

Israeli – Palestinian Peace Process: Endless or Endgames?



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“Israeli-Palestinian Peace Process: Endless or Endgames?”

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Introduction

Professor Yonah Alexander

Director, Inter-University Center for Terrorism Studies

As this report goes to press, the world once again has been facing an alarming upsurge of threats to peace in the form of terrorism, insurgencies, and outbreaks of full-scale wars. Some of the expanding manifestations of violence have been aggravated by ideological extremism, nationalistic fanaticism, ethnic hatred, racial prejudices, religious animosities and justified in the name of “rights,” “justice” and even “peace.”

The current security challenges include the renewed Palestinian-Israeli hostilities in Gaza, the apparent “Balkanization” of Syria and Iraq, and Iran’s continued nuclear ambitions. These concerns threaten not only the future destabilization of the region itself but also contain the seeds for grave strategic implications globally.

The stopping of the unfolding violence and building a lasting peace in the region overshadows any other immediate security considerations. For example, as members of the academic community we have an obligation to provide an intellectual context to the Israeli-Palestinian conflict as well as to participate in the international effort to advance the cause of peace in the Middle East and elsewhere. In this connection it is noteworthy to mention several studies that were undertaken over the years. First is a book titled *Crescent and Star: Arab and Israeli Perspectives on the Middle East Conflict* edited by Yonah Alexander and Nicholas N. Kittrie and published by AMS Press in New York and Toronto in 1973. This volume focused on various questions that underlie the regional and global challenges. Some of the issues addressed were the following: a conflict between two antagonistic nationalisms; religious and ethnical tensions; violations of minority and human rights; expansionism and boundary disputes; conflict over the control of Jerusalem and the Holy Places; hostilities concerning the use of the Jordan River and freedom of navigation in the Gulf of Aqaba and Suez Canal; a competition among world powers.

The second academic effort was a study on *The Role of Communications in the Middle East Conflict: Ideological and Religious Aspects* by Yonah Alexander that was released by Praeger Publishers (New York, Washington, London) in 1973. This volume was conducted as part of a larger project on the role of mass communication in the advancement of international understanding sponsored by the Graduate School of Journalism at Columbia University. The main questions which were analyzed included the following:

First, is the collusion between Arab nationalism and Zionism inevitable and therefore insurmountable? Or does it indicate a certain historical stage between Arabs and Jews and is likely to disappear?

Second, are the antagonists and their partisans using religion-based communications to fan the flames of conflict and thereby advance the cause of war? To what extent do they dampen the passion of strife and consequently promote the cause of peace?

Third, can religion serve as a more effective tool for peace communications and help to ease the frictions and lessen the tension in the Middle East and beyond?

Another relevant work is *Palestinian Religious Terrorism: Hamas and Islamic Jihad* authored by Yonah Alexander and released by Transnational Publishers in Ardsley, New York in 2002. This particular book exposes much of the mystiques of these organizations and places them as two of the many other challenges facing not only Israel but also the entire international community in its war against terrorism, whether it is waged in the Middle East or elsewhere.

In addition to the forgoing studies, the Inter-University Center for Terrorism Studies (IUCTS), a consortium of universities and think tanks in over 40 countries, has organized numerous seminars and conferences on a variety of topics related to the Middle East conflict. The latest seminar on the “Israeli-Palestinian Peace Process: Endless or Endgames?” was conducted on April 30, 2014 at the International Law Institute. It was co-sponsored by International Center for Terrorism Studies at Potomac Institute for Policy Studies (PIPS), the Inter-University Center for Legal Studies at the International Law Institute (ILI), the International Judicial Academy, and the Center for National Security Law at the University of Virginia’s School of Law. Panelists included Hon. Reuven Azar (Deputy Head of Mission, Embassy of Israel), Dr. David Pollock (The Washington Institute), and Professor Nicholas Rostow (National Defense University). Special remarks were also made by Ambassador Mohammed Alhussaini Alsharif (Ambassador of the League of Arab States). Professor Don Wallace, Jr., Chairman of the ILI, made brief opening remarks and Professor Yonah Alexander, Director of the IUCTS, moderated the seminar. This report includes the slightly edited presentations by the panel.

