



Noref Report

Imposing Middle East Peace

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Summary

The continued expansion of Israeli settlements in the West Bank seems to have finally locked in the permanence of Israel's colonial project. Israel has crossed the threshold from the Middle East's only democracy to the only "apartheid regime" in the Western world. But forceful outside intervention may provide one final hope to reverse the settlement enterprise and achieve a two-state solution to the Israel-Palestine conflict. In the absence of forward movement on the "peace process," third-party initiatives once thought to constitute unwanted interference now appear to be the only path to the conflict's resolution. Proposals emanating from Europe and the Palestinian Authority could pave the way for an exercise of Palestinian self-determination in the occupied territories, but only if the US sets aright the chronic imbalance of power between Israel and the Palestinians. If left to their own

devices – including, as some have proposed, to reconcile their conflicting historical "narratives" – the further usurpation of Palestinian lands, and the disappearance of the two-state option, is all but ensured. The outcome will depend in large measure on whether the Obama administration transitions from a role of "facilitation" to one of "intervention" before Israel's settlement policy consigns the two-state solution to the dustbin of history.

Locked in

Israel's relentless drive to establish "facts on the ground" in the occupied West Bank, a drive that continues in violation of even the limited settlement freeze to which Prime Minister Benjamin Netanyahu committed himself, seems finally to have succeeded in locking in the irreversibility of its colonial project. As a result of that "achievement," one that successive Israeli governments

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have long sought in order to preclude the possibility of a two-state solution, Israel has crossed the threshold from “the only democracy in the Middle East” to the only apartheid regime in the Western world.

The inevitability of such a transformation has been held out not by “Israel bashers” but by the country’s own leaders. Prime Minister Ariel Sharon referred to that danger, as did Prime Minister Ehud Olmert, who warned that Israel could not escape turning into an apartheid state if it did not relinquish “almost all the territories, if not all,” including the Arab parts of East Jerusalem.

Olmert ridiculed Israeli defence strategists who, he said, had learned nothing from past experiences and were stuck in the mindset of the 1948 war of independence. “With them, it is all about tanks and land and controlling territories and controlled territories and this hilltop and that hilltop,” he said. “All these things are worthless. Who thinks seriously that if we sit on another hilltop, on another hundred meters, that this is what will make the difference for the State of Israel’s basic security?”¹

It is now widely recognized in most Israeli circles – although denied by Israel’s government – that the settlements have become so widespread and so deeply implanted in the West Bank as to rule out the possibility of their removal (except for a few isolated and sparsely populated ones) by this or any future Israeli government unless compelled to do so by international intervention, an eventuality until now considered entirely unlikely.

It is not only the settlements’ proliferation and size that have made their dismantlement impossible. Equally decisive have been the influence of Israel’s settler-security-industrial complex, which conceived and implemented this policy; the recent disappearance of a viable pro-peace political party in Israel; and the infiltration by settlers and their supporters in the religious-national camp into key leadership positions in Israel’s security and military establishments.

An apartheid state

Olmert was mistaken in one respect, for he said Israel would turn into an apartheid state when the Arab population in Greater Israel outnumbers the Jewish population. But the relative size of the populations is not the

decisive factor in such a transition. Rather, the turning point comes when a state denies national self-determination to a part of its population – even one that is in the minority – to which it has also denied the rights of citizenship.

When a state’s denial of the individual and national rights of a large part of its population becomes permanent, it ceases to be a democracy. When the reason for that double disenfranchisement is that population’s ethnic and religious identity, the state is practising a form of apartheid, or racism, not much different from the one that characterized South Africa from 1948 to 1994. The democratic dispensation that Israel provides for its mostly Jewish citizens cannot hide its changed character. By definition, democracy reserved for privileged citizens – while all others are kept behind checkpoints, barbed-wire fences and separation walls commanded by the Israeli army – is not democracy but its opposite.

From the river to the sea

The Jewish settlements and their supporting infrastructure, which span the West Bank from east to west and north to south, are not a wild growth, like weeds in a garden. They have been carefully planned, financed and protected by successive Israeli governments and Israel’s military. Their purpose has been to deny the Palestinian people independence and statehood – or to put it more precisely, to retain Israeli control of Palestine “from the river to the sea,” an objective that precludes the existence of a viable and sovereign Palestinian state east of Israel’s pre-1967 border.

