

The U.S. Role in the Breakdown of the Israeli-Palestinian Peace Process

By Stephen Zunes

In the time since the collapse of the Israeli-Palestinian peace talks at Camp David in the summer of 2000 and the subsequent Palestinian uprising, details have emerged that challenge the Clinton administration's insistence—reiterated by leaders of both the Democratic and Republican parties as well as by much of the mainstream media—that the Palestinians were responsible for the failure to reach a peace agreement and for much of the violence that has engulfed Israel and Palestine since then.

If such a perception were true, then the ongoing U.S. diplomatic, financial, and military support for Israel's occupation of the West Bank and Gaza Strip and the resulting human rights violations could be justified as a response both to the Palestinian refusal to accept reasonable Israeli offers and to the Palestinians' subsequent use of violence to force further Israeli concessions. The reality, however, is far more complex. Both the Clinton and Bush administrations, along with leading members of Congress of both parties, have deliberately misrepresented what happened in the peace process before, during, and after Camp David, as well as what has transpired since the outbreak of the second *intifada* in late September 2000. This has served to justify a policy of supporting an increasingly repressive occupation army, something that would otherwise be unpalatable to the American public.

The Palestinians do bear some responsibility for the tragic turn of events. There was not effective communication between Arafat and some of his negotiators, which led to some confusion during the peace talks. Arafat's corrupt, inept, and authoritarian rule has alienated broad swaths of Palestinian public opinion, making it difficult for him to control much of his population. Similarly, the Palestinian Authority failed to create the sociopolitical base necessary to promote a viable sovereign entity. Arafat refused to disarm Fatah's Tanzim militia, which is now largely beyond his control and has

engaged in a number of armed confrontations with Israelis in the occupied territories. Segments of the Palestinian Authority and some of the Palestinian media have encouraged violence not just against Israeli occupation forces but against Israeli settlers as well. The Palestinian Authority has not cracked down sufficiently on armed elements of radical Islamic opposition groups that have engaged in terrorist attacks inside Israel, resulting in the deaths of scores of innocent Israeli civilians. Worse, other elements of Fatah—possibly with Arafat's backing—have more recently joined in organizing suicide bombings and other terrorist attacks. In addition, the Palestinians have not emphasized sufficiently that the intifada is focused solely upon the ongoing Israeli occupation of lands seized in the 1967 war and is not an attack on the legitimacy of Israel itself.

However, a careful examination of the events appears to indicate that the primary fault for the failure of the peace process and the subsequent violence lies squarely with the occupying power—Israel—and its patron—the United States. This is particularly important to understand in light of the September 11 terrorist attacks on U.S. targets, as questions are being raised about the popular anger against the U.S. generated in the Arab and Islamic world. Although very few Arabs or Muslims support terrorism, Washington's support for the Israeli occupation has been one of the key issues provoking growing resentment over the U.S. role in the Middle East. Many Americans are under the mistaken belief that Washington has tried to play the role of an even-handed mediator and are perplexed as to why so many people in the region see the U.S. role otherwise.

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Foreign Policy In Focus Special Report May 2002

Foreign Policy in Focus is a joint project of the Interhemispheric Resource Center (IRC) and the Institute for Policy Studies (IPS). The project depends on sales and subscription income, individual donors, and grants from foundations and churches. *In Focus* internships are available, and we invite article queries and comments.

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CLINTON'S PREMATURE SUMMIT

From the beginning of the talks subsequent to the Principles of Understanding negotiated in Oslo between Israel and the Palestine Liberation Organization and signed in Washington in September 1993, both sides saw the process very differently. The Palestinians saw the Oslo process as a means to end the Israeli occupation and establish a Palestinian ministate on the West Bank and Gaza Strip, lands seized by Israel in June 1967. By contrast, the U.S. and Israel saw Oslo as a way of maintaining an Israeli occupation of major sections of these territories with the Palestinian Authority in charge of administering most major Palestinian population centers and cooperating in the protection of Israel and its settlements in the occupied territories.

Throughout the peace process, the Clinton administration seemed to coordinate the pace and agenda of the talks closely with Israel, ignoring Palestinian concerns. Palestinians wanted to address both the issue of Jewish settlements in the occupied territories and the status of Jerusalem some years earlier, but these topics were repeatedly postponed by the United States. In a similar vein, the U.S. has long treated Israeli security as the primary focus of the negotiations, not equally legitimate Palestinian concerns. A top Israeli negotiator admitted that Israel and the U.S. worked closely with each other on their respective proposals; for all intents and purposes, these were largely joint efforts.