Finally, we are grateful for the encouragement and the support of our academic work by both Professor Don Wallace, Jr. and Michael S. Swetnam (CEO and Chairman, PIPS). Also, acknowledgement is due to the IUCTS research team during Spring and Summer 2014, coordinated by Sharon Layani (University of Michigan) and included Andrew DuBois (Trinity University), Stephanie Emerson (University of Chicago), Tyler Engler (Georgetown University), Gabriella Gricius (Boston University), G. Genghis Hallsby (University of Iowa), Avioz Hanan (University of Maryland), Kai Huntamer (University of California, Los Angeles), John Jermyn (State University of New York at Albany), Garth Keffer (University of California, Davis), Uri Lerner (American University), James Nusse (The George Washington University), Roxanne Oroxom (University of Maryland), Frank Randall (St Francis College), Thomas E. Turner (University of Virginia), Courtney Van Wagner (University of Georgia), Sonam Virk (University of the Pacific), David Wiese (University of Exeter), and Reed Woodrum (Princeton University). Reed Culver designed the cover and Mary Ann Culver prepared the manuscript for publication. Both deserve special gratitude for their exceptional support.

July 30, 2014

Professor Don Wallace, Jr.
Chairman, International Law Institute

Welcome. The topic is the “Israeli-Palestinian Peace Process: Endless or Endgames?” I think the April 29, 2014 deadline has come and gone, that Secretary Kerry announced. We have seen Hamas and Fatah say once again they may come together. I saw Prime Minister Netanyahu made some announcements, some steps that are going to be taken. I grew up—and certainly in recent years—I have always believed that two states was the solution. That is the way I was trained. On the other hand, I look at the title again—Peace Process: Endless or Endgames?—and stepping back, you really wonder. Anyway, that is the topic of today's event.

Hon. Reuven Azar

Deputy Head of Mission, Embassy of Israel-Washington DC. Previously, he served at the Israeli Embassies in Amman and Cairo and was involved in negotiations with the Palestinian Authority

Endless? Yes it is endless because just like Arabs and Muslims never forgot Andalus, they will never forget Palestine. The mere concept of non-Muslim sovereignty in Lands they possessed in the past is very difficult to swallow, not only for those of them who are Palestinian. We Israelis don't have any intention of leaving, either.

But the end-game question is relevant. The challenge is whether through a set of arrangements and agreements we can achieve Peace, or at least stability. We have achieved those with Egypt and Jordan, so why not with the Palestinians?

The Bad News:

The Israeli-Palestinian conflict is more difficult, because it is not a conflict about territory. It is a conflict about Jews having a state of their own. Our Palestinian negotiation counterparts, PLO and Fateh, are not willing to recognize the right of the Jewish people for a state of their own. They say that it's not their responsibility to recognize the nature of the State they have already recognized. But this is really an evasion. Every time they speak or are being asked about the Jewish issue, they still have the nerve of attempting to determine our identity: Namely, that we are a religion and not a people. But remember? There's such a thing called the right of self, self-determination. Just like Golda Meir couldn't determine that there's no Palestinian People, neither can Abbas, Eriqat or any other Palestinian for that matter determine whether we are a nation or not! If we identify ourselves as a nation, and they want to strike a deal with us, they have to recognize Israel as the Nation-State of the Jewish People just the same way as Israel has recognized the right of self-determination of the Palestinians.

Not only that they haven't done that, they have even decided to strike a deal with those who want to exterminate us.

The deal with Hamas may lead to different destinations, depending on how it will evolve. I'm not going to predict, however it seems that given the current state of affairs within Palestinian society and the Arab world at large, PLO and Hamas have not arrived to the conclusion that they want to be serious about relinquishing their monopoly on power in the West Bank and in Gaza respectively.

