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Freezing Progress, Not Settlements

By Leonard Fein

What are we to make of America's insistence — now softened at the edges, if not the core — on an end to Israel's building of settlements in the West Bank and Israel's determined refusal to comply?

A red herring — a diversion. The Palestinians say it is everything, the Americans say it is something, and the Israelis... well, the Israelis have in fact not said it is nothing, have said, with important qualifications, it is acceptable. The qualification? They will continue to build in East Jerusalem without restriction, they will complete only the 3,000 units already under construction, they will only build within settlements as may be necessary to accommodate "natural growth." At the same time, no new settlements, no expansion of settlement boundaries, uprooting of all illegal outposts. In the muddled ongoing context of the conflict, that actually represents progress.

Now, before all my friends accuse me of treason for writing that, I have a little thought experiment I commend to them. Imagine that before the Obama administration's first assertion of its view, Israel had come forward with its own initiative. Imagine that the Israelis had announced that they would freeze the building of new settlements, that once the 3,000 existing building permits were exhausted there would be no more save to accommodate "natural growth" and that the illegal outposts would be dismantled. Yes, there are those who would have said that's not nearly enough, but I believe most students of the conflict would have said that it's a surprisingly respectable start — if, of course, Israel were actually to follow through. Indeed, some might have said, as Secretary of State Hillary Rodham Clinton did in Jerusalem on October 31, that Israel's acceptance of precisely these limitations was "unprecedented" and showed "restraint."

Clinton's statement on that day was treated by the Palestinians as a betrayal of America's tough policy, which she had articulated back in May in no uncertain terms: "[Obama] wants to see a stop to settlements — not some settlements, not outposts, not 'natural growth' exceptions. That is our position. That is what we have communicated very clearly." And indeed, just 24 hours after her October praise for Netanyahu was greeted by Palestinian anger, she amended her praise and said, "This offer falls far short of what we would characterize as our position or what our preference would be. But if it is acted upon, it will be an unprecedented restriction on settlements and would have a significant and meaningful effect on restraining their growth." And, pure and simple, that is true.

Let's be clear: The Netanyahu government's refusal to include East Jerusalem in a freeze, the utter emptiness of its commitment regarding the removal of illegal outposts and its continued issuance of new building permits beyond the 3,000 all make a mockery of Israel's announced undertaking. But if we are going to be clear, then we have to add that until the assertion by the United States that it wanted a comprehensive settlement freeze, no exceptions, such a freeze was not a key obstacle to resumed peace negotiations. In the circumstances that existed before the American assertion of its tough new policy, any demonstration of Israeli restraint on settlements would have been welcomed as a significant and positive shift.

So what happened? What happened was the American statement, which in and of itself moved the goalposts. What had been barely on the table became, overnight, the table's centerpiece, was seen by the Palestinians as a precondition for the resumption of negotiations. For whatever President Abbas might have been satisfied with privately, he could not afford to be seen as less firm in his opposition to Israel's settlement policies than the United States. The ante went up, up and very away. Nor, for that matter, was Netanyahu a free agent; his coalition would have collapsed had he moved to accept the American dictum. The result? The sides are farther apart than before.

It is necessary to keep in mind here two different standards by which to judge settlement policy. One is to ask what's needed to establish sufficient Israeli credibility to get the process going; the other is our expectation of the far more comprehensive solution that will necessarily be included as part of the permanent agreement between the parties, not because America wants it but because, each for its own reasons, both Israel and the Palestinians need it.

The debilitating back and forth regarding settlements has led some Palestinian leaders to turn from a negotiated settlement to the unilateral assertion of statehood within the 1967 boundaries and with East Jerusalem as Palestine's capital. Clever, but still more chaos. (And what of Gaza?) Netanyahu has replied by threatening unspecified unilateral responses by Israel.

And New York Times columnist Thomas Friedman has argued that the Palestinians want a settlement without negotiation while the Israelis want negotiation without a settlement and that so long as all that's true, there's nothing to be done; the United States should fold its tent for a time, until the parties decide they really do need America's help to arrive at an agreement. What Friedman does not account for is the likelihood that in the months or years of the "benign neglect" he proposes, the idea of a one-state solution — i.e., an end to the Jewish state — will gather momentum and strength.

Alas, all this is about maneuvers, about tactical advantage. Neither side has sufficient credibility with the other to move from such stale games to serious negotiations. It was precisely to get beyond tactics that America intended to intervene. Instead, it has been drawn into the fruitless bazaar.

The real game is not yet over, not by a long shot, but the hands on the game clock are moving closer and closer to midnight. It is time for all the positional niggling to be done and for movement toward an end of conflict agreement, using one of the several existing draft agreements as a starting point. We are now in a "too little, too late" phase, perhaps quite soon to be replaced by a "too much, too soon" phase. Only America can restore the focus to where it needs to be.