

FRAMING, PRINCIPLES AND ELEMENTS: IF THE OBAMA ADMINISTRATION TRULY SEEKS A BREAK-THROUGH ON THE ISRAEL-PALESTINE CONFLICT

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Writing recently in *The Washington Post* ("Middle East Priorities," Nov. 21), Brent Scowcroft and Zbigniew Brzezinski, two former US National Security Advisors, a Republican and a Democrat, declared: "We believe that the Arab-Israeli peace process is one issue that requires priority attention [from the incoming Obama Administration]."

Their assessment is correct, of course. Addressing the Israeli-Palestinian conflict *is* an urgent priority. It is a conflict with global ramifications in a part of the world crucial to Western, and especially American, political and economic interests. The Israeli Occupation fuels anger and alienation among Muslims – as well as among peoples beyond the Muslim world, including in Europe – towards the US and its European allies. And the Palestinians are the gatekeepers that cannot be by-passed. No matter what peace plan is devised or how much pressure is exerted on the Palestinian leadership to accept it, until the Palestinian people *everywhere*, including the refugee camps, say that the conflict is in fact over, it's not over. This is their ultimate clout. Only when a *just* solution is reached that genuinely addresses their grievances and needs will they signal to the rest of the Arab and Muslim worlds that the time has come to normalize relations with Israel and its American and Western patrons. This reality is obliquely acknowledged by Scowcroft and Brzezinski when they write: "Not everyone in the Middle East views the Palestinian issue as the greatest regional challenge, but the deep sense of injustice it stimulates is genuine and pervasive."

Yet every peace initiative since 1967 has been stymied – let's be honest – by Israel's determination to make permanent its control of the land "between the river and the sea." Why compromise if you can have it all? Israelis today enjoy a high degree of security (Gaza being little more than a nuisance), the settlement project proceeds unhindered, the economy (based on diamonds, arms and security) is sound and their country's international status only rises. The status quo, far better, more predictable and more manageable than any "peace" might be, can be maintained indefinitely, especially given US support which, because of the bipartisan support Israel enjoys in Congress, does not seem threatened by the incoming Obama Administration. The problem is framing. However much Israel undermines what would otherwise be a straightforward negotiating process, it cannot be publicly criticized lest one appears to be "anti-Israel" – or worse. And non-critical engagement with Israel has never succeeded in eliciting a single meaningful concession.

How, then, when the pressing need to resolve the conflict runs head-on into Israel's uncanny ability to derail, delay or defeat initiatives towards peace, can the Israeli veto be neutralized and genuine negotiations leading to a genuine resolution proceed? What is

needed is a "package" beginning with an *American* framing and then proceeding to principles and finally to the specific elements of a solution. The current approach, as exemplified by Scowcroft and Brzezinski's list of technical "elements" that must be addressed, illustrates the backward approach which has led nowhere – though towards the end of their piece they recognize the need for framing.

Just to show how self-defeating the elements-first approach is, let us begin with the four "well known" elements which Scowcroft and Brzezinski suggest as essential for resolving the Israel-Palestine conflict.

(1) *Israeli withdrawal to the 1967 borders with minor, reciprocal and agreed-upon modifications.* This is indeed a central element in any two-state solution, but it conceals the dangers inherent in all negotiations between a strong Occupying Power and a powerless people under its control: the likelihood that "minor, reciprocal and agreed-upon" will be defined by the strong side and imposed on the weaker one, to its detriment. Merely the annexation of Palestinian East Jerusalem to Israel, only a "minor" adjustment of just over 1% to the 1967 borders, will rob a Palestinian state of its political, cultural and religious center, not to mention its economic heart. Israel's annexation of its West Bank "settlement blocs," containing fully 80% of its settlers, would involve a "minor" adjustment of only 7-10% of the 1967 borders, but it, too, eliminates a *viable* Palestinian state.

Reciprocal? Is the exchange of 10% of West Bank land containing East Jerusalem, the settlement blocs, some of Palestine's richest agricultural lands and its water resources for an equivalent amount of land in the Negev desert truly "reciprocal"? Does the notion of reciprocal land exchange include such considerations as the territorial integrity of a Palestinian state, freedom of movement or, in the end, genuine sovereignty? If, for example, Israel was to annex or "lease" the Jordan Valley, which it has always insisted must be done, it could easily "compensate" the Palestinians with another few percentages of land within Israel, but how could that "reciprocal" exchange compensate for the loss of a border with an Arab country, something that would turn a Palestinian "state" into a mere Bantustan?