The Camp David summit between Israeli prime minister Ehud Barak and Palestinian Authority president Yasir Arafat hosted in July 2000 by Clinton

failed in large part because neither side was ready for a final agreement. Clinton naively thought that he could pressure Arafat to accept Israeli terms, even though negotiations up to that time indicated that the two sides were still far apart on some key issues.

In the spring of 2000, a series of missteps by both the Israelis and Palestinians—and by President Clinton as well—appears to have doomed the Camp David summit. For example, Clinton relayed to Arafat that Barak would transfer three occupied Palestinian villages on the outskirts of Jerusalem to Palestinian control, which Arafat then announced to the Palestinian public. However, Barak reneged on the promise, and Clinton refused to push the Israeli prime minister to honor his pledge. This event became part of a growing distrust that Palestinians were feeling about the U.S. and Israel in the peace process.

Furthermore, Barak refused to withdraw from certain Palestinian lands as part of the third phase of withdrawals previously agreed upon by his rightist predecessor Benjamin Netanyahu. Nor did Israel open the four safe passages between Palestinian areas as it had promised. Barak even encouraged the construction of illegal Jewish settlements faster than did his predecessor. Indeed, during Barak's 18 months in office, the number of settlers grew by an astounding 12%. The Clinton administration did not challenge these policies, nor did it criticize the expropriation of land or the incarceration of Palestinian prisoners. Barak, throughout his tenure, was in fact extremely reluctant to even meet with Arafat.

The U.S. insistence, then, to jump to final-status negotiations without prior confidence building measures—such as a freeze on new settlements or the fulfillment of previous Israeli pledges to withdraw—led the Palestinians to question the sincerity of both Israel and the United States. Arafat and other Palestinian officials repeatedly warned both Israeli and U.S. officials of the growing resentment among ordinary Palestinians over the dramatic growth of settlements and other Israeli policies. Furthermore, they argued that the previously agreed-upon withdrawals needed to take place before the more difficult issues of the rights of refugees and the status of Jerusalem could be

addressed. However, both the U.S. and Israel insisted on moving directly to a summit of the final-status issues, even though these issues had only begun to be addressed in earnest during the previous eight weeks of what had been a more than seven-year process.

A series of meetings in Sweden and in Jerusalem that spring produced some substantial progress, but news leaks in mid-May about compromises made by the two sides created political problems for both Barak and Arafat. As a result, the talks stalled. Had they continued, there may have been enough groundwork for Camp David to have been successful. However, despite strong

Palestinian objections, the U.S. insisted that the two parties come to Maryland anyway to try to hammer out a final agreement. Arafat stressed that he needed more time, but Clinton pushed Arafat to come and try anyway, promising that “If it fails, I will not blame you.”

However, Clinton didn’t follow through with that promise. Not only did he put enormous pressure on Arafat to accept the Israeli proposals, but in the end he did blame Arafat and the Palestinians for the collapse of the talks, when Barak’s peace proposals fell way short of Israel’s legal obligations and minimal Palestinian demands.



THE U.S.-BACKED ISRAELI PROPOSAL AT CAMP DAVID

Despite initial claims by the mainstream media, repeated to this day by both Democrats and Republicans on Capitol Hill, that Barak made an extremely generous offer to the Palestinians at Camp David, an actual examination of the proposal reveals otherwise.

First of all, the Israeli government steadfastly refused to withdraw from all of the occupied Palestinian territory, which by this point comprised just 22% of historic Palestine. In the 1993 Oslo agreement, the Palestinians essentially recognized Israeli control over 78% of Palestine; this was a major concession from the longstanding demand for the return of all of Palestine or just the 43% of Palestine provided the Palestinians in the 1947 United Nations partition plan. Thus, the negotiations since 1993 have concerned only the fate of the remaining 22%, which the Palestinians assumed—

rightly, by virtually every international legal standard—should be their homeland. However, the U.S. and Israel have steadfastly insisted that the Palestinian demand for that 22% was too much and that the Palestinians should give up even more. This is understandably difficult for even Palestinian moderates to accept, since Palestinian Arabs were the majority throughout all of Palestine as recently as 1948 and, counting refugees, today outnumber Israelis by at least a 3:2 ratio. More fundamentally, Israel took over this remaining 22% of Palestine by military force in 1967. The United Nations—in the preamble to UN Security Council Resolution 242 (UNSC 242), long considered the basis for Arab-Israeli peace—underscored the longstanding principle of international law, reiterated in the UN Charter—to which both Israel and the U.S. are signatories—that asserts “the inadmissibility of the acquisition of territory by war” and calls for Israel to

withdraw “from territories occupied in the recent conflict.” At Camp David, Palestinian demands for implementation of UNSC 242 and international law were dismissed by the U.S., who instead argued that the talks be based on what it termed “creative ideas,” namely a U.S. position paper designed to undercut these longstanding legal principles.

