

Israelis and Palestinians, Two Peoples, Three Faiths:

Religion and Ethnicity in the Middle Eastern Conflict

Course-Pak for Th. 352.01

Volume 3: 2000-2005

**Camp David and its Failure,
the New Intifada and the Right Wing Ascendant in Israel**

**Boston College
Fall Term, 2011**

Raymond G. Helmick, S.J.

TABLE OF CONTENTS

Volume 3

On the Camp David Conference

Letter to Issa Kassissieh, Orient House, June 25, 2000 295

Letter to President Yasser Arafat 303

Advisory Papers

A Few Legal Issues, July 7, 2000 305

Observations on the Summit, July 9, 2000 306

Expectations at the Summit, July 9, 2000 311

Jerusalem in the Final Status Negotiations, July 20, 2000 315

Adjournment of the Negotiations, July 25, 2000 320

Letter to President William Clinton, August 4, 2000 322

Letter to Prime Minister Ehud Barak, August 10, 2000 332

Letter to President Yasser Arafat, August 17, 2000 335

Letter to Prime Minister Ehud Barak, August 21, 2000 340

Letter to President William Clinton, August 22, 2000 343

Letter from Haim Mandel-Shaked, on behalf of Prime Minister Barak,
August 17, 2000 344

E-mail exchange with Issa Kassissieh, November 13, 2000 345

Letter to President Yasser Arafat, December 1, 2000 349

Letter to Prime Minister Ehud Barak, December 10, 2000 356

Letter to President Yasser Arafat, December 10, 2000 362

Letter to President William Clinton, December 10, 2000 364

Table of Contents, Vol. 3 – 2

Letter to President Yasser Ararat, December 26, 2000	367
E-mail to Issa Kassissieh, January 3, 2001	368
E-mail exchange with Issa Kassissieh, January 4, 2001	369
George W. Bush Administration, Ariel Sharon Administration in Israel	
Letter to Ms. Condoleeza Rice, National-Security Adviser Designate’ January 8, 2001	371
i.	
Letter to Secretary of State Colin Powell, May 31, 2001	373
Letter to Secretary of State Colin Powell, August 10, 2000	374
Letter to Prime Minister Ariel Sharon, August 20, 2001	376
Letter to President George W. Bush, August 20, 2001	383
Letter from Secretary of State Colin Powell, August 29, 2001	386
Letter from Mrs. Marit Danon, Personal Secretary to Prime Minister Ariel Sharon	388
Letter to President Yasser Arafat, November 24, 2001	389
Letter to Secretary of State Colin Powell, November 26, 2001	391
Letter to National Security Adviser Condoleezza Rice, November 28, 2001	396
Rev. Jesse Jackson Delegation, July 26-August 1, 2002	
Boston College Press Conference, August 2, 2002	399
Press Release for B.C. Press Conference, August 2, 2002	401
Reflection Notes for Rev. Jesse Jackson, July 27, 2002	404
Letter to President George W. Bush, August 6, 2002	406

Table of Contents, Volume 3 – 3

Report to His Eminence, Angelo Cardinal Sodano, August 9, 2002	412
Draft Op-Ed, “Fuzzy Mideast Policy?” for joint publication with Rev. Jesse Jackson	418
Letter to Sheikh Ahmed Yassin, August 13, 2002	420
Letter to Defense Minister Binyamin Ben-Eliezer, August 14, 2002	423

Events in other places, 9/11, 2001: The Attack on the World Trade Towers and Pentagon:

first inserted August 2003, after the beginning of the Iraq War complicated the whole picture of the Middle East	428
Letters to Secretary of State Colin Powell, September 16, 2001, following on the 9/11 attack	429
Covering letter to Secretary of State Colin Powell, September 21, 2001	431
Analytical Paper, for Colin Powell: US Policy options after the September 11 attack	432
Letter to Secretary of State Colin Powell, March 1, 2002 Arguing against invasion of Iraq	438
Letter to Secretary of State Colin Powell, January 7, 2003, Further argument against invading Iraq	442

Publication Notice from PLUTO PRESS about my Middle East book, <i>Negotiating Outside the Law: Why Camp David Failed.</i>	447
Letter to President George W. Bush, February 1, 2005	448
Letter to President George W. Bush, April 15, 2005	450
Palestine Report, June 29, 2005, by Mark Perry – Judging Abbas	457

Table of Contents, Vol. 3 – 4

Letter to President George W. Bush, July 1, 2005	460
Letter to President Mahmoud Abbas, July 27, 2005	462

FOREWORD, VOLUME 3

Beginning his term as Prime Minister in 1999, Ehud Barak was anxious to retain all the territory Israel held in the West Bank as bargaining chips for a final negotiation, and to the Palestinians this meant he was reneging on agreements already made, even with Netanyahu. Even in his campaign, Barak had promised that he would finally withdraw the Israeli troops that had, since 1978, occupied Southern Lebanon, describing it as a “security zone” for Israel. He was anxious that this should be part of a deal with Syria, under which Syria would promise to keep the Lebanese-Israeli border quiet as reciprocity for the return of the Golan Heights. But all the deals went sour. Agreement was not reached on the Golan, Israel was humiliatingly forced, months ahead of its schedule, to pull its troops out of Lebanon, and relations with the Palestinians became an escalating saga of mutual frustration.

President Clinton was seen by all sides as committed to bringing about a comprehensive peace agreement and, with his enormous mastery of detail, the one person most qualified to bring it about. As the end of his term approached, the feeling grew among all parties that the comprehensive deal must be concluded before he left office.

Arafat became very apprehensive that he might be coerced into some untenable agreement if the process was speeded through without adequate preparation, and saw only repeated Israeli postponements of land transfers to Palestinian Authority jurisdiction that had long been agreed. Barak pushed hard for a final summit session after which the Palestinians would renounce any further claims on Israel. This was the setting for the Camp David meetings of July 2000, which I will leave to Part 2 of this volume.

For myself, I spent a great part of the summer of 2000 in Jerusalem, introducing a workshop group of some 25 graduate students from the Boston Theological Institute (consortium of 9 Boston-area theology schools) to the situation, helping with the making of a video documentary by our Boston College film crew, delivering a seminar on peacemaking to an international group of Jesuits at the Pontifical Biblical Institute and staying on for another series of meetings between an international group of some 42 Jesuits who work a lot with Jews and a variety of Israelis. All that put me in even closer touch than usual with leading Israeli, Palestinian and American figures. Before returning to the U.S. on July 4th I had become alarmed enough at the negative prospects of the intended summit that I put my reservations in writing for Issa Kassissieh, a close friend who was the immediate assistant to Faisal Husseini at Orient House. I did not go to the Camp David meetings, but was able, through friends, to put each of the five consultative papers included in this volume before the three delegations there: Israeli, Palestinian and U.S. They are perhaps best read in conjunction with the account I give of the meetings in my 2004 book, *Negotiation Outside the Law: Why Camp David Failed*.

When the parties left Camp David, amid consternation and recriminations, the negotiation did not in fact stop, but went on, often by fits and starts, into January, 2001, and the much more encouraging but still inconclusive meetings at Taba. Prime Minister Barak put a stop to those, knowing that an election for Prime Minister would take place at the beginning of

Foreword, Volume 3 -- 2

February, and that he was sure to lose to Ariel Sharon.

Sharon had in fact precipitated new violence between Israelis and Palestinians by making a visit, on September 28, 2000, to the plaza known to Jews as the Temple Mount and to Muslims as the Haram al-Sharif ((Noble Sanctuary, the Al-Aqsa Mosque), accompanied by an armed escort of at least a thousand men, more than had been present at the capture of the plaza during the war of 1967, and making a claim to exclusive Israeli possession. With this the religious overtones that had always been present in the background of the conflict were magnified into a central pre-occupation of both sides, and the resulting Palestinian resistance took the name "Al-Aqsa Intifada."

Once Sharon had taken control of the government, he renounced any effort at peace negotiations. Just days before, President George W. Bush had succeeded President Clinton in the U.S., and made it clear that he too had no interest in negotiation of peace in the Middle East. As Sharon undertook to suppress the new Intifada, he gradually reoccupied and heavily attacked those parts of the Palestinian territories that had been placed under the jurisdiction of the Palestinian Authority, confined Arafat in the ruins of his bombed-out Ramallah headquarters, and declared that there was no partner for peace with whom the Israelis could negotiate. In this he had the full support of President Bush down to the point that Arafat sickened and after a long illness died, in the opinion of many murdered.

For his declared lack of a partner, Sharon now resorted to unilateralism. Mahmoud Abbas was soon elected, with a massive Palestinian majority, to Arafat's position as President, and was welcomed by President Bush as the long-sought "partner for peace," but both Sharon and Bush continued to ignore him, to the point that he had nothing to show his people in return for the overtures of peace he made. After long deliberation and planning, Sharon evacuated the Israeli settlers (some 7,300, bolstered in the last months by a couple of thousand more, mostly teenagers, who came to add to the protest over the evacuation) from the Gaza Strip. This constituted some relief to the 1,300,000 Palestinians who had lived there under the guns of the settlers and their much more numerous army protectors, but did not actually mean an end to occupation of the Gaza Strip, as Israel still retained total military control over air, sea and all crossing points. Sharon's closest political adviser, Dov Weisglass, described the move frankly as a way of embalming the entire peace process in formaldehyde.

Events outside the region had by now intruded, first with the attack on New York's World Trade Center towers on September 11th, 2001, eventually with the invasion of Iraq in March 2003. I include here letters I sent to Secretary of State Colin Powell arguing against the Iraq invasion, but also letters I sent to President Bush, and others in the American Administration. As the Iraq situation deteriorated, I argued to U.S. authorities that we were left with no good options there, and that the best chance for the U.S. to regain a voice that would be respected in the Middle East was to address the Israeli-Palestinian conflict seriously.

Foreword, Volume 3 – 3

Sharon then called a new Israeli Knesset election with the proposal to pursue his unilateral policy further, erecting something he would call a Palestinian state, with such limited territory as he himself would determine, and with no consultation of the Palestinians themselves. He had already begun the construction of a long demarcation barrier, partly a wall of high concrete slabs, partly a metal fence, which encroached deeply into West Bank territory. His claim was that this was all for security against Palestinian attacks, but Palestinians understood it as intended to mark a territorial boundary. Finding that the Likud party, his own creation, would not accept his conceding any territory to Palestinians, even unilaterally, Sharon then founded a new party, Kadima, regarded as “moderate” because it spoke of a Palestinian state even under such restricted conditions.

At that juncture, Sharon suddenly suffered a massive stroke, which entirely disabled him. His deputy, Ehud Olmert, for some time took the title of Acting Prime Minister, until it was clear that there was no prospect of Sharon’s recovery. Holding now (February, 2006) the Knesset election that Sharon had intended, Kadima won a commanding position and elected Olmert as Prime Minister in his own right. The Labor party hastened to enter a coalition with Kadima, its new leader, Amir Peretz, a Sephardic Jew who for some time seemed to embody real new hope for a future of peace, took the second most powerful position in the government, that of Defense Minister, which exposed him at once, like all previous Defense Ministers, to full control by the military establishment.

JESUIT COMMUNITY, BOSTON COLLEGE, CHESTNUT HILL, MA 02467-3802

currently (through July 2)
Pontifical Biblical Institute
Paul Emile Botta Street, 3
Jerusalem

June 25, 2000

Mr. Issa Kassissieh
Orient House
Jerusalem

Dear Issa,

Negotiations between the Palestinians and Israelis seem to have deteriorated seriously in these last days. Yet another date, June 23, for the promised third transfer of territory to the Palestine Authority has passed without event. IDF Chief of Staff Shaul Mofaz has made his statement anticipating Palestinian violence and, if the reports are correct, prepared for it by increasing Israel Army presence in the West Bank and Gaza, predicting maneuvers to prepare for such violence, and further arming the Israeli settlers.

It is hard to decipher, from outside, the American mediation of Dennis Ross, for whom I always have high regard, and the expected further visit of Madeleine Albright. Recent experience has so consistently shown that American urgings of peace, surely genuine, are built on the expectation that the Palestinians will concede to the Israeli demands in ways that President Arafat may not and ought not. That leaves little room to hope that a summit in Washington among Arafat, Barak and Clinton will produce the desired framework agreement on final status issues.

The predictably angry Palestinian reaction is variously reported. *The Jerusalem Post*, always inclined to present the most drastic anti-Palestinian picture, quotes Arafat as saying that, if there is no agreement soon, he will leave the country for Cairo or Tunis and let Barak solve his problems with the Palestinians as he did with Hezbollah. I don't know whether he said that or not. (I don't regard the *Post* as a reliable source.) If so, it may be only the expression of impatience and not a real threat. But meanwhile Police Chief Jibril Rajoub is quoted (in *Ha'Aretz*) to the effect that, if Israeli tanks come, they will not meet white flags of surrender.

Meanwhile the "Syrian Track" comes to life again, with Farouk as-Shar'a saying Syria is willing to reopen negotiations and Barak responding favorably to Patrick Seale's proposal for a compromise division of the Lake Kinneret shore between Israel and Syria, with Israel secure in its water rights to the lake and an agreement on dividing the water resources of the Banias tributary.

The situation may not be as bad as appears from that summary, but let me draw the worst conclusions from it, as hypothesis, as I comment on it.

Issa Kassissieh, June 25, 2000 – 2

The Prospect of Resuming Open Warfare.

Recognizing the high level of Palestinian frustration, which I regard as danger to you more than to the Israelis, recognizing also the readiness of Palestinians for further sacrifice, let me state the most obvious single factor. **If open warfare were resumed, nothing is more certain than that the Palestinians would lose, sacrificing great numbers of dead, very probably with the drastic result that the remaining population would largely be driven from the country.** This is not a formula for the restoration of Palestine but for its destruction. The rest of the world, the Arab world included, would weep and wring its hands, but nothing more would follow. Israel would become still more unpopular internationally, might even lose some American aid or sympathy, but the propaganda machines would be at work immediately to say it was all the Palestinians' fault for acting rashly.

Available Alternatives.

Conceding what the Israelis and Americans urge is no genuine alternative. The people would rightly not accept any such agreement. Their rejection might even take the form of just such open rebellion as would bring about the same result -- total defeat, great loss of life and utter destruction of the Palestinian presence in the land -- as predicted above for a response of open warfare.

Other alternatives do indeed remain. One should never forget that, for all the crushing disparity of power between Israelis and Palestinians, the Israelis need an agreed peace, a genuine one and not one that will fall apart, as much as the Palestinians do. If they are denied that, they must negotiate further. Even the most recalcitrant and self-centered of their own public will understand that.

Two resources stand out as available to the Palestinian negotiators. Those, in my opinion, should be employed, even if things are less drastic than the current reports let us believe.

1. Arab Solidarity.

The late President Hafez al-Assad understood the need for solidarity. He always urged against separate deals by the different Arab states, in the face of constant Israeli and American urging that all negotiations be bilateral, so that Israel, with its disproportionately greater power, could pick off the Arab states one by one.

Palestinians and Syrians alike have suspected, over the last two years, that the Israelis and Americans were playing off the two "tracks," Syrian and Palestinian, against one another. Israelis have always been able to plead that their diplomatic resources were strained when they had to deal with both at once. They have often enough denied that

Issa Kassissieh, June 25, 2000 -- 3

they were unable to field both teams at once, but they have still taken advantage of that argument. They should be met by both Syria and the Palestinians, not only at the same time but *together*.

The right thing for Bashar al-Assad to do at this point is to respond favorably to the new negotiation proposals, but make it clear, as his father often did, that he will come to no agreement in which the Palestinians do not share. Palestinians would do well, right now, to be talking as brothers to the Syrians, urging this upon them.

The late President Assad was no friend to President Arafat. His demand for a comprehensive settlement, though, was his best contribution to the Arab and Palestinian cause over all these years and should be appreciated. This is a new time, with a new President in Syria. Palestinians ought not hesitate to approach him and his advisers with good hope. Even if the structures of negotiation are now so rigidly set in bilateral form that there is no way of having the whole negotiation happen in one room, Syrians and Palestinians can so coordinate their work that it is effectively one negotiation.

2. Palestinian Popular Mobilization.

I have tried, as bluntly as I could, to say how disastrous any attempt at armed resistance would inevitably be, resulting in catastrophic defeat for the Palestinians. It would not be good for Israel either, as it would leave Israel more than ever a foreign body in the Middle East. In the long term Israel would have no future, but that would not help the Palestinians, who would already have been destroyed.

A non-violent resistance, however, remains an available alternative, and would even promise the success in achieving the true and necessary Palestinian goals that have eluded your work of negotiation. I'm sure that, in your study of the ways of negotiation, you have learned to recognize the Best Alternative To a Negotiated Agreement. As much as the agreement offered by the Israelis and Americans now is truly unacceptable, war, or even allowing the risk of war, is no good whatever as an alternative. This non-violent option may be the best alternative you have left.

It is not a first option, but a last. It is in fact much better if the situation is not as drastic as this week's news reports suggest, and there is time to prepare for this kind of resistance, as every bit of preparation time is valuable. The exercise of being prepared to resist injustice non-violently has value, also, in mobilizing a people, even if it never comes to the need to exercise this non-violent resistance in fact.

I have urged this on President Arafat consistently since 1991, when the Madrid Conference effectively brought the *intifada* to a stop. Without the mobilization of the Palestinian resident population, he lacks the power base he could otherwise have in his negotiation with Israel. Any mobilization now would have to be rigorously non-violent,

Issa Kassissieh, June 25, 2000 -- 4

not permitting even stone-throwing, or it could be used to discredit the Palestinian cause and its leadership. But a fully non-violent mobilization, clearly under the leadership of Palestinian authorities, would have as much effect as the *intifada* had in its time, putting the agenda-setting initiative in Palestinian hands and winning the approbation of a world public and even of many Israelis.

It would also give President Arafat the only tool I know of to control those forces in the Palestinian public that are inclined to violence. He has often commented, and we who observe have agreed, that he cannot be expected to police Palestinians of a violent temper or terrorist organizations more effectively than the much stronger Israeli forces have been able to do. But if the Palestinian public is organized for non-violent resistance and understands well, from its leadership on down, that every act of violence is a betrayal of vital Palestinian interests, then public opinion will not tolerate violence from any organizations or individuals.

The Shape of Such Non-Violent Resistance.

Let me state again that non-violent resistance is not a first step but a last. It is literally last, as it contains in itself a firm resolve not to resort to violence, or let the situation degenerate into violence, recognizing that violence could in fact only produce disaster for the Palestinians (and eventually for the Israelis as well).

It remains to explain what kind of steps a mobilized public could take. And if this is well understood, the public should be prepared and trained for it.

The first steps are simple enough. The negotiating team, and Arafat as President, can simply make clear that they do not accept those parts of a proffered agreement that are unacceptable. I would not find it sufficient that the negotiators alone declare this. Clear signs of Palestinian solidarity in this rejection of unjust terms should be given by formal resolutions of the Palestinian Legislative Council, endorsed by the President and stating those terms that the Palestinian people will not accept. These should be realistic and not overblown. You should not put yourselves in the position of declaring some things unacceptable that, eventually, you will accept, as then you would be expected to back down further. Hence statements of this kind should be very carefully crafted.

Popular street demonstrations against unacceptable proposals should also be encouraged. These constitute, in fact, valuable occasions for training the public in the discipline of non-violence. It should be clear that fully peaceful demonstration has the approval of Palestinian authority, and that any and every lapse into violence is a hindrance to the Palestinian cause and thus an act of betrayal of the people.

Rely upon the Israelis, especially their military and the settlers, to misbehave. There will in fact be violence, but it must *all* be Israeli violence, none of it Palestinian.

The people will suffer in this situation, but you know very well that they will suffer far more in any alternative that involves violence on their part rather than violence by the Israelis alone.

The readiness of Palestinians to sacrifice for their freedom is not in doubt. Very often people understand the value of sacrifice if they have taken a violent stand, but feel that it is merely weakness if they respond without violence. About this, Palestinian leadership will have to instruct people insistently that their sacrifice is a true service to the interests of Palestinians if they make no violent response, and damage to those interests if they do. Armed Palestinian police, especially, have to know this.

If people respond to Israeli police, army or settler violence with violence, it will all be blamed on the Palestinians, and will only serve to give the Israelis the excuse for further demands. Palestinian leadership, without ever disavowing responsibility for peaceful demonstration and effective leadership of it, will have to reiterate this constantly. In this way the Palestinian authorities will actually gain credit with their own people for their effective leadership.

It is very useful to instruct people, when they are assaulted, simply to sit down in the street and, if the Israeli authorities are so inclined, let themselves be carried off to prison. The rest of the public may not then be indifferent, but through further demonstrations should flood the prisons to the bursting point, still without violence.

All this will be a preliminary stage of mobilized resistance. It is especially important that the people learn the effectiveness of their non-violent stance during this period. The international press and electronic media should be informed carefully every time such a peaceful demonstration is to take place. There is no need to try to manipulate them. The news people will understand the moral equations of this situation instantly when they see peaceful demonstrators assaulted by force. It will make good copy for them, as did the *intifada*. Legions of further press and electronic reporters will begin to arrive as soon as this development shows itself.

At some point the Israelis will crack under this pressure, and the Palestinians will win what they need. When that will happen is uncertain. The Israelis will understand as well as you do that the Palestinians lose as soon as they respond to violence with violence. They will be trying to provoke you, knowing that that is their only chance to win. The reporters, too, will be waiting for that, and will readily report it if you allow it to happen. That is the importance of discipline among the Palestinians.

A further stage may begin if the Israelis decide simply to take what they want from you without consent. They are already doing this, of course, with every confiscation, house demolition or settlement. If they escalate this to any new stage, in response to peaceful popular demonstrations against unjust demands, then it is time to

Issa Kassissieh, June 25, 2000 -- 6

escalate the non-violent resistance campaign as well.

Blocking of roads, not with barricades but with masses of people sitting down, is one way. These should be primarily West Bank and Gaza, everywhere in Area B, where it will be maximum inconvenience to Israeli settlers, preventing their freedom of movement. Rely on the settlers, once again, to respond excessively and with violence. Be sure the media are there. Those who attack you will add to their own disgrace, and their every attack will be a further defeat for them. They will end by being so discredited that you will get Israeli agreement to remove all those among the settlers whose purpose in being in your territory is to create violence and trouble for you. Logistically, there are places where you can organize such actions better than others, but you should see to it that no Israeli can go on with the ordinary things of life without having you, your suffering and your rightful demands in his face.

They may come to arrest Arafat himself and others of the leadership. Neither you nor he should be worried at that. There was a time, years ago, when the world might have reacted to Arafat's arrest with the indifference they have shown to Abdullah Ocalan's over the last year. But this is Arafat who has been to the White House, who shook the hand of the martyred Rabin, who is recognized by the American President as a partner for peace, who has won the Nobel Prize, who has led his people to negotiations for peace with Israel, and who would be arrested for the use of peaceful means to achieve that. The world's media and all the chanceries and diplomatic channels of the world, and many of the Israelis too, would resound like a booming drum to Arafat's arrest in those circumstances. He could only gain by it, in the hearts of his people and in the success of his efforts for their rights. He should go to it smiling with grateful dignity. The spectacle of Arafat taking off for Cairo or Tunis while his people suffered what could only be defeat would not be a dignified one, but this would be a way of winning.

In all of this you would have Israeli allies. Those Israelis on the Left who have felt they were virtuous in arguing for minimal concessions to you against others who wanted to give you less, would become far more conscious of the true needs that must be met. They would prepare their state not merely for negotiations of Israelis with other Israelis, but for true negotiations with you. And those most resistant to you would learn that they cannot have the peace they crave without granting you your rights, nor take what they want without regard to you.

But you would have to keep in mind, and keep it always in the minds of your people, that they could lose all the advantage of this by any reversion to violence.

I hope I have not played the school-marm in spelling this out in such detail. In the 1980s, when the Palestinian cause seemed so desperate, I visited and corresponded with President Arafat regularly, working in close concert with Ambassador William Wilson and Stanley Scheinbaum as we sought to establish the initial U.S./PLO dialogue. When

Issa Kassissieh, June 25, 2000 -- 7

that proved to be so ineffective I maintained contact with Arafat, I hope helpfully, often through his nephew, Dr. Nasser al-Qidwa, in New York, as well as with the White House and the series of Israeli Prime Ministers.

Since the Oslo breakthrough, when it became easy for Arafat to communicate directly with all these people himself, I have tended to hold back, for the most part only writing to urge him to patience in various crises, and I sense that his expectations are mostly from his meetings with the Rosses, the Albrights and the Clintons.

But now, his contacts with the world of Israeli, American and international diplomacy seem to be calculatedly used against him and the interests of his people, his struggle with them like punching at pillows. It is for that reason that I come forward again with proposals that, I hope, may be of genuine use to him. As always before, I do so out of concern for both peoples, as I foresee disaster for Israel too if its people get the things they so thoughtlessly seek.

I am here in Jerusalem through July 2nd, here at the Pontifical Biblical Institute. I have finished with the two seminars I undertook to give myself, for the Boston students and the Jesuits. For the next week, I am attending, not directing, a conference in this house, from which I can absent myself at need. I hope, if you find these ideas useful, that you will circulate them to those who could decide about them. If there were opportunity to discuss these ideas with anyone able to act on them I would be very grateful. You can reach me by e-mail, at my normal address of helmick@bc.edu, or by the cellular phone I have with me at all times while here, 03 778-3803.

When I hear Palestinians speaking, they often seem so discouraged, sure that they are going to get nothing from all this negotiating and that the Israelis will take everything from them. I think they have forgotten the lesson of the *intifada*, that they won a great deal, won their way to the table, when they acted so. Stopping the *intifada* was taken as part of the deal when preliminary agreements were signed, and surely it was what the Israelis most wanted, as they were losing continuously as long as the *intifada* went on. Circumstances have now required that any renewed mobilization of Palestinians be even more rigorously non-violent than was the *intifada* itself, or it will be self-defeating. But the people have been demobilized and reduced to passive observers of what was decided about them by others since the *intifada* ended. That is a demoralized state in which to leave them, and it deprives the Palestinian leadership of their strength. Their very determination is turned against the leadership itself as they worry that the leaders will agree to things they cannot accept.

The Israelis, too, are suspected of being unwilling to concede anything of value to the Palestinians. There are all shades of opinion among them, of course, but they are not all so hard-hearted as that. But with the full weight of demanding public opinion upon them, they are negotiating with a side that has no power counters to balance theirs. They

302

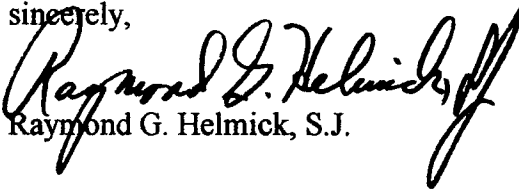
Issa Kassissieh, June 25, 2000 -- 8

too suffer from that obvious disparity of power. It leaves them unable to move, even when they are willing.

You see how anxious I am to communicate all this, a measure of how important I see it, that I keep at it even after giving you my phone number and coming to an apparent conclusion. I put these thoughts in your keeping.

With the very best wishes,

sincerely,

A handwritten signature in black ink, written in a cursive style, that reads "Raymond G. Helmick, S.J.". The signature is positioned above the printed name.

Raymond G. Helmick, S.J.

JESUIT COMMUNITY, BOSTON COLLEGE, CHESTNUT HILL, MA 02467-3802

July 6, 2000

President Yasser Arafat
Palestine Authority

Dear President Arafat,

Shalom!

May I congratulate you on your having held firm against so much recent pressure, from both Israelis and Americans, to sign agreements that could only have harmed your people. As you approach the summit conference at Camp David next week, I would like to encourage you to continue your insistence on a truly just settlement for the Palestinian people. I realize your deep desire to come to a genuine peace arrangement with the State of Israel, which I share. But I would remind you of an American statement made by our President John F. Kennedy back in 1961. He was referring to the crisis over Berlin that year, but what he said applies as well to your situation: **"Any treaty of peace that adversely affects the fate of millions will not bring the peace."**

During my recent five weeks visit to Jerusalem, I saw much of the Orient House personnel, particularly Issa Kassissieh, through whom I am sending this note. I wrote to him at one point detailing something I have often written to you, about the need for a full mobilization of the Palestinian people. I hope you are aware of that letter, which I will not repeat here.

When I hear speculation now that violent outbursts could be expected if you are forced to declare the independent State of Palestine unilaterally, I am convinced that the primary need of the Palestinians at that point will be a disciplined non-violence. Their protest, their rejection of any unfair proposal of peace, should be unflinching, and organized, but it must be so disciplined that there is no violence, not a shot, not a stone.

That takes a lot of training and preparation, but is most necessary. If you can hold discipline among a fully mobilized people so that their firm rejection will be totally non-violent, whatever violence may be inflicted on them by Israelis or by the settlers, you will win. Every instance of Palestinian violence will be used as propaganda against you, to discredit your cause with world opinion, losing the sympathy of those who could otherwise put pressure on the Israelis to propose something just. The Israelis have no such discipline. You can rely on them to exercise a kind of violence that will be counted against them even by their own public. You will succeed only to the extent that you hold the line against any violent Palestinian response.

Do remember that the Israelis need a genuine and lasting peace with you as much as you need it with them. You can win everything if your rejection, and your mobilized people's rejection, of inadequate proposals is both firm and non-violent.

304

President Yasser Arafat, July 6, 2000 – 2

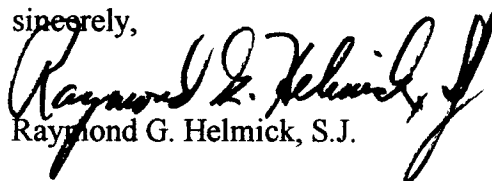
Please keep in mind that the American and European publics are constantly exposed to smooth articulations of Israeli positions, which are represented as the only reasonable ones. That is a great part of their strength, and they are regarded as more and more convincing if your response is angry and sounds less reasonable. There is great need for careful and moderate presentations of the needs of Palestinians. Your most capable people, those who have demonstrated their appeal to Western publics, should be constantly before the cameras and microphones, giving background interviews to reporters, never less than the Israelis, full of sweet reason and without rancor, but explaining Palestinian suffering and needs to the foreign public that is so important to you.

The Israelis tell us that every decision will be put to a referendum of their people, Prime Minister Barak recently saying that he will rely on the referendum for approval even if he gets only a quarter of the votes in the Knesset. But we outside normally hear only the question of what the Israeli public will accept. We need to hear just as clearly what the Palestinian street demands, what people will accept, what they will reject, told without anger or any signs of hatred, but firmly and as a matter of justice that will make it possible for the two peoples to live in true harmony.

My prayers are with you as you go to this important summit, as you must. I would hope that, without conceding anything you ought not concede, you may obtain Israeli acceptance of the independent Palestinian state, even if those details for which no one is yet ready have to be postponed. It is in Prime Minister Barak's interest to have such an agreement, making it possible for the Palestinians to make their demands in non-violent protest. How this can be done was the burden of the letter I wrote recently to Issa Kassissieh.

With profound respect,

sincerely,



Raymond G. Helmick, S.J.

The Israeli-Palestinian Camp David Meeting A Few Legal Questions

Raymond G. Helmick, S.J.
July 7, 2000

UNSCR 242:

Palestinians worried last week when Israeli Attorney General Eliakim Rubinstein offered his opinion that Resolution 242's prescription of the return of territory conquered in the 1967 did not apply to the Palestinians, because there was no Palestinian state at the time the resolution was passed.

Rubinstein's disclaimer fails to meet the real objective of Resolution 242.

I trust that everyone is aware of the flaw in the more traditional Israeli argument (Begin at Camp David) that the resolution calls only for "withdrawal from territories..." and does not say "the territories," which Begin understood to mean that withdrawal from *some* territory (Sinai) fulfilled the requirement, and there was no need to withdraw from all of it. This interpretation is already refuted by the fact that the English and French texts of the resolution have equal legal force, and the French reads "*des territoires...*" But in fact, Begin himself had recognized in 1967, when Resolution 242 was first passed, that the real demand on Israel to return the territory, *all* the territory, came at the very beginning of the resolution, in the appeal to Article Two of the UN Charter, which prohibits any acquisition of territory by force (rather than by agreement).

The Rubinstein argument fails the same test. The Palestinians, consequently, as the *resident population* of the territories captured in 1967, have legal right to them. It is not the case that these territories belong to the Israelis, to give them or not to give them to the Palestinians, but instead they are Palestinian territories illegally occupied by Israel. The Palestinian claim is primary. This has to be recognized if Resolution 242 is seen as the legal basis for negotiation.

And it applies as much to East Jerusalem as to anywhere else in the West Bank or the Gaza Strip.

The Israeli Claim that Property Ownership by Jews Transfers Sovereignty over Territory to the Israeli State.

It has become a commonplace of Israeli understanding of the law that, when an Israeli Jew acquires property rights over a piece of land in the Palestinian territory, that automatically gives the Israeli state a sovereignty claim to that land. This has been the basis for Israeli claims in Hebron, for the various bits of property that Mr. Moskowitz keeps acquiring or pretending to acquire in East Jerusalem, to any of the settlements, Jabal Abu Gnaim/Har Homa being a case in point. No such claim would ever be recognized in any other country. Property acquired, for instance, in New York by Japanese, German or Vatican interests entails no such transfer of sovereignty claim.

Camp David Summit

Raymond G. Helmick, S.J.

July 9, 2000

As the summit approaches, I recognize that the Palestinian team, like the Israelis and the Americans, already has its overall strategy planned. I hesitate for that reason to interfere, but I am conscious that the negotiation is at a dangerous impasse, from which it needs to be set free. Hence my boldness to provide some thoughts from outside the circle of those who have been speaking to one another.

A Fundamental Fallacy:

I regard it as a basic error to believe that peace between peoples can be achieved simply by agreement between governments. That concept has bedeviled the treaty agreements between Israel and Egypt, between Israel and Jordan, both of which are agreements between governments but not between peoples, who still remain basically estranged. The weaknesses that block their successful implementation, like that of much else in international peace policy, are: (1) a failure to attend to the deep need for healing from victimization of the parties to the conflict, 2) strategies that impose foreign recipes for peace that are not internalized by the peoples concerned, and 3) strategies that appeal to the political hierarchy as the exclusive decision makers.

This negotiation is too important to leave it prey to such errors. It should confine itself, therefore, to the more modest task of preparing the most favorable ground for developing a sustainable reconciliation between the peoples. The time scale has critical importance. Negotiators need to leave room for a process far more time-consuming than agreement between the leaders, and the governments concerned must then provide that process with adequate technical and financial support.

The Objective:

The parties all profess, in apparent good faith, that they come to this summit to make peace between their peoples. It seems less clearly realized that this is incompatible with any objective of winning victories over one another. Those are games for children.

The feeling of haste, that everything must be done while a non-repeatable window of opportunity remains open, also obscures that objective of creating a genuine peace. It is true that President Clinton, soon to end his term, brings both skill and commitment to this task that cannot be expected of any of his likely successors. It is just as true that either Prime Minister Barak or President Arafat could be damaged in his ability to carry the process forward if they fail to bring their peoples a feeling of success. The proper conclusion from that is that positive conditions for further progress, at the more important level of the peoples, should result from this meeting. A "deal" that pretended to bridge the chasms of expectation while only papering them over would in fact be the betrayal of any such possibilities.

Observations on the Camp David Summit, July 9, 2000 – 2

A proposal hovers over these negotiations: that the two peoples should be effectively separated in the final status agreement. I would regard this as a disastrous proposal. Surely it cannot work for Jerusalem if the city is to remain united, as everyone wishes, after an acceptable sharing system is worked out. For the rest of the territory of the two states that must stand side by side if there is to be real agreement, separation would mean building in a perpetual situation of enmity, exactly the thing that should most earnestly be avoided. It would also entail making permanent all the checkpoints and crossings and the cutting off of Palestine from communication either with Israel or with the rest of the world.

The Israelis, too, have lived ever since 1948 caged in their tiny territory, unable to go where they will in the Middle East. If they lower the barriers, and have an open border between the internationally recognized territories of Israel and Palestine, then both they and the Palestinians will have access to the whole land. The Israelis will gain a welcome in the rest of the Middle East, and both peoples will be let out of their cages. This should be clearly seen as objective in these talks, that the border set between the Israeli and a Palestinian state remain open.

Such an objective will need the additional time of which I wrote above. For the time it will take to build mutual esteem and friendship between these two peoples, in place of the dismissive contempt Israelis commonly show to Palestinians at all levels of society and the raging anger that is still the common Palestinian response, due provision will have to be made for mutual security (Palestinians needing this at least as much as Israelis). Exaggerated or paranoid provision, of course, will only exacerbate the problem. The objective has to be the eventual removal of separation, not its permanent maintenance.

Effects of this Definition of Objective on the Final Status Issues:

Over recent days I have written of legal issues that should have determinative value in these negotiations: Security Council Resolution 242, in its appeal to Article 2 of the United Nations Charter, clearly prohibits the acquisition of territory, in this case the West Bank, Gaza or East Jerusalem, by right of conquest. That is the fundamental meaning of any nation's treaty acceptance of United Nations membership. Any changes have to be the result of free agreement, and may not be dictated by either side. This does not mean that no change may ever be made, but it does mean that the Palestinian right to this land is primary. It is for them to agree to any changes of status, and they might reasonably expect concession of other territory to replace any they might agree to yield.

General Assembly Resolution 194, on the Palestinian right to return to the homes from which they fled or were expelled, or alternatively to full compensation, was also accepted by Israel from the beginning as the condition of its own acceptance as a member of the United Nations.

Observations on the Camp David Summit, July 9, 2000 – 3

If then the objective of the negotiation is defined as suggested above, a proper strategy for the Palestinian side would be:

1. *It should hold fast to its legal right to this land, which may not be taken without its explicit and free agreement.*

There is likely to be heavy demand on the Palestinians to neglect this principle on the basis of the need for haste, to come to agreement before the favorable moment passes. This is a kind of principle on which the Palestinian side needs to be immovable. Otherwise the entire agreement will be decided by the weight of superior force, American as well as Israeli, and the Palestinians will inevitably be cheated.

On the other hand, if the objective is truly peace, the Palestinians have no need to be inflexible in the matter of territory. They might properly insist that they should be adequately compensated for any territory they might agree to yield, in view of what has transpired since 1967, by other genuinely habitable territory from the Israeli side. All this should clearly be a matter of agreement, not force. The Palestinians ought to remind themselves constantly that Israel needs an agreed peace with them as much as they do with Israel, and is consequently not in a position to force such issues as this.

2. *It should recognize the true importance for Jews, Israeli and other, that some Jews should be able to live in their ancient traditional homeland, "Judea and Samaria."*

On this, Palestinians ought to show flexibility, again on the basis that their objective, and that of their Israeli counterparts, is truly a sustainable peace.

If the principle of prior Palestinian right to these territories is to be upheld, and the importance for Jews that some of them be able to live there accepted, then it should be clear that Jews, even though they may want to retain their Israeli citizenship and voting rights, would be living on Palestinian territory and under Palestinian law. Adequate protection should be guaranteed to them, and for an agreed interim this might have to be provided by Israeli forces, but the objective should be to replace this with a truly credible Palestinian guarantee of their safety within an agreed time.

The trouble is that many of the wrong Jews are presently living in settlements on the Palestinian territory. Their objective is to drive Palestinians away and usurp their rights. It is as much in Israeli interest as in Palestinian to remove these troublemakers if the Israelis genuinely want peace. Responsibility for removing them rests with Israel, which improperly tolerated, and often connived at, their settlement in the first place. But the technical recognition that Jews living on Palestinian territory were subject to Palestinian jurisdiction would by itself be a strong inducement for those Jews whose intention is anti-Palestinian to leave the territory. Likely enough, the Israeli government

Observations on the Camp David Summit, July 9, 2000 – 4

would have to enforce their recognition of this rightful Palestinian jurisdiction over them, even forcibly remove them, as happened years ago in Yamit, if they refused. But the right Jews, those who came in friendship to live among Palestinians in places sacred to Jewish memory, should be made welcome, though by agreement this should not be in such numbers as to distort the demography of the land.

Hebron in particular should be a test of Palestinian generosity in this regard. The Jewish settlers there at present have every intention of creating havoc and disrupting Palestinian life in the place. Israel has the responsibility, which it ought to have discharged long since, to discipline them, require their recognition of Palestinian rights and remove them if they remain intransigent. But the Palestinians have the responsibility to respond with friendship to Jewish religious needs in this place so important to both.

If this perspective is accepted, the question of transfer of sovereignty over territories on either side of the 1967 line will be seen much differently. Currently there is talk of Israel's retaining territory along the edges of the West Bank on which the most populous Jewish settlements have been built. Those in fact are not the areas of greatest traditional interest to Jews, whose religious associations are rather with areas central to the West Bank. In those, the option should simply be acceptance of some reasonable number of Jewish residents under Palestinian jurisdiction, retaining their Israeli citizenship if they chose. The matter of demographic balance would basically be adjusted of itself when those settlers unwilling to live under Palestinian jurisdiction returned to Israeli territory, and the need for actual border adjustments (with proper territorial compensation to Palestinians for any territory they conceded) would become minimal.

Any concession on Jewish residents of Palestinian territory, of course, should be reciprocal. It should be balanced with acceptance of Palestinian returnees to Jaffa and Haifa and the other places from which Palestinians were driven in 1948.

Here again, there should be agreement that the numbers will not be such as to upset the demography that has been established during the years of Israeli statehood. That is a part of the reciprocity. The firm legal provision of General Assembly Resolution 194, on which the Palestinians should not compromise, envisions a general Right of Return, but does also provide the alternative of compensation in the case of those who do not wish or are not able to return.

Preserving the basic demography should not, in fact, be a great problem. The number of Palestinians who will want to return, after all this time, to Green Line Israel, will be limited. Many even of those who want to return will prefer to go to Palestinian territory. It would be useful to do a survey of the Palestinian diaspora to find how many would actually want to return to what is now Israeli territory. My expectation is that this would relieve a lot of the anxiety that Israelis now have about their state being swamped by returning Palestinians. I don't believe there is any way that would happen.

Observations on the Camp David Summit, July 9, 2000 – 5

The question of Jerusalem works differently than these other territories discussed here. Basically the same principles apply, but it is a far more emotional question both for Israelis and for Palestinians and therefore has to be dealt with separately. Rather than make this paper excessively long, I will postpone that to another paper soon.

Expectations at Camp David Summit

Raymond G. Helmick, S.J.

July 9, 2000

As I read the news reports of the opening of the Camp David meetings, I am impressed by their hopefulness. Expectations differ between Israelis and Palestinians, and of course with the Clinton Administration hosts. Palestinians at home demonstrate quite effectively, asking that President Arafat and his team not compromise where they should not, while Israelis demonstrate competitively in the streets, for and against the peace effort and Prime Minister Barak.

At the crux of the public expectations is that each side will "compromise." Most commentary takes that as meaning territorial compromise, i.e., that the Palestinians give up more territory than they already have, and that the Israelis decide how "generous" to be in what territory they "concede." The supposition of that is that all the territory is Israel's to give or to keep. As I wrote in a memo of July 7, the true legal position (as in Security Council Resolution 242, basing itself on Article 2 of the United Nations Charter) is the very opposite: that the territory belongs rightfully to the Palestinians, and that any change can occur only by their agreement in the light of present circumstances.

A more realistic understanding of the compromises required from each side would emphasize not what each side gives up, but that they **give each other real reason to believe their future will be one of peace**. That includes not only land, but guarantees of peace, and that in fact is the original formula of SC Resolution 242: land for peace.

Land for Peace.

The 242 formula requires *of Israel* that **territory captured in the 1967 war be returned**. That holds despite all the Israeli efforts over to years to say that the requirement has been met by returning *some* territory and if need not be all. If that were the case, the Israelis would not be at Camp David now. *Of the Arab nations* (for all the omission to include the Palestinians themselves in a formal way) it requires **peace**.

This distinction should be clearly maintained in the negotiations, that the Israelis are required to return land obtained, and held to this day, simply by the use of force, in defiance of the treaty obligation Israel entered into when it first joined the United Nations and accepted the Charter, with its Article 2. Security Council Resolution 242 represents in fact a compromise restriction on that Article 2 obligation: that territory must be returned *in exchange for peace*, rather than simply by reason of the Article 2 obligation itself.

After the 1956 invasion of Egypt, Israel, Britain and France had been required to withdraw from all the captured territory, not in return for some other benefit but simply by the Article 2 obligation. The same was true of the 1978 (and 1982) Israeli invasions of Lebanon, as dealt with in SCR 425, or the Iraqi invasion of Kuwait. SCR 242 modifies that position, and requires the return of land *only in exchange for peace*.

