

Israelis and Palestinians, Two Peoples, Three Faiths:

Religion and Ethnicity in the Middle Eastern Conflict

Course-Pak for Th. 352.01

Volume 4: 2006-2011

**Election of Hamas, Siege of Gaza,
Obama Administration, Arab Spring**

**Boston College
Fall Term, 2011**

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FOREWORD, VOLUME 4

Shortly after the Israelis held the election that brought Ehud Olmert and the new Kadima Party into power, the Palestinians had held their own election on January 25, 2006, giving a majority in the Palestinian Assembly, and the right to form the government, to the Islamist party, Hamas. It was ten years since the Palestinians had held their first and, until then, only legislative election, though their constitution called for one every four years, and the Bush Administration had been calling for a new election, to the distress of the Israelis, who did not trust the prospect. The election of Hamas caused consternation on the part of the Bush Administration, of the Olmert government and of Palestinian President Abbas's losing Fatah Party, but the election had been certified by international monitors, headed by former President Jimmy Carter, as entirely fair.

The U.S. and Israel determined to starve the Palestinians out, giving no recognition to the new government. Israel simply sequestered all the tax revenue, principally customs duties, that it collected on behalf of the Palestinian Authority, which constituted the principal financial resource of any Palestinian government. The U.S. cut off all aid to the Palestinians and forced its partners in the European Union to do the same by threatening to cut off any bank that transferred any funds to the Palestinians from the international banking system. Dov Weisglass, long the principal confidant of the now-disabled Prime Minister Ariel Sharon, described this policy as "putting the Palestinians on a diet." Any commerce by Palestinians was stifled by constantly closing all crossing points.

I had traveled to the region in July of 2002 in company with the Reverend Jesse Jackson and an inter-religious delegation from the U.S. For some time before the Hamas election I had been urging on Jackson and others of our associates that we needed to make another such visit. Once Hamas won its election, Jackson asked my assessment of the situation and I sent him the paper, included here, of January 27th. From that time I insisted that our visit, when we made it, must start in Damascus with a visit to the exiled principal leader of Hamas, Khalid Mish'al. Since it was clear that the visit would not take place right away I began writing to Mish'al. All those letters are included in this volume. Our visit was delayed by the outbreak of war in Lebanon between Israel and the Hezbollah party, and when eventually we did travel we had to address not only Israeli-Palestinian questions but also the developments over the Lebanon war.

That led to a complex visit. Jackson had a long relation with Syria since he had persuaded the former dictator Hafez al-Assad to release a captured American airman in 1984, in the process persuading President Ronald Reagan to initiate full diplomatic relations with Syria, and he had subsequently attended Assad's funeral in 2000. That brought us an immediate invitation to meet the younger Bashar al-Assad, who had succeeded his father as President, and Assad himself arranged our meeting with Mish'al and four members of his Political Bureau. One result of that was a request, from Mish'al, that we mediate a prisoner exchange with the Israelis, some of the 10,000 Palestinian prisoners for captured Israeli soldier Gilad Shalit. In Lebanon we had a similar, far less trustworthy request from Hezbollah that we mediate a prisoner exchange, two captured Israeli soldiers for the handful of Lebanese prisoners still in Israeli hands.

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The Israelis, when we traveled there, handled those requests warily, debriefing us carefully on our meetings and referring us to the General responsible for their dealings with these groups, and requesting that we return to Lebanon and ask Hezbollah for proofs of life, in their case a reasonable precaution, as Hezbollah eventually returned corpses to Israel, as they had done on earlier occasions. When we got back to Lebanon, the Israelis announced publicly that they would deal with no other mediation than the UN in the case of these prisoners. Since UN General Assembly President Kofi Annan had received the back of the hand from the Israelis when he had proposed mediating these exchanges just days before, we felt something was accomplished simply to have a declaration that Israel would be open to a UN mediation.

But in the case of Hamas, we were confident not only that Shalit was alive but that Hamas would treat him according to the rules of the Geneva Convention on the treatment of prisoners. Our long interview with Mish'al convinced me that this was not a religious fanatic but that he and his movement could be expected to prove a positive element in the negotiation of a peace with Israel if treated with respect. I was able to confirm that impression with other keen international observers who had met with him, and it has since been a regular part of my argument to American administrations that they should recognize Hamas as a legitimate party to any dealings about the conflict.

Late 2007 brought the last-ditch effort of the Bush Administration to do something before its time ran out. The Annapolis Conference and the efforts of the Olmert government in Israel to establish relations with President Abbas were, in my own estimate, a hollow exercise. A more important effort was made by an influential group of Israelis led by long-time diplomat David Kimche, but mutual suspicions kept it from achieving its goals.

2008 saw a succession of what I myself would regard as phony efforts to pursue the still-born Annapolis program. Palestinian President Abbas, to his great political disadvantage, was cajoled into keeping this process open, meeting frequently with American Secretary of State Condoleezza Rice and infrequently with Israeli Prime Minister Olmert or his Foreign Minister Tzipi Livni, the whole process reduced to shadow-boxing while the noose on Gaza was constantly tightened and Abbas made to appear – falsely – as a collaborator in the destruction of all Palestinian hopes. Hamas and Fatah, conducting desultory negotiations in Cairo to establish a Palestinian national unity, were kept on a tight leash by Egyptian President Mubarak who, because of his fears of the Muslim Brotherhood in Egypt, had no real enthusiasm for any agreement that would empower Hamas. Hamas itself maintained an undeclared cease-fire through all this time, but formalized it into a declared cease-fire from mid-June through mid-December, despite regular Israeli incursions into West Bank Palestinian communities which resulted in many deaths.

Early in December, though, the Israelis conducted a preemptive raid into the Gaza Strip itself, killing six Palestinians whom they suspected of preparing a new rocket attack. Not surprisingly, that did produce a flurry of rockets, as the Palestinians took the raid as a

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provocation and were unwise enough to respond in kind. The result this time was a massive Israeli assault on the entire Gaza Strip from the last days of December until just before the new American President Barack Obama's Inauguration Day, January 20th. The death toll was 14 Israelis, some killed by "friendly fire," and 1,400 Palestinians, more of them classified by the Palestinians and outside observers as civilians than the Israelis were prepared to admit. International recriminations mounted against the Israelis. All charges were stoutly denied. No supply of materials was allowed into Gaza over subsequent years since then rebuilding, so the devastation remains.

The war was highly popular with the Israeli public. An Israeli general election in its immediate aftermath brought a new government headed once more by the Likud Party's Binyamin Netanyahu but in close partnership now with the Israel Beitenu ("Israel, Our Home") Party headed by Avigdor Lieberman, former lieutenant to Rabbi Meir Kahane and his Kach Party (banned from political participation because of its racism).

These events set the stage for the Obama government. Much has been disappointing since. The new American President made approaches to world Muslim opinion, notably in his Cairo speech early in June, while asserting his full commitment to the safety of Israel. Contention arose at once over his demand that Israel cease building new housing for settlers in the occupied territories. The Israeli government, to avert this, claimed that the real regional problem had nothing to do with them and the Palestinians, but was the growing strength of Iran, as it approached nuclear capacity. Most commentators showed little inclination to discuss the destabilizing effect of Israel's own nuclear armaments, about which it still maintained its studied "ambiguity."

As contention mounted over the settlement issue, the Obama Administration backed down each time the Israeli government defied it. A temporary freeze on new settlements outside Jerusalem was largely cosmetic, as the Israelis had first a large amount of new building with which they went ahead, on the grounds that it was already started, in spite of the freeze. Special building spurts were staged as particular insults, as when one greeted Vice President Biden as he arrived on a visit to Israel. New talks were, nevertheless, staged on the premise of the partial freeze, but collapsed when the Israelis refused to renew it. The Abbas government of the West Bank walked away from the idea of negotiating even as the Israelis pursued new settlements, demanding that new building, especially in East Jerusalem, should cease as the price of further talks, but the Israeli response was an escalation in East Jerusalem confiscations, house demolitions and seizures. The report of a UN Commission condemning Israel, and also Hamas, for their conduct during the Gaza incursion of 2008-9 was fiercely contested by the Israelis and Americans, who did all they could to discredit South African judge Goldstone, who had conducted it.

An episode in 2010 further embittered relations as an international flotilla of small boats, carrying peace activists from many countries, sailed from Turkey trying to break the blockade of

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Gaza and bring supplies of food and medicine. Israeli boarded the lead ship, killing nine of its passengers, and led the rest of the boats and their passengers to detention. Again there were massive contentions and mutual accusations over the incident, the Israelis refusing to acknowledge any fault in their action, but the restrictions of what foodstuffs or supplies would be allowed into Gaza were slightly modified as a result.

The principal question became what the Palestinians could do for themselves. It became clear that nothing could be expected from Obama until after the election of 2012, and the Europeans or Arabs could do nothing without the Americans. The division between Fatah and Hamas, one governing the West Bank, the other Gaza, crippled any effort for them to make progress against the occupation.

Then, at the beginning of 2011, the Arab Spring brought winds of change to the whole region, much in the manner of the 1989 collapse of Communist power in Eastern Europe. Authoritarian regimes were swept aside in Tunisia and Egypt, where they had been kept in place by American support as easier for Israel to deal with than democracies. What would succeed them was not clear, but the aspirations of new forces among the young were evident. Turmoil enveloped Yemen and Bahrain. Colonel Khadafi resorted in Libya to repression so violent that the Arab League, the Security Council and NATO all approved military measures against him, only to be confronted then by equal drastic violence against demonstrators in Syria. Then at last, on April 27, 2011, Fatah and Hamas agreed to a reconciliation and the formation of a common government, to the accompaniment of threats from Prime Minister Netanyahu that Fatah must choose between peace with Israel and peace with Hamas, and from the United States that all financial aid to the Palestinian Authority would be cut off.

Comments on the Palestinian Election

For Reverend Jackson

January 27, 2006

Ray Helmick, S.J.

Dear Reverend Jackson,

I've been sending along some more interesting comments on the Hamas victory to James over the morning, things that may not be as obvious just from reading the papers. I expect we're all pretty disappointed and surprised that the election went differently than we'd been told to expect. But now we have to figure out what we do after it in the real situation that's developed.