A vivid recollection from the time I headed the American Jewish Congress is a helicopter trip over the West Bank on which I was taken by Ariel Sharon. With large, worn maps in hand, he pointed out to me strategic locations of present and future settlements on east-west and north-south axes that, Sharon assured me, would rule out a future Palestinian state.

Just one year after the 1967 war, Moshe Dayan, then defence minister, described Israel’s plan for the future of the territories as “the current reality.” “The plan is being implemented in actual fact,” he said. “What exists today must remain as a permanent arrangement in the West Bank.” Ten years later, at a conference in Tel Aviv whose theme was finding a solution to the Israel-Palestine conflict, Dayan said: “The question is not, What is the solution? but, How do we live without a solution?” As described by Geoffrey Aronson, who has monitored the settlement enterprise from its early beginnings:

¹ “Olmert says Israel should pull out of West Bank”, Foundation for Middle East Peace, September 2008, <http://www.fmep.org/analysis/analysis/olmert-says-israel-should-pull-out-of-west-bank>, accessed 15 January 2010.

“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.”²

A colonial enterprise

Prime Minister Netanyahu’s conditions for Palestinian statehood would leave under Israel’s control Palestine’s international borders and airspace, as well as the entire Jordan Valley; would leave most of the settlers in place; and would fragment the contiguity of the territory remaining for such a state. His conditions would also deny Palestinians even those parts of East Jerusalem that Israel unilaterally annexed to the city immediately following the 1967 war – land that had never been part of Jerusalem before the war. In other words, Netanyahu’s conditions for Palestinian statehood would meet Dayan’s goal of leaving Israel’s de facto occupation in place.

From Dayan’s prescription for the permanence of the status quo to Netanyahu’s prescription for a two-state solution, Israel has lived “without a solution” not because of uncertainty or neglect but as a matter of deliberate policy, clandestinely driving settlement expansion to the point of irreversibility while pretending to search for “a Palestinian partner for peace.”

Sooner or later the White House, Congress and the American public – not to speak of a Jewish establishment that is largely out of touch with the younger Jewish generations’ changing perceptions of Israel’s behaviour – will have to face the fact that America’s “special relationship” with Israel is sustaining a colonial enterprise.

US capitulation

President Barack Obama’s capitulation to Netanyahu on the settlement freeze was widely seen as the collapse of the last hope for a two-state agreement. It thoroughly discredited the notion that Palestinian moderation is the

path to statehood, and therefore also discredited Palestinian Authority President Mahmoud Abbas, moderation’s leading Palestinian advocate, who announced his intention not to run in the coming presidential elections.

Netanyahu’s “limited” freeze was described by the Obama administration as “unprecedented,” even though the exceptions to it – 3,000 housing units whose foundations had supposedly already been laid, public buildings, and unlimited construction in East Jerusalem – brought total construction to where it would have been without a freeze. Indeed, Netanyahu assured the settler leadership and his cabinet that construction will resume after the ten-month freeze – according to minister Benny Begin, at a rate “faster and more than before” – even if Abbas agrees to return to talks. The Israeli press has reported that the freeze notwithstanding, new construction in the settlements is “booming.” None of this has elicited the Obama administration’s public rebuke, much less the kinds of sanctions imposed on Palestinians when they violate agreements.

Unilateral actions

The widespread despair among Palestinians, Arab countries and in much of Europe, caused by the collapse of the new US administration’s promising approach to peacemaking, brought in its wake a re-examination of previously rejected options. These are now seen by many as offering a better path to Palestinian statehood than the traditional diplomacy long pursued so ineptly by the US and the Quartet. Alternative options include bringing the conflict to the UN Security Council, which voted in 2002 and again in 2003 in support of the Road Map that mandated a two-state solution; a unilateral Palestinian declaration of statehood; Prime Minister Salam Fayyad’s proposal for re-energized institution-building that would establish a de facto Palestinian state in two years; and the closing down of the Palestinian Authority so as to return Israel to its previous status of an occupier fully responsible for the wellbeing of the population under its occupation, without benefit of the largesse the international donor community has been providing the Palestinian Authority these past fifteen years, thus in effect financing Israel’s occupation.