Expectations at Camp David Summit, July 12, 2000 – 2

As in the previous Israeli negotiations with Egypt and Syria, which led to treaties, and those still anticipated with Syria and Lebanon, **the Arab party's role is not to yield up territory but to agree on the terms of peace.** That holds good for the Palestinian team at Camp David as well. **Defining the terms of that peace, rather than further compromise over territory, is the way the Palestinians should give the Israelis real reason to believe that their common future will be one of peace.** This should be understood as a matter of principle in the negotiations, even if, in the course of the negotiations, some *agreed* compromises or exchanges of territory might be made.

The issue of a Palestinian Right of Return, as specified in General Assembly Resolution 194, should also not be compromised, though once acknowledged by Israel its implementation should then be a matter of finding what is actually feasible. In my memo of July 7 I speculated on how many refugees would actually want to return (it would be good to have a genuine survey), and what practical conditions should be agreed as to how an acknowledged Right of Return should be implemented: what compensation for those who could not or did not wish to return.

Terms of compensation, of course, should be equal to what Israelis would expect themselves. The models should be, for instance, what Jewish settlers in Golan would get when the territory is returned to Syria, or the full compensation expected from the Swiss banks for gold they had taken for themselves in the period of World War II. The Israelis, of course, haven't got that kind of money for compensating Palestinians adequately, so it would have to be found where it would come from, just as has been thought in the case of Israelis who would leave the Golan.

Content: *What the Palestinians May Offer as Assurance of Peace.*

My impression is that the Palestinian team, understanding that they ought not to relinquish territory beyond what has already been taken from them, have seen these Camp David negotiations more in terms of what pressures, about territorial concessions, they must resist. It is equally important that they think in terms of **what assurances of a genuinely peaceful future they offer to the Israelis.** As I mentioned in my memo of July 9, this should be the central understanding of the objective in these negotiations: that both sides are there *to make the peace*, not to win victories over each other or to humiliate the other.

I should mention in writing of this that I have often appealed for the mobilization of the Palestinian population behind the efforts of the Palestine Authority. I am glad to see the organized and peaceful demonstrations that are now being carried on by the Palestinian public. It is for them to refuse the kind of territorial compromise that is being asked of the negotiators. But it is also for them genuinely to seek the peace in the ways being discussed now. The same distinction applies to public as to negotiators: Israelis must return territory, Palestinians offer peace.

Expectations at Camp David Summit, July 12, 2000 – 3

Not being privy to any details of what is under discussion at Camp David, I can only pick up the generalizations I hear in public. There are two of these that I see as especially important, and in the negotiations you will surely hear others.

- 1) A frequent Israeli demand is that there be a **declaration that the war is over**, that there will be no more violence permitted or endorsed by Palestinian authority. The ability of the Palestine Authority (or State) to guarantee that will of course depend on a) the fairness and acceptability of the eventual agreement to the Palestinian population (an unfair agreement will simply not produce real peace), and b) the effectiveness of the Palestine Authority (State) in asserting its genuine leadership of the Palestinian cause. But the Israeli *public's* need for genuine assurance on this point should be taken most seriously by the Palestinian team and granted after full discussion. It in no way precludes peaceful demonstration against injustices.

- 2) Israelis still need assurance of **Palestinian recognition of their legitimacy as a people**. I have heard this expressed by theologian/philosopher Rabbi David Hartmann, whom I greatly respect, as a wish that Palestinians, and President Arafat as speaking for them, would say "The Jews have come home." When he asked that, I felt he had not heard properly, because I believe the Palestinians have in fact said it: that it is the genuine meaning of the Palestinian readiness to accept a two-state solution; that it was even the essential meaning of the *intifada*, that the Jewish State of Israel was accepted in the very act of the Palestinians' demand for a state of their own alongside it and rejection of occupation; and that the genuine meaning of the Oslo Declaration of principles was the mutual recognition by the two peoples of one another's legitimacy. Nonetheless, even if the Palestinians have said it, the Israelis have not heard it. It therefore has to be one of the peace-making objectives of the Palestinians to make that recognition intelligible to the Israeli public.

What is lacking here may be only a matter of warmth. In my memo of July 9 I mentioned how the peace treaties between Israel and Egypt and between Israel and Jordan had only been agreements between governments, and not between peoples, who remained deeply estranged. The expression "Cold Peace" has often been used for the arrangement with Egypt. Peace between Israelis and Palestinians ought not be cold, though a recognition of the time it will take to enkindle real warmth and friendship is the basic reason I am reluctant to see too hasty a process, one that would not really involve

Expectations at Camp David Summit, July 12, 2000 – 4

the peoples. What governmental leaders can do is only to prepare the ground, provide the most favorable circumstances in which the mutual esteem and cordial relations can be built up between their peoples. The process is incomplete without that.

I was impressed when I read, in today's (July 12) *Ha'aretz*, the article by Ari Shavit on "Recognition of the Jewish/Israeli People." I would have thought that this recognition had already been granted by Palestinians in the ways I mentioned above. The Shavit article shows exactly how this has not penetrated into Israeli consciousness. Of all the commentary I have read over the last few days, I would hope that the Palestinian team would take this piece most seriously. I attach it here for their convenience.

In concluding, I would recall my several meetings with President Arafat many years ago. After a first meeting in June 1985, I spent three days with him in Tunis in March 1986, talking essentially on this very matter. I offered an interpretation of what I saw as the experience of Palestinians under his Chairmanship of the PLO. He had first offered the Israelis the proposal of a unitary state, in which Jews and Palestinians, Jews, Christians and Muslims would have equal rights, thereby recognizing the equality of Jews with Palestinians as a people. When that was refused, he had recognized the internal contradiction within the proposal: if the Jews were offered this and refused, they had carried out an unmistakable act of self-determination. The development of the alternative PLO proposal, of a Palestinian state or entity on any bit of Palestinian land freed from Israeli control, and hence eventually the two-state solution, was to ground the legal basis for Palestinian recognition of the Israeli State on the identical principle on which they based their own claim to a State: the principle of self-determination of peoples. Arafat and the several members of the Executive present (Farouk Kadoumi, Hani al-Hassan and Abdel Rahin Ahmed), after a close discussion among themselves of this formula, agreed that it did accurately describe what had been their experience.

It was on that basis that I discussed with Chairman Arafat, in several further meetings and in correspondence through Dr. Nasser al-Qidwa in New York, and eventually in close cooperation with William Wilson and Stanley Sheinbaum, the process of formally recognizing the three famous pre-conditions for dialogue that led to the establishment of the US/PLO dialogue by the end of 1988. Many disappointments and delays followed that lengthy process, but the content of the discussion was precisely the same as what the Israelis (for lack of having heard that it has already been said) are seeking now, and what is asked in the Shavit article.

Another distinguished Israeli whom I met during my recent May-June-July visit to Jerusalem, Rabbi David Rosen, spoke of how Jews, having been boxed on the ears (by Christians!) for so many centuries, have trouble now in hearing the more conciliatory things that are said to them. It is of this that I ask the Palestinian negotiating team to be conscious. The Jews too, those who oppress you now, have suffered, not as recently as you have, but very really.

Jerusalem In the Final Status Negotiations

Raymond G. Helmick, S.J.
July 20, 2000

After last night's dramatic developments at the Camp David Summit, with a first announcement that the talks had concluded without result, President Clinton's departure and the Israeli-Palestinian decision to continue the effort, it remains as difficult as ever for an outsider like myself to discern what is going on.

Most reports and speculation agree, though, that the issue of Jerusalem has been the obstacle, and that in fact the question of sovereignty over the Holy Places, particularly the Al Aqsa Mosque and the Holy Sepulchre, had assumed central importance.

Early Israeli comment, when the talks seemed ended and before it was announced that they would continue, tended to assign blame to the Palestinians for "failing" to accept Israeli positions. Palestinian comment was more tempered even at that stage, pointing out that their side remained open to further negotiation. Outside commentators pointed out the progress that had been accomplished insofar as the issues of borders, refugees and even Jerusalem had been brought into serious discussion at a summit level, where it had not been possible to raise them before.

The two sides presented the actual sticking point differently. Commentators close to the Palestinians emphasized Israeli refusal to concede Palestinian sovereignty over East Jerusalem, as a capital for the Palestinian State. Israeli commentators instead spoke of the amount of progress that had been made on many issues, including the offer of some level of autonomy for Arab neighborhoods in East Jerusalem, but stressed that Israel would not agree to any part of what had been discussed and offered between the two sides unless there is a total package, all issues agreed and a declaration that the entire conflict is over.

That the two sides feel prepared to negotiate further in these circumstances is, to my mind, very encouraging. At the risk of presumption, since I lack so much information on the state of the discussion, I want once again to offer some outside thoughts. The priorities may look different to someone, like myself, who has not been engaged in the day-by-day exchange, and that different perspective could have some value.

Sovereignty in Jerusalem:

Two things cause me some apprehension as I hear discussion of the final status of Jerusalem. The *first* is the *religious direction* the negotiation has taken. The *second* is the *emphasis on sovereignty as a priority, apparently more than the openness of a shared city*. I have no doubt of the importance and legitimacy of the interests represented by each side as they take their stands on both these issues, but I would like to see them placed in a context that would relate them better to the issues of an overall agreement on the relations of the two states that will exist here, Israeli and Palestinian.

Sovereign Control of Holy Places:

Palestinian statements for several days have laid stress on sovereignty over the Al Aqsa Mosque and the Holy Sepulchre. The Western Wall is just as clearly of supreme religious importance to Israelis. I note with satisfaction the emphasis that Palestinian statements for quite some time have placed on the *five elements* that must be accorded their due place in the final status: the *two peoples*, Israeli and Palestinian, and the *three faith communities*, Jewish, Christian and Muslim. All this is entirely legitimate, and the two sides need to find agreement about all five elements. It is so much a part of my own consciousness that the title of the university course I teach at Boston College on the Middle Eastern conflict is "Two Peoples, Three Faiths."

Religion, though, brings its dangers of exclusiveness and the exacerbation of conflict issues, something I am especially conscious of as a clergyman, a Catholic priest of the Jesuit religious order. I expect religious motivations, from all three faith communities, to offer resources for healing conflicts as well, but their history of destructive involvement in this and other conflicts leaves me very wary.

I would like, for that reason, to see the religious element in this issue carefully contained and separated from the two secular issues involved in the status of Jerusalem, which are: i) the legality of Israel's hold on East Jerusalem territory, and ii) the aspiration that Jerusalem should be the capital for both of the two states, Israeli and Palestinian.

Separating the question of sovereignty over the Old City, as location of the major holy places of all three faiths, from that of the rest of Jerusalem, East and West, can best accomplish that purpose.

General Assembly Resolution 181, the 1947 partition resolution, prescribed an international status for Jerusalem, without ever really establishing what international authority should govern it. That proposal was superseded by the events of the 1948 war, which divided the city between opposing forces, and has since lost the international support it once had. More recent proposals of a shared sovereignty over Jerusalem have been more attractive to Palestinians than to the successive Israeli governments, all of which have insisted on an exclusive Israeli possession of the whole city, which they saw as "united" despite all the evidence of difference between its Israeli-resident and Palestinian-resident areas.

Shared sovereignty over the city as a whole is difficult to define. There are also suggestions of a shared sovereignty for the Old City alone. The best formula for this is *not allowing the Old City itself to come under any one exclusive sovereignty.*

Under what sovereignty should it then come? Israelis will not consider the United Nations or any other foreign national power or combination of powers appropriate.

Jerusalem in the Final Status Negotiations – 3

Because this is primarily a question of the right of access for members of all three faith communities that regard parts of the Old City as holy, I would suggest that the Old City be governed by a body answerable to the two state authorities, Israeli and Palestinian, and the religious authorities of the three faith communities: the Rabbinate, the Waqf, the Vatican, and the Ecumenical Patriarchate. A municipal authority could be designated by consensual agreement among these parties, and no restriction permitted on free access of believers to any of their holy places. The particular interests of the two states and the various religious authorities in particular quarters and places within the Old City could be recognized, and no interference allowed to their rights in those places.

This would effectively separate the religious issues involved in sovereignty over the Old City from the secular issues regarding the rest of Jerusalem. The Old City is of particular interest to the two States only because of these religious considerations. It is not what either State would regard as its capital. Hence a different approach to Old City sovereignty than that which obtains for the larger population centers in Jerusalem could have appeal to both sides.

Sovereignty and Openness in an Undivided Jerusalem:

The governing legal principle for the city should be the same as for the all other territory which Israel acquired by force in the 1967 war: return of territories (*des territoires!*) in exchange for peace as prescribed in SCR 242, with reference to the prohibition of such acquisition of territory by force in Article 2 of the UN Charter.

That means that territory beyond the boundary of June 3, 1967, is presumptively Palestinian and can only be exchanged or conceded by their agreement.

Circumstances have changed sufficiently since so that some agreed changes are in order, what is written above about the Old City being a case in point, but Israel has no right to assume possession by force.

Israel has boxed itself into the position of claiming sovereignty over the whole municipal territory of Jerusalem as its united and eternal capital. But the boundaries of that municipal territory have already been treated by Israel as changeable ever since 1967. A wide variety of optional plans, all predicated on redefining the municipal boundaries, have come under discussion even in recent times.

For that reason, it should be possible to define the presumptive borders according to the legally binding line of June 3, 1967, and to negotiate whatever changes can gain mutual approval from there. Abu Dis stands out as a neighborhood clearly a part of the Jerusalem conurbation that is not within the municipal boundaries as presently defined. As much as Abu Dis, in the Palestinian view, is not identical with Jerusalem or any adequate substitute for it, there is no reason not to regard it as *a part* of the city.

Jerusalem in the Final Status Negotiations – 4

Even as Israelis have discussed handing over Abu Dis and other areas to full Palestinian control (Area A), they have spoken of calling it “Al Quds,” the Arab name for Jerusalem, to distinguish it from Israeli Jerusalem. All the other Palestinian-inhabited neighborhoods of East Jerusalem could just as easily be designated as parts of a municipality called Al Quds, under Palestinian sovereignty, and leave Israel in sovereign control of all that is called Jerusalem, having been under Israeli sovereignty on June 3, 1967.

This of course is a purely legal disposition of the territory, and will surely not satisfy the Israelis. Some territories now occupied by Israeli settlements *to the West* of the city are part of the West Bank. Those might well be conceded, by agreement and not by force, and preferably *in exchange* for other territory that Israel would concede to the Palestinians from Green Line Israel, perhaps in the neighborhood of the Gaza Strip.

But the plan throughout the time of Israeli occupation of the West Bank was to seize control of Palestinian territory by establishing settlements as “facts on the ground,” in particular encircling Jerusalem with a ring of settlements, all in plain contravention of international law. None of that should be accepted as *fait accompli*.

I have often argued the case that Palestinians should recognize the importance to Israelis (and to Jews elsewhere as well) of having some Jews able to live in their ancient homeland territories of Judea and Samaria. That should be by agreed Palestinian acceptance. There is no right for Israel simply to move in by force. Ideally, on principle, any Israelis who choose to live so on Palestinian territory should accept that they are subject to Palestinian law. I would like to see them free to retain their Israeli citizenship if they chose, but not to have joint citizenship. And any concession of a right for Israeli citizens to live on Palestinian territory should be reciprocal, entailing Israeli acceptance that a comparable number of Palestinians be allowed to return to their ancestral homes in Green Line Israel, with a choice of Israeli or Palestinian citizenship (not both!).

In each case, it should be agreed by both parties, in negotiation, that the numbers from either side should not overturn the demographic balance. What Israelis have done throughout the time of occupation has in fact been calculated deliberately to change that demographic balance, and should be accorded no acceptance in law.

Within those parameters, the two sides may want to negotiated some agreed exchanges of territory to take account of the actually existing situation. The numbers of Palestinians envisaged in Israeli proposals of returnees under the terms of family reunion might not be far from the numbers of Israeli Jews who would be accepted as residents in the West Bank (including areas of East Jerusalem). Many present Israeli residents of West Bank settlements would not choose to live under Palestinian authority, and would return to Green Line Israel, thus easing the burden of numbers that currently has so many Israelis living on Palestinian land that they do challenge the demographic balance.

Jerusalem in the Final Status Negotiations – 5

Palestinians might well be ready to negotiate exchange of some territory now occupied by Israeli settlements for other territory that would be added to the Palestinian State. It should not be accepted, though, that the ring of settlements designed to encircle Jerusalem and cut it off from the West Bank should remain under Israeli sovereignty. This is particularly true of such areas as Maale Adumin and the newer Har Homa/Jabal Abu Gneim settlement. They represent a design calculated for the ruin of any Palestinian State, and should be rejected as firmly as the many new hilltop settlements that Israeli extremists have been building as ways to preclude any effort to establish a genuine Palestinian State.

But all this talk of sovereignty, whether over neighborhoods of East Jerusalem and its surrounding territories in the West Bank or over any other parts of the West Bank or Gaza, should not override the other essential interest of Palestinians, which should be seen as an interest of Israelis as well, that **the borders should be open.**

This is particularly clear in the case of Jerusalem. Israeli Right-wingers treat every suggestion for the sharing of Jerusalem as if it were a proposal to *divide* the city, to set up walls fences and checkpoints as it was before 1967. No Palestinian, to my knowledge, has in fact proposed any such separation. The Palestinians and Israelis who for some years have studied the question of mutual rights in Jerusalem have all, without exception, sought for ways to share rather than divide the city. Concentration now on rights of sovereignty in parts of the city should not be allowed to compromise that objective. Whereas, in fact, the city is so divided in practice that Jews hesitate to enter Palestinian neighborhoods and Palestinians to enter Jewish neighborhoods, the goal should be that the entire city be open to all its citizens, of both states, without check points or obstacles, whether social or physical.

To relate this to the overall shape of a peace agreement, that should also be the objective of the entire agreement, that boundaries of two states should be agreed and recognized, but that the borders be open. Anything less than that will simply foster continuing estrangement between the two peoples and lead to repeated and continuing conflict. The vaunted “separation of the peoples” cannot, in any case, be accomplished without cutting up the Palestinian territory into Bantustans.

It may well be, in the neighborhood of Jerusalem, that some temporary security arrangements for Israeli-inhabited neighborhoods would have to be agreed for a set period of time. That too should be negotiated freely, with respect for the other side’s genuine needs. But it should be recognized that any such arrangement is temporary, and that the objective is to remove it in due time.

Whatever is done in any part of these negotiations, however, should be an effort to solve problems, not to invent them. The objective is to make peace.

Adjournment of the Camp David Negotiations

Raymond G. Helmick, S.J.

July 20, 2000

Disappointing as the termination of the Camp David talks may be, there is no reason to lose heart at this point. A great deal is gained. The question of Jerusalem, on which the Israelis have never agreed to negotiate before, has been opened. We on the outside don't yet know what was agreed about borders, settlements and refugees, but apparently substantial progress has been made there too. And as with the question of Jerusalem, the taboo has been breached. More will follow.

This remains true despite the Israeli statements that nothing is agreed until all is agreed. Palestinians have good reason to hold to that principle too. Statements that the Israelis will not hold to things they have agreed while at Camp David need not be taken too seriously. The international community, and President Clinton in particular, will hold them to those things and allow no regression.

Threatening elements are only from the extremists, both Palestinian and Israeli. Everyone knows who they are and what their motives are. Hamas calls for a Palestinian return to armed struggle. Every responsible Palestinian must realize that such regression would lose his people everything that has been gained in these last weeks, would in fact lose the Palestinians the entire struggle. The Israeli General Mofaz pictures Palestinians as about to storm Israeli settlements, and boasts of arming the settlers still further and authorizing them to kill any Palestinian who assaults the settlement perimeter fences. Palestinians need to give the lie to any such expectations.

President Arafat returns with his standing bolstered among Palestinians, who need not fear that he will give away what is precious to them. At this point, it should be made clear to all Palestinians that he has been gaining the things they need by his steadfast diplomacy, and that it could be lost by rash or violent action on their part. If he is to prevent Hamas and other extremists from wrecking Palestinian chances, he must assert this kind of leadership and demonstrate the success it has had.

I have been insisting, in my own writings, for quite some time on the need for mobilization of the Palestinian public behind the open and explicit leadership of the Palestine Authority. Any demonstrations or demands by Palestinians, now more than ever, need to be recognizably organized by this authority, and no one be permitted to violate its prerogatives with stupid or counterproductive action.

But the main pressure Palestinians can exert on Israel just now is their solidarity behind that leadership. Provocative action can currently only harm them. The leadership needs to make it public why they have refused certain concessions that were promoted as "compromise" at Camp David, and why they will remain steadfast in those refusals.

You can be sure the Israelis will have an election now. Netanyahu, Sharon, Sharansky and others will be in the extremist anti-peace camp as surely as are the settlers

Adjournment of the Camp David Negotiations, July 25, 2000 – 2

and the Kach people who are talking assassinations of both Barak and Arafat and the destruction of the mosques now. I expect that, by itself, will mean that Barak wins. The condition of that is that the Palestinians, all through the electoral process, keep demonstrating to the Israeli public, and to Barak, that for all their insistence on legal principle and their own rights they are offering peace. That is what the Israeli public will vote for. Palestinians should all be aware that it was Hamas and the bombers who elected Netanyahu before.

In writing over the days of the negotiation at Camp David, I have argued that winning and losing were not the objective, but that the goal was agreement and peace. That holds in negotiations, will hold further in negotiations, and the negotiations will resume, with nothing lost through the postponement. But while the action is on the street winning and losing are its name, even though the goal even here is to win the peace. This is what I was trying to argue in the fairly strident letter I wrote to Issa Kassissieh on June 25th.

Winning in that forum will be done by non-violence. Whichever side resorts to violence will lose. That will happen in the international forum and in the consciences and loss of self-esteem of those who resort to violence. The side that keeps its protest non-violent will win.

Damage was done yesterday when the photographs of Palestinian policemen in Gaza training young boys in the use of assault weapons. The Palestine Authority needs to require of those policemen that they train their public, especially the young, in the value and the tactics of non-violence, and scrupulously practice them themselves.

Will negotiation be resumes before the Israelis come to the election that is now inevitable? I expect it will, and that Barak will understand that even as he campaigns for reelection he needs to be demonstrating that he can achieve peace by negotiating with the Palestinians.

Everyone has supposed that the peace had to be achieved while President Clinton was about to foster it. I would not doubt that, even if the negotiation should be postponed until after he leaves office, he will be put in charge of it by his successor.

The most important single factor, though, will be what the Palestinians now do: their success will be determined by their mobilized solidarity in their rights and the non-violence of their demand.

322



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

August 4, 2000

President William Clinton
The White House
Washington, D.C. 20500

Dear President Clinton,

Christ's Peace!

A great deal of gloom has descended over the Israeli-Palestinian peace process, unnecessarily to my mind. I watched with much admiration as you nursed the process along over the two weeks at Camp David, and realized anew how essential your role as accomplished mediator has become, here as in Northern Ireland and elsewhere.

I felt, though, that you had yourself lost patience, understandably enough, at two critical points. The first was when you announced, before leaving for Japan, that the summit had ended without result. The parties continued, to your evident satisfaction, and had the time to overcome their own feelings of frustration. The second time was after Arafat turned down the offer made him about Jerusalem. You apparently drew the conclusion that his intransigence was the problem and the process altogether blocked. I would venture that this conclusion, which has produced the gloom among Israelis and Americans, need not hold.

The Palestinians themselves, particularly Saeb Erekat, have kept saying that the negotiation process remains open, and predict a resolution before the threatening September 13th date for a unilateral declaration of Palestinian independence. I agree quite wholeheartedly that such a declaration would have very destructive consequences, but I believe this Palestinian optimism ought to have a hearing, particularly by you.

You have become increasingly open to Palestinian needs and suffering over your time as President, more so than any previous President of the United States, while never losing the commitment to the safety and well being of Israel that you share with your predecessors. Nevertheless, I feel that you saw the political predicament of Prime Minister Barak more clearly than that of the Palestinians in this instance. You were very much disappointed that the Arab states, particularly Egypt and Jordan, did not urge on Arafat the solution you were offering. I think you should be open to the consideration that your proposal contained elements that were simply impossible for either the Palestinians or any other Arabs to accept.

The most significant result of the Camp David summit was that the taboo questions of Jerusalem and refugees were addressed for the first time by the governments. That is solid accomplishment, and not the end of a process.

President Clinton, August 4, 2000 – 2

I should say, in this context, that I have been in close contact with the Palestinians before and during this process, as I have been over many years with both Israelis and Palestinians, while always keeping successive U.S. administrations informed of my actions. During June this year, when I was in Jerusalem and often seeing Faisal Husseini and others at Orient House, I found that there was a feeling of discouragement throughout the Palestinian public, much like that which afflicts Americans and Israelis now. I urged that they ought not be so pessimistic, as the Israelis needed peace with them, a genuine peace that would truly meet the needs of both sides, as much as they needed just such a peace with Israel. I quoted to them a saying of President John Kennedy, who said in 1961, in the context of Soviet actions over Berlin, **“Any treaty of peace that adversely affects the fate of millions will not bring the peace.”** That is fundamental.

Two very basic matters of legal principle govern Palestinian responses to all offers made to them. They are not simply matters of stubborn obstructionism.

The first is the rejection of the acquisition of territory by force, i.e., Israeli taking of Palestinian territory by force. That of course is the content of Security Council Resolution 242, which we so often simplify down to the formula “land for peace.” That equation refers to Israel returning land, and the Arabs providing reliable assurance of peace, not further compromises about territory in which the Palestinian or Arab side is required to surrender more.

Resolution 242 rests on the most fundamental of all obligations entered into by every nation that has accepted membership of the United Nations, Article 2 of the UN Charter, by which all member states have renounced such acquisition of territory by force. That is the basic underlying purpose of the United Nations treaty as such. It was enforced on North Korea when it invaded South Korea in 1950, on Israel, Britain and France when they invaded Egypt in 1956, more recently on Iraq when it invaded Kuwait in 1990. SCR 425 prescribed it when Israel invaded Lebanon in 1978, a prescription that has only recently been met after twenty-two years. Resolution 242 already compromises Article 2 of the Charter in that it lays down a condition – that the Arabs guarantee Israel peace – before requiring the return of captured territory, but it allows no further compromise on the principle.

Former Prime Minister Begin argued, when he signed the peace treaty with Egypt, that Resolution 242 could be met by the return of *some* territory, namely what he had already returned in the Sinai, on the grounds that the definite article had been left out of the 242 formula, “return of territory” instead of “return of *the* territory.” Yet he himself had clearly recognized in 1967, when (in opposition) he refused to accept Resolution 242, that the determining element was Resolution 242’s appeal to Article 2 of the Charter right at the beginning. The legally binding text of 242 is represented as much by the French version, which has “des *territoires*,” as by the English. But in any case, we don’t seem to hear this casuistry on 242 any more.

President Clinton, August 4, 2000 – 3

The practical question is whether the Palestinians are going to adhere rigidly to this formula – return of all territory captured in 1967 -- or whether they will recognize the practicalities of the situation, in which there have been large demographic changes since that time. My sense, from extensive conversations with them, is that there is every readiness to deal with the practicalities, but not without a recognition and acceptance of the underlying legal obligation. If the Palestinians were to compromise on the legal obligation as such, they would stand in a quagmire, with no legal defense against anything the Israelis chose to do or decide. The Israelis would be licensed to determine all things by force of their military superiority, and the obvious disparity of power would leave the Palestinians no recourse. This is what the Palestinians have been unable to accept in the proposals made to them at Camp David.

The United States, which has sought to be honest broker between these parties, has a damagingly compromised record in this matter. From the beginning, in 1967, we defined the encroachment of Israeli settlements on the captured land as illegal, as in fact the rest of the world still does. At a later time we softened that language and called the settlements merely “obstacles to peace,” and more recently still we have weakened the language further to call them merely “unhelpful.” That has crippled our diplomatic stance even as we urge on the Israelis their Oslo commitment not to take actions that predetermine the outcome of what they have engaged to negotiate.

I have myself urged on the Palestinians for many years that they recognize the importance for Israelis that some Jews be able to live in what, in their history, are the territories of Judea and Samaria. That does not mean that their settlements there are legal, but it does mean that a Palestinian offer of peace should include some acceptance of Jewish presence in these territories, though only if the underlying legal principle of Article 2 is acknowledged.

The city of Hebron is a test case. It has enormous religious importance for Jews, second only to the importance of Jerusalem. Palestinians ought to accept that. The problem here, as in many other parts of the West Bank and Gaza, is that the wrong Jews are there: people whose purpose in being there is harm to Palestinians. Any effort at a solution to this problem should aim to bring Jewish residents whose objective, instead, would be to live in peace with the Palestinians, whose territory this is.

The Camp David negotiations, if those of us who could merely read the runes while the details of the negotiations were kept secret got any true sense of what was happening, opened up two practical avenues toward this objective, to which the Palestinians were quite open.

The first was that some small part of the West Bank territory (10%, 6%?), contiguous to Green Line Israel, on which some large proportion (80%?) of the settlers live, be ceded to Israel, but land in Green Line Israel be yielded to Palestinians in return.

President Clinton, August 4, 2000 – 4

The status of this proposal, how far it had Palestinian acceptance, was not clear to us who were listening from outside. That Prime Minister Barak was ready to consider this, if in fact he was, constituted one of the great breaches of what had hitherto been the taboos in these negotiations. For the Palestinians, its acceptability would reasonably have hinged on that prior recognition of the legal obligations of Resolution 242 and Article 2 of the UN Charter. I see no sign that the Palestinians would be reluctant to accept practicalities of this sort if the legal principle were honored. But not to insist on that legal principle would leave them exposed to all sorts of arbitrary deprivation. They too, of course, have a population that has to be accommodated, public opinion that has to be satisfied, territorial integrity that has to be maintained and all the same further political obstacles that Prime Minister Barak has to face.

The other practical avenue that opened in the matter of the settlements was the Palestinian acceptance that Israelis would be free to remain in those settlements that would come under Palestinian authority, among them very evidently the settlements in Hebron and the Qiriat Arba settlement town alongside it. This would very largely resolve the problem of the wrong people, those whose purpose was damage to Palestinians, living in these places. Those hostile settlers would not likely agree to remain under those circumstances. Israelis who were prepared to live under Palestinian jurisdiction would likelier be those whose intention was to live in peace.

There is a second basic matter of legal principle without which the Palestinians truly cannot accept a final agreement with Israel, and that is the right of return for their refugees. Acceptance of General Assembly Resolution 194 was the explicit condition for the original acceptance of Israel into the United Nations, and that resolution has been consistently reaffirmed since, and up to the time of the Oslo Declaration of Principles even by the United States. Prime Minister Barak has had understandable reluctance to contemplate anything that would basically disrupt the demographic relation of Jews and Palestinians in Israel, and the obvious question about a Palestinian right of return is whether it would have that result.

I've seen even Amos Oz, for all his standing among Israeli peace advocates, reduced to panic over that subject in his *New York Times* Op-Ed of last week, but I've also seen Meron Benvenisti's rebuttal of those fears in a *Haaretz* Op-Ed yesterday (August 3), where he wrote: "Perhaps Oz does not know, or perhaps he is choosing to ignore the fact that the term 'right of return' has already undergone several substantive changes among the Palestinians. This right can now be defined as 'the securing of symbolic recognition for the injustice that has been caused the Palestinian people and the implementation of a solution to the refugee problem that would satisfy a sufficient number of Palestinians and be acceptable to a sufficient number of Israelis.'"

Should we fear, then, that the Palestinians, in return for Israeli recognition of their right of return, would try to transplant every descendant of a Palestinian refugee of 1948

President Clinton, August 4, 2000 – 5

back in Green Line Israel? In no way. What matters is the recognition of what happened in 1948, and the principle of GAR 194, with its alternative provision for compensation to those who will not in fact return. Given that recognition, it is my clear sense that the Palestinians are prepared to be reasonable. The actual terms could be agreed on in advance of formal Israeli acceptance of the right of return.

Looking again at the practicalities, which the Palestinians can be expected to recognize and act upon, it should not be impossible to work out what numbers of Palestinians would actually be likely to return. A substantial number could be absorbed in the Palestinian state itself, provided its territory is not further decimated. Israelis have already, if the reports we heard from Camp David have any relation to fact, talked of the return to Israel itself of some number in the vicinity of 100,000 on the basis of family reunion. Other than the people living in the desperate condition of refugee camps in Lebanon, most others are likely to remain where they are if once they have recognition of their status as refugees from Palestine and some proper compensation. But all this can be agreed in advance if the legal principle is once honored.

Behind all this is a fundamental need for an Israeli recognition of the human equality of Palestinians. Some of the more extreme religious elements in Israel basically reject this, and their insistent voice makes it politically difficult for an Israeli government to deal with it. But without it there will not be peace.

On the basis of a supposition of inequality, it is taken for granted, even much too often in American policy, that it is Israel's right to determine, by itself and without any consultation, what Palestinians will get and what not. It is assumed that what Israel took by force in 1967 is hers to grant or not to grant to Palestinians. The basis of that supposition is force and force alone. In law, the right of the 1967 residents of the land is primary, so that it is for the Palestinians to agree or not agree, in negotiation, what Israel may have of land that was taken in 1967. There is no reason to doubt that they will negotiate this matter realistically and responsibly in view of demographic changes since. They deserve land in return, so that they too have a place to live.

It has been my own recommendation, both to Israelis and Palestinians, for many years, that it should be possible for some Jews to live in Judea and Samaria, by agreement not in such numbers as to upset the demographic balance. They should be free to choose Israeli or Palestinian citizenship, not both. On the expectation that they would keep their Israeli citizenship, they could vote in Israeli elections but live under Palestinian law.

That should be reciprocal. Comparable numbers of Palestinians should be able to return to their places of origin in Israel, again under an agreement that the numbers should not upset the demographic balance, and given the same choice of Israeli or Palestinian citizenship, not both. It is more likely that many of these would choose Israeli citizenship, as have the Israeli Arabs, the Palestinians who have maintained their

President Clinton, August 4, 2000 – 6

residence in Israel all the time since 1948. But if they chose Palestinian citizenship, they would remain under Israeli law.

In that case, the border could be kept open. Closing it, the “separation of peoples,” is a physically impossible project in any case, and could only lead to permanent enmity between the two peoples. But with an open border, each people would have its defined territory, internationally recognized, its own government and all the institutions of its nation, but all Israelis and Palestinians would, at the same time, have the use of the entire land. The Israelis, who have been confined, like the Palestinians, to their tiny bit of territory, would gain access to the entire Middle East.

The actual numbers of Israelis living in Palestinian territory, after they had decided who would accept living under Palestinian authority and who would not, and of Palestinians admitted to Israeli territory on the basis of family reunion, would come out pretty close to equal, enough so that negotiation over agreed numbers would not be all that difficult.

Jerusalem.

This is the crux of the problem, negotiating sovereignty over Jerusalem. Two things cause me some apprehension as I hear discussion of its final status. The *first* is the *religious direction* the negotiation has taken. The *second* is the *emphasis on sovereignty as a priority, apparently more than the openness of a shared city*. I have no doubt of the importance and legitimacy of the interests represented by each side as they take their stands on both these issues, but I would like to see them placed in a context that would relate them better to the issues of an overall agreement on the relations of the two states that will exist here, Israeli and Palestinian. I tell it here as I have to the Palestinians.

Sovereign Control of Holy Places:

Palestinian statements have laid stress on sovereignty over the Al Aqsa Mosque and the Holy Sepulchre. The Western Wall is just as clearly of supreme religious importance to Israelis. I note with satisfaction the emphasis that Palestinian statements for quite some time have placed on the *five elements* that must be accorded their due place in the final status: the *two peoples*, Israeli and Palestinian, and the *three faith communities*, Jewish, Christian and Muslim. All this is entirely legitimate, and the two sides need to find agreement about all five elements. It is so much a part of my own consciousness that the title of the university course I teach at Boston College on the Middle Eastern conflict is “Two Peoples, Three Faiths.”

Religion, though, brings its dangers of exclusiveness and the exacerbation of conflict issues, something I am especially conscious of as a clergyman, a Catholic priest of the Jesuit religious order. I expect religious motivations, from all three faith

President Clinton, August 4, 2000 – 7

communities, to offer resources for healing conflicts as well, but their history of destructive involvement in this and other conflicts leaves me very wary.

I would like, for that reason, to see the religious element in this issue carefully contained and separated from the two secular issues involved in the status of Jerusalem, which are: i) the legality of Israel's hold on East Jerusalem territory, and ii) the aspiration that Jerusalem should be the capital for both of the two states, Israeli and Palestinian.

Separating the question of sovereignty over the Old City, as location of the major holy places of all three faiths, from that of the rest of Jerusalem, East and West, can best accomplish that purpose.

General Assembly Resolution 181, the 1947 partition resolution, prescribed an international status for Jerusalem, without ever really establishing what international authority should govern it. That proposal was superseded by the events of the 1948 war, which divided the city between opposing forces, and has since lost the international support it once had. More recent proposals of a shared sovereignty over Jerusalem have been more attractive to Palestinians than to the successive Israeli governments, all of which have insisted on an exclusive Israeli possession of the whole city, which they saw as "united" despite all the evidence of difference between its Israeli-resident and Palestinian-resident areas.

Shared sovereignty over the city as a whole is difficult to define. There are also suggestions of a shared sovereignty for the Old City alone. The best formula for this is *not allowing the Old City itself to come under any one exclusive sovereignty.*

Under what sovereignty should it then come? Israelis will not consider the United Nations or any other foreign national power or combination of powers appropriate.

Because this is primarily a question of the right of access for members of all three faith communities that regard parts of the Old City as holy, I would suggest that the Old City be governed by an administration answerable to the two state authorities, Israeli and Palestinian, and the religious authorities of the three faith communities: the Rabbinate, the Waqf, the Vatican, and the Ecumenical Patriarchate.

I would recommend these outside bodies for the Christians simply because they are in a weaker position locally than either Jews or Muslims. There are several ways this Christian part of the arrangement might be done. The Armenian Patriarchate might well want to have a distinct voice. The World Council of Churches might also have a role.

A municipal authority could be designated by consensual agreement among these parties, and no restriction permitted on free access of believers to any of their holy places. The particular interests of the two states and the various religious authorities in particular

President Clinton, August 4, 2000 – 8

quarters and places within the Old City could be recognized, and no interference allowed to their rights in those places.

This would effectively separate the religious issues involved in sovereignty over the Old City from the secular issues regarding the rest of Jerusalem. The Old City is of particular interest to the two States only because of these religious considerations. It is not what either State would regard as its capital. Hence a different approach to Old City sovereignty than that which obtains for the larger population centers in Jerusalem could have appeal to both sides.

I would point out the proposals made in recent times by Rabbi Jerome Segal and the Jewish Peace Lobby in the United States for a shared Jerusalem, with the Old City under a "Sovereignty of God." This proposition, originating with King Hussein of Jordan, has proven itself enormously welcome to Palestinians. God as sovereign might prove rather difficult to consult, but I would see my proposal of an authority answerable to both governments and to the religious bodies as a very practical way of dealing with shared sovereignty and the special importance of religion in this space.

Sovereignty and Openness in an Undivided Jerusalem:

The governing legal principle for the city should be the same as for the all other territory which Israel acquired by force in the 1967 war: return of territories (*des territoires!*) in exchange for peace as prescribed in SCR 242, with reference to the prohibition of such acquisition of territory by force in Article 2 of the UN Charter.

That means that territory beyond the boundary of June 3, 1967, is presumptively Palestinian and can only be exchanged or conceded by their agreement.

Circumstances have changed sufficiently since so that some agreed changes are in order, what is written above about the Old City being a case in point, but Israel has no right to assume possession by force.

Israel has boxed itself into the position of claiming sovereignty over the whole municipal territory of Jerusalem as its united and eternal capital. But the boundaries of that municipal territory have already been treated by Israel as changeable ever since 1967. A wide variety of optional plans, all predicated on redefining the municipal boundaries, have come under discussion even in recent times.

For that reason, it should be possible to define the presumptive borders according to the legally binding line of June 3, 1967, and to negotiate whatever changes can gain mutual approval from there. Abu Dis stands out as a neighborhood clearly a part of the Jerusalem conurbation that is not within the municipal boundaries as presently defined. As much as Abu Dis, in the Palestinian view, is not identical with Jerusalem or any

President Clinton, August 4, 2000 – 9

adequate substitute for it, there is no reason not to regard it as *a part* of the city and define the municipal boundaries so as to include it.

Even as Israelis have discussed handing over Abu Dis and other areas to full Palestinian control (Area A), they have spoken of calling it “Al Quds,” the Arab name for Jerusalem, to distinguish it from Israeli Jerusalem. All the other Palestinian-inhabited neighborhoods of East Jerusalem could just as easily be designated as parts of a municipality called Al Quds, under Palestinian sovereignty, and leave Israel in sovereign control of all that is called Jerusalem, having been under Israeli sovereignty on June 3, 1967.

This of course is a purely legal disposition of the territory, and will surely not satisfy the Israelis. Some territories now occupied by Israeli settlements *to the West* of the city are part of the West Bank. Those might well be conceded, by agreement and not by force, and preferably *in exchange* for other territory that Israel would concede to the Palestinians from Green Line Israel, perhaps in the neighborhood of the Gaza Strip.

But the plan throughout the time of Israeli occupation of the West Bank was to seize control of Palestinian territory by establishing settlements as “facts on the ground,” in particular encircling Jerusalem with a ring of settlements, all in plain contravention of international law. None of that should be accepted as *fait accompli*.

Palestinians might well be ready to negotiate exchange of some territory now occupied by Israeli settlements for other territory that would be added to the Palestinian State. It should not be accepted, though, that the ring of settlements designed to encircle Jerusalem and cut it off from the West Bank should remain under Israeli sovereignty. This is particularly true of such areas as Maale Adumin and the newer Har Homa/Jabal Abu Gneim settlement. They represent a design calculated for the ruin of any Palestinian State, and should be rejected as firmly as the many new hilltop settlements that Israeli extremists have been building as ways to preclude any effort to establish a genuine Palestinian State.

But all this talk of sovereignty, whether over neighborhoods of East Jerusalem and its surrounding territories in the West Bank or over any other parts of the West Bank or Gaza, should not override the other essential interest of Palestinians, which should be seen as an interest of Israelis as well, that **the borders should be open.**

This is particularly clear in the case of Jerusalem. Israeli Right-wingers treat every suggestion for the sharing of Jerusalem as if it were a proposal to *divide* the city, to set up walls fences and checkpoints as it was before 1967. No Palestinian, to my knowledge, has in fact proposed any such separation. The Palestinians and Israelis who for some years have studied the question of mutual rights in Jerusalem have all, without exception, sought for ways to share rather than divide the city. Concentration now on

President Clinton, August 4, 2000 – 10

rights of sovereignty in parts of the city should not be allowed to compromise that objective. Whereas, in fact, the city is so divided in practice that Jews hesitate to enter Palestinian neighborhoods and Palestinians to enter Jewish neighborhoods, the goal should be that the entire city be open to all its citizens, of both states, without check points or obstacles, whether social or physical.

To relate this to the overall shape of a peace agreement, that should also be the objective of the entire agreement, that boundaries of two states should be agreed and recognized, but that the borders be open. Anything less than that will simply foster continuing estrangement between the two peoples and lead to repeated and continuing conflict. The vaunted "separation of the peoples" cannot, in any case, be accomplished without cutting up the Palestinian territory into Bantustans.

It may well be, in the neighborhood of Jerusalem, that some temporary security arrangements for Israeli-inhabited neighborhoods would have to be agreed for a set period of time. That too should be negotiated freely, with respect for the other side's genuine needs. But it should be recognized that any such arrangement is temporary, and that the objective is to remove it in due time.

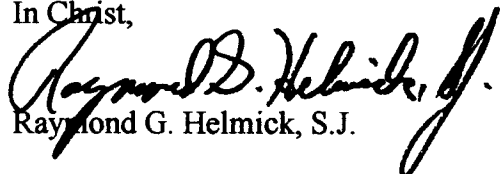
Whatever is done in any part of these negotiations, however, should be an effort to solve problems, not to invent them. The objective is to make peace.

Mr. President, I have been at pains throughout this exercise to find ways that a final status can be agreed without recourse to violence. I understand, and have represented this regularly to my Palestinian contacts, that a peremptory unilateral declaration of independence by the Palestinians would likely result in such violence. It is my expectation that such a declaration would not be made if there were clear signs of progress.

I should point out, though, that the regular Israeli statements that they would, in case of the unilateral declaration, forcibly annex substantial parts of the West Bank and other Palestinian territory, amounts precisely to the one thing most contrary to their obligation as members of the United Nations and treaty signatories to its Charter: the seizure of territory by force. I have yet to hear American voices raising objection to this.

I wish you well in your vital task of fostering agreement and peace between Israel and the Palestinians. You have a better chance of accomplishing it than anyone else. I have the greatest respect for the strenuous and skillful efforts you have made.

In Christ,



Raymond G. Helmick, S.J.



August 10, 2000

Prime Minister Ehud Barak
The Knesset
Jerusalem
ISRAEL

Dear Prime Minister Barak,

Shalom!