The most obvious thing is that the Palestinians made a real choice, and did it under conditions of occupation that were a terrible hindrance to them. That's reason to rejoice and to honor them. Next most obvious is that the election of Hamas was not about the Hamas issues of rejection of Israel, but about corruption in the Fatah regime, on which we all know the Palestinian people were right. Now, having the prospect of a Hamas government, there may be things we've all won in the search for peace and reconciliation between these peoples.

The American concern we're seeing (practically identical with the Israeli) is all about how this affects Israel, very little about the Palestinians. We need to have in our minds the way it affects both.

Hamas and religion:

I'll start with Hamas and religion because we take our interest in this as religious people, and it's by acting on our religious conviction that we can appeal to Hamas, a deeply religious movement.

You remember, when we were there together in July 2003, we set off to meet Sheikh Ahmed Yassin, and had been promised that the whole leadership of Hamas would be there together in Gaza to meet us. We had to call it off when the bomb went off at the Hebrew University, and I felt very badly myself, suspecting we may have been betrayed by Hamas, as we would have been sitting among them at the time of the bomb if we had stayed with our original schedule for that day. (You remember, we set the meeting later than originally planned to allow for our second meeting with Arafat that morning.)

I'd felt it was important for us, as religious delegation, to meet Hamas as religious leadership. After that disappointment, I wrote to Sheikh Yassin (asking a friend who was able to do so to deliver e-mail messages to him) advocating the cease-fire that had been under discussion all that time we were there. I found that Hamas, under Yassin's leadership and even after he and his successor Rantisi had been murdered, was earnestly seeking a way to do just that. They were unwilling to sign a cease-fire document that

contained a recognition of the Green Line as an Israeli-Palestinian border. I advocated to them that they just leave the border out of the document and declare their cease-fire on the basis of the compassion of Islam. That is eventually what they did, and in fact, over these last years, Hamas has shown itself very responsible in its restraint and in its care not to sabotage the peace efforts of Mahmoud Abbas. Abbas's problem there has been, rather, that the Sharon government, and the Bush administration, never provided him with any response that would show gains for the Palestinian people in the face of occupation.

I'm going to attach, in my e-mail, a *Boston Globe* Op-Ed from Tuesday, day before the election, by Hussein Agha and Robert Malley, two of the best commentators on this whole situation, about Hamas. It's a very realistic assessment. I recommend, also, that you get to know the book, *Hamas, Political Thought and Practice*, by Khaled Hroub, which you can get from the Institute of Palestine Studies (order it from their website,

<http://www.palestine-studies.org/final/en/books/subcategory.php?subid=4&PHPSESSID=90f933ded2e355a76f76a4269d76cb0a>).

That's a first-rate source, the best available, published in 2000. Hroub will point out to you that Hamas regarded its attacks on Israeli civilians as always contrary to its own best principles. Those came initially as impetuous response to the Hebron attack in February 1994 by Baruch Goldstein. Hamas pulled back from that kind of thing, with occasional revenge attacks in response to particular attacks by the Israelis, but were basically responsive to Arafat's efforts to keep them from it until, in early 1996, a Hamas military leader, Yahya Ayyash, who had actually been responsible for a long-term cease-fire on the part of Hamas, was murdered by the Shin Bet (clearly with the approval of Acting Prime Minister Shimon Peres), for tawdry motives (simply to show Shin Bet as capable of some kind of action after they had failed to protect Yitzhak Rabin from assassination). They set off a series of suicide bombs then that were a principle reason that Shimon Peres lost the election that year to Netanyahu.

That's the pattern: Hamas attacking, often in outrageous ways, but basically in response to Israeli attacks that are just as outrageous.

As a religious outfit, their movement refrained from violence until the end of 1987. They are the Palestinian branch of the Egyptian Muslim Brotherhood, which started off quite non-violently in Egypt itself shortly after World War I as a spiritual movement aiming to save Egyptian Muslim life from corruption by Western influences (Jazz Age, Jitterbugs, decadence and all that). The Palestinian branch is still concerned with corruption by the West, and saw Israel both as colonialist encroachment on Arab/Muslim land and as instrument of that corruption. Both Fatah and Islamic Jihad were offshoots of the Palestinian Muslim Brotherhood, Fatah taking a secular direction as protectors against colonization, Islamic Jihad into religiously motivated violent resistance years before the more responsible leadership of the movement believed it was called for.

It was the spectacle of the violent Israeli response to the stone-throwing of the 1987 intifada that finally brought the Muslim Brotherhood, now adopting the name Hamas, to make a violent response.

So what can we do now?

As a religious group, we can make a far more effective appeal to the Hamas leadership than any non-religious one can.

Most of what Hamas is hearing now, from the U.S. government, from Israelis of all stripes, from the Europeans, even from Arab countries, is in the form of "You must...!" or "You must not...!" We can appeal to them, speaking positively and respectfully, on the basis of their religious values. Violence is not of their essence, and it has not always been their way. They adopted it when they thought: a) it could make a real difference for justice, and b) they had no other options. Now they are responsible for government. They have other options. One of the attachments I am sending with this letter is a cartoon from this morning's *Boston Globe*, with three people reading the newspaper with the election news: the Israeli seeing "Hamas wins" says "Oh, no!" The Fatah supporter, seeing "will form majority," says "Oh, no!" The Hamas man, seeing "Must govern," says "Oh, no!" Now that Hamas will control government they have reason – practical as well as religious – to go to a deliberate non-violent policy.

One of the articles I sent to James this morning pointed out that Fatah had effectively acquiesced to the American and Quartet demand that the Palestinians should put an end to anything the Israelis wanted stopped, while the Israelis have never been under pressure to stop new settlements, land expropriation etc. Hamas, coming into government to be effective and non-corrupt, is unlikely let that continue happening without resistance. We, as a religious group, can put it to them both religiously and in terms of prospective effectiveness that they should do this by a high-level campaign of non-violence. If they do not act so, they will not be allowed (by the Israelis!) to govern, and they will not win support from outside. At stake are such things as the Separation Wall[-"fence"], the confiscations, the house demolitions, the terrorist attacks made on Palestinians by settlers, the destruction of olive groves, assassination attacks by the Israeli Army, etc. etc. If they try, *as government*, to respond to these with violence, especially if it is through revenge attacks separated from the attacks by Israelis, they will quickly and easily be suppressed, will even have provided the Israelis with the excuse to suppress them. If they develop and cultivate an active non-violent response, they will win. We, in our religious capacity, can say this to them, not in the "You must...!" form, but in the form of naming available options. I'm attaching one other document here, something you could doubtless have written yourself: an article of my own on reverence for Islam ("How Catholics can respond, in faith, to the faith of Muslims." I wrote this, in fact, for Croatian and Bosnian Catholics, but it reflected my experience of living with Muslims, in the midst of war, in Lebanon, many years earlier.)

As I say, we, as religious delegation, can put this to Hamas. Others, especially U.S. government, are without the moral authority to argue anything of the sort.

Israelis and the law:

We will see Israelis too.

You will have seen all the comment that Ehud Olmert and Kadima are likely now to work on the assumption that “there is no partner,” to set new borders unilaterally, and to act more brutally than ever toward the Palestinians as a way of defending themselves against charges from Likud that they were endangering Israel by being soft. Amir Peretz, from whom we should be able to expect something much better, gave a policy speech the other day that makes him Siamese Twin to the Kadima policy, indistinguishable from Kadima and therefore not worth voting for.

I’m very anxious to put it both to Olmert and to Peretz that the resolution of their conflict, to the satisfaction both of the Palestinians and themselves, lies in the law. You know that as the basic thesis of my book, to which you wrote the foreword. I have more hope, for my part, in Peretz and Labor, but neither party really has any coherent policy now – Kadima says it is following the intentions of Sharon, which no one but Sharon has ever known (perhaps not even he), and Peretz is trying to act like Little Mr. Echo to something neither the Kadima people nor he can formulate with any coherence. Both are thrown into greater confusion by the Hamas victory, and unlikely to come up with other ideas than an increase of brutality. That creates the moment for us, as religious people full of respect for their Jewish imperatives, to talk something better.

What the law requires:

An immediate threat right now is that the U.S. and (much more important) the Europeans will withdraw their funding of the Palestinians, creating disruption and chaos. This would follow on their refusal, along with the Israelis, to deal with a Hamas-led government. (You’ve seen the various articles that argue the need to deal and negotiate with Hamas now, after they have won this democratic election. It will take a lot of arguing to get any of these powers to do so.)

One of the most obvious legal obligations that Israel has been able to evade ever since its capture of the West Bank, Gaza and other territory in 1967 is the requirement (*Fourth Geneva Convention*, Articles 55, 56 and 59) that an Occupying Power provide for the safety and adequate supply of food, medicine and other necessities of the occupied population. Israel has never done this. In a population afflicted with the severest poverty and unemployment, all basically the result of Israeli occupation, the food needs are provided by UNWRA, which is so overstretched since the Israeli-caused breakdown of the economy in the West Bank and – even more so – in Gaza that the agency can no longer provide adequately for the Palestinian refugees in such places as Lebanon whom they have supported in the past. Salaries and practically all other needs for the running of the Palestinian Authority have been provided by grants from the European Union, and are now at risk. The United States makes some financial contribution, niggardly and often geared to some kind of political coercion. Israel, so far from supplying these needs itself

as required, collects taxes from the Palestinians, supposedly to transfer them to the PA for public expenditure, but then consistently reneges on handing them over. (Israel remains an Occupying Power even in Gaza where, although the settlers have been removed, full military control over the territory is still in Israeli hands.)

If now the funds from the European Union or the U.S. are denied, either Israel will be saddled with a financial burden that it is most likely in no position to meet, or the Palestinian territories will be exposed to far greater chaos and need (which will be blamed, of course, on Hamas).

All this should be pointed out to the Israeli parties, Kadima and Labor, even I suppose to Likud, which is unlikely to respond to the obligation or even to give us an opportunity to present it, and of course to the general public. I would expect Amir Peretz to be particularly open to consider this and draw policy conclusions from it, since he has been arguing for a long time that Israel was spending so much on the military occupation of Palestinian territory that it was inflicting great economic misery on its own population.

