

A Blueprint for a New Beginning in the Mideast

February 17, 2002

Jerome M. Segal

COLLEGE PARK, Md.—From the beginning, the Bush administration rejected President Bill Clinton's objective in the Middle East. America went from actively seeking to end the Israeli-Palestinian conflict to turning away from mediating peace negotiations to trying to manage escalating violence. Such efforts are not likely to succeed, and even if it were possible to manage the violence for a time, the world needs something more. The United States has a responsibility to aim higher.

The Bush administration is correct in its assessment that there is no possibility today, or in the near future, that the two parties will negotiate a comprehensive peace on their own. This holds true even if a temporary cease-fire might be wrested from both sides. There is, however, an alternative approach that should be considered. It would put the focus on ending the Israeli occupation in the West Bank and Gaza not through bilateral negotiations, but through an external authority, namely, the United Nations Security Council.

The Security Council, with American leadership, could prescribe the central elements of a territorial settlement that the adversaries could be made to accept right now. Discussion of the Jerusalem and Palestinian refugee issues, which now have no solutions within reach, would be postponed for three years.

On what basis might the Security Council assert its authority over territory and statehood? Upon the collapse of the Ottoman Empire, authority over historic Palestine was assumed by the League of Nations; this passed to the United Nations after World War II. The Security Council retains the authority under international law to determine who has sovereignty over the West Bank, Gaza and East Jerusalem. This is an authority the United Nations had in 1947 when it called for partition of Palestine into two states with Jerusalem in a zone outside the sovereignty of either. It is an authority that has never been relinquished.

With United States support, the Security Council could move to settle the territorial dimension of this conflict in line with Security Council Resolution 242, which spells out the "land for peace" principle. Here is how the process could work, step by step.

The Security Council would present the Palestine Liberation Organization with concrete conditions for the establishment and recognition of a Palestinian state and its admission into the United Nations: Recognize Israel as a Jewish state, one that is sovereign within the borders established by the Security Council plan, with negotiations on Jerusalem postponed. Pledge not to enter into any defense or assistance treaty with any state not at peace with Israel, and until a bilateral agreement with Israel is achieved, import no weapons. Agree to international inspectors under American leadership with Israeli participation to verify that all these conditions are carried out. And agree that the Palestinian state will demonstrate a monopoly over force within its

territory. This would require disarming and possibly disbanding nonstate actors, like the Tanzim, Hamas and Islamic Jihad.

When these conditions were accepted, the Security Council would require Israel to submit, within 90 days, a plan for withdrawing from the future state of Palestine. These would be the requirements for Israel: Withdraw from all of the Gaza Strip and from a minimum of 95 percent of the West Bank and provide, on a one-for-one basis, a territorial swap for areas it proposes to retain. Retain no lands that prevent the territorial contiguity of the State of Palestine or access to Jordan. Within evacuated areas, provide for the full evacuation of Israeli citizens. Transfer evacuated settlements to the State of Palestine in good condition, with the understanding that the value of the housing and infrastructure will count as a credit in any ultimate plan for compensation of Palestinian refugees.

After reviewing Israel's withdrawal plan and perhaps amending it, the Security Council would direct the withdrawal within 12 months. When this is completed, the Security Council would affirm that the territorial dimensions of Resolution 242 have been fulfilled, with Jerusalem excepted.

The Security Council would then call for bilateral negotiations on remaining issues like economic and security cooperation and water rights, with settlement of the Jerusalem and refugee rights and compensation questions delayed for three years.

The refugee issue would then be taken up in negotiations between two sovereign nations, within the context of Israel as a Jewish state. For Jerusalem, "what is Arab shall be Palestinian; what is Jewish shall be Israeli" would be the guiding principle for negotiations conducted under the auspices of the Security Council.

It is quite possible, of course, that the P.L.O. would refuse to meet the conditions necessary to get the process started. That would leave us where we are today, with one great difference: The onus for the continued occupation would fall squarely on the P.L.O. The Security Council plan would stand in place awaiting a Palestinian leadership willing to abide by its provisions.

As for Israeli cooperation, there is no doubt that the Israeli government led by Ariel Sharon would not welcome this assertion of authority by the Security Council. However, if the P.L.O. did accept Israel as a Jewish state and did agree that this plan would end the territorial dimension of the conflict, it would be quite difficult for even Mr. Sharon to reject a Security Council directive that had American backing. If he did, the coalition within Israel would be likely to dissolve, and the next elections would essentially be a referendum on ending the conflict.

President Bush's leadership has been embraced by the international community during the war on terrorism. If he pushed forward on this kind of Middle East solution, he might be surprised to find how many Israelis are ready for American leadership and are prepared to recognize that they and the Palestinians can only achieve peace with the help of the outside world as arbitrator.