

# **APPROACHING PEACE**

## **American Interests in Israeli- Palestinian Final Status Talks**

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**Recommendations and Ideas  
From U.S. Experts**

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## PREFACE

Since the founding of The Washington Institute a decade ago, our work has been dedicated to assisting U.S. policymakers in their efforts to promote American interests in the Middle East, especially the pursuit of Arab-Israeli peace.

When we began, comprehensive peace was a distant fixture on the horizon. Our role was to identify ways in which the U.S. government could deal with the conflicts then plaguing the Middle East—Lebanon, Libya, the Persian Gulf, terrorism—so as to prepare the groundwork for the day when real peacemaking would be possible. *Building for Peace*, the 1988 report of The Washington Institute's bipartisan Presidential Study Group, chaired by Walter Mondale and Lawrence Eagleburger, underscored the importance of working with Israel, moderate Palestinians, and other Arab partners in nurturing the environment for future negotiations.

By the time President Bush presided over the Madrid peace conference, the prospect for real movement toward Arab-Israeli peace looked much brighter. For the Institute, the challenge was to help translate the opportunities of the post-Cold War, post-Gulf War environment into tangible achievements in the cause of peace. *Pursuing Peace*, the 1992 report of our Strategic Study Group, chaired by a distinguished steering group, outlined a strategy of active engagement by the United States to capitalize on the achievement of direct Arab-Israeli negotiations to help reduce the risks of compromise to each of the parties.

The past year has witnessed remarkable progress toward peace. Though terrorism and conflict persist, the Israel-PLO Declaration of Principles, the establishment of Palestinian self-government in Gaza and Jericho, and the "Washington Declaration" ending the state of war between Israel and Jordan are truly historic steps on the road to what we hope will prove to be a comprehensive and lasting peace.

At this moment of promise, The Washington Institute is pleased to publish *Approaching Peace*, a collection of essays that brings together the wisdom and insight of eight veteran American diplomats and scholars to examine American interests in the next stage of Israeli-Palestinian negotiations, the final status talks. Our goal is to help policymakers as they move from promoting the concept of the "interim step"—Palestinian self-

government—to assisting Israelis and Palestinians negotiate a final resolution of their nearly century-old conflict.

Following in the tradition of our previous blue-ribbon efforts, we are hopeful that *Approaching Peace* will be a useful tool to U.S. policymakers charged with helping to forge a more peaceful Middle East.

Michael Stein  
President

Barbi Weinberg  
Chairman

# APPROACHING PEACE

**Robert Satloff**

For nearly three decades, the United States has led the search for peace in the Middle East. In 1967, shortly after the Six Day War, President Johnson articulated a set of principles that formed the basis of UN Security Council Resolution 242, the source of all peacemaking efforts ever since. In 1974, Secretary of State Kissinger introduced the concepts of “shuttle diplomacy” and “step-by-step” negotiations which led to disengagement accords between Israel and two key Arab states, Egypt and Syria. In 1978, President Carter added the innovation of summitry and succeeded in brokering the Camp David Accords and the peace treaty between Israel and Egypt. In 1982, President Reagan dispatched U.S. soldiers to safeguard Palestinians in Lebanon and over the next five years, his secretary of state, George Shultz, spent countless hours first negotiating an abortive Israel-Lebanon accord, and then, spurred by the *intifada*, searching for a diplomatic resolution to the Israeli-Palestinian conflict. In 1991, President Bush and his secretary of state, James Baker, built on the legacy of the American-led victory in the Gulf War to engineer (with Soviet co-sponsorship) the historic Madrid peace conference and the bilateral and multilateral peace talks which followed. Viewed against this backdrop, the breathtaking White House ceremonies over which President Clinton has presided—the September 1993 signing of the Israel-PLO Declaration of Principles and the July 1994 signing of the “Washington Declaration” terminating the Israel-Jordan state of war—can be seen as the fruits of efforts by diplomats, politicians, and private citizens spanning no fewer than six administrations.

The remarkable images of Anwar Sadat, Yasser Arafat, and King Hussein meeting Israeli prime ministers under the auspices of the president of the United States collectively suggest that a corner has been turned in the long effort to end the Arab-Israeli conflict. On Israel’s two longest borders—with Egypt and Jordan—the war against Israel’s existence is legally and politically over. To be sure, peace with Egypt, which survived a decade of Arab ostracism, is not warm. But Egypt was the courageous trailblazer and the pace of Israel-Jordan normalization even in advance of a formal peace treaty has already shown that a warm Arab-Israeli peace, built on human

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and economic interaction, is achievable. As for the more nettlesome negotiations with Syria, the gaps between the two sides remain far apart on key issues of land, peace, phasing, and security; nevertheless, many observers believe the question is not whether President Assad will make his peace with Israel, but when. If an Israel-Syria accord is reached, an Israel-Lebanon accord will not be far behind.

There was a time when contractual peace between Israel and all the states on its borders would have marked, for all intents and purposes, the end of the Arab-Israeli conflict, but sadly that time has passed. Because of technology—ballistic missiles, unconventional weapons—the conflict has widened to include rogue states far from Israel's frontiers. And because of ideology—the rise of militant Islamic extremism—the conflict has deepened too, creating a rift between governments that may be amenable to making peace and a citizenry harboring large elements strongly opposed to it. In the current environment, peace agreements between Israel and its neighboring states are a necessary component of building a peaceful Middle East, but they are not sufficient.

One additional core component—itsself also necessary but not sufficient—is the resolution of the conflict between Israel and the Palestinians. While the Gaza-Jericho accord signed by Yasser Arafat and Yitzhak Rabin is a mammoth step, that conflict is by no means resolved. But there is an agreed-upon mechanism and timetable for launching efforts to achieve the ultimate resolution of the conflict—final status negotiations, scheduled to begin no later than May 1996, the beginning of the third year of the implementation of the Declaration of Principles. This collection of essays is an effort to help U.S. policymakers prepare for that set of negotiations, the first ever to hold out the possibility of ending the conflict between Israel and the Palestinians.

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Before 1948, Zionist and Palestinian competition against each other and against Britain for control of Mandatory Palestine was the sum of the "Arab-Israeli conflict." But the 1948-49 War, with participation by five Arab armies, regionalized the Palestine issue and transformed an inter-communal competition into an inter-state conflict. Two decades later, this fact was recognized by the United Nations (and the United States) in UN Security Council Resolution 242, which viewed the conflict as one between states and which relegated the Palestinian aspect of it to a question of refugees.

The history of the Arab-Israeli conflict since 1967 has been, in part, the history of the re-emergence of Palestinians as independent actors in the conflict. Palestinians long bemoaned

the international community's refusal to recognize their national existence; moreover, they chafed at Arab states that robbed them of their cause and sought to contain the emergence of a Palestinian nationalism that challenged the states' own control of the Palestine issue. Through a variety of means—including political persuasion, internal solidarity, military insurrection, and acts of terrorism—Palestinians have asserted themselves on the world stage. Over the past twenty years, their campaign succeeded in winning wide recognition for Palestinians as central players in the Arab-Israeli conflict and, more specifically, for the PLO as the organizational representative of the Palestinian people.

These political triumphs, however, did not bring the PLO any closer to “liberating” Palestine. That is because the only diplomatic recognition that truly mattered was Israel's and Israel refused to recognize the PLO as a legitimate interlocutor because the PLO rejected Israel's right to exist in any borders. In the Camp David Accords, Israel had recognized the “legitimate rights of the Palestinian people” and agreed to a plan for autonomy that envisioned negotiations on the final status of the West Bank and Gaza as early as 1985. But the Palestinians, together with most of the Arab world, rejected Camp David and the Egypt-Israel “autonomy talks” proved unsustainable.

The Palestinian uprising, which began in December 1987, marked a turning point. For the first time, Palestinians inside the territories took the lead in defining their own future. This posed direct challenges to the status of the Tunis-based PLO hierarchy, to the indifference of the Arab world to the plight of the Palestinians and, of course, to Israel's control of the West Bank and Gaza. While the *intifada* eventually produced some political achievement for the Palestinians, it never held out the prospect of peace and reconciliation that would have earned the PLO recognition from Israel, the one actor that controlled the land that Palestinians wanted for their would-be state.

In 1991, following the U.S.-led victory in the Gulf War, President Bush turned his attention to forging a new order in the Middle East, built on Arab-Israeli peace. His great achievement was the Madrid peace conference, which inaugurated direct, bilateral negotiations, without third-party mediation, between Israel and each of its Arab neighbors. For the first time since 1967, Arab-Israeli negotiations included a delegation of Palestinians, almost all avowed members of the PLO, who came to Madrid under the diplomatic umbrella of a Jordanian-Palestinian joint delegation. Israel agreed not to look too closely at the political credentials of the Palestinian delegates—i.e., whether they were official PLO members—as long as they resided in the West Bank and Gaza. As part of the bargain, the Palestinians agreed to talk only about “interim self-governing arrangements”—a latter-day version of the autonomy formula they rejected a decade earlier.

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All discussion of final status issues—especially Jerusalem and territory—was to be left to a separate “final status negotiation” that would follow a period of self-government.

At first, the Israel-Palestinian talks went nowhere, with their only significant achievement being the regularization of negotiations. The talks themselves were hamstrung by the differing conceptions of “self-rule” that separated the parties. For Palestinians, self-rule was a bitter postponement of independent statehood, an unnecessary way-station toward the inevitable raising of a Palestinian flag at the United Nations. Therefore, they sought to inject elements of final status (e.g., symbols of sovereignty, control over land and water) into every aspect of their proposals. For Israelis, self-rule was an experiment to gauge Palestinian political behavior, an incremental approach building toward some undefined future relationship between Israelis and Palestinians. They, therefore, tried to deny self-rule any implication of independent, legislative, or sovereign authority and offered instead a series of complex administrative and functional arrangements.

The nature of the talks changed following the June 1992 Israeli parliamentary election, whose results enabled the Labor party to form a narrow coalition government. The new prime minister, Yitzhak Rabin, had campaigned on a platform promising an agreement with the Palestinians within six months, and he soon approved a more flexible approach to the talks. While this led to an improvement in the environment of the negotiations, gaps between the parties remained wide and little progress was seen. Outside events—including U.S. presidential elections in November 1992 and the episode of the Hamas-Islamic Jihad deportations in winter 1992-93—overshadowed the talks and distracted the parties. By spring 1993, nine months had elapsed since Rabin’s election and the parties were not significantly closer to agreement than they were when Likud was in power.

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Throughout the process, the United States had abided by a certain set of rules that defined its approach to the negotiations. These rules, codified in “letters of assurance” negotiated with each party prior to the Madrid conference, outlined the role the United States would play in the talks and the positions it would adopt throughout the peace talks. To Israel, the United States reportedly promised that negotiations would remain direct and bilateral, without interference from the plenary conference or the co-sponsors; it promised not to encourage Israel to negotiate with the PLO; and it promised not to support the creation of an independent Palestinian state. To the Palestinians, the United States reportedly promised a quick pace of negotiations that would lead to the “achievement of the legitimate political rights of the Palestinian people”; it promised that nothing in the

negotiations would prejudice eventual final status talks; it promised continued U.S. opposition to the Israeli annexation of East Jerusalem; and it promised to accept any final status outcome agreed by the parties.<sup>1</sup>

In February 1993, after helping Israel defuse the deportation crisis, the Clinton administration became more intensively involved in the talks. Secretary of State Christopher declared the United States to be a “full partner” in the peace process, offering America’s good offices to assist the parties but stopping one step short of active mediation. Then, in May and again in June, the United States responded to requests from the parties to propose a draft declaration of principles that could serve as a catalyst to progress.<sup>2</sup> Both were roundly rejected by the Palestinians as too closely reflecting Israeli concerns. Despite that rejection and repeated Palestinian entreaties to intervene directly in the negotiations, the United States refused to budge from its “letter of assurance” commitment to Israel—negotiations would remain direct and bilateral unless *both* parties requested outside intervention, which Israel did not.

That much was publicly known at the time. What was not known was that a secret channel of negotiations between Israel and the PLO was, by May 1993, well underway. As the parties careened toward breakdown in Washington, they were, in fact, making considerable headway in Oslo.

The details of the Oslo channel are the subject of another study.<sup>3</sup> What is relevant here is that a strong contributing element in bringing Israel and the Palestinians together in clandestine meetings was the U.S. commitment to fulfill its assurances regarding the Washington talks, especially its promise not to bend on the issue of direct PLO participation. While there were many factors that led to the launching of the Oslo channel, one of the most important was the PLO’s recognition that, despite its best efforts, it would not succeed in provoking U.S. intervention into the negotiations or in opening the door to overt PLO participation.

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At its core, the accord reached in Oslo and the subsequent letters of mutual recognition between Israel and the PLO constituted a compromise whereby each of the parties made substantial concessions to the other.

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<sup>1</sup> The texts of the letters of assurance remain classified. For media versions, see appendix.

<sup>2</sup> Both papers are included in the appendix.

<sup>3</sup> See the forthcoming Washington Institute study of the Israel-PLO negotiations by David Makovsky.

To Israel, the PLO gave a formal commitment to recognize the Jewish state, amend its charter, and transform the Israeli-Palestinian conflict from an existential fight-to-the-finish to a border dispute to be resolved solely through peaceful means. In so doing, the PLO not only formally renounced terrorism and the "armed struggle," but it effectively committed itself to join in partnership with Israel to combat those who would adopt violent means to continue the battle against Israel and against peace.

To the PLO, Israel gave political recognition that no other actor could provide, thereby capping with success the PLO's thirty-year quest for legitimacy precisely at a moment of extreme weakness for the organization. Second, Israel agreed to withdraw its military forces from two parcels of territory, the Gaza Strip and the Jericho area, where a Palestinian self-governing authority could be established and tested, and, later on, to redeploy troops from the main areas of Palestinian population elsewhere on the West Bank. Third, and most germane to this study, Israel also promised that negotiations would commence on the final status of the West Bank and Gaza no later than the beginning of the third year of self-government. Moreover, Israel agreed that the agenda for those talks could include four items that were deemed off-limits from the self-rule negotiations themselves: the demarcation of borders, the resolution of the problem of refugees, the future of Israeli settlements in the West Bank and Gaza, and the status of Jerusalem.

For eight months following the announcement of the Declaration of Principles, Israel and the PLO were engaged in difficult negotiations on the modalities of its implementation, frequently punctuated by heinous acts of violence and terrorism. Finally, meeting in Paris in April 29, 1994, the two sides initialed a protocol on the economic rules to govern their relationship during the self-rule period. Then, on May 4, 1994, they signed the final implementation accord in Cairo. Since then, the Palestinian Authority has been formally established, with Yasser Arafat presiding over an appointed council and a 7,000-man security force spread throughout Gaza and Jericho.