You have followed a courageous course in your peace efforts of this summer. I have had a lot of contact, myself, with the Palestinian negotiators before and throughout the Camp David sessions, and have more recently written my observations to President Clinton, urging him not to lose hope after the inconclusive finish to the July summit, but to expect more. I will be writing again to Mr. Arafat soon after sending this letter to you, urging the viewpoint that I have tried to impress on him in all my many meetings and correspondence over the last fifteen years. I have always put that in the context of SCR 242: that while responsibilities about territory are placed particularly on Israel, it is the responsibility of the Palestinians, as of all the Arabs, to give reliable assurance of peace.

I wrote to you last year, June 25th, as you were still forming your government (the cabinet that so spectacularly broke up just before Camp David), expressing my confidence in your commitment to the peace, and arguing that any peace agreement with the Palestinians had to be generous on Israel's part. More recently I have been quoting, both to the Palestinians and to President Clinton, a 1961 statement of President John F. Kennedy's. Speaking in the context of that year's conflict with the Soviet Union over Berlin, he said: "Any treaty of peace that adversely affects the fate of millions will not bring the peace." That is a fundamental of your present situation.

Writing to the Palestinians and to President Clinton I have put great stress on the legal obligations of SCR 242 and of the "right of return" GAR 194, as things that the Palestinians cannot let pass. I find them ready to recognize the existential problems these raise for Israel and to negotiate the practicalities, reasonably and responsibly, once the basic legal principles are acknowledged. I have written of those, and of thoughts I have on the sharing of Jerusalem among those actually resident there. But first I want to put a more general consideration before you, relying on the fairness I recognize in you to see it.

You will have read the Op-Ed article in *Ha'aretz* of yesterday, August 9th, by Amira Hass, somewhat cruelly exulting over the failure of Shimon Peres to win the Presidency. Hass obscured the point of the argument by resorting to an assignment of blame when we all know that Peres, and Rabin, worked so diligently and honestly for a genuine peace. But the underlying point was well taken.

Prime Minister Ehud Barak, August 10, 2000 -- 2

The experience of the Oslo period, these seven years, has been devastating for Palestinians, as Hass so eloquently argued. The problem has not been merely with a Baruch Goldstein, or the efforts of the Netanyahu government and the settler movement to renege on Oslo, but with an underlying mentality that expressed itself in the policy of closures. That mentality, writes Hass, "is intricately interwoven with and successfully clones military, economic and ideological institutions" of the State.

The reason for all of this is the focus on security for the State of Israel and on the private security of its citizens, a reasonable and necessary consideration of course. I note that among the principles agreed at the end of the Camp David meetings was the security, equally, of both peoples, Palestinians as well as Israelis. I am not sure what everyone meant by that or whether its implications were well enough understood. A security system – closures, separation of Palestinian jurisdictions into what many people call Bantustans, check points, economic isolation, restrictions on every part of life, being treated as strangers in their own native land – that is simply onerous on the Palestinians is a way for Israel and its citizens never to have security for themselves. It is self-defeating. I have heard Hanan Ashrawi – old friend and a frequent voice now on our media – describe this as a "mentality of occupation," an assumption that all the decisions were for the Israelis to make, because you are so obviously the stronger and even controlling party, and that the Palestinians can simply wait to find out what the Israelis regard as convenient to themselves.

You have apparently dealt with much of this at Camp David. It is hard for those of us listening attentively from outside to know just what was said and done there. Up to now, everything has been based on the fact that Israel was in possession and had the stronger military power. In law, the Palestinians enjoy an equality of rights, and that seems much more recognized as a result of this process of negotiation. That might easily be construed as Israel losing and then Palestinians gaining through the process, but it is not so. Israel gains immeasurably as it comes close to a genuine peace. Not to have the peace, and to live with the enduring resentful hostility of the Palestinians and all your Arab neighbors is loss for Israel.

Eventually, if Israel tried to survive as simply fortress against the whole surrounding Arab world, Israel's material superiority would fail and the nation be tragically lost. People know that, even if they seldom say it. And you, having taken these significant steps toward a really genuine peace over the opposition of so much of the political establishment, will have the people with you if you produce the kind of agreement that will truly assure the peace.

The weaker parties in the Israeli political spectrum are those who abandoned your coalition just as you went to Camp David. When you have your agreement and they come objecting to this, that or the other point in it, you are in a position to ask them: "Where were you?"

334

Prime Minister Ehud Barak, August 10, 2000 – 3

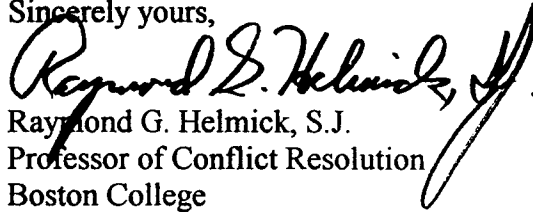
That much said, I enclose here a copy of the letter I recently wrote to President Clinton, detailing what I felt were the fundamental legal principles (drawn from SCR 242, GAR 194 and Article 2 of the Charter of the United Nations) required for a workable agreement, the accommodations I would expect from the Palestinians once these legal principles are recognized, and the ways I could see toward resolution of the problem of Jerusalem. I think it more useful to send you this than to try to express it all differently. What I wrote here to President Clinton is in fact a digest of what I had been writing, in a series of separate memos, to the Palestinians through the Camp David period. If you would like to have those, I would gladly send you copies. As it happened, I had easier access while the meetings went on, by e-mail, to the Palestinian delegation than to yours or the American team.

I do understand, as you do, that a unilateral declaration of independence by the Palestinians would have destructive results, for them as much as for you. I understand why Mr. Arafat feels he must set such a deadline. It is years late, and his people have suffered so much disillusion through the whole Oslo period. Nonetheless, my impression is that he will delay such drastic action if there is sign of solid progress and his people can believe it is not merely another evasion.

Were it to come to a unilateral declaration, though, I hope Israel would have some better response planned than a unilateral seizure of Palestinian land. That would be yet another act of sheer military force, precisely the thing that Israel, like every other nation, renounced in signing the Charter of the United Nations.

I wish you well in your important work. You have my prayers as well as any thinking I can do that might be helpful to any of you, the parties.

Sincerely yours,



Raymond G. Helmick, S.J.
Professor of Conflict Resolution
Boston College



August 17, 2000

President Yasser Arafat
Palestine Authority

Dear President Arafat,

Salaam!

During the Camp David summit meetings I wrote my observations on the proceedings several times to Orient House, and since then I have written both to President Clinton and to Prime Minister Barak what I thought necessary to bring the process forward, letters of which I sent copies for you. I had much admired the way you held fast when offered proposals that did not meet fundamental Palestinian needs. Yet I found it encouraging that you and Prime Minister Barak had opened up the questions that had previously been untouchable: Jerusalem, borders, refugees and their right of return. Good progress was made.

Today I read Meron Benvenisti's column in *Ha'aretz*, in which he rightly observed that these questions could not be solved by clever "creative solutions," which he compared to alchemy. This is familiar to me, from working with people in the conflicts of Northern Ireland, the Balkans, Lebanon and many other places, where clever ideas never provided solutions to problems. Instead, real progress toward peace was achieved only when people decided that was what they wanted. The ideas will always be available when that point is reached.

I feel sure that you and your people are truly determined to find the way to solve the problems of your conflict with the Israelis now. For all Mr. Barak's trouble with his Knesset, I believe his people too will back him if he comes to them bringing a genuine peace agreement with you. I argued, in one of those position papers I sent to Orient House, that you could not expect to resolve the long-term animosities among the two populations during a conference. But the leaders can set out firm agreements on the basic legal relation between their peoples. You and the Israelis have good reason to do that now.

Ever since the end of the *intifada*, I have written to you often of the need for mobilization of the Palestinian people in support of your leadership, as it was during the *intifada*, though it had to be rigorously non-violent. These have been bitter times of disillusionment for Palestinians, as people have seen their hopes so often postponed or seemingly destroyed. But now, at a stroke, you have this full mobilization behind your steadfast positions at Camp David. You need do nothing more than to make use of it. Because people are so clearly with you, no real street activity is necessary. Even though the Arab governments have given you small encouragement, this is the time to make agreements. The opportunity for that has come.

President Arafat, August 17, 2000 – 2

I was glad to see you withdraw somewhat from the idea of a unilateral declaration of independence on September 13th. You have rightly complained, always, of unilateral Israeli actions. This is no time to imitate them, when actual mutual agreement is within reach. Your position is stronger now than it has ever been, because the Israelis so deeply need agreement with you.

Throughout this time I have endorsed your legal claim to all the Palestinian land captured in 1967, in view of Security Council Resolution 242 and of Article 2 of the United Nations Charter on which it is based, and also to the right of return of refugees in view of General Assembly Resolution 194, whose acceptance was the condition of Israel's membership in the United Nations. Those legal entitlements stand in reciprocal relation, though, to the Palestinian and Arab responsibility to offer peace. That is the requirement of SCR 242: land (to be returned by the Israelis) for peace (from the Arabs).

In other conflicts that had involved seizure of territory by force, the offending country was required, under Article 2 of the Charter, simply to return it. That was the case when North Korea invaded South Korea in 1950, when Israel, Britain and France invaded Egypt in 1956, when Iraq invaded Kuwait in 1990. It was decreed by the United Nations in 1978 when Israel invaded Lebanon, even though Israel did not implement SCR 425 until this year. But SCR 242 is different, and has been accepted as the legal basis for your situation: the Arabs, and you the Palestinians, are required genuinely to offer peace in return for restoration of the land to you, its rightful possessors.

It is not for the Israelis to make concessions to you of something that is theirs. The land is rightfully yours. Anything to be conceded to the Israelis, beyond their strict rights, must be the result of agreement and accommodation by you. But accommodation has to be made if there is to be peace. And accommodation has to be made in the matter of right of return also, so that there may be peace.

Concretely, you will never have peace on the basis of an arrangement that means destruction or fundamental disruption of the Israeli state and society. Israel, or Mr. Barak speaking for Israel, may no more grant that than you may allow Israel to devastate the Palestinians and their right to their land. True, the Israelis wrought precisely that kind of destruction on your people in 1948, and have consistently compounded the offense by their conduct since. But you and your people have decided on living side by side with them, in your two states, since.

Those are the things that you yourself recognized in leading your people to the prospect of peace, that you and I discussed in our several meetings in Tunis and Kuwait in 1986 and in much correspondence since, that were the basis of the PNC resolutions that endorsed peace overtures to Israel in the 1980s and your statement to the UN General Assembly in 1988, that were fundamental, as a matter of realized Palestinian public

President Arafat, August 17, 2000 – 3

opinion, to the *intifada*. They were the basis too of Palestinian participation in the Madrid Conference of 1991, the Oslo Declaration of Principles of 1993 and all you have done to bring about the peace since. They remain the constants of your relation to Israel.

All of this means, in relation to the right of return of refugees, that a way must be found both to have full recognition of their right to return after the wrong done them, and a way found to keep the demographic character of the Israeli state and its territory. The refugees unable to return must receive full and adequate compensation. We hear it rumored in our American press that you were offered a really large sum of money as compensation for the refugees, without any acknowledgment of their right of return and refused it. I feel you were right to refuse it. You (they) should receive that money, but only *with* acknowledgment of the right of return.

I would think it could be worked out how many of the refugees of fifty-two years ago would actually return, how many would be satisfied with taking up residence in the new Palestinian state, and how many would return to green-line Israel. Apart from those suffering terrible deprivation in Lebanon, most are well established in other places and would likely remain there.

Formal agreements could be made in advance with the Israelis to regulate this. I would not expect them to agree to a generalized recognition of that right of return without knowing first what would happen as a result and that it would not mean dismemberment of their state. But I would not settle for anything less than a recognition of the wrong done and the right of return, with compensation for those who did not return.

The case of Jerusalem seems to be the main difficulty in reaching agreement. I have written of this earlier, in one of those position papers I sent to Orient House and in the letter I wrote to President Clinton on August 4th. I have heard many proposals for shared sovereignty in the whole of Jerusalem. There are many ways to resolve that, none of which it is for me to reject, but it seems unlikely to me that the whole city could live under joint sovereignty and I would incline more to see the line of 1967 restored, with Israel sovereign to the West, Palestine in the neighborhoods to the East. I think I need not repeat here all that I wrote before, but my main concern would be to preserve the open character of the city, so that despite the divided sovereignty everyone could go anywhere in it. And that, in fact, is the character I would want to see for the whole Israeli-Palestinian settlement, that both peoples were free to move about anywhere in the whole territory. Given the enmities that exist, temporary arrangements for joint security patrols might be necessary, but they should be temporary only, and not allowed to become permanent.

I have made the suggestion before that Palestinians need to recognize the importance for Jews that some of them be able to live in what they call Judea and Samaria, which, rather than the coastal plain or the periphery of the West Bank, is their

President Arafat, August 17, 2000 – 4

traditional ancient territory. I would never accept, if the decision were mine to make, that enclaves possessed by the Israeli state be dotted all over the West Bank, with access roads that carved Palestinian territory into Bantustans. I would think the imagined need for Israeli sovereignty over these settlements would be eliminated if agreed numbers of Israeli residents were allowed to live in the West Bank *under Palestinian jurisdiction*, keeping their Israeli citizenship if they pleased but not entitled to dual citizenship. Many of the settlers now living in the West Bank would not agree to that, and would leave. Those who agreed to stay would be the ones prepared to live in peace with Palestinians. The arrangement should be reciprocal, with comparable numbers of Palestinians allowed to return to green-line Israel on the same terms: living under Israeli jurisdiction but entitled to retain their Palestinian citizenship if they wished.

I mentioned above temporary arrangements for joint security patrols. I would be insistent upon those, not merely because time would be needed to heal deep animosities between the two peoples, but because the most dangerous and violent of the Israeli settlers will have to be removed. The Israelis have put them where they are, and their security forces should have the full responsibility of removing them as will be necessary. Palestinian security forces should not be required to undertake that task.

The Old City, with its religious importance, is a special case and needs special arrangements. This can't be strange to the Palestine Authority, as you have been talking the language of two peoples and three faiths for a long while. Unthinkable as it is for Muslims to yield sovereignty over the Haram as Sharif – I have seen not only what President Mubarak has had to say of that, but also the words of the new King Abdullah – it is equally unthinkable that Jews should renounce it. Shared sovereignty here seems the best solution: neither side losing sovereignty but neither holding it exclusively. This is not a case of Israel having gained sovereign rights by conquest, which is inadmissible. But both sides would agree to make such accommodations with the other as are necessary for the peace.

Religion is the most dangerous of all the ingredients that can be brought into this situation. I would prefer to see it confined to the Old City, where Jewish, Christian and Muslim holy places stand side by side, and not allowed to affect the two basic secular issues of the rest of the city. Those are rights of sovereignty and the need for the city to be capital of the two states. Religion should be carefully kept out of that.

Within the Old City, I hear the suggestion, made by the Jewish Peace Lobby led by Rabbi Jerome Segal in the United States but echoing King Hussein, that it be placed under the "Sovereignty of God." I can foresee difficulty in understanding the will and dispositions of God with regard to the Old City, and would prefer to have something more concrete and terrestrial that would still present the primarily religious interest in this area. What I suggested in the position paper I sent to Orient House on July 20th was that the Old City be administered by a body answerable to the two state authorities, Israeli and

President Arafat, August 17, 2000 – 5

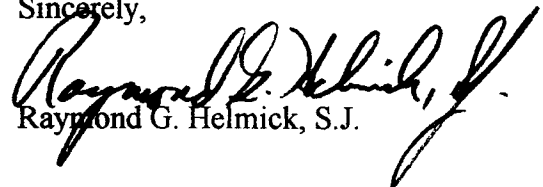
Palestinian, and the religious authorities of the three faith communities. Those would be the Rabbinate, the Waqf, and those the Christian community would regard as speaking for them. I suggested for the role, in that paper, the Vatican and the Ecumenical Patriarchate, larger bodies than the local Christians, because those are so few, less powerful locally than either Jews or Muslims. The Armenian Patriarchate might well want to have its own voice in such an arrangement, and local Protestants might want to be represented, perhaps by the World Council of Churches, but the local Christians should be able to decide such questions to their own satisfaction.

I hear suggestions that Israel have sovereignty over the Western Wall and the Palestinians over the Haram as Sharif, or that Palestine have sovereignty over the surface of the Haram and Israel over the ground beneath. These seem to be too difficult as solutions, with the actual site of both the mosques and the ancient temple so identified with each other. It is for that reason that I prefer having the administration of the entire Old City answerable to both governments and all three religious authorities. No restriction should be permitted on free access of believers to any of their holy places. The particular interests of the two states and the various religious authorities in particular quarters and places within the Old City should be recognized, and no interference allowed to their rights in those places.

I know you have given much thought to all these questions, and the ideas I offer here should not be taken as disparaging other possible solutions that you may be considering. What I regard as important for me to say is that a solution will be found only if both you and the Israelis truly want one, and not if either of you is governed by suspicion and determined to find reasons to say that nothing will work. I greatly admire the hard work you and Prime Minister Barak and your many trusted associates have put into this work of seeking a peaceful solution. My conviction is that it is within reach.

My prayers and best wishes are with you. I will send copies of this letter to President Clinton and Prime Minister Barak.

Sincerely,



Raymond G. Helmick, S.J.

340



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

August 21, 2000

Prime Minister Ehud Barak
The Knesset
Jerusalem
ISRAEL

Dear Prime Minister Barak,

Shalom!

When I wrote to you about the negotiating process on August 10th, I enclosed a copy of what I had written a few days earlier to President Clinton. More recently I wrote to Mr. Arafat as well, and felt you should have a copy of that also.

You may feel as you read this series of letters that I espouse the Palestinian side on the questions that stand between you, because I regularly call for an initially strict adherence to the legal demands of SCR 242 on territory and GAR 194 on the return of refugees, though always with the proviso that, once the principle is recognized, the practical details should then be reasonably and responsibly negotiated.

I would feel as much concern for and even identification with the Israeli cause on these issues. I do firmly believe, though, that Israel, in its formal diplomatic stance and eventually in its public opinion, needs to recognize the deep hurt that has been done to the Palestinian people, what they so often refer to as their "disaster" (*naqba*) in 1948 and their further loss in 1967, the two definitive moments in your common history to which the UN resolutions relate. That seems to me necessary for the soul of the Israeli people.

There seems to be great reluctance to accept the moral suppositions of these two major judgments of the international community, both of which Israel has formally accepted without acknowledging their clear implications, as if acknowledging them would taint the whole enterprise of the Israeli state and society. As I see it, an embrace of the legal principles animating those two resolutions would remove basic ambivalences in Israelis' self-understanding and enhance the respect in which Israel is held throughout the world. Short of that Israel, this precious possession and self-expression of the Jewish people after their long dispersal, will forever remain, in the eyes of most of the world and especially its neighbors, a rogue and outlaw state.

People fear, of course, the consequences of an acknowledgement of Palestinians' right of return, that it might utterly disrupt Israel's demography, as in fact the origins of Israel did the Palestinian demography and as the settlement policy all the years since 1967 has attempted to do to the demography of the West Bank. I saw Elia Zureik's August 10 article in the Los Angeles Times, which argued for that as the meaning of a

Prime Minister Barak, August 21, 2000 -- 2

Palestinian Right of Return. But Zureik stands apart from the responsible Palestinian leadership in this. My sense, from talking extensively with them, is that they are prepared to negotiate a realistic, responsible outcome.

For some time I have argued to Mr. Arafat that this should be done in advance, so that you know what the demographic result would be from a clear acknowledgment of GAR 194. I would think that should have priority as a matter to be agreed in the negotiation.

The 1949 truce line as the boundary envisioned in SCR 242, also, has status as the presumptive border between Israel and Palestine, and the settlement activity since 1967 carries a stigma of illegality that practically the whole of international judgment affirms. If Israel will not acknowledge that, it will not come to terms of peace with either the Palestinians or the Arab world.

Once again, if the legal principle is once accepted by Israel, I see the Palestine Authority as willing to make responsible practical adjustments to recognize what has happened – the “facts on the ground” – demographically. It is only fair that they should have territory in compensation for any territory they concede in that context.

I have argued to them myself, for many years, that they need to recognize and accept the importance, to Jews, of Jews being able to live in Judea and Samaria, and should make agreements that some numbers of them, such as would not constitute an assault on Palestinian demography, be able to live within the Palestinian state, under its jurisdiction but retaining their Israeli citizenship. This should be a reciprocal arrangement, balanced by Israel’s acceptance of some Palestinians back into its territory, under Israeli jurisdiction but able to retain their Palestinian citizenship, again only in such numbers as would not undermine Israeli demography. If this were the basic pattern, it would minimize the need to annex settlement bloc areas to Israel (in return for other land in exchange).

Since many of the settlers have moved into the West Bank in explicit hostility to Palestinians, it is unlikely that they would remain under those circumstances. The many peaceful settlers would more likely remain, and their numbers would likely come out practically equal to the Palestinians that Israel has already proposed to allow back for family reunion. Evenhanded treatment like this would truly be the guarantee of sustainable peace between your two peoples. Interim security arrangements, such as the joint patrols you have already mounted successfully in many places, would doubtless be necessary, but their duration could be limited.

That applies as much to Jerusalem as anywhere else. You have already opened the question of Jerusalem, which until Camp David was closed. The reality, as you know, is that Jerusalem is actually a divided city. There will be no comfort, or perhaps

Prime Minister Barak, August 21, 2000 – 3

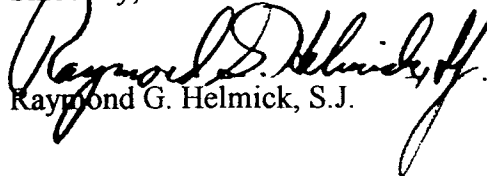
even safety, for Jews in East Jerusalem or Arabs in West Jerusalem until their right to self-determination and governance is recognized in the places where each lives. That in fact will open the city so that each can enter and be at peace in the other's area and the city will at last be united. There is no need for any crossing points or border checks. The whole city can be made available to both peoples, and both gain.

In the whole series of these letters, too, I have argued for a joint jurisdiction over the Old City, whose significance in the lives of both peoples is basically religious. As a Catholic clergyman experienced in many communal conflicts, I have an acute awareness of what a dangerous element religion can be in a conflict, and would like to see it confined in this case, contained within the Old City and not allowed to determine the essentially secular concerns of legal sovereignty over territory or the question of the capital of two states.

The formula I have recommended, in the several writings you already have, for the Old City proper, i.e., an authority accountable to both governments, Israeli and Palestinian, and to the religious authority of the three faith groups, with guarantees of free access and of non-interference in those areas of the city that are of special interest to each group, is one of several that could be used.

In writing to Mr. Arafat, I stressed what I would also repeat to you, that solution of these problems is not a matter of having bright ideas but of really deciding that you want a solution. No number of bright ideas will serve if the two sides don't want to end their quarrel, and the bright ideas come easily when they do. You have taken a very daring gamble that your Israeli public, like yourself, truly wants to see an end to this conflict. I believe and hope you are right, and that they will support you when you bring to them a credible agreement. I admire your courage, too, in taking on the secular reform of your society just at the moment when your parliamentary position is at its weakest. I think you deserve, for that, to carry the votes of all the secular public that would otherwise go to Likud in an election – I've no idea whether that will actually occur or not. But this matter of the peace is success or failure for the whole Zionist enterprise of the Israeli state and society, at the moral and existential levels. I urge you not to hold back on the things that would make for your peace.

Sincerely,


Raymond G. Helmick, S.J.



August 22, 2000

President William Clinton
The White House
Washington, D.C. 20500

Dear President Clinton,

Christ's Peace!

Since writing to you on the Middle East peace process on August 4th, I have written to Prime Minister Barak, on August 10th, enclosing with that a copy of what I had written to you, and to Mr. Arafat on August 17th, informing him that I would send copies of what I wrote him both to you and Prime Minister Barak.

In sending that to Mr. Barak, I found I had to write another substantial letter to him. I feel I should now let you have copies of the whole correspondence, which is enclosed here.

With best wishes,

in Christ,

Raymond G. Helmick, S.J.
Raymond G. Helmick, S.J.

344

מנהל לשכת ראש הממשלה ושר הביטחון
Head of the Bureau
of the Prime Minister and Minister of Defense

August 17, 2000
ט"ז אב, תש"ס

Professor Raymond G. Helmick, S.J.
Jesuit Community
Boston College
Chestnut Hill, MA 02467-3802
U.S.A.

Dear Prof. Helmick,

On behalf of Prime Minister Ehud Barak, thank you for your letter of August 10, 2000 and copy of your letter to President Clinton. It is gratifying to know that there are those who spend tremendous time and energy focussed on matters of global importance, and we appreciate your sharing your thoughts about the peace process.

Your good wishes and prayers are likewise much appreciated, and serve to encourage the Prime Minister in his efforts to bring an end to the one hundred years of conflict and bloodshed.

May the coming months bring peace, security and prosperity to the people of the entire region.

Sincerely,



Haim Mandel-Shaked

E-mail exchange, Monday, 13 Nov 2000 11:28:39 -0500

"Raymond G. Helmick S.J." <helmick@bc.edu>
Organization:
Boston College
From:
ISSA KASSISSIEH <issa_ks@yahoo.com>

ISSA KASSISSIEH wrote:

Hi father Helmick

Since a while we didn't communicate. I wonder how are you. I hope that life is treating you good. We've been watching very closely the presidential elections. But it seems we have to be more patient and wait. You know that we are in favour of Bush. It would be great if Baker would be given a role in the Foreign Affairs. It seems we should wait before predicting anything. Anyhow, since while you didn't sent us your assessments and advices in relation to the conflict here. It is sad how our image is distorted. The victim is becoming the victimiser with the world of media. It is a weak point we have, and as most of the time we fail to convey our message to the world community. We have a just cause but bad advocate. I believe that our real ally is the Israeli public opinion. But at this stage they are mobilised behind the apaches and tanks. We are now thinking of concrete ideas to communicate with the Israeli society. But I believe at the end they are after peace, but we have to give them the trust and confidence. And of course verse versa. The language of bombardment on Beit Jala , Bethlehem and Beit Sahour won't get any results but more resistance. After all both of us are stubborn. It would be great if you drop few words to get your analysis and feedback .

Your son

Issa Kassissieh
Orient House

Reply: ISSA KASSISSIEH issa_ks@yahoo.com

From: "Raymond G. Helmick S.J." <helmick@bc.edu>

Dear Issa,

Thanks for writing. I have indeed been intending for some time to send a very full assessment of how I see things, so ambitious, in fact, that it has kept waiting while I compose it and recompose in response to developing events. I will send it very soon, and I think in the form of a letter to President Arafat which I can then also send in copy to the White House and to Prime Minister Barak. That's my normal pattern.

E-mail exchange with Issa Kassisieh, November 13, 2000 – 2

The basics are that I believe the Palestinians really need to bring the actual stone-throwing and occasional shooting under control, the control of your own police, while maintaining a fully mobilized but non-violent popular protest, even at great cost (I've no illusions about what that cost will be). I know how ironic it is to talk about Palestinian violence (as the whole American government and media in fact does) when the violence is basically Israeli violence. But it remains that, so long as there is any violence at all on the Palestinian side, it will be used against you with the American government and public, which is very ready to believe the worst of you, and that the Israelis have so much more capacity for violence that Palestinians will continue to be killed in vastly disproportionate numbers, every single death a tragedy, so long as this goes on. We all have to assume, in fact, that the Israelis will continue killing even after Palestinians have transformed their protest into a rigorously non-violent one, if you are able, but the spectacle presented both to Israeli Jewish and to world opinion in that case will be unambiguously that of Israeli assault on entirely innocent people.

I've said all that before, of course, many times over. The rest is that what has been offered to the Palestinians last summer, at Camp David and otherwise, is a promising beginning, basis for further negotiation, but inadequate. I don't think the Americans involved, Clinton and his assistants, understand that. And I've always believed, since his election, that Prime Minister Barak genuinely intended to make peace, but has yet to recognize what costs a genuine peace will entail.

This year's negotiations have truly been on a different basis than anything that has gone before. A supposition has been in place, since 1948 on the part of Israelis, at least since 1967 on the part of successive U.S. governments, that all the issues between Israelis and Palestinians would be decided on the basis of preponderance of military force. Oslo was a partial break in that, at least the recognition of the legitimacy of the Palestinians as a people, though still with the supposition that the practical decisions would be made by the Israelis on the basis that anything that came to the Palestinians would be the Israelis' to give. (You know my thesis on Oslo, that despite all the concrete detail that it lacked, to the disappointment of both Israelis and Palestinians, its real content was the mutual recognition by each people's leaders of the other's legitimacy as a people. I really believe that the Palestinians had already given that recognition by late 1988, in fact that it had even been part of the meaning of the intifada, inasmuch as it was uprising against occupation and not against the existence of Israel, and that the meaning of Oslo was really that the Israelis then joined them in it. During the Likud administration, Netanyahu's central objective had been to withdraw that Oslo recognition of the legitimacy of the Palestinians as a people, and as intently as he had tried it, he was unable to withdraw that recognition. I really fear, now, that the intensity of the mutual feelings of rejection by both Palestinians and Israelis may actually damage that mutual recognition in ways that even Netanyahu was never able to bring about.)

E-mail exchange with Issa Kassisieh, November 13, 2000 – 3

As to the context of this year's negotiations, however, which I believe have broken with the Realpolitik supposition that the issues would all be determined by preponderance of military force: this year it has been based, from the Israeli and American sides, on a recognition that the Palestinians truly had rights that must be accorded to them, rights to living space, to genuine autonomy within a territory of their own, etc. This was progress, something that could be further built upon, and a sign of real honesty in Barak. Clinton evidently believed that too, and encouraged it. Neither one of them acknowledged what was still lacking.

That lacking element can be put in terms of concrete issues, as for instance over Jerusalem neighborhoods. But the substance of it is recognition of the rule of law. I repeat myself on this too, as I have been writing about it ever since the summer. But there are legal determinants of the issues: Article 2 of the U.N. Charter, Security Council Resolutions 242 and 338, whose basis is Article 2 of the Charter. General Assembly Resolutions 181 (two states) and 194 (many items, among which most prominent is return of refugees or due compensation if they cannot or will not return to live in peace), and of course the Fourth Geneva Convention. Europeans all know that these are the legal determinants. American governments and much of the public have become accustomed to ignoring them in this case, though rule of law is a very deeply entrenched element in American consciousness in other matters (including enforcement of Security Council decisions on countries other than Israel). It is the most basic thing to appeal to in dealing with Americans, whether officials or public.

The Israelis have great anxieties, which need recognition, in accepting these rule of law decisions of the international community, even those they have explicitly endorsed already. (They give lip service to SCR 242, while ignoring its contents, and were required to acknowledge GAR 194 as a condition of their admission to the UN back in 1949.) The grounds of their anxiety are genuine. If acceptance of GAR 194 meant the submergence of the Israeli Jewish population among vast numbers of returning refugees, the demographic basis of their state would be undermined. It should be no part of the Palestinian intention to bring that about. There should be prior indication to the Israelis, with full guarantee from the PA, of what implementation of 194 would mean in practice, and assurance that it would not be dealt with in a way that destroyed the demographic basis of Israeli Jewish society. And so for the other issues that have to be determined. The basis should necessarily be rule of law, i.e. acceptance of those legal determinants. But it should be made possible for the Israelis to accept this by allowing them to know in advance how that rule of law will be applied. What may not be done by that preponderance of military force (as has been the supposition until this year) may in fact be done by negotiated agreement, and that agreement, since the rule of law in fact gives prior right to the Palestinians, will in fact be one that preserves Palestinian rights.

I remember well the work I was engaged in constantly from my meetings with President Arafat early in 1986 to the establishment of the U.S./PLO dialogue at the very

E-mail exchange with Issa Kassisieh, November 13, 2000 – 4

end of 1988 (after the Geneva special session of the General Assembly). It was clear that the PLO was able to accept the three famous pre-conditions for dialogue. But there was danger that, if Arafat, for the PLO, acknowledged them, he would get no adequate response, from Americans or Israelis. Hence it was necessary to find out what the response would be if he took the step. I put in three solid years of working at that, eventually along with William Wilson and Stanley Scheinbaum. The Israelis are in that position now. They need to be given information in advance on what the PA will accept or require in negotiation once they accept the full determinants of the rule of law. The negotiation, in other words, needs to be done in advance. And there ought not be, on the Palestinian part, the delays and tergiversations that characterized, on the American and Israeli sides, what went on in 1986-88.

So there, I've already spelled out the bones of it. I will write this up more carefully and thoroughly, in a way that I can then circulate to your President Arafat, Prime Minister Barak and President Clinton. I've delayed too long.

In the other matter of Faisal Husseini's letter to our Boston College President Bill Leahy, S.J., by the way, I find that the matter is under study. Higher officials of the University are the ones Father Leahy is consulting, and I was told nothing until I asked him very pressingly. I'm going to press very hard on that. I was alarmed at how long it was taking, and suspect that there ~~are~~ people somewhere in the works who are spelling out all sorts of anxieties that have an ultimately Israeli source.

My best greetings to Faisal, to young Matthew, to President Arafat and to all my good friends there.

Ray Helmick, S.J.



December 1, 2000

President Yasser Arafat
Palestine Authority
C/o Orient House
Jerusalem

Dear President Arafat,

Salaam!

The conflict situation between Palestinians and Israelis appears to have become routine now, two months after Mr. Ariel Sharon's initial aggressive visit to the Haram al-Sharif. The political context, on the Israeli side, has meanwhile changed, with the calling of new elections and an interval of some months – until May? – before they occur. That underlines the insecurity of Mr. Barak's government, but also sets him free of some of the right-wing pressures to which he has been subject.

I have been watching this situation as closely as I can from a distance over this time. When my friend Issa Kassissieh asked me for an assessment some weeks ago, I gave him what I could in a long e-mail message, but I have felt I ought to send you a more fully reflected assessment, one that I can also send on to Mr. Barak and President Clinton as well. I will send you copies of what I then write to them.

As I see it, the Israeli public is still ready for a peace settlement, over 60% of them according to opinion polls that I would expect to be accurate, despite their evident alarm over the way things have developed in these last months. Their right-wing ideologues have tried to raise apprehensions about Israel's conceding one thing or another – amounts of territory in the West Bank, Jerusalem, right of return for refugees. Nevertheless, for this substantial part of the Israeli public, the issue appears to be none of these things, but simply whether an accord will truly bring peace or not. That, to my mind, is a very promising political situation. It gives Mr. Barak freedom to negotiate seriously during this interval before the elections if he has the courage to do so.

I have always believed that Mr. Barak meant what he said, from the start of his earlier election campaign, that making a genuine peace was his real priority. I never have believed that he understood the full requirements for that, namely that Israel accept the rule of law in its relation with your people. And in the circumstances of this outbreak of violent hostilities since September 28, he has reacted with the same instinctively racist attitudes toward Palestinians that are the weakness of the Israeli public as a whole. Hence the excessive force, none of which could be exercised without his approval, with which the Israeli military has responded to the Palestinian outbursts of defiant rage. That rage itself, inasmuch as it is uncontrolled, has been the weakness of the Palestinians.

President Arafat, December 1, 2000 – 2

How then can this situation be directed in a way that leads to a just peace both for Palestinians and Israelis?

The most basic requirement is that the Israelis accept and submit themselves to the rule of law. I truly commend you on having insisted on this throughout this year's negotiations. It has been neglected by the State of Israel ever since its founding in 1948. Instead, successive Israeli governments have always assumed that their relations with Palestinians, and in fact with all the Arab world, would be determined by preponderance of military force. United States governments have, despite occasional mild misgivings, concurred with the Israelis on this ever since 1967. It goes by the name of *Realpolitik*, and is total renunciation of the rule of law.

It is to the great credit of Mr. Barak, and of President Clinton, that this total reliance on force has not been the principle of this year's negotiations, and in fact President Clinton, throughout the bad years of the Netanyahu government, recognized and, within rather timid limits, opposed this outlaw character of Israeli policy.

This year's negotiations have, instead, been based on recognition, by Israeli and American governments, that great wrong had been done to Palestinians, and that some major concessions must be made to your people as the price for peace. Both genuinely feel that what they offered was so impressive that you should have accepted it. The flaw in their policy is that it has not been based on the rule of law. That has meant that you and your people have never been a true party to this negotiation, which has instead been a negotiation merely between Israelis and Israelis, between those who wanted to concede something, those who wanted to concede more and those who wanted to concede nothing at all, with the Americans concurring and urging acceptance of the outcome on you. The underlying supposition has been that everything was for the Israelis to concede, and that you had no right other than to accept what they offered.

The law suppositions that must fundamentally be recognized are as follows:

1. **Article 2 of the Charter of the United Nations**, according to which every nation that has accepted membership in the organization has renounced any acquisition of territory by force.
2. **Security Council Resolutions 242 and 338**, which are plainly and explicitly direct applications of Article 2 of the Charter, requiring the return of territory captured in the 1967 war in exchange for peace. After all the efforts in Prime Minister Begin's time to restrict this requirement to some of the territory, it is by now evident that it means all the captured territory, including East Jerusalem, although the Jerusalem question is still complicated by the provision for international status envisioned in GAR 181.

President Arafat, December 1, 2000 – 3

3. **General Assembly Resolutions 181 and 194**, authorizing the establishment of the two states in Palestine, one Jewish and one Arab, and then specifying the right of refugees to return to live in peace, or, if unable or unwilling to do so, to receive due compensation. Recognition and acceptance of these two General Assembly Resolutions was actually a specified condition for the admission of the State of Israel into the United Nations in 1949.
4. **The Fourth Geneva Convention of 1949**, which explicitly outlaws the colonization of occupied territories, as well as the expulsion of citizens from occupied territories and the violation of their human rights. I see frequent Israeli arguments against the applicability of the Fourth Geneva Convention, including the observation that it has not been invoked in other cases in which its provisions have been violated. That, of course, is no valid argument against its applicability. It is rather a reason why it should have been invoked in the other cases. Its meaning, in this case, is that all the Israeli settlements on occupied territory, including those in Gaza as well as the West Bank and all parts of East Jerusalem, are strictly, and have always been, illegal. That applies also to settlements on the Golan Heights. It has been a fundamental defect in the legality of American policy that, after maintaining until 1981 that those settlements are illegal, it has, since the Administration of President Ronald Reagan, described them merely as “obstacles to peace,” and since 1993, under the Clinton Administration, has described them merely as “unhelpful.” It has been clear to all the rest of the world, throughout this time, that they were and remain strictly illegal.
5. **Security Council Resolution 1322** of this year, which defines the military response Israel has been making since September 28 as excessive force. This is, by comparison with the other items listed, a peripheral matter, painful as the armed assault on the Palestinian public has been. The charge, and the Israeli responsibility, is serious. But it is really not worthwhile, in my view, to let prospects of peace be lost because of demands for punishment of these abuses. Demand for international protection of the Palestinian public from these assaults is reasonable, but the insertion of international forces is not the only way to accomplish that. If the State of Israel can be brought in any other way to recognize that it is subject to the rule of law, that would suffice to end this unjustified brutality.

These documents define what is truly required of the State of Israel by rule of law. That Israel should comply requires trust, which is for you, the Palestinians, to create.

President Arafat, December 1, 2000 – 4

Trust, of course, is required by both sides, and the Palestinians have little reason to place trust in Israel after the long history of oppression, defiance of the rule of law and breaking of promises and agreements that you have suffered. If Israel were now comprehensively to accept the rule of law, that should constitute reason for Palestinians to return to peace negotiations in trust. It would mean a reversal of the supposition that everything is Israel's to concede or not to concede, and would mean instead that the captured territory, right of return etc. were, on the face of it, Palestinian, and that any changes in status on any of these points had to be determined by negotiated agreement rather than, as hitherto, by preponderance of military force. Even if Israel should dispute the applicability of particular items on the list of legal determinations above, for instance, the Fourth Geneva Convention, it should be possible to submit those disputes to the binding judgment of the international community. That would mean in practice that the United States should agree not to shelter Israel from the applicability of the rule of law by its veto in international forums.

What, then, is required of you, the Palestinians to engender enough trust in the Israeli government and public that they would genuinely submit themselves to the rule of law as the basic supposition for a peace settlement between you?

Two considerations have to be addressed here.

The first is the enraged violence of the Palestinians. It is perfectly true that the violence exercised by Palestinians has been minor by comparison with the extreme Israeli violence of these last two months, and in fact with the extreme violence exercised by Israelis against your civilian population ever since 1948. Nevertheless, in the practical psychological order, the spectacle of Palestinians physically attacking Israeli Jews undermines any possibility of civil communication between you and them.

This is not a question simply of ethics, but one of strategy. If Israeli Jews do not believe they can trust the Palestinian Authority or its public with their lives or the safety of their society, they will not submit to rule of law or any other condition that would leave them in danger from you. Your purpose, then, the winning for Palestinians what is rightly theirs, will not then be fulfilled. You have hotheads around you who believe they can compel the Israelis into submission by force, some of them appealing to the model of what Hezbollah did in Southern Lebanon. They are mistaken. I was glad to see, last April, how you yourself publicly recognized that Hezbollah had not successfully forced Israel out of its "Security Zone," but merely hurried along a decision that the Israelis had already made for their own reasons. You were correct. The Israelis, of course, can hurt themselves badly, with regard to their moral standing in their own consciences and before the bar of world opinion, by brutalizing the Lebanese or your own people, but neither Hezbollah nor the Palestinians have the military power to stop them from doing it. They can only compromise their own standing before that bar of world opinion by attempting to do so, especially if the attempt involves attack on Israeli civilians.

President Arafat, December 1, 2000 – 5

The Palestinian people have every right to protest the unjust treatment and occupation the Israelis inflict on them. They actually did much to bring about the levels of negotiation with Israel that have been achieved so far through their *intifada* of 1987 through 1991. The effectiveness of that *intifada*, its capacity to appeal both to world opinion and to peace-minded Israelis, depended on two factors: its relative non-violence and its being a rejection not of the State of Israel but simply of occupation. It has been my own opinion ever since the end of that first *intifada* that you, in pursuit of justice for your people, had need of the mobilized protest of your people against occupation, but that the protest needed now, more than before, to be rigorously non-violent, not only not shooting but not even using stones. Both qualities of the 1987 *intifada* are at risk in the present Al-Aksa *intifada*. There are guns in it now, very puny light armament in comparison to the heavy weaponry that Israelis are using against it, but even the relative non-violence of the earlier *intifada* is now compromised. And the people are so infuriated now, both by the official violence, sanctioned by Mr. Barak and the whole Israeli leadership, of Israel's military response, and by the pogrom-like attacks made on Palestinians and even on the Palestinian citizens of Israel by Israeli settlers and the residents of such places as Nazaret Ilit, that the language of Palestinian anger is now directed against Israel, the state and its society, itself, and not merely against occupation.

I have argued this to you so often that I will only summarize it here. I wrote above that I see the unbridled rage of the Palestinian public as its greatest weakness in facing the present critical situation. It has been my own experience, in dealing with many conflict situations, that people are motivated and empowered by their indignation against the affronts visited upon them, so long as this helps them make plans how to end those affronts and they retain a confidence in their own ability to address the evil. But when they succumb to their own feelings of frustration, their indignation turns into hatred, and their confidence in their own ability to solve the crisis turns to cynicism, even to disbelief in their own leadership. Those are crippling obstacles to their own purpose. Palestinians right now are becoming so nihilistic in their rage against Israeli injustice that they risk losing everything. It is the task of Palestinian leadership to relieve the frustration of their public and restore the sense that they are capable, through mobilized and calculated resistance to the occupation, necessarily non-violent if it is to be successful, of winning their rights.

It is difficult, at the distance from which I watch these developments, to break through the clouds of propaganda and gain clarity on what is happening, but I constantly see assertions, in the Israeli and American press, that Marwan Barghouti and Mohammed Dahlan are the instigators of Palestinian armed attack on Israelis. I have met and learned to respect them both, and can understand the frustration from which they act if any of this is true. Israelis of the character of Nachman Shai are always anxious to place the blame on you as authorizing them to act so, while others like Ephraim Sneh say otherwise. But it is through your own Palestinian forces that you can control violence by your own people, and for that you need to solicit the direct cooperation of Barghouti and Dahlan.

President Arafat, December 1, 2000 – 6

Palestinian protest will succeed, both with the Israeli public and with world opinion, including the opinion of such leaders as President Clinton, if it is non-violent. Every act of violence, from shooting guns to the mere throwing of stones, is held against you. The fact that Israel has responded with obviously disproportionate force has worked in your favor, but as soon as Hamas bombs begin, as may be expected, to kill greater numbers of Israelis all that opinion will turn against you, to the great detriment of the Palestinian cause. As I have written to you before, I see no other effective way that you can control unauthorized violence by Palestinian rejectionist groups than that you have the force of Palestinian public opinion against it. That will only be so if your public believes that a campaign of truly non-violent resistance to occupation promises genuine success, and that every act of violence actually harms their own cause. It is late now to build that sense in your public, but nothing could be more essential.

