

The Great Middle East Peace Process Scam

Henry Siegman

When Ehud Olmert and George W. Bush met at the White House in June, they concluded that Hamas's violent ousting of Fatah from Gaza – which brought down the Palestinian national unity government brokered by the Saudis in Mecca in March – had presented the world with a new 'window of opportunity'.[*] (Never has a failed peace process enjoyed so many windows of opportunity.) Hamas's isolation in Gaza, Olmert and Bush agreed, would allow them to grant generous concessions to the Palestinian president, Mahmoud Abbas, giving him the credibility he needed with the Palestinian people in order to prevail over Hamas.

Both Bush and Olmert have spoken endlessly of their commitment to a two-state solution to the Israel-Palestine conflict, but it is their determination to bring down Hamas rather than to build up a Palestinian state that animates their new-found enthusiasm for making Abbas look good. That is why their expectation that Hamas will be defeated is illusory. Palestinian moderates will never prevail over those considered extremists, since what defines moderation for Olmert is Palestinian acquiescence in Israel's dismemberment of Palestinian territory. In the end, what Olmert and his government are prepared to offer Palestinians will be rejected by Abbas no less than by Hamas, and will only confirm to Palestinians the futility of Abbas's moderation and justify its rejection by Hamas. Equally illusory are Bush's expectations of what will be achieved by the conference he recently announced would be held in the autumn (it has now been downgraded to a 'meeting'). In his view, all previous peace initiatives have failed largely, if not exclusively, because Palestinians were not ready for a state of their own. The meeting will therefore focus narrowly on Palestinian institution-building and reform, under the tutelage of Tony Blair, the Quartet's newly appointed envoy.

In fact, all previous peace initiatives have got nowhere for a reason that neither Bush nor the EU has had the political courage to acknowledge. That reason is the consensus reached long ago by Israel's decision-making elites that Israel will never allow the emergence of a Palestinian state which denies it effective military and economic control of the West Bank. To be sure, Israel would allow – indeed, it would insist on – the creation of a number of isolated enclaves that Palestinians could call a state, but only in order to prevent the creation of a binational state in which Palestinians would be the majority.

The Middle East peace process may well be the most spectacular deception in modern diplomatic history. Since the failed Camp David summit of 2000, and actually well before it, Israel's interest in a peace process – other than for the purpose of obtaining Palestinian and international acceptance of the status quo – has been a fiction that has served primarily to provide cover for its systematic confiscation of Palestinian land and an occupation whose goal, according to the former IDF chief of staff Moshe Ya'alon, is 'to sear deep into the consciousness of Palestinians that they are a defeated people'. In his reluctant embrace of the Oslo Accords, and his distaste for the settlers, Yitzhak Rabin may have been the exception to this, but even he did not entertain a return of Palestinian territory beyond the so-called Allon Plan, which allowed Israel to retain the Jordan Valley and other parts of the West Bank.

Anyone familiar with Israel's relentless confiscations of Palestinian territory – based on a plan devised, overseen and implemented by Ariel Sharon – knows that the objective of its settlement enterprise in the West Bank has been largely achieved. Gaza, the evacuation of whose settlements was so naively hailed by the international community as the heroic achievement of a man newly committed to an honourable peace with the Palestinians, was intended to serve as the first in a series of Palestinian bantustans. Gaza's situation shows us what these bantustans will look like if their residents do not behave as Israel wants.

Israel's disingenuous commitment to a peace process and a two-state solution is precisely what has made possible its open-ended occupation and dismemberment of Palestinian territory. And the Quartet – with the EU, the UN secretary general and Russia obediently following Washington's lead – has collaborated with and provided cover for this deception by accepting Israel's claim that it has been unable to find a deserving Palestinian peace partner.

Just one year after the 1967 war, Moshe Dayan, a former IDF chief of staff who at the time was minister of defence, described his plan for the future as 'the current reality in the territories'. 'The plan,' he said, 'is being implemented in actual fact. What exists today must remain as a permanent arrangement in the West Bank.' Ten years later, at a conference in Tel Aviv, Dayan said: 'The question is not "What is the solution?" but "How do we live without a solution?"' Geoffrey Aronson, who has monitored the settlement enterprise from its beginnings, summarises the situation as follows:

Living without a solution, then as now, was understood by Israel as the key to maximising the benefits of conquest while minimising the burdens and dangers of retreat or formal annexation. This commitment to the status quo, however, disguised a programme of expansion that generations of Israeli leaders supported as enabling, through Israeli settlement, the dynamic transformation of the territories and the expansion of effective Israeli sovereignty to the Jordan River.

In an interview in *Ha'aretz* in 2004, Dov Weissglas, chef de cabinet to the then prime minister, Ariel Sharon, described the strategic goal of Sharon's diplomacy as being to secure the support of the White House and Congress for Israeli measures that would place the peace process and Palestinian statehood in 'formaldehyde'. It is a fiendishly appropriate metaphor: formaldehyde uniquely prevents the deterioration of dead bodies, and sometimes creates the illusion that they are still alive. Weissglas explains that the purpose of Sharon's unilateral withdrawal from Gaza, and the dismantling of several isolated settlements in the West Bank, was to gain US acceptance of Israel's unilateralism, not to set a precedent for an eventual withdrawal from the West Bank. The limited withdrawals were intended to provide Israel with the political room to deepen and widen its presence in the West Bank, and that is what they achieved. In a letter to Sharon, Bush wrote: 'In light of new realities on the ground, including already existing major Israeli population centres, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949.'