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Since Oslo, the U.S. role in Israeli-Palestinian peacemaking has changed considerably. Prior to Madrid, the United States was the catalyst that made possible the peace conference and the subsequent bilateral and multilateral talks. Once those talks convened in Washington, the United States offered itself as a "full partner" in helping the parties achieve progress in negotiations. But when Israel and the PLO decided to work out an arrangement directly, away from the Washington venue, the United States was not party to the details of those negotiations and was left to play a supporting role once those talks came to fruition.

The spectacular signing ceremony on the White House lawn on September 13, 1993, was important to all parties: to Israel, to illustrate to other Arabs that acceptance in Washington requires coming to terms publicly with Israel; to the PLO, to confer formal legitimacy on the organization and its chairman; to the United States, to confirm its role as chief and irreplaceable sponsor of Arab-Israeli peacemaking. Thereafter, however, Israelis and Palestinians chose to sort out the details surrounding the implementation of their agreement by themselves. Geographically, the talks moved to the Middle East (Cairo and Taba) and Europe (the Paris economic talks); an offer by President Clinton to hold continuous negotiations in Washington following the Hebron mosque tragedy fell mainly on deaf ears. As for the substance of the negotiations, America's role was essentially limited to organizing economic support for the Palestinians, insisting on full and accurate accounting for the expenditure of aid, and acting as unofficial monitor of compliance with the accords, especially its provisions regarding terrorism. Though some chided Washington for its diminished visibility, this limited role meshed with America's desire to have Arabs and Israelis work out their differences amongst themselves—if possible, without outside interference.

Sometime before May 1996, Israelis and Palestinians are scheduled to begin a new set of negotiations, to determine the final status of the West Bank and Gaza. Those negotiations will be fundamentally different from any previous Arab-Israeli negotiation. First, the questions of procedure that vexed earlier Israeli-Palestinian diplomatic efforts—who represents the Palestinians and what topics are off-limits for negotiations—have been resolved. And second, Israel and the PLO will by then have logged a record of interaction based on their agreement on “interim self-government.” Final status talks will seek to resolve questions never before addressed in Arab-Israeli negotiations and will do so against a backdrop of Palestinian self-rule that is just now unfolding.

Given the enormity of the issues facing the parties, the wide divergences in their declared positions, and the importance to the United States of reaching a final settlement of the Israeli-Palestinian dispute, it is quite likely that America will be called upon to play a more prominent role in final status negotiations than it has in the implementation of Gaza-Jericho. To do so will require a clear understanding of U.S. interests in the resolution of the Israeli-Palestinian conflict in general and, more specifically, in those sensitive questions to be tackled in negotiations.

The very novelty of final status negotiations requires a review of U.S. interests and U.S. policy. For the last fifteen years, American diplomacy has focused on the idea of an interim period of

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autonomy/self-government as a way to get to final status; any discussion of U.S. interests and preferences in final status itself seemed inappropriate when the parties were far apart on the question of the interim period and even on fundamental procedural issues (e.g., who represents the Palestinians). Today, the establishment of Palestinian authority in Gaza and Jericho validates American efforts since Camp David. In that context, it is timely and important for the United States to prepare for the next stage of negotiation and revisit its approach to “final status.”

Among the questions that need to be asked by U.S. policymakers are:

- Are there any U.S. interests in the specific outcome of final status talks? Or is the United States disinterested in the details of the outcome, as long as Israel and the Palestinian negotiating partner (i.e., PLO) are satisfied?
- Are there any U.S. preferences or “red lines” for final status that deserve to be identified and outlined? What is the most opportune time and manner for U.S. preferences to be clarified?
- Is it important to spell out in advance what role (political, diplomatic, economic, military) the United States is or is not willing to play to guarantee a final status agreement? What are the parameters of that U.S. role? Does such a role give the United States special standing in clarifying its own interests and preferences?
- In a larger framework, are there any aspects or implications of final status to which U.S. policymakers should pay special attention in light of wider U.S. strategic interests in the Middle East and elsewhere?
- How should the United States respond in the event the parties are unable to reach a final settlement?

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To answer these questions, The Washington Institute solicited the views of veteran American participants in the Arab-Israeli peace process—policymakers, diplomats, and scholars. Following is a collection of eight concise essays, offering the opinions, advice, and policy recommendations of eight distinguished experts.

The group includes key actors from every Arab-Israeli negotiation since 1967: the UN debate over Security Council Resolution 242 (Eugene Rostow); the post-1973 War disengagement agreements (Peter Rodman and William Quandt); the Camp David Accords (Samuel Lewis, Hermann

Eilts, and William Quandt); the autonomy talks and Israel-Lebanon negotiations of 1982-83 (Harvey Sicherman and Samuel Lewis); and the Madrid peace process (Richard Haass, Harvey Sicherman, and Samuel Lewis). The eighth, Kenneth Stein, is a scholar who has closely tracked the negotiations through his research and his role as advisor to former President Carter. Individually, they bring to this exercise their particular experience, expertise, and insight; collectively, they represent the accumulated wisdom of America's decades-old effort to promote Arab-Israeli peace.

The views espoused in the following essays are not uniform. Some of the authors underscore traditional American approaches to resolving the Israeli-Palestinian conflict; others offer innovative ideas—regarding, for example, the nurturing of Palestinian democracy—to settle old questions. For a policymaker charged with reexamining America's interests and preferences in Israel-Palestinian final status talks, each essay has something unique to offer.

But the overriding contribution of these essays to policymakers will be the convergence of views on core issues. While the peace process has undergone some significant convulsions over the past year, the common theme of this collection is a reminder about "first principles." These include the following ideas:

- that the peaceful resolution of the Arab-Israeli conflict serves vital American national interests, even in the absence of a U.S.-Soviet superpower competition, among them ensuring Israel's security, strengthening moderates in the Arab world, and consolidating America's position throughout the Middle East;
- that direct negotiations provide the best formula for peacemaking, with U.S. participation in the process most useful only when both parties seek it;
- that the United States has a major interest in the success of the final status talks but not in assuring any specific outcome; that U.S. interests will be served by an agreement reached between the parties that is durable and resilient, that reflects a broad consensus of fairness among the two constituencies, and that ends the Israeli-Palestinian conflict, peacefully, once and for all;
- that the United States provides an important service in reducing the risks of the peacemakers and in helping to insulate their efforts from the often-violent intimidation of the opponents of peace;
- that diplomatic success is usually achieved only when the conditions for it are ripe and that hasty diplomatic efforts often backfire and undermine the chances for eventual agreement;

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- that Israeli-Palestinian negotiations do not operate in a vacuum; they are affected by, and impact upon, other states in the region and other tracks of negotiations. In that context, nothing in final status talks should threaten the stability and security of America's other friends in the Arab-Israeli arena, especially Egypt and Jordan;
- that the traditional U.S. approach toward specific issues on the Israel-PLO bargaining table still makes sense: e.g., the United States has good reasons neither to advocate nor support Palestinian statehood, but should not object if Israel and the Palestinians reach their own agreement on this issue; "withdrawal" is a core element of implementing UN Resolution 242, though the resolution does not mandate any particular magnitude of withdrawal; Jerusalem must remain a unified city, open to believers of all faiths; and the United States opposes any attempt to alter the status of the territories through unilateral action (e.g., an Israeli annexation, a Palestinian declaration of independence);
- and that the United States will have a role to play in guaranteeing agreements reached between the two parties and should work with them to safeguard their achievements. In the Israeli-Palestinian case, this should not involve peacekeeping.

These principles, and others discussed in the following essays, have been distilled from the accumulated efforts of successive administrations to promote Arab-Israeli peace. As such, they offer a valuable point of departure for policymakers preparing to embark on a venture that no administration has ever before faced—assisting in the concluding chapter of the Israeli-Palestinian conflict.

## **Hermann Eilts**

With limited autonomy under PLO administration now underway in Gaza and Jericho, some preliminary thinking about final status negotiations is in order. These are to begin no later than May 1996.

The structure, agenda, and spirit of those talks will depend on four interrelated factors:

- 1) the success (or otherwise) of limited autonomy in the Palestinian administered areas with security as the key criterion;
- 2) the extent to which Palestinian self-government is extended in the next two years beyond Jericho in the West Bank with a special focus on the economy;
- 3) demonstrated PLO reliability (or otherwise) in both internal and external matters; and
- 4) the nature of evolving Israeli-Palestinian relationships in that period. Much will also depend on whether a Labor or Likud government is then in power in Israel, and the strength of that government in the Knesset.

These critical variables cannot now be gauged with any accuracy. As a general matter, however, it may be assumed that Palestinians will continue to press maximalist demands, designed to buttress their aspirations for an independent Palestinian state; equally likely, Israeli responses will be minimalist in order to preclude, if at all possible, the emergence of any such state.

The United States has an interest in helping lay the groundwork for final status talks and in having such talks succeed, but it has only limited capability to promote those objectives. The United States remains committed to the well-being and security of Israel. Additionally, it does not want to see Jordan destabilized as a consequence of Palestinian national aspirations, and it wants the peace process with Syria, Jordan, and eventually Lebanon to progress. Finally, it wants to demonstrate to other Arab and Islamic friends that, notwithstanding its support for Israel, it is working for a balanced agreement, believes in human rights and responsible, national self-determination movements.

On their part, the Palestinians realize they must work with the United States, all the more so since the Soviets can no longer be turned to as a counterfoil. The PLO leadership wants American economic aid as well as the enhanced international stature that flows from U.S. recognition. At the same time, we should be under no illusion that the Palestinians, as a body, place any great trust in Washington. Indeed, many Palestinians believe the United States is congenitally anti-Palestinian. Such deep-seated Palestinian suspicions, coupled with the likelihood that American economic aid will be sparse and carefully controlled, assure that U.S. influence on the Palestinians will at best be limited.

Israel, for its part, while expressing some disquiet that the United States may no longer view it as a strategic asset and sharing widespread worries about the Clinton administration's foreign policy vacillations, remains confident that it has good friends in both the executive and legislative branches of government in Washington and that it can count upon the United States to protect its general interests. Paradoxically, however, and notwithstanding the substantial American economic and military aid to Israel, Washington's ability to influence Israel is likewise limited. Israeli leaders learned long ago that in the final analysis, it is they who must define and protect Israel's vital interests. They know that sooner or later the United States can be brought into line.

Despite these limitations on its influence with the parties, the United States should regularly emphasize to them the importance it attaches to an equitable peace settlement and its readiness to be of help if called upon by the parties to do so. Although direct talks are clearly preferable, there will be increasing scope for a renewed U.S. mediatory role. That role should, if necessary, go beyond simple facilitative assistance and include offering substantive alternatives to break impasses.

Final status talks, even if they involve United States mediation, should be held in the Middle East or in Europe rather than in Washington. A Washington venue, as the abortive talks of the post-Madrid negotiations have shown, is politically uncongenial for such purposes.

The major substantive issue that will arise is the question of an independent Palestinian state. On this the division between the parties is clear-cut: most Palestinians want it, most Israelis do not. Instead, many Israelis believe that autonomous Palestinian areas should ultimately be linked to Jordan—this, despite recurrent Israeli reminders that Jordan's incorporation of the West Bank was generally unrecognized, including by the Arabs, and the fact that Gaza was never part of Jordan. (Egypt would not take Gaza back under any circumstances.)

The position of each side is understandable. Despite the dubious economic viability of a tiny Palestinian polity, Palestinians have fought for independence for forty years and believe they are on the brink of attaining it. They contend, with much truth, that both their erstwhile Arab masters and their more recent Israeli occupiers ignored their interests. Israel, whatever misgivings it may have about the future of Jordan once King Hussein leaves the scene, still regards the king as a more reliable manager of strategically important West Bank/Gaza real estate than the PLO would be. It also recognizes that "the Jordanian option" would obviate, or at the very least forestall, having to resolve the sensitive Jerusalem issue. (As the Israel-Jordan "Washington Declaration" indicates, King Hussein retains a strong interest in Jerusalem.)

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The United States, despite previous official utterances opposing a Palestinian state, should keep an open mind on the subject. If by the time final status talks commence the Palestinians have developed reasonably effective governance—including in the security sphere—and still want independence, the United States should not object and should urge Israel to acquiesce, subject to certain conditions. Any independent Palestinian state should formally, and in writing, accept such "secure and recognized" borders as are negotiated with Israel, and should accept internationally monitored demilitarization. The United States—and hopefully the United Nations—should offer security guarantees to both parties.

Union with Jordan, if that is the will of the Palestinian people, is equally satisfactory from an American point of view and some might argue is preferable. However, traditional Palestinian distrust of King Hussein, especially after "Black September" of 1970-71, makes this an unlikely first choice, no matter what kind of autonomy Jordan promises the Palestinians. An eventual Jordanian-Palestinian federation or confederation should nevertheless be encouraged, although the PLO is likely to agree to this only on the basis of sovereign parity. To the PLO, this means some form of independence, however brief, precedent to any such formal association.

Apart from statehood, the long-term future of the Israeli settlements in the West Bank and Gaza will be a second major substantive issue. Tragically for all concerned, the previous Likud government aggravated the issue during its years in office by encouraging a proliferation of such settlements in the occupied areas. Today they constitute one of the principal obstacles to any Israeli-Palestinian peace and to any broader Israeli-Arab peace. Desirable though it might be in theory, peaceful co-existence between the settlers and Palestinians in the same area is illusory.

The United States has consistently opposed such settlements. Successive American administrations have criticized them as violations of the Geneva Convention of 1949 and as obstacles to peace. Unwisely, the Reagan administration dropped the charge that they violate international law, although it too declared they are obstacles to peace. The Bush administration refused to agree to loan guarantees for Israel without a firm commitment that such monies would not be used for new settlements in the occupied areas. The Likud government circumvented that condition by offset funding; the present Labor government limits itself to expanding existing settlements.

The United States should reaffirm its traditional opposition to settlements on both legal and political grounds. It should continue to oppose any new settlements or expansion of existing settlements and refuse to permit any funds provided by the United States to be used for settlement purposes in the West Bank and Gaza.

As part of any final settlement, the United States should urge the withdrawal of the Gaza settlements on the dual grounds of illegality and indefensibility. West Bank settlements, while equally illegal under international law, will doubtless be affected by Israeli-Palestinian talks these next two years and in eventual final status negotiations, which will most likely eventually result in some jurisdictional division of the West Bank. Under a Labor government, Israel may be expected to insist that settlement clusters (and particularly Labor settlements) remain within Israeli territory, especially those anchoring the northern and southern hills along the Jordan River and perhaps also those on the road from Jericho to Jerusalem. This will not sit well with the Palestinians, but they will in the final analysis have to accept some such compromise.