The people's rightful indignation will express itself in hatred and cynicism so long as their every effort meets frustration. The unbridled rage I have cited can only be replaced by something better and more satisfying to the people who have felt these injustices. Hence there is no point in simply trying to rein in the people's violent response and ask them to be patient. They must have a sense that their resistance to evil is effective, as it can be if disciplined and properly led. This would also be the sign to the Israeli government and public that they were dealing with an adversary/partner-for-peace with whom they could confidently do business.

That is the first of the two considerations that I believe Palestinians need to address if you are to gain the trust of Israelis sufficiently to conclude peace with them. The second is to let them know what would be the result if they do acknowledge their true obligations under the rule of law.

You surely understand the apprehension Israelis feel about accepting that the land on which they have built all those settlements, the whole of East Jerusalem and all the large housing blocks with which they have surrounded Jerusalem and Tel Aviv belong by right to Palestinians, and that all refugees have a right of return to their original family homes in what is now the actual green-line State of Israel. There were actually offers made about returning some large proportion (90%, 92%, 95%, or was it really something much less?) of the West Bank, and even discussions of exchanging some Israeli land for parts of the West Bank that are most heavily settled by Israelis. It is still difficult for us who were not party to the discussion to know what was truly on the table, but it all had the obvious defect: that it was presented as within the gift of Israel rather than something that belonged to Palestinians by right. If instead it is within your gift, and any changes in the status prior to 1967 a matter on which Israel must obtain your negotiated agreement rather than rely on its own preponderance of military force, then the Israelis truly need to know in advance what you will agree to. We can classify this as dealing with three essential questions: 1) the boundaries, such as would be agreed in free negotiation, of a West Bank/Gaza state, 2) the return of refugees, and 3) rights in Jerusalem.

President Arafat, December 1, 2000 – 7

You must remember, President Arafat, the conversations and correspondence you and I had between 1985 and the end of 1988, when you gave your formal acceptance in Geneva to the three famous preconditions for dialogue between the PLO and the United States and it was accepted, disappointing as was the immediate outcome of the resulting dialogue.

You needed then to know what would result if you publicly accepted the three preconditions. Would you simply be told that it didn't matter, that nothing was changed, that the question of refugees was already settled by the famous agreement of Cyrus Vance with Moshe Dayan that Palestinian refugees were offset by Jewish refugees from Arab countries and nothing remained to be settled? I spent all of three years working at that question, eventually in conjunction with William Wilson and Stanley Scheinbaum, to get you answers from the U.S. government – we all hoped at the time that we could have them from Israel as well – as to what response your acceptance of the three preconditions would receive. Without that, though you were in fact ready to accept the preconditions, you felt you would have played your “last card” in vain and so betrayed your people's hopes.

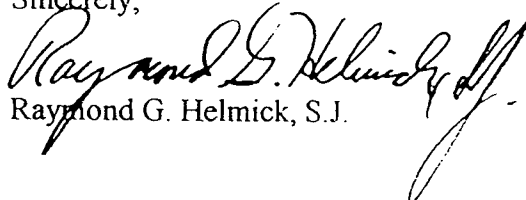
The Israelis are in a comparable position now. Even though their defiance of law has been flagrant all this time, they need to know in advance what would be your response, what would actually happen, by free negotiated agreement, in all these areas if and when they acknowledge and submit to the rule of law. Their communal racism would have to be broken through to acknowledge you as their equals in rights, but they would also need to know that their acceptance of that and of all the consequences of the rule of law would not be the destruction or unacceptable disruption of their state and society.

I have my own opinions as to what is just or should be acceptable in the various areas under discussion – borders, refugees, Jerusalem – and have expressed them to you, to the Israelis and my own U.S. government many times. But what would really count is what you and the Israelis would agree upon in free negotiation that recognized that things are yours to give and not the Israelis' and that the realities of the situation required real consideration from you and from them.

This is a matter of trust, and essential to any peace settlement. The Israelis cannot make their submission to the rule of law without knowing these things.

I have written enough here and will not burden you with more for the moment.

Sincerely,


Raymond G. Helmick, S.J.

356



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

December 10, 2000

Prime Minister Ehud Barak
The Knesset
Jerusalem
ISRAEL

Dear Prime Minister Barak,

Shalom!

Your announcement yesterday that you would call a new election for Prime Minister within two months came as something of an earthquake. I had written over a week ago, on December 1st, to Mr. Arafat of the active fighting that has broken out between your two peoples and of your earlier announcement of Knesset elections that might have fallen in May, meaning to write at once to you and to President Clinton, to each with copies of what I had written to the others, but I found those letters hard to compose. When I heard yesterday's announcement, I feared the opportunity to mend relations and get on with peacemaking might have been lost, but a bit of reflection tells me otherwise.

It pleases me that you frame your bid for reelection as Prime Minister within the intention to proceed with the peace efforts. I have always credited you with meaning, as you promised, to make this the major priority of your time in office. It has been difficult to maintain that confidence over these last months. I have heard repeatedly Saeb Erekat's conjecture that the Sharon escapade on the Temple Mount and the subsequent heavy repression of Palestinian protest has been your "exit-strategy" from the peace endeavors of the summer. I vigorously resist accepting that explanation, yet I cannot but recognize that Sharon would have been unable to bring his thousand-man heavily armed escort onto the Mount for his provocative assertion of possession without authorization from you and from Mr. Ben Ami.

It is baseless to claim that Sharon's action on September 28th was anything other than a deliberate baiting of the entire Palestinian population, just at the moment when they were closest to agreeing the peace, calculated to produce precisely the reaction that it did. He could not cause that reaction by himself: he touched a match to an explosive mixture of grievances and frustrations that he, like everyone, knew was there. It was all so predictable, given the enormity of that provocation that you and Mr. Ben Ami ought to have seen it beforehand. To have given authorization for Sharon's cynical insult was at the least a grave mistake. Moshe Dayan, capturing the Temple Mount with far fewer armed men than Sharon brought along for his adventure, had known what such an action would mean thirty-three years before. I believe it ill serves you or your government not to recognize this grievous error on your own part and put the blame squarely on Sharon.

Prime Minister Barak, December 10, 2000 – 2

I dissent also, just as vigorously, even while urging on Mr. Arafat that he bring the Palestinian violence under control, from the way you have used armed force during this emergency. As I described it in my letter to Arafat, you have “reacted with the same instinctively racist attitudes toward Palestinians that are the weakness of the Israeli public as a whole.” I believe this even as I credit you fully with your stated commitment to bring about the peace.

The treatment of Palestinians through this time has not been equal. You have not seen their lives, their rights, for which you have as much responsibility as for Israeli or Jewish lives, as having equal importance. Palestinian deaths, the destruction of their economy and the whole fabric of their lives and the violation of their human rights, have not mattered to you, or to most of your public, as have those of Jews. That is a disease that cannot be other than frightfully corrosive of the moral character of Israel and of all those who share these suppositions. I don't complain here about feelings of anxiety, which I see as quite reasonable in Israelis, but of patent racism.

The violence exercised against Palestinians during these days of crisis has been of two fundamentally different sorts: the heavily armed activity of your armed forces, labeled excessive in Resolution 1322 of the Security Council, which can operate only at your explicit command; and the rampaging violence of Jewish settlers in the West Bank and Gaza or even of Jewish citizens in Green-Line Israel. The latter is very similar to what has been done by Palestinians over this period, even though different in style – no showers of stones – and far more heavily armed. They have blocked roads, they have attacked and burned vehicles, homes and other property, they have casually murdered Palestinians, hunted them down wherever they can find them. There have been no tanks, no helicopter gun ships, no high-velocity sniper rifles, nor any of the heavy military paraphernalia that Palestinians have experienced throughout this time, used on the rioting Jewish settlers in the center of Hebron, on the mobs pouring out of other West Bank settlements to attack their neighbors, on the citizens of Nazaret Illit who descended on the Arabs who were their Israeli fellow-citizens in Nazareth.

I have seen these comparisons often, in the Israeli press as well as everywhere outside Israel, as you have seen them yourself. They are telling. The American police who faced the riots against the WTO meeting in Seattle, or the Czech police who faced much the same in Prague over the IMF meeting, controlled rioting far more serious than what you faced in the last days of September and the first in October. They controlled it without any of the massively excessive force that you employed against Palestinians from the start. The difference can only be callous racism, and in the circumstances of terrible frustration that Palestinians have experienced ever since 1948 and 1967, and especially in the years of blighted hope since 1993, it could only result in the kind of enraged nihilism that you have been seeing from them. As you can see in the letter I sent to Mr. Arafat, I have described that rage as the thing he and his people most need to bring under control, the weakness on their part that is as destroying for them as is this racism to Israelis.

Prime Minister Barak, December 10, 2000 – 3

I write this not to scold you, but to describe what I see as the things that will prevent any success in efforts to reach a peace settlement if you, and the Palestinians, do not address them. There is no virtue in trying to varnish these facts. You have been in error, in the matter of permitting Sharon's provocation, and at fault in this racist response to what has happened. The Palestinians have their own catalogue of faults and errors. You will both fail to achieve what is most dear to both of you, the safety and peaceful future of your peoples, if you do not acknowledge them.

For yourself, Prime Minister Barak, there is no political future if you do not come to your own Israeli public in two months with a credible formula for future peace. What lies otherwise in store for your people, as also for the Palestinians who are also your responsibility, under the malign leadership of the same Mr. Sharon who so deliberately ignited this spasm of violence, is horror without any end in sight.

Saeb Erekat, who regards all that has happened as your "exit strategy," is a genuine man of peace, as strenuously committed in his effort for it as anyone you have about you. It is his argument that you need to meet.

In writing to Mr. Arafat (letter of December 1st, enclosed), I encouraged him to seek resolution of the questions between Israel and the Palestinians on the basis of the rule of law, and congratulated him for holding firm to that throughout last summer.

That rule of law encompasses, as I would see it:

1. **Article 2 of the Charter of the United Nations**, according to which every nation that has accepted membership in the organization has renounced any acquisition of territory by force.
2. **Security Council Resolutions 242 and 338**, which are plainly and explicitly direct applications of Article 2 of the Charter, requiring the return of territory captured in the 1967 war in exchange for peace. After all the efforts in Prime Minister Begin's time to restrict this requirement to some of the territory, it is by now evident that it means all the captured territory, including East Jerusalem, although the Jerusalem question is still complicated by the provision for international status envisioned in GAR 181.
3. **General Assembly Resolutions 181 and 194**, authorizing the establishment of the two states in Palestine, one Jewish and one Arab, and then specifying the right of refugees to return to live in peace, or, if unable or unwilling to do so, to receive due compensation. Recognition and acceptance of these two General Assembly

Prime Minister Barak, December 10, 2000 -- 4

Resolutions was actually a specified condition for the admission of the State of Israel into the United Nations in 1949.

4. **The Fourth Geneva Convention of 1949**, which explicitly outlaws the colonization of occupied territories, as well as the expulsion of citizens from occupied territories and the violation of their human rights. I see frequent Israeli arguments against the applicability of the Fourth Geneva Convention, including the observation that it has not been invoked in other cases in which its provisions have been violated. That, of course, is no valid argument against its applicability. It is rather a reason why it should have been invoked in the other cases. Its meaning, in this case, is that all the Israeli settlements on occupied territory, including those in Gaza as well as the West Bank and all parts of East Jerusalem, are strictly, and have always been, illegal. That applies also to settlements on the Golan Heights. It has been a fundamental defect in the legality of American policy that, after maintaining until 1981 that those settlements are illegal, it has, since the Administration of President Ronald Reagan, described them merely as "obstacles to peace," and since 1993, under the Clinton Administration, has described them merely as "unhelpful." It has been clear to all the rest of the world, throughout this time, that they were and remain strictly illegal.

5. **Security Council Resolution 1322** of this year, which defines the military response Israel has been making since September 28 as excessive force. This is, by comparison with the other items listed, a peripheral matter, painful as the armed assault on the Palestinian public has been. The charge, and the Israeli responsibility, is serious. But it is really not worthwhile, in my view, to let prospects of peace be lost because of demands for punishment of these abuses. Demand for international protection of the Palestinian public from these assaults is reasonable, but the insertion of international forces is not the only way to accomplish that. If the State of Israel can be brought in any other way to recognize that it is subject to the rule of law, that would suffice to end this unjustified brutality.

I copy this list to you just as I wrote it to Mr. Arafat. Every Israeli government since 1948 has worked to the assumption that Israel would not be subject to this rule of law, but would decide all questions on the basis of predominance of military force. The policy of the nation has been structured on that premise all that time, and has therefore concentrated on building the preponderance of military force for just that reason. I used to argue, in correspondence with Prime Minister Yitzhak Shamir back in 1990, that such

Prime Minister Barak, December 10, 2000, -- 5

an exclusive reliance on force would eventually doom this precious State of Israel, to whose growth and safety he too had devoted all his life, to destruction in a future in which Israel's military preponderance over the much larger population of all the Arabs which it was offending could not last for any length of time serious in the life of a people.

The United States, after opposing that immunity to law through Israel's earlier years (notably in 1956 but also in the many Security Council resolutions it had voted for up to that time), has generally concurred with Israel, since 1967, that it would be immune to the rule of law, and has provided a diplomatic and military shield to protect it from submission to law. As one who has always stood for the protection of Israel against all dangers, I believe that has been a massive disservice by my country to Israel all this time, fostering a fundamental perversity in Israeli policy that can only have the most dangerous ultimate consequences for the Israeli State and society.

But this year's negotiations between you and the Palestinians have been on a different basis: it has, if I may quote from my own (enclosed) letter to Arafat, "been based on recognition, by Israeli and American governments, that great wrong had been done to Palestinians, and that some major concessions must be made to your people as the price for peace."

Through all the conversations at Camp David, and even after Camp David II had been labeled a failure, I believed that a new era had dawned, insofar as questions that had always been taboo -- borders, refugees, Jerusalem -- were now openly discussed, and that negotiation could now proceed. I know I was mistaken, in that you and President Clinton both felt that what you offered (or discussed) was generous, far beyond anything offered by an Israeli government before, and that the Palestinians should simply accept it without question or objection. It is for this reason that I had to write to Mr. Arafat: "The flaw in their policy is that it has not been based on the rule of law. That has meant that you and your people have never been a true party to this negotiation, which has instead been a negotiation merely between Israelis and Israelis, between those who wanted to concede something, those who wanted to concede more and those who wanted to concede nothing at all, with the Americans concurring and urging acceptance of the outcome on you. The underlying supposition has been that everything was for the Israelis to concede, and that you had no right other than to accept what they offered."

I understand well your reluctance, and your people's, simply to endorse the rule of law as I have defined it. You need to know that the Palestinians will be truly reasonable in recognizing Israel's genuine needs; that if the situation is reversed, and it is recognized that these things belong, on the face of it, to Palestinians, they will be ready to grant Israel her needs, on the basis of freely negotiated agreement, not of preponderance of military force. What I see of the Palestinians, many of whose leading figures I have great confidence in and count as friends (as I do as many of their Israeli counterparts), persuades me that they will be ready to do this. It is in their interest.

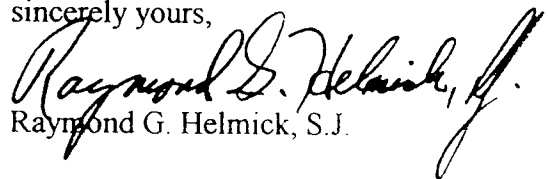
Prime Minister Barak, December 10, 2000 – 6

You may well want to contest the applicability of some of those items I list above as features of the rule of law in this case. The Fourth Geneva Convention is a case in point. I have made the discovery for myself, in searching on the Internet for the text of that convention, that it is difficult to find the text without first going through multiple articles spelling out Israeli objections against its applicability to this case. If so, Israel needs to be ready to submit itself to the binding judgment of the international community, and not shelter behind the protective screen of American vetoes. I know that Israelis have worked on a supposition that the world, the “international community,” hates them and will judge unjustly. There is a reason for the hostility that Israel faces, and it is precisely this assumption of immunity to the rule of law, and mistreatment of the Palestinians on that basis, which accounts for it. I submit that this hostility would fall away if Israelis made it clear that it truly meant to abide by those rules to which they and other nations have sworn themselves.

Whether there is time, before the election for Prime Minister of Israel that you have called for February, to accomplish these things, or even to make enough progress toward them that your Israeli public will be prepared to put its trust in you rather than your opponent (presumably the infamous Sharon), I truly cannot foresee. Would the Israeli public really be ready to accept the rule of law, if it truly meant a reliable peace? Could the Palestinian leadership and public, given the bitterness of their experience of you, be brought, within so short a time, to place its trust in Israeli assurances to that effect? I can see no other way that you can avert immeasurable disaster for your own people, for the Palestinians, and for all those others, particularly the Arab populations all around you, whose life is framed around these questions.

I give you my negative judgments here with great affection. I wish only the best for you and for your people, as also for the Palestinians and all those others who will be affected by your actions over these next two months. I shall be writing to President Clinton as well, and again to Mr. Arafat, and enclosing those letters here with this one for your information, as I will enclose this letter also to them. With every assurance of my prayers and any other effort I can make for peace among you, I am

sincerely yours,



Raymond G. Helmick, S.J.

362



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

December 10, 2000

President Yasser Arafat
Palestine Authority

Dear President Arafat,

Salaam!

When I wrote to you on December 1st I intended to write immediately to Prime Minister Barak and to President Clinton, and promised to send you copies of what I wrote to them. I found those letters difficult to compose, and sat over my proposed letter to Mr. Barak several times (it had several dates on it before I finally did it in finished form today). When yesterday he announced that he was resigning as Prime Minister, pushing the date for his proposed election (for Prime Minister only, not the Knesset) to February, I thought at first that the opportunity to bring things back to more fruitful negotiation had been lost. However, on reflection, I see that opportunity as narrower but still possible. Consequently I wrote my letters both to the Prime Minister and to President Clinton today, and attach them with this letter.

From the start, I have felt that the condition of success for the Palestinians would be that the violence of the Al-Aksa *intifada* be contained, that you manage to turn what has so far been an unbridled outpouring of Palestinian rage (less violent, of course, than the massive and deadly Israeli response) into a disciplined and mobilized non-violent protest. That has not yet happened, and the response to Barak's resignation that we heard attributed yesterday to Marwan Barghouti, that the Palestinian *intifada* had brought down the Israeli government, will only contribute further to embitter the Israeli public. As I wrote on December 1st, it is especially Barghouti, and with him Mohammed Dahlan, good men both, that you need solidly with you to break this cycle of violence.

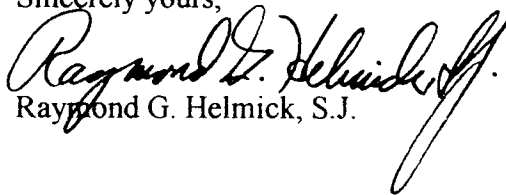
I am convinced, not only that every bullet, and to a lesser extent every stone, in this *intifada* lessens your prospects of success in gaining the just objectives of your people, but that in fact a rigorously non-violent mobilized protest movement by the Palestinians will ultimately be successful against either Israeli party, Labor or Likud. The tremendous success of the earlier *intifada*, in fact, came while Likud Prime Minister Yitzhak Shamir was still in power, though it brought about the election, soon after, of Yitzhak Rabin. The present *intifada*, if it fails to lead to new negotiations on the basis of the rule of law, will delay any relief for your people for the duration of a government that might well be led by the infamous Ariel Sharon, and cause them great and unnecessary further suffering.

I feel sure that a disciplined and non-violent *intifada*, even so, would defeat a Sharon. But if it comes to bombings by Hamas, as it might, you will lose definitively.

President Arafat, December 10, 2000 – 2

But I have spelled out the main burden of my thoughts in my letter of December 1st. I wish you, as I did Prime Minister Barak, all success in winning peace and safety and all their rights for your people. The letters I have just written to Barak and to President Clinton are attached. You get these by e-mail, through the good services of Issa Kassissieh at Orient House. The letter to Prime Minister Barak will go by Express Mail tomorrow, and President Clinton's by ordinary American mail. He will be away on his visit to Ireland, another engagement for which his great mediating talents are most important. So you will actually see these earlier than either of them.

Sincerely yours,

A handwritten signature in black ink, reading "Raymond G. Helmick, S.J.", written in a cursive style. The signature is positioned above the printed name.

Raymond G. Helmick, S.J.



364

JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

December 10, 2000

President William Clinton
The White House
Washington, D.C. 20500

Dear President Clinton,

Christ's Peace!

The situation between Israelis and Palestinians has deteriorated far beyond what you, more even than others of us, must have hoped. Personally I think it unfair to blame you, as some have done, for rushing the negotiation, at Camp David, faster than it could be made to run. I sent you, at the time, my assessment of what had happened (letter of August 4), and copies of what I wrote then to Prime Minister Barak and Mr. Arafat (letter of August 22). Both of them sent, through aides, kind acknowledgements of my letters. I've written to both of them again, twice to Arafat, and as I believe I should always inform you of anything I send them, I enclose copies of those letters.

The underlying fault I find in the United States role in the summer's efforts, as I have written to both, is that it has not followed or insisted on the rule of law, which, I believe, is the only basis on which true agreement can be reached between these parties. I won't repeat, in this letter, all that I have written to them, but as regards United States policy, this has been the besetting fault that, for many years, has voided all American efforts to mediate peace in the Middle East.

As I wrote to them, successive Israeli governments, ever since 1948, have taken it for granted, and made it the basis of their policy, that Israel would be exempted from the laws that govern other nations, and that the questions between it and the Arabs, including especially the Palestinians, would be decided by the preponderance of military force. That is directly contradictory to the treaty obligation Israel and every other nation that has become a member of the United Nations incurred by accepting Article 2 of the United Nations Charter. Israel was also required, as the condition of its receiving membership in the United Nations early in 1949, to subscribe to General Assembly Resolutions 181 of 1947, which authorized its own creation as a Jewish state in Palestine *along with* the creation of an Arab state, and 194 of December 1948, which authorized the return of all refugees from what was the War of Independence for Israelis and the *Naqba* for Palestinians to return to their homes *to live in peace*, or if unable or unwilling to do so to receive due compensation.

The 1967 Security Council Resolution 242, which everyone cites as the legal basis for any genuine settlement of the conflict, reinforced in 1973 by SCR 338, draws explicitly on Article 2 of the Charter as the basis of its demand for return of conquered

President Clinton, December 10, 2000 – 2

territory, though this time with a condition not applied when other countries were required by international judgment at the UN to return captured territory (e.g., North Korea, Israel in Lebanon – SCR 425 – or Iraq in Kuwait). Israel was required to return land only in exchange for peace (i.e., treaties with the countries it had fought in 1948).

A further legal obligation which Israel, as an occupying power, incurred from 1967 was adherence to the Fourth Geneva Convention, according to which it is forbidden to expel citizens from the occupied land, violate their human rights, or most notably to colonize their territory with its own citizens. All these provisions have been notoriously and increasingly violated ever since 1967. Israel commonly argues that the Fourth Geneva Convention, to which it gave its free assent, somehow does not apply, but the Security Council has several times (notably SCR 242 and 1322) based its demands on Israel on the judgment that the Fourth Geneva Convention does indeed apply.

Since 1967, though, the United States has, with only occasional hesitations, concurred with Israel in exempting it from the implementation of all these rules of law, providing the shield of its veto in the Security Council against repeated efforts by nearly all other nations to enforce them. With full determination, on my own part, to protect Israel from harm, I believe our country has in this way done a terrible disservice to Israel, to its safety and to its moral standing among the nations, while also doing grave injustice to the Palestinians.

This year's negotiations have been different. I credit you, Mr. President, with having recognized, to a degree that none of your predecessors have, the right of the Palestinians to have a country of their own, with due guarantee of Israel's safety, and the need of Israel, for its own good, to facilitate that. We could see it in your standing with Prime Minister Rabin, in your repulsion from the negative policies of Prime Minister Netanyahu, and your support of Prime Minister Barak in his giving full priority, for his time in office, to establishing a lasting peace with the Palestinians. Prime Minister Barak himself also deserves full credit for his efforts in this regard. But the defect in the effort, as seen especially at Camp David this summer and in the judgments you and the prime minister stated of its apparent failure, was that it was not yet based on the rule of law. Instead, you and Prime Minister Barak judged between you that the offers he made to the Palestinians this summer (or, more accurately, discussed) were more than generous, better than anything any Israeli Prime Minister had offered before, and that it was simply wrong-headed of Arafat not to take what he was offered and be satisfied.

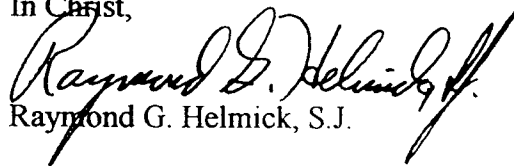
In practice, that meant that the Palestinians were never really parties to the negotiation. Like practically everything that had preceded it, this was a negotiation between Israelis and Israelis, between those who wanted to offer something, those who wanted to offer more or less, and those who wanted to offer nothing at all. It recognized, with American concurrence, no other right for the Palestinians except to take what they got and say thank you.

President Clinton, December 10, 2000 – 3

I've been over this ground in my letters to both Prime Minister Barak and Mr. Arafat, which are enclosed here, and will not bore you with further repetition. Questions of trust are central here for both sides, and there is an initial requirement to stem the tide of violence that has engulfed both since the day (September 28th) when the despicable Mr. Sharon made his provocative heavily-armed incursion onto the Temple Mount/Haram al-Sharif. It would be the height of irony if he, for his trouble, became the arbiter of whether the Middle East goes on to peace or enduring warfare.

You meanwhile, President Clinton, have long proven yourself the best mediator, the most committed to breaking through to agreement and peace and the most skillful, that we have had in the Presidency, certainly in my (69-year) lifetime. That is saying much, given that Jimmy Carter preceded you in the office. If you don't make this work, neither one of your likely successors is likely to do it. There is small time for it. I really believe that this rule of law principle is the key to it. That is not abandonment of the Israelis. It is their one hope of reaching the peace.

In Christ,



Raymond G. Helmick, S.J.



December 26, 2000

President Yasser Arafat
Palestine Authority

Dear President Arafat,

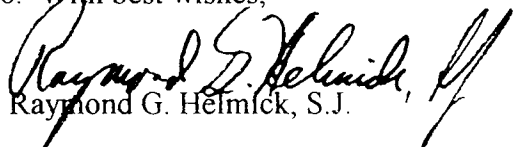
Salaam!

Tomorrow, Wednesday, when President Clinton is looking for responses from you and Prime Minister Barak to his proposals of last week, is a critical day for the relation between your peoples and the hopes for a just peace.

When I wrote to you on December 1st, taking the line that any true agreement must be based on the rule of law, citing various key international judgments from Article 2 of the UN Charter through the recent Security Council Resolution 1322, I suggested that the Israelis needed to know in advance what would result from their acceptance of that rule of law, just as you need to know, in the period of our conversations and much correspondence between 1985 and 1988, what would result from your accepting the three famous preconditions to dialogue with the U.S. I would reaffirm that now, in the context of the following.

I don't know whether this last-minute intervention by President Clinton will succeed or not. I hope it may, and would not want to see you act on it other than in those terms of the rule of law. There could only be yet deeper chaos in your region and more suffering for your people if you failed to uphold that. But I am concerned that your response to the Clinton proposal should be positive. I believe you should be stating those principles of the rule of law as fundamental conditions, but the conditions on which your answer to Clinton is yes. My point is that, if this initiative of President Clinton's fails, it should be because the Israelis say no, not that you say no. Your proposal, inclusive of all necessary conditions, should be a positive one, to them and to President Clinton.

That means assurance that Israeli acceptance of the Right of Return proclaimed in General Assembly Resolution 194 will not entail practical dismemberment of the State of Israel, as would be the case of every Palestinian family returned to places of origin, but that the practicalities can be determined by agreement. It is probably too late to set out the details of such an agreement before the deadline of this round of talks, but it can be agreed in principle. It is not the objective of the Palestinians to regain all the land lost in 1948, but to have a State in the West Bank and Gaza, and satisfaction of the rights of those who suffered injustices ever since 1948. With best wishes,


Raymond G. Helmick, S.J.

368

E-mail to Issa Kassissieh, January 3, 2001

Dear Issa,

I was glad to see that President Arafat had his two long sessions with President Clinton yesterday. I hope they were helpful.

I wanted to take note, though, of an advantage that has been left to the Israelis, unfairly in my view, in all the reporting of the negotiations, even through everything that was said yesterday and in today's newspapers here.

The constant report is that the Israeli government has accepted the Clinton bridging proposals in principle, conditioned only on the Palestinians doing the same. This is said despite Prime Minister Barak's repeated statements in which he explicitly rejects what the Clinton proposals say about the Haram al-Sharif. The Palestinians, on the contrary, are always reported as withholding their acceptance in principle, raising reservations about them, etc.

I wrote this already to President Arafat last week, sending it by your e-mail, that the answer to Clinton should be "Yes, but...", as the Israelis' is. All the reservations and questions and demands for clarification can be included under a "Yes, but...", and the advantage gained of having made a positive response rather than a negative one.

Best wishes,

Ray Helmick, S.J.

E-mail from Issa Kassissieh, January 4, 2001

Issa Kassissieh wrote:

Hi Father Helmick.

First and for all Happy New Year. I hope you still remember me in your special prayings for God.

We received your first letter to President Arafat, which was full of directions and advices. We passed to Mr. Hussein. Anyhow, we are in process on working in details, and with maps on our reservations. I expect that early next week we will conclude the paper and will pass it to you. The other day I had meeting with Mr. Michael James, an assistant Executive Director, of the Association of Catholic Colleges and Universities. It seems he knows you.

Mr. Hussein was invited by Harvard Univ, Dr. Herbert Kelman. We are thinking to visit the States in February. The moment we decide on the exact day, we will be more than glad to inform you. We believe that it is important that we have meetings with the new administration.

Best Regards

Your son

Issa K

Reply:

Dear Issa,

Good to hear from you. I see from yesterday's news that President Arafat has indeed given the response I was hoping for to the Clinton proposals, the "Yes, but..," just as the Israelis had done. I think that important, so that it can't be said that the Palestinians were the ones to say no. I too am very aware of the deficiencies in the proposals.

As I hear it, the Israelis are very apprehensive of the whole concept of taking responsibility for what happened to the Palestinians in 1948, or (to them the same thing) admitting Palestinians back into green-line Israel. They seem not to hear what Palestinians are saying about determining the modalities after an Israeli admission of the principle of law. I understand their anxiety about having a Palestinian population in Israel itself that would soon outnumber them.

I wrote, in my December 1 letter to Arafat, that I found them in the same sort of situation he was in back in the period 1985-88, when I saw much of him in relation to the three famous pre-conditions. He had to know in advance what response he would get when he accepted them, as he might have been told, by Israelis and Americans, that everything was settled then and there was nothing further to discuss. I put in my three

E-mail exchange, Issa Kassissieh, January 4, 2001 -- 2

hard years work, eventually with William Wilson and Stan Scheinbaum, to get that prior information. The Israelis need that sort of prior information now, to be sure that, if they acknowledge GAR 194 as law, binding them, they will still have a Jewish state, that it will not suddenly disappear from under them. I keep repeating that formula that the West Bank and East Jerusalem, the right of return and all those things are not property of the Israelis, to give or not to give, but instead belong by right (by law) to the Palestinians, to make some practical concessions (by freely negotiated agreement) or not as they see fit. The Israelis need to know in advance what you will agree to.

I've been reading Hroub's book on Hamas, and seeing their distinction between the historic solution and an interim solution, and their rejection of a PLO/ PA readiness to accept partition as permanent and not insist on their "historic solution." I take it as true that the PA does not propose dismembering or destroying the state of Israel, but accepts the partition into two states. There must be a lot of popular pressure now in favor of the Hamas position, and it is up to the PA to hold fast to its own position. I agree with the formulas I'm hearing, that the right of return must be recognized by Israel. I doubt that many Palestinians would actually return to live in what are now entirely Israeli surroundings, and have been urging for a long time that the PA find out how many to expect and then (freely!) agree some guidelines of the implementation.

I'm glad, also, to hear of your map work, of your insistence that Palestinian territory not be cantonized, that for any West Bank settlement land that goes to Israel there must be Israeli land equal in extent and in value given to the Palestinians. That is the real work of negotiation, and there is no reason to accept demands from either Barak or Clinton that you just accept what the Israelis choose to give.

I will look forward to seeing you and Mr. Hussein, and hope it will be in February. Herb Kelman is a wonderful person to be dealing with, as you must know very well. I will pass on word to Fr. Bill Leahy, the President here at B.C., that you will be here around that time, and let him know further when you have a more exact date.

Best wishes,

Ray Helmick, S.J.



January 8, 2001

Ms. Condoleeza Rice
National Security Adviser-Designate
C/o Bush-Cheney Transition Team
1800 G. Street, NW
Washington, D.C. 20270

Dear Ms. Rice,

Christ's Peace!

The whole Middle East crisis will descend on your shoulders in less than two weeks. It is something I have dealt with over a great number of years, communicating directly with Arafat and the whole series of Israeli Prime Ministers regularly since 1985, and with all the American Presidents concerned with it since Reagan. Since I've written a lot lately, I thought you should have the most recent things, letters I've sent to Arafat, Barak and Clinton in December, available. They have all gotten to their recipients quickly, the ones to Arafat by e-mail through Orient House, those to Barak by Express mail.

I've been addressing particularly two of the many problems, the refugees and the Old City. Context for what I've written has consistently been the need to settle these questions within the rule of law, without which they are left in anarchy.

On the refugee problem, I have taken the view that the rule of law calls for the right of return for Palestinians, but that a practical solution must be found so that it doesn't wreck the State of Israel. Back in the period 1985-88, as I kept urging on Arafat the acceptance of the three famous preconditions for dialogue with the U.S. (and, we had hoped, with Israel), he needed to know in advance what response he would get to such an acceptance. I worked for three steady years, eventually in association with William Wilson and Stanley Scheinbaum, to get him that advance knowledge. I've argued to him this year that the Israelis are in an analogous fix. There can be no peace that neglects the right of return specified, among other places, in GAR 194. The Palestinian and Arab publics would never accept such an arrangement as peace. But the Israelis cannot accept 194 without knowing what the Palestinians would then agree to as a practical solution, in a free negotiation that acknowledged their right.

My December letters do not take up the Jerusalem question. Consequently, I will enclose also an advisory paper that I sent to Orient House on July 20th. I argued there that the sovereignty question should not be argued over the Temple Mount/Haram al-Sharif, as that is too narrow a ground, too embroiled in the most dangerous passions of religious exclusivism, but that the Old City should instead be dealt with as a whole.

372

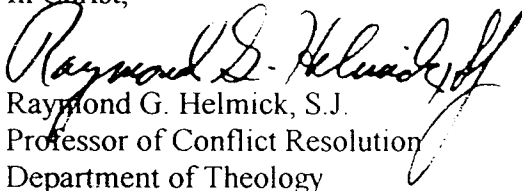
Ms. Condoleeza Rice, January 8, 2001 – 2

Competing religious claims so often inflame conflicts. I've looked over many years for ways to get the reconciliatory elements of religion into play in various conflicts (this one, Northern Ireland, Lebanon, the Balkans among others). In Jerusalem, I could envision the parties agreeing to a shared sovereignty, but not over the narrow ground of the Herodian platform. I think they could do it for the walled city, putting it under an authority accountable to both Israelis and Palestinians. The business of the Old City is pilgrimage and souvenirs, for two peoples and three faiths. The streets need to be cleaned and kept safe, light, water, phones etc. provided, the interests of each people or faith protected from interference by the others. The talk of an international status, as in GAR 181, died many years ago. The only international parties that can stake claims now are the Israelis and Palestinians themselves, though the international community could be guarantors of what they would agree between themselves.

The rest of the Jerusalem question, basically two items, areas of territorial sovereignty and provision for the capitols of two states, both entirely secular matters, could thus be insulated from the religious concerns and protected from the passions connected with them. I bring this up because I think the formulas more recently under discussion (e.g., sovereignty on top of the Temple Mount for Palestinians, underneath for Israelis) cannot be agreed by the parties, and have therefore become obstacles to an overall agreement.

I would gladly provide you documentation of my interventions in this conflict over the whole of that time since the mid 1980s – I gather the papers together each year for my students -- but I believe these are the principle current concerns that will land so heavily on your desk on January 20th. I'm glad to see you in this job and wish you well in this and all your important work. You will be in my prayers.

In Christ,


Raymond G. Helmick, S.J.
Professor of Conflict Resolution
Department of Theology
Boston College



May 31, 2001

Secretary of State Colin Powell
Department of State
Washington, D.C. 20520

Dear Secretary of State Powell,

Christ's peace!

The death this morning of Faisal Hussein entails not only great loss for the Palestinian people but a serious danger for the peace. This should concern our policy makers in the United States.

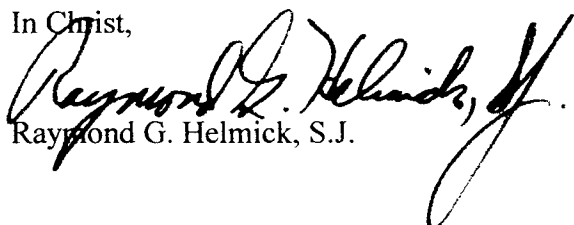
Your predecessor, James Baker, so much appreciated the leadership of Mr. Hussein for the peace, and the importance of Jerusalem in the relation between Israelis and Palestinians, that he enshrined the position of Orient House, as representation in Jerusalem of the PLO (never of the PA), in the agreement that created the Madrid Conference. The Clinton administration, too, on the several occasions when Prime Minister Netanyahu's government sought to close down Orient House, recognized its importance for the peace and insisted on protecting its status.

Now, with Mr. Hussein's death, the forces in Israeli society represented by Jerusalem Mayor Olmert, Prime Minister Sharon, Party Leader Ze'evi and government Minister Avigdor Lieberman are likely to seize the occasion to shut down Orient House and reinforce Israeli claims to all of Jerusalem.

Faisal Hussein and Palestinian claims on East Jerusalem have stuck in Israeli throats for many years, but the suppression of those claims, or a *coup de main* negating the symbols of them, would in no way serve the interests of peace. It would contradict the interests of the United States if such a thing were permitted at this critical time.

Faisal Hussein, with all his immense popular standing, spoke for mutual understanding and reconciliation with Israelis as few Palestinian figures could. It is of great importance that the Palestinians be encouraged to find a worthy successor -- I shall be writing to Mr. Arafat of that and will provide you a copy --, and that the status of Orient House, as a base for such constructive work, be carefully protected by the United States.

In Christ,


Raymond G. Helmick, S.J.

374



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

August 10, 2001

Secretary of State Colin Powell
Department of State
Washington, D.C. 20520

Dear Secretary of State Powell,

Christ's peace!

The seizure yesterday of Orient House may well have the most serious import of all the day's tragic events in the Middle East. It is a direct defiance of something that has been central to United States policy ever since 1991, when Secretary of State Baker made the establishment and guarantee of Orient House one of the principal underpinnings of his work to convene the Madrid Conference. I want to urge on you that it is important for the United States to challenge this action.

You may recall that I wrote to you on May 31st of this year, after the death of Faisal Husseini, the most terrible loss imaginable for Palestinian leadership, asking that there be continued American protection of the status of Orient House as a symbolic base from which to continue Faisal's extraordinary work in promoting understanding and reconciliation with Israelis as few Palestinian figures could.

Contrary to much that is being said by Israeli government sources just now, Orient House is not and has never been an organ of the PA. It was, from its beginning when Faisal made the first feelers that were at the root of Palestinian readiness to take part in Madrid and eventually Oslo, a Jerusalem headquarters of the PLO as such, long before there was any such thing as a PA. It had U.S. guarantee as a necessary base for negotiations, and that guarantee was upheld all through the time of Mr. Netanyahu's government, which tried repeatedly to shut it down. In practice, it has served both as a planning center for Palestinian negotiation, very seriously peace-oriented at all times, and as a welcome meeting place between Palestinian leadership and those Israelis most determined to make the peace. Not only Faisal himself but also his highly trained staff, which is still in place, have acted consistently as promoters of understanding and peace.

Apart from the technicalities of its status, Orient House has represented, for Palestinian consciousness, not only their most constructive efforts toward peace but a Jerusalem home for those efforts, something of deepest significance for them, as central a symbol, a secular symbol, of their aspirations for standing in Jerusalem as the religious sites themselves. To take that from them is likely to produce more deleterious effect, in creating despair and provoking further violence, than almost any other action that could be taken by the Israelis in revenge for yesterday's terrible bombing attack. Collective punishment is already familiar, but the closure of Orient House will still be able to shock.

Secretary of State Powell, August 10, 2001 – 2

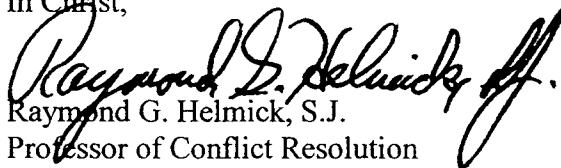
As one long familiar with the Middle East situation, engaged in “Track 2” contact with both Palestinian and Israeli leadership for many years, I tend to take a more dismal view of Prime Minister Sharon’s government and his apparent intentions than has the Administration’s policy, at least in its public statements. I do believe that Mr. Sharon’s action of last September 28th had most immediate effect in igniting this “second intifada,” taking advantage of the tinder that was there beforehand, that this had to be obvious to him as he planned that action and consequently that it was done with full deliberation, and the intent of producing exactly the result that it has.

The tremendously repressive way he has responded to the resulting violence has, I believe, been calculated always to ratchet up Palestinian rage every time that efforts at calm have threatened the escalation he has sought. Rather than hold Mr. Arafat and his PA responsible for every act, I truly believe that Mr. Sharon himself, and his lieutenants, have consciously provoked increasing Palestinian violence. His objective, it appears to me, is to gain rationalizations for an ever increasing repression, right up to the point of attempting the kind of full ethnic cleansing that his right-wing critics keep calling for, and that has actually been the consistent thread of his own life’s work. I would hold him responsible, even, for using innocent Israeli lives simply as bait for his ambitions.

I’ve known, and related closely to Israeli Prime Ministers and peace activists for whom I have the greatest respect, and am as much committed to the safety of Israel as I am to that of the Palestinians. It does distress me to see blame heaped and demands made primarily on the Palestinians, when they are so clearly the weaker party in a situation of drastic disparity of power, which cannot be resolved, for the good of either party, without addressing that disparity. In that context, I hope the United States just now will stand up for the status of Orient House, as has been its policy ever since 1991. I would see the reversal of its seizure as the likeliest possible thing to reassure the Palestinian public that they are not about to be victimized in yet more extreme ways, and put some curbs on the violent plans of Mr. Sharon’s government.

With all best wishes,

In Christ,



Raymond G. Helmick, S.J.
Professor of Conflict Resolution
Boston College
Senior Associate
Program in Preventive Diplomacy
Center for Strategic and International
Studies



August 20, 2001

Prime Minister Ariel Sharon
The Knesset
Jerusalem
ISRAEL

Dear Prime Minister Sharon,

Shalom!

For many years now I have been in close communication both with your adversaries, including Mr. Arafat, and many of your predecessors as Prime Minister, always seeking ways of reconciling the interests of your two peoples and finding peaceful ways for them to relate to one another. As Israel and the Palestinians sink deeper, these days, into violent hostility, I still believe your differences are reconcilable. The safety of Israel and the human rights of Palestinians are equally of concern to me.

As far back as 1990 I wrote to Prime Minister Shamir about the poisoned relations between your peoples, and how dangerous that was to the safety of Israel itself. He, like you, had devoted a lifetime to the building and securing of the Israeli state and society.

Israel's safety might be predicated on the strength of its defenses, or on the friendship of its neighbors. Shamir would know enough, I was sure, to distrust anyone who advocated reliance only on friendly relations with neighboring states. He should be equally distrustful, I believed, of anyone who sought the safety of Israel only in superior armaments and the making of Israel into a fortress in defiance of all its neighbors. That was because the military superiority of a few million Israelis over a sea of Arabs could only be a temporary phenomenon, impossible to maintain over any length of time significant in the life of a people. To allow Israel to be a hostile foreign implant in the Middle East was to doom it to eventual destruction. Military defense could not be neglected but, if the friendship of the neighboring Arab states were once truly secured, those military needs would look much different than they do at present.

That is a long-term view of what could be Israel's troubled future, one perhaps for the next fifty years. In the short term, current levels of violence make life in your country terribly uninviting for the Israeli public while wholly impossible for the Palestinians. As the punitive raids on Palestinians and their territories increase, to the point where the Palestine Authority could actually collapse, regional war with the neighboring countries becomes a strong possibility. Only the prospect of their defeat by Israel would hold them back if the Palestinians were crushed, and it is doubtful if they could refrain in the face of an enraged public opinion. We all have to dread that, in that event, you would make use of Israel's nuclear arsenal, with devastating effect on the interests of the entire world.