The law also, famously, declares all the Israeli settlements in occupied territory illegal. U.S. policy has increasingly derogated from recognizing the illegality of this colonization of the occupied territories by an Israeli population, and President Bush, over the earlier years of his presidency, made it a habit to give Sharon assurances that Israel could keep the settlement blocs. There is a great difference in the statement President Bush made, at a joint White House press conference with President Mahmoud Abbas on May 26th, 2005. That time he said, astonishingly, contradicting prior statements:

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.

There was more in his statement on the unacceptability of pre-emptive actions on Jerusalem or other issues.

Total withdrawal of Israeli settlers would, of course, ensure further conflict, among Israelis themselves, because of the importance attached to having Jews able to live in the territories they regard as Judea and Samaria, the ancient kingdoms so important to them, but which are not theirs. Consequently I think it is important, in order that the Geneva Convention prohibition of colonization be made feasible, that the proposition I have been making to Israelis, Palestinians and Americans ever since 1986, and which was already part of the agreed Palestinian offer at the time of Camp David, be discussed in the context of withdrawal of settlements.

It is that minimal exchanges of territory (equal exchanges, not simply confiscation by one side) be negotiated freely between the parties. Then it should be accepted that

Jews would be free to live in the territory of the Palestinian state, retaining their Israeli citizenship, but under the jurisdiction of Palestinian law. Their protection and safety should be an indispensable responsibility of the Palestinian government.

My reckoning is that only about 100,000 would agree to remain in Palestine on that basis, not the 450,000 to 500,000 who are now there either in East Jerusalem or in the rest of the occupied West Bank. This should then be reciprocal, that approximately equal numbers of Palestinians, not a number that would overturn the Jewish demography of Israel, be allowed, by negotiated agreement, into Green Line Israel under the same conditions. The further feature of this proposal is that there be an open border, not a wall, not even border check-points. (After the violence of these last years, this would have to be worked out gradually as confidence was built, but we should note that such confidence grew almost instantly after the Oslo agreement, in spite of great bitterness that had existed for a long time, culminating in the disruptions of the First Intifada.) In this way, rather than having two isolated and embittered peoples living in confined circumstances, we would have two nations, each with its internationally recognized borders and all the institutions of its state and society, but both peoples would have free access to the whole, and the Israelis would no longer be confined to Israel but have the run of the whole Middle East.

That proposition should be discussed with both Israeli and Palestinian leadership, and initially by a religious delegation of our character which would clearly be working for the peace and good of both peoples. I've been putting this to Israeli, Palestinian and American leadership for a great many years (20 in fact), but the leadership in all three quarters is new now, and needs to hear it fresh.

That much said, I think we have reason to make our religious-delegation visit to the Middle East, and do it promptly, so that this kind of thinking can have a wide hearing before the March 28th Israeli election.



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Guardian

Tuesday January 31, 2006

Palestinians voted for Hamas because of our refusal to give up their rights.

But we are ready to make a just peace

Khalid Mish'al

EXCERPT *"Our message to the Israelis is this: we do not fight you because you belong to a certain faith or culture. Jews have lived in the Muslim world for 13 centuries in peace and harmony; they are in our religion "the people of the book" who have a covenant from God and His Messenger Muhammad (peace be upon him) to be respected and protected. Our conflict with you is not religious but political. We have no problem with Jews who have not attacked us - our problem is with those who came to our land, imposed themselves on us by force, destroyed our society and banished our people."*

We will not sell our people or principles for foreign aid.

It is widely recognised that the Palestinians are among the most politicised and educated peoples in the world. When they went to the polls last Wednesday they were well aware of what was on offer and those who voted for Hamas knew what it stood for. They chose Hamas because of its pledge never to give up the legitimate rights of the Palestinian people and its promise to embark on a programme of reform. There were voices warning them, locally and internationally, not to vote for an organisation branded by the US and EU as terrorist because such a democratically exercised right would cost them the financial aid provided by foreign donors.

The day Hamas won the Palestinian democratic elections the world's leading democracies failed the test of democracy. Rather than recognise the legitimacy of Hamas as a freely elected representative of the Palestinian people, seize the opportunity created by the result to support the development of good governance in Palestine and search for a means of ending the bloodshed, the US and EU threatened the Palestinian people with collective punishment for exercising their right to choose their parliamentary representatives.

We are being punished simply for resisting oppression and striving for justice. Those who threaten to impose sanctions on our people are the same powers that initiated our suffering and continue to support our oppressors almost unconditionally. We, the victims, are being penalised while our oppressors are pampered. The US and EU could have used the success of Hamas to open a new chapter in their relations with the Palestinians, the Arabs and the Muslims and to understand better a movement that has so far been seen largely through the eyes of the Zionist occupiers of our land.

Our message to the US and EU governments is this: your attempt to force us to give up our principles or our struggle is in vain. Our people who gave thousands of martyrs, the millions of refugees who have waited for nearly 60 years to return home and our 9,000

political and war prisoners in Israeli jails have not made those sacrifices in order to settle for close to nothing.

Hamas has been elected mainly because of its immovable faith in the inevitability of victory; and Hamas is immune to bribery, intimidation and blackmail. While we are keen on having friendly relations with all nations we shall not seek friendships at the expense of our legitimate rights. We have seen how other nations, including the peoples of Vietnam and South Africa, persisted in their struggle until their quest for freedom and justice was accomplished. We are no different, our cause is no less worthy, our determination is no less profound and our patience is no less abundant.

Our message to the Muslim and Arab nations is this: you have a responsibility to stand by your Palestinian brothers and sisters whose sacrifices are made on behalf of all of you. Our people in Palestine should not need to wait for any aid from countries that attach humiliating conditions to every dollar or euro they pay despite their historical and moral responsibility for our plight. We expect you to step in and compensate the Palestinian people for any loss of aid and we demand you lift all restrictions on civil society institutions that wish to fundraise for the Palestinian cause.

Our message to the Palestinians is this: our people are not only those who live under siege in the West Bank and the Gaza Strip but also the millions languishing in refugee camps in Lebanon, Jordan and Syria and the millions spread around the world unable to return home. We promise you that nothing in the world will deter us from pursuing our goal of liberation and return. We shall spare no effort to work with all factions and institutions in order to put our Palestinian house in order. Having won the parliamentary elections, our medium-term objective is to reform the PLO in order to revive its role as a true representative of all the Palestinian people, without exception or discrimination.

Our message to the Israelis is this: we do not fight you because you belong to a certain faith or culture. Jews have lived in the Muslim world for 13 centuries in peace and harmony; they are in our religion "the people of the book" who have a covenant from God and His Messenger Muhammad (peace be upon him) to be respected and protected. Our conflict with you is not religious but political. We have no problem with Jews who have not attacked us - our problem is with those who came to our land, imposed themselves on us by force, destroyed our society and banished our people.

We shall never recognise the right of any power to rob us of our land and deny us our national rights. We shall never recognise the legitimacy of a Zionist state created on our soil in order to atone for somebody else's sins or solve somebody else's problem. But if you are willing to accept the principle of a long-term truce, we are prepared to negotiate the terms. Hamas is extending a hand of peace to those who are truly interested in a peace based on justice.

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Washington Post Op-ed

Tuesday, January 31, 2006; A17

What Hamas Is Seeking

By Mousa Abu Marzook

DAMASCUS, Syria -- A new era in the struggle for Palestinian liberation is upon us. Through historic fair and free elections, the Palestinian people have spoken.

Accordingly, America's long-standing tradition of supporting the oppressed's rights to self-determination should not waver. The United States, the European Union and the rest of the world should welcome the unfolding of the democratic process, and the commitment to aid should not falter. Last week's victory of the Change and Reform Party in the Palestinian legislative elections signals a new hope for an occupied people.

The results of these elections reflect a need for change from the corruption and intransigence of the past government. Since its creation 10 years ago, the Palestinian Legislative Council has been unsuccessful in addressing the needs of the people. As the occupation solidified its grip under the auspices of "peace agreements," quality of life deteriorated for Palestinians in the occupied territories. Poverty levels soared, unemployment rates reached uncharted heights and the lack of basic security approached unbearable depths. A grass-roots alternative grew out of the urgency of this situation. Through its legacy of social work and involvement in the needs of the Palestinian people, the Islamic Resistance Movement (Hamas) flourished as a positive social force striving for the welfare of all Palestinians. Alleviating the debilitating conditions of occupation, and not an Islamic state, is at the heart of our mandate (with reform and change as its lifeblood).

Despite the pressures of occupation and corrupt self-rule, Palestinian civil society has demonstrated its resilience in the face of repressive conditions. Social institutions can now be given new life under a reformed government that embraces the empowerment of the people, facilitates freedoms and protects civil rights.

Our society has always celebrated pluralism in keeping with the unique history and traditions of the Holy Land. In recognizing Judeo-Christian traditions, Muslims nobly vie for and have the greatest incentive and stake in preserving the Holy Land for all three Abrahamic faiths. In addition, fair governance demands that the Palestinian nation be represented in a pluralistic environment. A new breed of Islamic leadership is ready to put into practice faith-based principles in a setting of tolerance and unity.

In that vein, Hamas has pledged transparency in government. Honest leadership will result from the accountability of its public servants. Hamas has elected 15 female legislators poised to play a significant role in public life. The movement has forged genuine and lasting relationships with Christian candidates.

As we embark on a new phase in the struggle to liberate Palestine, we recognize the recent elections as a vote against the failures of the current process. A new "road map" is needed to lead us away from the path of checkpoints and walls and onto the path of freedom and justice. The past decade's "peace process" has led to a dramatic rise in the expansion of illegal settlements and land confiscation. The realities of occupation include humiliating checkpoints, home demolitions, open-ended administrative detentions, extrajudicial killings and thousands of dead civilians.

The Islamic Resistance Movement was elected to protect the Palestinians from the abuses of occupation, based on its history of sacrifice for the cause of liberty. It would be a mistake to view the collective will of the Palestinian people in electing Hamas in fair and free elections under occupation as a threat. For meaningful dialogue to occur there should be no prejudgments or preconditions. And we do desire dialogue. The terms of the dialogue should be premised on justice, mutual respect and integrity of the parties.