Settlers in predominantly Palestinian areas should be given the option of leaving with compensation for relocation, or remaining under Palestinian rule with prescribed minority rights. Since the latter are not likely to mean very much, the option most are likely to take is clear. U.S. financial aid for settler removal and relocation should be offered, but care needs to be taken that any such relocation costs are not allowed to

become extortionate. The United States should also press for international aid for this purpose. Generally, each party may be expected to try to “milk” the United States for anything it can get, and this should be firmly rejected.

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***“U.S. advice to Israelis and Palestinians should be that the Jerusalem issue be left to the last phase of the final status talks.”***

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Jerusalem will undoubtedly be the most contentious issue. Israel insists that Jerusalem, East Jerusalem included, is the indivisible, immutable capital of the state and resents the United States’ refusal to move its embassy from Tel Aviv to Jerusalem and thereby recognize the Israeli claim. The Palestinians, supported by other Arab and Muslim states, demand that East Jerusalem be the capital of a Palestinian state, and—equally important to them—that the Islamic holy sites at the Haram al-Sharif (Temple Mount) be under Muslim jurisdiction. Successive U.S. administrations, despite Israeli, Congressional and some Jewish domestic pressures, have consistently declared that any unilateral action to change the status of Jerusalem is unacceptable, that the city should remain undivided, and that its final status should be resolved by an international treaty that also protects the civil and economic rights of all of its inhabitants, Arabs included.

The Jerusalem issue arouses deep passions among Jews, Muslims, and Christians. Since the Western Wall, sacred to Jews everywhere, is at the base of the Temple Mount and is believed to be the site of the second temple, any division of the area between Jews and Muslims into enclaves is physically impossible.

Desirable though it might be, an internationalized Jerusalem, as once contemplated, is no longer feasible. Even the Vatican has given up any such goal. Israel is determined to retain all of Jerusalem and there is little likelihood that it will significantly compromise on that matter. Israel has regularly offered free and unhindered visitation rights to Muslims and Christians to their respective holy places. For Arab Muslims, however, these are likely to be contingent on security considerations and prior Israeli visas, a situation galling to Arabs. It should also be noted that the views of the 100,000 or more Palestinians who live in Jerusalem should not be ignored in any ultimate solution.

If the sovereignty issue can somehow be obscured, Israel might be persuaded to allow some Palestinian governmental offices to

be established in East Jerusalem. Orient House, while only a non-official Palestinian planning facility, is already in East Jerusalem and flies a Palestinian flag. The political legerdemain in such matters lies in the flagstaff placement. Ideally, East Jerusalem might be declared an Israeli-Palestinian administrative condominium with confessional cantons and with special status for Jewish, Muslim, and Christian holy places. What is needed is a practical solution that gives all parties interested in Jerusalem something to which they can point, but that begs the question of continuing Israeli sovereignty. This will require adroit diplomacy. The entire Islamic world is expected to scrutinize whatever arrangements are ultimately made on Jerusalem. Arab and Islamic attitudes toward Israel and the United States will, in considerable measure, be influenced by the outcome.

U.S. advice to Israelis and Palestinians, for whatever it is worth, should be that the Jerusalem issue be left to the last phase of the final status talks. Israel is likely to agree; the Palestinians will want Jerusalem high on the agenda. If all other matters are satisfactorily settled, or at least reasonably so, there may ensue a more positive atmosphere in which the Jerusalem issue can be discussed rationally.

## **Richard Haass**

It is only a small exaggeration to say that the overriding U.S. interest in final status is that it happen. Most of the specific details are for Israelis and Palestinians to determine. What the United States should want is an agreement both sides can sign—and one that endures.

Five factors will most influence the durability of any final status agreement. First, it must be part of a comprehensive peace. It will be difficult enough to negotiate and maintain an Israeli-Palestinian accord without the added burden of Syrian opposition. This argues for an Israeli-Syrian agreement, which in turn should lead to agreements with Lebanon and Jordan—if a final Israeli-Jordanian treaty does not come before. An Israeli-Syrian pact that comes soon, or at least progresses toward that end, has the added benefit of providing incentive to Palestinians to negotiate seriously, lest they be left behind.

Second is the question of Egypt. Peace in the region must be anchored in the Israeli-Egyptian relationship. An Egypt that no longer accepts Israel would create major security challenges. It would also raise basic questions in Israel about the wisdom of exchanging tangible territory for intangible peace with governments inherently vulnerable to radical political change. As a result, the U.S. stake in Egypt's stability is enormous.

Third, any Israeli-Palestinian pact must be deep as well as broad. The goal ought to be not simply a treaty but an ongoing relationship between the parties. It thus must go beyond mutual recognition, non-belligerency, and the honoring of negotiated terms. Any peace must be fully fleshed out, to include a wide range of common economic undertakings, social interaction, and tourism—as well as arrangements for true security.

Fourth, any Israeli-Palestinian accord must be grounded. By “grounded,” I mean it must have popular support and be seen as fair and legitimate. This can best be assured over time through democracy. Indeed, Israel is likely to desire Palestinian political evolution in this direction, as democracies tend to be more predictable and consistent than authoritarian regimes, whose policies can all too easily be transformed by one or several individuals.

I would only add one caveat to the above. A call for democracy is not to be confused with a call for elections, or at least elections early on. To the contrary, elections in the absence of democratic institutions and procedures, and in the absence of pluralism and “civil society” can be a threat to democracy. This is especially so in the Middle East, where there is little experience with democracy and where politics and religion tend to be fused. Interestingly, it may take a less-than-fully-democratic Palestinian leadership to make possible an accord with Israel—and a democratic Palestinian entity to make it last.

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***“Peace in the region must be anchored  
in the Israeli-Egyptian relationship.”***

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Fifth, any peace accord will survive only if the region is stable or at least not dominated by forces hostile to Israel and the United States. This argues for a robust U.S. posture *vis-à-vis* such states as Iran, Iraq, Libya, and Sudan, making sure that they pay a price for terror, subversion, and intimidation.

Any U.S. role in negotiating final status ought to be modest. The negotiating process itself is an important dimension of normalization and confidence-building. It is essential that the protagonists themselves learn how to negotiate with one another directly and to work out their problems, especially since any conceivable outcome will require continued close cooperation.

There need not be any U.S. final status plan. (The only exception to this might come if there is a total breakdown of negotiations, or if it appears that a U.S. framework would help legitimize certain constructive concepts. One such idea may be a close Palestinian link with Jordan, something that might allow the parties to finesse some of the difficult questions of sovereignty and militarization.) This is not to say that the United States should remain mute. The United States can continue to suggest bridging ideas where there are impasses, and can continue to work with each side in encouraging it to be realistic in what it proposes and temperate in what it rejects. One other thing Washington may want to do is resist Palestinian pressures to telescope the interim phase and move immediately into final status. The logic of transitional arrangements—to provide time for political and psychological adjustment—still holds.

Also sure to be important is what the United States does away from the negotiating table. Washington should be a strong voice for moderation in word and deed. It is essential that

leaders on both sides prepare their publics for unavoidable compromises. It is also important that both leaderships be urged to avoid allowing or legitimizing actions on the ground that would alienate publics and poison the well for negotiations.

Should negotiations succeed, or even to help them succeed, the United States needs to make clear what it is prepared to do to make final status a reality. This could include economic compensation for relocating people living in settlements, military assistance to Israel, and investment in Palestinian areas. But unlike the Israeli-Syrian negotiations, where one can envision U.S. peacekeeping troops akin to what was done in the Sinai, there is no need for such direct U.S. involvement in Israeli-Palestinian final status.

Worthy of consideration—but also unnecessary in my view—are formal U.S. guarantees for Israel. The United States already extends a *de facto* guarantee to Israel that is the U.S.-Israeli relationship. This will continue to be robust and reliable as long as Israel and the United States consult closely and adjust policies to take into account the legitimate interests of the other. A more formal arrangement is unlikely to add to this, and in any event would not protect the relationship should the two parties have a major falling out over policy. Moreover, a formal arrangement might be seen as overly constrictive by both.

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What could be the most daunting challenge facing the United States is what to do in the absence of a formal final status accord between Israelis and Palestinians. There is a real chance of this happening (or not happening) given the ambitious negotiating calendar, the inherent difficulty of the issues (settlements, Jerusalem, etc.), and the domestic politics of the two protagonists that promise to make it difficult if not impossible for one or both to make significant and explicit concessions on these issues.

Should this scenario come to pass, the best all sides could hope for would be partial agreements that would settle specific issues where compromise was possible, or tacit arrangements involving ground rules for managing areas of disagreement. The goal in the latter case would be to avoid unrestrained

unilateralism by either side that would provoke actions in kind and/or violence, and make it more difficult to ever reach final status. Instead, the objective would be to establish a process of “coordinated unilateralism,” in which the two parties would avoid surprising one another and instead signal intentions beforehand to gauge acceptability and likely consequences. In principle, the parties would proceed with steps the other could live with (but not formally sign on to) and eschew measures that would bring about responses that in turn would create major new problems.

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*“Washington may want to resist Palestinian pressures to telescope the interim phase and move immediately into final status. The logic of transitional arrangements—to provide time for political and psychological adjustment—still holds.”*

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The U.S. role amidst such tacit diplomacy would be to facilitate communications in order to guard against surprises and to work to persuade the parties to modify intentions where the consequences were likely to be adverse. All this is likely to present the United States with a difficult balancing act: to be supportive of a process designed to lead to final status before the end of the decade, but to prop up an alternative short of formal final status that would nevertheless be stable.

## Samuel Lewis

After years of false starts, the train is now moving toward formal diplomatic agreements to govern the final status of the West Bank, Gaza, and Jerusalem. Whether or not those agreements, when reached, lay a stable foundation for the eventual resolution of the conflict—now nearly a century old—between Jews and Arabs over Palestine is of more than passing interest to the United States for a number of reasons:

- The United States will inevitably end up as a “guarantor” of the final peace accords in some form, probably in conjunction with Russia and other major powers, under a UN Security Council umbrella. For Israel, the U.S. guarantee will be what matters. The strength and apparent permanence of that guarantee will engender a difficult public and Congressional debate whose outcome cannot be absolutely assured in an era in which public opposition to new foreign entanglements competes with long-standing Congressional support for Israel and for the bipartisan goal of achieving Middle East peace. The debate will be further complicated by the probability that a formal U.S.-Israel security treaty will emerge as part of the overall package of final status agreements for which Congressional approval will be essential. Moreover, the likely requirement for a contingent of U.S. forces to join others in a multilateral UN peacekeeping force on the Golan Heights to safeguard a Syrian-Israeli peace treaty will only further stress Congressional handling of the guarantee issue.
- Intensive U.S. mediation will prove essential in achieving the final agreements, particularly any formula for Jerusalem and its holy places which Israel, Jordan, the PLO, and Saudi Arabia can all be persuaded to accept.
- Substantial additional U.S. aid commitments to both Palestinians and Israelis will, in one way or another, play an indispensable role in the agreement package, no matter how hard the administration tries to avoid making them.

Clearly, then, the United States itself has a major stake in the final status negotiations. That stake, however, is *not* in assuring any specific outcome. Rather, it is in helping the parties reach an agreed outcome that is durable and resilient to inevitable assaults from those leaders and groups in the region who do not

and will not, perhaps for decades, accept Israel's permanence or the inevitability of Arab-Israeli peaceful co-existence.

The other major U.S. interest in the outcome is that Israel remain a strong, politically viable, democratic state, tied to the United States by close bonds, written and unwritten, willing and able to work cooperatively in combating anti-Western terrorism and violent, politico-religious extremism; in providing a secure platform for the projection of United States military power into Southwest Asia, should that be required; and in advancing shared interests in promoting democratic development in Central Asia, Africa, and elsewhere in the developing world where Israeli technical expertise is welcome. In short, the United States needs a diplomatic outcome that safeguards the scope of the unwritten U.S.-Israel alliance against many now-unforeseeable contingencies.

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***“No matter how expert the U.S. mediators, they can never understand as well as Palestinians and Israelis many of the complex intricacies of the psychological relationship in which they are historically entangled.”***

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There are clearly other U.S. interests involved in the outcome of final status:

- encouraging democratic pluralism, the rule of law, and vigorous economic growth in the new Palestinian self-governing entity or state;
- avoiding serious turbulence in the U.S.-Saudi relationship;
- assuring the stability and longevity of the Hashemite Kingdom of Jordan; and
- maintaining a close, cooperative partnership with Egypt and encouraging the continued expansion and deepening of Egypt-Israel ties.

Taken together, it is clear that the future U.S. role in final status mediation will be delicate and daunting.

Thus far, President Clinton, Secretary Christopher, and their talented, veteran “peace team” have shepherded the process

delicately, wisely and successfully, avoiding pitfalls which led some of their predecessors into dead-ends after periods of substantial progress. However, as we approach final status negotiations, some of the many lessons available from America's rich experience with Arab-Israeli peacemaking warrant frequent recollection. Those lessons include:

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***“It will be important to avoid specificity about the ultimate and inevitable U.S. role as guarantor until negotiations approach the ‘end game’. . . . The administration must not promise more than Congress is likely to agree to deliver.”***

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- “Unimaginable outcomes” (e.g., the Rabin-Arafat mutual recognition agreement and handshake) become possible when they evolve from direct, secret negotiations and from the unavoidable logic of events. If pushed overtly by the United States, these events are more likely to be aborted by the political backlash against U.S. pressure so easily whipped up, especially but not exclusively in Israel, by opponents of the process. For example, U.S. espousal of specific final borders, or of formal sovereignty for an independent Palestinian state, could only complicate negotiations, not advance them. And ultimately, U.S. interests would be only marginally affected, if at all, by the specific outcome on either issue.
- U.S. mediation succeeds only when both parties are determined to go forward, but conclude they cannot break a dangerous impasse without it. At such moments, American proposals can provide a basis for an acceptable compromise, and either or both sides may even take political shelter by appearing to make a concession to the American president, rather than to one another.
- No matter how expert the U.S. mediators, they can never understand as well as Palestinians and Israelis many of the complex intricacies of the psychological relationship in which they are historically entangled. Trade-offs that can work are often more easily negotiated by the parties themselves than by outsiders.
- The essential role for the United States is that of reliable friend to the parties and sustainer of the process itself. As long

as they are seeking to reach agreement, both must feel reassured that the United States will be close at hand to help them avoid disastrous failure, and to every possible extent, to protect them from the enemies of peace.

- Another important role, demonstrated by President Clinton's convening last year of potential foreign donors to pledge support for the just-announced Palestinian self-governing authority, is that of providing energetic, creative leadership to mobilize international support and encouragement for the process. That leadership will be needed repeatedly at key points in the parties' progress toward final agreements.