Prime Minister Ariel Sharon, August 20, 2001 – 2

It has been a presupposition of your government, from its beginning, that any action by any Palestinian is carried out under the direct responsibility of Mr. Arafat. Your responses have consequently been calculate to undercut Arafat's authority within his community at every point, and have made it constantly less possible for him to bring the anger among Palestinians under control so as to prevent violence.

Your thesis has been that Arafat deliberately chose a path of violence after rejecting what he should have seen as a generous offer last year. Having dealt closely with him, through several visits and much correspondence ever since 1985, I seriously question both points of that assessment: that the violence is a matter of his choice, or that he rejected an adequate offer.

My experience of Arafat has led me to respect him as the one who, over the time of his chairmanship, led his people to accept the Israeli state and the right of the Jewish people to that state alongside a Palestinian state. That had required both that he continue learning new things while actually in a position of power – a rare accomplishment for any leader – and that he guide his extremely complex followership, involving all constituent organizations of the PLO plus two quite separate bodies of public opinion, among the resident population under occupation and the diaspora population in exile, through all the steps necessary for that same conclusion. I will admit to grave disappointment with his leadership of the Palestine Authority. Nothing in his previous experience prepared him for the administrative demands of what aspired to be a democratic society. But that he has reversed the conclusions of his life's work and decided to run what can only be a losing war of attrition instead – that I do not believe at all.

No one other than Arafat has the authority to quell the Palestinian uprising or direct it into fully non-violent ways. It has appeared to many of us that, each time there is any threat of the outbreak of peace, your forces have undertaken some action – the killing of Palestinian leaders by helicopter gunship attacks or sabotaged telephones, the seizure of Palestinian territory or, recently, the highly symbolic Orient House office, the tank incursion into Jenin or many other actions – calculated to unleash further uncontrollable anger among the Palestinian public and make Arafat's task of curbing it impossible. The threat, terrible to all your Israeli citizens, of suicide bombings is increased rather than diminished with every such action on your part. For myself, I have genuinely suspected you, who promised Israel an end to this violence, of treating your own citizens, cynically, as mere bait for these bombers. I have wondered whether your intention is to prepare Israeli and world opinion to accept a cataclysmic campaign of ethnic cleansing on your part, the thing that Kach and others in Israel have tried to disguise over the years under the euphemism of "transfer."

That means there is an asymmetry between Palestinian and Israeli actions in this tragic slide into violence. It is not a simple tale of Palestinian provocation and Israeli response. Instead, Palestinian actions are fundamentally those of enraged individuals

Prime Minister Ariel Sharon, August 20, 2001 – 3

or rejectionist organizations, of which Mr. Arafat's Palestine Authority, of its essence, is not one, whereas Israeli actions are uniformly the considered actions of government. The only exception to that is in the savage depredations of Israeli settlers against Palestinians, both in Gaza and in the West Bank, which you have controlled no better than Arafat has controlled the savageries of angry Palestinians.

As for the adequacy of the offer made to the Palestinians during or after the Camp David negotiations of last year, or the much more positive, though catastrophically late, last-minute Taba consultations early this year, I cannot accept that they represent callous Palestinian rejection of offers for which they should have been grateful.

I'm sure you have heard all the Palestinian arguments about what was lacking in the Camp David proposals, and know also how close to agreement the two sides came at Taba. As I would understand it, there was something fundamentally wrong, for all the genuine progress that was being made and the new ground broken, in the process going on at Camp David. Defining that defect, I believe, gives the best clue to making a resolution of your mutual conundrum possible.

You have spoken yourself of this current confrontation as a continuation of the war of 1948. We all have sympathy for the embattled Israel of that year and that war, struggling to establish its existence. Israelis remain constantly conscious of that effort, but commonly close their minds to the *naqba*, catastrophe, that Palestinians then suffered. This unfinished business lies at the heart of the intolerable conditions you both suffer now.

Ever since 1948 Israel, precious and necessary state that it is, has regarded itself as excepted from the responsibilities of international law, as regards the Palestinians. In their consciousness of the enmity and resentment both of the Palestinians and of the other Arab societies, Israelis felt they could ignore such constraints. The United States, after first striving to compel Israel to observe those constraints of law, as in Eisenhower's insistence on retreat from Egyptian territory in 1956, came normally, after the 1967 war, to concur with Israel in exempting the country from those obligations of law, only very occasionally and half-heartedly exhorting Israel to observe those restraints, more often vetoing any proposal in the UN that Israel might find awkward.

First Prime Minister Rabin and then Prime Minister Barak changed the process quite radically, in determining that Israel had to have peace with the Palestinians, and that rather than overwhelming and destroying Palestinian society they had to see that the Palestinians had something real. They initiated and then carried on the Madrid and Oslo programs, and in fact met a ready positive response from Palestinian leadership and public opinion. What we have called the first intifada was itself the proof that Palestinian opinion had come to accept and sought to live alongside the Israeli state and society. Its protest was not against Israel, but against occupation.

Prime Minister Ariel Sharon, August 20, 2001 – 4

What has followed, though, has not been negotiation between Israelis and Palestinians. The supposition remained that Israel would give, of its own volition, something of genuine value to the Palestinians, and the Palestinians would take what they got. Negotiation was therefore between Israelis and Israelis, between those Israelis who wanted to give something, those who wanted to give more and those who wanted to give nothing at all. The Palestinians were never party to the negotiations. Even President Clinton, while anxious that what was given to the Palestinians should be generous, concurred in that formula. It was entirely for Israelis, with American support, to decide what Palestinians should have. They themselves would have no effective voice.

This left unaddressed the whole series of major legal responsibilities that Israel had, from the 1948 beginning, and with eventual United States concurrence, evaded. First among them is the renunciation of any acquisition of territory by force that is Article II of the United Nations Charter, to which every signatory nation has given assent. Then the territorial requirements of Security Council resolutions 242 and 338 are explicit applications of Article II of the charter, though with the compromise provision that land should be returned only in exchange for treaties of peace. Add the requirements of General Assembly Resolution 181 that both an Arab and a Jewish state be established in what had been mandatory Palestine West of the Jordan, and of Resolution 194 for a right of refugees to return to their homes *to live in peace* or, if that were not possible, to due compensation. Acceptance of those two resolutions was an explicit condition for the 1949 admission of Israel into the United Nations. Finally the Fourth Geneva Convention prohibits the colonization of occupied territory. There are many other detailed provisions that have force of international law, but these are the substantial.

These have importance in themselves for any nation that wishes to live within a culture of law rather than brute force, but also because this quarrel is so bedeviled by a massive disparity of power. Israel can only live in peace, and have peace from, a nation with which it lives on a basis of equality before the law. Because the relation, for so many years, has been based solely on superiority of military force, while law has been so utterly neglected, the Palestinians find themselves subjected to absolute Israeli control over their lives, and respond accordingly with desperate efforts to free themselves. Those actions of despair, what you define simply as terrorism, are bound to continue so long as the disparity deriving from that scornful dismissal of law continues.

I realize it must be a terrifying proposal that Israel should place itself on a level of equality with Palestinians. To put the resolution of the Israeli-Palestinian conflict on the grounds of law rather than superiority of military force would in fact overturn -- not reverse -- the fatal disparity of power that turns every Israeli action into a *Diktat*. Your two sides would confront each other on a level field, the outcome to be determined by principles of justice, which are not against either the one or the other of you. Last year's negotiations, unsuccessful and inadequate though they were, should offer, in what they did accomplish, reassuring proof of this.

Prime Minister Ariel Sharon, August 20, 2001 – 5

It has become the fashion, in Israel and in much of the U.S. media, to claim that the Palestinians made no real response to the Barak and Clinton proposals during those negotiations. There are, however, extensively documented responses that took each of the proposals seriously, pointed out what the PA found insufficient and made counter-proposals. By the time of Taba, the differences between the two sides had narrowed significantly.

The most alarming features of such Palestinians demands as were based, as I have been discussing here, on these matters of international law have been the Right of Return as based on GA Resolution 194 and the dismantling of West Bank and Gaza settlements, as prohibited by the Fourth Geneva Convention. On both of these matters, the Palestinian negotiators have consistently made clear that their demand was that the basis of law be acknowledged and accepted, that historic Israeli responsibility for the damage done to Palestinians be admitted. If granted that, they remained ready to negotiate agreements on the basis of reality. For instance:

They have not ambitioned return of refugees in a way that would overturn the achieved demography of Green Line Israel, however much they call for Israeli recognition of the damage done to Palestinians in 1948.

They recognize that the key phrase of Resolution 194's statement of a right of return is "*to live in peace*," a condition that could not be realized if the very demographic basis of Israeli society were challenged.

They have been ready to negotiate minor adjustments to the border and the presence of some Israelis within the bounds of a Palestinian state, under Palestinian law and protection, though not the territorial dismemberment of the Palestinian state into Bantustans.

Even the troubled question of Jerusalem, though not much addressed at Taba, has seen constructive proposals and negotiation and been shown as far from intractable.

The recommendation I embody in this analysis of your situation is that Israel accept its actual obligations under international law as the basis for resolving its conflict with the Palestinians, and consequently with the other Arab societies around it. This constitutes a tremendously desirable goal for Israel itself. We have heard so often about Israel living in "a dangerous neighborhood." The danger has been created by Israel's own history, and precisely, I believe, by this disregard of obligations of law that has been the norm of Israel's existence all this time. I have long been aware of how claustrophobic life has been in Israel. Your people need the freedom to move about, among friends, in that Middle Eastern world that your mode of existence has so far made so dangerous for you. That freedom is available at your choice, to both your and your neighbors' advantage.

Prime Minister Ariel Sharon, August 20, 2001 – 6

But I have written of a fundamental change of outlook that would transform the relation between your two peoples. Essential to any balancing of their rights would be a different way for Israelis to see Palestinians and their other Arab neighbors. I read with great admiration the proposals made by the Gush Shalom group, in its "80 Theses," aimed at a reflection on the national myth in Israel.

For a cruel period of many years in Arab-Israeli relations we had to deal with the UN General Assembly resolution that "Zionism is Racism." All of us who love Israel had to fight that resolution to its eventual withdrawal, as its effect was to delegitimize the entire enterprise of Israel, to delegitimize the people. Palestinians were, at the same time, being delegitimized by the proposition that Palestinian = PLO = terrorist. I hoped, over a long period, that the retraction of those two slanders would be done simultaneously. Both were eventually retracted, though not in the parallel fashion I had hoped, which would have drawn attention to the equivalence between them.

In more recent years, despite the dissatisfaction both Israelis and Palestinians have felt with the Oslo principles, I have felt that Oslo represented one vast accomplishment that could not be retracted, namely that your two peoples, who had been unable to do this over their several decades of shared history, had come to acknowledge, publicly and formally, one another's legitimacy as peoples. For the three years of Prime Minister Netanyahu's government, I believed it was his central purpose to retract that recognition of Palestinian legitimacy. He was unable to do it, though he delayed the implementation of what that recognition made possible, in that way contributing to the accumulation of Palestinian disenchantment whose fruits you are experiencing at present. The most dangerous element of the current escalating spasm of violence, as I read it, is that the hard-won recognition of one another's legitimacy as peoples might now, from both sides, be lost.

But while Israel has formally recognized the legitimacy of the Palestinians as a people -- by plain implication entitled to life as a nation in a state -- the reality of life is still that Israelis, in government and in all areas of ordinary intercourse, regard what happens to Israelis as important and what happens to Palestinians as unimportant. Our public has been conditioned to regard any accusation of racism against Israelis as practically blasphemous, and this is passionately debated with regard to the Durban conference on racism, but there is really no other name for this basic supposition that what happens to Israelis counts and what happens to Palestinians doesn't. Zionism, of its nature, is surely not racist, and the pioneers of Zionism would rightly be outraged not only by such an accusation but by any conduct by Israeli Zionists that would give color to such an accusation. Yet this attitude pervades every element of Israeli life. Palestinians constantly have their faces pushed in it in every facet of their existence. And the actions and propaganda of your government feed this attitude at every point. I see no prospect that the wounds of this conflict can ever be healed or that Israel will be able to live at peace so long as this remains unaddressed.

382

Prime Minister Ariel Sharon, August 20, 2001 – 7

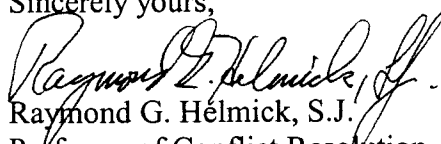
Prime Minister Sharon, I write you a long letter, and one so critical that it must make difficult reading for you. I hope it is clear to you that it is written from love of Israel as much as from concern for the rights of Palestinians.

Some years ago, after a heartfelt correspondence with Prime Minister Shamir, I had been greatly pleased to see the election of Yitzhak Rabin to that office. Yet I waited some time, as I have with you, before writing, and when I finally did, it was just after he had expelled several hundred troublesome Palestinians across the Lebanese border, with propaganda results dreadful for Israel. The letter I wrote him made as difficult reading as this one. At the conclusion, I told him that he would surely have on file in his office copies of what I had been writing, over some years, both to Yasser Arafat and Yitzhak Shamir, and would realize that when either one of them saw a letter from me, he would realize that he needed to sit down with a good stiff drink to read it. I heard afterwards, from those close to them, that Rabin had taken the letter in good part, largely because of that paragraph, and that Arafat, to whom I had sent a copy once Rabin had had time to digest the letter, had been both amused and rather scandalized that I should suspect him of violating the Islamic precept against drinking.

I look at your government, and your personal history, with more alarm than I did that of Yitzhak Rabin. But I hope you realize that I appeal to you in your humanity and in your full personal dignity and capacity for humane judgment, in which I do totally believe.

With all best wishes, and my prayer for your good, that of your people and of your opponents, I am

Sincerely yours,



Raymond G. Helmick, S.J.
Professor of Conflict Resolution
Boston College

Senior Associate
Program in Preventive Diplomacy
Center for Strategic and International
Studies
Washington, D.C.



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

August 20, 2001

President George W. Bush
The White House
Washington, D.C. 20500

Dear President Bush,

Christ's Peace!

For many years now I have been communicating directly with a series of U.S. Administrations -- President Reagan's, your father's and the Clinton Administration -- as well as with Mr. Arafat and other leading Palestinian figures and the series of Israeli Prime Ministers over that time, by visits and correspondence. The Middle East has become much a concern of mine, my sympathy with both sides and my effort to help both to find the peace.

The deteriorating situation there has become, despite your evident wish to stand back from it, a major conundrum facing your Administration. I am very aware of the difficulties of it, and the powerful pressures to which your Administration, like every other, is exposed. I have just written a lengthy letter to Prime Minister Sharon, the first time I have written to him. I enclose a copy here for your information.

Your desire, and Secretary of State Powell's, to act even-handedly, addressing your exhortations for good behavior equally to both sides, loses sight, I believe, of one very essential factor, which I point out in my letter to Prime Minister Sharon. It is really untrue to presuppose, as Israeli government statements and much of the American media consistently do, that every action of any Palestinian comes directly under the supervision and responsibility of Mr. Arafat. He is dealing with an extremely agitated Palestinian public over which he does not have total control. Efforts, over all the years of Israeli occupation, by Israeli authority to curb terrorism from Palestinian dissidents have had no more success than Arafat's, despite the full control the Israeli Army had over Palestinian territory.

Arafat's PA presides over territory in which even he himself is unable to move or communicate freely. His authority with his own people is diminished by every action of Israeli government that demonstrates his tenuous control over the region he supposedly governs. He faces dissent from rigorously organized and heavily armed rejectionist groups, Hamas and Islamic Jihad and several secular organizations besides. Efforts on his part to control them, arrest their militant members or put them out of business, which he periodically makes, especially after each major atrocity, further erode such authority as he has with his own people. He cannot afford to let it fall apart altogether.

President George W. Bush, August 20, 2001 -- 2

The people he attempts to govern have been exposed to unimaginable suffering and disillusionment. I spare you the details, because I'm sure you've heard them all. In the terrorist actions that continue to multiply, it is their despair that is having voice. And that makes it all the more misguided that the Israeli government's policy is to hammer them harder and tighten the screws further, not only when there is some particular act of outrage by Palestinians against Israelis, but even more conspicuously whenever there is a threat of peace breaking out, i.e., when Arafat has expended some bit of his tenuous authority in an effort to curb Palestinian violence.

Every military action on the Israeli side, by contrast, does come from deliberate policy decision by Prime Minister Sharon or other main officials of Israeli government and military under his immediate direction. Deliberate provocation appears to be an essential ingredient of this policy, to ratchet up Palestinian anger every time anything happens that might contribute to control it.

In writing to Prime Minister Sharon, I was at pains to point out the disparities between Israelis and Palestinians. This, the disparity between the ability of Palestinian and Israeli authority to turn on or turn off violent action at command, is among the most important. I heard your impatient comment last week, that "Chairman Arafat is not doing enough," recognized in it the pressures exerted on you to voice publicly disapproval of Palestinians but not of Israelis, whatever you may actually perceive, and felt that public account should truly be taken of this imbalance. That is not a matter of enmity to one side or the other. It is rather a recognition of the reasons things are deteriorating so drastically. I have even brought up to Mr. Sharon, in my letter, the interpretation to which his actions are open, that in these calculated provocations he deliberately exposes his own Israeli citizens to the danger of these terrifying suicide bombers simply as bait, to justify still more drastic action he wishes to take against the Palestinians.

These are unhappy topics. Having regularly written just as plainly to other Israeli Prime Ministers and to Arafat, I felt I should put this before Mr. Sharon. When I first wrote (1990), just this bluntly, to Yitzhak Shamir and got a positive response, Chief of Staff John Sununu, on your father's behalf, gave me all sorts of help in continuing the contact. One of the White House staffers at that time asked me on the phone whether I really thought Shamir would pay any attention, since at his age he had already had all the ideas he would ever have. I found he did attend to the ideas. I hope that correspondence may have played some part in his agreeing to enter into the Madrid negotiations. Surely Mr. Sharon deserves the same benefit of the doubt.

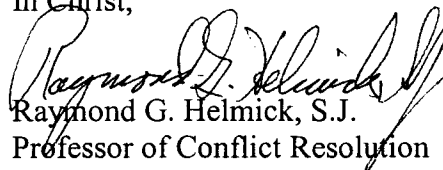
In assessing his basic trustworthiness, though, as against that of Arafat with his record as long-time Chairman of the PLO, I think the United States ought not disregard Mr. Sharon's life record. He has been the cruel, really unjust persecutor of Palestinians in the Gaza Strip early in his career. He is the instigator of the policy of heavy residential settlement of Israelis in the West Bank and Gaza from the time of the first Likud

President George W. Bush, August 20, 2001 -- 3

government in 1977. His intent, from the beginning of that enterprise, was to make the creation of a Palestinian state impossible forever -- the policy of "creating facts on the ground." He took the bit between his teeth and made the 1982 invasion of Lebanon a major incursion not envisioned by either Prime Minister Begin or his cabinet, and did not even inform them of the drastic nature of his plans until it was too late to reverse them. When that war turned into the disaster it became for Israel as well as for both Lebanese and Palestinians, Sharon took the familiar actions we all know regarding the Sabra and Chatilla refugee camps, for which he received Israeli official censure. His action last September 28th, leading a contingent of fully a thousand heavily armed men onto the Temple Mount platform to assert total political and military control has been described by the Mitchell Commission as not having been the *sole* provocation of the violence that has dominated the scene ever since. That is to acknowledge that the killing of Palestinian protesters the following day played its part alongside Sharon's provocative action, and that Palestinian frustration with all that had happened since Oslo provided the tinder for the conflagration. But the provocation by Sharon should certainly not be underestimated in assessing the causes of today's predicament. If indeed he did that just to steal the march on Mr. Netanyahu, and not to taunt the Palestinians, then he has to be adjudged thick as well as provocative.

I know I strain your patience with so long a letter as this. I did more so with Mr. Sharon. You have all my best wishes,

In Christ,



Raymond G. Helmick, S.J.
Professor of Conflict Resolution
Boston College

Senior Associate
Program in Preventive Diplomacy
Center for Strategic and International
Studies
Washington, D.C.

386

THE SECRETARY OF STATE
WASHINGTON

August 29, 2001

Dear Father Helmick:

Thank you for your thoughtful letter on Orient House and the current state of Israeli-Palestinian relations. Orient House has long symbolized the importance of political dialogue and reconciliation between Israelis and Palestinians. It is vital that both parties remain committed to these objectives and avoid actions which threaten the fundamental belief in a negotiated settlement and increase the risk of further deterioration. I have made these views very clear, both publicly and in our diplomatic discussions with the Israeli government.

Both sides should recognize that down the path of escalation and retaliation lies disaster. In this time of heightened tension, I continue to urge Israelis and Palestinians to refrain from incitement and provocation, and to take immediate steps to restore an atmosphere of restraint and calm. At the same time, the Palestinians must do more to stop the violence, preempt attacks by suicide bombers, and arrest those responsible for the violence.

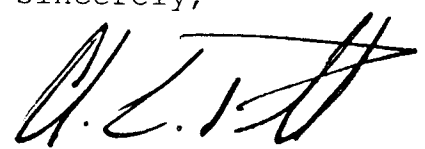
We remain deeply engaged in this process, and are in close contact with both sides, trying to find ways to restore a sense of trust between them.

The Reverend
Raymond G. Helmick, S.J.,
Professor of Conflict Resolution,
Boston College,
Chestnut Hill, Massachusetts 02167-3802.

387

Thank you for sharing with me your thoughts on the situation. I appreciate your commitment to Israeli-Palestinian reconciliation.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. L. Powell', with a large, sweeping flourish at the end.

Colin L. Powell

388

לשכת ראש הממשלה
Prime Minister's Bureau

24 September, 2001
ז' תשרי, תשס"ב

Professor Raymond G. Helmick, S.J.
Jesuit Community
Boston College
Chestnut Hill, MA 02467-3802
U.S.A.

Dear Professor Helmick,

We thank you for your letter dated August 20, 2001, to Prime Minister Ariel Sharon, and appreciate your input.

Your letter has been reviewed and the contents duly noted. It was a pleasure to read such an informed and in-depth analysis of the situation.

Sincerely,

Marit Danon

(Mrs.) Marit Danon
Personal Secretary
to the Prime Minister

JESUIT COMMUNITY, BOSTON COLLEGE, CHESTNUT HILL, MA 02467-3802

November 24, 2001

President Yasser Arafat
Palestine Authority

Dear President Arafat,

Salaam!

Another critical moment, perhaps one of great importance for the handling of the Palestinian cause by the new American Administration, comes with the arrival on Monday of the two envoys from the United States, William Burns and General Zinni, on the heels of Secretary of State Colin Powell's major speech this week.

The Israeli government and, to a great extent, that of the United States will judge your response to Powell's speech, with its call for the "end of occupation," on the basis of your prevention of further violence by Palestinians now.

Years ago, when I first wrote to you in 1985, I was very aware that people as diverse as the Americans and Israelis and even King Hussein of Jordan were demanding that you make a total renunciation of any use of force, as sign of the seriousness of the peace initiative you were then carrying on jointly with King Hussein. I realized then that you would be renouncing your very leadership of the Palestinian struggle for liberation if you were to do that, denying on your people's behalf their right of resistance against occupation. I also realized that your people were not able to win anything by the use of force, and consequently recommended to you that you call, instead, a moratorium on use of force for the duration of the peace initiative.

Since that time you have led your people to adopt a concerted strategy of non-violent search for a just peace. The success of the intifada of 1987-'93 played a great part in making that possible, and you doubtless recall the many times I have urged on you since then a program of rigorously non-violent popular protest against occupation as a way of mobilizing the strength of a united people for your cause. The high hopes of the Madrid Conference and the Oslo Declaration of Principles have since been dashed, first by the consistent Israeli policy of settlements and then by deliberate Israeli provocation of the second and dreadfully violent intifada, now in its fourteenth month.

Demands on you over these months, that you arrest dissidents and stifle all violent action by your people, organized or spontaneous, have come up against your awareness that their despair was beyond controlling, and that by acting more rigorously against them you would only forfeit your own leadership and that of the Palestine Authority to the rejectionists, to the detriment of your own people and the Israelis alike. It has not helped that, each time any violent action is carried out by any Palestinian, the Israeli government has trumpeted that it is practically a personal action of your own, nor that, every time any

President Arafat, November 24, 2001 – 2

possibility of calming the situation has occurred, the Israeli government has calculatedly stirred the pot by such assassinations as they carried out even yesterday, to show their contempt for the American initiative. I understand the dilemma this has presented to you.

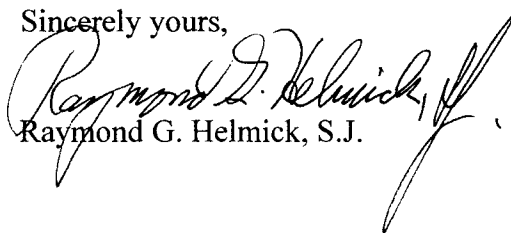
Nevertheless, the change in American policy indicated in Secretary Powell's speech carries such significance that, I believe, the time has now come for you to make the maximum effort to still any violence from your people, making it plain to them that, with the prospect of real help from the Americans for genuine liberation and, in Powell's phrase, the end of occupation, any further violence on their part is detrimental to their own cause. I see with sympathy your reluctance to make arbitrary arrests, on mere suspicion, as the Israelis have kept demanding. I expect nevertheless that there is much you could do to curb the violence of known rejectionists, religious and secular, if there is sufficient evidence that a genuine liberation of Palestine is at hand and would be put at risk by further violence.

When you meet the two American envoys on Monday, I am sure you need to have assurance from them that Secretary Powell's words are not empty, but that the United States truly means to bring about what those words mean, on the basis of the rule of law, so long ignored by successive Israeli governments. Your own authority, of course, would be irreparably damaged if you took Secretary Powell's words at face value and were deceived. That must be plain to the envoys.

I will be writing to Secretary of State Powell, and to National Security Adviser Rice. I will send them copies of this letter and will send you copies of what I write them. I hear many of my own acquaintance respond to the Powell speech with some hesitation, but I truly believe it opens up an opportunity for you and your people that should not be missed.

I send this as an e-mail attachment and am asking my good friend Issa Kassissieh to see that it gets to your hands. With all best wishes and my prayers for your people and their peace, I am

Sincerely yours,



Raymond G. Helmick, S.J.



November 26, 2001

Secretary of State Colin Powell
Department of State
Washington, D.C. 20520

Dear Secretary of State Powell,

Christ's peace!

Your address in Louisville last Monday was most welcome, as indicating a new level of American initiative to help the Middle East parties come to peace.

I wrote to President Arafat on Saturday, sending the letter (copy enclosed) as an e-mail attachment, with a view to his meeting William Burns and General Zinni today.

I am very conscious that Arafat, under pressure from his own right wing, risks simply forfeiting his authority to Hamas if he responds too heavily to Israeli or American demands for a total crackdown on terrorists unless his people have the prospect of winning something they can understand as justice for their good behavior. An article in Sunday's *Yediot Aharonot*, in which Israeli military sources themselves acknowledge that such an action as Friday's assassination of Mahmud Hanoud can only provoke retaliatory action, underscores this. They see it as a cynical response to your Louisville speech and even as calculated to shatter the recently existing pact between the PA and Hamas not to permit suicide bombings in Green-line Israel. (Copy enclosed, as translated by Gush Shalom friends).

The key phrase, among many valuable points in your speech, is the call for an "end to occupation." That has in fact been the central demand of both the 1987 and the more recent Palestinian uprising. You leave it without closer definition, but if it has its obvious meaning it should enable Arafat to make the famous "100% effort" to stop any Palestinian violence. If it is smoke, and Arafat responds to it as if were real, he is gone and he knows that. That would be as bad news for the Israelis, and for us, as for himself and the Palestinians.

For some time past I have been recommending, in letters to Israeli, American and Palestinian leaders, that this entire dispute needs to be put under the rule of law. That is not only a principle that we always lay claim to as Americans, even if we sometimes observe it in the breach. It is also the only cure for the most serious obstacle to peaceful resolution of this quarrel, which is the enormous *disparity of power*. So long as this obtains these parties cannot seriously or fairly negotiate with one another. The frequent American assertions that the parties must settle this between themselves are empty for that reason. With such disparity of power there can only be a *Diktat*.

Secretary of State Colin Powell, November 25, 2001 -- 2

The consequences of that are as damaging to Israel as to Palestinians. Israelis have increasingly come to doubt the future of their state over these last fourteen months. If they cannot have peace with the Palestinians, even if they destroy them utterly as many would wish, they will inherit the growing enmity of the whole Arab and Muslim world, a force against which they cannot sustain themselves forever or even for any length of time which has real significance in the life of a people. Many of their own people, suffering under a terror that the Sharon policies have actually brought upon them, already think of leaving.

Their dilemma springs from a long-term disregard of international law. From their 1948 beginnings, Israelis have relied on superiority of military force rather than on law. One can understand (though not condone) that under the threatening circumstances of their early years, but it is increasingly self-destructive as their power in the region has grown. The United States, in those early years, insisted on their submission to law, as witness the actions of President Eisenhower in 1956, but since the war of 1967 has effectively concurred with the position of successive Israeli governments that they are exempt from law.

To break the impasse that has deepened ever since that time, the United States, without trying to dictate terms to either side, can most reasonably, and consistently with its own basic principles, require that negotiation between Israelis and Palestinians be premised on the rule of law. The shift away from exclusive reliance on preponderance of military force would indeed be seismic, but it would not be to disadvantage either side. It would instead put them on a footing of equality before the law from which they could in fact negotiate agreement. The law itself would not dictate the outcome of negotiation, which would have to respect the realities of the situation, but it would safeguard equally the rights of each side.

Among the most basic laws in question stands, first, Article 2 of the Charter of the United Nations, by which every member nation signatory to the treaty, including Israel, has renounced any acquisition of territory by force. Security Council resolutions 242 and 338, with their binding character, recognized everywhere as the governing legal basis for resolving this conflict, including in your Louisville address, are explicitly an application of Article 2 of the Charter. They differ from other such applications, like the demand on Iraq to withdraw from Kuwait or the Resolution 425 demand on Israel to withdraw from Lebanon (which was implemented only after twenty two years), in that 242 represents a compromise. Israel is required to return land only in exchange for peace.

Two General Assembly Resolutions, which otherwise would not be binding, do have binding force on Israel for the reason that their acceptance was made a condition of Israel's 1949 admission into the United Nations. Those are Resolution 181, the Partition resolution of 1947 calling for the two states, and 194 of 1948. The latter raises now the problem of a Palestinian right of return.

Secretary of State Colin Powell, November 25, 2001 -- 3

The problem, though, is not insuperable. Resolution 194 asserts a right of return "*to live in peace*." Despite the *furor* this principal has raised over the last year, the Palestinian negotiators know well and have acknowledged that the "to live in peace" requirement will not bear the effective termination of the Jewish State of Israel and that Palestinians consequently will have to accept the alternatives of settlement elsewhere, as in the countries of their present residence or in the territories of their own new State of Palestine, with the due compensation promised in Resolution 194. The disposition of refugees or their descendants has to be negotiated in the light of the reality of the two states mandated in Resolution 181.

Will Palestinian public opinion bear that? It will if there is a genuine State of Palestine, if the compensation is real and it is made possible for the Palestinians living still in miserable exile to have a place of dignity in the world. I could name features of that place of dignity, such as recognition of their Palestinian origin and citizenship, but in fact all that has to be negotiated. What is not tolerable, though, is that it should all be passed over as if there is no obligation, no entitlement for Palestinians, that the law is void and that everything is simply in the gift of Israel, to grant or not as it chooses.

One other major binding international agreement stands over the resolution of this conflict, the Fourth Geneva Convention. Israel has contested its application, has even managed to have it and the other Geneva Conventions commonly omitted from the standard reference books of international agreements, but it is the central governing principle about the colonization of occupied territories, the rights and the governance of their populations.

In this matter too the legal obligation does not dictate the solution to the present dilemmas but does even the balance between the two parties. At law they are equal and must come to agreement on the realities by negotiation. If, however, all is left, as it has been, to preponderance of military force, the Israelis alone have a voice in deciding what will be done.

I have long advocated, to Israelis and Palestinians alike, that the land occupied in 1967 belongs of right to the Palestinians, but that the Palestinians need to recognize how important it is to Jews that some of them be able to live in the ancient territories of Judea and Samaria. The trouble is that many, not all, of the Jewish settlers are there as a mark of rejection of Palestinians and for their destruction. Those are the wrong Jews to be there, and it is and has always been the responsibility of Israel to get them out of there because of their criminal behavior toward Palestinians. Palestinians, however, ought to accept the presence of a number of Jews, by agreement such a number as not to upset the demographic character of the land, allow them a choice of citizenship, either Israeli or Palestinian (not dual citizenship!), but require them to live under Palestinian jurisdiction. That should be reciprocal, with a comparable number of Palestinians allowed to return to Green-line Israel on the same basis.

Secretary of State Colin Powell, November 25, 2001 -- 4

With that arrangement, it should be possible to have an open border, each people with its own state, with defined and internationally recognized borders and the all the institutions of their state, but at the same time with access to the whole territory for everyone of both peoples, so that in effect each people has the whole of it.

In fact, I know, there is so much talk of Israel's acquiring some West Bank (not Gaza!) land, such as the Etzion Bloc, that something of that sort may yet happen, but only by negotiated agreement, and if that agreement is given, on the basis of the rule of law, the Palestinians are entitled to land of equal size and value from elsewhere in Israel.

The problem thus far, and the factor that poisoned last year's sessions at Camp David, preventing agreement, was the assumption that Israel, under no legal obligation and with its preponderance of force, could give or not give anything to the Palestinians. The leadership of the Left parties in Israel, Yitzhak Rabin and then Ehud Barak, had determined that Israel needed peace with the Palestinians and decided to give them something real. It was so conspicuous last year that taboos were broken by the Barak government, hitherto prohibited topics raised, like Jerusalem. Yet the underlying assumption remained, with the concurrence even of an American government strongly in favor of bringing about peace by giving something real to the Palestinians, that it was all, as by right, Israel's to give. That meant that the only actual negotiation was between Israelis and Israelis: between Israelis who wanted to give something, Israelis who wanted to give more, and Israelis who wanted to give nothing at all. Palestinians were never party to those negotiations, but were expected to take or leave what the Israelis offered, with a supposition that, since they did not take it, they must be no true partners for peace.

To have accepted on that basis, even had the offer actually been as generous as it has commonly been described, would have meant accepting that no law governed anything in the relation of Israelis and Palestinians, and that the Israelis might do or take anything they pleased.

It is really incumbent on the United States, if it is to be the broker of a just negotiated peace, to reverse this fundamental inequity and insist, with full care for the rights and safety of Israel as well as of the Palestinians and their new state, on the rule of law. On the face of it this may seem frightening to the Israelis, who have lived and acted so long in disregard of law and drawn seeming advantages from that behavior. They are not, however, disadvantaged by being held to the rule of law, simply placed on an equal footing with their opposite numbers, whose rights the law will uphold along with their own. They will simply not have peace without it, and without peace their future is truly imperiled.

As I write this I wonder if it will appear simply foolhardy, a tilting with windmills of *Realpolitik*. Forces deemed friendly to Israel, in Congress and elsewhere, will argue so. I would contend that theirs is no true friendship for Israel. They risk Israel's future.

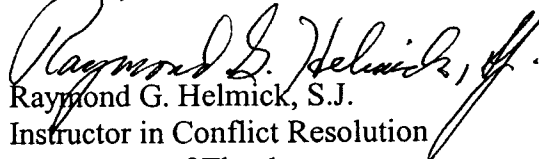
Secretary of State Colin Powell, November 25, 2001 -- 5

I wrote along these lines to Prime Minister Sharon on August 20th, a letter of which I enclose a copy, and in fact received a very generous reply (copy enclosed). That seems to indicate that such thoughts as these are not altogether strange to him. I wrote also to President Bush that same day, to the effect that it was a mistake to see Arafat as always responsible for every deed of every Palestinian, despite the weaknesses brought about in his position by the way everything was being taken from his people throughout the apparent process of making peace. I enclosed then a copy of what I wrote to Sharon, but received no acknowledgement from the White House. I will write now again to National Security Adviser Condoleezza Rice along those same lines.

Your Louisville speech really gives new hope for the negotiated resolution of this long tangled conflict, which has so dogged the world and now poses such disadvantage to our own country. I anticipate resolute attack from entrenched forces in our political landscape -- by that I don't mean Jewish, because there is intense Jewish opposition, American and Israeli, to those entrenched opinions -- on everything it stands for. I hope its promise may truly be fulfilled, to the advantage both of Israel and Palestine, as of the United States.

With all best wishes,

in Christ,



Raymond G. Helmick, S.J.

Instructor in Conflict Resolution

Department of Theology

Boston College

Senior Associate

Program in Preventive Diplomacy

Center for Strategic & International Studies

Washington, D.C.

396



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

November 26, 2001

Ms. Condoleezza Rice
National Security Adviser
The White House
Washington, D.C. 20500

Dear National Security Adviser Rice,

Christ's Peace!

Secretary of State Powell's very realistic speech in Louisville last week, and the mission of William Burns and General Anthony Zinni to Israel and the Palestinian Authority this week, give hope that, with American help, a solution to the Middle Eastern conflict may at last be brought about.

I have just written to Mr. Powell, and enclose a copy of what I wrote to him, as of the exhortation I sent (by e-mail attachment) to President Arafat last Saturday, along with other enclosures that went with it.

It has been my conviction for some time now that events in that world had descended so far into an abyss of mutual hatred and rage that there had to be a positive break in the cycle. As we approach now these promising developments, I would like to argue for some reassessment on your own part of the responsibilities for what has happened over the last fourteen months, not to prejudice the argument more than has already happened but to make it possible to treat the two sides of this quarrel with the equality that is required for our American task as the broker of a peace agreement.

Often I have heard from you the judgment that "Arafat has not done enough," and I see Prime Minister Sharon regularly welcomed to the White House, as indeed he should be, while Arafat is excluded, as if an unworthy partner.

Having been in frequent contact, by letter and visit, with Mr. Arafat ever since 1985, and argued the peace with him over that time, as I have also with the whole series of Israeli Prime Ministers throughout that period, I have a far more positive impression of Arafat and what he stands for. From lengthy discussion I held with him I've come to realize not only his own commitment to making peace with Israel but also the leadership by which he has prepared his people to accept statehood alongside the Israeli State, with which they would make genuine peace. That was a most complex task for him, as he not only had to learn new things through his own experience -- an unlikely accomplishment for anyone in power -- but also bring along with him a consensus of the many disparate constituent parts of the PLO and its Congress and the two very different bodies of public opinion among Palestinians in exile and the population of the occupied territories.

National Security Adviser Condoleezza Rice, November 26, 2001 -- 2

That Arafat should back away from that accomplishment, his life's work, is inconceivable to me. Most of us have known Arafat only through caricatures of a propaganda always determined to defame him. Through this direct contact I have learned that he is quite different from that picture. I had many discussions with him of his turn, and that of the PLO, from a policy of what could only be an ineffectual armed rebellion against the military occupation of his country to one of acceptance of the State of Israel and working for a negotiated resolution of his people's conflict with that state. It is the fashion of Israel's present very hawkish government to assume that Arafat still uses armed, and terrorist, attack on the Israeli people as a tactic to gain things for the Palestinians and has deliberately unleashed the current violence for that purpose. I don't find that credible.

Instead, what I see happening is that Arafat's people have been provoked beyond bearing by the things that have happened to them since they made their communal choice for the peace -- a choice evident even in their first intifada of 1987, which was plainly a protest against occupation and not against the existence or legitimacy of the State of Israel, but even an affirmation of acceptance of that state. Since Oslo, these people have seen deconstruction even of the miserable society they then had, a drastic lessening of their incomes and standard of living, deprivation of job opportunities through the incessant closures of their territory, the breaking up of what had been contiguous territory even under occupation by the isolation of each city, town or village, destruction of any semblance of an economy, denial of water and other basic services, and above all the undermining of their land claims by the unceasing growth of Israeli settlements. This combustible atmosphere of despair was then ignited late in September 2000, not by acts of Arafat but by the events of Mr. Sharon's famous and provocative visit, with a huge armed escort, to the Temple Mount/Noble Sanctuary, followed by the shooting down of unarmed protesters in that place the following day.

The Palestinian actions since that time have not been on Arafat's or the PA's initiative. They have been actions of others, some organized, some not. Efforts by Arafat and his Authority to control or prevent the violence have been frustrated, every time there has been any chance of restoring calm, by renewed actions of massive violence under the direct control of Israeli government, apparently calculated quite deliberately to destroy any chance for Arafat to bring the frustration and violence to an end.

The violence coming from the Israelis, on the contrary, is consistently the actual policy of government. It is fashionable, in spite of clear evidence to the contrary, to assert that Arafat "has done nothing" to prevent violent outbursts from Palestinians. But the only Israeli violence that is not the government-orchestrated action of the army is the attack on Palestinian villages by settlers, their direct provocations especially in Hebron, their murderous ambushes of innocent Palestinians travelling the roads. Government has been so totally remiss about any effort to rein in those attacks or to punish perpetrators that it appears to have actual complicity in them.

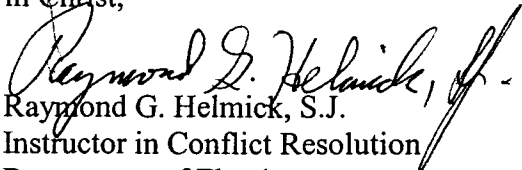
National Security Adviser Condoleezza Rice, November 26, 2001 -- 3

On that basis, I think it a mistake, and a disservice to the cause of peace between these embittered rivals, to permit such different behavior toward the leaders of these two peoples. If it is left to be a popularity contest in the United States, Prime Minister Sharon has a more devoted following. If the United States means to promote a negotiated peace between these two peoples, however, it cannot afford to treat one leader, who has clear responsibility for constant escalation of the violence and a stirring of the pot whenever there is a possibility of its being controlled, as honored guest while the other is treated as a pariah. These are the leaders we have to deal with. It is not for us to choose others. And to become merely the echo of one side's propaganda is a guarantee that no action of American government will be effective in promoting the peace.

These are considerations important for the good and the prospects of peace for both sides of this quarrel. There are two peoples here, both with rights. If we become merely the partisans of one against the other, we will promote no peace between them. For our own sake, in the troubles we currently face in the world, we need to do better than that.

With all best wishes,

in Christ,


Raymond G. Helmick, S.J.
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BOSTON COLLEGE

Creating another force for peace

BC theologian describes recent mediation efforts in Israeli-Palestinian conflict

(8-2-2002) — Despite another eruption of violence in Israel this week, Boston College conflict resolution expert Rev. Raymond Helmick, SJ, today expressed optimism for the long-term success of an interreligious peace mission to the war-torn country in which he participated late last month.

On July 28, Fr. Helmick accompanied Rev. Jesse Jackson and other religious leaders to sites including Jerusalem, Bethlehem, Ramallah and Gaza. During their three-day visit, the delegation met with both Israeli Foreign Minister Shimon Peres and Palestinian Authority leader Yasser Arafat.

Speaking at a press conference in the Burns Library Thompson Room, Fr. Helmick, a part-time faculty member in the Theology Department, summarized the mission and offered some of his perspectives on the Middle East conflict.

The delegation accomplished several things, including the establishment of important ties with political and religious leadership in the region, thus creating what Rev. Jackson described as a "Third Force," a religious and peace-seeking network, according to Fr. Helmick.

"We can thus claim to have given initial form to the Third Force Rev. Jackson speaks of, with close liaison to all these groups, able to mediate among them at a time when official American foreign policy toward the region is seen by all these people we met as practically non-existent and urgently needed," he said.

Fr. Helmick described the group's efforts to mediate between Peres and Arafat regarding the Palestinian Authority's position on suicide bombings and other attacks targeting Israeli civilians. As a result, he said, "There is now an unequivocal statement by Arafat and by all his cabinet committing themselves to opposition and prevention of suicide bombings to the extent that it is within their capacity."

Fr. Helmick noted that the delegation had planned to talk with the leadership of Hamas this past Wednesday. But en route to the meeting, the group learned of the bombing at Hebrew University, for which Hamas claimed responsibility and said was retaliation for an Israeli air strike in Gaza that had killed a Hamas commander and 14 others, including nine children.

400

The delegation cancelled the meeting and returned to Jerusalem, Fr. Helmick said, where they condemned the attack, which killed seven and wounded more than 80, and visited victims and their families at a hospital.

Fr. Helmick discussed the controversy over Arafat's role in the conflict. Having known Arafat for a number of years, Fr. Helmick said he had a "higher opinion" of the Palestinian leader than that often expressed by the media and Israeli government, which have accused him of failing to halt, or surreptitiously aiding, violence against Israel.