So why is this happening? Maybe because Abbas needed an escape from The Framework shaped under the leadership of Secretary Kerry. Maybe because Abbas is in the last stages of his political life and he's looking for a legacy of uniting the Palestinian people and not giving in on Palestinian rights. During the last year all his potential successors were narrowing his room for maneuvering and made a compromise with Israel much more difficult.

The Good News (Maybe):

Israel, and especially large chunks of the right wing factions in Israel, including the Prime Minister, concluded that we need a two state solution. The Arab Spring though and this war of civilizations happening within our area is making risk taking even more dangerous than it used to be in the past. We are ready to take risks for Peace, however we don't think that Palestinians are ready for a state. In fact, we are pretty sure that if we decided to withdraw, even partially from positions in Judea and Samaria, we'll be having rockets shot at our population centers in no time.

What is required in order to advance Peace is a renewed bottom-up approach. What I'm telling my Palestinian neighbors is that if you want a state, start building one. We started building Israel 50 years before we declared independence. You started with a revolution of destruction, unlike our revolution of construction. Your record of building institutions in the last 20 years is pretty poor. We still have a majority of Israelis that support a Palestinian state, however they don't have faith that it can happen because they see the performance of the Palestinians. Build your state, earn your state, and you'll have a state.

Ambassador Mohammed Alhussaini Alsharif

Chief Representative of the League of Arab States in Washington D.C.

Thank you Professor Yonah Alexander and Professor Don Wallace for giving me the opportunity to address the odds involved. When you invited me I thought I should come as a representative of the Arab League; I thought it is also part of my job here to clarify some points particularly on the Arab-Peace Initiative and the Arab-Israeli peace negotiations. The points raised and discussed were so many, and I on my part do not agree with many of them. One of the speakers said that the Arab-Israeli Conflict is not about land, it is about Jews having their own Jewish State.

This is not true at all. I have here a map with me which shows you the expansion of Israeli occupation and settlements to date from 100% historical Palestine before 1937 to Israeli occupation of more than 78% of historical Palestine in recent years. The Palestinians are left with an area of 18-22% where they have been still struggling to have their state on this small area based on UN Resolutions and International Law.

Yet, the speaker said the Arab-Israeli conflict is not about land: I will ask what do you call this continuous expansion of settlements?

According to the Israeli organization “Peace Now”, while talking peace for 9 months, Israel issued permits to build 14000 new Jews only homes in the occupied land violating Article 49 of the Fourth Geneva Convention.

The same speaker said that the Palestinians do not want any Jews within their future Palestine.

This too is not true. Jews and Palestinians were living over the years in peaceful coexistence till Israel came into being. The Palestinians are not against Jews, they are against the occupiers and the colonizers.

Regarding the comment by Secretary Kerry when he cautioned that “If there’s no two-state solution to the Israeli-Palestinian conflict soon, Israel risks becoming an apartheid state.”

Though the same speaker said that Secretary Kerry backtracked on his comment, but this does not mean that the Secretary was not telling the truth. Mr. Kerry did not retract, but he said that he could have put it differently. I think it is a mild description of Israel when he said: “risking becoming an apartheid state,” because, to me, Israel has been an apartheid state since its establishment.

By the way this comment is coming from an American Secretary of State who once said that: “as a Senator in the Congress for 29 years I voted 100% for Israel.” The Secretary also said a few months ago that he became very emotionally attached to Israel when he found out 10 years ago that his ancestors were of Jewish origin.

Yet some high ranking Israeli officials accused Mr. Kerry as obsessive Messianic and even anti-Semitic.

The Israeli Defense Minister spewed a barrage of insults directed at the US Secretary of State, John Kerry, calling his effort as not worth the paper it is printed on.

Secretary Kerry reacted by saying: “I will not allow my commitment to Israel to be questioned by anyone.”

Kerry was not the first to use the word of apartheid in relation to Israel. Former President Carter wrote a book on apartheid in Israel, its title is: “Palestine: Peace not Apartheid.”

