



## HENRY SIEGMAN

President of the "U.S./Middle East Project" (USMEP). Research professor at the Sir Joseph Hotung Middle East Programme of the University of London

The next occupant of the Oval Office will be the last American president to have the possibility of saving a two-state solution to the Israel-Palestine conflict.

If he does not pursue this goal during the first year of his presidency, the two-state "horizon" that President George W. Bush pursued so ineffectively will have disappeared for good. However, even a quick and intense engagement by the new president will fare no better than previous U.S. peace initiatives – all of which have gotten nowhere – if the next president and his advisors approach the task believing that some more "peace processing" and additional "confidence-building measures" will achieve the goal that eluded their predecessors.

The Israel-Palestine conflict has defied U.S. "facilitation" over these many years not because of procedural shortcomings, nor because of a paucity of ideas. The terms of a workable agreement – formulated in the Clinton Parameters of 2001 and elaborated in the Taba discussions that followed – are well-known, and enjoy near-universal support. What has been missing is the political will to take the measures necessary to get the parties to accept these parameters – a political and moral failure that has doomed all previous efforts. This failure has not been the result of ignorance, but cowardice – a willful disregard by much of the international community of certain unchanging fundamentals that underlie this conflict. Peace initiatives that seek an agreement on the cheap, and refuse to pay the price demanded by these fundamentals cannot succeed.

The first and most decisive of these fundamentals is the vast discrepancy of power and influence that defines the Israeli and Palestinian relationship. It is rare for a country with the overwhelming military, diplomatic and economic advantages over its enemy enjoyed by Israel to yield to demands of a near-impotent adversary without a third-party restoring some balance between the two. The only outside power capable of restoring that balance is the U.S., because its support and friendship for Israel are unquestioned by Israelis, and are understood by all factions in Israel to be the country's most important security asset by far.

Without a determined American insistence that Israel end its occupation and negotiate a peace accord that approximates the international consensus without further delays, no amount of tinkering with negotiating mechanisms or reformulations of permanent status issues, and no amount of "CBMs" – confidence-building measures – will change the forty-year dynamic of the conflict that has resulted in so extensive an expansion of Israel's population into Palestinian territories as to clearly preclude a two-state solution. That Israel's past and continuing settlement project in East Jerusalem and in the West Bank has reached that point is beyond question. What is not clear is whether these Israeli "facts on the ground" are still reversible.

Such reversibility depends on the next American president's leaving no doubt about America's resolve to end the conflict on the basis of the above-mentioned international consensus, and on strong U.S. support for, and participation in, measures necessary to enable Israel to deal with serious security challenges that will inevitably be created by a peace accord that conforms to previous agreements and international law. However complicated and costly, such arrangements hold far greater promise of protecting Israel's security within its own borders – and at lesser material and moral cost – than the perpetuation of Israel's occupation of the West Bank.

For a new U.S. initiative to be credible and effective, the next administration must reaffirm the foundational principle of the Road Map and of previous agreements, which is that while some changes from the pre-1967 situation are inevitable, they will not receive U.S. and international recognition if made unilaterally by either party. It is a principle that President Bush and Secretary of State Condoleezza Rice repeatedly affirmed rhetorically, but regrettably never acted upon.

Particularly misguided and damaging has been the oft-repeated demand that Palestinians offer territorial concessions that match the “painful concessions” Israel’s leaders have said they are prepared to make. It is a formulation that reveals a profound misunderstanding or a deliberate distortion of the history of this conflict. Innocently or otherwise, it must produce a one-sided outcome that is unjust and untenable. For Palestinians have not asked Israel to make territorial concessions, i.e. to give up territory that belongs to the Jewish state, nor has Israel ever indicated it would under any circumstances consider doing so. What Palestinians have asked is that Israel return Palestinian territory, which it is obliged to do by treaty obligations and international law.

It is only Palestinians who have been pressed to make painful concessions by allowing Israel to retain Palestinian territory in order to accommodate Jewish settlement blocs that Israel established illegally in the West Bank. It is too often forgotten that Palestinians have already made a most painful and far-reaching concession when, as a condition for Israel’s acceptance of the Oslo Accords, the PLO formally agreed to recognize the legitimacy of territory acquired by Israel in the war of 1948. It is a concession that reduced by fully one half the territory assigned to the Arab population of Palestine by the United Nations in the Partition Plan of 1947. Therefore, any new initiative that does not provide that negotiations begin at the pre-1967 armistice line and requires Palestinians to relinquish even more of the 22 percent of the territory left them will be stillborn.

The U.S. and the international community must reject the unspoken but long-dominant notion that if the parties do not reach a peace agreement, the “default setting” of Resolutions 242 and 338 is a continuation of Israel’s occupation. If this reading of the resolutions were correct, they would provide a powerful incentive for the occupying power to resist a peace agreement indefinitely. Clearly, this could not have been the sponsors’ intention. The U.S. and the international community must finally act on the plain logic that the “default setting” of the resolutions – which should have kicked in long ago – requires a return to the status quo ante, without territorial and other changes that negotiations and a peace agreement might have produced.

A renunciation of violence by Palestinian factions is not sustainable if there is no effective and empowered third-party mechanism that adjudicates violations on both sides. If the occupying power – with its guns trained on the occupied population – also serves as judge, jury and executioner, violence is inevitable and peacemaking will remain out of reach.

This catalogue of past failures is not intended to ignore or excuse the disastrous choices Palestinians have so often made in pursuing their struggle for statehood – from egregious failures at institution-building, to murderous violence against innocent civilians, to the more recent fratricidal warfare between Fatah and Hamas (for which Fatah’s refusal to accept the democratic choice of the Palestinian people in the parliamentary elections of 2006 deserves most of the blame). What it does tell us is that the difficult measures Palestinians must take to put their house in order – whether in regard to institution-building, security arrangements, or the rule of law – will remain beyond their grasp unless they are given a credible and proximate two-state commitment for a Palestinian state alongside of Israel that is “independent, viable and sovereign” as of right, not Israeli magnanimity. And because such a state is indeed the right of the Palestinian people, its acknowledgement must precede, not follow, conditions set for its implementation. That such a clear commitment has not been made to this day is seen by Palestinians as far more revealing of Israeli intentions and American indifference than any additional confidence-building measures can hope to be.

It is these fundamentals that must inform what will surely be the last U.S. chance of achieving a two-state solution. If this opportunity is lost, the consequences will cause deep and lasting damage to vital U.S. interests in the region and beyond. They will also spell the end of Israel as a democratic or Jewish state, for given the emerging non-Jewish majority in the territories under Israel’s control, it can no longer be both.

A U.S. initiative that goes beyond the failed “facilitation” of previous administrations to vigorous and determined diplomacy can end this conflict, and thereby strengthen America’s ability to deal with many of the other major challenges it faces in the region. Only a president whose political and moral horizon extends beyond the next Congressional election – and understands that by the time that election occurs, the two-state solution will have disappeared – can bring this multi-generational tragedy to an end.