There are a few other observations worth adding about the American role. I believe it will be important to avoid specificity about the ultimate and inevitable U.S. role as guarantor until negotiations approach the "end game," for two reasons. First, the administration must not promise more than Congress is likely to agree to deliver. Until the final contours of the settlement are clearly in view, Congressional readiness for concrete commitments will be impossible to pin down. Stimulating a public debate in the United States about the extent of eventual U.S. guarantees before the parties are near agreement could produce undesirable turbulence in the negotiations, which will be difficult enough in any case. Second, "closing the deal" will likely require some skillful use of American leverage, and the nature of prospective American guarantees will constitute an important negotiating card at that point. It should not be squandered prematurely.

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*“Jordan’s role vis-à-vis the Palestinian entity or state is, of course, central in more than a simply geographic sense.”*

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A broad goal for any American administration will be to seek a settlement between Palestinians and Israelis that is not only durable on its own terms, but also facilitates the consolidation of a wider "peace camp," stretching from Lebanon and Syria to Egypt and Saudi Arabia. Jordan's role *vis-à-vis* the Palestinian entity or state is, of course, central in more than a simply geographic sense. The separate negotiations over a Jordan-Israel peace treaty must surely deal in some fashion with the danger of a renewed Iraqi threat. The United States has a direct interest in helping to create strong inhibitions against the possibility that an independent or semi-independent Palestine might be attracted to a hostile Iraq at some future point. This interest

could be reflected in the final status agreements themselves, or in the nature of the external guarantees, or both.

The other major external worry that warrants special attention by U.S. mediators is the thorny issue of Palestinian refugees. Israel has narrow "red lines" on this matter that it will defend unbendingly. Palestinian negotiators will correctly argue that they cannot ignore the claims of both the 1948 refugees and the "displaced persons" from 1967 if they are to have much hope of producing a stable political settlement. This issue also promises to complicate final agreements with Jordan, Syria, and Lebanon. Since its extensive but fruitless ventures into this hornets' nest in the late 1940s and early 1950s, U.S. diplomacy has generally skirted the refugee issue. Recently, however, the Multilateral Working Group on Refugees has begun to sniff cautiously at the dilemmas. A larger, more creative U.S. diplomatic role will soon be essential to help develop formulas that meet minimum political requirements for the final status agreements and for durable peace treaties that can solidify a comprehensive peace settlement.

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***"The U.S. interest is to 'get it right,' not just to 'get it done'. . . . U.S. negotiators should resist the temptation to push the pace faster than the politics and evolving public psychologies on both sides can digest."***

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Finally, the U.S. interest is to "get it right," not just to "get it done." Despite an understandable concern about losing momentum and missing what may be a narrow window of opportunity of "ripeness" for achieving a comprehensive final settlement, U.S. negotiators should resist the temptation to push the pace faster than the politics and evolving public psychologies on both sides can digest. Final status issues are devilishly complex, much more so today than they would have been in 1979 after the peace treaty with Egypt. At that time, there were only about 10,000 Israelis living in the West Bank and Gaza, instead of the more than 120,000 today. Working out final borders and security arrangements under the present circumstances will be extraordinarily complicated, making the lengthy negotiations over post-agreement security in Gaza look simple by comparison. And the political relationship, if any, between the West Bank and Jerusalem will require ingenuity and determination of the highest order to resolve. American

persistence, coupled with political sensitivity and a continuing personal involvement at appropriate intervals by the president himself, can make the crucial difference. But the "peace train" has now crossed the continental divide and is running downhill. It is gaining momentum without needing more throttle. There are many hairpin curves ahead, and too much speed could produce a tragic wreck.

## William Quandt

Over the past twenty-five years, an activist American policy has been essential to promote the Arab-Israeli peace process. From U.S. efforts to draft UN Security Council Resolution 242 and the Kissinger shuttles to Camp David to the Reagan Plan and Secretary Baker's effort to launch the Madrid peace conference, it is highly unlikely that the parties would have moved toward the point of reaching a negotiated solution without this concerted investment of time, leadership, and diplomatic initiative on the part of the United States.

While recognizing the importance of this past experience, it is equally important to recognize that this model of the past—this intensive American involvement in trying to bring parties together and bridge their differences—is no longer the only appropriate model to view the future progress of the peace process.

Some have taken that conclusion to an extreme and argued that the United States essentially has no further interest in Arab-Israeli peacemaking, that the responsibility belongs solely to the parties themselves, and that Washington should sit on the sidelines and, at most, cheer them on. I disagree. That conclusion reflects a misreading of the proper American role for the future.

It is not, of course, such an implausible position to take. It is clear that the Israel-PLO Declaration of Principles (DOP) was not the product, at least in the first instance, of U.S. mediation efforts. The Israelis and Palestinians demonstrated their ability to negotiate on their own an agreement with relatively little mediation from a fairly weak mediator, the Norwegians. They did not need the kind of U.S. mediation that had been essential in previous periods. Similarly, they reached the Cairo agreement on implementing the DOP without much outside help. Washington would not have known what to say about most of the issues that were in dispute—exactly where to draw a line, exactly how to work out a joint patrol, or exactly what size Jericho could be. These are simply not issues on which the United States has or should have any particular point of view. So, apart from wishing the parties well and providing a few prods and inducements along the way, there was nothing in the substance of those negotiations that called for an intensive American involvement.

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*This essay is an edited version of Dr. Quandt's presentation to The Washington Institute's 1994 Soref Symposium.*

However, when the scene shifts to final status negotiations, it is a mistake to believe that the United States will or should adopt such a hands-off policy. It is true in some trivial sense that if the parties can reach agreement without the help of the United States, we should be delighted, accept whatever emerges from those negotiations as a valid agreement, and try to make it work. The United States does not have an *a priori* interest in the terms of an agreement if the parties can live with it. But quite frankly, that is not the way things are going to work out.

Given the nature of the issues and the power disparities between the two sides, the final status talks are going to be extraordinarily difficult. In fact, it may prove to be virtually impossible for the two parties to work their way through the minefields entirely on their own. At various points, it is quite likely that one or both will turn to the United States for support.

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***“The United States does not have an a priori interest in the terms of an agreement if the parties can live with it. But quite frankly, that is not the way things are going to work out.”***

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To underscore the obvious, the basic U.S. interests are that the process succeed and that it sets a basis for regional stability. The United States has no interest in the exact shape of an agreement, and therefore no reason to look at these prospective negotiations on future final status with a blueprint of its own. On the other hand, to pretend that the United States is an entirely disinterested party with no record of its own on any of these issues is also a mistake. Therefore, if the United States is going to play a helpful role in bringing about the conclusion of these peace negotiations, it at least has to have in mind some idea of what the destination is, some sense of direction, and some sense of timing.

It is important to recall that the United States does not approach these negotiations with a blank slate. We can choose to change past positions, but we should recognize that there may be some political cost with one side or the other as we do so. Following are some of the U.S. positions that have enjoyed fairly strong bipartisan support over the years:

- The United States has interpreted UN Resolution 242 to mean “withdrawal for peace” on each front of the conflict. At

the moment, this does not conflict with the Israeli government's position, but a return to power by Likud with an agenda of no further withdrawal would create a real conflict with our policy.

- The United States has spoken out a great deal over the years on the issue of settlements—as obstacles to peace and, in earlier years, as illegal under international law, although that is no longer the U.S. position. We have said that the United States will not knowingly subsidize settlements or settlement activity. This has been a fairly strong stand.
- The United States has a position on Jerusalem that no politician ever likes to mention—that the final status of Jerusalem remains to be negotiated, even though in our judgment Jerusalem should remain a unified city open to members of all of the three great faiths that have religious shrines there. The United States has not accepted that the final status of Jerusalem should be settled through unilateral action.
- The United States has said that the West Bank and Gaza should not constitute an entirely separate, independent Palestinian state, but rather we have expressed a preference for linking these geographical areas to Jordan. At the same time, we have said that the Palestinians have the right in negotiations to raise the issue of statehood even though we do not support the idea of an independent Palestinian state.
- Lastly, the United States has said that any final agreement between the Palestinians and the Israelis must provide Israel with recognition, peace, security, and a clear end to acts of terrorism.

These are all positions that Washington can choose to either emphasize or deemphasize at different points in the negotiations. But those are all positions that we have taken in the past that will be played back to us by one party or the other.

In this moment before the opening of final status negotiations, there is no strong reason for the United States to sketch a blueprint of its own vision of the endgame. There will be plenty of time for the parties to develop their own ideas, and perhaps at a later stage for us to inject some ideas of our own. However, there may be two issues on which the United States has a strong and perhaps even compelling reason to speak out if we want the final status negotiations to have a reasonable chance of success.

The first of these is the issue of settlements. There is no doubt that this issue will be extraordinarily difficult to resolve. It is not in the same category as many of the other kinds of difficult issues that permits an artful compromise. If you look at the issue in some kind of objective sense, there are really only three ways

to resolve it via negotiations: implementing the Yamit precedent of removal, the price that Menachem Begin decided to pay for peace with Egypt; redrawing the map of Israel so that many of the settlements that now lie beyond the "green line" will be incorporated into the borders of the sovereign state of Israel—a tough concession for the Palestinians to accept; or adopting the concept of extraterritoriality whereby, no matter where the final borders between Israel and the Palestinian entity might be, there will be some enclaves beyond those borders that have a special status, an idea that is probably not promising and should not be encouraged.

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*“The United States . . . should . . . take an early stand [on] Palestinian democracy.”*

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For the moment, it is not important for the United States to offer its own proposal on settlements. But we do have an opportunity to play a role in helping to reduce the size of the problem before the final disposition of settlements has to be dealt with in negotiations. In a sense, we participated in subsidizing settlement activity, inadvertently or deliberately, over a period of many years. The option now is to work with the Israeli government to begin a process of reverse subsidies. This would include a program, subsidized in part by the United States, to offer compensation to settlers who choose to leave now. To be really effective, the incentive should be front-loaded, in the sense that the compensation offered to those who leave now could be very substantial, whereas those who wait would receive less. This non-coercive approach makes sense. Our contribution might simply be to say that a portion of the loan guarantees that we now provide to Israel could be used to offset any budgetary impact that setting up such a fund might have.

The second issue in which the United States has a clear interest and on which it should therefore take an early stand is Palestinian democracy. It seems that the parties that are most interested in this are neither the leaders of the PLO nor the Israeli government, but the Palestinians who live in the West Bank and Gaza themselves, even those who have not much cared for the peace process up until now. One senses on the part of both Israeli Prime Minister Rabin and PLO Chairman Arafat a certain disinterest in Palestinian elections, even though elections will be a crucial building block and an element of the DOP that holds out a glimmer of a real change for the better in Palestinian political life.

Why should the United States take an interest in this if the parties, or at least the leaders on both sides, do not seem to be

terribly keen on it? First, it is a step that would help enormously to legitimize the peace process in the eyes of Palestinians, many of whom today feel that the negotiations left them completely out of the picture. Second, elections provide a mechanism for regenerating Palestinian leadership, a process that will be necessary when Palestinians build their institutions and prepare for final status talks.

One element to keep in mind here is that if a Palestinian democracy were to emerge through this process of elections and institution-building, it would have every right to expect more support from the United States than would an autocratic, PLO-run, bureaucratic police state. It would almost surely be a much better neighbor for both Israel and Jordan than a Palestinian entity that might emerge without elections and a renewal of leadership.

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***“If a Palestinian democracy were to emerge . . . , it would have every right to expect more support from the United States than would an autocratic, PLO-run, bureaucratic police state.”***

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Such a process should be encouraged. It is highly consistent with American values and foreign policy objectives. And in order to encourage that trend, the United States should be prepared, as part of a final status negotiation, to restate its current opposition to Palestinian statehood as a kind of conditional promise of support, contingent upon a successful demonstration of the Palestinian commitment to democracy and peace.

This would represent a dramatic change in U.S. policy, at least on the level of rhetoric. For that reason alone, it probably will not happen. But if it were done, it would certainly be consistent with the broad policy objectives that we propound for other parts of the world, the support for democratic political change.

In any event, it seems to me that a weak, small Palestinian state of one sort or another—perhaps linked to Jordan, perhaps linked with Israel in certain ways—is on the horizon. But there is still a big question mark on what kind of state it is going to be. By promoting democracy in that state, the United States would influence the direction of its political development in a positive way for the sake of the peace process and for the sake of both the Palestinians and the Israelis.



## **Peter Rodman**

Henry Kissinger used to say that in Middle East negotiations, every achievement is only an entrance ticket to a new set of problems. This is obviously true of a transitional agreement like Gaza-Jericho, which is supposed to be transitional. But it will also be true of any agreement reached on final status. History will not stop; we will be in a new situation with new uncertainties and risks. And any final agreement itself will have as one of its objectives—from the American point of view—to help shape the strategic circumstances in the Middle East in accordance with our objectives.

Which raises the question: what are our objectives? The American interest in Israeli-Palestinian peace is not only humanitarian, it is also strategic; we satisfy our strategic necessities by reconciling our competing interests on the two sides—in ensuring Israel's security and consolidating the U.S. position in the Arab world. We have a stake, therefore, in an outcome that strengthens moderates in the Arab world and weakens radicals. A settlement should vindicate the principle that aggression against Israel is a lost cause, and demonstrate that the United States is the outside power that holds most of the cards. By defusing the Palestinian issue, we would hope to either weaken the thrust of radicalism or, at the very least, co-opt the moderate Arabs, Europeans, Japanese, and Russians into denying support to those who would continue such radical challenges.

I can give you two examples of this kind of analysis in the context of the Cold War.

In the early 1970s, the United States had a deliberate policy of frustrating Nasser's (and later Sadat's) Egypt as long as Egypt acted as a partner of the Soviet Union, with 15,000 Soviet combat troops in the country. No matter what the substantive positions of the various sides, the Nixon administration saw it as important to demonstrate that we would not spend political capital with our Israeli ally on behalf of an ally of the Soviet Union. So, in essence, we let the negotiations bog down.

President Sadat showed he understood this when he expelled the Soviet military from Egypt in 1972. At that point we had a stake in Egypt, a stake in showing that we could produce a serious negotiation with Israel for an Arab country that acted in

its own right and not as a Soviet pawn. And we did—to vindicate Sadat's decision to turn to the United States.

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***“A settlement should vindicate the principle that aggression against Israel is a lost cause, and demonstrate that the United States is the outside power that holds most of the cards.”***

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For the very same reason, the United States had a strategic interest in frustrating the PLO as long as it acted as an ally of the Soviet Union, denouncing “imperialism” in every speech. We strongly preferred that Jordan, long a friend of the West, be the architect and political beneficiary of a Palestinian solution. Now that the PLO behaves quite differently toward us, we have a stake in showing that such a change pays off in progress for the Palestinians in a fair negotiation (though there is still an important role for Jordan). This is all to illustrate how the strategic context of a negotiation can be as important as the terms.