With regard to the recent reconciliation between Hamas and the Palestinian Authority and the Israeli reaction to it by saying that President Abbas has to choose between Hamas and peace with Israel. However, there was a time when the Palestinians wanted to negotiate peace with Israel, but the Israelis declined saying that the Palestinians we’re divided and therefore we-the Israelis – did not have a united peace partner to speak to. Now, the Palestinians are united. So I ask: What do the Israelis really want?

For the sake of argument a Palestinian unity government would also deny the Israelis right-wing hawks the excuse they have been using that as the Palestinians are not united. President Abbas does not have a mandate to speak for all the Palestinians including more than 60 percent of the Palestinian in Gaza who will not accept peace agreement because of their division.

Another speaker said that it is only logical for Israel to have a Jewish State as there are Islamic Pakistan and Islamic Iran.

In this context, there is a problem of terminology because Muslim is not the same as Islamic. An Islamic country can comprise people of different religions, but a Jewish or a Muslim State may give the impression that it is exclusively for Jews or Muslims. However, there is no country named as Muslim Pakistan or Muslim Iran. Also Israelis never defined what do they mean by a “Jewish State?”

This Israeli condition means that being a Jew should mean both a nationality and religion combined which does not exist anywhere.

However, the main objective of Israeli insistence on recognizing Israel as Jewish State is to deny the Palestinians refugees the right of return.

One might ask: What will be the fate of the Arabs of Israel (Muslims and Christian) the Druze and others who were born and lived in Israel for many years?

Recently Peter Beaumont in Jerusalem wrote in the Guardian Newspaper (UK) that Netanyahu pushes to define Israel as the “nation state of one people only – the Jewish people – and no other people.” I want you to imagine what kind of world we will have, if we define states by their religion as Shiite State, Sunni State, Druze State, Christian State, and Protestant State.... Etc.

I will stop here because I don’t want to go into the details of the Arab Peace Initiative.

Revival of the Arab Peace Initiative

It was the USA which pushed for the revival of Arab Peace Initiative. The Saudi inspired peace plan or initiative adopted by the Arab League Summit in Beirut, Lebanon on March 28, 2002.

The initiative calls for full Israeli withdrawal from all the Arab territories occupied since June 1967, in implementation of Security Council Resolutions and the land-for-peace principle, and for Israel's acceptance of an independent Palestinian State with East Jerusalem as its capital, in return for the establishment of normal relations in the context of a comprehensive peace with Israel. Emanating from the conviction of the Arab countries that a military solution to the conflict will not achieve peace or provide security for the parties, the initiatives:

1. Requests Israel to reconsider its policies and declare that a just peace is its strategic option as well.
2. Further calls upon Israel to affirm:
 - I. Full Israeli 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 of Lebanon.
 - II. Achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with U.N. General Assembly Resolution 194.
 - III. The 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 and mutually agreed to land swaps equal in size and value.
3. Consequently, the Arab countries affirm the following:
 - I. Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel and provide security for all the states of the region.
 - II. Establish normal relations with Israel in the context of this comprehensive peace.
4. Assures the rejection of all forms of Palestinian patriation which conflict with the special circumstances of the Arab host countries.
5. Calls upon 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.
6. Invites the international community and all countries and organizations to support this initiative.

This Arab Peace Initiative was accepted by all the Arab countries for the first time, by the US, European Union, Islamic Cooperation Organization... Etc. Only Israel did not acknowledge nor recognize the Arab Peace Initiative.

Reactions of Israelis, and Israeli Lobbyists

Many Israelis and Israeli Lobbyists are worried about the future of Israel if it continues to occupy the Palestinian Territories and to pursue the policy of building settlements in the Occupied Territories.

They all share the following quotation:

“Unless there is a solution to the Israeli-Palestinian conflict, there will not be a Jewish state for very long and if Israel does not withdraw from the Palestinian territories, Israel will either become an un-democratic Jewish state or a non-Jewish democratic state”

Speaking at the Woodrow Wilson Center, former Director of the Shin Bet, Ami Ayalon said that “The greatest threat to Israel is not the Iranian nuclear program, but the vanishing of Zionism.”