Responding to these suggested new initiatives, Netanyahu warned Palestinians that unilateral actions would violate existing agreements, and would trigger Israeli countermeasures – presumably the annexation of large

² Henry Siegman, “The Great Middle East Peace Process Scam”, London Review of Books, 16 August 2007, <http://www.lrb.co.uk/v29/n16/henry-siegman/the-great-middle-east-peace-process-scam>, accessed 15 January 2010.

parts of the West Bank. It has apparently escaped Netanyahu that the unilateral actions being considered by the Palestinians bear no moral, political, or legal equivalence to Israel's repeated unilateralisms: its settlements have been constructed on Palestinian territory, something that the legal advisor to Israel's Foreign Ministry told his government already in 1967 is in indisputable violation of international law. This was confirmed by the International Court of Justice in its decision of 9 July 2004. (The dissenting American judge joined the unanimous opinion of the other judges on this issue.)

In contrast, the unilateral measures some Palestinians are considering would be implemented on their own territory, not Israel's. There is nothing illegal about a population declaring its self-determination and statehood on territory that does not belong to another state. By definition, the act of self-determination is necessarily unilateral, and is so recognized in international law.

Never-ending dialogue

The most surprising reaction to Obama's failed initiative is a proposal advanced in recent months by two leading experts on the Middle East, Hussein Agha and Robert Malley, who over the years have consistently provided some of the best writing on this subject.

Agha and Malley have concluded that the peace process is at its current impasse because US peacemakers seem to believe the two-state formula requires only some additional minor adjustments, or a more propitious moment in the respective domestic political circumstances of Israel and Palestine, or some more confidence-building between them in order to succeed. However, the real problem, they say, is that the two-state solution seeks to close the conflict that began in 1948 by addressing issues that are the result of the 1967 war. This cannot work, for the roots of the conflict go far deeper than 1967: "[F]or Israelis, [it is] Palestinian denial of the Jewish State's legitimacy; for Palestinians, [it is] Israel's responsibility for their large scale dispossession and dispersal that came with the state's birth."³

Consequently, Agha and Malley advocate the abandonment of present efforts to establish a two-state solution in favour of long-term interim arrangements during which the parties would seek to deal with "the question

of Palestinian acceptance of a Jewish state and Israeli recognition of the Palestinians' historical experience." It is their hope that "progress on the 1948 issues would increase confidence that the conflict genuinely could be ended, thereby leaving both sides to show greater flexibility on the 1967 track."

I believe their proposal to be entirely misconceived, one that may cause incalculable damage to what prospects may still remain for an end to this conflict. It is an idea that Netanyahu would endorse enthusiastically, for he has anxiously been seeking to resume "peace processing" with Abbas, which he needs to preserve the illusion that a two-state solution is possible. A multi-year dialogue of the kind suggested by Agha and Malley would provide Netanyahu with the fig leaf he needs to hide Israel's transformation into an apartheid state, and with no international pressure for Israeli acceptance of a Palestinian state to worry about.

Furthermore, their notion that such a dialogue could be accompanied by an Israeli withdrawal "from all or part of the West Bank, [thus] diminishing friction between the two peoples" is utterly fanciful. Nothing Netanyahu has said or done suggests he is open to a major withdrawal from the occupied territories without Palestinian concessions of the kind they have repeatedly rejected, or that Palestinians would agree to a long-term interim status with temporary borders which, they are convinced, Israel would seek to make permanent.

The goal of the dialogue of narratives proposed by Agha and Malley, as indicated, is to overcome Palestinian denial of the Jewish state's legitimacy. But Palestinians do not require a decade-long dialogue to recognize the State of Israel. They granted that recognition in 1988 and repeated it in 1993 in the context of the Oslo Accords.

A Jewish state

If what Agha and Malley have in mind is not simply formal diplomatic recognition but Palestinian affirmation of the legitimacy of Jewish and Zionist claims to Palestine – an affirmation that necessarily implies the illegitimacy of their own claims to Palestine – that is something Palestinians will never do, and that no one has a right to ask them to do, just as no one has a right to demand that Israel concede the illegitimacy of the Jewish claim to the West Bank and Gaza.

3 Hussein Agha and Robert Malley, "Israel & Palestine: Can They Start Over?", *New York Review of Books*, Volume 56, Number 19, 3 December 2009, <http://www.nybooks.com/articles/23456>, accessed 15 January 2010.

Even Ehud Olmert and Tzipi Livni, who are not known for religious fundamentalism or Biblical literalism, have declared they will never abandon their belief in the eternity of the Jewish claim to the Land of Israel that is based on Biblical promises. “I believed,” said Olmert before the US Congress on May 24, 2006, “and to this day still believe, in our people’s eternal and historic right to this entire land.” Livni expressed the same sentiment last year in an interview with the Jewish weekly *Forward*: “I believe in the rights of the Jewish people to the entire land. I still feel this feeling I had as a child. I can understand the settlers in terms of understanding their feelings.”