As the Israelis value their own security, Palestinians are entitled to their fundamental rights to live in dignity and security. We ask them to reflect on the peace that our peoples once enjoyed and the protection that Muslims gave the Jewish community worldwide. We will exert good-faith efforts to remove the bitterness that Israel's occupation has succeeded in creating, alienating a generation of Palestinians. We call on them not to condemn posterity to endless bloodshed and a conflict in which dominance is illusory. There must come a day when we will live together, side by side once again.

The failed policies of the U.S. administration are the result of the inherent contradiction in its position as Israel's strongest ally and an "honest broker" in the conflict. World nations have condemned the brutal Israeli occupation. For the sake of peace, the United States must abandon its position of isolation and join the rest of the world in calling for an end to the occupation, assuring the Palestinians their right to self-determination.

We appeal to the American people's sense of fairness to judge this conflict in light of the great thoughts, principles and ideals you hold dear in the Declaration of Independence, the Constitution and the democracy you have built. It is not unreasonable to expect America to practice abroad what it preaches at home. We can but sincerely hope that you use your honest judgment and the blessings of ascendancy God has given you to demand an end to the occupation. Meaningful democracy cannot flourish as long as an external force maintains the balance of power. It is the right of all people to pursue their own destiny.

The writer is deputy political bureau chief of the Islamic Resistance Movement (Hamas). He has a U.S. doctorate in engineering and was indicted in the United States in 2004 as a co-conspirator on racketeering and money-laundering charges in connection with activities on behalf of Hamas dating to the early 1990s, before the organization was placed on the list of terrorist groups. He was deported to Jordan in 1997.

The Patriarchs and Heads of the Churches of Jerusalem

February 1, 2006

Palestinian Election

From The Latin Patriarchate of Jerusalem

We congratulate the Palestinian people for their democratic performance in the recent parliamentary elections. We express our respect and our support to the will of the people expressed in these elections. We congratulate all those who were elected.

Our message as Christian leaders in this new phase of our history is the message of our faith and our concern for all. Some may be afraid or troubled because of this new phase. We respond, first, with the words of Jesus Christ: "Do not let your hearts be troubled or afraid. Peace I bequeath to you; my own peace I give you, a peace which the world cannot give" (Jn 14:27). Second, "Be strong and stand firm" (Jos 1:9). We call upon the Palestinian people to continue their contribution to the making of their history whatever may be the difficulties or obstacles, internal or external.

We pray for all those who will govern in this difficult period, and we extend our cooperation to them for the public good and the national Palestinian aspirations together with the cause of justice and peace in a non violent way, whether in regard to foreign relations, the rule of law together with full religious freedom, especially in the social and educational fields.

Our message to the Government of Hamas, members and leadership, is the message of Our Lord Jesus Christ in his Sermon on the Mountain: "Blessed are the poor in spirit: the kingdom of heaven is theirs. Blessed are the gentle: they shall have the earth as their inheritance. Blessed are those who mourn: they shall be comforted. Blessed are those who hunger and thirst for uprightness: they shall have their fill. Blessed are the merciful: they shall have mercy shown them. Blessed are the pure in heart: they shall see God. Blessed are the peacemakers: they shall be recognized as children of God" (Mt 5:3-10).

We ask God to guide us towards what is good for all and for this Holy Land with all its inhabitants, Palestinians and Israelis, be they Moslems, Christians or Jews.

- + *Patriarch Theophilos III*: Greek Orthodox Patriarchate
- + *Patriarch Michel Sabbah*: Latin Patriarchate.
- + *Patriarch Torkom II*: Armenian Apostolic Orthodox Patriarchate.
- Father Pierbattista Pizzaballa, ofm, Custos of the Holy Land
- + *Anba Abraham*: Coptic Orthodox Patriarchate.
- + *Swerios Malki Mourad*: Syrian Orthodox Patriarchate.
- + *Abune Grima*: Ethiopian Orthodox Patriarchate

- + *Paul Nabil Sayyah*: Maronite Patriarchal Exarchate.
- + *Bishop Riah Abu El-Assal*: Episcopal Church of Jerusalem & the Middle East.
- + *Bishop Mounib Younan*: Lutheran Evangelical Church.
- + *Pierre Melki*, Exarch for the Syrian Catholics - Jerusalem
- + *André Dikran Bedoghlyan*: Armenian Catholic Patriarchal Exarchate.
- Archimandrite Mtanious Haddad*: Greek Catholic Patriarchal Exarchate.

Sabeel

February 4, 2005

A WAKE UP CALL!

Sabeel's Statement on the New Realities in Palestine

*"We know that all things work together for good for those who love
God*

(Romans 8:28)

Before we engage in both analysis and prognosis of the Palestinian election, it is important to humble oneself before God and to the way history moves and turns always surprising us with changes that on the surface may seem dangerous and threatening but eventually could be for our good. We believe in the sovereignty of God over the affairs of this world. God's thoughts are not our thoughts and God's ways are not our ways. We need to put our full confidence and trust in God. With the Psalmist we say,

Trust in the Lord, and do good;
so you will live in the land, and enjoy security.
Take delight in the Lord,
and he will give you the desires of your heart.

(Psalm 37:3-4)

The so-called peace process between Israel and the Palestinians has often had to be resuscitated by shock treatment. The first and second Intifadas were such examples, and now this - Hamas is in power. All these earth-shaking tremors were sudden and completely unexpected. There has been no peace process going on for many years now, and Israel has been clamping down on the Palestinian people more and more oppressively to stop an explosion. Well, the explosion has nevertheless taken place but this time in a democratic and peaceful way.

Up to the last minute before the Palestinian election, the polls showed that Fatah, the main Palestinian party, and the party in government, would win by a small margin. On Wednesday, January 25, 2006, 77.69% of the Palestinian voters cast their ballots. To the shock of the Palestinian community, Hamas won a sweeping victory with 74 seats out of 132 in the Legislative Council, while Fatah obtained 45 seats. Four of the other competing parties by comparison, hardly won 2 or 3 seats each. It must be remembered that Fatah, under the leadership of Yasser Arafat led the Palestinian struggle since the mid 1960's as the largest and most influential party. Hamas on the other hand is less than 20 years old.

Sabeel would like to share its assessment and analysis of the situation to help people

understand the challenges that lie ahead.

1. Fatah, Hamas, and the Occupation

Hamas, an Arabic acronym for "Muslim Resistance Movement," emerged at the height of the first intifada. Hamas combined religious ideology with Palestinian nationalism. In its early stages it was encouraged by Israel with the hope of weakening the PLO. As Hamas grew in strength it became Israel's nightmare. It championed the armed struggle against the occupation, met Israeli violence with violence, rejected Israel's right to exist, and called for the liberation of the whole of Palestine including the areas on which Israel was founded.

About the same time that Hamas emerged, the Palestinian National Council (PNC) meeting in Algiers, and for the sake of peace, recognized the state of Israel within the 1967 borders and agreed to engage it through peaceful negotiations, with the hope of ending the occupation and establishing a Palestinian state alongside Israel. While the Palestinian Authority (PA) language became more in line with the demands of a peaceful solution, Israel's military actions against the Palestinians continued unabated.

As corruption, complacency, and mismanagement increased within the ranks of the PA, Hamas was gaining more respect and popularity for its educational and humanitarian work among the people. Moreover, Hamas was perceived as disciplined, organized and free of financial corruption. In fact, it ran its election campaign under the slogan of "change and reform" and its slate contained non-Hamas candidates.

2. No Light at the End of the Tunnel

Unfortunately, the peace process kept meandering and faltering and Israel did not enable President Mahmoud Abbas to deliver anything to his people, particularly the release of Palestinian prisoners. Israel resumed its targeted assassination even when Hamas kept the "period of calm" for 53 days. Israel flouted the legal opinion of the International Court of Justice and continued to build the separation wall on Palestinian Land. It wrenched an agreement from President Bush to annex three large settlement blocks. It fragmented the West Bank and set up hundreds of checkpoints. It ruled out negotiating the future of Jerusalem, the return of refugees, and the 1967 borders. It closed the door on the creation of a viable, independent Palestinian State. It pursued its unilateral policies completely disregarding the Palestinian people, who found themselves with no political horizon. All of this under the watchful eye of the United States, the UN, the EU, and the indifference of the Arab countries. Hamas filled the vacuum.

3. Sign of Change

While continuing to promote a two-state solution, Sabeel perceives a change in the stand of Hamas in this direction, though not a recognition of Israel yet. Hamas is also suggesting a very long term cease-fire (hudna). Their stand is to halt the armed struggle and leave the matter of ending the conflict to future generations. After all, Ariel Sharon

had always called for a Palestinian State with interim borders. We believe that ending the occupation and the recognition of the national and human rights of the Palestinian people by Israel, will move Hamas in the right direction towards moderation.

We need to bear in mind the following points as we anticipate the future.

1. The Palestinian election was democratically conducted with hardly any infractions. This fact is concrete proof of Palestinian commitment to democracy.
2. It is important to seek the end of all violence, beginning with the Israeli occupation. If Hamas is going to be pressured to pursue the way of nonviolence, Israel must do the same.
3. Whether Hamas or Fatah is in government the Palestinian people still live under the oppressive Israeli occupation. We appeal to all people of goodwill to use every nonviolent means to put pressure on Israel to end its occupation.
4. The only way toward moderation on all sides is for the international community to pursue an even handed policy with both sides. A double standard approach and the rush to stop foreign aid will only lead to disaster.
5. Speaking at the press conference, after the elections, Khaled Mish'al, the head of the Political Council of Hamas, ended with the words, "Let us be humble before God and before our people. We will not commit injustice to anyone.." It is Sabeel's hope that Hamas really means these words and will seek a peaceful reconciliation between the Palestinians and the Israelis.

In this new political environment Sabeel seeks to be a bridge helping to implement the principles of justice, peace and reconciliation for all the people in our land. We hope that political and religious leaders from all countries and all faiths will join Sabeel in working quickly and openly for a two-state solution- a safe and secure Palestine alongside a safe and secure Israel.