Peace Talks and Secretary Kerry

And since the start of the peace negotiations on the 30th of July 2013, so far it took Secretary Kerry several visits to Israel and the Palestinian Authority. Also, there were more than 26 rounds of peace negotiations between the Palestinians and the Israeli delegations. But peace talks had been stalled on occasions due in large part to Israel’s continued construction of settlements on the West Bank while negotiations are taking place.

However, the 1949 Geneva Convention forbids an Occupying power from flooding its citizen into militarily occupied territory or from altering the life ways of its people.

While peace negotiations are taking place, Prime Minister of Israel stated his position on resolving the Arab-Israeli conflict as follows:

- ❖ That Israel will not accept the return of the grandchildren and the great grandchildren of the Palestinians expelled in 1948, because as he said this will wipe out the future of Israel as a Jewish State. And that the problem of Palestinian refugees must be resolved within the context of a Palestinian State.
- ❖ That the Palestinian authority should recognize Israel as a Jewish State.
- ❖ It is not possible to return to the 1967 borders which are indefensible, Israel needs to maintain its military presence along its border with the valley of Jordan.

Israel More Secured

Regarding the issue of Security that Israel uses as central issue, Former Prime Minister of Israel Olmert said during his visit to Washington D.C in June 2013 that this is the first time in 60 years that Israel feels more secure.

On October 9, Senior Defense Official Amos Gilad delivered a lecture to the Washington's Institute He said that,

“Despite the threat of Iran and the continuing turmoil in the Middle East, Israel is more secure than ever. From a security point of view, now is the best time Israel has seen despite the many challenges it faces.”

Even with the presence of Hamas in Gaza Israel feels more comfortable.

In a recent interview, Major General Sami Turgeman head of the Israeli Defense forces Southern Command said that it is in Israel's best interest for Hamas to maintain control in Gaza because, “We need quiet and security in the area of Gaza.”

Therefore, Israel seemed very comfortable with the status-quo.

Conclusion

Given all the Security guarantees available to Israel courtesy of U.S. aid, including the Iron Dome missile defense, as well as the commitment of the U.S. to help maintain Israeli's military superiority over all the 22 Arab countries combined at any time and at any cost.

The United States financial aid to Israel from 1949 to the present amounts to 149 billion U.S. Dollars. Also pro-Israeli lobbies contribute to Israel an amount of 1 Billion U.S. Dollars.

An Israeli journalist by the name of Gideon Levy wrote recently: “As you all know Israel a highly armed regional power, with nearly every kind of weapon at its disposal, economically and scientifically advanced, recognized by most of the countries in the world, a member of nearly every important international organization and with global influence that far outstrips its size, an ally of the World's sole superpower, yet Israel claims that its existence is under threat.”

With all of these security advantages that Israel enjoys over all the Arab countries, Israel can win one battle after another, but it can't win the final war. Israel can't win peace in the region nor can it win acceptance by the International community as long as Israel continues to occupy Arab Land and defy all of the United Nations Security Council Resolutions pertinent to Palestine.

Any unjust or imperfect, or incomplete peace will not guarantee permanent security or permanent peace for the Israelis or for the Palestinians. I expect future Palestinian generations to rise up against these injustices once again and consequently, conflict will resume at some point in the future.

Dr. David Pollock

*Kaufman Fellow at The Washington Institute focusing on the dynamics of Middle East politics.
He previously served at the US Department of State and at the USIA*

I'm going to try and follow the terrific example of the previous speaker and be brief so that we have time for questions and discussion. I want to talk briefly, I will try anyway, about three things: one is Hamas, two is the issue of Palestinian incitement, and three is the issue of public opinion among Palestinians, as Yonah Alexander just mentioned, which is something I've been working on for a long time, public opinion generally in many ways but particularly among Palestinians, about the peace process. I think the title of this seminar is terrific; I really applaud the clever and meaningful question that you are asking. Is this just an endless series of talks or is there a really and endgame somewhere down the road that will really bring the talks to fruition, which is peace? And part of the answer to that I think has to do with Hamas, which is back in the news because of the new agreement that Fatah and Hamas just signed in their intention to create what they call a government of national unity.