As for the expectation that the dialogue would induce Israel to accept responsibility for the large-scale dispossession of the Arab inhabitants of Palestine during the war of 1948, Agha and Malley do not explain what such an Israeli acceptance would imply. Clearly, no Israeli government is likely to accept a return of Palestinian refugees – other than a very limited number under the existing family reunification scheme – no matter how successful the dialogue. If the goal, then, is a more limited one, namely an Israeli declaration of responsibility for creating the refugee problem and a willingness to participate significantly in an international effort to compensate and resettle the refugees in a new Palestinian state or in other countries, surely that is something more easily achievable in the context of political negotiations that hold out a realistic expectation of viable Palestinian statehood than in the proposed dialogue of narratives.

Agha and Malley attach great importance to Palestinian acceptance of the Jewishness of the State of Israel, which is what Israel would expect the dialogue to achieve. But the Jewish character of the state, and the implementation of that Jewishness in the life of the country and its institutions, and squaring that Jewish identity with the state’s democratic character, are issues that only Israelis themselves can deal with. Outsiders cannot and should not be asked to pronounce on it. All they can be asked is to abide by international norms that regulate recognition between countries. These norms require no more than that Palestinians recognize the state of Israel and agree to live in peace with it. It is therefore not an agenda item for the dialogue of narratives.

The State of Israel can no more demand that outsiders affirm its Jewishness than Congo, for example, can demand that outsiders affirm its democracy. That is why Congo had to settle for calling itself the “Democratic

Republic of the Congo.” Israel can similarly alter its name to the “Jewish State of Israel,” and countries that wish to normalize relations with it will have to recognize the “Jewish State of Israel,” even if they consider Israel’s religious and ethnic identity to be none of their business.

Mismatched adversaries

The reason previous peace initiatives have failed is not all that difficult to divine. In a standoff between two vastly uneven adversaries – one an established state possessing one of the world’s most powerful military forces, the patronage of the world’s greatest superpower, and a thriving economy; the other a stateless, powerless, occupied, and impoverished people – it should be no mystery which of the two will prevail. Given that imbalance, the possibility of a fair agreement between the mismatched adversaries is difficult to imagine without the intervention of a third party that restores a measure of balance between the two. It is a role the international community has always expected the US to assume, but one it has so far avoided.

In the absence of that necessary balance, dialogue between Israelis and Palestinians about their respective founding narratives is hardly likely to bring about a political agreement. Nor, for that matter, will resumed talks between Netanyahu and Abbas on the so-called “67-issues.” A political agreement will become possible only when the cost-benefit calculations of maintaining the occupation and denying Palestinians a viable state are changed decisively.

As things stand, the cost-benefit calculations point in the very opposite direction. As *Newsweek* reported recently, “Only about 40 percent of Israelis now long for a rejuvenated peace process with the Palestinians,” a decline in the sense of urgency for peace that is attributed to the improved security situation and unprecedented levels of economic prosperity.

Outside intervention

As indicated, the Obama administration’s acceptance of Netanyahu’s version of a settlement freeze, which was widely seen as the final blow to a two-state solution, may in fact turn out to be the necessary condition for its eventual achievement. That condition is abandonment of the utterly wrongheaded idea that a Palestinian state can arise without forceful outside intervention. The international community has shown signs of

exasperation with Israel's deceptions and stonewalling, and also with Washington's failure to demonstrate that there are consequences not only for Palestinian violations of agreements but for Israeli ones as well. The last thing many in the international community want is a resumption of predictably meaningless negotiations between Netanyahu and Abbas. Instead, they are focusing on forceful third-party intervention, a concept that is no longer taboo.

Ironically, it is Netanyahu who now insists on the resumption of peace talks. For him, a prolonged breakdown of talks risks exposing the irreversibility of the settlements – and therefore the loss of Israel's democratic character – which in turn would legitimize outside intervention as the only alternative to an unstable and dangerous status quo. While the Obama administration may be reluctant to support such initiatives, it may no longer wish to block them.