A settlement that seemed to come from Israeli weakness, or from U.S. weakness, would almost automatically contain the seeds of future dangers—even if the agreement seemed balanced in its terms. Radicals would be emboldened rather than discredited. By the same token, the risks of any agreement are mitigated to the extent that Israel still seems a tough nut to crack and the Palestinians draw the lesson that compromise and not violence is the only method that works.

I speak as one of those who negotiated the 1973 Paris Agreement on Vietnam. It was an agreement balanced in its terms, reflecting a true balance of forces on the ground, and a balance of risks. However, one side failed to maintain its side of the balance.

In the Middle East, of course, the Soviets no longer exist as backers of leftist Arab radicalism. Now the radicalism comes from the other direction, from revolutionary Islam. But some of the same principles apply.

A final agreement between Israel and moderate Palestinians should have the strategic purpose of helping consolidate the emerging coalition of the United States, Israel, the Palestinians, and other moderate Arabs against the new strategic challenges of Iran and Islamic radicalism.

In the conduct of the negotiations, therefore, we must understand the stake we have in the outcome of the contest between the PLO and Hamas. To be blunt, a Hamas victory would negate the strategic premises on which the Israel-PLO accord was based.

Israeli negotiators, whenever they make a concession, must be careful not to seem to be making the concession out of fear of Hamas—for then Hamas, not the PLO, would get the credit for extracting it. The PLO's hand can be strengthened sometimes by an Israeli concession to the PLO, at other times by Israel's demonstrating that it cannot be easily swayed by pressures. It depends on the context. As on the issue of the release of hard-core prisoners, there are some PLO demands that the PLO cannot really want to see granted.

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*“ . . . we must understand the stake we have in the outcome of the contest between the PLO and Hamas.”*

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More broadly, our view of the PLO's political and economic style of governance should be tempered by an understanding of the mortal struggle in which it is engaged. Democratic legitimacy is important, as is economic rationality. But this contest will not always be played out according to the rules of the League of Women Voters.

In the broadest framework, the United States has to meet its own responsibility to maintain the strategic balance in the region that today favors moderates.

This means remaining strong militarily and politically in the Gulf, where our regional interests are threatened by both Iran and Iraq.

It means remaining a formidable, global military power, with defense budgets that pay more than lip service to the need to master a variety of regional contingencies. It means a standard of military performance that adds to our credibility as a great power. The disincentives for disruptive policies need to be evident all over the Middle East.

It also means a mature and realistic posture toward the crisis in Algeria. Nothing would be more devastating to the U.S. strategic position in the Middle East—and to the peace process—than an Islamic takeover in Algeria. The psychological impact on Egypt

would be severe and destabilizing; it would be a spur to Islamic forces everywhere.

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*“Democratic legitimacy is important, as is economic rationality. But this contest will not always be played out according to the rules of the League of Women Voters.”*

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Perhaps, then, we are in a race against time—to consolidate the new alignment of the moderates before another explosion of Islamic extremism, hoping of course to help defuse radical passions in the region by the very fact of a Palestinian solution. Success will depend on a lot more than the technical skill of our negotiators.

## Eugene Rostow

It would be a dangerous mistake for the United States to agree to the proposal that the ongoing talks between Israel and the PLO should now address the final status of the territories in dispute between them. For a long time, one of the most important principles in all serious plans for achieving peace between Israel and the Arab inhabitants of the West Bank and the Gaza Strip has been that peace should be accomplished in stages, starting with a period of limited Arab autonomy in governing some parts of those territories. Such a program of peace, it was and still is widely believed, would provide not only a cooling off period for the parties, but an opportunity for the Arabs to demonstrate, for the first time, that they have indeed abandoned their claims to all the territory of the British Mandate for Palestine west of the Jordan River.

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***“After each of the Arab wars against Israel, the Security Council and the Western nations have requested and finally commanded the Arab states to make peace with Israel, and since 1967 in highly specific terms. But thus far the Arab policy of refusing to make peace with Israel has prevailed, except in the case of Egypt.”***

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The essential basis of the Arab claim is that those territories were Turkish in 1917, when the Balfour Declaration was issued, and that nothing that has happened since has established a new sovereign authority in the territories, except for Jordan. The modern Jewish political presence in the Levant began with the announcement in 1917 of the Balfour Declaration, which became the British Mandate for Palestine under the auspices of the League of Nations. The Mandate administration started the process that ultimately led to the birth of Israel and Jordan. The

Arab position on this set of questions has been and remains clear-cut:

- 1) The Balfour Declaration was beyond the legal authority of the victorious Allies after World War I, and the Palestine Mandate was beyond the authority of the League of Nations.
- 2) After the Turkish defeat, sovereignty in the entire territory of the Mandate was vested in the Arab peoples who lived there.
- 3) Therefore, the Mandate for Palestine was illegal from the start as a standing aggression against the implicit sovereignty of the Arab inhabitants of Palestine and their natural law right of "self-determination," and the existence of Israel is a standing and continuous aggression against the whole of Mandatory Palestine—that is, what are now Israel, Jordan, and the territories in dispute between them.

As a legal argument, each step in this syllogism is without foundation. But it has blocked the making of peace between Israel and its neighbors for more than seventy years. After each of the Arab wars against Israel, the Security Council and the Western nations have requested and finally commanded the Arab states to make peace with Israel, and since 1967 in highly specific terms. But thus far the Arab policy of refusing to make peace with Israel has prevailed, except in the case of Egypt.

The United States has a strong and indeed "vital" interest in helping to achieve and maintain a just and lasting peace in the Middle East. American access to the oil of the Middle East is a conspicuous element of that interest, but it is by no means the whole of it. The seas and the air space of the Middle East are essential parts of the world-wide transportation and communication systems.

Beyond the economic and political elements of the American security interest in the Middle East, there are overarching considerations of history, justice, strategy, and morality that cannot be ignored.

Palestine is a major issue in American opinion for another set of reasons, just as important. For us, Palestine is the Holy Land, the land of both testaments of the Bible, and of Islam as well. Americans may be more secular than they were a hundred years ago, but it is by no means clear that this is so. In any event, one need not be a believer to be moved by the Jewish longing for Jerusalem after the Roman conquest 2,000 years ago. This is why former President Nixon wrote that no American president could stand by and see Israel destroyed.

That is what Israel is all about, and it is the reason why Congress passed a joint resolution during the 1920s declaring a special

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American interest in assuring the fulfillment of the mandate. In response to the statute, the president successfully negotiated an agreement with the British accepting Congress' wishes on the subject. Those documents are still on the statute books. The statute asked the president to negotiate with Great Britain, then the Mandatory Power, to obtain for the United States a right to veto any attempts to change the mandate.<sup>1</sup>

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***“A confederation between Israel and Jordan, along the lines of Benelux, would be the best possible outcome for the negotiations.”***

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The Arab states around Israel have gone to war in 1948, 1956, 1967, and 1973 in order to destroy Israel, and have mounted innumerable guerrilla wars and wars of terrorism to the same end. In each case, strong diplomatic pressures were exerted through the Security Council to stop the fighting and to persuade the Arabs to overcome their scruples and make peace. At the present time, given the collapse of the Soviet Union, the success of Egypt's adventure in peacemaking with Israel, and the apparent policy changes in other nations, the prospects for peace in the Middle East are better than they have ever been. In view of the tensions that characterize this long struggle for peace, however, I reluctantly conclude that a move to take on the ultimate issues of final status in the present sequence of negotiations would gravely threaten the possibility of a just and lasting peace in the near future.

The principal reason for this conclusion is that thus far there is too great a gap between the positions Arab spokesmen have taken on the present legal status of the territories and their history. It will not be possible to achieve a just and lasting peace in Palestine unless the negotiations take sympathetically into account the respective claims of all the parties to the territory, their strategic interests, and their interests in peace. In my view, at the present time the gap between Arab public and political opinion and the legal realities of the situation is so great as to make it imprudent to tackle the ultimate questions of sovereignty with any hope of quick success. Good faith negotiations can achieve wonders in bridging gaps between the

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<sup>1</sup> See *The Anglo-American Convention on Palestine*, December 3, 1924 (44 STAT 2184-92 [1927]), reprinted in John Norton Moore, ed., *The Arab-Israeli Conflict*, vol. 3 (Princeton: Princeton University Press, 1977).

perceptions of the negotiators, provided those gaps are not too wide.

The present negotiations rest, very properly, on UN Resolutions 242 of 1967 and 338 of 1973. I have not yet come across an article or a newspaper report, however, indicating that the Arab governments have yet accepted the core element of Resolutions 242 and 338—that is, that they understand that Israel can remain in occupation of the territories until there is a “just and lasting peace” in the Middle East, and that the Israelis then would move back to “secure and recognized boundaries,” which need not be the same as the armistice demarcation lines prescribed in 1949.

I blame the Arab governments, Israel, and the United States equally for this dangerous condition of opinion. For fear of alienating Arab opinion, they have all hesitated to explain Resolutions 242 and 338 to their peoples, and therefore allowed dangerous Arab illusions to persist about what the resolutions require. Until those illusions are replaced by an awareness and acceptance of the realities of the situation, progress will have to be made in stages.

The experience of Arab autonomy in parts of the West Bank and the Gaza Strip should give the parties an opportunity to absorb the reality of their respective positions and prepare the way for a final settlement of the status of the whole of Palestine in accordance with Resolutions 242 and 338. In this process, it may be possible to involve Jordan in the negotiations and to shape a final settlement of greater promise than a commonplace compromise or split-the-difference settlement of a boundary dispute. A confederation between Israel and Jordan, along the lines of Benelux, would be the best possible outcome for the negotiations. There is, after all, a limit on the patience of the state system, which has waited since 1917 for the Arabs to accept the Mandate and its consequences. Unless this can be done, the conflict is likely to drag on indefinitely. In that case, the Israelis will resume settling immigrants in the West Bank, and sooner or later Israel would surely annex the territories with the general support of the international community.

## Harvey Sicherman

The final status talks prescribed by the Israeli-Palestinian agreement can be expected to start within two years. While the United States has not had much direct participation in the negotiations thus far, Washington is the one power that can reduce Israeli and Palestinian risks in making peace and the parties know it. We can do that by keeping other regional troublemakers at bay and also through our money, arms, and political pledges in underwriting a settlement. Our leadership of the multilateral "track" magnifies political and financial support. Finally, our help in moving the Israeli-Syrian and Israeli-Jordanian tracks offers further political protection to both sides.

Nonetheless, to act with maximum advantage we should be very clear about our current approach to final status issues, how events have modified U.S. attitudes, and what further changes we may make. Stated briefly, the "land for peace" catechism is probably dated, and the metaphysical questions about Jerusalem and the like are going to need some creative formula. Most important, the Israeli-Palestinian conflict itself is no longer a major threat to U.S. interests. We therefore have even more reason to encourage an agreement that depends more on the promises the parties make to each other and less on the promises that we make to them.

UN Resolution 242 embodies both U.S. and international ideas on the geo-political outline of a settlement: essentially the pre-Six Day War political boundaries improved by a "real peace," effective international guarantees, and minor border changes that improve security. Israel would trade territory for peace with an Arab entity, preferably Jordan. Jerusalem would be united and open, its status a product of negotiation. The refugees would be allowed to return or be compensated—again through international negotiation. International persuasion by the Security Council powers was to be the instrument whereby all this would be achieved.

Important elements have changed. These may be classified as "internal" and "external." First, the Arab political partner, not foreseen in 1967, is primarily the PLO, which advocates independent Palestinian statehood. Second, the Israeli-Palestinian issue is subject to a preliminary stage of conciliation, now called autonomy or self-government, which

excludes Jerusalem and statehood. Third, the territories in question now contain over 100,000 Israelis living beyond the expanded municipal boundaries of Jerusalem. All of these together make much less likely the relatively clean separation of Arab and Israeli jurisdictions conceived in 1967.

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*“The ‘land for peace’ catechism is probably dated, and the metaphysical questions about Jerusalem and the like are going to need some creative formula.”*

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The “external” elements have also changed. First, as a mediator, the United States has a quarter-century of diplomatic experience. The lesson taught by this experience is clear: we have always failed when we put forward a U.S. plan not invited by the parties or between parties essentially unwilling to make peace with each other. Second, we have never made progress when the regional balance of power tilted against those who would take risks for peace. Finally, the Gulf War and the demise of the Soviet Union have greatly reduced the international dangers from the conflict, while also eliminating powers that were opposed in the end to what we considered a proper settlement. There is less urgency about a solution but also less constraint on the United States in promoting one.

These internal and external changes will bring changes to our approach, not only to our ideas of settlement, but also to how we go about it. These would include:

- Less danger to our interests means less interest on our part to offer far-reaching guarantees. In theory, the United States should always seek a resolution of any conflict that depends largely on the local parties; in fact, we have often been tempted to substitute our promises to the parties for the promises they should make to each other. Today, we should encourage the Israelis and the PLO to negotiate as far as possible *without* U.S. intervention, and our intervention should be only to sustain a deal that makes sense in satisfying the parties.
- The American people are disillusioned with UN peacekeeping exercises, especially those that put U.S. forces in situations where they may face guerrilla warfare. The United States should therefore rule out from the start the placement of U.S. forces in these territories. Such guarantees as may be offered would rely on off-shore rather than ground forces.

- The United States has a very significant role to play in preserving international and regional conditions that promote an agreement and in preventing developments that would work against an agreement. American success in the Gulf War and the Cold War provided an important impetus to the peace process. A very large failure of U.S. policy elsewhere in the region might make risk-taking by the parties prohibitive.

With these factors in mind, a U.S. approach toward final status talks should be based on these guidelines:

1) *The Importance of U.S. Regional Policy.* More than ever, we should not allow the Israeli-Palestinian negotiations to become the centerpiece of U.S. Middle East policy. In fact, our ability to sustain a favorable regional balance of power will probably do more for the Palestinian-Israeli “end-game” than anything else. This means active efforts at preventing the opponents of peace (Iran, Sudan, Libya, Iraq) from attaining dominance in the Middle East and thereby succeeding in preventing progress toward reconciliation with Israel.

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***“The United States should rule out  
from the start the placement of U.S.  
forces in these territories.”***

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2) *The Importance of the Interim Step.* Before we get to the metaphysics of the final status, we must work to assure the “physics” of the interim step. The rush to discuss final status will complicate rather than ease this process, because the parties may then see compliance with the agreed limitations of self-government as irrelevant. This would diminish and indeed destroy public support on both sides for further steps in advance of final status talks, such as the discussion of “early empowerment.” The idea that self-government would work better if the parties moved as fast as possible to final status talks is out of date. Even the PLO has agreed to the Camp David formula of *not* beginning such talks immediately.