"Arafat's capacity to control this is directly in proportion to the amount of hope or despair" among his people, said Fr. Helmick.

Arafat does not have command over Hamas or some of the more radical factions of his Fatah movement, he explained, but has continued contacts with Hamas and twice -- last month and in November of 2001 -- had managed to get them to agree to suspend suicide bombings. These agreements, however, were subsequently scuttled in the wake of Israeli attacks, said Fr. Helmick.

Fr. Helmick said the continuing bloodshed's toll on both Palestinians and Israelis is evident. He described streets and neighborhoods that would normally be bustling with activity, now virtually deserted as a result of military-enforced curfews or a fear of more violence.

"There's a tremendous despair in that, and when you have that kind of despair you're going to have desperate acts."

(Read the opening statement by Rev. Raymond Helmick, SJ)

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401

BOSTON COLLEGE

The following statement was read by Rev. Raymond Helmick, SJ, at his press conference held Aug. 2, 2002, in Burns Library at Boston College.

THE Inter-religious Delegation that accompanied the Reverend Jesse Jackson to the Middle East these last days has attempted to do something quite new in the region.

You will all be aware of "Second Track Diplomacy," very much the area of the Center for Strategic and International Studies, to which I belong: the work of unofficial mediators in the diplomatic realm.

Our Inter-religious Delegation has taken this a step further, creating what Rev. Jackson describes as a Third Force, a religious and peace-seeking network. Our Delegation visited the Middle East as guests of the Middle East Conference of Churches, which represents all the Middle Eastern Christian Churches, including the Latin Catholics. They did enormous staff work for us, preparing for the visit. All these churches took part in an inter-religious service at the Dominican Church of St. Stephen (Ecole Biblique) on Sunday morning, at which there were readings, by rabbis and Muslim leaders, of Hebrew Scripture and Koranic texts as well as Christian scripture. The church leaders subsequently shared a lunch meeting with us, at which they gave their endorsement to our work, the Papal Nuncio, Archbishop Pietro Sambi, among the most actively supportive of our work.

We subsequently met with the Grand Mufti of Jerusalem, who supported our appeal for an end to the suicide bombings, and to Askenazi Chief Rabbi Laue, who also endorsed our appeal, even to the Hamas leadership. We thus had full backing of the religious leadership of the region.

All this was possible because of the reputation and standing of our leader, Rev. Jesse Jackson. It was our commonplace experience everywhere we went that Jackson was greeted with affection, his and our mission welcomed with relief, both by Israelis and Palestinians of the general public. Rev. Jackson had communicated by phone, before we left, with Secretary of State Colin Powell, not seeking permission but keeping him well apprised of our mission. We had the active backing and welcome of Israeli Foreign Minister Shimon Peres, who changed the schedule of his own trip to the U.S. in order to meet with us and encourage us Sunday morning (July 28). The Minister of Defense, Benjamin Ben-Eliezer contacted us himself, inviting us to an important meeting in which he was accompanied by four of his top generals. The Minister of Religious Affairs, Rabbi Michael Melchior, came to us, along with Rabbi David Cohen

402

and several other prominent rabbis, to spur on our work.

These were all Labor ministers in the very fragile coalition that makes up the government of Israel. Likud ministers kept their distance, not criticizing or opposing but not associating themselves with our mission, despite frequent phone contacts by the Middle East Council of Churches suggesting meetings. We were hosted to dinner by Members of Knesset of the Labor, Meretz and Shinui parties, all of them highly encouraging to our work. The Palestine Authority, President Yasser Arafat and all his cabinet, gave us and our work the utmost cooperation. We can thus claim to have given initial form to the Third Force that Rev. Jackson speaks of, with close liaison to all these groups, able to mediate among them at a time when official American foreign policy toward the region is seen by all these people we met as practically non-existent and urgently needed.

In this capacity we visited President Arafat and his immediate assistants at his headquarters in Ramallah on Monday, pleading, as Foreign Minister Peres had urged us to do, for a plain statement, to be read publicly by Arafat in Arabic and English, repudiating the suicide bombings and all other attacks on Israeli civilians and pledging his authority to oppose and prevent them. President Arafat agreed to this, though in fact he felt he had done this before, and accompanied us before the press that morning to do exactly as we asked.

We had hoped to meet the whole Palestine Authority Cabinet, to have all of them associated with this. They were mostly unable to attend, prevented by the curfew and the many roadblocks from reaching Ramallah. When we met then, at his request, with Defense Minister Ben Eliezer and his generals, we asked that provision be made to enable all of them to attend a subsequent meeting on Wednesday. Ben Eliezer assured us that he would not only do this but would be prepared to cooperate with any reasonable request we put before him, out of his profound respect for Rev. Jackson and his work.

Foreign Minister Peres, on Sunday, had responded to our questions about the reports of drastic malnutrition of Palestinian children under the curfew that have been in effect since April, and the general lack of vital supplies of food, medicine, water and electricity. He had volunteered that Israel would provide all these supplies if the Palestine Authority would agree to receive them. Saeb Erekat, speaking for the PA, had told us on Monday that they preferred not to be beggars, that there were ample supplies ready at Jericho and Rafah, much of the agricultural produce rotting away because it could not be delivered, and hundreds of trucks waiting at the Jordanian and Egyptian borders ready to transport those supplies. He asked simply that the trucks be allowed to roll. Israeli Defense Minister Ben Eliezer assured us that this would be done, under his orders, all these deliveries facilitated, as well as other major concerns of the

403

Palestinians, such as allowing students to take their final exams. Our Delegation, and its Middle East Council of Churches, were constituted as liaisons to be sure both sides were satisfied on all these matters.

The full cabinet meeting of the Palestine Authority was then held on Wednesday morning, our delegation sitting with them and presenting our proposal. At the end President Arafat was able to make another comprehensive declaration committing to all of this, in Arabic, this time representing the full cabinet, before a large assembly of regional and international media, Minister Saeb Erekat translating this and his own and Arafat's further commentary into English.

We had planned to bring our appeal for an end to suicide and other bombings and other attacks on Israeli civilians to the leadership of Hamas. Nabil Shaath of the PA had been meeting them day by day, asking that they not retaliate for the Gaza bombing of the week before. We had requested a meeting, for this purpose, with Sheikh Ahmed Yassin, who had said we would in fact meet the entire leadership of Hamas in Gaza. The tragic and brutal bombing at the Hebrew University occurred while we were on the way to this meeting. We cancelled our meeting and returned to Jerusalem to express our condemnation of that attack, and visited victims and their families at the Hadassah Hospital.

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409

Reflection Notes
For Jesse Jackson
Ray Helmick, S.J.
Sunday, July 27, 2002

Is Arafat the Man to Deal with?

1. Chosen by Palestinians:

We have dealt with this question already, siding with the Europeans, the Russians, the Saudis and other Arab States, all our allies, resting our argument on the democratic right of the Palestinians to choose their own leadership. We have contradicted, on this point, President Bush, whose position we have praised on other points, and Prime Minister Sharon.

We could argue further that it was the classic position of Israeli governments throughout the 70's and 80's that they did not like the representatives the Palestinians put before them and would prefer to choose different, and more complacent, Palestinians themselves. This is the policy whose failure had to be recognized by the time of Madrid and Oslo. Bush and Sharon have reverted to this failed policy again.

2. Arafat's actual quality as leader:

Arafat's life accomplishment as leader of the PLO was actually to bring his people to a readiness to live in peace with an Israeli state and society alongside a Palestinian state. We need not argue Arafat's capacity to administer the Palestine Authority, which his own people have criticized severely while still retaining him as chosen leader for the other reason, that he is the man to lead them to a justly constituted Palestinian state alongside Israel.

It has become commonplace, even among those who point to the Palestinians' free choice of him as leader, to denigrate Arafat and describe him as man of violence and enemy to Israel and to peace. This is to ignore his life investment in the very opposite, his bringing his people to the historic compromise on territory and acceptance of the Israeli state and society. That is an act of blindness. Arafat ought not now be imagined as trying to undermine his own life accomplishment. That is in fact more likely a purely propagandist effort to disqualify him for the simple reason that Israeli government would prefer to make its own choice of Palestinian leader, the failed policy mentioned above.

The actual reason for disliking Arafat as the man leading Palestinians to their own state is that he does not knuckle under and become the instrument of Israeli policy with regard to questions of territory, freedom etc. That is the very reason why the Palestinians continue to choose him as leader, despite their problems with him as administrator of the PA.

3. Has Arafat “done enough” (President Bush’s phrase) to stop violence?

We have already recognized that he is not the only player in this matter, citing not only Hamas and the other rejectionist factions among Palestinians (*Islamic Jihad* should be cited as a second religious rejectionist group and there are the secular rejectionists such as the PFLP) but also foreign elements, angry people and groups and governments in other Arab countries, among whom we have often cited the Lebanese Hezbollah, urging rejection. The *most important element*, however, which we ought constantly to be citing, is the despair among the Palestinians themselves. This is the matrix of their violence, a thing Arafat cannot stem of himself, but which is substantially under the control of Israeli (and American) policy.

Arafat’s own capacity to stem the violence is directly in proportion to the hope Palestinians can have of the fulfillment of their dream of a genuinely free state. He has in fact repeatedly done what President Bush and Prime Minister Sharon ask of him, appealed publicly in Arabic for an end to the violence. He has been a principal element in negotiating the nearly completed agreements, last November and again in the past week, for Hamas and the Tanzim to put an end to suicide bombings and other attacks on Israeli civilians in green-line Israeli territory, both of which were foiled by renewed Israeli attacks just as the agreements were about to be accepted.

If in fact the Palestinians are given real hope of a livable future, such as has been negated by these new attacks in those instances, Arafat will have the actual political power and personal authority to stem the violence, and there is no reason not to expect that he will do it. He has tried, thus far, to accomplish that by winning the agreement of the rejectionists to end their violence, rather than by instituting a civil war among Palestinians against them, and has been close to success several times over, as in last November and last week, each time frustrated by renewed Israeli attack. What he cannot risk is to become the enemy of his own people, enforcing their surrender to unjust terms.

4. Did Arafat reject reasonable terms in 2000 and thus disqualify himself?

This is really another argument altogether, and one that should be rejected, as it has been repeatedly exploded by the participants in Camp David and Gaza. (Cf. Susan Sonntag, Robert Walker and others.) It was raised first as a propagandist way to disqualify him as leader and get him replaced by someone who would not have the personal authority to do anything but surrender to superior might. It has since been replaced by the argument that Arafat is unable or unwilling to stem intifada violence. If we are winning the argument on that score, we should not allow his denigrators to fall back on the earlier argument about his being offered the moon and rejecting it.

406



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

August 6, 2002

President George W. Bush
The White House
Washington, D.C. 20500

Dear Mr. President,

Christ's Peace!

Traveling with the Reverend Jesse Jackson in the Middle East last week, I got a close, sharp view of the current situation, updating what I have learned in dealing closely with Palestinian and Israeli leadership ever since 1985. All the parties we met -- ranging from Foreign Minister Peres, who had changed the schedule of his American trip in order to meet us before he left, Defense Minister Ben Eliezer, Religious Affairs Minister Rabbi Michael Melchior; MKs from Labor, Meretz and Shinui parties; religious leaders, Jewish (Chief Rabbi Laue and many other highly engaged rabbis), Christian (our own hosts, the Middle East Council of Churches, the whole panoply of regional Christian church heads and the papal Nuncio), and Muslim (the Grand Mufti, who associated himself with our appeal to Palestinians against suicide bombings and all other attacks on Israeli civilians); President Arafat, Nabil Shaath, Saeb Erekat, Sari Nusseibeh and the entire Palestine Authority cabinet -- agreed on the urgent need for a greater active U.S. government involvement in mediating among the conflicting parties.

The crux of what these parties saw as nearly total American disengagement is your excommunication of President Arafat, which means that so long as Arafat remains the elected President of the Palestinians the U.S. has no role other than to give unlimited support to the policies of one element in the complex and fragile coalition that now governs Israel: its far Right wing, including Prime Minister Sharon.

You have clearly decided not to deal with President Arafat, and have refused to meet or communicate with him ever since you became President. Your Secretary of State persisted in recognizing that Arafat was essential to any peace process until, good soldier that he is, he received his marching orders recently under the decree of excommunication you issued, apparently acceding to the wishes of your Vice President and his camp. Our European allies, whose leaders you met directly after that, agreeing with and praising the many constructive things you had said in that same speech, immediately dissociated themselves from the banning of Mr. Arafat, as did the Russians, the Saudis and other Arab states, and all our allies. They argued that the Palestinians have democratically elected Arafat and the choice is theirs. He may not be put aside by us foreigners without their electoral choice. Even those countries that do not have elected governments themselves were appalled that the United States, with its democratic traditions, would ever seek to do such a thing.

President Bush, August 6, 2002 – 2

Beyond the anti-democratic character of that action, it should be clear that you have thereby guaranteed the re-election of President Arafat. All the frustration and disappointment Palestinians have experienced with his administration of the Palestine Authority will count for nothing against their rejection of this outside diktat of their electoral choice.

Rejecting Arafat is further a reversion to the classical error of Israeli and American governments that kept this conflict in stalemate all through the 1970s and 1980s. Israeli governments consistently held, all that time, that they did not like the Palestinians put before them and would prefer to choose as leaders different, basically more compliant, Palestinians themselves. That is the very policy whose failure had to be recognized by the time of Madrid and Oslo.

Beyond the right of Palestinians to choose their own leader, however, I believe you have misconstrued Arafat's actual quality as leader. I know him quite well by now, from meetings, sometimes of several days' length, that go back to 1985. I am perfectly aware of his weaknesses as administrator and the poor state into which he has brought the PA – difficult to manage under the restrictions that have been piled upon it, but nothing in Arafat's life experience really prepared him to administer a government or even a quasi-government. His qualities are elsewhere.

His life accomplishment has actually been to bring his people to a readiness to live in peace with an Israeli state and society alongside a Palestinian state. I know that intimately, because I argued him through parts of his own learning process as he went through that task, in particular analyzing and interpreting what his and his people's experience had been through his tenure as Chairman of the PLO. I well remember having a long discussion of this with your father, then Vice President, and Mr. Baker, then still Secretary of the Treasury, at Kennebunkport on the 4th of July, 1986.

It has become commonplace, even among those who point to the Palestinians' free choice of him as leader, to denigrate Arafat and describe him as man of violence and enemy to Israel and the peace. This is to ignore his life investment in the very opposite, his bringing his people to their "historic compromise" on territory and acceptance of the Israeli state and society. That is an act of blindness. Arafat ought not now be imagined as trying to undermine his own life accomplishment. That is in fact more likely a purely propagandist effort to disqualify him for the simple reason that the Israeli government would prefer to make its own choice of Palestinian leader, the failed policy mentioned above.

The actual reason for disliking Arafat as the man leading Palestinians to their own state is that he does not knuckle under and become the instrument of Israeli policy with regard to questions of territory, freedom etc. That is the very reason why the Palestinians continue to choose him as leader, despite their problems with him as PA administrator.

President Bush, August 5, 2002 – 3

Has Arafat done enough (in your own often repeated phrase) to stop the violence?

It ought to be clear enough that he is not the only player in this matter. He has to deal with Hamas, which will listen to him and which is reluctant simply to displace him, but does not let itself be governed by his wishes, and other rejectionist groups, religious (like Islamic Jihad) and secular (PFLP etc.) The most important element, however, which we ought constantly be citing, is the despair among the Palestinians themselves. This is the matrix of their violence, a thing Arafat cannot stem of himself, but which is substantially under the control of Israeli (and American!) policy.

Arafat's own capacity to stem the violence is directly in proportion to the hope or the despair of Palestinians. He has in fact repeatedly done what you and Prime Minister Sharon ask of him, appealed publicly in Arabic for an end to the violence. He did this twice again last week in the presence of our Jackson delegation. We asked it of him on the Monday (July 29), and found him at first reluctant simply on the grounds that he has done this several times before and it is treated, by Americans and the Sharon government, as a nothing, though we keep demanding it of him. Nonetheless, he signed off on and read, in Arabic and English, before a large gathering of press and electronic media, a statement fully repudiating the suicide and other bombings and all attacks on Israeli civilians, pledging himself and his authority to oppose them and, to the full extent of his and their capacity, prevent them.

I hear, as often as you do, the argument – quite true – that the Israelis have done vast damage to his police and security forces, destroying practically all their stations and bases, arresting and killing his police whenever they find them, and thus critically limiting his ability to police anything. Granting that, as I do, he still has great moral authority which, when he has exercised it, has many times over brought even Hamas to a standstill in its policies of violence. That moral authority is an expendable quantity, and cannot survive an appearance, among his own people, that he has become simply the instrument of an Israeli policy to deprive them of their rights. We Americans, and the Israelis, would be better advised not to put him in that position, since no one else would have the moral authority to do what he has done so often. He spent a measure of that authority at our request on that Monday.

We had wished that his entire PA cabinet would be present and would associate themselves with that repudiation of violence and commitment against it. They had been unable to meet because of the curfews and the roadblocks. When we met, at his own request, Defense Minister Benjamin Ben Eliezer, with four of his top generals, the following day, we asked that he make it possible for the full Palestinian cabinet to meet on the Wednesday (July 31), which he willingly did. We raised with him, also, the questions of supply and the reports of malnutrition and other extreme conditions that existed under the curfews, and he promised substantial cooperation on that, asking us, with our hosts in the Middle East Council of Churches, to act as liaison in the matter.

President Bush, August 6, 2002 – 4

We saw the full PA cabinet, then, on the Wednesday, taking part in their meeting, the first they had been able to hold in more than five weeks. They agreed to associate themselves fully as a body with the renunciation and opposition to the violence, and once again President Arafat made this announcement before a large press and electronic media gathering, in Arabic, with Saeb Erekat translating the statement and Arafat's commentary into English.

We wanted very much to talk to the Hamas leadership, and had asked for a meeting with Sheikh Yassin, this for the reason that Hamas had actually prepared to issue a statement, along with Tanzim and the Al Aqsa Brigade, declaring the suicide bombings and attacks on civilians in Israel at an end, but had reversed themselves when, within five hours of their determining this, the F16 bomb killed their military leader and all those other people, including children. It was not the first time such a thing had happened. Last November, when a similar agreement had been reached among the Palestinian militant factions, the Apache helicopter assault in which rockets were fired into the office windows of the PFLP leader took place before the agreement could be announced. I met no Palestinian who did not firmly believe that this was policy on the part of Mr. Shaaron and his government: that whenever there was danger of peace breaking out, they stirred the pot again, deliberately provoking retaliation.

Our argument for Hamas was that, having gone all through the process of making their decision against continued suicide bombing, they should not now let their policy be determined by the action of their enemies, but should break the cycle of violence by not exacting reprisal for what had been done. Jesse Jackson's formula for this was: "Get ahead, don't get even." Sheikh Yassin had agreed to the meeting and told us we would meet the entire Hamas leadership when we got to Gaza. We were on the road when we heard of the Hebrew University bombing, and cancelled our meeting with Hamas, returning instead to Jerusalem to visit the wounded in hospital.

Seeing all this terrible damage done by the extremists of each side to the other, I am left asking myself why they act as they do. There is the uttermost distrust of each other among leadership and people on both sides (although, also, there are large activist peace movements, people intent on rebuilding that trust, in both camps).

Israelis repeat frequently the mantra that Arafat was offered everything at Camp David and turned it down, showing himself uninterested in the peace. That thesis has been amply demonstrated to be false, notably in the groundbreaking analysis done, on the basis of interviews with every player who would talk, by Deborah Sonntag in the New York Times of July 26 last year (2001), and in the many analytic writings of Robert Malley and other insider participants in Camp David and the subsequent Taba talks. However much it is known to be a misinterpretation, though, the mantra serves a political purpose for the rejection of any Palestinian bids for renewed negotiation. People who should know better keep repeating it.

President Bush, August 6, 2002 – 5

The corollary drawn from this false certainty is that the violent intifada is a deliberate choice by the Palestinians of war over the promise of peace, that Arafat turned down the moon, when it was offered, because he had made a prior decision to revert to violence instead. And since everything the Palestinians said they wanted was purportedly on offer, they must really want something other, such as the destruction of Israel. The chain of impressions is false at several points, but it constitutes the reason why the Israeli public, despite knowing that Prime Minister Sharon's repressive policies will never stop the violence, still gives him heavy approval. They are reduced to terrible anxiety, unable to live a normal life, and Sharon represents revenge for that.

That identifies the principle task of the Palestinian community and its authorities: to refute that false construct and reassure the Israeli public of their genuine commitment to peace.

But that is difficult because of a parallel perception on the Palestinian part. There is hardly a Palestinian, or for that matter, an Arab anywhere, who does not believe that the Israelis deliberately provoked the outbreak of violence, and that they increase the provocation every time there is any threat of calm or of an end to the violent Palestinian response. The conditions in which they live are unthinkable, vastly more terrible than what Israelis face. They believe that Mr. Sharon's famous visit to the Temple Mount (September 28, 2000) was the deliberate provocation of exactly what has happened since. Their response is despair, and where there is despair there are always acts of desperation. The suicide bombs are the form that desperation has taken in the present instance, and truly terrible they are. But this also defines what is the primary task of Israeli society and government (and of the United States!): to deal with that despair and give the Palestinians reason for hope.

We commonly hear that any slackening of the pressure on the Palestinians would be giving in to terrorism, and that they should be pressured until they break. Palestinians well remember General Rafael Eitan (Mr. Sharon's companion in disgrace in Lebanon in 1982 for the Sabra and Shatila massacres) describing the Palestinians as cockroaches in a bottle, which he proposed to shake until they were driven crazy. Former Prime Minister Shamir echoed that saying with some other animal comparison and Mr. Sharon himself has always been the believer in crushing the Palestinians into subjection. Palestinians, hearing such things from Right-wing Israeli leaders, make the inference, falsely, that this is the typical Israeli attitude toward them. It is the grounding of their despair that any kind of life is in prospect for them, and the seedbed of the suicide bombs. When there is such despair, the responsibility for the despairing actions that follow must truly be shared between the perpetrators and those who have reduced them to despair.

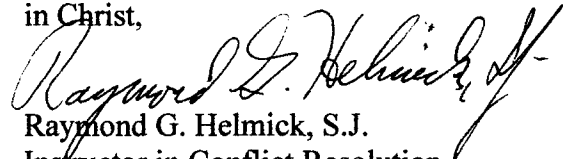
I hope I have not overburdened you, Mr. President, with this letter. What you had to say in your Middle East policy address was most encouraging on a whole series of points. The long-term safety of Israel too depends on fulfilling the hopes you expressed.

President Bush, August 6, 2002 – 6

But your refusal to deal with the elected President Arafat, and consequently with any level of Palestinian leadership that would not define itself as Quisling, extricated you from any real engagement with the Middle Eastern conflict, and left instead a total vacuum of American policy, a thing that cannot do otherwise than provoke the most intense and increasing violence. Saeb Erekat, at the time when Mr. Sharon brought his thousand armed men onto the Temple Mount in claim of sovereignty nearly two years ago, pointed out that he could not have done so without the permission, and provision of all those armed men, by then Prime Minister Barak and his Minister of Police Ben Ami. Consequently, he described the action as constituting Mr. Barak's "exit strategy" from the negotiations then taking place. Your disengagement from the conflict by refusing to deal with Arafat is seen in much the same light. I urgently ask that you reflect further on it.

With prayers and all best wishes, I am yours

in Christ,



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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

August 9, 2002

His Eminence
Angelo Cardinal Sodano
Secretary of State
Palazzo Apostolico Vaticano

FAX 69.88.52.55

Dear Cardinal Sodano, Your Eminence,

Christ's Peace!

Three years ago, when I traveled in a religious delegation led by Rev. Jesse Jackson to Belgrade, hoping to bring back three young American prisoners and also to reopen a channel of diplomacy in a setting where no diplomacy existed, I wrote you a rather full report.

I have just been on another mission with Rev. Jackson, this time to the Middle East, dealing at a high level with both Israelis and Palestinians. Once again I was the only Catholic in the delegation, and consequently feel I should give you the fullest possible information on what happened.

The delegation this time was smaller, consisting of Rev. Jackson; Rabbi Steven Jacobs of Los Angeles, who had been in the 1999 Belgrade delegation as well; Rabbi Leonard Beerman, also of Los Angeles, and one of the founding members of the U.S. Interreligious Committee for Peace in the Middle East, with whom I had traveled about the Middle Eastern countries in 1985, a visit that was the origin of that Interreligious Committee; Dr. Nazir Khaja, another member of the 1999 Belgrade delegation, past President of the American Muslim Council and presently its Information Officer; Rev. Grainger Browning, a Washington, D.C. Pastor of an African Methodist Episcopal parish; Rev. Marshall Hatch, Pastor of a Baptist parish in Chicago; Rev. Bernice Powell-Jackson of Cleveland, Executive Minister for the United Church of Christ Justice and Witness Ministries, who joined us as representative of the World Council of Churches, of which she is a Board member, at Konrad Raiser's request; and five very impressive staff members of Rev. Jesse Jackson's Rainbow-Push Coalition. While in Jerusalem we were joined by Mr. David Weaver of Church World Services and Mr. Marvin Keiney, member of the Executive Committee of the Church of the Brethren. The delegation was sponsored both by Rev. Robert Edgar, General Director of the U.S. National Council of Churches and by Dr. Raiser of the WCC.

The delegation arrived in the Middle East July 27 and returned August 1.

We attempted to do something quite new in the region. You will be well aware of "Track II Diplomacy," very much the area of the Center for Strategic and International Studies, to which I happen to belong as a Senior Associate in the Program in Preventive Diplomacy: the work of unofficial mediators in the diplomatic realm.

Our delegation took this a step further, endeavoring to create what Rev. Jackson describes as a Third Force, a religious and peace-seeking network. We visited the Middle East as guests of the Middle East Conference of Churches, which represents all the Middle Eastern Christian Churches, including the Latin Catholics. They did enormous staff work for us, preparing for the visit. All these churches took part in an inter-religious service at the Dominican Church of St. Stephen (*École Biblique*) on Sunday morning, at which there were readings, by rabbis and Muslim leaders, of Hebrew Scripture and Koranic texts as well as Christian scripture. The church leaders subsequently shared a lunch meeting with us, at which they gave their endorsement to our work, the Papal Nuncio, Archbishop Pietro Sambri, among the most actively supportive of our work. To my regret, Latin Patriarch Michel Sabbah was away at the time, but his Auxiliary Bishop Bathish was very helpfully present.

We subsequently met with the Grand Mufti of Jerusalem, who supported our appeal for an end to the suicide bombings, and with Askenazi Chief Rabbi Laue, who also endorsed our appeal, even to the Hamas leadership. We thus had full backing of the religious leadership of the region.

All this was possible because of the reputation and standing of Rev. Jesse Jackson as our leader. It was our commonplace experience everywhere we went that Jackson was greeted with affection, his and our mission welcomed with relief, both by Israelis and Palestinians of the general public. Rev. Jackson had communicated by phone, before we left, with Secretary of State Colin Powell, not seeking permission but keeping him well apprised of our mission. We had the active backing and welcome of Israeli Foreign Minister Shimon Peres, who changed the schedule of his own trip to the U.S. in order to meet with us and encourage us on the Sunday morning (July 28). The Minister of Defense, Benjamin Ben-Eliezer contacted us himself, inviting us to an important meeting in which he was accompanied by four of his top generals. The Minister of Religious Affairs, Rabbi Michael Melchior, came to us, along with Rabbi David Cohen and several other prominent rabbis, to spur on our work.

These were all Labor ministers in the very fragile coalition that makes up the government of Israel. Likud ministers kept their distance, not criticizing or opposing but not associating themselves with our mission, despite frequent phone contacts by the Middle East Council of Churches suggesting meetings. We were hosted to dinner by Members of Knesset of the Labor, Meretz and Shinui parties, all of them highly encouraging to our work. The Palestine Authority, President Yasser Arafat and all his cabinet, gave us and our work the utmost cooperation. We can thus claim to have given initial form to the Third Force that Rev. Jackson speaks of, with close liaison to all these groups, able to mediate among them at a time when official American foreign policy

toward the region is seen by all these people we met as practically non-existent and urgently needed.

In this capacity we visited President Arafat and his immediate assistants at his headquarters in Ramallah on Monday, July 29, pleading, as Foreign Minister Peres had urged us to do, for a plain statement, to be read publicly by Arafat in Arabic and English, repudiating the suicide bombings and all other attacks on Israeli civilians and pledging his authority to oppose and prevent them. President Arafat agreed to this, though in fact he felt he had done this before, and accompanied us before the press that morning to do exactly as we asked.

We had hoped to meet the whole Palestine Authority Cabinet, to have all of them associated with this action. They were mostly unable to attend, prevented by the curfew and the many roadblocks from reaching Ramallah. When we met then, at his request, with Defense Minister Ben Eliezer and his generals, we asked that provision be made to enable all of them to attend a subsequent meeting on Wednesday. Ben Eliezer assured us that he would not only do this but would be prepared to cooperate with any reasonable request we put before him, out of his profound respect for Rev. Jackson and his work.

Foreign Minister Peres, on Sunday, had responded to our questions about the reports of drastic malnutrition of Palestinian children under the curfews that have been in effect since April, and the general lack of vital supplies of food, medicine, water and electricity. He had volunteered that Israel would provide all these supplies if the Palestine Authority would agree to receive them. Minister of Planning Saeb Erekat, speaking for the PA, had told us on Monday that they preferred not to be beggars, that there were ample supplies ready at Jericho and Rafah, much of the agricultural produce rotting away because it could not be delivered, and hundreds of trucks waiting at the Jordanian and Egyptian borders ready to transport those supplies. He asked simply that the trucks be allowed to roll. Israeli Defense Minister Ben Eliezer assured us that this would be done, under his orders, all these deliveries facilitated, as well as other major concerns of the Palestinians, such as allowing students to take their final exams. Our Delegation, with its organized structure in the Rainbow-Push Coalition, working with the staff people of the Middle East Council of Churches as point-persons on the ground, were constituted as liaisons to be sure both sides were satisfied on all these matters, a standing arrangement that remains in place after our visit.

An added issue was the ability of Palestinian students to take their final exams. When we visited Bethlehem on Tuesday, July 30, the curfew was lifted, after what I believe was nine full days, because of our visit. That enabled the Bethlehem University students to hold the final day of their exams for the term. A particular concern was for the High School students in Nablus. Unable to take their final exams, they risked being left without their qualification for university study. Minister Ben Eliezer promised to provide that these students could take their exams, but in fact the people of Nablus anticipated him by an extraordinary and spontaneous action of non-violent resistance the following day. They simply defied the curfew, walked out onto the streets to do their

business, all at great risk to themselves and to the consternation of the occupying authority, and in the course of that the High School students took their exams.

I am left with a suspicion that it was because of this non-violent defiance of the curfew by the people of Nablus that suspicion fell on them that the unidentified bomber of the Hebrew University cafeteria may have come from their city. Nablus, in any case, was heavily reinvested by the army, with many deaths, arrests and destruction.

The full cabinet meeting of the Palestine Authority was then held on Wednesday morning, the first meeting they had been able to hold in more than five weeks, our delegation sitting with them and presenting our proposal. At the end President Arafat was able to make another comprehensive declaration committing himself and all his cabinet to all of this, in Arabic, before a large assembly of regional and international media, Minister Saeb Erekat translating this and his own and Arafat's further commentary into English.

We had planned to bring our appeal for an end to suicide and other bombings and other attacks on Israeli civilians to the leadership of Hamas. We were aware of the decision Hamas and the other militant groups (Tanzim, Al Aqsa Martyrs' Brigade) had made not long before, to end the suicide bombings and all attack on Israeli civilians inside Israel proper. They had abandoned that resolve when, within a few hours of their notifying Israeli, American and European governments as well as the UN of it, the F16 bombing in Gaza killed their military leader, Saleh Shehadeh, and fourteen other persons, including nine children. They, and other Palestinians we met, interpreted the F16 attack as a deliberate provocation to turn them back to violence. At that time they had vowed revenge, saying they would kill Israeli children in retaliation.

It was our intention to argue what they should not abandon the determination they had arrived it with so much deliberation, not let the provocative action of their enemy determine their policy for them, not recycle the violence with a retaliation that would only invoke further retaliation to which they would retaliate again. Nabil Shaath of the PA had been meeting them day by day, asking similarly that they not retaliate for the Gaza bombing. We had requested a meeting, for this purpose, with Sheikh Ahmed Yassin, who had said we would in fact meet the entire leadership of Hamas in Gaza.

The tragic and brutal bombing at the Hebrew University occurred while we were on the way to this meeting. We consequently cancelled our meeting with Hamas and returned to Jerusalem to express our condemnation of that attack. At their request, we visited victims and their families at the Hadassah Hospital.

The lasting impressions I took from this experience, and expressed both in the meetings we had with Israeli and Palestinian peace groups and with the Palestinian cabinet, were of the infuriated assaults both sides made on one another. I asked myself why this was happening, since it would define what were the principal tasks each side needed to address.

Israelis, I found, were indeed terrified by this horrifying development of the suicide bombers, unstoppable and dreadfully unsettling. Our first evening in Jerusalem was a Saturday, and I am familiar with the way the city normally comes alive at the end of the Shabbat celebration. On this Saturday, practically no one was on the streets, an appalling indication of how frightened people are to go out. I have heard from many Israeli friends how terrified they are that their children should ever take a bus or be in any obvious places of meeting. Prime Minister Sharon took power with the promise that he would make Israeli safe in their country, but his policies have produced something more terrifying than the Israelis have experienced before. Even though his public understands that continuation of these repressive policies will not stem, but will instead further provoke these suicide attacks, they support him massively because he expresses their rage and desire for revenge.

Behind this is the conviction that, at Camp David in the summer of 2000, an Israeli government offered then Palestinians all that they could wish, and President Arafat refused it. That thesis has been amply refuted many times over, as by *New York Times* reported Deborah Sonntag, writing in July last year, by Robert Malley and many other American and European participants in the talks. Nevertheless, it remains a fixed notion in the minds of many in the Israeli public, and continues to be stated by government figures. Shimon Peres told us that story when we met him. Defense Minister Be Eliezer recounted it twice in our conversation, and used it as the basis for his conclusion that nothing could be expected of President Arafat. Even Rabbi Michael Melchior repeated that narrative to us twice over, and based conclusions for his own policy upon it. And the Israelis draw a further conclusion from this already refuted story, namely that Arafat turned down what was offered at Camp David because he had made a prior decision to resort of violence in preference to a negotiated solution. The violent intifada thus appears, to most Israelis, as something deliberately launched by Arafat and all the Palestinians, and invokes the vengeance response I have noted.

Primary task, therefore, for which the Palestinians and their leaders are responsible is to refute that theory and reassure the Israeli public that they genuinely desire peace with them. This is to place heavy responsibility on the militarily weaker side to create reassurance in their attackers, and may seem unfair, but it is inescapable as a task, as we argued in all our meetings. Rev. Jackson enunciated this often as a slogan: "Get ahead, don't get even," and invoked frequently the successful experience of the American Black community and that of South Africa in winning their rights through creative non-violent resistance.

The Palestinians themselves are motivated by despair. They have seen constant further usurpation of their land all through the years of the Oslo peace process, the doubling of the number of settlers on their territory, ever deepening deprivation of all life's necessities and a constant barrage of simple disrespect and calculated humiliation, compounded now by the dreadful experience of re-occupation, the closures and the curfews, totally disrupting everything in their lives. They too are firmly convinced, as much as are the Israelis, that the violent breakdown of the last two years was deliberately planned, but by the Israelis, beginning with Mr. Sharon's escapade at the Temple Mount

and continuing through mounting provocations ever since. Perception on each side, true or false, is vastly important.

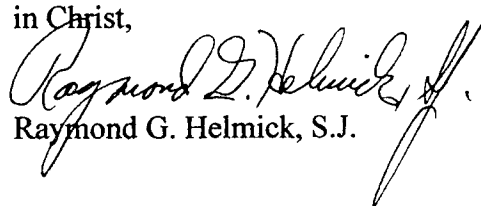
For some time, earlier in the intifada, we heard of the suicide bombers as cases of religious fanaticism, deprived and hopeless young men whipped into frenzy by evil religious leaders. That picture can no longer stand when the suicide bombers are young women, sometimes university students of great promise, even Christian students on occasion. This is the work of despair rather than fanaticism. Where such despair reigns, we have to expect, though we may never condone, desperate actions, and recognize the co-responsibility for every such action of those who have produced that level of despair.

That defines, then, the primary task incumbent on Israeli government and public: to address that despair and give the Palestinian people genuine hope. When we met Defense Minister Ben Eliezer, his good will and desire to spare the Palestinians further humiliation was evident. Yet he had no formula for his own responsibility other than that he had to defend his own Israeli people from harm by harsh occupation. That, as an exclusive objective, can only deepen the despair, and therefore promote the very actions of desperation against which he wants to defend his people.

I have written, since my return, to President Bush, whose action, or more often lack of action, contribute heavily to that despair. Positions he has taken regarding the establishment of a Palestinian state and many of its parameters, after the long period of his simple refusal to address the Middle Eastern problem, actually constituted an advance on many earlier American government positions, but his excommunication of President Arafat amounted to a renewed disengagement of himself and American policy from the situation, leaving everything to the discretion of Prime Minister Sharon. I will be writing also to President Arafat and to Defense Minister Ben Eliezer, very likely to Prime Minister Sharon as well. I would gladly provide you copies of all those letters if they would be useful to you.

With all best wishes,

in Christ,

A handwritten signature in cursive script, reading "Raymond G. Helmick, S.J.", written in dark ink. The signature is fluid and somewhat stylized, with a long, sweeping tail on the final letter.

Raymond G. Helmick, S.J.

Fuzzy Mideast Policy?

Draft Op-Ed, drawn up by Ray Helmick
for joint publication with Rev. Jesse Jackson
August 12, 2002

A peculiar note of uncertainty characterizes American Mideast policy these days, when never in the history of the Israeli-Palestinian conflict have we seen deeper crisis than at present, the two sides so enraged that they cannot relate to one another.

American policy has always played a major role here, often making it possible for these adversaries to retreat from the brink, occasionally providing creative options that enable them to make breakthroughs.

Currently, however, the Bush administration is at loggerheads with itself. The President declares himself in favor of a Security Council resolution calling for Israel to withdraw from Palestinian cities, but blinks when the Israeli Prime Minister defies him. Secretary of State Colin Powell visits the Middle East, demanding, on the President's instruction, implementation of the Tenet and Mitchell findings and a return to the negotiating table, only to be cut down by "friendly fire" from the Vice President and Defense Secretary Rumsfeld, acting covertly on the President, and the overt scorn of such counselors as Mr. Wolfowitz.

Mr. Bush comes to such forks in the road and makes no choices.

More recently, on June 24th, President Bush committed himself to establishment of a Palestinian state with viable borders within three years, declaring this even a clear necessity for the peace and safety of Israel. This seemed to put an end to nearly a year and a half of the President's simply avoiding the subject of the Middle East. But even as he declared himself and adopted a policy, Mr. Bush ostracized Palestinian President Arafat, proclaiming that he would not touch the Mideastern problem until the Palestinians chose another leader to his liking. In that way he disengaged himself once again.

His Defense Secretary, meanwhile, Mr. Rumsfeld, has distanced himself altogether from administration policy, announcing that he sees no reason for Israel to withdraw from the "so-called occupied territories" since they won them in a war and might as well keep them. So much for the oft-invoked Security Council Resolution 242! So much for Article II of the United Nations Charter, by which every member nation renounces the right to acquire territory by force (rather than by negotiated agreement)! So much for the rule of international law!

What kind of government is it when cabinet officers dismiss administration policy and the President once again ignores this new fork in the road? The Secretary of State and the National Security Adviser had, at this point, embarked on a new effort, the highest-level meetings with officials of the Palestine Authority in some months, before

the Secretary of Defense pre-empted the making of foreign policy in this way. And where is Mr. Cheney in all this? You never know until the President backs down.

Fuzzy foreign policy indeed! This uncertain trumpet contributes, in the most irresponsible way, to the violent fraying of relations between the peoples of the region.

Does no one understand why these peoples are acting as they are?

One need only walk down Jerusalem's Jaffa Road on a Saturday evening, seeing the empty streets where ordinarily everyone should be out celebrating the close of Shabbat, to realize under what fear Israelis live. Knowing that Prime Minister Sharon's policies of massive retaliation for every offense will never bring them the security they long for (and which he promised when he took office), they yet approve his revenge attacks and assassinations because it gives vent to their anger. That identifies what must be the priority responsibility of the Palestinian Authority and society: to free Israelis from the impression that the Palestinian program is basically to kill them, and bring the Israeli public back from its raging anxiety.

Does U.S. policy tell them so? President Bush has lost the capacity for any other response than "Arafat must go."

But why are the suicide bombs and murders of Israeli civilians happening? It comes from despair at what Palestinians see happening to them: confiscations of land, house demolitions, targeted assassinations, casual killing of bystanders, even children; reoccupation, constant curfews, deconstruction of every aspect of their lives. That fuels Suicide bombers.

We used to hear that the suicide bombers were fanatical young men with no prospects, whipped into frenzy by malevolent religious leaders. But now they are talented young women, secular, successes in their university studies, acting on their own. That says black despair.

And that in turn defines the first responsibility of Israeli government, to draw the Palestinian public back from that despair.

Does anyone in our government even think of telling the Israelis that?

420

JESUIT COMMUNITY, BOSTON COLLEGE, CHESTNUT HILL, MA 02467-3802

August 13, 2002

Sheikh Ahmed Yassin
 Hamas

Dear Sheikh Yassin,

Salaam!

On July 31st I was with Reverend Jesse Jackson, traveling by bus to meet you and the Hamas leadership at your very gracious invitation. We were just approaching the Erez crossing when we heard, by phone, of the bombing at the Hebrew University, and as you know we turned back to Jerusalem, where later that evening we visited wounded survivors of the bomb, many of them terribly wounded, and their families. I, in fact, along with one other member of the Jackson group, held out longest as we deliberated what we should do, trying to preserve at least the possibility of our going on to the meeting, though in fact we knew we could not at that time. I believe we do still need to meet, or at least to have a respectful meeting of minds.

It was only after we reflected further on the timing of that day that we realized that, had we adhered to our original schedule, a meeting planned for one o'clock rather than four, we would have been in a room with all of you at Gaza when news came that the bomb had gone off. That would badly have compromised our entire mission, and I can only be glad that our meeting with the PA Cabinet in the morning required us to change that schedule.

We had meant to appeal to you, and I do still appeal, to put an end to the cycle of vengeance for vengeance. That is within your choice. I am well aware of the readiness you had shown to end the practice of suicide bombing and other attacks on civilians inside Israel before the F16 attack in the night of July 22-23. I know as well of your having come to much the same decision last November, before the Apache helicopter attack on the office of Mahmud Abu Hunud in Ramallah. I follow closely the as yet inconclusive reports of your discussions with other Palestinian parties in Gaza these last days, seeking to reinstate that resolution, which has now so often been aborted.

My friend, Reverend Jesse Jackson, repeated many times during our visit the exhortation: "Get ahead, don't get even." I believe there is true wisdom in that. We had argued that point with President Arafat and his cabinet, and he had made the public statements you have seen in response to our request. Your ultimate intentions and his differ, as I realize, in that he represents the intent to make peace with Israel, whereas you have not accepted the legitimacy of the Israeli state. Both of you are at one in opposing and resisting injustice to your own people. What you have in mind for the people of the Israeli society is not clear to me. I don't believe it is death and destruction.

I find it most commendable in you, in the midst of this furious violence of the two peoples against one another, that you have so earnestly sought a way out of the carnage. My own religious faith, as a Christian, leads me away from violent retribution or hatred, teaching me that it is morally better, when confronted with evil, to return good. I am a serious reader and student of Quran, but will not presume to teach you from your own Scripture. I know that your Scripture is holy, as mine is, and that its teaching will not be of hatred but of compassion, an imitation of the ways of God, who is as merciful as he is great and just.

Terrible things are done to your people, I know, grave injustices, things that are crime before God and before the basic principles of international law recognized both by people of faith and by others as well. I ask myself why these things are being done, why people are acting in this way toward each other.

I have seen how the Israelis live in fear, unable to conduct the normal affairs of their lives for fear of the suicide bombers, not celebrating their feasts in the public streets as is their ordinary custom, dreading that their children should ever get on a bus. Quite obviously their sufferings do not compare with those of Palestinians, but they are grievous enough that this public gives its approval to the cruel repression visited on your people by the present government. Knowing, even accepting, that they will have to return the land they captured in 1967, they yet adhere to their Prime Minister because he exacts revenge for their hurt. What do you want of them? Their Abrahamic faith, too, teaches compassion. Do you want them to remain in this hateful quest for vengeance, or do you want to elicit from them compassion and justice? We are all responsible for our enemies, for their souls, and must seek to bring them to righteousness and repentance. That will happen only if you act with a higher morality than theirs in emulation of the compassion and righteousness of God. With that you can win your enemies over to good. Nothing is more surely the task given by God to men of faith.