These are not fanciful fears. Israeli chiefs of military intelligence, the Shin Bet and other defence officials told Netanyahu's security cabinet on December 9 that the stalled peace process has led to a dangerous vacuum "into which a number of different states are putting their own initiatives, none of which are in Israel's favour." They stressed that "the fact that the US has also reached a dead-end in its efforts only worsens the problem."⁴

Moribund peace process

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." 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.

But in December of 2009, that same Weissglas wrote in *Yediot Ahronot*, Israel's largest circulation daily, that the European reaction to a Swedish presidency initiative (described below) indicated "a steadily worsening diplomatic reality which is making the continuing Israeli presence in Judea and Samaria (including East Jerusalem) impossible." He warns Netanyahu that the continuation of Israeli construction in the West Bank "erodes Israel's main diplomatic asset, its special relationship with the United States."

Meaningful proposals

If these fears are realized and the international community abandons a moribund peace process in favour of determined third-party initiatives, a two-state outcome may yet be possible. The recent proposal by the Swedish presidency of the European Union referred to by Weissglas is perhaps the first indication of the international community's determination to react more meaningfully to Netanyahu's intransigence. The proposal, adopted by the EU's foreign ministers on 8 December 2009, reaffirmed an earlier declaration of the European Council that the EU would not recognize unilateral Israeli changes in the pre-1967 borders. The resolution also opposes Israeli measures to deny a prospective Palestinian state any presence in Jerusalem.

The statement's endorsement of Palestinian Authority Prime Minister Salam Fayyad's two-year institution-building initiative suggests a future willingness to act favourably on a Palestinian declaration of statehood following the initiative's projected completion. In her first pronouncement on the Israel-Palestine conflict as the EU's new high representative for foreign affairs and security policy, Baroness Catherine Ashton declared, "We cannot and nor, I doubt, can the region tolerate another round of fruitless negotiations."

An imposed solution has risks, but these do not begin to compare with the risks of the conflict's unchecked continuation. Furthermore, since the adversaries are not being asked to accept anything they have not already committed themselves to in formal accords, the international community is not imposing its own ideas but insisting the parties live up to existing obligations. That kind of intervention, or "imposition," is hardly unprecedented; it is the daily fare of international diplomacy. It defines America's relations with allies and unfriendly countries alike.

4 "Defense officials: Palestinians trying to coerce Israel into accepting statehood", *Haaretz*, 10 December 2009, <http://www.haaretz.com/hasen/spages/1134135.html>, accessed 15 January 2010.

Mutual agreement vital

It would not take extraordinary audacity for Obama to reaffirm the official position of every previous US administration – including that of George W. Bush – that no matter how desirable or necessary certain changes in the pre-1967 status may seem, they cannot be made unilaterally. Even Bush, celebrated in Israel as “the best American president Israel ever had,” stated categorically that this inviolable principle applies even to the settlement blocs that Israel insists it will annex. Speaking of these blocs at a May 2005 press conference, Bush affirmed that “changes to the 1949 armistice lines must be mutually agreed to,” a qualification largely ignored by Israeli governments (and by Bush himself). The next year Secretary of State Condoleezza Rice was even more explicit. She stated that “the president did say that at the time of final status, it will be necessary to take into account new realities on the ground that have changed since 1967, but under no circumstances... should anyone try and do that in a pre-emptive or pre-determined way, because these are issues for negotiation at final status.”⁵

Of course, Obama should leave no doubt that it is inconceivable for the United States not to be fully responsive to Israel’s genuine security needs, no matter how displeased it may be with a particular Israeli government’s policies. But he must also leave no doubt that it is equally inconceivable he would abandon America’s core values or compromise its strategic interests to keep Netanyahu’s government in power, particularly when support for this government means supporting a regime that would permanently disenfranchise and dispossess the Palestinian people.

In short, Middle East peacemaking efforts will continue to fail, and the possibility of a two-state solution will disappear, if US policy continues to ignore developments on the ground in the occupied territories and within Israel, which now can be reversed only through outside intervention. President Obama is uniquely positioned to help Israel reclaim Jewish and democratic ideals on which the state was founded – if he does not continue “politics as usual.” But was it not his promise to reject just such a politics that swept Obama into the presidency and captured the amazement and respect of the entire world?

5 Secretary Condoleezza Rice, Remarks With Israeli Foreign Minister Tzipi Livni After Their Meeting, UNISPAL, 8 February 2006, <http://unispal.un.org/UNISPAL.NSF/0/0EF85E07751AD1F98525711000524230> accessed 17 January 2010.