4 February 2006

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E-mail, February 7, 2006, to James Gomez, Rev. Jackson, Steve Jacobs, Nazir Khaja, Len Beerman

Dear James, Reverend Jackson and friends,

Like all of you, I've still been watching closely what is happening since the election of Hamas. This zinger from outside the playing field about the cartoons and the burning of Danish embassies is no help, but I suspect it does make the whole situation more urgent.

I'm still hoping we may go to the Middle East together quite soon, and take the initiatives that a religious delegation like ours could take and none of the governmental sources could. I'm quite conscious of how difficult it was, before the planned Christmas week trip we meant to make and had to postpone, to have the acceptance of both Israelis and Palestinians for our coming to them. We had it then, and now we are dealing with different Israelis and different Palestinians. The Olmert government and Mahmoud Abbas might in fact be quite willing, but we would need to hear from Hamas as well.

As I read things, most of which you may have seen, I'm struck with the cautious welcome to the Hamas victory from Sabeel (attached, along with several other pieces), the coalition group of Christian churches committed to Palestinian human rights, as with the statement accepting the election by all the Christian patriarchs and such that I sent along last week. There is considerable pressure on the Bush administration from the Israeli government to toughen its line and exclude not only Hamas itself but much more widely the Palestinians as such, marginalizing them. That sets the course for what could be a huge humanitarian crisis and drive the Palestinians further both to despair and to the most extremist political camps. Hamas itself, as seen in communications between Abbas and Meshal, seems to be searching for some responsible way to handle its unexpected situation of having to provide actual government. The Egyptians, possibly the only actual government of a state that has the moral authority with them to do it, are striving mightily to help them achieve that, and our good friend Nabil Sha'ath has clearly the task, within Fatah, of helping toward that.

The burden, clearly, is with Hamas now, to come up with a way of carrying out the responsibilities it has acquired, a) to provide the good, effective and incorrupt government for which people elected them, and b) to pursue the objectives that the Palestinians in clear majority want: a genuine state and peace with Israel. Those are things that their religious convictions will endorse, as the articles by Marzook and Meshal have already shown, however difficult it may be for them to formulate their relation to Israel as a state. Hardly anyone other than religious forces can help them much with this, and if we go over there it should be clearly with that objective, analyzing with them the new options they now have as a party of government, altogether different from what seemed the case to them before their election, that they had no other option than force. This is a burden for Israel as well, as the Zvi Bar'el article in yesterday's *Ha'aretz* recognizes: how to find in Hamas a partner it can deal with, as it did after so much difficulty and the waste of two full decades of stalemate, with the PLO. Israel needs Hamas's help with this, and both need such help as a religious delegation like ours can

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bring, simply to see finding their way to each other as the desirable objective.

So I'm anxious to know: are we heading there, or trying to make the arrangements so that we can?

Ray Helmick, S.J.

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

February 9, 2006

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

May I introduce myself. I am an American Jesuit priest, long active (since 1972) as an observer and interpreter in many conflict situations, particularly in your area of the world, where especially since 1985 I have been in close contact, by correspondence and many visits, with President Arafat and many others of the PLO, with the series of Israeli Prime Ministers and the series of U.S. presidential administrations. I have been engaged, over that same time, with building up the U.S. Interreligious Committee for Peace in the Middle East, a cooperative association of U.S. Jews, Christians and Muslims who seek together justice and reconciliation for all the peoples of your region. Among my many visits, I was there in an interreligious delegation with the Reverend Jesse Jackson in July of 2002. We had hoped to meet with Sheikh Ahmad Yassin on that visit, and in fact had been welcomed to see him and others of the Hamas leadership in Gaza but found ourselves unable to proceed when a bombing took place in Jerusalem just as we were approaching the Erez crossing. I subsequently wrote (e-mail through a friend) to Sheikh Yassin about the efforts to establish a Hamas *hudna*, as was subsequently done.

I have wanted to address you, have been seeking an e-mail address and saw this one attached to the article you published in the *Guardian* newspaper on January 31st. I hope it is correct and reaches you. I read with interest, also, your colleague Mousa Abu Marzook's article in *The Washington Post* that same day. I recognize, with great respect, the high standing you have won among your Palestinian people, and congratulate you on your victory very much in the spirit of the February 1st statement by the Patriarchs and Heads of the Churches of Jerusalem issued from the Latin Patriarchate and the subsequent, equally respectful, statement of February 4th from Sabeel, "A Wake-Up Call."

Along with many others who observed the events of your election, I was surprised to see how great was your victory, with 74 seats and thus a clear majority in the Palestinian Assembly. I would not be surprised if this were unexpected to you also, as most of us expected you to come in a close and indispensable second, not to find yourselves suddenly fully responsible for providing government to the Palestinian people. I have been circulating, among my own friends, a cartoon from our local newspaper, *The Boston Globe*, which depicts the consternation of Israelis at your victory, of Fatah at the size of it, and of yourselves at having now the full task of governing.

I have been urging my friend, the Reverend Jesse Jackson, that he lead an inter-religious group of us on a visit now to your region. We almost made such a visit in the last week of December, but had to postpone our plans. It seems more important to make the visit now.

Many have observed that you were elected by a Palestinian public which rejected the corruption in the Fatah leadership of the Palestinian Authority and looked to you to provide such honest and effective government as you had already been creating in several cities. I have read one commentary, in *The Boston Globe* (February 5, "A Vote for Islam," http://www.boston.com/news/globe/ideas/articles/2006/02/05/a_vote_for_islam/ by Theodore Cambannis), which attributed your victory to the growth of greater Islamic faith and conviction among Palestinians (which I welcome), but most have seen it largely as rejection of Fatah. I see also the comment that, throughout the negotiations between the PA and Hamas over the last year, Hamas representatives often waited upon the opinion of Marwan Barghouti (article by Alastair Crooke in *Salon*, January 31st, "The best chance toward an enduring settlement;" I don't have a web reference for it, but I trust you have seen it). I was glad to see that, as I have the greatest respect for Barghouti. I know his objective is the end of occupation and a Palestinian state within the boundaries of 1967 (or the 1949 Armistice agreements) and I note your several Hamas statements that you are prepared for a long *hudna* if such a state can be achieved.

I had this out with Mr. Arafat back in 1985-86. At the time I first met him, June '85, he was engaged in a serious peace initiative along with King Hussein of Jordan, but there had been two sea-borne guerrilla raids coming down the coast from Lebanon, and I found those inconsistent with the peace initiative. I wrote to him subsequently, after the *Achille Lauro* affair, and went on then to spend three days in discussion with him, March of 1986, in Tunis.

Not only the United States and Israel but also King Hussein himself and many others were telling Arafat at that time that he must renounce all use of force in order to qualify for peace negotiations. I was quite conscious of his and his people's right of resistance to the occupation and the many other offenses committed against them, and recognized that, if he renounced that right of resistance, he would no longer be leader of his people. But I argued nevertheless for a ceasefire of indefinite length, for as long as the peace initiative itself would last (with the intention that it should come to success), and with no deadline date on which he was expected to end it. My reasoning then was that any use of force that his PLO fighters could manage was a mere pin-prick to the far superior Israeli military, and could only give them the excuse for massive retaliation against innocent people (both Palestinian and Lebanese, as it then regularly happened). My recommendation was for the use of active non-violence, and when, later, the First Intifada broke out, its superior effectiveness over guns and bombs was evident. Arafat and I argued this out very strenuously through a long night's discussion in the presence of his lieutenants when I met him in October 1986 in Kuwait, as I recorded in an early part of my own recent book *Negotiating Outside the Law: Why Camp David Failed* (London, Pluto Press, 2004).

Now I look at your situation, required as you are to give good government to the Palestinian people while under Israeli occupation and full military control. You have two mandates, as a result of your election, which are difficult to reconcile. You stand for the liberation of Palestine and its people. For you that means the whole of Palestine, without recognizing the legitimacy of the state and society of Israel. (Arafat was in a different position, which I was glad to see, in that he had accepted the proposal that there should be two states, Israel and Palestine, side by side and at peace with one another, and had prepared his people for that. Clearly no Israeli government has accepted or worked for that goal, and that has disillusioned your people as much as has the inept and corrupt government that the Palestinian Authority has provided.) At the same time, you have the mandate to clean up government among Palestinians and provide security, an honest institutional structure and adequate social and economic provision for their life. I read that you have just announced that there could be no abandonment of the use of force against Israel (if that is a fair statement of what you said). I think I may read that in the same sense as I did with Arafat, a right you claim rather than, necessarily, an option you will exercise. But there is the difficulty that, if you continue forceful attacks against Israel, against its Army or its settlers, they can easily prevent you, with their superior force, from fulfilling any of the social and political goals for which you were elected, the other mandate that is of immense importance to those who elected you.

So far as a non-Muslim can, I strive to understand the faith of Islam, and I have great reverence for it. I do not at all believe that Islam is a religion of bloodshed. In the reluctant acceptance that we Christians traditionally give to the use of force (and I do not speak here of the hypocritical glee with which our governments go to war), our "Just War" theory, we recognize that there are instances where there is no other option than forcible defense against aggression. We require that the force used not be disproportionate to the objective for which it is used, and we give attention to the question whether there is any actual prospect of success. I suspect there is little difference between us on this.

In view of the many years that the Muslim Brotherhood in Egypt and your own people in Palestine have abstained carefully from the use of force, I conclude that you came to the decision to use force for the justice you seek only when it seemed, in view of the extremely violent Israeli efforts to suppress the First Intifada, that there was no other option. Resort to revenge attacks, after the assault of Baruch Goldstein at the Ibrahimi Mosque or after the murder of Yahya Ayyash, was something done with great reluctance and misgiving (the misgiving: Is this Islam?). But the large measure of success for the Palestinians that arose from that Intifada was, in my judgment, the result of the non-violence rather than of the very occasional violence which accompanied it.

When I wrote to Sheikh Ahmad Yassin in August, 2002, I knew of at least two occasions – in November, 2001, and in July, 2002, when he and Hamas had come very close to declaring a *hudna*, in agreement with the PA and the Al-Aksa martyrs' Brigade. In each case the Sharon government had quite deliberately intervened with assassinations designed to prevent any calming of the violence – in July, 2002, bombing an apartment

building in Gaza in the middle of the night to kill Salah Shehada, they had killed fifteen people, nine of them children.

