, peaceful relations.

2005 January 9, Mahmoud Abbas elected president of the PA.

September 12, Israel unilaterally withdraws from Gaza. Last troops leave. No negotiated agreement with the PA.

November, Kadima (party) founded, led by Ariel Sharon after his break with Likud. Joined by Shimon Peres who resigned from Labor after his rejection as party head.

2006 January 25, Hamas wins Palestinian Legislative Council elections, with 44.4% to Fatah’s 41.4% of the vote, gaining 74 out of a total 132 council seats; Fatah won 45 seats, the remainder were won by small parties and independents.

March 18, Hamas forms government without moderates; Ismail Haniyeh designated PA prime minister.

2007 March 18, Hamas-Fatah unity government formed following the Mecca Agreement, brokered by Saudi Arabia, which stopped short of explicitly recognizing Israel. By June, the unity government had failed and Hamas seized control of Gaza, routing PA security forces.

November 27, Annapolis Middle East peace conference included President George W. Bush, PA President Mahmoud Abbas, Israeli Prime Minister Ehud Olmert; representatives from some 40 states participated. All the core issues of the Israeli-Palestinian conflict—borders, security, settlements, Jerusalem and

refugee right of return—were on the agenda. Just prior to the opening of the conference, at the urging of President Bush, the Israelis and the Palestinians issued a joint statement in which for the first time both sides endorsed as a final outcome, the two-state solution: “In furtherance of the goal of two states, Israel and Palestine, living side by side in peace and security, we agree to immediately launch good-faith bilateral negotiations in order to conclude a peace treaty resolving all outstanding issues, including all core issues without exception, as specified in previous agreements.” The parties committed themselves to implement the “road map” of April 30, 2003, and to achieve their goals by the end of 2008. The Israelis and Palestinians held numerous bilateral negotiating sessions throughout 2008 but reached no final agreement.

2008 June, Six-month hudna (truce) in Gaza, brokered by Egypt, reduced tensions on the Gaza-Israel border and greatly reduced rocket firing from Gaza and counterattacks by Israel. The hudna collapsed in December.

December 27, Israel launches major attack on Gaza, including air assaults and ground invasion; it ended after three weeks, with tens of thousands homeless, over 1,100 Palestinians dead and 13 Israeli deaths. Israel and the Hamas forces in Gaza each unilaterally introduced a cease-fire in Gaza, January 18, 2009.