In a recent interview in *Ha'aretz*, James Wolfensohn, who was the Quartet's representative at the time of the Gaza disengagement, said that Israel and the US had systematically undermined the agreement he helped forge in 2005 between Israel and the Palestinian Authority, and had instead turned Gaza into a vast prison. The official behind

this, he told *Ha'aretz*, was Elliott Abrams, the deputy national security adviser. 'Every aspect' of the agreement Wolfensohn had brokered 'was abrogated'.

Another recent interview in *Ha'aretz*, with Haggai Alon, who was a senior adviser to Amir Peretz at the Ministry of Defence, is even more revealing. Alon accuses the IDF (whose most senior officers increasingly are themselves settlers) of working clandestinely to further the settlers' interests. The IDF, Alon says, ignores the Supreme Court's instructions about the path the so-called security fence should follow, instead 'setting a route that will not enable the establishment of a Palestinian state'. Alon told *Ha'aretz* that when in 2005 politicians signed an agreement with the Palestinians to ease restrictions on Palestinians travelling in the territories (part of the deal that Wolfensohn had worked on), the IDF eased them for settlers instead. For Palestinians, the number of checkpoints doubled. According to Alon, the IDF is 'carrying out an apartheid policy' that is emptying Hebron of Arabs and Judaising (his term) the Jordan Valley, while it co-operates openly with the settlers in an attempt to make a two-state solution impossible.

A new UN map of the West Bank, produced by the Office for the Co-ordination of Humanitarian Affairs, gives a comprehensive picture of the situation. Israeli civilian and military infrastructure has rendered 40 per cent of the territory off limits to Palestinians. The rest of the territory, including major population centres such as Nablus and Jericho, is split into enclaves; movement between them is restricted by 450 roadblocks and 70 manned checkpoints. The UN found that what remains is an area very similar to that set aside for the Palestinian population in Israeli security proposals in the aftermath of the 1967 war. It also found that changes now underway to the infrastructure of the territories – including a network of highways that bypass and isolate Palestinian towns – would serve to formalise the de facto cantonisation of the West Bank.

These are the realities on the ground that the uninformed and/or cynical blather in Jerusalem, Washington and Brussels – about waiting for Palestinians to reform their institutions, democratise their culture, dismantle the 'infrastructures of terror' and halt all violence and incitement before peace negotiations can begin – seeks to drown out. Given the vast power imbalance between Israel and the Palestinians – not to mention the vast preponderance of diplomatic support enjoyed by Israel from precisely those countries that one would have expected to compensate diplomatically for the military imbalance – nothing will change for the better without the US, the EU and other international actors finally facing up to what have long been the fundamental impediments to peace.

These impediments include the assumption, implicit in Israel's occupation policy, that if no peace agreement is reached, the 'default setting' of UN Security Council Resolution 242 is the indefinite continuation of Israel's occupation. If this reading were true, the resolution would actually be inviting an occupying power that wishes to retain its adversary's territory to do so simply by means of avoiding peace talks – which is exactly what Israel has been doing. In fact, the introductory statement to Resolution 242 declares that territory cannot be acquired by war, implying that if the parties cannot reach agreement, the occupier must withdraw to the status quo ante: that, logically, is 242's default setting. Had there been a sincere intention on Israel's part to withdraw from the territories, surely forty years should have been more than enough time in which to reach an agreement.

Israel's contention has long been that since no Palestinian state existed before the 1967 war, there is no recognised border to which Israel can withdraw, because the pre-1967 border was merely an armistice line. Moreover, since Resolution 242 calls for a 'just and lasting peace' that will allow 'every state in the area [to] live in security', Israel holds that it must be allowed to change the armistice line, either bilaterally or unilaterally, to make it secure before it ends the occupation. This is a specious argument for many reasons, but principally because UN General Assembly Partition Resolution 181 of 1947, which established the Jewish state's international legitimacy, also recognised the remaining Palestinian territory outside the new state's borders as the equally legitimate patrimony of Palestine's Arab population on which they were entitled to establish their own state, and it mapped the borders of that territory with great precision. Resolution 181's affirmation of the right of Palestine's Arab population to national self-determination was based on normative law and the democratic principles that grant statehood to the majority population. (At the time, Arabs constituted two-thirds of the population in Palestine.) This right does not evaporate because of delays in its implementation.

In the course of a war launched by Arab countries that sought to prevent the implementation of the UN partition resolution, Israel enlarged its territory by 50 per cent. If it is illegal to acquire territory as a result of war, then the question now cannot conceivably be how much additional Palestinian territory Israel may confiscate, but rather how much of the territory it acquired in the course of the war of 1948 it is allowed to retain. At the very least, if 'adjustments' are to be made to the 1949 armistice line, these should be made on Israel's side of that line, not the Palestinians'.