3) *The Metaphysics.* Among the final status issues, four offer the greatest complexity—sovereignty, refugees, Israeli settlers, and Jerusalem.

- *Sovereignty.* This has now become the issue of a Palestinian state. The United States has opposed a Palestinian state on several grounds. Another state between the Mediterranean and the Jordan River would be tolerable to Israel and Jordan only if it lacked the military power, the closed economic borders, and the

nationalist ideology that alone or in combination could threaten them. In other words, a Palestinian state would be “safe” only if it were not genuinely sovereign. (This, of course, is not the kind of state envisioned by the PLO.) Therefore, the traditional position remains sound and there is no reason for the United States to advocate the establishment of such a state if Israel (and Jordan) oppose it.

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*“. . . the problem will remain unless the refugees are removed from camps and permitted to become citizens of the states in which they reside.”*

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- *Arab Refugees.* The Palestinians scattered around the Middle East present long-term problems for Lebanon, Jordan, and Israel. There is real but limited opportunity for some return to the West Bank, but Gaza is already overpopulated and Israel will not accept a large-scale infusion of a hostile population. Monetary compensation can help here, but the problem will remain unless the refugees are removed from camps and permitted to become citizens of the states in which they reside.

- *Israeli Settlers.* This concerns not only Israel’s security needs (many settlements were placed according to the Allon Plan, with a view toward protecting against invasion across the West Bank) but also impacts on greater Jerusalem. The U.S. position should be that people can live where they want to live, with security arrangements left to the parties to negotiate, but that the more contiguous and clustered the population, the less friction. There will be a withdrawal of the more exposed and financially weak Israeli settlements, but a “Jew-free” West Bank is not something we can advocate, any more than we could support an Israeli deportation of Palestinians or the revocation of the citizenship of Israeli Arabs.

- *Jerusalem.* There is no solution that divides the sovereignty of the city along ethnic and religious lines acceptable to Israel. U.S. support for a united city also precludes new international boundaries running through the town. This issue, like the issue of sovereignty itself, calls for a more creative idea.

It may very well be that the United States does have an idea, drawn from our own political experience, to ease the sovereignty and Jerusalem issues. Our federal system allows for overlapping jurisdictions and broad measures of freedom within a higher sovereignty. Israel, the Palestinians, and Jordan may very well

find the solution to their symbolic claims in such a structure, which is workable as long as the rules are clear and observed. The main reasons for observing such rules will be the balance of forces, economic incentives, and the lack of an alternative. Necessity will be the mother of this invention.

The U.S. approach to Israeli-Palestinian final status talks should:

- 1) push for the success of the interim agreement, which is crucial to political support for final status compromises;
- 2) hold together an international coalition that can offer financial help on such issues as refugees;
- 3) and offer creative ideas on federal solutions for the stickiest issues of sovereignty and Jerusalem.

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***“ . . . a ‘Jew-free’ West Bank is not something we can advocate, any more than we could support an Israeli deportation of Palestinians or the revocation of the citizenship of Israeli Arabs.”***

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Ultimately, Israeli-Palestinian final status means the resolution of the major claims still dividing them. Because the conflict is less dangerous to the United States than before, Washington can emphasize an agreement that relies less on outside promises and more on a deal that meets the mutual needs of the parties.



## Kenneth Stein

U.S. positions toward Israeli-Palestinian final status talks should avoid contradicting, diluting, or redefining two broader contextual objectives:

1) that future U.S. policies do not adversely influence the pace, content, or progress of other bilateral negotiation tracks, especially the Israeli-Jordanian, the Israeli-Syrian, and the Israeli-Lebanese negotiations; and,

2) that continuity is clearly maintained and all ambiguity averted in sustaining broader U.S. foreign policy objectives in the Middle East, which are themselves advanced through:

a) unwavering support for the political stability, economic strength, and strategic security of Israel, Egypt, and Jordan;

b) continued strong backing for the political stability and strategic security of Arab oil-producing states of the Persian Gulf (e.g., Saudi Arabia, Qatar, Kuwait, UAE, Bahrain, and Oman);

c) enduring support for the political stability and strategic security of Tunisia, Turkey, Morocco, and Algeria;

d) enthusiastic and persistent diplomatic efforts toward the multilateral resolution of transnational issues such as water, refugees, economic development, environment, arms control, and regional security;

e) aggressive containment of policies and practices emanating from Iraq, Iran, Libya, and non-state actors that may be aimed at undermining regional stability and rupturing the Arab-Israeli peacemaking and peacekeeping processes; and,

f) determined willingness to embrace, with appropriate economic and technical assistance, a Syrian regime that gives clear evidence of its efforts to resolve Arab-Israeli differences.

As final status talks progress, U.S. policy in the wider Middle East will continue to be challenged by a series of indigenously-oriented issues, some of which will be more subtle in definition but dominant in scope, and others more episodically critical but less protracted in duration. These issues will *inter alia* include matters of political succession, domestic demographic

challenges, tensions in inter-Arab relations, challenges of Islamic political movements, competing domestic demands for limited financial resources, deepening crises surrounding the spread of unconventional weapons, and the need for regional security and the slow movement from authoritarian to more democratic patterns of political participation and governance. In this context, the most important factors to affect the final status talks will be the internal configurations of the Palestinian component to the talks and the political orientation of Israel's future governments. It is highly likely that, at some immediate interval, neither Arafat nor Rabin will be at the helm of these negotiations.

In all of these areas, including the final status talks and other bilateral and multilateral Arab-Israeli talks, U.S. policy should be managed in a coherent and consistent fashion that could be defined as "catalytic *laissez-faire*." In defining outcomes that are commensurate with the two core objectives outlined above, Washington must be constructively engaged, but not intrusively active.

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***"It is highly likely that, at some immediate interval, neither Arafat nor Rabin will be at the helm of these negotiations."***

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Concerning the specifics of the U.S. approach to final status talks, a key starting point is the idea that an externally imposed outcome, artificially determined by parties not directly affected by the negotiations, will not be sustained over a prolonged time period. Washington, therefore, must avoid becoming either a source or an advocate of controversial new positions on any sensitive issues. The parties must decide themselves. However, if asked, Washington could provide "bridging" ideas to help reach acceptable accommodation between Israelis and Palestinians. Washington should also be prepared to ensure that the bilateral negotiating track is not adversely clogged by positions articulated by other third parties—including the United Nations, the European Union, Japan, the Vatican, or others—who may be inclined to intrude in the negotiating process, either substantively or procedurally. Should the final status talks reach an impasse for a period of time, Washington should be prepared to find ways, as it has since October 1991, to re-ignite the appropriate bilateral negotiations based on the common understandings or agreements achieved between the parties.

On the specific issues related to the negotiations, the legacy of U.S. foreign policy pronouncements is adequate. Here, repeated reference should be made to earlier American interpretations of UN Resolutions 242 and 338, the September 1982 Reagan Plan, and the letters of invitation to the 1991 Madrid peace conference. All four provide necessary definition of substance and, where required, appropriate constructive ambiguity. Washington's preferred outlines are clear; they should, if necessary, be restated regularly and without modification.

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*“U.S. policy should be managed in a coherent and consistent fashion that could be defined as ‘catalytic laissez-fair.’ ”*

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A key fundamental principle for U.S. policy should be to support negotiating processes and only advocate outcomes that are achieved through bilateral negotiations. Washington should be prepared to provide its good offices for mediation, and offer its own assurances and guarantees to the parties when appropriate. However, the United States should leave to the respective parties, as well as to states that must manage other issues, the prerogative to choose their own policy options.

Other than the principles enshrined in the traditional U.S. interpretation of the four documents mentioned above, Washington does not have additional strategic interests that require redefinition of either the broad outcome or the specific details of resolution of sensitive issues, like the future of Israeli settlements, repatriation of refugees, the final status of Jerusalem, demarcation of final borders, the political manifestation of Palestinian national expression, or the nature of the future association between Jordan, Israel, and the Palestinian self-governing authority.

Finally, a point about time: it is important that final status talks be viewed as a process, not an act. There is no reason to force a clearly defined political or economic outcome from the final status talks or to do so within a specific time frame or “date certain.” There is every likelihood that resolution of the sensitive issues noted above will not be mutually agreed upon in a satisfactory manner before the deadline is reached for the final status talks (May 1999). Progress toward resolution of these issues may itself be tied to a proposed series of future benchmarks on substance, which in turn may trigger as yet undefined conclusive outcomes. Inevitably, final status talks will be influenced by the local and regional issues, the political makeup inside Israel, within the Palestinian community, and,

more generally, the ability to raise capital in international markets to help implement and sustain the agreements already signed, and those yet to be born.

## **APPENDIX:**

### **SELECTED STATEMENTS AND DOCUMENTS ON ISRAELI-PALESTINIAN FINAL STATUS ISSUES AND U.S. POLICY**

#### **President Lyndon B. Johnson**

*Statement on Principles for Peace, June 19, 1967 [Excerpts]*

“Our country is committed—and we here reiterate that commitment today—to a peace that is based on five principles:

- first, the recognized right of national life;
- second, justice for the refugees;
- third, innocent maritime passage;
- fourth, limits on the wasteful and destructive arms race; and
- fifth, political independence and territorial integrity for all.

“This is a time not for malice, but for magnanimity; not for propaganda, but for patience; not for vituperation, but for vision.

“We are not here to judge whose fears are right or whose are wrong. Right or wrong, fear is the first obstacle to any peacemaking. Each side must do its share to overcome it. A major step in this direction would be for each party to issue promptly a clear, unqualified public assurance that it is now ready to commit itself to recognize the right of each of its neighbors to national life.

“Second, the political independence and territorial integrity of all the states in the area must be assured.

“We are not the ones to say where other nations should draw lines between them that will assure each the greatest security. It is clear, however, that a return to the situation of June 4, 1967, will not bring peace. There must be secure, and there must be recognized borders.

“Some such lines must be agreed to by the neighbors involved as part of the transition from armistice to peace.

“At the same time, it should be equally clear that boundaries cannot and should not reflect the weight of conquest. Each

change must have a reason which each side, in honest negotiation, can accept as a part of a just compromise.

“Third, it is more certain than ever that Jerusalem is a critical issue of any peace settlement. No one wishes to see the Holy City again divided by barbed wire and by machine guns. I therefore tonight urge an appeal to the parties to stretch their imaginations so that their interests and all the world’s interest in Jerusalem, can be taken fully into account in any final settlement.

“Fourth, the number of refugees is still increasing. The June War added some 200,000 refugees to those already displaced by the 1948 War. They face a bleak prospect as the winter approaches. We share a very deep concern for these refugees. Their plight is a symbol in the minds of the Arab peoples. In their eyes, it is a symbol of a wrong that must be made right before twenty years of war can end. And that fact must be dealt with in reaching a condition of peace.

“All nations who are able, including Israel and her Arab neighbors, should participate directly and wholeheartedly in a massive program to assure these people a better and a more stable future.

“Fifth, maritime rights must be respected. Their violation led to war in 1967. Respect for those rights is not only a legal consequence of peace. It is a symbolic recognition that all nations in the Middle East enjoy equal treatment before the law.

“And no enduring peace settlement is possible until the Suez Canal and the Straits of Tiran are open to the ships of all nations and their right of passage is effectively guaranteed.

“Sixth, the arms race continues. We have exercised restraint while recognizing the legitimate needs of friendly governments. But we have no intention of allowing the balance of forces in the area to ever become an incentive for war.

“We continue to hope that our restraint will be matched by the restraint of others, though I must observe that has been lacking since the end of the June War.

“We have proposed, and I reiterate again tonight, the urgent need now for an international understanding on arms limitation for this region of the world.”

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**American Draft Resolution to the UN Security Council**

November 7, 1967

*The Security Council,*

*Expressing* its continuing concern with the grave situation in the Middle East,

*Recalling* its Resolution 233 (1967) on the outbreak of fighting which called, as a first step, for an immediate cease-fire and for a cessation of all military activities in the area,

*Recalling further* General Assembly Resolution 2256 (ES-V),

*Emphasizing* the urgency of reducing tensions and bringing about a just and lasting peace in which every State in the area can live in security,

*Emphasizing further* that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1) *Affirms* that the fulfillment of the above Charter principles requires the achievement of a state of just and lasting peace in the Middle East embracing withdrawal of armed forces from occupied territories, termination of claims or states of belligerence, and mutual recognition and respect for the right of every state in the area to sovereign existence, territorial integrity, political independence, secure and recognized boundaries, and freedom from the threat or use of force;

2) *Affirms further* the necessity:

a) For guaranteeing freedom of navigation through international waterways in the area;

b) For achieving a just settlement of the refugee problem;

c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

d) For achieving a limitation of the wasteful and destructive arms race in the area;

3) *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned with a view to assisting them in the working out of solutions in accordance with the purposes of this resolution and in creating a just and lasting peace in the area;

4) *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

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**Arthur Goldberg**

*Permanent Representative to the UN*

*Statement to the UN Security Council, November 15, 1967*

“ . . . In my statement in the Council last Thursday I outlined the general considerations underlying this draft resolution. Let me now add certain specific comments on particular provisions in the hope of clarifying their meaning and intent in light of the comments made with respect to these clauses in the course of our debate.

“In paragraph 1, among the elements embraced in the concept of ‘a state of just and lasting peace,’ is ‘withdrawal of armed forces from occupied territories.’ Let me be quite clear about the meaning which we attach to this language. In the first place, it obviously refers and was always intended to refer to the armed forces of Israel; let me also state and make clear that this is completely on a par with the other essentials listed in the same statement: termination of claims or states of belligerence—which of course refers primarily to the Arab states. It also embraces a necessary ingredient for peace in the area: mutual termination by Israel and the Arab states of the state of war which unhappily still persists in the area and mutual recognition of, and respect for, the right of every state in the area to sovereign existence, territorial integrity, political independence, secure and recognized boundaries, and freedom from the threat or use of force.

“Mr. President, we thought that this concept was very clear in the resolution we offered; but since doubts have been expressed on this point we have clarified them, I think explicitly, today.

“Now, Mr. President, we believe that the language of paragraph 1 as stated in the resolution and as amplified by me here today is both intrinsically sound and carefully balanced in what it requires of the respective parties. And I should like to repeat them for emphasis.

“Israel must withdraw; the Arab states must renounce the state of belligerence and claim of belligerence which they have claimed for many years, and the states on both sides must terminate the present state of war and must mutually recognize each other’s rights, which are set forth explicitly in article 2 of the charter. . .

“Now, I cannot emphasize too strongly that these principles are interdependent. There is nothing artificial about this interdependence; we did not manufacture it; it is in the nature of the situation and of the history of this conflict. To seek withdrawal without secure and recognized boundaries, for example, would be just as fruitless as to seek secure and recognized boundaries without withdrawal.