Robert Malley, special assistant to President Clinton for Arab-Israeli affairs and director of Near East and South Asian Affairs at the National Security Council, acknowledged last year that Israel stuck to positions clearly unacceptable to the Palestinians in the assurance of U.S. support, and he said that there was a clear bias toward the Israeli negotiating position. Thus, the U.S. position substantially departed from UNSC 242 and 338, which the Palestinians were promised would be the bases of the negotiations. Malley further charged that instead of the

Israeli proposals being judged on international terms, Israel was rewarded for taking extreme positions initially and then tactically backing off partially from them. Because Barak had inched away from the hard line of his predecessors on some issues, Clinton gave these so-called “concessions” undue significance. Progress was based on relative movement from previously held positions, not on substance, including legal requirements or simple notions of reasonableness, equity, or justice.

Initial reports, encouraged by U.S. officials and repeated in the media, indicated that Barak was willing to return a full 95% of the West Bank to the Palestinians, even though Israel presented no maps to validate this claim. Since then, it has been learned that this widely quoted percentage did not include greater East Jerusalem and rural areas to the east and north, which the Israelis consider part of Israel proper and separate from the West Bank, though the United Nations and virtually the entire international community recognize these areas as part of the occupied territories. Israel’s offer also excluded much of the Jordan Valley, the Dead Sea coast, and parts of the Judean Desert, which Barak insisted must remain under Israeli control for a supposedly temporary but indefinite period of time, allegedly for “security reasons.” Taking these additional areas into account, Israel was offering only about 80% of the West Bank.

Barak also insisted on retaining 69 Jewish settlements in the West Bank, where 85% of the settlers live. Barak, therefore, offered to evacuate only 15% of the settlers, although—according to UN Security Council resolutions 446 and 465, based upon the Fourth Geneva Convention, which prohibits a country from transferring its civilian population onto territory seized by military force—Israel is required to evacuate all of its settlements. These

settlement blocs have carved up Palestinian territory in such a way that a contiguous Palestinian state in the West Bank would be impossible to create. Under Barak’s U.S.-backed plan, the West Bank would be split up by a series of settlement blocs, bypass roads, and Israeli roadblocks, which, by some accounts, would divide the new Palestinian state into four noncontiguous cantons. Even in areas where there might be a land bridge, Palestinians in some cases would be forced to detour 50 miles just to travel between towns only five miles apart. The Palestinians would have thus been forced to relinquish land needed for their development and for the absorption of refugees.

In addition, the Camp David plan would have given Israel supervision of border crossings between the new Palestinian state and neighboring states. Israel would control Palestinian airspace, the Palestinian seacoast, and Palestinian aquifers. The Israelis also rejected the right of return (even if only as a theoretical principle) of Palestinian refugees expelled from what is now Israel in the 1948 war, despite international treaty obligations.

It is not surprising, therefore, that Arafat would reject the Camp David plan. Indeed, it is hard to imagine any national leader accepting such an offer. Even if Clinton had been successful in forcing Arafat to agree to Israeli terms, there simply would not have been enough support among the Palestinian population to make it a viable agreement. An unsustainable peace would have been even worse than no peace. The claims by Clinton’s team of negotiators that the Israelis and Palestinians were “so close” to agreement at Camp David failed to acknowledge the substantial gap between the two parties and seemed more designed to discredit the Palestinian side than to actually reflect what transpired at the negotiations. Indeed, President Clinton

decried Arafat’s lack of flexibility while praising Barak, and Clinton’s assessments made the ramifications of this failed summit far worse than it otherwise might have been.

According to Palestinian negotiator Nabil Shaath: “I personally pleaded with President Clinton: ‘Please do not put on a sad face and tell the world it failed. Please say we broke down taboos, dealt with the heart of the matter, and will continue.’ But then the president started the blame game, and he backed Arafat into a corner.” Similarly, Israeli negotiator Shlomo Ben-Ami noted: “At the end of Camp David, we had the feeling that the package as such contained ingredients and needed to go on. But Clinton left us to our own devices after he started the blame game.”