Clearly, the obstacle to resolving the Israel-Palestine conflict has not been a dearth of peace initiatives or peace envoys. Nor has it been the violence to which Palestinians have resorted in their struggle to rid themselves of Israel's occupation, even when that violence has despicably targeted Israel's civilian population. It is not to sanction the murder of civilians to observe that such violence occurs, sooner or later, in most situations in which a people's drive for national self-determination is frustrated by an occupying power. Indeed, Israel's own struggle for national independence was no exception. According to the historian Benny Morris, in this conflict it was the Irgun that first targeted civilians. In *Righteous Victims*, Morris writes that the upsurge of Arab terrorism in 1937 'triggered a wave of Irgun bombings against Arab crowds and buses, introducing a new dimension to the conflict.' While in the past Arabs had 'sniped at cars and pedestrians and occasionally lobbed a grenade, often killing or injuring a few bystanders or passengers', now 'for the first time, massive bombs were placed in crowded Arab centres, and dozens of people were indiscriminately murdered and maimed.' Morris notes that 'this "innovation" soon found Arab imitators.'

Underlying Israel's efforts to retain the occupied territories is the fact that it has never really considered the West Bank as occupied territory, despite its pro forma acceptance of that designation. Israelis see the Palestinian areas as 'contested' territory to which they have claims no less compelling than the Palestinians, international law and UN resolutions notwithstanding. This is a view that was made explicit for the first time by Sharon in an op-ed essay published on the front page of the *New York Times* on 9 June 2002. The use of the biblical designations of Judea and Samaria to describe the territories, terms which were formerly employed only by the Likud but are now de rigueur for Labour Party stalwarts as well, is a reflection of a common Israeli view. That the former prime minister Ehud Barak (now Olmert's defence minister) endlessly describes the territorial proposals

he made at the Camp David summit as expressions of Israel's 'generosity', and never as an acknowledgment of Palestinian rights, is another example of this mindset. Indeed, the term 'Palestinian rights' seems not to exist in Israel's lexicon.

The problem is not, as Israelis often claim, that Palestinians do not know how to compromise. (Another former prime minister, Benjamin Netanyahu, famously complained that 'Palestinians take and take while Israel gives and gives.') That is an indecent charge, since the Palestinians made much the most far-reaching compromise of all when the PLO formally accepted the legitimacy of Israel within the 1949 armistice border. With that concession, Palestinians ceded their claim to more than half the territory that the UN's partition resolution had assigned to its Arab inhabitants. They have never received any credit for this wrenching concession, made years before Israel agreed that Palestinians had a right to statehood in any part of Palestine. The notion that further border adjustments should be made at the expense of the 22 per cent of the territory that remains to the Palestinians is deeply offensive to them, and understandably so.

Nonetheless, the Palestinians agreed at the Camp David summit to adjustments to the pre-1967 border that would allow large numbers of West Bank settlers – about 70 per cent – to remain within the Jewish state, provided they received comparable territory on Israel's side of the border. Barak rejected this. To be sure, in the past the Palestinian demand of a right of return was a serious obstacle to a peace agreement. But the Arab League's peace initiative of 2002 leaves no doubt that Arab countries will accept a nominal and symbolic return of refugees into Israel in numbers approved by Israel, with the overwhelming majority repatriated in the new Palestinian state, their countries of residence, or in other countries prepared to receive them.

It is the failure of the international community to reject (other than in empty rhetoric) Israel's notion that the occupation and the creation of 'facts on the ground' can go on indefinitely, so long as there is no agreement that is acceptable to Israel, that has defeated all previous peace initiatives and the efforts of all peace envoys. Future efforts will meet the same fate if this fundamental issue is not addressed.

What is required for a breakthrough is the adoption by the Security Council of a resolution affirming the following: 1. Changes to the pre-1967 situation can be made only by agreement between the parties. Unilateral measures will not receive international recognition. 2. The default setting of Resolution 242, reiterated by Resolution 338, the 1973 ceasefire resolution, is a return by Israel's occupying forces to the pre-1967 border. 3. If the parties do not reach agreement within 12 months (the implementation of agreements will obviously take longer), the default setting will be invoked by the Security Council. The Security Council will then adopt its own terms for an end to the conflict, and will arrange for an international force to enter the occupied territories to help establish the rule of law, assist Palestinians in building their institutions, assure Israel's security by preventing cross-border violence, and monitor and oversee the implementation of terms for an end to the conflict.

If the US and its allies were to take a stand forceful enough to persuade Israel that it will not be allowed to make changes to the pre-1967 situation except by agreement with the Palestinians in permanent status negotiations, there would be no need for complicated peace formulas or celebrity mediators to get a peace process underway. The only thing that an envoy such as Blair can do to put the peace process back on track is to speak the truth

about the real impediment to peace. This would also be a historic contribution to the Jewish state, since Israel's only hope of real long-term security is to have a successful Palestinian state as its neighbour.

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