Our inter-religious delegation, visiting the region immediately after that, were hoping that Hamas would stay with its intended ceasefire and not let the Israelis dictate to them a course of revenge. Reverend Jesse Jackson, leading our delegation, argued "Get ahead, don't get even," and I know that Nabil Sha'ath was meeting Sheikh Yassin day by day in hopes that the ceasefire would hold. The bombing at the Hebrew University in Jerusalem on July 31st, just as our delegation was approaching Gaza, broke the ceasefire. The several Palestinian militant groups then tried to formulate a formal *hudna* statement. It was difficult for Hamas to agree, because the proposed statement included reference to a Green Line between Israel and the Palestinian territories, which Hamas did not want to endorse. My own written (e-mail) proposal to Sheikh Yassin was that he simply leave the border out of the statement, and base the *hudna* decision solely on the compassion of Islam, which is approximately what was eventually done.

I have been arguing to my friends that, if the decision of Hamas, late in 1987, to undertake a campaign of force was, as I believed, because there appeared to be no other options, the situation is different now. As the elected party of government, you do have other options. My own Christian tradition (when our governments deign to obey it) will not countenance use of force if there are genuine alternatives. I suspect that that the teaching of Islam, for those better instructed in it than I, would be much the same.

I mention above the two mandates for which you are elected: to provide decent government and to free your people from oppression, and now I speak of options. You will have no option of providing government or the necessary institutional framework of a society if you are physically at war with the state that holds your people under total military occupation. They have the power to stop you from providing those necessities of your people's lives if you are sending bombs onto their busses or into public places, if you are shooting at their soldiers or the settlers. You can govern, cleanly as people have elected you to do, if you put an end to the violence and adopt an alternative strategy, one of active non-violence.

What option have you, then, in that case, for the liberation of your people? You can lead your people in total non-cooperation with occupation. This is no easy task, nor will it be an easy life for your people, but it will be far preferable to suffering the evils of occupation passively. As in the First Intifada, you and they will be constantly inventing new facets of resistance and non-cooperation. It will have, as then, great successes, as it did in the First Intifada, when everything in the policy of the Israelis and everything in U.S. policy that related to the Israelis will be reaction to the initiative your people are taking. They will have the exhilarating knowledge that they hold the initiative, even if the Israeli response is wholly negative, as it was through most of that First Intifada. But you will reverse the world's judgment on the Palestinian people, even on Hamas itself, as you take the moral high ground and the Israelis are seen constantly and increasingly as the aggressors.

I have argued in many places, including in my book, that this conflict could be resolved by the rule of law, and that it was the responsibility of the United States, which could actually require it of the Israelis, to demand that law be the underlying assumption of negotiations. I would still hope for that, and argue for it, but the U.S. administration shows no serious inclination to do its duty in this regard.

You have need of real power in order to deal with the Israelis, and it will not come from the Arab states, from Europe, or from any other source than the mobilized power of your own people. Your military weapons are too puny to stand against the Israeli weapons, but that mobilized power of a people denying, without violence, any cooperation with its occupiers is something Israel could not withstand. I argued this over all the years of Oslo to Mr. Arafat, who never took it up or organized it. But it is what will bring the Israelis to the negotiating table. They threaten, I know, to draw borders and make decisions about your lives unilaterally, but with the coordinated and total non-cooperation of your people, organized under your leadership, you can refuse to accept any arrangement that does not create a truly viable Palestinian state. And if they delay too long, the so-called "population bomb" goes off, and they will find themselves a minority in the land between the Jordan and the sea.

Such a strategy would require that you actually put an end to any violence by any Palestinian party. President Mahmoud Abbas was unable to do that, and was particularly unwilling to attempt it against yourselves. But for you, it is quite readily possible. It is a condition of your task of governing, and if you do it in the context of mobilizing your whole people for non-violent resistance and total non-cooperation, they themselves will recognize that any act of violence works to their disadvantage and is an attack on their most vital interests. Not only all the rest of the world will support you in this, but also a very large part of the Israeli Jewish public itself, as happened during the First Intifada.

And your principle of not recognizing, as legitimate, the Israeli state? I note, in both your *Guardian* article of January 31st and Mr. Marzook's in *The Washington Post* that same day, your recognition of the Jews as "people of the book," the pride you take in the 13 centuries during which Jews and Muslims lived in peace and harmony, your offer of a long-term truce and readiness to live in peace with those who are truly interested in a peace based on justice. You must be very conscious of the many Israeli Jews, and Jews elsewhere, who are in fact already deeply committed to such a peace based on justice. By the use of a strategy of non-violence, which will win you the admiration of Jews and others throughout the world, you can win over the Israeli society as a whole to such a commitment, and marginalize those of bad faith who will refuse it.

I would love to discuss this with you directly, and hope that, with my friends, I may visit you soon.

Every blessing and peace be upon you.

Raymond G. Helmick, S.J.

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March 6, 2006

MK Amir Peretz
The Knesset
Kiryat Ben-Gurion
Jerusalem 91950

Dear MK Peretz,

Shalom!

When I heard of your election to the leadership of the Labor Party last year it seemed to me that this should be the beginning of a new era: of the shift of a great part of the Sephardic community of Israel to the Labor Party and a much more serious approach to the subject of Israel's peace with the Palestinians and the Arab world than had ever been envisioned by Shimon Peres or anyone since Yitzhak Rabin.

I have been disappointed since. Not only does Mr. Olmert's Kadima Party lead the polls, leaving Labor far behind in the assessment of the pollsters, but your own statements have been generally so cautious, even timid, that you seem to be trying to present yourself as a clone to Kadima. It reminds me of what happened when Amran Mitzna ran in the last election. He drew back from all the advanced positions he had always advocated for the peace, imitated Sharon on so many points that, eventually, he had nothing to offer but the proposal to build a separation wall – always a bad idea, opposed at that time by Sharon, though Mitzna then meant to build it on the Green Line. He became so indistinguishable from Sharon that he lost, and deserved to lose. I fear you are doing the same thing with Kadima, and that it will be catastrophic for Israel.

Kadima proposes unilateral decisions to establish permanent borders for Israel, seeking no agreement with the Palestinians but treating them as if they were not there. This is no way to peace, but a way to ensure continuing and unceasing war, and those borders will not be permanent at all. Surely you must know this.

With the election of what will be a Hamas-led government, the Israeli parties, apparently including yours, are saying once again, as they did so long with regard to the PLO, that there is no partner for peace. This formula, employed against the PLO and Arafat all through the 70s and 80s, condemned Israel as well as the Palestinians all that time to complete stalemate in their relations with one another. After a fruitful period of real communication, which resulted in the Oslo Accord and several years of genuine progress under Yitzhak Rabin, up to the time of his murder, the relation deteriorated to the point that Mr. Sharon reverted once again to the proposition that there was no partner, refusing to deal with Arafat, thereby returning things to the same stalemate again.

With some reluctance, Sharon agreed to treat Mahmoud Abbas as if he were really there, even while undermining him with his own people all the time, as you saw very clearly and commented before your election to the leadership of Labor. Now Hamas has raised a real problem for all Israelis, taking a position much like Arafat had at the time real communication first began. I have been listening keenly to everything said by Hamas leaders for a long time, especially since their January 25th election, and what I hear is an effort to come to formulae that will make communication with Israel possible. I write to them about this. I believe it would be foolhardy, damaging to Israel, if you were all to take the easy way out and conclude that you could not deal with Hamas.

You may have heard of the book I published just over a year ago, the record of close contacts I maintained over two decades with the Palestinian, Israeli and American leaderships, called *Negotiating Outside the Law: Why Camp David Failed* (London, Pluto Press, 2004). My thesis is that, despite many good intentions, the negotiation process, throughout, has been conducted not on the basis of international law but on the premise of superior political and military power. The unilateral disengagement concept shows this at its most extreme. Reading, just recently, Gilead Sher's account of the negotiation process (*The Israel-Palestinian Peace Negotiations, 1999-2001: Within Reach*, long available to you in Hebrew but only just published in English), I have realized that the unilateral disengagement concept was called for by Ehud Barak and formulated by Sher and General Sagui as early as August, 2000, right after Camp David, became a destructive fixation with Barak from that time on, and later the only procedure Sharon would agree to embrace.

I had already recognized that, in the Camp David and subsequent negotiations, it was always demanded that Arafat simply accept what Israel offered him, and that he and his people were never really parties to the negotiation. It was really only between Israelis and other Israelis, those who wanted to give something, those who wanted to give more, and those who wanted to give little or nothing. Everything in Israel's possession was conceived as being within Israel's gift, nothing as belonging to the Palestinians as by law. Such a process cannot lead to peace. Even had the proposals – many of them very advanced breakthrough offers from Israel at Camp David and later – been better than they were, they could never have been accepted by the Palestinians as a people, even had Arafat or some other leader like Abbas signed them, because they could only be seen as a *Diktat*. That would have been bad news for Israel, because Israel would never, in that way, get peace.

Consequently, what I advised in that book, and commend to you now, is that the process be premised clearly on international law. By that I mean Article 2 of the UN Charter, UNSCR 242 and 338, UNGAR 181 and 194, and the Fourth Geneva Convention. A process based on these, I contend, would in no way prejudice the case against Israel, as the law would protect both parties. Nor would it predetermine the outcomes. Instead, the effect of working to the law would be to make the two parties equals before the law, overcoming the disparity of power which is the real obstacle to genuine, lasting and binding agreement.

Of those items, UNGAR 194, with its Right of Return, is the most contentious. I see it as containing its own solution. The right defined is to return "to live in peace," and if that is neither possible nor willed by the Palestinian refugees, that they receive proper compensation. The Palestinians themselves, even at Camp David and Taba, recognized that overturning the demography of Israel was not a thing that could be done in peace, and that it therefore required a negotiated agreement on numbers and other modalities (return to Palestinian territory, citizenship in the countries they lived in or emigration to third countries). Agreement was already at hand on exchange of some territories so as to leave the largest Israeli settlements in place and to allow Jews to live in a Palestinian state, their safety a prime responsibility of that state, retaining their Israeli citizenship if they chose but subject to Palestinian jurisdiction. One could predict that the number of Israelis who would agree to live so would be far smaller than the number presently living in West Bank settlements (which themselves have always been a quite deliberate effort to overturn the Palestinian demography), and would approximate the numbers of Palestinians who could reasonably be accommodated in Israel.