In October, the U.S. House of Representatives—with only 30 dissenting votes—adopted a bipartisan resolution praising Barak and condemning the Palestinians for rejecting the proposal. This resolution was designed to make Americans and Israelis believe that the Palestinians had actually turned down an offer that gave them essentially what they had been asking for, thereby proving that they were not interested in peace with Israel and were instead planning a violent uprising. The resolution was a message to both the Israeli and American public that an overwhelming bipartisan consensus of U.S. lawmakers believed that the Palestinians were not really committed to a peaceful reconciliation with Israel and that even firmer U.S. backing of the Israeli occupation and its right-wing government was therefore necessary. This message reinforced the fear widely held by many Jews in Israel, the U.S., and elsewhere—in part because of Arafat’s actions in the past and in part due to the enormous fear and mistrust internalized as a result of centuries of anti-Semitism—that the actual Palestinian goal was simply to

massacre as many Jews as possible. This House resolution would prove crucial in subsequent months, since by hardening the attitude of Israelis, American Jews, and supporters of Israel in the U.S.—who in recent years had finally begun to show openness to peace with the Palestinians—it could then justify U.S. support for a far-right-wing government dedicated to destroying any possibility of Palestinian self-determination, even within a bare-fifth of historic Palestine.

While Barak's offers did go further than any previous Israeli government, they fell well short of what Israel was required to do under basic international standards and a series of UN Security Council resolutions. This is significant, since the refusal to give in to these demands was therefore completely within the Palestinian prerogative, given Israel's obligations under international law. Even if Israel had agreed to withdraw from all of the Israeli-occupied parts of the West Bank and Gaza Strip, including East Jerusalem, and

had recognized the right of return of Palestinian refugees, such conduct could not be fairly presented as great acts of generosity or even enormous concessions, since Israel is already required to do so. It should not be considered a noble act either to partially withdraw from a country that should have never been seized for more than a very temporary period in the first place or to evacuate settlements that have always been illegal.



SUBSEQUENT NEGOTIATIONS

The argument that the breakdown of the Camp David talks was solely the Palestinians' responsibility is buttressed by the equally inaccurate assumption that the breakdown of the talks meant the end of substantive negotiations or of the Palestinians' desire for a negotiated settlement. In fact, negotiations continued, with more than 50 meetings in Jerusalem in August and September, and significant headway was made.

When Arafat learned that Ariel Sharon, then the right-wing opposition leader, was planning a deliberately provocative visit to what Muslims refer to as the Haram al-Sharif, or the Noble Sanctuary (which Jews call the Temple Mount), he pleaded with Barak to block Sharon's plans. Even though the site was in East Jerusalem, which is Israeli-occupied Palestinian territory, Barak insisted that the visit was an internal Israeli matter. To support Sharon's move, Barak brought in hundreds of Israeli troops to accompany the rightist leader, resulting in violent demonstrations by Palestinians that were brutally suppressed by Israeli occupation forces using U.S.-supplied attack helicopters and heavy weapons,

with no public objection by the U.S. government. (To this day, despite subsequent investigations reporting to the contrary, leading members of Congress in both parties insist that these spontaneous demonstrations were actually preplanned by Arafat and other Palestinian leaders to destroy the peace process. This accusation is at best dubious, since the demonstrators were primarily Islamists and young people, the two groups most alienated from Arafat's leadership and least likely to obey his requests.)

As the violence escalated that autumn, the Clinton administration approved the largest sale of military helicopters to Israel, equipment that had been used in some of worst Israeli atrocities of the preceding weeks, including an attack just the day before against an apartment complex in Gaza. A Pentagon official was quoted as saying that U.S. weapons sales do not carry a stipulation forbidding their use against civilians and that the U.S. would not second-guess an Israeli commander who orders such attacks. An October 19, 2000, report from Amnesty International criticized the U.S. for providing these new military

helicopters. The following week, after a series of scathing human rights reports criticizing Israeli actions, Congress approved a foreign aid bill of \$2.82 billion, essentially rewarding Israel for its repression. Not a single amendment was even offered that would have linked the aid with an end to the human rights violations.