“Historically, there have never been any secure or recognized boundaries in the area. Neither the armistice lines of 1949 nor the cease-fire lines of 1967 have answered this description. The armistice agreements explicitly recognize the necessity to proceed to permanent peace, which necessarily entails the recognition of boundaries between the parties. Now, such boundaries have yet to be agreed upon—and agreement on this point is an absolute essential to a just and lasting peace, just as withdrawal is. Secure boundaries cannot be determined by unilateral action of any of the states; and they cannot be imposed from the outside. For history shows that imposed boundaries are not secure—that secure boundaries must be mutually worked out and recognized by the parties themselves, as part of the peacemaking process.

“I would add one further observation as to timing. Clearly, the timing of steps to be taken by the parties in fulfillment of the objectives set forth in the resolution we have tabled would need to be carefully worked out with the assistance of the special representative. It is not our conception that any one step or provision should be relegated to the end of the process.

“In short, Mr. President, our resolution reflects the conviction that progress toward peace can only be made if there is a careful and just balance of obligations among the parties. Such a balance must take account of the just aspirations of all without harming the vital interest of any. It must recognize and seek to relieve the legitimate grievances of all without creating new grievances for any. It must be a balance which all will have a strong interest in maintaining. Only thus can it provide the foundation for a durable peace. . .”

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**UN Security Council Resolution 242**

*Concerning Principles for a Just and Lasting Peace in the Middle East,<sup>1</sup>  
November 22, 1967*

*The Security Council,*

*Expressing* its continuing concern with the grave situation in the Middle East,

*Emphasizing* the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

*Emphasizing further* that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1) *Affirms* that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2) *Affirms further* the necessity:

a) For guaranteeing freedom of navigation through international waterways in the area;

b) For achieving a just settlement of the refugee problem;

c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3) *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and

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<sup>1</sup> UN Security Council Resolution 242 was adopted unanimously by all fifteen members of the Security Council: Argentina, Brazil, Bulgaria, Canada, China, Denmark, Ethiopia, France, India, Japan, Mali, Nigeria, the Soviet Union, United Kingdom, and United States.

accepted settlement in accordance with the provisions and principles in this resolution;

4) *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

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**Secretary of State William Rogers**

*Address to the Galaxy Conference, Washington, D.C., December 9, 1969*

“A lasting peace must be sustained by a sense of security on both sides. To this end, as envisaged in the Security Council resolution, there should be demilitarized zones and related security arrangements more reliable than those which existed in the area in the past. The parties themselves, with Ambassador Jarring’s help, are in the best position to work out the nature and the details of such security arrangements. It is, after all, their interests which are at stake and their territory which is involved. They must live with the results.

“The Security Council resolution endorses the principle of the nonacquisition of territory by war and calls for withdrawal of Israeli armed forces from territories occupied in the 1967 war. We support this part of the resolution, including withdrawal, just as we do its other elements.

“The boundaries from which the 1967 war began were established in the 1949 armistice agreements and have defined the areas of national jurisdiction in the Middle East for 20 years. Those boundaries were armistice lines, not final political borders. The rights, claims, and positions of the parties in an ultimate peaceful settlement were reserved by the armistice agreements.

“The Security Council resolution neither endorses nor precludes these armistice lines as the definitive political boundaries. However, it calls for withdrawal from occupied territories, the nonacquisition of territory by war, and the establishment of secure and recognized boundaries.

“We believe that while recognized political boundaries must be established, and agreed upon by the parties, any changes in the preexisting lines should be confined to insubstantial alterations required for mutual security. We do not support expansionism. We believe troops must be withdrawn as the resolution provides. We support Israel’s security and the security of the Arab states as well. We are for a lasting peace that requires security for both. . .”

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**John Scali***U.S. Permanent Representative to the UN**Statement to the UN Security Council, July 14, 1973*

“What are the key issues with which such negotiations must come to grips? In simplest terms they are the issues of sovereignty and security. The parties must find a way to reconcile the two. One aspect of this problem is the question of boundaries. There are many strongly held views about where final boundaries between Israel and its neighbors should be drawn. Resolution 242 has often been cited to support one view or another. But the fact is that Resolution 242 is silent on the specific question of where the final border should be located. It neither endorses nor precludes—let me repeat, neither endorses nor precludes—the armistice lines which existed between Israel, Egypt, Jordan, and Syria on June 4, 1967, as the final secure and recognized boundaries. Everyone knew when Resolution 242 was approved that this was an area of ambiguity. This was part of the compromise to which I have referred.

“The central message of Resolution 242 is that there should be a fundamental change in the nature of the relationship of the parties with each other, a change from belligerency to peace, from insecurity to security, from dispossession and despair to hope and dignity for the Palestinians. Let me say again: it seems clear to us—logically, politically, historically, realistically—that the question of agreement of final boundaries must be viewed in the context of the total thrust and intent of Resolution 242. This question must therefore be resolved as part of the process of reaching agreement on all the complex factors governing a new relationship among the parties to replace that defined in the 1949 armistice agreements.

“Mr. President, I have recalled the history of our efforts in 1967 not to argue the past, but because I believe we need to restore our perspective as we look to the future. Many sincere efforts have been made, by Ambassador Jarring and by governments, including my own, to help the parties find a way to negotiate the detailed terms of a final peace agreement. Whatever may have been their merits, none succeeded. We are therefore left with Resolution 242 as the only basis thus far accepted by both sides, with regard both to substance and to procedure. The principal parties concerned have accepted that basis, each in its own way, and this is what makes it uniquely important. . .”

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**Alfred L. Atherton, Jr.**

*Assistant Secretary of State for Near East and South Asian Affairs*

*"A Status Report on the Peace Process," address to the Atlanta Foreign Policy Conference on U.S. interests in the Middle East, April 5, 1978*

". . . In six days Israel not only proved beyond all doubt that it was there to stay, but it also ended up occupying Arab territory stretching to the Golan Heights of Syria, the Jordan River, and the Suez Canal. Slowly, meticulously, painfully, the United States and other, like-minded members of the international community working with the parties to the conflict in the months immediately following the war, launched intensive diplomatic efforts to translate this new situation into the long-sought basis for genuine peace negotiations.

"The result was United Nations Security Council Resolution 242, adopted unanimously by the Council in November 1967. Here for the first time in twenty years was spelled out the framework for a settlement of the Arab-Israeli conflict. That resolution was and remains the basis for all the peacemaking efforts over the past decade. At its heart is a very simple formula: In return for Israeli withdrawal from territories occupied in the 1967 conflict, the Arabs will recognize Israel within a framework of peace and security agreed by both. It calls for a just and lasting peace based upon the right of every state in the area to live in peace within secure and recognized boundaries and upon Israeli withdrawal from territories occupied in 1967. Resolution 242 is clearly a package. The parts are linked together to make a balanced whole, to be carried out together or not at all.

"That having been said, let me note what Resolution 242 does not do. It does not define secure and recognized boundaries. It does not call for withdrawal from 'all' occupied territories or 'the' occupied territories. It does not require Israel to give up every inch of occupied territory. Neither, however, does it preclude Israeli withdrawal to the lines of 1967. In the final analysis, this issue can only be resolved in agreements negotiated by the parties. The emphasis of Resolution 242 taken as a whole, however, is clear. The emphasis is on establishing conditions of peace and security based upon the concept of withdrawal for peace. It is also clear that all the principles of Resolution 242, including the principle of withdrawal, were intended by its authors, and understood at the time by all the governments concerned, to apply wherever territory was occupied in 1967. In other words, the withdrawal-for-peace formula applies to all fronts of the conflict."

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**President Ronald Reagan**

*Address to the Nation, September 1, 1982*

“... The time has come for a new realism on the part of all the peoples of the Middle East. The State of Israel is an accomplished fact; it deserves unchallenged legitimacy within the community of nations. But Israel’s legitimacy has thus far been recognized by too few countries, and has been denied by every Arab state except Egypt. Israel exists. It has a right to exist in peace, behind secure and defensible borders, and it has a right to demand of its neighbors that they recognize those facts.

“I have personally followed and supported Israel’s heroic struggle for survival ever since the founding of the State of Israel thirty-four years ago. In the pre-1967 borders, Israel was barely ten miles wide at its narrowest point. The bulk of Israel’s population lived within artillery range of hostile Arab armies. I am not about to ask Israel to live that way again. . .

“... We base our approach squarely on the principle that the Arab-Israeli conflict should be resolved through negotiation involving an exchange of territory for peace. This exchange is enshrined in UN Security Council Resolution 242, which is, in turn, incorporated in all its parts in the Camp David agreements. UN Resolution 242 remains wholly valid as the foundation stone of America’s Middle East peace effort.

“It is the United States’ position that, in return for peace, the withdrawal provision of Resolution 242 applies to all fronts, including the West Bank and Gaza. When the border is negotiated between Jordan and Israel our view on the extent to which Israel should be asked to give up territory will be heavily affected by the extent of true peace and normalization, and the security arrangements offered in return. . .”

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**Secretary of State George P. Shultz**

*Testimony to the Senate Foreign Relations Committee, September 10, 1982*

“... The Camp David accords provide that these negotiated arrangements on final status must be ‘just, comprehensive, . . . durable,’ and ‘based on Security Council Resolutions 242 and 338 in all their parts.’ Security Council Resolution 242 sets forth the two key principles:

“i) Withdrawal of Israeli armed forces from territories occupied . . .

“ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial

integrity, and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

“As it has often been summarized, peace for territory.

“We believe these principles apply on all fronts, but our position on the extent of withdrawal will be significantly influenced by the extent and nature of the peace and security arrangements being offered in return. . .”

*Interview in Amman, Jordan, April 5, 1988*

“ . . . It doesn't seem to me in the cards to think that you can just go back to the 1967 borders. In our proposal, we say Resolution 242 applies in each negotiation. And so obviously the question of territorial compromise is put into play by that. But that's what the negotiation has to be about: What is the nature of the compromise, and how will this work itself through? . . .”

*Address to The Washington Institute, September 16, 1988*

“ . . . The objective is comprehensive peace between Israel and all its neighbors, achieved through negotiations based on United Nations Security Council Resolutions 242 and 338. This will require recognition that sovereignty cannot be defined in absolute terms. Today borders are porous. Openness is required for the free movement of ideas, people, and goods. There will need to be a border demarcation, but not a wall established between peoples.

“The territorial issue needs to be addressed realistically. Israel will never negotiate from or return to the lines of partition or to the 1967 borders. But it must be prepared to withdraw—as Resolution 242 says—‘from territories occupied in the recent conflict.’ Peace and security for all sides are at stake. . .”

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### **Press Report of U.S. Letter of Assurances to Israel**

*Israel Radio, October 16, 1991*

“ . . . [T]he United States sees the objective of the Middle East negotiations as to attain genuine peace and reconciliation between the peoples of the region, accompanied by peace treaties and full diplomatic relations [and] . . . will take serious steps to achieve . . . this . . .”

- The opening conference will have no power to take decisions, hold votes, or impose positions.

- Negotiations will be direct only.
- No party need sit with another party against its wishes.
- The United States has no intention of bringing about a dialogue between Israel and the PLO or negotiations between them.
- Palestinians taking part in negotiations must be residents of the West Bank or the Gaza Strip who accept phased direct negotiations in two tracks and are ready to live at peace with Israel.
- The United States will not support the creation of an independent Palestinian state.
- Israel holds its own interpretation of Security Council Resolution 242, alongside other interpretations.
- Israel is entitled to secure and defensible borders.
- The United States will take steps to enlarge the circle of peace in the Middle East.
- The United States will take steps to bring the Arab economic boycott to an end and to have UN Resolution 3379 equating Zionism with racism annulled.
- The United States will consult closely with Israel and show due consideration for Israel's positions in the peace process.
- The United States reconfirms ex-President Gerald Ford's written commitment to ex-Premier Yitzhak Rabin of September 1975 regarding the importance of the Golan Heights to Israel's security.
- The United States would be ready to give its own guarantees to any border agreed upon between Israel and Syria.
- Israel is entitled to a secure border with Lebanon and Security Council Resolution 425 on Lebanon must be implemented in a manner assuring the stability and security of the border.
- The United States is committed to Israel's security and to the maintenance of Israel's qualitative edge.

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**Press Report of U.S. Letter of Assurances to the Palestinians**  
*Mideast Mirror, October 24, 1991*

- Palestinians and Israel must respect each other's security, identity, and political rights.
- Bilateral talks will begin four days after the opening of the conference.
- Multilateral talks will open two weeks after the opening of the peace conference.
- We believe that Palestinians should gain control over political, economic, and other decisions that affect them and their fate.
- The United States will seek to avoid prolongation and stalling by any party. All negotiations should proceed as quickly as possible toward agreement.
- The United States does not seek to determine who speaks for Palestinians in this process. We are seeking to launch a political negotiating process that directly involves Palestinians and offers a pathway for achieving the legitimate political rights of the Palestinian people and for participation in the determination of their future. We believe that a joint Jordanian-Palestinian delegation offers the most promising pathway toward this end.
- Palestinians will be free to announce the component of the joint delegation and to make a statement during the opening of the conference. They may also raise any issue pertaining to the substance of the negotiations during the negotiations.
- The United States understands how much importance Palestinians attach to the question of East Jerusalem. Thus we want to assure you that nothing Palestinians do in choosing their delegation members in this phase of the process will affect their claim to East Jerusalem or be prejudicial or precedential to the outcome of the negotiations.
- The United States is opposed to the Israeli annexation of East Jerusalem and extension of Israeli law on it and the extension of Jerusalem's municipal boundaries. We encourage all sides to avoid unilateral acts that would exacerbate local tensions or make negotiations more difficult or preempt their final outcome.
- The United States believes that Palestinians of East Jerusalem should be able to participate by voting in elections of an interim governing authority. The United States further believes that Palestinians from East Jerusalem and Palestinians outside the

Occupied Territories who meet the three criteria should be able to participate in the negotiations on final status. The United States supports the right of Palestinians to bring any issue including East Jerusalem to the table.

- The purpose of negotiations on transitional arrangements is to effect the peaceful and orderly transfer of authority from Israel to Palestinians. Palestinians need to achieve rapid control over political, economic, and other decisions that affect their lives and to adjust to a new situation in which Palestinians exercise authority in the West Bank and Gaza. For its part, the United States will strive from the outset and encourage all the parties to adopt steps that can create an environment of confidence and mutual trust, including respect for human rights.
- Negotiations between Israel and Palestinians will be conducted in phases beginning with talks on interim self-governing arrangements. These talks will be conducted with the objective of reaching agreements within one year. Once agreed, the interim self-governing arrangements will last for a period of five years. Beginning the third year of the period of self-governing arrangements, negotiations will take place on permanent status. It is the aim of the U.S. government that permanent status negotiations will be concluded by the end of the transitional period.
- Palestinians are free to argue for whatever outcome they believe best meets their requirements. The United States will accept any outcome agreed by the parties. In this regard and consistent with long-standing U.S. policies, confederation is not excluded as a possible outcome of negotiations on final status.
- The United States believes that no party should take unilateral actions that seek to predetermine issues that can only be reached through negotiations. In this regard, the United States has opposed and will continue to oppose settlement activity in territories occupied in 1967 which remain an obstacle to peace.
- Any party will have access to the co-sponsors at any time.
- We are prepared to work hard with you in the period ahead.