I have for years advocated such a resolution of the refugee problem to Arafat, to Rabin and his successors and to successive American governments, arguing that if this were done, it would so satisfy both sides that they could afford to have an open border. In that way, each people would have its state, with internationally recognized borders and all the institutions of state and society, and at the same time both peoples would have access to the whole territory to live in peace.

I believe that your concealment of any difference between yourselves, in Labor, and Kadima will lose you the election, and that Israel and the Palestinians alike will sink ever deeper into violent impasse and despair if those policies of unilateral disengagement are followed. You have – both in your electoral positions and in government if you attain it – the problem of Hamas. Currently Israelis and Americans alike are setting conditions that Hamas cannot meet. Hamas itself is proceeding incrementally, much as Fatah and the PLO did, and cannot simply proceed to the outright acceptance of Israel, in its character of conqueror and occupier, at once. The Russians and many others are seeking to conceive ways for Hamas to enter into constructive dialogue with Israel for the ending of occupation and the eventual legitimation of both states – a process of legitimation and not an instant concession. This appears to be actually what Hamas itself seeks.

They are as aware as any of us that the Palestinian electorate did not vote for their anti-Israel policies but for fair government and an end to occupation. Hamas itself, though it has not yet renounced violent action, has kept responsibly to its *hudna*, shows no sign of ending it and realizes quite well that, if it resumes a shooting war with Israel, it can in no way provide the good government and eventual liberation from occupation for which it was elected. They are able to enforce discipline on Islamic Jihad and the other militant groups, something that was altogether beyond the powers of Fatah. But for this they need to find that Israel is responding positively to the overtures they are making, not expecting total instant acceptance by Israel of such things as the Arab proposal of 2002, which they offer, any more than they can offer as instantly the whole bundle that Israel and the U.S. are demanding of them.

All this should be welcome to Israel, which should be exploring ways to expand this incremental process to broader and broader agreement, seeking to enable Hamas to take more and more positive positions, rather than, by ultimatum, to propel them into greater and greater hostility and association with the most radical anti-Israel forces. I'm sure you must have noted the negative responses Khalid Mish'al has given to Iranian and Al Qaeda offers of help.

Out of love for Israel, and for the Palestinians as well, I place great hope in you, Mr. Peretz. I remember how Shimon Peres lost the 1996 election by trying to prove himself a tough guy like Netanyahu (the Ayyash assassination and the campaign in Lebanon culminating in the disastrous attack at Kana'a), and how Amran Mitzna lost his by draining his positions of anything different from what was being proposed by Sharon. I'm sure you are surrounded by old-hand Labor Party advisers who are preaching caution! caution! to you all the time. They are wrong. They will lose you the election, and allow Kadima to ruin, perhaps permanently, the hopes of Israel.

With all best wishes, and my prayers for your success,

Sincerely,

Raymond G. Helmick, S.J.
Instructor in Conflict Resolution
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JESUIT COMMUNITY, BOSTON COLLEGE, CHESTNUT HILL, MASSACHUSETTS 02467-3802

May 5, 2006

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

You may remember the letter I sent to you on February 9th. I am an American Jesuit priest, long in contact with many leaders in the Middle East conflict and anxious to see the new Hamas government in Palestine successfully meet its new responsibilities.

I see the new government facing many critical challenges. The financial challenge is perhaps the most immediate. It is posed not merely by the withdrawal of U.S. and European funding and Israeli sequestration of your own tax revenue but especially by American intimidation of banks, even Arab banks, which dare not transfer funds to the Hamas government or anyone associated with it. That is a destroying tactic which, like yourself, I regard as cruel and unjust, and also a grave mistake on the part of the U.S. government and the Israelis who urge this on them, as it can only further entrench your popularity precisely as rejectionists, turning the Palestinians as a people more bitterly against those who use these tactics, while leaving your movement few options but a return to violent attack. That works to everyone's disadvantage, yours, your people's, but also all your enemies' as well.

I have no expertise in such financial matters. I am glad to see the commitment of the Russians and of President Chirac to break through this monstrous policy. I hope the strategy of using separate accounts for each salary-earner may succeed. I would think, as a non-expert, of such further strategies as mobilizing Arab banks into a separate system which can defy this American boycott, and even mounting an Arab boycott against banks which support this ukase against the Palestinians. But however it is done, and with whatever ingenuity on the part of those who address it, this is a challenge the Hamas government of the Palestinians must meet, and its defeat, when it comes, will be a great victory over oppression. You do not need a booming industrial economy right now. You need to sustain your people through this period of trial, and that will be victory enough.

But it is the political challenges about which I have the greater concern, and on which I presume to give you my opinion. A crisis looms between the Hamas government and Fatah. I hear both sides saying they will not permit this to become a civil war, but as I read of armed clashes, of military training and maneuvers by both sides, of masked bands threatening one another, I am not persuaded that either is taking this seriously enough.

I put the major blame for this on Fatah, on its younger people, disillusioned by their own older leadership, who want to challenge by armed action the fact that they lost the election, and on President Abbas himself and the established Fatah Old Guard, who seem to have determined from immediately after the election to refuse all cooperation with Hamas. I do understand and sympathize with President Abbas's anxiety not to lose the remaining contacts and chance of help from the world's powers, but I find his undermining of the elected Hamas authorities an unimaginative and destructive policy. I will write to him, respectfully, as I have done before, and I will send you a copy of what I write. Your people cannot afford to be disunited at this critical point in your history. It is to fall into the snares of your enemies if you allow yourselves to become so.

How can you gain the cooperation of Fatah and all that part of the Palestinian people they represent?

I represented to you, when I wrote before on February 9th, that I believe you have two mandates from the Palestinian voters who elected you. You are expected to give them the decent, honest government that they did not get from the Fatah regime. (Fatah, in fact, will not be fit to present itself as a potential government until it succeeds in reforming itself internally, and its current tactics do nothing to help it in that necessary task.) You in Hamas will provide no government at all if you continue with armed attacks on Israelis, because the Israelis can easily destroy any semblance of government by you, even apart from this current cynical attempt to break you financially, and can reduce your people to frustrated anarchy. The violence itself would continue and expand, but bring no benefit to your people, only devastation. At the same time you cannot simply submit to Israeli(-American) dictate and behave as docile implementers of unjust Israeli decisions. You have also a mandate to free your people from occupation. This second mandate is as serious as the one to govern. And if, as I see it, you can accomplish nothing now by violence, it must be by a thoroughly mobilized campaign of non-violent resistance, total non-cooperation with the occupiers, marked at every point by creative imagination. It is this that will gain you the high ground, the respect and sympathy of all the world, including Americans and the many Israeli peace activists.

If you can mount such a campaign, you should be able to expect Fatah to work with you. It would be in their interest. I would think of your gaining the support of President Abbas and the young Fatah activists. It is on this theme that I will be writing to President Abbas. The corrupt Old Guard would have no place in this, and their hold on Fatah would wither under such circumstances. I wrote to you before that I was happily impressed by the respect you showed, during the election campaign, to the imprisoned Marwan Barghouti. He would be a key ally for you in bringing the vital forces in Fatah into such a campaign alongside you. Without this, I fear you face an inter-Palestinian civil war, than which nothing could be more damaging to your people.

The Western countries – Europe as well as the United States – and Israel, and even Kofi Annan bring pressure on you to recognize the legitimacy of the State of Israel as condition to take you seriously as a negotiating partner, demanding further acceptance of previous agreements by the PLO and PA. It is my understanding that you are not

undertaking the destruction of Israel, a “casting of the Jews into the sea” as the PLO was thought to intend in its early years. Those Israelis and Americans who want to malign you would love to believe that such is your intention. Instead I read you as proposing something quite different.

I was very happy, for my part, to see the Oslo Accord reached in 1993, as it showed, on the part of both Palestinians and Israelis, both of them with the formal public action of their leaders and genuine popular assent as well, recognition of one another’s legitimacy as peoples. The PLO, and its Palestinian public, both in its Diaspora and among the residents of the occupied territory, had already done that at the PNC in Algeria in 1988, licensed to do so by the great success of the *intifada* that had begun in December 1987, and I saw it as indicated already in the unilateral ceasefire the PLO had undertaken as far back as 1981. (As you know, I discussed and even urged this in great detail with Yasser Arafat in many meetings and much correspondence between 1985 and 1988.) For the Israelis, Oslo was the first time they had given a reciprocal recognition of Palestinian legitimacy as a people.

But the Oslo mutual recognition was not symmetrical. The Palestinians, represented by the PLO, recognized the State of Israel, hoping to build a Palestinian State alongside it, in peace. What the Israelis recognized was the PLO, as “sole legitimate representative of the Palestinian people,” echoing the same formula as had been used by the Arab League back in the 1970s. By implication, and only by implication, that recognized the Palestinians as a people deserving of legitimate representation, but there was no recognition of Palestinians as having (they had not!) or entitled to a Palestinian State.

If I understand your language properly – nosing about the Arab League formula of 2002, which you sometimes endorse, sometimes pull back from as premature; demanding Israeli withdrawal from the occupied territories; demanding a cessation of Israeli violence against Palestinians – what you are demanding is that symmetry, that Israel recognize the full entitlement of Palestinians to a state as the price of your recognition of Israel as a state. I see that as a very reasonable position. Many even of the best Israelis argue that you are bound to the earlier agreements because you have taken up the existing authority of the PA, which made those agreements, but I see that as an unrealistic expectation in the light of your long-standing dissent. You would discredit your previous positions if you abandoned them so lightly. In the face of the demand that you endorse the PLO’s Oslo recognition of Israel’s legitimacy for less than the granting of such symmetry, the question is how to get Israel to deal with you on that basis. I believe the answer to that is by a campaign of organized non-violence, directed by your government but embracing the whole Palestinian public.