And "agreed upon," as we have seen in previous negotiations, means little if there is no parity of power between the sides. Only a peace process based on international law, human rights conventions and UN resolutions – all studiously eliminated from negotiations by the US and Israel – will level the playing field. So while Scowcroft and Brzezinski's "element" is indeed fundamental to a just peace, it must be embedded in three other *principles* that make up the underlying approach and prevent abuse: negotiations based on international law, human rights and UN resolutions; the principle of return to the '67 borders agreed upon before modifications begin, in conformity to UN resolution 242 (and not to Israel's self-serving interpretation of it); and commitment to a *viable* Palestinian state possessing territorial contiguity, control of borders, airspace, resources and movement of people and goods. Only then will negotiations be able to avoid the pitfalls of power differentials.

(2) *Sharing Jerusalem as a capital of two states.* This is actually an important step forward, but it's certainly not "well known," since the "Clinton Parameters" which guided discussion over Jerusalem, envisioned a divided city. This is, indeed, the way to approach the issue of Jerusalem. But here, too, the devil is in the details. Who defines "Jerusalem"? The Israeli definition incorporates the eastern side of the city, annexed to Israel already in 1967, but plans are almost completed for the further annexation – *de facto* if not *de jure* -- of what Israel calls "Greater Jerusalem." Not only will an additional 150,000 Jews be added to the Jerusalem population, but the Palestinians in the city will be isolated from the West Bank, thereby depriving a Palestinian state of its main source of income, tourism, as well as other crucial economic and political resources. Indeed, Israel has defined, for planning purposes, a "metropolitan" Jerusalem that includes Ramallah and Bethlehem, effectively turning those Palestinian cities into economic satellites of an Israeli Jerusalem. Palestinians, on the other hand, while agreeing with Scowcroft and Brzezinski's "element" of a shared Jerusalem, consider it an integral part of their country. This element, then, must also be anchored in a principled approach: Jerusalem should not only be shared but it must be wholly integrated into the political, economic, social and cultural fabric of the Palestinian state, not simply accessible from a few bus routes.

(3) *No right of return into Israel, but compensation and agreements with Arab states for the granting of citizenship.* Again, a technical "solution" to a problem that will simply not work because it ignores the principle of justice. It is true that, technically, a resolution of the refugee issue may not be difficult. Studies indicate that only 10% of the refugees have a desire to return to what is today Israel, and those are mainly the elderly. Others will return either to a Palestinian state, stay where they are in an Arab country or expect resettlement and compensation in another country. Israel could also allow a limited return: Ehud Barak, when he was Prime Minister, once spoke of 150,000.

But, as Jews well know, victims of an injustice on the scale of the Nakba require more than merely compensation, especially if they are expected to give up their right to return to their country – and they *do* have an absolute right to return that cannot be taken from them. Two preconditions, symbolic but indispensable, must precede any negotiations. First, Israel will have to acknowledge the *right* of the refugees' return. Palestinians will not allow their 60-plus year nightmare of suffering and injustice to be dismissed as merely a "humanitarian" problem. By the same token, Israel will have to admit and acknowledge its role in creating the refugee issue in 1948. Victims need the injustice they suffered to be acknowledged if the wounds are to heal and reconciliation take place. (We may even need a Truth and Reconciliation Commission.) Getting Israel to do these two things is the most difficult part of the refugee problem; Israel will resist doing so. But unless this principled approach is adopted, the refugee issue – which is central in the Palestinians' view of the conflict – will never be truly resolved and the conflict never really ended.

(4) *A demilitarized Palestinian state, perhaps with NATO and other foreign troops to protect Israel (!) and the Palestinians.* This element of Scowcroft and Brzezinski's approach exposes the bias and naiveté of the traditional US position. Why in the world

does Israel, a nuclear power with an army that rivals any in Europe, need foreign troops to protect it?! And what of the Palestinians? Even if they also receive some foreign protection, why should they be the world's only demilitarized state and, given Israel's military aggressiveness, will a foreign contingent really protect them against Israel? Once again, principle must precede technical "elements" of a peace agreement. The Palestinians should be guaranteed what every other country has, actual sovereignty, including unmediated borders with its Egyptian and Jordanian neighbors, the essential corollary of national self-determination. Once genuine sovereignty and viability are defined to the Palestinians' satisfaction, and in line with international norms, negotiating the details specified by Scowcroft and Brzezinski can proceed.

Scowcroft and Brzezinski then add one other element to the mix:

(5) The president speaking out clearly and forcefully about the fundamental principles of the peace process [and pressing] the case with steady determination. This, however, is more than an "element." It represents precisely what I have been advocating: the realization that without a declared and principled approach underlying a peace process, we have nothing more than the failed Oslo process, open-ended negotiations towards no clearly defined goal, which, in the end, only permit Israel to entrench its control. And its absence is not simply an oversight; nor is it as easy to articulate as Scowcroft and Brzezinski indicate. The problem has to do with framing.