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## **U.S.-Soviet Invitation to the Madrid Conference**

*October 18, 1991*

After extensive consultations with Arab states, Israel and the Palestinians, the United States and the Soviet Union believe that an historic opportunity exists to advance the prospects for genuine peace throughout the region. The United States and the Soviet Union are prepared to assist the parties to achieve a just, lasting, and comprehensive peace settlement, through direct negotiations along two tracks, between Israel and the Arab states, and between Israel and the Palestinians, based on United Nations Security Council Resolutions 242 and 338. The objective of this process is real peace.

Toward that end, the president of the U.S. and the president of the USSR invite you to a peace conference, which their countries will co-sponsor, followed immediately by direct negotiations. The conference will be convened in Madrid on October 30, 1991.

President Bush and President Gorbachev request your acceptance of this invitation no later than 6 p.m. Washington time, October 23, 1991, in order to ensure proper organization and preparation of the conference.

Direct bilateral negotiations will begin four days after the opening of the conference. Those parties who wish to attend multilateral negotiations will convene two weeks after the opening of the conference to organize those negotiations. The co-sponsors believe that those negotiations should focus on region-wide issues such as arms control and regional security, water, refugee issues, environment, economic development, and other subjects of mutual interest.

The co-sponsors will chair the conference which will be held at ministerial level. Governments to be invited include Israel, Syria, Lebanon, and Jordan. Palestinians will be invited and attend as part of a joint Jordanian-Palestinian delegation. Egypt will be invited to the conference as a participant. The European Community will be a participant in the conference, alongside the United States and the Soviet Union and will be represented by its presidency. The Gulf Cooperation Council will be invited to send its secretary-general to the conference as an observer, and GCC member states will be invited to participate in organizing the negotiations on multilateral issues. The United Nations will be invited to send an observer, representing the secretary-general.

The conference will have no power to impose solutions on the parties or veto agreements reached by them. It will have no authority to make decisions for the parties and no ability to vote on issues or results. The conference can reconvene only with the consent of all the parties.

With respect to negotiations between Israel and Palestinians who are part of the joint Jordanian-Palestinian delegation, negotiations will be conducted with the objective of reaching agreement within one year. Once agreed the interim self-government arrangements will last for a period of five years, beginning the third year of the period of interim self-government arrangements, negotiations will take place on permanent status. These permanent status negotiations, and the negotiations between Israel and the Arab states, will take place on the basis of Resolutions 242 and 338.

It is understood that the co-sponsors are committed to making this process succeed. It is their intention to convene the conference and negotiations with those parties who agree to attend.

The co-sponsors believe that this process offers the promise of ending decades of confrontation and conflict and the hope of a lasting peace. Thus, the co-sponsors hope that the parties will approach these negotiations in a spirit of goodwill and mutual respect. In this way, the peace process can begin to break down the mutual suspicions and mistrust that perpetuate the conflict and allow the parties to begin to resolve their differences. Indeed, only through such a process can real peace and reconciliation among the Arab states, Israel, and the Palestinians be achieved. And only through this process can the peoples of the Middle East attain the peace and security they richly deserve.

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**First U.S. Proposal for Israeli-Palestinian Joint Statement,  
Bilateral Peace Talks**

*Washington, D.C., May 12, 1993*

Israel and the Palestinians agree that it is time to put an end to the conflict between them. Reaffirming their commitment to the peace process launched at Madrid, they seek to negotiate their differences and create a peaceful future in which Israelis and Palestinians will live side-by-side, in peace, for generations to come.

The goal of the current Arab-Israeli peace process is real and comprehensive peace, based on United Nations Security Council Resolutions 242 and 338. Toward this goal, in line with the invitation to the Madrid peace conference, the two sides want to reach agreement as soon as possible on interim self-government arrangements for the Palestinians in the territories.

The negotiating process is being conducted in phases: The first phase of the negotiations is directed toward reaching agreement on interim self-government arrangements for five years; and the second phase of the negotiations will be directed toward reaching agreement on permanent status based on United Nations Security Council Resolutions 242 and 338. The two sides concur that the agreement reached between them on permanent status will constitute the implementation of Resolutions 242 and 338.

The two sides agree that this process is one, and its two phases are interlocked in the agreed time-frame. They further agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim phase. They further agree that all options within the framework of the agreed basis of negotiations should remain open.

During the interim period, a major change will occur in the existing situation in the territories. Functions of the Israeli civil administration will be transferred to the Palestinians, and the civil administration will be dissolved. The two sides agree that an important outcome of this first phase is the empowerment of Palestinians through the negotiation of interim self-government, which should give Palestinians greater control over the decisions that affect their lives and fate.

It should also put an end to the confrontation between Israel and the Palestinians, and create a new relationship between them. It is Israel's view that the security needs of both sides should be taken into consideration, while overall security responsibility, as well as the responsibility for Israelis in the territories, will remain under Israel during the interim period. It is the Palestinian view that the objective of security arrangements is to achieve regional stability and respond to mutual needs, as well as to create the conditions of real peace.

Over the past three weeks, Israel and the Palestinians have taken an important step toward these objectives. They have created working groups on key issues, including land and water, the concept of interim self-government, and humanitarian affairs and human rights. The two sides have engaged in substantive discussions, and have narrowed some of the key differences between them, although there are many issues discussed in the Israeli-Palestinian track and in the Israeli-joint-Jordanian-Palestinian plenary that have not been included in this statement and that remain to be resolved. The omission of these issues in this statement is without prejudice to the positions of the two sides.

The two sides have agreed that a Palestinian elected interim self-government authority (whose name will be determined) will be

established through free, fair, general, and direct elections. These elections will be held in accordance with agreed modalities to be negotiated, including agreed supervision and international observers. Detailed negotiations will take place concerning the modalities for the elections.

The Palestinian authority will assume all of the powers and responsibilities agreed during the negotiations. This will include executive and judicial powers (by independent judicial organs), as well as those legislative powers within the responsibilities transferred to it, subject to agreed principles to be negotiated. Due consideration will be given to the need to review legislation in force in remaining areas, as appropriate.

The two sides have agreed that the territories are viewed as a single territorial unit. They agree that issues related to sovereignty will be negotiated during talks on permanent status, and that negotiations on the land issue during the interim period will take place without prejudice to territorial integrity; that is, the territories will be treated as a whole, even while they negotiate the difficult issues of land management, usage, and planning. They have different views on land and jurisdiction, which they will continue to discuss.

This joint statement represents an important first step toward reaching agreement on interim arrangements.

The two sides will direct their efforts to bridging remaining substantive differences. They have committed themselves to work toward creating a positive climate for these negotiations. They agree that there is no acceptable alternative to making these negotiations succeed, and it is the only realistic pathway to achieving a just and enduring peace.

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**Second U.S. Proposal for Israeli-Palestinian Joint Statement,  
Bilateral Peace Talks**

*Washington, D.C., June 30, 1993*

The Palestinian and Israeli sides reaffirm their commitment to the peace process launched at Madrid. They seek to negotiate their differences and create a peaceful and just future in which Israel and Palestinians will live side by side, in peace, for generations to come. Toward this end, the two sides will negotiate a Declaration of Principles to guide the negotiations on interim self government arrangements. The following principles and/or areas of emerging agreement could be included in the completed Declaration of Principles, subject to agreement on the full Declaration.

**The Goal of the Negotiations**

The two sides agree that the objective of the peace process is to reach a just, lasting, and comprehensive peace settlement achieved through direct negotiations based on United Nations Security Council Resolutions 242 and 338. The negotiations between the Israeli and Palestinian sides will be conducted, per the Madrid letter of invitation, in two phases: the first phase of the negotiations is directed toward reaching agreement on Palestinian interim self-government arrangements for a period of five years; and the second phase of the negotiations, beginning the third year of the period of interim self-government arrangements, will be directed toward reaching agreement on permanent status. The two sides concur that the agreement reached between them on permanent status will constitute the implementation of Resolutions 242 and 338 in all their aspects. The two sides agree that the negotiating process is one and that its two phases are interlocked. They further agree that neither the negotiations nor the agreements reached for the interim period nor anything done in the interim period will be deemed to preempt or prejudge the outcome of permanent status negotiations. Furthermore, both sides will make their best efforts to avoid actions during the interim period that undermine the environment for the negotiations. The two sides agree that all options for permanent status within the framework of the agreed basis of the negotiations—United Nations Security Council Resolutions 242 and 338—will remain open. Once negotiations on permanent status begin, each side can raise whatever issue it wants, including the question of Jerusalem.

**The Nature of the Palestinian Elected Authority**

The two sides agree that a Palestinian elected interim self-government authority (whose name will be agreed) will be established through fair, free, general, and direct elections. These elections will be held under agreed supervision and with international observers and monitors. Negotiations will take place concerning the modalities and timetable for elections. Once elections modalities are agreed upon by the two sides, East Jerusalem Palestinians will vote in the elections. The Palestinian elected authority will have the necessary powers and responsibilities to carry out the authorities transferred to it under the agreement. It will assume executive authority. It will have legislative authority in the areas of responsibility transferred to it, subject to the agreement to be negotiated. There will be independent judicial organs. Legislation in force will be reviewed as appropriate.

The two sides agree that one of the key goals of the interim period is the transfer of authority to Palestinians. Powers and responsibilities of the Israeli civilian administration will be transferred to the Palestinians as agreed. This process will bring about a fundamental change in the existing situation on the

ground and in the relationship between Israelis and Palestinians. An important outcome of this phase will be the empowerment of Palestinians through the establishment of interim self-government arrangements which will give the Palestinians real control over decisions that affect their lives and fate. It should also put an end to the confrontation between Israel and Palestinians and create a new relationship between them of mutual respect, tolerance, peace, and reconciliation, in which both sides eschew violence.

### **Security**

The Israeli and Palestinian sides agree that the security of both sides must be respected and enhanced as a result of negotiating process. The objective of security arrangements during the interim period is to respond to mutual needs, as well as to create the conditions for real peace. Recognizing Israel's responsibility for its nationals and for overall security of the territories (Hague Regulations of 1907), and recognizing the interim self-government's responsibility concerning Palestinians during the interim period per the agreement to be negotiated, there will be arrangements and mechanisms, particularly related to security, such as police functions, that will enhance mutual security and address the needs of both sides.

### **Jurisdiction**

The two sides agree that discussion of the issue of jurisdiction as it relates to the interim period starts from the premise that issues related to permanent status are outside the scope of the interim status negotiations. Thus, the inclusion or exclusion of specific spheres of authority, geographic areas, or categories of persons within the jurisdiction of the interim self-government will not prejudice the positions or claims of either party and will not constitute a basis for asserting, supporting or denying any party's claim to territorial sovereignty in the permanent status negotiations. As such, the issue of jurisdiction over the territories will only be resolved as an outcome of the permanent status negotiations. For the interim period, the interim self-government authority will as appropriate exercise its authority, i.e. jurisdiction, in territories, to the extent necessary to fulfill its responsibilities and as agreed between the Israeli and Palestinian sides.

### **Land**

The two sides have agreed that the territories are viewed as a single territorial unit. They agree that issues related to sovereignty will be negotiated during talks on permanent status and that negotiations on the land issue during the interim period will take place without prejudice to territorial integrity; that is the territories will be treated as a whole even while the two sides negotiate the difficult issues of land ownership, registration, planning, zoning, usage, and management.

**Cooperation and Coordination**

The two sides will conclude agreements and establish agreed arrangements for cooperation and coordination in specific areas of mutual and common concern. These areas of cooperation and coordination will take into account the mutual needs of both sides. The two sides will also establish a joint committee to consider and deal with matters of common concern and to resolve outstanding problems that may arise between them.

**Implementing Mechanisms**

The Palestinian and Israeli sides seek early completion of the Declaration of Principles and a full agreement on interim self-government and early empowerment. Toward this end, the two sides will discuss a timetable and mechanisms for elections in the territories. They will also discuss early empowerment, i.e., the early exercise of power by Palestinians, which will change the situation on the ground and the relationship between Israelis and Palestinians. Such early empowerment could cover such issues as economic development, training for a local police force, health, education, welfare, tourism, and labor, and budgetary authority in all these areas.

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**President Bill Clinton**

*Middle East Insight, November-December, 1992*

[*Under what circumstances, if any, would you consider moving the U.S. Embassy from Tel Aviv to Jerusalem?*]

"I do recognize Jerusalem as Israel's capital, and Jerusalem ought to remain an undivided city. But I think that timing is the real issue. Moving our embassy there while negotiations are in progress could disrupt the peace process in a way which could undermine the very objective we seek."

*White House Briefing, November 12, 1993*

[*When do you think the time will come to move the embassy to Jerusalem?*]

". . . You know what my long-standing position on that issue has been. But I have to resort to the position that I have taken on this ever since these talks began, and that is that the United States should not at this time make any statement which in any way injects the United States into a peace process that must be carried out by the parties themselves. And for me to say anything about that one way or the other at this moment, in my judgment, would run the risk of throwing the process out of kilter. There'll be time to discuss that and to make statements about that later on down the road at a more ripe occasion."

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**Secretary of State Warren Christopher**

*House Foreign Affairs Committee hearing, February 24, 1994*

“Certainly the United States does not support a Palestinian state. And I’m sure that Prime Minister Rabin, who I’ve worked so closely with, does not have that in his concept. The best way to avoid that is to proceed with the implementation of a declaration of principles to move forward along the path that the parties themselves have agreed on. Certainly I think the responsible officials of Israel—Prime Minister Rabin and Foreign Minister Peres—are the best judge as to whether or not the steps they’ve taken are the right ones for Israel. We’re helping them try to achieve the results that they want to achieve. I think that’s the proper role for the United States in this situation. We do not certainly support a Palestinian state, as we never have.”

*Press Conference concerning UN Security Council resolution on Hebron Massacre, March 18, 1994*

“. . . [T]he United States believes that the issue of Jerusalem, an extremely sensitive issue, will be decided in the final status negotiations, just as is set forth to that effect in the Declaration of Principles itself. The United States has not changed its position on the underlying issue, but we believe that the parties themselves, in the final status negotiations, should resolve that issue.”

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