Still, Israeli and Palestinian negotiators pressed on. President Clinton presented a proposed settlement in late December, though the details were too vague to be of much use, particularly with the short time before Clinton's departure from office and the upcoming Israeli elections. But Clinton's outline contained some aspects that were disturbing to the Palestinians. His plan, articulated in a major address two weeks before he left office, reiterated his call for the incorporation into Israel of unspecified parts of occupied East Jerusalem as well as large settlement blocs elsewhere in the West Bank. While he reaffirmed the Palestinians' central demand for sovereignty, he did not detail the critical territorial dimensions or the powers that such a Palestinian state would be allowed to wield. It is noteworthy that Clinton

proposed total Israeli sovereignty over the annexed Palestinian lands in East Jerusalem and elsewhere in the West Bank while avoiding sovereignty issues for the Palestinian state regarding water, borders, airspace, and self-passage routes. In his proposal, Clinton did not count greater occupied East Jerusalem or the security zones in the Jordan Valley and elsewhere when calculating the 94% of the West Bank he claimed his proposal offered the Palestinians.

Clinton produced no maps to go along with his proposal, which immediately made the Palestinians suspicious, but it presumably paralleled an Israeli proposal the previous month in which the long fingers of Jewish settlements and surrounding areas would have created only a virtual semblance of territorial contiguity for the Palestinians, and only by forcing Palestinians to traverse largely uninhabited eastern desert areas. Clinton's proposal would have divided the Palestinian state into three disjointed cantons separated by Jewish-only roads and connected by Arab-only roads. Palestinian Jerusalem would have been divided into a number of unconnected islands separated from each other and from the rest of the Palestinian state. Neither the U.S. nor Israel showed maps of Jerusalem, and the complicated arrangements for East Jerusalem and the Noble Sanctuary/Temple Mount fell short of achieving real Palestinian sovereignty. As many as 80,000 Palestinian villagers would have found themselves annexed into Israel under Clinton's plan. It was also unclear just why the plan would have transferred at least 6% of West Bank land outside of Jerusalem to Israel when the settlements take up less than 2% of the land. Indeed, particularly large areas of unsettled land, particularly near Jerusalem and Bethlehem would have been annexed into Israel.

Underlying the U.S. plan was the Clinton administration's assumption that Israeli territorial contiguity—which incorporated these illegal settlement blocs—was important but that Palestinian territorial contiguity was not. This lack of territorial contiguity on the Palestinian side threatens the very viability of any potential Palestinian state, isolating Palestinian urban areas from one another and making their natural expansion—particularly around Ramallah, Bethlehem, and Jerusalem—virtually impossible. The Palestinians, under heavy U.S. pressure, had long since given up on their right under international law to have none of their confiscated lands be given to Israel, but they insisted that there be a territorial swap for land of equal size and value. However, the Clinton plan rejected that principle. It appears that the U.S. proposal would instead have forced the Palestinians to give up this valuable West Bank land for a largely desert area less than half its size in southwestern Israel and currently used by Israel as a major dumping area for toxic wastes.

Clinton's proposal made no reference to Jerusalem being an open city for all, a key Palestinian demand. (Currently Palestinian Christians and Muslims from outside the city are routinely denied access to their holy places, a comparable situation to when Jordan controlled the Old City between 1948 and 1967, routinely denying access to Jews.) Clinton also insisted that Israel was under no obligation to readmit Palestinian refugees expelled from what is now Israel in the 1948 war.

The U.S. plan allowed Israel emergency deployment rights in Palestine, a continued military presence in the Jordan Valley and parts of the southern extremes of the West Bank, and two military posts in more-densely populated areas in the central part of the territory. The Palestinians questioned why

the Israelis needed both deployment rights and an ongoing military presence, particularly since they already agreed to the stationing of an international monitoring force. Another problem was that the Clinton plan allowed a full three years for the Israelis to fulfill the requirement to evacuate their isolated settlements and military forces from what would have become part of an independent Palestine. In addition, the Palestinians insisted that any permanent status agreement be truly a final agreement rather than one subject to further negotiations. In previous agreements, further negotiations were often an opportunity for the U.S. to bully Palestinians into accepting Israeli demands while refusing to challenge Israeli noncompliance.