I had the opportunity to debate this very issue in Arabic on an Arabic TV channel with a leading Palestinian analyst and writer, a very good one actually, a guy named Nahdil Ahmar in Ramallah; and he made the case, and he almost convinced me, that actually this agreement that Fatah and Hamas would not radicalize Fatah it would moderate Hamas, that it could go either way and in his view, and as I say, he was very calm and logical and almost persuaded me that this could actually happen. The only problem is that on the same day, yesterday, and again today, Hamas spokesman came out and publically and completely contradicted his thesis. Whether it was Khaled Mashal or Mahmoud al Zahar or other Hamas officials, in the last couple of days each one of them has said, quite unequivocally, that for Hamas the path is still jihad. That, for Hamas, recognition of Israel ever, anytime, under any conditions is out of the question. That, for Hamas, this new agreement does not, and will not, and cannot allow them to compromise what they call their principles, which means no peace, no recognition of Israel ever. And so, even if Hamas becomes a part of the unity government, new elections will still be held. Moreover, although Hamas is willing to let the PA President Mahmoud Abbas and his team, continue to talk to Israel, it will never accept a peace agreement and recognize Israel. In other words, to accept what are supposed to be the results of these peace talks in the end. That's what Hamas is saying, not my assessment, it is what Hamas is saying. And so, to me, the unity agreement, or the unity government, that the two sides are proposing is nothing short of a gigantic step backwards for the Palestinians, and for the peace process and for American policy.

I want to be very frank about how I see this and actually I think, based on their statements so far, that the US government although it is trying to still be a little bit hopeful and a little bit cautious about this and to keep its options and Palestinian options open, probably shares that very negative assessment. So the best hope, I don't want to leave you in despair about this, the best hope, and it's a very solid hope, is that this agreement between Fatah and Hamas, like all the previous agreements between Fatah and Hamas over the last decade, will fall apart. Will not actually be successful. And that will allow someday, maybe even in a few months, maybe this year or maybe next will allow the peace talks to resume. Sooner or later, the issue of Gaza and the Palestinians in Gaza will have to be addressed as part of any peace agreement between Israel and the Palestinians but, in my view, that cannot happen while Hamas still rules Gaza. There can

be an agreement, I think in principle between the PA and Israel about the West Bank and perhaps about the entire future about the Palestinian state but it cannot be applied to Gaza as long as Hamas rules that territory because Hamas, again by its own statements, demonstrates that it will never ever make peace with Israel. I can tell you stories about my own meetings with senior Hamas officials to underline that point but we'll save that for the Q&A if you're interested.

Now I want to talk about Palestinian incitement because on this issue while the PA, unlike Hamas, says that it accepts the idea of peace with Israel and that in fact that it has already recognized Israel, if not as a Jewish state but as a state of Israel. That fact is that, in its own official, official I emphasize, media and in its own official statements, including sometimes very unfortunately statements by President Abbas himself, the PA continues to deny Israel's right to exist and to glorify terrorism. At the very same time that it claims to be accepting Israel's existence and accepting peace with Israel and to be against violence or terrorism and in favor only of negotiations or international organizations supporting statehood or possibly peaceful, or popular as they call it, resistance but not violence. That what they say out of one side of their mouth to most American or European or Israeli audiences, to the New York Times, you know, or Haaretz. But what they say to their own people on official Palestinian and in the official Palestinian government daily newspaper called *al Hayat al Jadida* "The New Life" is not that. What they say to their own domestic audience is that terrorists who murdered Israeli civilians are heroes and role models. What they say to their own domestic audience is that the Palestinians still have a valid claim on Haifa and Jaffa not just Nablus and Hebron, in other words, on territory inside pre-1967 Israel not just in the West Bank and Gaza. And, I'm not saying, I am not saying I want to be clear, that the Palestinian Authority is promoting a single-minded message of war and rejection and violence like Hamas does. No, I am saying they're sending out mixed messages both of peace and of violence and terrorism both of reconciliation and eternal claims on all of Israel not just on what they call the occupied territories.

