

# Can the next U.S. president rescue a two-state solution to the Israel-Palestine conflict?

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The next occupant of the Oval Office will be the last American president to be able to save the two-state solution to the Israel-Palestine conflict.

If he does not pursue and achieve this goal during the first year of his presidency, the two-state "horizon" that President George W. Bush pursued so ineffectively is likely to disappear for good. But even a quick engagement by the new president will fare no better than previous U.S. peace initiatives - all of which have got nowhere - if he and his advisors approach the task believing that some more "peace processing" or "confidence-building measures" will achieve the goal that eluded his 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 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 get the parties to act on these parameters - a political and moral failure that has doomed all previous efforts. This failure has not been the result of ignorance, but of cowardice - a willful disregard by successive American administrations and by much of the international community for certain unchanging fundamentals that underlie this conflict. Peace initiatives that ignore these fundamentals and seek an agreement on the cheap cannot succeed.

The following catalogue of past Israeli and European/U.S. failures is not intended to excuse 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. Rather, it is intended to say that the difficult measures Palestinians must take to put their house in order will remain beyond their grasp unless they are given a credible and proximate commitment for a Palestinian state alongside of Israel that is "independent, viable and sovereign" as of right, not Israeli generosity. And because such a state is indeed the right of the Palestinian people, its acknowledgement must precede - not follow - conditions that are set for its implementation. That such a clear commitment has not been made to this day is far more revealing of Israeli intentions and U.S./European indifference than any number of confidence-building measures that have left entirely unchanged the Palestinians' status as a people under the heel of a crushing and open-ended occupation.

In a recent interview following his resignation as prime minister, Ehud Olmert shocked Israelis by endorsing views associated with Israel's political hard left. Among other startling declarations, he said that the reason Israel was able to reach a peace agreement with Egypt - as opposed to its futile efforts to achieve a peace accord with Arafat or with Syria's two Assads - was not Sadat's dramatic visit to Jerusalem. The real reason is that well before Sadat's visit, Israel's celebrated chief of staff and foreign minister, Moshe Dayan, at a secret meeting with Sadat's envoy in Morocco, delivered the following message from Prime Minister Menachem Begin: First, Israel is prepared to return every last inch of Egyptian territory under Israeli occupation. Second, now let us negotiate the implementation of that goal. That is something Israel has refused to say to the Palestinians and to the Syrians and that is why all previous negotiations have got nowhere. Of course, while in office, Olmert not only did nothing consistent with this understanding, but also personally approved measures until the very last moment - such as authorising further construction in the settlements and in East Jerusalem - that deepened the despair of Palestinians and made a two-state solution an even more impossible dream.

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The first and most decisive of the ignored 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 enjoyed by Israel to yield to the demands of a near-impotent adversary without a powerful 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 virtually everyone in Israel to be the country's most important security asset, one they dare not weaken.

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 no longer allow a two-state solution. That Israel's 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 entirely on the next American president leaving no doubt about America's resolve to use its leverage to end the conflict on the basis of the existing international consensus while fully supporting - and participating in - measures necessary to enable Israel to deal with security challenges 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 borders - and at lesser material and moral cost - than the perpetuation of Israel's occupation of the West Bank.

Amuscular and proactive U.S. diplomacy will be criticised by some as constituting an inappropriate outsiders' imposition of terms for a peace agreement. It is no such thing. The parameters for a permanent status agreement that the next U.S. president must put forward would be based on principles that both Israel and the Palestinians signed up to when they formally endorsed UN Resolutions 242 and 338, the Oslo Accords, the Road map and the Annapolis understandings. The American president must insist that commitments made by Israel - no less than commitments made by Palestinians - must finally be honored and implemented, something previous U.S. presidents have failed to do.

For such a new 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 may be inevitable, they will not receive U.S. and international support or recognition if made unilaterally by either party. It is a principle that President Bush and Secretary of State Condoleezza Rice repeatedly affirmed rhetorically, but never acted upon.

At a press conference following her February 2006 meeting in Washington with Israel's Tzipi Livni, Secretary Rice said that "the United States position on [Israel's unilateralism] is very clear and remains the same. No one should try and unilaterally predetermine the outcome of a final status agreement. That's to be done at final status." Rice added that President Bush's letter to Prime Minister Ariel Sharon endorsing the need to take into consideration "new population centres" in the West Bank does not provide a license for anyone to "try and do that in a preemptive or predetermined way, because these are issues for negotiation at final status." Yet both Bush and Rice repeatedly prevented efforts by members of the Security Council to censure Israel for doing precisely that - "unilaterally predetermining the outcome of a final status agreement."

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Particularly misguided and damaging has been the oft-repeated demand for the Palestinians to 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 deliberate distortion of the history of this conflict, and must produce a one-sided outcome that is unjust and untenable. For Palestinians have not asked Israel to make territorial concessions, i.e. give up any of the territory Israel has controlled since the armistice agreement of 1949. Nor has Israel ever indicated it would under any circumstances consider doing so. What the Palestinians have asked is for Israel to return the Palestinian territory on which Israel has illegally established settlements and to which it has transferred its own population, in violation of treaty obligations and international law.

So far, it is only Palestinians who have made painful concessions. This they have done when, as a condition for Israel's acceptance of the Oslo Accords, the PLO formally agreed to recognise the legitimacy of territory acquired by Israel in the war of 1948. It is a concession that reduced by fully one half the territory originally assigned to the Arab population of Palestine by the United Nations in the Partition Plan of 1947. Given that major Palestinian territorial concession, any new initiative that does not establish that negotiations are to begin at the pre-1967 armistice line, and requires Palestinians to relinquish even more of the 22 percent of the territory that has been left to them (other than in equal land swaps), will be stillborn.

The U.S. and the international community must finally reject the unspoken but long-dominant notion that if the parties do not reach a peace accord, the "default setting" of UN Resolutions 242 and 338 is a continuation of Israel's occupation. If this is what the resolutions intended, they would have provided a powerful incentive for the occupying power to resist a peace agreement indefinitely. Clearly, this was not their intention. The U.S. and the international community must therefore finally act on the resolutions' plain logic that their default setting is a return to the status quo ante - without territorial and other changes that negotiations and a peace agreement might have produced. It is a default setting that should have kicked in long ago.

The cessation of violence by both sides is a reasonable and necessary condition for successful peace negotiations. But it is not an achievable goal in the absence of an independent and empowered international mechanism to monitor violations by either side. If the occupying power - with its guns trained on the occupied population - continues to serve as judge, jury and executioner as it has for the past forty years, violence is inevitable and peacemaking will remain out of reach.

It is these fundamentals that must inform what will surely be the last U.S. opportunity to salvage a two-state solution. Losing this opportunity will spell the end of Israel as a democratic or Jewish state; given the emerging non-Jewish majority in the territories under Israel's control, it can no longer be both. It is difficult to understand why any head of state would believe that supporting or acquiescing to that kind of an outcome might be an act of friendship to the State of Israel or to the Jewish people.

A U.S. initiative that goes beyond the failed "facilitation" of previous administrations to vigorous and determined diplomacy can still produce a two-state solution, but only a president whose political and moral horizon extends beyond the next Congressional elections - and understands that by the time those elections occur, the two-state solution will have disappeared - can hope to bring this multi-generational tragedy to an end.

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