The Palestinians formally rejected the Clinton proposal in early January 2001, and hopes that the U.S. would convene a summit did not materialize. At this point, the U.S. ended its active involvement. However, both sides recognized that they were much closer to agreement than they had been at Camp David, and they resumed talks in Taba, Egypt, and the adjacent Israeli town of Eilat in January, with Israel presenting new proposals and the Palestinians responding quite favorably. Despite Barak's claims after Camp David that he could go no further, these Israeli proposals six months later were a distinct improvement. The new Israeli offer significantly modified longstanding territorial-based security demands and their settlement-related requirements, effectively disaggregating Israeli security issues from the territorial and settlement issues. For example, the Israelis offered to limit their security posts in the Jordan Valley to fewer, more discreet sites that no longer required control of large stretches of Palestinian territory. Indeed, Israel's offer was more generous than the supposed "compromise" pro-

posal offered by President Clinton the previous month.

The Palestinians also made several concessions, agreeing to allow Israel to annex large settlement blocs in return for some Israeli territory in the Negev Desert south of the Gaza Strip. The Palestinians further agreed to Israeli sovereignty over eleven Jewish settlements in and around greater East Jerusalem and surrounding historically Arab-populated areas, including the Western Wall and the Jewish Quarter. This was the first time the Palestinians presented a map that acceded to Israeli annexation of West Bank territories. The Palestinians also agreed to a solution to the refugee issue that would not have threatened the Jewish majority in Israel: Israel would recognize the right of return of Palestinian exiles but

would provide financial incentives that would entice most of the refugees to settle in the new Palestinian state.

However, Barak abruptly and inexplicably withdrew his proposal as Israeli elections neared and hopes for a follow-up summit in Stockholm in which a final peace agreement could be signed never materialized. So, peace did come tantalizingly close, not at Camp David in July with strong U.S. pressure on the Palestinians but in Taba in January without a strong American presence and nearly five months after the Palestinian uprising began. Indeed, top U.S. officials apparently had never seen the Taba maps that—despite some remaining obstacles—had the two sides within striking distance of a final peace agreement.

Despite Palestinian participation in negotiations that included some major concessions on their part (and Israel's failure to follow through), the U.S. Congress has passed a series of resolutions supported by both Democrats and Republicans falsely asserting that the Palestinians were not interested in a negotiated settlement. Leading members of Congress from across the political spectrum insist to this day that the Palestinians were always determined to pursue their demands through violence or even to destroy the Jewish state outright. It is ironic that the U.S. has repeatedly criticized Arafat for refusing to sign a peace proposal in July 2000 when the two sides were still far apart but has never criticized Israel from backing away from a peace agreement in January 2001 when the two sides were quite close.



SELF-DETERMINATION

Since that time, the violence has escalated dramatically, with a series of horrific terrorist attacks by Palestinian extremists inside Israel and major assaults by Israeli occupation forces against Palestinian cities and refugee camps. Amnesty International, Human Rights Watch and other reputable organizations have documented widespread and systematic human rights abuses by Israeli occupation forces, including mass detention without charge, torture, disappearances, extrajudicial killings, collective punishment, denial of emergency medical services, and wanton destruction of homes and civilian infrastructures. Despite this, President George W. Bush has strongly defended the Israeli action, as has a majority of members of Congress from both parties. Both Congress and the president have categorically rejected calls by human rights

groups to suspend military aid to Israel until the repression stops and have instead called for increased U.S. military assistance to Israel's rightist government.

Not all Israelis agree with the policies of Ariel Sharon and his American supporters, however. Israeli commentator Uri Avnery observed: "We are in their territory, not they in ours. We settle on their land, not they on ours. We are the occupiers, they are the victims. This is the objective situation, and no minister of propaganda can change that." Yet both the Clinton and Bush administrations, the vast majority of both parties in Congress, and the mainstream media have done their best to convince the American people otherwise. For the fundamental issue at stake in the Israeli-Palestinian conflict is the right of self-determination.

The bipartisan consensus in the U.S. is that the fate of the Palestinians is up to their Israeli occupiers. Statements by both the Clinton and Bush administrations and congressional resolutions passed by huge bipartisan majorities have made it clear that Washington conditions Palestinian independence to Israeli terms. Given that the Israeli government is currently under the leadership of the far right Ariel Sharon, who has long opposed Palestinian self-determination, the U.S. is essentially endorsing continued Israeli military occupation, violent Palestinian reactions, and the repressive Israeli responses that inevitably follow. Eighty-three years after President Woodrow Wilson helped establish the principle of national self-determination as a cornerstone of international law and U.S. foreign policy and ten years after the senior President George Bush declared

a New World Order based on such principles, both the Democratic and Republican parties appear to have now abandoned these ideals in favor of the right of conquest.