And I'm sorry to say that today, on this very day, today, the State Department, where I used to proudly work, has put out a report about – it's the annual report on terrorism in which the State Department, in my view, whitewashes this aspect of official Palestinian Authority behavior in which they say that – I'm quoting here – "The Palestinian Authority has made significant efforts in all of the institutions under its control in the West Bank to eliminate any content that could lead to incitement to violence." That is not true. When you call terrorist heroes role models, that is incitement to violence not the opposite. And so, this is an issue on which, along with its request to be recognized as a Jewish State which is debatable from a tactical standpoint I think, but this is another aspect of the current Israeli government's insistence that as part, not as a precondition for negotiations, as part of the negotiations that this incitement issue needs to be taken just as seriously as any other issue. As borders, or Jerusalem, or security, or refugees and so on. And I think they have a very important and valid point and one that, in the peace negotiations so far even before they broke down, need to be addressed.

Finally, I want to talk about Palestinian public opinion. And very briefly here, I think there is actually a lot of good news on this score so I'd like to end with this somewhat more upbeat assessment. It turns out, if you look at Palestinian public opinion polls, at least in the West Bank and Gaza I'm not talking about the whole Palestinian diaspora, but in the West Bank and Gaza the Palestinian people are somewhat more flexible and conciliatory about all of these difficult issues than their own leadership. About almost half, at least 40%, even in the most

recent measurements, which are lower than they were a few years ago, around 40% of the Palestinian public would be willing to recognize Israel as a Jewish state, even though their own government adamantly says no, we will not, we will never. A majority of the Palestinian public in the West Bank and Gaza is actually in favor of practical, economic, and scientific, and environmental, and even journalistic and medical cooperation with Israelis, even though their own government says no; is against what they call normalization with Israel. And at least half of the Palestinian public in the West Bank and Gaza is willing to accept a two state solution as the permanent solution between Israel and the Palestinians as an agreement that will actually end the conflict, not one that simply ushers in a new stage of the conflict.

So, in all of these ways, that it is the people both on the Palestinian side and on the Israeli side who give more hope in the long term, someday a situation in which the peace talks will not be endless but will actually produce an endgame acceptable to both sides and in the interest of the United States as well.

Professor Nicholas Rostow

Former Legal Adviser, National Security Council; currently, Senior Director, Institute for National Strategic Studies, National Defense University

I need to begin with the usual U.S. government disclaimer that whatever I say are my personal views and not necessarily representative of the U.S. government or any part of it. I thought I would try to situate the diplomatic effort in the history of Israeli Palestinian affairs historically and legally, and then offer a few thoughts on where things might be headed.

History and law are important in this subject because as Chaim Weizmann said years and years ago, the issue involves two rights, not a right and wrong. And in fact if one ignores or forgets the history of the conflict, one runs the risk of being trapped by it later. But the real question is why could Hosni Mubarak in January 2000 tell a visiting congressional delegation that he thought peace between Israel and the Palestinians was inevitable and would be achieved in six months and here we are 14 years later in search of that closing deal. I think it has as much to do with psychology as anything else.

So I would like to begin with a little history, a little law, and then talk a little bit about what I see as a psychological difficulty and then where we are likely to see the future head. At bottom, the Arab-Israeli conflict boiled down is a dispute about the lawfulness of the Balfour Declaration and the League of Nations Mandate for Palestine, which adopted it verbatim and foresaw the creation of the Jewish state in Palestine. And that body of law also was the original source for the whole legal notion of self-determination. So claims to self-determination by Jews for a Jewish state and by Palestinians for a Palestinian state all are rooted in the same law. And it is a pity that they do not recognize that because we would have avoided years and years of conflict if they had.