I see equally why your young people make themselves into suicide bombs, to the terror of their enemies. For the earlier months of the present intifada, our Western media presented all this as the exploitation of hopeless young men who were fed on religious fanaticism by unscrupulous clerics and led to end their lives so in an act of hatred. Should it be so, such conduct by clerics or bombers would be a slander on their own faith, which does not foster such ill. But we can see now that the bombers are as often successful young students, some women, some quite secular. This is not the work of religion, or religious fanaticism, but of despair, against which our faith should always fortify us.

When there is such despair, we have to know that it will generate such desperate actions. We should know also that such actions of despair, though we can in no way condone them, are as much the responsibility of those who have caused the despair as they are of those who carry out the actions. None of us who strive to live by faith should ever accept that our own people, especially the young, live in or yield to such despair, but should lift them out of it into positive action in pursuit of justice.

That is the attraction of the non-violent resistance taught by such sages as Ghandi, as Martin Luther King, as Nelson Mandela or the blessed Imam Musa al Sadr, and practiced with such effect by Palestinians during the earlier intifada that began in 1987. It is never a way of passivity or surrender, but of active resistance and demand for justice. What Palestinians did in the first intifada by non-violence (at least relative: they used stones, but not guns or bombs) reduced the Israeli occupiers to helplessness. They had the military power to crush any Palestinian use of force. They were able to defeat militarily anything all the Arab nations together could bring against them. But against the weaponless protest of the non-violent intifada they could do nothing. The world, even the peace-minded among the Israelis, recognized the moral superiority of these children and youths in their resistance, and the Israelis had to yield to Palestinian demands for justice for the first time.

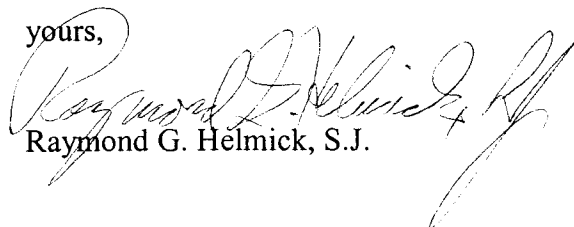
Not enough, of course. The intifada, with its non-violent and therefore effective mobilization of the people, was too soon abandoned. The people, left without a real role in determining their own future, fell victim to increasing frustration, and when the expression of their frustration met with such violent repression by the current Israeli government, they resorted to the – despairing – violence of the present intifada. With that, they are losing at every point: losing their land, losing the lives of their children, losing their hope for the future. They can have all that back if they adopt a disciplined and organized non-violent resistance once again.

Nothing is more incumbent on Israeli society and its leadership than to address that despair of Palestinians and replace it with hope. That they are blind to that means that you must teach them compassion, the mercy and justice of God that their own faith urges upon them. That is best done, as you will know, by showing them examples of it in your own lives and conduct.

Dear Sheikh Yassin, I wish it had been possible for us, the whole Jackson delegation, to meet with you that day we had planned. The bomb, the act of vengeance for vengeance, made it impossible. Such an exploration of the ways, in Rev. Jackson's phrase, to "get ahead, not get even," would have been very consonant with the efforts you and the Tanzim and Al Aqsa Brigade people have made, in concert with Nabil Shaath, Fatah and President Arafat's Palestine Authority, to reach a more humane and godly and just path to winning your people's rights. I earnestly hope you will consider the better possibilities this would open up for your people, look with compassion on the frightened visage of your enemies and lead them also to the ways of justice and peace.

With all respect and good wishes for your peace, I am

yours,



Raymond G. Helmick, S.J.



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

August 14, 2002

Minister of Defense
Binyamin Ben Eliezer
The Knesset
Jerusalem, ISRAEL

Dear Minister Ben Eliezer,

Shalom!

I met you recently as one of the Jesse Jackson delegation, whom you received so graciously and to whom you were so genuinely helpful on our visit at the end of July. I would like, first, to thank you for so proactively assisting our mission. You were a new face to me, and I am very favorably impressed. My preconceptions had been in terms of your keeping the Labor Party in coalition with Mr. Sharon's government, from which I would not expect progress toward peace. What I found in you was a man acutely conscious of the suffering of the Palestinian population at large, as well as the parallel fears of Israelis and the drastic shrinking of their life opportunities under Palestinian assault. Yours are human responses I felt I could trust.

I note your utter skepticism about Mr. Arafat, whom you had come to know so well, as in any way a possible negotiating partner, and your grounding that opinion on his behavior in the Camp David negotiations. You told us that story twice in the course of our meeting: that Arafat was offered nearly everything the Palestinians could want and turned it down, with the corollary that he had made a prior decision to unleash a planned campaign of violence instead. We had heard the same account, from many sources of course, but among them from Foreign Minister Peres when we met him the previous Sunday, and also from Minister Michael Melchior (he also told the story twice in our meeting) and Rabbi David Cohen. It is essentially former Prime Minister Barak's account of the negotiations of 2000 and the subsequent breakdown into violence.

I've written to President Bush since our meeting, telling him how I had to dissent from that reading of Arafat, out of my own similarly close and direct acquaintance with him, going back to 1985. I pointed out that President Bush's own excommunication of Arafat has guaranteed Arafat far greater success in the next election, since Palestinians, even while angry at Arafat's administration of the PA, will not stand for a foreign power (U.S. or Israel) telling them they must choose new leadership more to its liking.

Mr. Arafat, as you saw, did make the statements we were asking of him, the same he is always asked to make and in fact has made several times: repudiation of the suicide bombings, other bombings and attacks on Israeli civilians, with a pledge to oppose them and to prevent them to the full extent of his powers.

He read it as formal statement, in Arabic and in English, before all the press and cameras when we saw him on the Monday (July 29), and did it again speaking for his full cabinet, whom you had made it possible for us to meet (their first meeting in five and a half weeks) on the Wednesday, and who associated themselves with that commitment. The extent of Arafat's powers, as you know well, is limited by the crippling of his police force. As I argued to President Bush, while lacking much physical capacity to control anything in the West Bank, he has a quantity of moral authority, which in fact he has several times used to bring Hamas and other attack organizations to halt their actions.

He and every other Palestinian or Arab I have met hold the firm conviction that Mr. Sharon deliberately stirs the pot to unleash further violence any time that happens, the latest and most spectacular such episodes being the F16 attack of last month and the Apache helicopter attack in Ramallah in November. Arafat's moral authority to bring about cessation of violence is a limited quantity. He spent a substantial portion of it at our request, and in fact has worked since we saw him to bring about an anti-bombing decision, among Tanzim, Al Aqsa Brigade and Hamas, that is still not concluded. His authority, moral or otherwise, was drastically eroded by people's bad experience of his PA administration, but revived mightily once he came under Mr. Sharon's massive attack and the rejection by Mr. Bush. If he expends all the moral authority he has and his people continue without hope, he will be seen as merely Israel's tool for control of Palestinians and the most violent forces among Palestinians will take over.

I do want to challenge, though, that thesis that you, Foreign Minister Peres and Rabbi Melchior all gave us, that Arafat was offered the moon and turned it down, the very basis of your conclusion, as you explained it, that no negotiation can be built on Arafat. We have all seen the detailed refutation of that analysis, among other places in the superlative study that reporter Deborah Sontag published in the New York Times of July 26 last year, in the many writings of Robert Malley and other participants in the meetings: Arabs, Europeans and Americans. I'm familiar with the detailed critiques made by the Palestinian negotiators at the time, contrary to the thesis that they never gave any reply, with the progress that had been made by the time of the Taba meeting, and the presentations that were being made all through 2001 by young Palestinian students and intellectuals in Jewish venues all over Israel. Prime Minister Barak did indeed break new ground and touched on topics that had always been taboo in Israel, but further real negotiation was needed and the Palestinians were working hard at it.

To base on that the further corollary that Arafat refused to deal because he had already decided instead on a violence campaign is to work from a false premise. You have your impressions of Arafat, arising from close and watchful contact, I have mine. From what I know of him, having worked closely over his coming to acknowledge the three famous pre-conditions for dialogue over the period 1985-88, and over his approach to direct negotiation in the Madrid and Oslo developments, all the while closely in contact with the series of Israeli Prime Ministers as well, I can assess Arafat's life work as having brought his people to readiness for peace with Israel, its state and society. That

is a tremendous accomplishment, and was colossally hard work over the whole time of Arafat's chairmanship of the PLO.

I know all this in close detail from having worked him and members of his Executive Committee through much of the detailed analysis over a period of years. It is simply unthinkable to me that Arafat is now engaged in destroying what is his true life accomplishment. I've heard accounts, yours among them, of his fomenting the current violence. I know other explanations of all the items you cite to show that.

Why is it important to thrash through such an argument? It is because this thesis, that Arafat turned down the moon because of having already decided on violence, is so widely believed in the Israeli public, even among officials like yourself who should know otherwise, that it is the motive for the rage that infects that public, and puts them in such massive support of Mr. Sharon and his repression policies. Everyone in Israel must know by now that Mr. Sharon's way of treating Palestinians will never bring peace or the security for which all Israelis thirst. He came into office on the claim that he would make Israel safe for its citizens, and he hasn't done too well, yet people support him because he avenges their hurt.

That really defines what Palestinians should recognize as their priority task, to disabuse Israelis of the idea that the Palestinian program is to kill them, to draw Israelis back from the fear and anger that consumes them. I believe Arafat and the Palestinian leadership actually do understand that well. We talked of it at length in the cabinet meeting you made possible. It is difficult for them to act on it because of the despair of their own people.

That despair is the principal thing that should demand Israeli attention. Despair is the reason for the suicide bombings. Deeper despair will produce only more suicide bombings, not less. Arafat, or any other Palestinian leader, has only so much moral authority to call people back from such acts of desperation, a limited quantity. If he spends it all without some positive effect for his own people, there will be no more. I hear often the argument that if Arafat can't stop the bombings he isn't worth talking to, but his capacity to end the bombings is strictly proportionate to the hope or the despair among his people.

For quite some months at the beginning of this new intifada we kept hearing that it was all religious fanaticism, that malevolent clerics were stirring up and training these impoverished zealot boys to make themselves into suicide bombs. There was some of that, but now we are seeing promising university students, young women, thoroughly secular, as suicide bombers. That bespeaks simply black despair.

On one level it is evident enough what the despair is about: confiscations of land throughout the Oslo period, confinement to cities and villages in ways that had never happened even earlier in the occupation, deconstruction of their economy and standards of living, more recently the closures, curfews, assassinations, casual killing of bystanders,

including children, etc., etc. I needn't even give you a catalogue. But at another level the despair is deeper, and parallel to the Israeli conviction that the violence is deliberate.

You will not find a Palestinian who does not believe that Mr. Sharon's adventure on the Temple Mount, September 28, 2000, was other than a deliberate provocation for just such violence as has developed since. I find it hard to imagine otherwise myself. A number of rather strained arguments are commonly raised to shield him from that charge. It is argued that he was really just trying to outdo Mr. Netanyahu and not thinking of Arabs, but he would have to be very dense not to know what the effect would be. Or that the tinder was all there to produce a conflagration, but he had to have known that when he dropped the match. Or that the trouble really started the following day, when a number of protesting Palestinians were shot dead on the plaza by Israeli troops (this was George Mitchell's way of saying Sharon didn't do it himself). But the protest was simply a predictable reaction to Sharon's conduct the previous day. What matters, though, is perception, the fact that Palestinians believe that was the motive of Sharon's action.

They point out, too, that Sharon could not have had his escapade without the permission of then Prime Minister Barak and his negotiator/Police Minister Ben Ami to bring with him a thousand armed men, more than the number who had captured the site in 1967. Saeb Erekat described it at the time as Barak's exit strategy from the Camp David negotiating process. (That argument can't hold, by the way, since Barak continued the negotiation even after the September event.) Add to that the way the current government has initiated some major attack or assassination, with little or no apology for deaths of any number of bystanders, any time things have quieted down, and you come to the conviction, shared throughout the Palestinian community, that the violence was deliberately let loose by Mr. Sharon and his accomplices in the Right wing; that he stirs the pot again any time he senses a danger of peace breaking out; and that he is determined to force the fight, even to the extent of using his own people as bait for the bombers. This, at any rate, is the perception. True or false, the perception is vitally important, and it is the reason for the despair that triggers the suicide bombs.

With such despair, there are bound to be desperate actions, the suicide bombings just a current, if especially terrible, expression. You have had terrorist tactics other than that before. In such instances, we can never condone the desperate actions themselves, but have to recognize that the responsibility for them is shared between those who perpetrate the actions and those who have reduced them to that depth of despair.

And that defines, for me, the priority task incumbent on Israeli government and society: to address that despair, to relieve people of it and give them genuine reason for hope. Nothing short of that will have any effect against the terrorism you face.

You, Minister Ben Eliezer, are a compassionate man, fully cognizant of what the Palestinians are going through and anxious to end it, for their sakes as well as for your own people. With your Iraqi roots, you know Arabs better than other Israelis, know them at their best and their worst and have a sense of how to deal with them. You have never seen Arabs more reduced to desperation than these Palestinians about you. Looking to

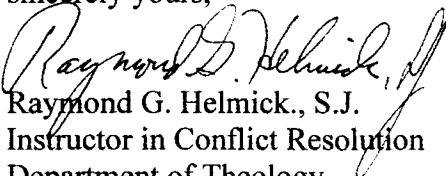
your task as Minister of Defense, you told us your responsibility is to defend the Israeli people, which is true. The four generals with you doubtless know these conditions too. To deal with Palestinian suffering is not their primary agenda. But heavy repression, armed incursions, mass arrests, demolition of houses, expulsions etc. will only deepen the despair and produce more suicide bombings, more terrorism of every kind.

What is this government of which you are a part? I know many people, Israelis and others, who think you and the Labor Party should not be a part of it. I wouldn't presume to judge that, as the argument you and, more often, Mr. Peres make is likely true, that you are a restraining element in a government that might otherwise be still more extreme. What would follow if you left might well be worse.

Many commentators, and his own Right wing opponents, describe Mr. Sharon as being without a policy. I would rather fear that he has a very distinct policy: to discredit and destroy not only Arafat but the whole Palestine Authority, to eliminate any leadership capable of making peace until he faces only Hamas and the rejectionists, so that he can then have American permission to crush the Palestinians entirely. I cannot be certain of that, but it is a hypothesis that I have to take seriously. If it were to happen that way, Israel would carry a stigma before all the world, and incur so deep a hatred, in its own region, that its future would truly be at supreme risk. A responsible officer of Israeli government has to foresee that and do all in his power to prevent it being so.

I wish you well in your enterprise, hope that it will be informed with an awareness of these, the real perils facing your precious country, and that this awareness will inform your conduct. With all best wishes, I am

sincerely yours,


Raymond G. Helmick., S.J.
Instructor in Conflict Resolution
Department of Theology
Boston College

Senior Associate
Program in Preventive Diplomacy
Center for Strategic & International Studies
Washington, D.C.

Appendix, about Other Places

August, 2003

This is the only addition to these papers this year. Since the events of 9/11, 2001, the destruction of the World Trade Center towers in New York and the attack on the Pentagon in Washington, have so impinged on our horizon, the Israeli-Palestinian conflict in the Middle east has acquired rather more context than it had before. Everything is seen now through the lens of international terrorist threats, the Bush Administration's policy of Pre-emptive War and the successive wars in Afghanistan and Iraq.

The papers that follow give my own very skeptical view of these events, in the form of a series of communications I've made to Secretary of State Colin Powell. We will have to discuss the effect these developments have had on the U.S. role in the narrower Israeli-Palestinian conflict, and there is documentation that you will be receiving over the course of the term. But I thought you should know, from the start, where I am coming from in discussing them.



September 16, 2001

Secretary of State Colin Powell
Department of State
Washington, DC. 20520

Dear Secretary of State Powell,

Christ's peace!

Thank you first for your kind response recently to my letter on Orient House.

Looking at the conditions created by last Tuesday's devastating attacks in New York and Washington, I hope our national precautions are not merely against last week's disaster, but that we are searching out the most evil plans our adversaries may yet be contemplating.

It is in their interest to keep this pot boiling by staging quickly another equally terrible blow. Hijacking airliners is most likely beyond their reach now. I notice that such things as professional baseball and the Ryder Cup have been called off, perhaps prudently enough. But if I were planning a follow-up to such things as these adversaries did last week I would think sports events pretty tame fare. They would need such a spectacular as the World Trade towers again.

Living in Boston, I would think this city one of a few most attractive prospects for such an attack, and the way to do it would be to blow up the weekly shipload of compressed natural gas that comes into Boston Harbor. Last I knew, this came in every Thursday. When these shipments first began, quite some years back, I remember hearing that an explosion of that ship in the harbor would be equivalent to a nuclear bomb in the heart of Boston. At that early stage, a policy was instituted of stopping all other movement of ships or boats in the harbor to prevent accidents. I don't know whether that policy is still followed or not, and would always worry that decisions about such things in our country are often made for the convenience of business even when they involve great risks.

We now need to prevent such an explosion not only against the event of accident but against suicide attackers. When this occurred to me, I thought first that it would take only a very small plane, the smallest we have in our private civil aviation, to attack such a ship the way those buildings were attacked. It could be done as easily with a boat, or even with a shore-based mortar or other small artillery weapon.

Boston must, in this respect, be like many other American cities that get such compressed natural gas shipments. They are all a risk that we should look at.

Secretary of State Colin Powell, September 16, 2001 – 2

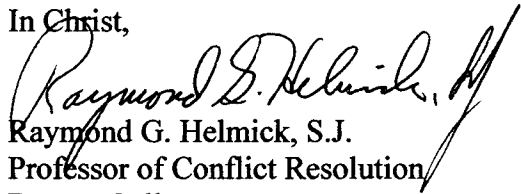
Anyone planning such an attack would expect that economic interests would strongly resist any inclination to stop those shipments. They have been, from their beginning, a very risky way to supply compressed natural gas to cities. If we decide to stop letting each week's shipment be such a gamble, we ought very promptly to find a safer way to supply these cities with natural gas – pipelines or whatever – so that the result would not be disruptive damage to our economy.

Last Tuesday's ruthless attacks aimed not merely to destroy buildings and kill people on a staggering scale, but to demoralize the people of this country. Government and all of us have had to engage strenuously in restoring morale ever since – as I write, I listen to radio reports of today's Stock Exchange reopening, as we call on investors to wave the flag in their financial decisions and hope we won't see the stock market fall as precipitately as those buildings last week. A further blow such as the one I speculate about here would have an effect comparable to last Tuesday's. I hope we will take care to prevent it, and to think our way through to other such blows that might be struck.

These terrorists came up with a brilliant plan for last week. In its symbolism, it was the blow of the weak against the strong. They did this inexpensively, using, besides their ingenuity and their lives that they held so cheap, only knives to hijack the planes. The planes themselves were the weapon, each of them chosen for its long-distance flight plan that ensured a full load of fuel. Having tried to topple one of those buildings against the other in 1993 with a truck-bomb in the basements, they had doubtless made their engineering calculations with care. Any follow-up attack will likely have the same character: David's sling-shot against all the economic and military might of Goliath, vast, even nuclear-sized damage from minimal means. To foresee the next steps we should be thinking in such patterns.

Sincerely yours,

In Christ,


Raymond G. Helmick, S.J.
Professor of Conflict Resolution
Boston College
Senior Associate
Program in Preventive Diplomacy
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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

431

September 21, 2001

Secretary of State Colin Powell
Department of State
Washington, D.C. 20520

Dear Secretary of State Powell,

Christ's peace!

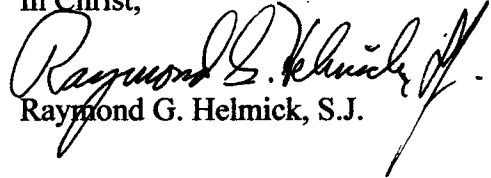
You might well expect that I would follow closely the terrible events of these last days, since the terrorist attacks on New York and Washington, and try to understand them, as calmly as possible, in some orderly way.

Enclosed here is an analytical paper in which I attempt to sort out what we actually know from the facts and the character of the attacks, identify the multiple theaters with which we have to deal, and see what options are really viable for the necessary American response.

I rather wish I had finished the paper early enough to have it in Express mail today, on the Friday, so that you would have it Saturday morning. Since I finish it only rather late at night, I will send it as e-mail attachment, but also as Express mail tomorrow.

With all beset wishes,

In Christ,


Raymond G. Helmick, S.J.



432

JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

US policy options after the September 11 attacks

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September 21, 2001

Why did the attack happen?

From what we have learned so far about the September 11 attacks, this much is clear about their motivation.

It was planned since at least five, possibly seven years ago. That means this was not about this last year's Palestinian intifada. Anger over that situation will have impressed itself on the attackers, but the basic and initial motivation is other.

The attackers, further, were not the ragged, young, impoverished, religiously fanatic Islamic fundamentalists we have come to associate with suicide bombings, but rather middle-class men, with wives and children, able and willing to associate with non-Muslim neighbors, drinkers and womanizers rather than strict in their Muslim observance. They had technical education adequate for piloting those planes and for understanding, as engineers, the catastrophic effect their attack would have on these enormous buildings. That means that the anger boiling away within that Islamic world has penetrated much further than to the deprived fringe elements that we have come to expect as suicide attackers.

They employed a symbolism as well: this was the attack of the weak against the strong. They used no weapons or advanced technology of their own, but turned our own strength and technology against us. Of their own resources, they used only knives and their own bodies. The weapons were the planes themselves, which were ours, chosen because of their cross-country destinations, which would therefore have full loads of fuel. Any further attack will likely have that same character, as it is in their interest to explore all the weaknesses to which our high-tech way of life leaves us exposed.

U.S. Policy Options, September 21, 2001 – 2

The objective of their attack was not merely to kill that vast number of people and destroy conspicuous iconic buildings, but to demoralize the people of this country. Our national leadership, in and outside of government, devoted all last week to the task of restoring that morale. A second blow now would drive it heavily down again.

Whether Osama bin Laden was directly involved in instigating and planning it is not altogether clear. His role is more likely to have been that of inspirer and ideological facilitator of this and much else going on in the more extremist reaches of the Islamic world, possibly quite indirect in this particular case. That he is harbored in Afghanistan is bad luck just now for the Taliban regime, and that regime itself is unbelievably bad luck for the people of Afghanistan, who have suffered from it more than we have for a much longer time. However, harboring bin Laden is not the same thing as planning the attack. That the Taliban is an unendurable oppressor of the people of Afghanistan, a government that ought not remain in place, is a different issue, and certainly not a reason to start bombing Afghans.

The perceived offense that motivates associates of bin Laden, and apparently himself, has to do primarily with the presence of American (and other Western) troops in Saudi Arabia. That is something that truly offends a lot of Muslims, rightly or wrongly, in Saudi Arabia and elsewhere. At the beginning of the Gulf War, when Iraq first invaded Kuwait, the presence of Western troops in the Islamic heartland was regarded as unthinkable. The Saudis were frightened, the Egyptians encouraged them to take the plunge and welcome the Americans, but it took a great amount of arm-twisting to get their assent. We ought to be looking at the reasons why those troops are still there. It may be for fear of Iraq, but may also be simply because we like being there. The Saudi government, having assented in the first place, still warily supports our presence, but knows that it seriously alienates a lot of their own people, from them as well as us. At the least we ought, after consultation with the Saudi government, let it be known that we understand the problem and do not mean for that American military presence to be permanent or extend beyond the time it is actually needed.

Geographical Areas of Concern.

All of this means that there are **three theaters** in which American responsive behavior must be played out in the aftermath of last week's attack.

1. Afghanistan. Everyone must by now have seen that e-mailed article, by an Afghani-American resident 36 years in the U.S., which speaks of all that Afghans have suffered, to the point where there is nothing left to take from them, only more suffering to inflict on innocent and afflicted people. We do have national responsibility to hold those who actually planned this attack fully accountable. It is rather hard to punish the hijackers who went down with the planes. Besides a justice requirement to punish such a crime, we have an outraged population that will accept no breach of that requirement.

U.S. Policy Options, September 21, 2001 – 3

We may have to hold the Taliban accountable as we establish the degree of their responsibility. But that can be done at longer term, and need not be a matter of Cruise missiles or attacks that affect the innocent. We've a lot of bloodthirsty talk going around the country and we need to be set firmly against that. We can be sure that, if our response is to prove to the world that we can kill better than anyone else, we will receive cyclical retribution for every blow, while losing the moral ground and the cooperation even of our closest world allies. I think most of us are aware of how badly the Sharon policy of massive retribution for every blow has succeeded in making Israel safe. We could be sure that, if we imitated that kind of response, life for citizens of the United States would quickly become just about as safe as it is now for citizens of Israel.

There is, in fact, another way of addressing the problem we have with the Taliban in Afghanistan. Our problem with them is not as great as that of their own people. The preface, clearly connected, to the attack last week was the murder, the previous Sunday, of Ahmed Shah Massood in the Panjshir region of Afghanistan, a way of making the Taliban safer from retribution for the planned action. The Northern Command, even weakened as it is by the loss of Massood, is still there as a potential leadership of the unrest among the Afghani population, which by now is heavily alienated from the Taliban. It is also clear that they could be helped through Tajikistan, whose government has been firmly against any slide of their country into extremism. We ought not to be the danger, the enemy, the destroyer of the Afghani people, renewing the hold of the Taliban over them by making them rally around it, but rather the source of hope and help in their liberating themselves (NOT being "liberated" by us) from the Taliban.

That is a long-term project, at a time when our American public is demanding swift and decisive action. We need to work at redirecting that American rage specifically at those who directly planned and executed last week's attack, not against a Muslim or Arab world, nor against the nation of Afghanistan.

2) **Iraq.** I say Iraq because the rationale for the continued presence of American troops in Saudi Arabia is -- perhaps unnecessarily -- about Iraq.

The US quite deliberately held back from invading deep into Iraq itself in 1991, knowing that would mean occupying Iraq, which would have been disaster for us and for the Iraqis. Keeping Saddam Hussein in place was a convenience to the Saudis, who feared Iraq might otherwise break into its Sunni, Shiite and Kurdish parts. It involved what the Kurds in the North and the Shiites in the South perceived as their abandonment by Americans who had urged them to rise up against Saddam. Those wounds still fester.

My own qualification has been association with the Iraqi Kurds ever since 1973. I strongly recommended to Barzani and Talabani, from the time in 1987 when the winding down of the Iran-Iraq war opened an opportunity for them to have some help from the outside world, that they should renounce any policy of separatism, which would

U.S. Policy Options, September 21, 2001 – 4

raise, in the eyes of the international community, the specter of instability, and establish as their priorities, first, protection of their human rights (in the face of Saddam Hussein's truly genocidal treatment of them), second, their cultural rights (to their language, history, tradition) and third, free communication among the Kurdish populations Iraq, Iran, Turkey and Syria. Both leaders, even as they took to fighting between themselves (over the meager supplies available to either of them), have remained faithful to that concept ever since, and kept it strong among their people: that the safety of the Kurds rests not in separatism but in a democratic Iraq. They live under a double embargo of supplies: the effects of the sanctions against the whole of Iraq, and the further boycott of supplies from within Iraq that Saddam Hussein maintains against them.

I have believed, and argued for a long time, that the proper way to displace the Hussein government in Iraq, to the benefit of Iraqis at least as much as of ourselves, is to make the Kurdish region in the North a real political, economic and democratic success, in that way providing a democratic magnet for the rest of Iraq.

These Iraqi Kurds have benefited from American protection against being overrun by Saddam Hussein. If they were helped to prosperity and democracy, developing their economy by exploiting their tremendous mineral and other resources, they would be in a position to provide people elsewhere in Iraq those desperately needed supplies that Hussein prevents from getting to his own people.

Barzani and Talabani have also remained consistently open to participation in government with non-Kurdish Iraqi leadership, even though the leadership that has been available has been very much wanting so far. This creates the opportunity to replace the oppressive government of Saddam Hussein with something positive that can unify Iraq, rather than trying to subvert him and reducing the country to chaos.

3) Israel-Palestine. As I argued above, this conundrum is not the reason for last week's attack, though anger about it will have figured in the minds of the attackers. The apparent success, so far, of the ceasefire achieved this week opens the possibility of resuming the negotiations that so nearly succeeded by the time of the Taba meetings early this year.

It is necessary to recognize, though, that the September 11 attack, and the joy felt about it by a lot of people who did not themselves fly those planes into buildings (and would not have), has its roots in a deep anger which our country, in its policies, is responsible to address, the just grievances redressed. Much of our government and public are altogether unwilling to address this. The denial over this whole complex of issues is at least as extreme as was American denial over Vietnam. If we fail to address it, that way lies catastrophe, for ourselves as much as for anyone else.

U.S. Policy Options, September 21, 2001 – 5**Our Available and Usable Resources.**

President Bush, addressing the nation Thursday evening (September 20), rightly declared to all the world's nations that they were either with us or with the terrorists. As it happens, they are with us, with very few exceptions.

We enjoy, at this moment, unprecedented good will even from countries that have been traditionally wary of our power and our policies. Wisely, while speaking of our military power and determination to hold those responsible for this crime accountable, the President did not call for a declaration of war against any country nor threaten specific use of our forces in any particular way.

We face a legitimacy question here. For quite some time we have told ourselves, almost ritually, that we cannot be the world's policeman. We are correct in that, not only as to the limits of our actual power but as to a question of right.

If we, as the United States, demand the compliance of all the nations, even for a just cause, the question is: by what authority. They are not obliged to obey us. If we rely on NATO, the question is the same. Military action we undertake against an Islamic nation on either of those two accounts will be seen by all the Islamic world, and likely even by our own closest allies, as lawless. If we undertake the kind of black operations – covert, special forces, commando raids – that we have been hearing about, they will be seen by all the Islamic world as terrorist actions, and justification for counter-strikes. That is the scenario I indicated above when I wrote that such response would quickly make the life of citizens of the United States about as safe as the instant massive retaliation policies of Prime Minister Sharon have made the lives of Israeli citizens.

The most important single response I saw to President Bush's address came from UN Secretary General Kofi Annan in an Op-Ed article in this morning's (September 21) *New York Times*. The United Nations offers us the kind of legitimacy in our demands that we need to pursue these malefactors without hesitation and without inducing this kind of recrimination. The member nations of the UN are ready to endorse the full pursuit of those who planned and executed the actions of September 11, and to penalize effectively any nation that either assisted in preparing those actions or harbors the criminals. The UN has, in its covenants, ample basis to require all nations, under penalty, to surrender such criminals to justice. An international criminal court does not exist, partly because of our own reservations about it, but the UN is able, by a resolution that the members are quite ready to endorse, to set up a special tribunal (like the one for crimes committed in the Balkans) to try all those involved in this and related acts of terrorism.

President Bush invoked various resources that the United States would utilize in bringing these criminals to justice, including "every means of diplomacy, every tool

U.S. Policy Options, September 21, 2001 – 6

of intelligence, every instrument of law enforcement, every financial influence and every necessary weapon of war — to the disruption and to the defeat of the global terror network.” Because we are actually fighting a massive crime against humanity, the most important of these is “every instrument of law enforcement,” and the United Nations is the instrument that can give, and is ready to give, all our demands the requisite legitimacy.

How are the nations of the world to accede to our just demand? In freedom, not by ukase. The United Nations, not a government but a forum within which the member nations can agree on common policy and give it, by their agreement, force of law, is where that free and common decision can actually be had.

Our nation prides itself, as we constantly affirm, on being governed by law, not by the arbitrary demands of men. For most of our history peoples of all nations have seen us as a great beacon of justice. Currently, the peoples of the Middle Eastern and Muslim world do not see us so, but as the perpetrators of grave injustices against themselves. We are required, in justice, to pursue and punish those who, in response to that perception, have committed monstrous crimes. We have need to hold accountable nations who have harbored such terrorists and fostered these actions – through the now readily available concurrence of the international community, acting in the UN forum. But for those who simply harbor great anger against us for what they perceive as offenses against them, what we need is reconciliation. We pursue that by hearing their narratives, without any effort at denial on our part, and by truly demonstrating our justice, not ignoring their plea.

438



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02167-3802

March 1, 2002

Secretary of State Colin Powell
Department of State
Washington, D.C. 20520

Dear Secretary of State Powell,

Christ's Peace!

All the talk that circulates about Iraq leaves me apprehensive that some terrible mistake in policy may likely happen. I write to you as the one person among those who decide out national policy who best understands that wars are things to be prevented rather than sought.

My own long experience, continuous since 1973, with the Iraqi Kurds convinces me that an effort to build a military effort against Saddam Hussein through them would bring about a disastrous and embarrassing failure, but also that there is an alternative way, non-military, to undo Hussein's grip on Iraq through the Kurdish North.

My experience of the Kurds goes back to the time when Mustafa Barzani was leading his 1970s campaign for autonomy. Barzani's Kurds at that time so much relied on the counsel of my London colleague, Richard Hauser, that they leased the house next to ours on Ponsonby Place and made it their European office for the next many years, keeping me as well as Richard close to their thinking all those years. That gave us a close window on the Iraqi Kurds as they broke up into factions after the collapse of Mustafa Barzani's rebellion in 1975. My own contact with them partly lapsed after my return to the U.S. in 1981, but became very close again, both with Mahsoud Barzani and Jalal Talabani, by the waning years of the Iran-Iraq war, from 1987, when I advised them on keeping clear of any separatist policy, putting reliance for their safety on help from the international community for the development of a democratic Iraq. They have both been firm in maintaining that policy ever since, despite all their infighting and tribulations.

I read of the recent CIA discussions with them and the INC without having any inside information beyond what is in the media. I have close knowledge of the resentment and distrust the Kurds harbor over what they perceive as their abandonment by the U.S. and the CIA in 1975, and their further apprehensions about American military support after their 1991 experience, when they saw Iraqi forces permitted to suppress their uprising and that of the Shi'ites in the South. I was there as an observer, by invitation from both leaders, for their 1992 election in Northern Iraq, able to witness at close hand the tense relation between the two of them, and when fighting first broke out between them a year later, finding Talabani isolated outside Iraq and unable to return to his Sulaymania base without crossing Mahsoud's territory, I volunteered to accompany

Secretary of State Colin Powell, March 1, 2002 -- 2

him, as friend of both, for his safety on that journey. (The Turkish Army eventually transported him back by helicopter instead.)

During that same period just after the Gulf War, when they suddenly became receivable in Washington and made their joint visit here, I was with them when Henry Kissinger's message arrived saying he would like to meet them. Mahsoud's resentment over Kissinger's role in 1975 was so strong that he refused to meet Kissinger. Talabani and I each spent considerable time trying to persuade him that it was in his interest to meet Kissinger, to no avail.

My conclusion from all this: asking them to mount a military assault on Saddam Hussein's regime, especially under CIA direction, is a lost cause from the start.

There is further reason to believe their actual military strength is far below any feasibility for an attack on Saddam's forces. They once proved able to repel an armored attack into their Northern area. An advance South would have little chance, even if they had the sort of technical support the Northern Alliance received from the U.S. in Afghanistan, and even if they did not judge things from this massive distrust they have learned of American military promises and of the CIA.

The INC, living remote in London, with a few impressive Shi'ites, one Arab Sunni general broken out of the Revolutionary Guards and a tremendous lot of dead wood, people altogether out of touch with realities among the Iraqi population, provides no adequate political base for a campaign against Saddam. Talabani and Barzani, ready always to cooperate with non-Kurdish elements in Iraq out of their conviction that the safety of the Kurds was inside a democratized Iraq rather than outside it, recognized early that most of these INC people had no genuine political base.

I repeat that any plan for military incursion into Iraq based on these inadequate pillars will meet disastrous failure.

The Alternative:

Far more promising as a way to unseat Saddam Hussein and the whole Ba'ath dictatorship in Iraq is to make a true success, political, economical and democratic, of the Kurdish Northern enclave. The Kurds have lived in desperate want all these years, cut off economically both from the outside world and from the rest of Saddam's Iraq. Their territory is full of natural resources, their people capable of rapid, sustained development.

Their established readiness to welcome other Iraqis, Shi'ite or Sunni Arabs, who sought a better life, into their enclave and into a sharing of political life with them, would make such a really successful Northern enclave a magnet for all the rest of Iraq. This would give these others the context in which to become far more serious leaders. In

Secretary of State Colin Powell, March 1, 2002 – 3

this way a Shi'ite and Sunni Arab leadership, safely ensconced in a prosperous and successful North but back on Iraqi soil and close to the needs of their own people, could gain in stature. I know how reluctant the leadership of Shi'ites in their Southern region has been to throw in their lot with the Kurds, but this would give those Shi'ites who were in fact prepared for this kind of democratic cooperation the standing they now lack.

My experience of the 1992 election showed me the profound desire and readiness for democracy among these Iraqi Kurds. What has stood in their way has been that the rivalry between their leaders became such a violent competition for desperately scarce resources. My own consistent advice to them over this time has been the necessity, even in their indigence, to establish rule of law and tight control for this purpose over their own armed forces. If the U.S. were to make resources available, we could readily demand real cooperation and democratic procedure between Barzani and Talabani as the price. They have buried their differences, agreed on basic policy and worked closely together in the past. They can do it again if the Kurds are relieved from the really marginal character of their existence.

The cost to the U.S. would be minimal by comparison with the cost of a war. What is needed is not hand-out aid, but the creation, by some targeted investment, of an international opening for Kurdish resources and the development of entrepreneurship among their people.

What this would accomplish in the rest of Iraq would be to make Saddam the useless President, giving each of the constituencies under his domination knowledge of a leadership and compatriots who were living so much better. His domination is built on fear, but the U.S. could readily give him instead a real political base in the country were we to make a military attack on him, especially after the long duration of our sanctions regime. Making him the President unable to provide the good life that many of his people were enjoying in the North through U.S. help would undermine him even with the military upon whom he relies.

The problems to be faced would be, first, to bring about political change in Iraq without breaking up the state, and second, to keep the Turks happy. Neither of those is insuperable on this plan.

What the political, economic and democratic success of the North can create is a truly cooperative and democratic leadership that cuts across the ethnic and religious divisions of the Iraqi population, the one real guarantee possible of the integrity of Iraq. From its beginning under British initiative in the 1920s, Iraq, with its population 55% Arab Shi'ite, 25% Kurdish, 5% Christian and 15% Arab Sunni, could only be governed by dictatorship so long as real political standing was limited to that Arab Sunni 15%. It has been that both under the Hashemite monarchy and under the Ba'ath and other military regimes since, an essentially artificial and fragile country. Such a shared and

Secretary of State Colin Powell, March 1, 2002 – 4

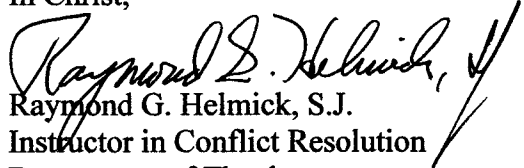
democratic new leadership would make it a viable state for the first time, and an example of pluralist living for the Arab states around. Some of the oil states along the Gulf are themselves already challenging Sunni-Shi'ite friction, and would be helped by the example of a successful pluralism in Iraq.

The Turks have been afraid all along that any empowerment of the Iraqi Kurds would set off trouble with their own larger Kurdish population. I have some experience of this, having taken up a correspondence with Abdullah Ocalan in 1992, at Talabani's request, in which I urged him to a non-violent and non-separatist policy. Discussion of these topics between him and Talabani over the winter of 1992-3 led eventually to Ocalan's February '93 declaration of a unilateral ceasefire, with Talabani at his shoulder for press conferences in Lebanon at which he renounced both terrorism and separatism.

It has always been beyond my understanding why the U.S. supported Turkey's refusal to take any cognizance of these Ocalan actions, to the great detriment of Turkish interests. But the kind of development I advocate here for Northern Iraq would in fact insulate these two Kurdish populations from any separatist cooperation, with the Iraqi Kurdish population firmly tied to its status in Iraq, and provide a model for similar development in Turkey, to the great benefit of the Turkish state.

I write all of this in great apprehension that plans for an American military incursion into Iraq are imminent. It could produce a debacle, and alienate not only the Arab world but even our European allies from us. I truly hope that better reason will prevail.

In Christ,



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442



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January 7, 2003

Secretary of State Colin Powell
Department of State
Washington, D.C. 20520

Dear Secretary of State Powell,

Christ's Peace!

On March 1st of last year I wrote to you about the Kurds of Northern Iraq, from many years experience of dealing with them. I emphasized how very reluctant you would find them to play any such military role, in the event of war in Iraq, as the Northern Alliance had played in Afghanistan. I'm sure you have devoted much of your time since then to bringing the Kurds into cooperation with U.S. policy, will have had many headaches over it and will now have a very clear idea of how far you can rely on the Kurds, militarily or politically.

I trust you have seen the masterly article Peter Galbraith published in the Magazine section of the Boston Sunday Globe December 15th. Peter must be one of the best informed people in our country about the Kurds, and he has their great respect as well.

The problem that faces you and the country is whether we can in fact see Saddam Hussein replaced as leader of Iraq by a stable and, we would hope, democratic regime. Regime change is actually what we (I include myself) would like to see. Like many others, I have been arguing that regime change is not a cause that would justify a war in Iraq. Even the President, after intoning that regime-change theme for so long, has had to back off and say that the weapons of mass destruction are the issue. That issue would justify a war only if an imminent threat of their actual use by Saddam Hussein, or by terrorists in whose hands he might put them, could be shown. That becomes dubious enough that it appears possible enough that we may not have this war after all.

Replacing Saddam Hussein remains most desirable, but we have the spectacle of the Iraqi opposition elements in a disedifying squabble over this power that isn't even there yet, and the Turks, one indispensable ally in this matter, ready to have fits if the Kurds, another indispensable ally, look like claiming independence or laying a finger on Kirkuk, as Peter Galbraith so convincingly analyzed it. How then to achieve that democratic Iraq?

I am of the opinion that it can best be done without a war, and that working toward it without a war would even obviate the clear obstacles that stand in its way, of which the first is the fear of a disintegration of Iraq into fragmentary states.

Secretary of State Powell, January 7, 2003 – 2

To begin with, the Kurds have a solid commitment against separatism, to which they have been faithful ever since the late 1980s. I have my own role in that. Having been associated with Kurdish rights ever since 1973, when the elder Mustafa Barzani began to rely heavily on the advice of my close associate Richard Hauser in London, I argued the point strenuously to both Massoud Barzani and Jalal Talabani from 1987 on. The perspective I urged upon them was that the Kurds would never have any help from the international community if they threatened the stability of Iraq and the other countries within which their people lived, the international borders, but that they could expect such help if they set themselves three priorities, to the clear exclusion of separatism:

- 1) human rights protection against the genocidal attacks they suffered;
- 2) cultural rights in the face of the prohibition of their language and the teaching of their traditions and history in various of the countries; and
- 3) free communication among the Kurds in the various countries, but in such a way as not to threaten the stability of those nations and their borders.

Both Barzani and Talabani responded very positively to these ideas. They committed themselves to them and have remained faithful to them ever since, even through the Gulf War, their subsequent uprising, its brutal suppression (until they had some American assistance to bring their people back from their refuges in Turkey and Iran), and the contention between them during the '90s. This is very little recognized. Media people, and the Turks, remain constantly suspicious of the Kurds, fearing they will break out into independence claims at the first opportunity. But even with the autonomy they have had since 1992, which they so much value, they still look for their safety not to an independent status but to the establishment of a democratic Iraq.

(On Talabani's urging, I put this same line of argument to Abdullah Ocalan in October of 1992. He spent some time that winter discussing it with Talabani, and in early 1993 made the first of his several declarations of unilateral ceasefires from the fighting in Turkey on this basis.)

In our current situation, we have to worry two things with regard to Kurdish ambitions. If they were to separate from Iraq, the Iraqi Republic itself would fragment, and their independent status would attract Kurds in the other countries around, drastically destabilizing at least Turkey and Iran. The Turks fear this so much that they prepare themselves to pounce at the first sign of Kurdish separatism.

Danger of Iraqi fragmentation, however, comes primarily from the Shi'ites, the actual majority of Iraqis who have nevertheless been systematically excluded from a voice in government ever since the British pieced together an Iraq in the 1920s.

Secretary of State Powell, January 7, 2003 – 3

The Shi'ites have every reason to want out of the Iraqi polity, or to take it over in ways that would provoke violent resistance from the other elements in the population. In their leadership, they have little experience of anything like democracy, and the tradition inclines toward imposition on the others in Iraq. Hence their ascendancy would be something for the rest of Iraq to fear mightily and to resist. That is not at all to say, though, that the Shi'ite people are incapable of a democratic life or a pluralism, as the outstanding work of Professor Abdul Aziz Sachedina of the University of Virginia can show. Required is a model of successful democracy within the country that is open to them and their participation. That can come from the Northern Kurds.