This shift was most obvious early in the Clinton administration, when the State Department began referring to the Israeli-occupied territories as “disputed territories” and actively (and largely successfully) encouraged the media to do the same. This is a crucial distinction, since a disputed territory implies that both sides have a legitimate claim, whereas an occupied territory recognizes that land belonging to another nation was seized by military force. The latter is clearly the case in the West Bank and Gaza Strip. This distinction is also significant, since persons under foreign military occupation are protected by the Fourth Geneva Convention, and the occupying power is therefore obligated to uphold certain standards of human rights. (There have also been disputed territories in the regional history of this conflict, but these have been tiny parcels of territory, such as the Taba Strip between Israel and Egypt—which was resolved in Egypt’s favor in 1989—and the Shebaa Farms area between Lebanon and Israeli-occupied Syria, which is the scene of ongoing clashes between Israeli occupation forces and the Lebanese Islamic militia Hizbullah.)

If the conflict is viewed as one over disputed territories—as the U.S. government prefers to see it—then it appears that Israel has indeed made the most concessions and that the Palestinians need to learn the art of compromise. However, virtually the entire rest of the world recognizes the West Bank and Gaza Strip as the occupied territories that they are, making Israel’s control no more legitimate than Iraq’s 1990-91 takeover of Kuwait or Indonesia’s 24-year occupation of East Timor.

The problem for the U.S. position is that a series of UN Security Council resolutions, supported by every U.S. administration between Israel’s 1967 conquests and Clinton’s inauguration, also recognized the West Bank and Gaza Strip as occupied lands. The Clinton administration decided to unilaterally declare that such resolutions were no longer relevant, having been superceded by the Oslo Accords. However, no single member of the UN Security Council has the authority to rescind any UN Security Council resolution; that can only be done by a majority vote of the full council with no permanent member voting no. Indeed, Secretary-General Kofi Annan is on record as insisting that these resolutions are still very much in effect, and no other member of the Security Council has questioned their standing. In any case, no bilateral agreement can supercede a UN Security Council resolution, particularly if one of the two parties—in this case, the Palestinians—insists that the resolutions are still valid.

With their country occupied except for tiny enclaves surrounded by Israeli forces, with no standing army, and with the world’s only remaining superpower playing the dual role of chief mediator and chief backer of their occupiers, the Palestinians’ strongest asset is international law, which is given teeth through UN Security Council resolutions. Indeed, UN Security Council resolutions have already addressed many of the outstanding issues of the negotiations, including Israel’s illegal settlements, Israel’s unilateral annexation of greater East Jerusalem, and other issues. Previous U.S. administrations had used their veto powers to block UN resolutions or to prevent enforcement of existing resolutions. The Clinton and current Bush administrations have gone a step further by calling into question the resolutions themselves in an effort to give the Palestinians no diplomatic option other

than capitulation. Given this context, it should not be surprising that so many Palestinians have given up on the peace process and have resorted to violence in their quest for self-determination.

And Washington’s arrogance regarding UN resolutions is not limited to Palestine. Consider the case of southern Lebanon, which endured Israeli occupation for 22 years. Over those years, the U.S. blocked enforcement of UN Security Council Resolution 425 and nine subsequent resolutions calling for Israel’s immediate and unconditional withdrawal. Indeed, even though public opinion polls indicated that a solid majority of Israelis supported such a withdrawal, U.S. Ambassador to Israel Martin Indyk publicly called on Israel to continue the occupation. Following its own agenda, the U.S. never seriously pursued the Lebanese track of the peace process. The Israelis finally withdrew in May 2000, as attacks from the radical Lebanese Hizbullah militia led to unacceptable casualties among their soldiers.

The lesson of all of this for many Palestinians is that you cannot put your faith in international law, UN Security Council resolutions, or a U.S.-managed peace process; the only way to force Israel out of occupied territories is through armed struggle led by extremist Islamists. This is a false lesson on many fronts, given the very different way Israelis perceive the situation in southern Lebanon and the West Bank. However, there are few Palestinian militants who do not cite Lebanon as a model.

Though terrorism by Palestinians—like all terrorism—can never be justified, it could have been prevented, had the U.S. been a more responsible mediator. Thus, the current Israeli-Palestinian conflict serves as yet another demonstration of how U.S. contempt for international legal principles and the UN has only led to more violence and bloodshed.