The original conflict in its post 1948 1949 period was a state-on-state conflict conducted with occasional or a lot of guerrilla raids, but it was above all state-on-state. So you had the declaration of Israeli statehood met with attacks by Arab armies. The Suez crisis, which involved Israel's war with Egypt, the 1967 crisis over the closing of the Strait of Tiran, the expulsion of the UN Emergency Force (UNEF), the creation of a unified command under Egyptian control of Egypt, Syria, and Jordan, and what Dennis Ross called "blood curdling" statements by Nasser, that resulted in the 6-Day War and ultimately UN Security Council Resolution 242 and the Israeli occupation of the West Bank, Gaza, the Golan Heights, and the Sinai Peninsula. The difference between 1967 and 1956 where Israel occupied the Sinai Peninsula but withdrew without a peace agreement was that President Johnson said that he wasn't going to insist on that again. Once was enough. (He also said Nasser's expulsion of UNEF and closing of the Straits of Tiran in violation of commitments made to President Eisenhower had "slit our throat from ear to ear.")

In 1956-57, the Israelis had withdrawn expecting a peace deal. They didn't get it. In 1967, the formula was no withdrawals without a peace agreement. That is the framework of UN Security Council Resolution 242 adopted in November 1967. The expectation of 1967 was that the Israeli victory would be followed by a rapid conclusion of peace treaties, slight changes in borders to rectify divided towns where barbed wires ran down the middle of the streets. It was met instead by three no's. No peace, no negotiations, and no recognition. So the occupation then

dragged on for, where are we, almost 50 years? But lo and behold there has been real progress. There is a peace treaty between Israel and Egypt. There is a peace treaty between Israel and Jordan. The peace treaty with Egypt contemplates a Palestinian state. There is in my view de facto recognition through the Oslo Agreements and their progeny of both Israel and a Palestinian state. And so those are not trivial achievements. We have seen both through the publication of that marvelous, with one exception, book of maps by the Washington Institute that the two state solution, the drawing of boundaries, is possible notwithstanding settlement construction and all the rest of it. So a two state solution is physically possible in terms of borders and populations.

We've seen in the last nine months of the negotiations led by General Allen that the security issues of concern to Israel, the Palestinians, the Jordanians can be resolved. We come back to the question posed by the French Ambassador to the United Nations Jean-Marc de La Sablière in 2004 when he first showed up and got to sit through his first all night UN Security Council on the Palestinian question. He said, "This is a conflict which makes no sense; we all know what a deal looks like. So why is there a conflict?"

And that's where I started. It has been psychologically difficult to cross the last bridge. Our two previous speakers made it clear what that bridge is: it is acceptance on the one hand of the Jewish people's right to a state and Palestinian statehood with limits, not the whole of the former League of Nations' Mandate to which the PLO charter still lays claim. I recognize that the Palestinian National Council has taken actions to nullify certain portions of the Charter and accept the Rabin-Arafat Letters but the text itself still talks about Palestine without Israel.

The Hamas charter talks about the destruction of Israel. As we just heard, there is too much demonization on both sides. The press in Egypt and elsewhere still presents the Protocols of the Elders of Zion, a really offensive text, as real. Some Israeli extremist espouse the desecration of mosques and other important buildings. These things don't help but they do tell us that there is a psychological problem that needs to be addressed. And the diplomacy that fails to take that into account and governments that fail to act against this will not be preparing the ground for real peace when it comes, and I hope it will.

Where to today? I think the best way to look at it at the moment is that the negotiations are stalled but not over. There will be future negotiations, partly because the parties have nowhere else to go, whether it's this year or next year or five years. Because one can hope that a new generation of Palestinian leadership will grow up, that will see that peace offers more opportunity than continued rejection and that, in fact, the issues that divide Israel and the Palestinians are not so intractable. Practical resolution of practical issues can be overcome. And for the Israelis, the two state solution poses very limited risk.

I would hope that when the negotiations resume, Mr. Mubarak's optimism, it may take 15 years instead of six months, but let's hope that it will be realized.

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