And here is where a president hits up against Israel's fundamental refusal to enter into a peace process that might actually threaten its hold over the Occupied Territories. A framing based on the principles I enumerated or the elements of a genuine Israeli-Palestinian peace as outlined by Scowcroft and Brzezinski will simply not be accepted by either Israel, its allies in Congress or sectors of the American public Israel is capable of mobilizing. For both the principles and the elements are already framed as "anti-Israel" because they lead precisely to what Israel has avoided these past 40-odd years: a complete dismantling of its Occupation and the rise of a genuine Palestinian state. Any presidential statement, especially if it is forceful, that does not place Israel's Occupation at the forefront is simply not acceptable. And yet, without it, there can be no fruitful negotiations or an end to the conflict.

If framing is the problem, it may also be the solution. If the elements listed by Scowcroft and Brzezinski must be anchored in a set of principles which direct the negotiations, then those principles themselves must be anchored in an American reframing. Obama could by-pass the Israeli framing by taking a lesson from Reagan, who faced a similar problem in 1981 when he sought to sell AWAC surveillance planes to Saudi Arabia. When it became clear that AIPAC might actually muster enough opposition in Congress to block the sale, Reagan pulled rank – which is just what Scowcroft and Brzezinski seem to be suggesting that Obama do. Reagan told Congress: I am the Commander-in-Chief, and I am telling you that this sale is in the vital interests of the United States. Framed like that, Congress could hardly reject the deal. In order for President Obama to "speak out clearly and forcefully about the fundamental principles of the peace process," as he will have to if he wants to enter into meaningful negotiations, he must anchor those principles in

American interests. A complete end to Israel's Occupation and the establishment of a truly sovereign and viable Palestinian state next to a secure state of Israel, he must state, is in the vital interests of the United States.

Only that package – identifying the essential elements of a peace agreement, anchoring them in an approach based on overarching principles of justice acceptable to the Palestinians, and then framing it all in terms of *American* interests in seeing this conflict resolved – will enable a president to finally break through the obfuscation created by the Israeli framing, the major obstacle standing in the way of a just and sustainable resolution of the conflict. But in reversed order: first the framing, which will present the president's case in a coherent and compelling fashion to the public, followed by the principles and then the specific elements. Tiny points in a global conflict, but then again, if Israel has taught us anything these past four decades of fending off attempts to end its Occupation, it is that the devil is in the details.

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A "BREAK-THROUGH" APPROACH TO THE ISRAELI-PALESTINIAN CONFLICT

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Framing →	Principles →	Elements
<ul style="list-style-type: none"> • The US President sets out clearly and forcefully the fundamental principles of the peace process and presses the case with determination; • An American framing: a complete end to Israel's Occupation and the establishment of a truly sovereign and viable Palestinian state next to a secure state of Israel is in the vital interests of the United States. 	<ul style="list-style-type: none"> • Need for national expression for both peoples – though two state solution increasingly unlikely; • Negotiations based on international law, human rights and UN resolutions; • The <i>principle</i> of return to the '67 borders agreed upon before modifications begin; • Commitment to a <i>viable</i> Palestinian state with territorial contiguity, control of borders, airspace, resources and movement. 	(1) Israeli withdrawal to the 1967 borders with minor, reciprocal and agreed-upon modifications – <i>or serious consideration of a one-state solution.</i>
	<ul style="list-style-type: none"> • Jerusalem should not only be shared but it must be wholly integrated into the fabric of the Palestinian state 	(2) Sharing Jerusalem as a capital.
	<ul style="list-style-type: none"> • Israel acknowledges the <i>right</i> of the refugees return; • Israel acknowledges its role in creating the refugee issue in 1948; • Return of agreed-upon number of refugees into Israel; • Financial compensation. 	(3) Right of return, but negotiated solution in context of the enunciated principles. Aid in resettlement in Palestine/Israel, the Arab countries and abroad, plus compensation.
	<ul style="list-style-type: none"> • Only normalization with Arab/Muslims <i>peoples</i> rather than shaky 	(4) Addressing Israeli, Palestinian and regional security concerns. A

	regimes will ensure regional (and Israeli) security.	demilitarized Palestinian state? Only with strict international guarantees of its sovereignty. Perhaps NATO troops in Israel/Palestine.
	<ul style="list-style-type: none"> Regional approach required to address issues of refugees, economic development, security, water, etc. 	(5) Genuine end to the Israeli-Palestinian conflict in which Palestinians signal to Arab/Muslim world that the time of normalization with Israel has arrived.

The Israeli Committee Against House Demolitions is based in Jerusalem and has chapters in the United Kingdom and the United States.

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