Here is the next extraordinary trait in the established behavior of the Iraqi Kurds. As they constructed their institutions after the election in Northern Iraq of 1992, they welcomed the participation of the other population groups in Iraq, granting generous place to the Iraqi National Congress. The Kurds, as we all saw, fell out among themselves in ways that altogether disrupted the effectiveness of the Iraqi National Congress. The reasons for that should be understood. The regionally-based rivalry of KDP and PUK was a struggle over the radically restricted supplies available to them under the combined effect of the international sanctions against all Iraq and the further internal embargo against their region by the Iraqi government. The Kurds had maintained a remarkable unity throughout their earlier rebellion under Mustafa Barzani in the '70s, a unity fractured after their 1975 defeat. But Talabani and the younger Barzani had achieved a new cooperation and community of purpose in their efforts from the late '80s through the time of their 1992 election, perhaps the most democratic election ever seen in their part of the world, until that extreme want among their people drove them apart. Under the relatively more prosperous conditions they have achieved under the autonomy, they have basically regained that capacity to work with one another.

The exile leadership of the other Iraqis has been a disappointment, as Talabani has well recognized. Even so dedicated and talented a man as Ahmed Chalabi has been so long abroad as to be without a political base among his own people. Most of the exile leadership has become so acclimated to London that they have altogether lost their Iraqi roots. Only the dissident Arab Sunni generals have experience in governing, and they, many of them with unsavory histories under Saddam, present the threat of simply substituting one military dictatorship for another, as we rather precariously hope that they will remain under our patronage and not go again the way of Saddam.

In my view, a democratic Iraq can better be achieved without a war. I would see that done by using what is really there, namely the experience of the Northern Kurds in running their autonomy. They have done this in a way that does not imply either exclusivism or their ascendancy over the rest of the Iraqis. They have managed it as a desperate enterprise under the most threatening circumstances of military danger and extremes of want. If made into a political, economic and democratic success, in ways the United States could easily achieve, they would be a magnet for the rest of Iraq.

Secretary of State Powell, January 7, 2003 – 4

The effect of such success in the Northern enclave, if war had been averted, would be to demonstrate that Saddam Hussein was a useless President. Saddam has controlled Iraq by fear, but ridicule, home-based ridicule that was not a product of propaganda, he could not stand. We have seen terribly menacing dictators toppled by popular disillusion so frequently throughout the last century, most recently in Belgrade but before that in the whole galaxy of governments in the Communist Eastern Bloc that we should never underestimate its force. In Baghdad itself there are half a million Kurds, all of whom would be tremendously conscious of real success in the Northern autonomy region, and the rest of the population, seeing how welcome those of their own people who lived in close proximity to the Northern region were to the benefits of its success, would likewise be attracted, so much so as to undermine Saddam's power.

This would constitute a slower way to eliminate the government of Saddam Hussein than a bullet or a fast military campaign, but not so slow as the eleven years of sanctions we have just witnessed. The Kurds, and those associated with them, have some real experience in democratic life behind them now, and would be acquiring more as this process developed. The other population groups within Iraq, who have less or no actual experience of democratic life but strong aspirations for it, would learn it in their association with the Northern Kurds. The democratic development would be indigenous, not something imposed from outside, enabled by Americans rather than imported, and growing in an atmosphere friendly to us rather than hostile and suspicious.

By contrast, a change of regime resulting from a war would mean high risk of the territorial fracturing of Iraq, a strong and most likely very violent effort by the Shi'ite majority to snatch up all the cards, and a move, most likely successful, by the Sunni Arab generals simply to replace Saddam with another of themselves. Anything that the U.S. government described as democratization of Iraq, under its aegis, would be understood, not only by Iraqis but by everyone in the Middle East, as subservient government. If we had an American army of occupation in the country, we would face a situation more like that of the British in Aden than like that of MacArthur in Japan. And if we abstained from inserting an occupying force, we would only make it easy for the generals to impose another dictatorship like Saddam's.

The Turks, of course, would react with suspicion to an effort by us to make such a political, economic and democratic success of the Kurdish North. What would it take to reassure them? Firm commitments by the Kurdish leadership to us, as the requisite condition of whatever economic or political assistance we would give them, to maintain the policies of non-separatism, rule of law and openness to the other population groups of Iraq which they have already demonstrated should be sufficient, if the Turks knew we were firmly committed to these ourselves and would hold the Kurds to them. More in fact could be accomplished. The Iraqi Kurd commitment to these policies is genuine. They have already demonstrated, especially Talabani, their capacity to represent such non-separatist policies persuasively to the Kurds of Turkey. They could do more.

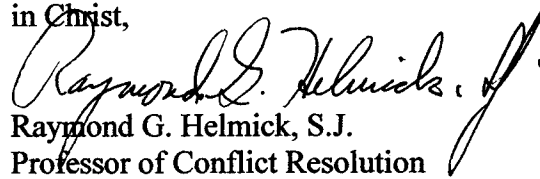
Secretary of State Powell, January 7, 2003 – 5

I have tried to show, here, that a real alternative to war exists that would realize the American desire for a regime change in Iraq. I hear such gung-ho enthusiasm for a war coming from our Washington leadership that I suspect some of your colleagues would be very disappointed not to have a war. I should say in conclusion that I have great apprehension of what such a war would entail, and see much of the comment from many of our leaders simply in the category of denial.

Contrary to the sanguine expectations that our thus-far reluctant Middle Eastern friends would fall in line once we got the war going, I expect that several of the regional governments most closely associated with us would actually fall. That includes Saudi Arabia, Egypt and, very likely, Jordan. That prospect would explain their visible lack of enthusiasm for the war. Their replacements would not be to our liking, and we would very probably find ourselves not in one war but in a series of them, with the successor governments of each of these countries. Our very probable military occupation of Iraq would be a quagmire for us, and the kind of incident we suffered on September 11, 2001, would become our commonplace experience. This would be the result not of the wickedness of our foes but of our own lack of wisdom. The paradigm for this progression of failures can be seen in Thucydides. We could well bring down the entire American power position in the world.

With best wishes and my sincere prayers for the success of your own efforts to bring these matters to a just and successful conclusion, I am yours,

in Christ,


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447

**Negotiating Outside the Law
Why Camp David Failed**

*PLUTO PRESS Catalogue Entry
checked July 6, 2004*

Raymond G. Helmick, S.J. Introduction by Jesse Jackson £ 19.99 / US\$ CLOTH
2004/09 / 352pp / ROYAL (230x150mm) ISBN: 0745322190 'Ray Helmick has
conducted unofficial diplomacy in the Israeli-Palestinian dispute for decades working
closely with leaders on both sides. The fruit of this work is displayed in this book, an
unusually sophisticated analysis of the flaws in peace diplomacy and the importance of
real and perceived justice to the sustainability of any agreement. His book is all the more
persuasive because he clearly cares deeply about the safety and security of the Jews of
Israel but also of the Muslims and Christians of Palestine. It is hard to this book down.'
Joseph V. Montville, Diplomat in Residence, American University, Senior Fellow,
Center for World Religions, Diplomacy and Conflict Resolution, George Mason
University, Senior Associate, Center for Strategic and International Studies, Washington,
DC / In the summer of 2000, President Clinton, Ehud Barak and Yasser Arafat came
together to negotiate peace between Israel and Palestine. It was a moment laden with
hope, that ended in infamous failure. But why did it fail? / The Camp David negotiations
made headlines around the world for many months, but the real debates took place behind
closed doors. Jesuit priest and longtime peace activist Raymond G. Helmick is one of the
few people who remained in contact with what went on. He maintained communication
with all parties -- including President Clinton -- throughout. / This book is his startling
account of the arguments, the relationships and the strategies that played out over the
summer of 2000. Based on personal correspondence and position papers with all three
leaders, and a long personal association with Yasser Arafat and a whole series of Israeli
Prime Ministers dating back to 1985, this book offers a unique account of the real reasons
behind the failure of Camp David. / Helmick believes that a key factor in this failure was
the scant attention given to international law by those involved. He explains the context
of the negotiations and subsequent Taba talks, detailing the complex history of Israeli and
Palestinian efforts to achieve peace, a process which had already been going on for so
long. This includes an assessment of the level of communication that was reached in the
Oslo accords, and the struggle for mutual recognition between the two peoples in the
aftermath of the Six Day War. / Helmick details the recommendations he gave, as a
mediator, during the period. Written with empathy for all parties involved, the book does
not stop short of drawing serious conclusions. Above all it is a hopeful book: Helmick
shows that, despite the renewed violence, people have an enormous capacity to overcome
animosity and despair. He analyses the prospects for reconciliation in these difficult
times. Introduction / PART ONE Building Relationships / 1 The Path to the US/PLO
Dialogue, 1985-1988 / 2 The Madrid stage and Oslo, 1990-1993, / 3 Disappointments and
postponements, 1993-1995 / PART TWO The Failed Negotiations / 1 Sad Millennium:
The Disintegration of Ehud Barak / May, 1999 to July, 2000 / 2 Camp David / 3
Negotiations Continue, August 1-September 28, 2000 / 4 Through the blood of the
intifadah to the Taba negotiations, September 29, 2000-February 8, 2001 / PART THREE
Aftermath / 1 The Web of Civility Dissolves, Early February to September 11, 2001 / 2
America goes to war, September 11, 2001 to the indefinite future / 3 So what really
happened at Camp David and Taba? / References / Index / Rights: Format
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448



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

February 1, 2005

President George W. Bush
The White House
Washington, D.C. 20500

Dear Mr. President,

Christ's Peace!

Encouraging signs have at last begun appearing in the Middle East, both in Iraq and in the Israeli-Palestinian conflict.

After long direct contact with the parties in the latter conflict, Israeli, Palestinian and the Reagan, Bush 41 and Clinton administrations, I published a book last year titled *Negotiating Outside the Law: Why Camp David Failed*. My good friend, Bernard Cardinal Law, I know, brought a copy for you, which he left with your then National Security Adviser, Ms. Condoleezza Rice, now the new Secretary of State.

As you and your administration now give new thought to this region, with much greater prospects of a successful outcome, I would like to call your attention to the basic thesis of my study, which is that the negotiation process has been stifled all along by the disparity of power between Israel and the Palestinians. That disparity is so great that any agreement, even if signed – had it been by Mr. Arafat, or should it be by Mr. Abbas or any successor – has of necessity the character of a *Diktat*. Palestinians can never be expected to regard it as truly binding or legitimate. And this means, to their great misfortune, that the Israelis do not get the one thing they most need, namely peace.

I don't mean to demean Israeli power, or the power of the United States which so determinedly and rightly backs the safety and well-being of Israel. But the disparity that so undermines prospects of peace can be addressed if the underlying assumption of the negotiating process is adherence to international law. That is what I recommend to you.

The law would not, as some might fear, prejudice the case against Israel. It stands as protector of the rights and vital interests of both parties. Nor does it predetermine the outcome of negotiations. Rather, premising the process on law puts the parties on a footing of equality before the law, and thus enables them to negotiate the realities of the situation in such a way as to come to a genuinely binding agreement.

If instead, as has happened in the past, the process is premised on superior power, military, political and economic, the negotiation becomes, in this case, one between Israelis and other Israelis.

Several Israelis Prime Ministers, most notably Mr. Rabin and Mr. Barak, have recognized, with the assent of a preponderance of Israeli public opinion, that peace with the Palestinians is a primary need of Israel, and can only be achieved if the Palestinians receive what they will regard as their just rights. But if the supposition, essentially a power supposition, is that everything Israel possesses is hers to give (or not to give), then the negotiation is between those Israelis who want to give something, those who want to give more, and those who want to give little or nothing at all. Even your predecessor, President Clinton, who more than any previous President of the United States wanted the Palestinians to receive more rather than less, worked to this supposition that everything Israel possessed was in its gift. That, in my judgment, is what spoiled the Camp David process, frustrating the hopes raised since Oslo. Neither Arafat nor any successor could accept what was offered on that basis and have it recognized as a legitimate settlement by their own people.

I fully understand the nervousness of Israelis and their governments at the prospect of operating to law in their dealings with the Palestinians. No one likes to give up a power advantage which they possess. But they can do this safely.

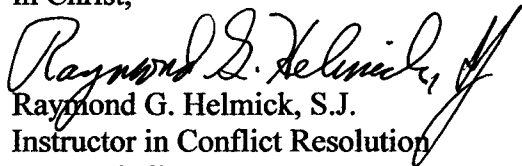
I see international law as a kind of law without effective coercive power behind it, law whose binding force lies in the freely given assent by which the parties have agreed to it. As such, it is a prime instance of restorative justice, a legal system whose objective is not just to apprehend and punish offenders, though it does maintain full accountability, but rather to restore relations among persons and peoples. Used properly, it will bind the wounds and allow these peoples to grow into peaceful agreement, to the interest of both.

But this will not happen without the insistence of the United States, which would both influence Israel, the stronger party, and give Israelis full assurance that the process will be entirely fair to them.

This would represent a fundamental shift in priorities for our American policy in the Middle East, but one that brought us back to our fundamental founding principles, and would set us too on the path to understanding and peace with all this region of the world.

With all best wishes,

in Christ,


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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

April 15, 2005

President George W. Bush
The White House
Washington, D.C. 20500

Dear Mr. President,

Christ's Peace!

Thanks you for the gracious letter of April 4th which you had sent to me from Ms. Marguerite A Murer.

I was very pleased to hear of your meeting earlier this week with prime Minister Sharon, both that you stood firmly for the safety and well-being of Israel and that you insisted that Israel not further expand the building of settlements in the occupied Palestinian territories. Both are essential if the peace, for all that part of the world, is to be won.

A rare opportunity exists now for achieving peace between Israel and the Palestinians. As one closely involved over many years with the leadership of all parties to this conflict – Israeli, Palestinian and American – I see the window of opportunity as very narrow. A genuine, fully agreed peace lies within our reach at present, but the course of events and the inclination of many of the players appears to be leading in a different direction, toward some sort of interim arrangement. That, I believe, would entail the stringing out of the conflict, with far more blood and suffering than the participants have yet experienced, for as much as another thirty or forty years.

It is all the more important that we grasp, and not miss, this opportunity because the entire situation in the Middle East is now so fragile. The chances for a successful and democratic outcome in Iraq stand on a knife-edge. The anger against the United States that is so large a factor in all these countries could easily result in the overthrow of those governments most identified with American policies, in Saudi Arabia, Egypt and possibly Jordan, impelling us into new bloody and costly conflicts.

The Israeli-Palestinian conflict, as we all know, is not the only issue roiling the Middle East. But it constitutes so central a cause of frustration in every country of the region that success in bringing about an agreed and sustainable peace between Israel and the Palestinians would decisively change the climate of all the other conflicts, including our operation in Iraq and the quest – truly an Arab quest – for democracy in all the neighboring countries, including Iran. It would speak so well for the United States if we supplied the means for these two peoples to agree that our standing would improve enormously with all the countries of the world.

The Power Assumptions on which the Process has been Based

I have argued, in a book published last year,¹ and firmly believe that there has been a destroying structural defect in the efforts that have been made to establish that peace. I have not been interested, as have most of those who have published about Camp David, in assigning blame to persons or parties, with most of whom I have had close contact over the years, but have seen the problem, rather, as a neglect of the rule of law in the negotiating process.

Between Israelis and Palestinians there exists a vast disparity of power, so great that, if the process is based on the superior power which Israel, with its strong – and quite appropriate – American backing, possesses, there is no way that Palestinians can see the outcome as other than a *Diktat*. Even had Yasser Arafat signed what was on offer at Camp David, or were Mahmoud Abbas or any other leader to sign an agreement sealed by that superiority of power, Palestinians would not, and properly could not, feel obliged by it. That means, to the grave detriment of our Israeli friends, that Israel would not get the one thing it most needs, namely peace. The entire process is short-circuited by this assumption that the greater power will prevail.

In practice, this assumption translates into the proposition that everything Israel has, as a result of the wars that have taken place, belongs to Israel by right of possession. Much of the Israeli public, by estimate as much as at least 80%, is quite aware that, for the peace of Israel, the Palestinians must have something acceptable to them, and is willing, in its great good will, to provide that, even at the cost of returning substantial territory to them. Wise Israeli Prime Ministers, most notably Yitzhak Rabin and Ehud Barak, have drawn the conclusion that Israel must *give* the Palestinians such territory and the other perquisites of a homeland or state.

But the assumption that all of this is *in the gift* of Israel has meant, in practice, that the negotiation is always between Israelis and other Israelis; between those Israelis who wanted to give something, those who wanted to give more, and those who wanted to give less or nothing at all. That has meant that the Palestinians have not truly been parties to the negotiation, but have simply been told what they could receive and expected to take it. Even President Clinton, who expended so much admirable effort on this problem and who certainly wanted the Palestinians to have more rather than less, accepted that proposition, that everything was in the gift of Israel. This showed itself, even after all his striving to win the trust of the Palestinians, in the imperative manner in which he demanded their acceptance of what was on the table at Camp David. That assumption, I am convinced, poisoned the entire process.

It is, I believe, a wrong assumption, damaging to the interests of both parties, Israeli and Palestinian, and to the most basic interests of the United States. We Americans are left with this perpetually aggravating conflict, corrosive of our relations

¹ *Negotiating Outside the Law: Why Camp David Failed*, Pluto Press, 2004.

with all the states of this region and far beyond, even of Europe, on our doorstep and commonly attributed to our influence, despite any efforts we have made to the contrary.

Rule of Law as the Alternative

The alternative to this is the rule of law. There is pertinent international law, and periodically the parties, American as well as Israeli and Palestinian, pay some verbal reverence to it, especially to the famous UN Security Council Resolution 242, but in practice it has been ignored.

The special benefit brought by the rule of law in this conflict is that the parties are equal before the law. This does not change the underlying situation that one party is politically and militarily stronger than the other, but it overcomes that damaging disparity of power for the specific purpose of reaching agreement, making it possible for whatever agreement is reached actually to bind both parties.

Israelis may well worry that, if they relinquished that disparity of power, they would be put at a disadvantage in the negotiation. But the law is there for the protection of both parties, their rights, their interests. If the law is employed with such justice as, in fact, the genuine power of the United States is able to guarantee, neither party need fear it. It will not protect injustice, but it will not allow injustice to be done to either side.

Much, not all, of this law is embedded in the United Nations, but has deeper roots than that. Among the plethora of rulings, many of them of only passing interest, that affect the Middle East situation, I see the following as most determinative:

Article 2 of the Charter of the United Nations. The Charter, of course, is a treaty by which each signatory nation is bound. Article 2 states the basic instrument by which the organization is to achieve its purpose, which is the prevention of war among nations: all signers renounce the threat or use of force as a means to acquire territory. This does not mean that changes of territory can never be made, but that it can be done only by agreement, not by force.

Security Council Resolutions 242 and 338. 242, the very complex judgment passed only in November of 1967, after much debate and careful construction, embodies a crucial compromise over normal Security Council procedure. It declares itself explicitly as an application of Article 2 of the Charter, but in contrast to every other occasion when Article 2 has been invoked over territory captured in a war, 242 does not demand simply that the conquering side withdraw at once to the previous border (as was done, for instance, in the case of North Korea invading South Korea in 1950, of Iraq invading Kuwait in 1990, or for that matter Israel invading Lebanon in 1978). Instead 242 calls for an exchange: withdrawal from territories² in return for peace (i.e., peace treaties

² There were efforts, primarily by Prime Minister Menachem Begin at the time of the first Camp David negotiations, to read into the resolution's omission of a definite article in the phrase, "Withdrawal of Israeli armed forces from territories occupied in the recent conflict," the conclusion that *some* territories rather

agreed by each of the several parties). The much slighter Resolution 338 of 1973, actually the first of several sequential cease-fire demands by the Security Council over the days of the war, simply refers to the expectation in 1967 that Resolution 242 would have been implemented promptly, and instructs the parties to get down to what they were ordered to do six years before.

General Assembly Resolutions 181 of 1947 – the Partition Resolution authorizing the establishment of two states in Palestine, one Jewish and one Arab – **and 194 of 1948**, the very contentious resolution asserting the Right of Return.

In the normal course of things, resolutions of the General Assembly do not have binding legal force, but when Israel was itself admitted to membership in the United Nations (Resolution 273, of May 11, 1949, in the General Assembly, following on Resolution 69, of March 4, 1949, in the Security Council), it was with the condition, agreed by Israel, that these two General Assembly resolutions would have binding force for itself and would be implemented. The most difficult of these, the Right of Return resolution, has its own strict limitations built into it, as I will argue below.

The Fourth Geneva Convention of 1949, governing the behavior of occupying powers in occupied territories. Three of its provisions have special pertinence to the now 38-year-old military occupation of Palestinian territory:

1: the responsibility of the occupying power for the safety and adequate provisions of the people living under occupation.

2: the prohibition against banishing residents from the territory.

3: the prohibition against transferring parts of the occupying power's population into the occupied territory. This last is particularly significant, for its relevance to the entire program of settling Israeli citizens in the occupied territories.

International Law as Invitation to Negotiated Agreement

It should be noted that none of these binding legal instruments determines the specific resolution of any of the matters touched. As mentioned above, what may not be done by force may yet be done by agreement, so long as it is truly a free agreement between equal parties, equal before the law whatever their relative political and military power may be. This is therefore the key to a genuinely binding agreement. The justice requirements of both sides and their vital interests will thereby be met.

than *all* territories was meant, and this argument was briefly renewed in recent years. However, the French text, which is equally authoritative as the English, provides clearly for the "Retrait des force armées israeliennes des territoires occupés lors du recent conflit." The compromise, so long debated before passage of the resolution, was over the exchange of territory for peace.

With regard to that most contentious matter of the Right of Return, such a nightmare to Israelis who imagine their country being flooded with millions of returning descendants of refugees, to the destruction of its character as a Jewish state, the relevant General Assembly Resolution 194, of December 11, 1948, among its many provisions anticipating the end of the war then current,

“Resolves (at #11 in the text) that the refugees wishing to return to their homes *and live at peace with their neighbours* (my emphasis) should be permitted to do so at the earliest possible date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principals of international law or in equity, should be made good by the Governments or authorities responsible.”

The requirement to *live at peace with their neighbors* provides an immediate constraint on the numbers that could return, and can therefore only be approached by negotiation. It can in no way be decreed by the United Nations or any other authority. This in fact was recognized by the Palestinian negotiators at Camp David and since, who have been willing to negotiate agreed numbers, designed so as not to undermine the demography of Israel. Undermining that demography would, of necessity, break the peace, as Israelis so well understand. So would any aggressive move to oust present Israeli residents. And the Palestinian refugees themselves (for the most part we are speaking of descendants of the refugees of 1947 and 1948) could hardly live in peace if they were settled among a hostile Israeli population.

Over a period of some years before the parties arrived at Camp David I was constantly asking Arafat and other Palestinians to do a serious survey of who would want to return, so as to relieve the evident Israeli anxiety on this subject. It was not done until Yossi Beilin and Nabil Sha'ath were appointed to form a committee to determine this question in the context of the Taba negotiations of January 2001. Beilin describes the conclusions of this committee on pp. 238f. of his book, *The Path to Geneva* (RDV Books/Akashic Book, 2004). They are very reassuring and worth consulting and verifying. They estimated that, of the 3.7 million refugees, a number only between 180,000 and 220,000 (mainly from Lebanon) would want to leave the places where they were so long established. These would then have the choice of several options if they were not granted citizenship in the countries where they now live, including return to the Palestinian territory, return to such Israeli territories as would be added to the Palestinian state in exchange for territory annexed by Israel, or emigration to other countries that would receive them, including the United States, Canada and certain European countries, which together had promised to receive more than that number of refugees who would want to leave their present situations. Those would be very attractive alternatives, leaving only a manageable number who, basically for reasons of family reunion, would wish to return to Israel proper.

I have been making a recommendation myself for many years – since 1986 to Arafat and others of the Palestinian leadership, since 1990 to Yitzhak Shamir and subsequent Israeli Prime Ministers, as well as to the American Administrations.

It is that the Palestinians should recognize how important it is to Jews, especially the more religious of them, that some Jews be able to live in the territory of the ancient kingdoms, in Judea and Samaria, and that the Palestinians should accept this. Hebron is the test case, as the most religiously important site apart from Jerusalem.

The trouble is that the wrong Jews are there, many of them violent marauding settlers whose purpose in being in Hebron or other parts of the West Bank is to attack and expel Palestinians, often to kill them. It is as much the responsibility of Israeli government to remove these criminal elements as it is for the Palestinians to deal with their own terrorists. But the Palestinians should be willing to receive among them Jews who are willing to live in peace, of whom there are many. But they should live under Palestinian jurisdiction, though free to retain their Israeli citizenship. Palestinian authorities, at Camp David and elsewhere, have explicitly accepted this understanding.

How many Israelis would agree to live in this way, in Palestinian territory under Palestinian jurisdiction? My guess, merely a guess, is about 100,000. That would not constitute a threat to the demographic character of the Palestinian state. This provision should be reciprocal: comparable numbers of Palestinians permitted to return to the state of Israel under the same conditions. With this, there should be an open border. The now much-contested wall/fence/separation boundary has always seemed to me a bad idea, even if it had been built on the Green Line or some actually agreed border. It can only lead to permanent alienation and hostility between the peoples. The only good news I know about the present structure is that it has been placed in such an outrageous location that it will have to come down.

The political meaning of this proposal is that both peoples would have their own state within internationally recognized borders, each would have all the institutions of their state and society. But at the same time, both peoples would have the run of the whole territory, and Israelis, until now so confined to their claustrophobic little bit of territory, would gain access to the whole world of the Middle East. Each state would have responsibility for the safety of residents and visitors from the other. Both peoples have demonstrated their capacity to fulfill that responsibility during the Oslo period. Despite all the mutual hostility that had existed for many years before, Israelis found that they were most welcome in those areas that had come under full Palestinian jurisdiction (Area A as they were called), free from the anxiety they continued to feel in places that still suffered the full brunt of occupation.

Far less difficult to achieve would be negotiated agreement on borders of the two states. I should state again that what may not be imposed by force may be done by a truly free and mutual agreement, between peoples equal before the law. Especially if the provisions I have just been describing, already accepted by the Palestinians, were agreed, revisions of the Green Line border could be kept minimal, as was always intended by those who put together and accepted Resolution 242. Jerusalem is necessarily a part of this. But formulas, multiple formulas, for agreement on these matters have already been adumbrated by both Israelis and Palestinians as, for example, in the Geneva Accord.

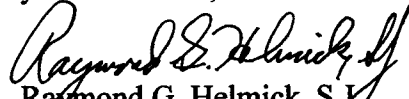
I have written you a long letter, Mr. President, testing your patience. It is on matters of great importance to the United States as well as to the parties in the Middle East. I won't make it longer, other than to say again that, if we do not seize upon the narrow window of opportunity now open, we face the prospect of this conflict persisting, and our own country being enmired in ever widening wars throughout this region, for some thirty or forty years, with no guarantee that we will come out of this successfully.

I see the actual political projects of Prime Minister Sharon aiming at some interim arrangement. Very likely it is what his adviser Mr. Weissglas has described, a process by which the Gaza withdrawal would result in all further prospects of negotiation being put into paralysis for the indefinite future. That is a war prospect, and not one of peace.

Is there any way that Israel would be brought to deal with the Palestinians, as I suggest, on the basis of international law? There is. If the United States said that it should be so, in full friendly support of Israel and the Palestinians, and of the peace, it would be so. That is the only way that I can foresee a good end to this situation. If it is your doing that such an outcome should result – a just, freely and mutually agreed resolution of the Middle East conflict – you will be among the most renowned of our Presidents.

With all best wishes, I am

yours in Christ,



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Author:

*Negotiating Outside the Law:
Why Camp David Failed.*
Pluto Press, 2004

Palestine Report (Palestine)

June 29, 2005

JUDGING ABBAS

By Mark Perry

Just two weeks ago -- seated comfortably in his well-appointed Washington office -- a former senior American foreign policy advisor (who asked that he not be identified by name), gave this judgment of the Bush administration's policy on the Israeli-Palestinian conflict: "What most people around the world don't know," he said, "is that in our system what the President says dictates our international stance. Just read the Constitution. The President is responsible for the foreign policy of the country. So when George Bush gives a policy speech on the Israeli-Palestinian conflict, everyone stop talking and listen very closely. Because what he says is policy."

That judgment was far less ambiguous than this senior official intended. "I listened to what Bush said on May 26 when [President Mahmoud Abbas] Abu Mazen was with him at the White House," he explained. "The implications are enormous. What he said is important." The official then nodded his head sagely: "You should go back and take a look at his remarks. The President changed his views on the conflict. He did it in public. Abu Mazen was standing right there. The problem is that no one really noticed. The silence was overwhelming. But there is a real shift going on."

This senior official is not alone in his views. Henry Siegman, one of the most respected commentators on the conflict, also noted the shift in an article that appeared in the June 21 edition of *The International Herald Tribune*. Bush's May 26 White House speech, Siegman wrote, marked "an explicit rejection" of Sharon's understanding of what Bush would and would not support as a reasonable settlement of the conflict.

There were, in all, two major shifts. In April of last year, Bush assured Israeli Prime Minister Ariel Sharon that Israel could retain "new Israeli population centers" it had established in the West Bank. The assurance conceded that Israel would be able to keep its major West Bank settlements. But on May 26, Bush abrogated that pledge, saying that final status negotiations must begin at "the 1949 armistice lines." No changes to that border, Bush said, can come without Palestinian consent.

Bush then added that Israel must take no steps to "prejudice final status negotiations" -- including negotiations on Jerusalem. This was the first time that Bush explicitly stated that the status of Jerusalem was to be determined through negotiations. In all, the shift in Bush's rhetoric on May 26 was breathtaking -- he was rolling back the pledges that he had made to Ariel Sharon just one year before.

Which is not to say that peace is at hand. "Bush should be unrelentingly held to his latest statement of US policy," Siegman noted. What Siegman failed to add, but what he implied, is that Bush "should be unrelentingly held to his latest statement of US policy"

by the Palestinians. The implication is that without “unrelenting” pressure from the Palestinian leadership, as well as from Arab leaders in the region, Bush could easily give a new speech -- and reverse, yet again, what he said on May 26. “The White House waited for a response from the region, from the Palestinians, from the press,” a senior Middle East expert said, “and there was simply nothing. There was a paragraph in *The Washington Post*, a couple of paragraphs in *The New York Times*, and that was it. And there was nothing from the region. No one seemed to notice. There was no comment, no endorsement, no nothing. It was as if people didn’t read what Bush was saying. It was stunning.”

The silence from the Middle East, and particularly from the new Palestinian leadership, might be understandable. After all, this would not be the first time that Bush gave a significant statement on the Israeli-Palestinian conflict and then retired, self-satisfied, to the Oval Office. Then too, if Arab leaders are a bit jaded by Bush’s continued posturing on the conflict, it is only because the President’s continued bear hugs of Ariel Sharon, that “man of peace,” has made them so.

Nevertheless, White House officials admit that they were disappointed in Abu Mazen’s otherwise successful visit to Washington. The new Palestinian president pledged his support for democracy and transparency but, as a reporter who covered Bush’s May 26 remarks noted “he failed to respond creatively to what Bush said. It was just democracy, freedom, and all of that. It was blah, blah, blah. It was all very scripted. You have to wonder whether he read what the president said.”

Perhaps even more significantly, the ramifications of George Bush’s May 26 statement on the conflict go well beyond his prepared remarks. Just after Bush read his statement and Abu Mazen responded, the White House press corps pressed Bush on whether his support for democracy meant that he would accept Hamas’s participation in Palestinian elections. Bush was prepared for the question: “Our position on Hamas is very clear, it’s a well-known position and it hasn’t changed about Hamas: Hamas is a terrorist group; it’s on a terrorist list for a reason,” Bush said, and then he paused slightly before plunging on. “As the elections go forward, of course, we want everybody to participate in the vote. There is something healthy about people campaigning, saying, this is what I’m for.” Bush then reinforced what he had been propounding for many weeks, and that he firmly believes: that democracy would dampen extremism, that in any vote “people that campaign for peace will win.”

Even so, a little more than one week later, Mahmoud Abbas announced that the Palestinian Authority had decided to postpone the scheduled July parliamentary elections. The decision brought little reaction from official Washington, except when a number of Middle East news outlets, including *Al Jazeera*, reported that the postponement came as a result of pressure from the Bush administration. The White House quietly seethed about the reports, but dodged reporters questions on whether Bush had privately pressed Mahmoud Abbas to take the action until Fatah could be strengthened. “No comment,” one White House official said tersely in the wake of the decision.

A State Department official, however, was clearly irritated by the media statements, and suspicious that the Palestinian leadership purposely passed around the story of White House pressure in order to shirk responsibility for a decision that it took on its own. The Middle East press was "absolutely certain" of White House pressure, he was told, and had reported it quite publicly. "Not so," he insisted, and then added, tersely: "Did you read the President's May 26 statement? Did you hear what he said?"

In truth, Bush administration officials believe that the Palestinian leadership's decision to postpone the July elections actually strengthened Hamas, and remained skeptical that Fatah could gain any strength in the months ahead. A report from *The Economist* of June 9 reflected the views of many administration officials: "the more Fatah founders, the more Hamas will become a legitimate, democratic representative of many Palestinians: one that nobody can ignore."

Finally, on June 20, the White House responded to the election postponement, albeit indirectly, by carefully crafting a joint statement issued by U.S. and European Union officials: "We support the holding of free, fair, and transparent multi-party legislative elections in the West Bank, Gaza and East Jerusalem, under the scrutiny of international observers and with full freedom of movement for candidates and voters, as another vital step forward on the path towards building a reformed and accountable Palestinian Authority."

Watching all of this from afar, one noted expert on the conflict gave a final and damning appraisal of Mahmoud Abbas's Washington visit and the election decision. "Mahmoud Abbas is a good man," he said, "and he deserves to be supported. But he needs to get up off of his chair, cross the room, and turn off the television. And then he needs to sit down and read what the President said about a final settlement and elections. Then he needs to read the joint communiqué. The he needs to read them again. Just exactly what is it that he doesn't understand about this?"



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

July 1, 2005

President George W. Bush
The White House
Washington, D.C. 20500

Dear Mr. President,

Christ's Peace!

I wrote to you on April 15th congratulating you on your meeting, in Crawford, with Prime Minister Ariel Sharon, in that you both stood firmly for the safety and well-being of Israel and also insisted that Israel not further expand the building of settlements in the occupied Palestinian territories, both being essential for the peace.

The actual text of your May 26th Press Conference with Palestinian President Mahmoud Abbas had escaped my attention, simply because I was overseas at the time, in Lebanon and Syria. As you will have noticed, the press, both in the U.S. and, astonishingly, in the Middle East, had little comment on the most significant things you had to say. A rebuke to Mr. Abbas that I read, just this day, in the *Palestine Report* for June 29th, called my attention to it, sending me to your White House website for the text, and I would like to congratulate and compliment you once again for the excellence of your remarks, which I am sure will contribute quite substantially to the peace.

The rebuke to Mr. Abbas, from a correspondent named Mark Perry, was that the Palestinian President himself had not taken adequate note of the importance of what you said, namely that final status negotiations must begin at "the 1949 armistice lines," that no changes to that border could come without Palestinian consent, and that the status of Jerusalem itself was to be determined through negotiations.

These specifications, not at all slighting to Israel, meet very cogently the norms I have been recommending to you in previous letters: that the underlying assumption of this entire process should be the rule of law. This is exactly what the law says: Security Council resolutions 242 and 338, calling for return of land for peace, and Article 2 of the United Nations Charter, by which all signatory nations, including Israel, renounce the acquisition of land through force. Negotiated agreement is required. It goes far to meet the requirements, also, of the Fourth Geneva Convention, one of the most important legal instruments governing this entire situation of conflict.

It has been my conviction, as I wrote in my book of last year, *Negotiating Outside the Law: Why Camp David Failed*, and in my letter to you, that the disparity of power, which prevails whenever the underlying assumption is one of superior force, would make any genuine agreement between these parties impossible, but that adherence to the law,

which would protect Israel as well as the Palestinians, would eliminate that disparity of power, recognizing the parties as equal before the law, and thus make provision for a genuine and binding agreement, to the advantage of both parties.

I have long felt that the quest for peace in this region was paralyzed. The position you took that day reassures me that the work is now in good hands. Prime Minister Sharon may well be alarmed as he realizes that you are dealing this equitably with him and his Palestinian adversaries, and you may well meet heavy dissent in some parts of the American public, but with this kind of policy I believe you will succeed in bringing about the peace so long sought in this holy place, winning the respect of all parties for your intervention and that of the United States.

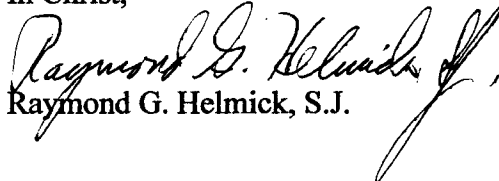
As I wrote before, I am very conscious of the tremendous difficulty you face from the insurgency in Iraq. Your speech at Fort Bragg seems not much to have reassured your public. I am fully agreed that, having made our incursion into Iraq, we cannot now simply walk away and leave the Iraqis in their trouble. To face indefinite struggle with the insurgency – up to twelve years, as Mr. Rumsfeld said – is just as unpalatable a prospect. My own experience with conflicts tells me that this is the time to approach the problem from an entirely different angle. Success in bringing the Israeli-Palestinian conflict to a peaceful conclusion satisfying to both sides, a goal I am convinced is eminently attainable, is exactly the thing that would take the venom out of this Iraqi situation, demonstrating the good will of the United States to all who see us as their adversary, and make this conflict also tractable to peaceful solution.

I shall be writing to President Abbas, telling him, as the Mark Perry article did, that he should be much more attentive to what you said on May 26th. It is of colossal importance.

But I must also tell you of my visit in Lebanon and Syria. I had the opportunity to speak at length with many leading political figures in Lebanon just during the time of their election. I would be glad to provide a report on those meetings if it were welcome at the State Department. In Syria, I also had a long and substantive discussion with Brigadier General Manaf Tlass, on which I will also gladly send a report. But beyond that, I am invited, by him, to return to Syria to meet President Bashar al-Assad. When I have had such meetings in the past, with such persons as Mr. Arafat during the 80s, with King Hussein or President Mubarak, with President Milosevic at the time of the capture of our three servicemen during the Kosovo war, etc., I have always had briefings from the State Department and the NSC. I would be very glad of that before making this visit.

With best wishes,

In Christ,


Raymond G. Helmick, S.J.



462

JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

July 27, 2005

President Mahmoud Abbas
Palestinian Authority
Ramallah, Palestine

Dear President Abbas,

Salaam!

For many years, beginning in 1985, I maintained close contact and frequent correspondence with your predecessor, President Arafat, as well as with both Israeli and United States leadership. It pleases me to see you now in leadership of the Palestinian Authority. I have asked my good friend Issa Kassissieh to get this letter to you.

In earlier years, I had not found President Bush really helpful to the promotion of peace for your people and the Israelis, and I had published a book last year, *Negotiating Outside the Law: Why Camp David Failed* (London, Pluto Press, 2004), arguing that even the negotiating process pursued so intently by President Clinton failed basically because it did not proceed on the basis of international law.

Many times I have written to President Bush and others in his Administration, pleading for a more fair and active U.S. role that would have the law as its underlying assumption. It came as a surprise to me when, in his White House joint press conference with you on May 26th, President Bush enunciated a policy much more reliant on law, and hence more helpful to you and your people, than anything he had said before, whether in his Road map or in his many earlier, and seemingly subservient, statements after his meetings with Prime Minister Sharon. Specifically he said:

Any final status agreement must be reached between the two parties, and changes to the 1949 Armistice Lines must be mutually agreed to. A viable two-state solution must ensure contiguity on the West Bank, and a state of scattered territories will not work. There must also be meaningful linkages between the West Bank and Gaza. This is the position of the United States today; it will be the position of the United States at the time of final status negotiations.

President Bush had also said, in more familiar language:

Israel should not undertake any activity that contravenes roadmap obligations or prejudice final status negotiations with regard to Gaza, the West Bank, and Jerusalem.

But this is extraordinarily comprehensive, putting Israel's behavior with regard to prejudicing final status negotiations back to a status quo ante.

The President's assertion of the 1949 Armistice Line as benchmark goes in the face of his earlier acceptance of Israel's claiming territories beyond that, for whatever reasons, and his formula that any changes to that line must be mutually agreed to puts the negotiation on the level of equality before the law for you and the Israelis. All the dealings that have gone before, even through the mediation of President Clinton, have been based upon premises of a right of possession for the existing Israeli settlements and the superior power of the Israelis. Hence this too is a most significant change on the part of President Bush.

My own attention was drawn to this only when I read the critique published in the *Palestine Report* of June 29th by Mark Perry (enclosed), who did not believe enough had been made of these important statements by President Bush. I had been overseas, in Lebanon and Syria, at the time of the White House press conference, and had seen little comment on it even there. Perry's article sent me to the White House website for a text of the press conference, and when I found that his reading of President Bush's words was exactly correct I wrote at once to President Bush himself on July 1st. I had earlier written to him (April 15th) urging adherence to law in this case, and enclose here for your own information both of those letters.

Along with Mr. Mark Perry, I would urge you, President Abbas, to give close attention to what President Bush said that day, to proclaim it extensively in public and to hold the U.S. Administration to the commitments made there. I understand very well how important it is for your own authority with Palestinians to be able to show real success in you efforts to secure Palestinian rights, and how extremely difficult it is to give any progressive move from the government of Mr. Sharon. Here, from the U.S. President, you have formulas that are much more hopeful and promising for your people than anything you are likely to hear soon from Mr. Sharon. It should be fully exploited.

Much of the purpose of strengthening the authority with which you speak among your own people must necessarily be your control over violent elements within the Palestinian population, whose activities are so counterproductive to the aims of their own liberation. I argued, over many years, to President Arafat that he needed the non-violent mobilization of the Palestinian population under his leadership, a rigorously non-violent *intifada*, as his best source of the power that would make him the genuine partner for the negotiation of peace with Israel. I find things that you have said since taking office as President very consonant with what I urged for so many years.

At present, besides the occasional violent outbursts from Hamas, Islamic Jihad or the Al-Aqsa Brigade, the most important thing happening in your region is the genuinely non-violent resistance that is being exercised by the people of Bi'l'in and other places where the construction of Israel's "separation barrier" is encroaching directly on Palestinian land, homes fields and olive groves. In this courageous work they have the assistance of brave Israeli peace activists and some other foreign helpers. The efforts of the Israeli Army to suppress and intimidate these people is the most flagrant, callous and

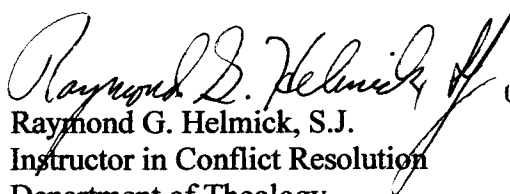
unbridled violence being carried out in the region at present. We have public attention to the deaths of Rachel Corrie and a young Englishman in the context of that resistance, but no extensive international awareness of Palestinians who have been killed, injured or brutally treated because of their non-violent opposition to these confiscations.

I would urge that, while drawing attention at every stage to the new positions taken by President Bush in his May 26th press conference with you, you put the full weight of the Palestinian Authority and its leading persons, even including yourself, into support of this non-violent resistance to manifest current injustices to your people. Doing so, you would not only draw the attention of peace-minded Israelis and the international public to this entirely legitimate Palestinian opposition to injustice and its violent repression, but you would also create the climate of Palestinian pride in their non-violent resistance.

This, as I always argued to President Arafat, would be the strongest possible help to your efforts to prevent counter-productive Palestinian violence. If your own people clearly understand that they have their non-violent resistance can be successful against the violence of the Israeli state, they will realize that every act of violence, from the suicide bombing to the shooting and even to the throwing of a stone, is actual sabotage to their own successful efforts, and they will stop it. How else could this be done?

I have witnessed how both Israeli and U.S governments have constantly urged you to confiscate the arms of the Palestinian militant movements and imprison their leaders. It has always been clear to me how important it was that you approach these organizations with persuasion, seeking agreements with them against violence, rather than institute a civil war with them. That had often been explained to me both by President Arafat and Faisal Husseini, and I fully agree with your own efforts to deal with these organizations in that way. But I do also urge that outright support from you and all your colleagues in the Palestinian Authority for the strictly non-violent resistance that is actually going on already would be a still more effective way for you to put an end to the violent actions of militant groups which so hinder your work on behalf of your people. If now the most angry and frustrated of your people think of you as weak because you oppose violence, they will think so no more if they see you in leadership of a fully non-violent form of resistance.

With the greatest respect, I am sincerely yours.


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