Your movement, Hamas, was careful over many years not to undermine the authority of Arafat or the PLO. By now, though, after the January election, it can no longer be said that the PLO is “sole legitimate representative of the Palestinian people.” The people having chosen freely, you are no longer a single-party system, and your two major parties, Hamas and Fatah, both have legitimate standing. The advantage for both

of you, in the light of the crisis confronting the entire people, is to combine your efforts without either of you losing your distinctive character. Occupation, and the threat of a unilateral pre-emption of the future by Israel, is the common danger to you both. The Palestinians can oppose it together, whether, like Fatah, they already acknowledge the legitimacy of Israel or whether, like yourselves, they make that contingent on lawful behavior by Israel. You can oppose one another in another election without either of you having to have failed of this common purpose.

I believe the Hamas government made an error in its reaction to the Tel Aviv bombing last month. Over the nearly three months from January 25th to that day Hamas had given signals that a campaign of such actions was not what Israel or anyone else should expect. I saw that as wise on your part. I can understand your reluctance to condemn the action of the young boy who blew himself up, or the anger which that represented among people who, like him, have suffered constantly for many years from the violent attacks and usurpation by Israel. By endorsing his action, though, as an act of legitimate self-defense by the Palestinian people, you sacrificed all that you had gained by those previous three months of political effort.

The Fatah PA, whether under Arafat or Abbas, has always known that their condemnations of such actions were futile so long as Israeli action remained as it is, and we all saw how much President Abbas's condemnation of this bombing was resented. Those previous Palestinian governments, however, were truly powerless in such matters. The present Hamas government is not.

I have much sympathy for the young bomber, who had suffered so much personally. One of the better commentaries I read described it as "Innocence killing Innocence." But this was not the work of the child alone, but of Islamic Jihad as an organization. By endorsing it as "legitimate self-defense" the Hamas government, which now carries the highest responsibility among Palestinians, gave away its authority to an unauthorized group to go and make unwarranted policy for the people, without Hamas consent. Government does not work that way. The action, moreover, at a falafel shop in that slum section of Tel Aviv around the old bus station, was taken against the poorest, most vulnerable and undefended people who could be found in Israel, the most innocent. It is always easier to attack the weak than trying to attack a military base, but it fulfills the strictest definition of terrorism, what anyone can recognize as a prohibited action, not permitted under any definition of justice in war. For Hamas to endorse that dishonors it in itself and loses it esteem with others. The Israeli and American governments, looking for ways to discredit Hamas, certainly rejoiced to hear that endorsement. It reinforced every negative image they were trying to attach to Hamas.

And that creates a watershed moment for Hamas. If the Hamas government is to succeed, if it is to produce either the good government for which it was elected or the liberation from occupation, it must find the way to support its people financially, defeating the economic blockade; it must find the way to avoid a breakdown of the solidarity of the Palestinian people in the face of occupation and win the cooperation of the Fatah Party, without either party sacrificing its distinctive character; it must mount a

campaign, with the cooperation even of its Palestinian rivals, that will actually be effective in winning the end of occupation for its people, which can only be done, to my perception, through a campaign of rigorous non-violent resistance involving the whole people.

I shall be writing also to Amir Peretz, who should be the one to break through to negotiate with you. And I shall write again, as I have many times in the past, to President Bush, arguing to both of them that Israel has nothing to gain but continuing war from the unilateralist policies proposed by Mr. Olmert.

I have argued often to President Bush that, because he is in so much trouble after his unjust invasion of Iraq, unable to extricate himself after all the damage he and his forces have done and having no good options there, he should commit himself now to finding a really just resolution of the Israeli-Palestinian conflict. If it were dealt with in true accordance with international law, as I have recommended in my book on the topic, it could really be resolved, to the satisfaction of both parties. I have seen no prospect that Ariel Sharon would submit to international law, nor do I expect it of Ehud Olmert. But if the United States, which has always supported Israel in its defiance of law, were to insist on genuine adherence to law, Israel would have no choice but to accede, and the conflict would be resolved rather easily. President Bush would meet heavy domestic opposition to this in the United States, but would have the thanks of all, including Israelis, when he succeeded, and he would thereby take much of the venom out of the situation in Iraq.

Yet after proposing that all these recent years, I now rather doubt that our so much discredited President Bush still has the power to do much of anything. If that is so, the only resort of the Palestinians is to empower themselves, something that they cannot accomplish by any campaign of violence. But they can bring Israel to negotiate the future of them both on equal terms before the law if they are thoroughly mobilized under acknowledged leadership to frustrate, through non-violence, any effort of Israel to subject them to its will. It is the responsibility of a Palestinian government, under occupation, to organize that movement and to see that no one undermines it. I have deep love for the people of Israel too, and seek this outcome for their sake as well as yours.

With the greatest respect, and the promise of my prayers,

Raymond G. Helmick, S.J.

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May 13, 2006

President Mahmoud Abbas
Palestinian Authority
Ramallah, Palestine

Dear President Abbas,

Salaam!

As one who for many years maintained close contact with your predecessor, Mr. Arafat, as well as with Israeli and U.S. leadership, I have followed closely the difficult course you have had to follow since the January 25th election which gave such support to Hamas. I have written a couple of times since then to Mr. Khalid Mish'al and told him I would be writing to you also and would send him a copy of what I wrote to you. It is only fair then that I attach copies here of what I have written to him. I wrote to you once before, July 27th of last year, with regard to what President Bush had said at your joint White House press conference of last May 26th.

The relation of your Presidency of the PA to the Hamas government can be second only to your tough relations with the Israeli and U.S. governments as the source of your mutual problems. Since I am urgently concerned for the peace – the peace of Israel as well as yours – I regard division among the Palestinians as terribly dangerous to all your prospects of justice and peace and would like to be helpful toward overcoming it. You have lived for 39 years under the extremely severe military occupation of those whose government now openly plans to dispose of all matters between you and them unilaterally, confiscating anything they please in total disregard of your lawful rights. In this they are apparently abetted by the complacent acquiescence of the United States. You are not dealing with friends or protectors.

I found it alarming to see you represented, in the *Middle East Report* (MERIP) account of April 19, 2006, entitled "Fatah Ventures Into Uncharted Territory" (<http://www.merip.org/mero/mero041906.html>), as attempting to undermine the elected Hamas government. I hope it is not so, and would regard it as most unwise if Fatah's energy were directed to that end. It would manifest a disregard for the democracy that must be a major Palestinian objective; it would make you and your party the plaything and instrument of those, whether Israelis or Americans, who would like to deprive your people of their rights; and it would serve only to further entrench Hamas in the regard of the Palestinian people, ensuring their still greater gains in another election, while depriving them of any other than violent means of pursuing their goals.

I understand fully your reluctance to go into actual coalition with the Hamas government. As the Western powers try to isolate them, politically and diplomatically, while also cutting off every financial sustenance, you have the responsibility, as elected

President, to preserve whatever links to external contact and help you can preserve. Any formal participation of Fatah in the Hamas-led government could lose you all that, to the detriment of your party but also of the whole Palestinian people and even of the Hamas government itself. All the same, for you to allow yourself to become the problem to them, or to regard them simply as problem to yourself only adds to the dangers for your whole people. In my own country we have long understood that in the face of external threat we must always stand together, whatever differences we have among ourselves.

The Hamas and Fatah prisoners in the Israeli jails came to an astonishing level of agreement this last week, drafting a joint platform that calls for a Palestinian state within the 1967 prewar boundaries alongside Israel. I saw you quoted as saying "I adopt the position of those heroes." This touches the matters that outsiders – Israeli, American, even European and some Arabs – are presenting as ultimatum to Hamas, that it must recognize the state of Israel's right to exist, the Oslo Accord and all subsequent agreements between the PA and Israel as condition for breaking the isolation in which they have been placed. I have some understanding of why Hamas has rejected those demands, apart from their ultimatum character, which I will go into below. But a Hamas spokesman in Gaza, Mr. Mushir al-Masri, while tentatively welcoming the cooperation between Hamas and Fatah, declared at once that it could not be genuine "if it includes recognition of the international legitimacy or initiatives that endorse the recognition of the state of Israel," and in the reports I read Mr. Mousa Abu Marzook was quoted as having said, on April 24th (therefore not in the context of this agreement among the prisoners), "One of Hamas's founding principles is that it does not recognize Israel. The people voted for us based on this platform."

That last point, however, as I have been writing in my own letters to Mr. Mish'al (attached), is not entirely true. I believe it is true enough that the Palestinians who voted for Hamas had lost faith in all previous agreements made with the Israelis, and that because of Israel's constant failure to live up to its agreements since Oslo. But their vote for Hamas was not for its platform rejecting Israel. It was instead for good government, free of the corruption that had come to characterize the Fatah government it replaced. Their vote for Hamas, giving Hamas a victory which came as an unexpected surprise even to the party itself, imposed on Hamas responsibilities it had never had to face before, and two distinct mandates which it cannot now afford to neglect.

One is to provide that decent government. I have argued to Mr. Mish'al that this not only presents Hamas with new non-violent options which it had not anticipated, and which accorded well with their faithful adherence to the *hudna* of this last year and a half, but that the party would be able to provide no government at all if it resumed a campaign of violence, because then the Israelis would simply, and very easily, crush them. But in adopting, necessarily now that they are in government, as I believe, a non-violent policy, they may not neglect the second, equally imperative, mandate they have received from the electorate, to work for the liberation of their people from occupation.

And that is the core problem of their dual responsibilities: how to work effectively for an end to occupation through a non-violent campaign.

They cannot do it without your help. And here is the central responsibility which you and Fatah face at this time.

I wrote above that I can understand the position Hamas takes on the recognition of the state of Israel. I do not believe that it is Hamas policy to destroy or dismantle the Israeli state or society. During many years I discussed this in great detail with Mr. Arafat, knowing that this had not been the PLO's intention since well before my own conversations with Arafat began in 1985, despite the heritage of the old PLO Charter. The continuation of Hamas in its refusal to grant the legitimacy of the Israeli state, I believe, stems from the behavior of Israel since Oslo.

I had been very happy, myself, to see the Oslo Accord, which was so much your own good work. From the beginning I heard the dissatisfaction of both Israelis and Palestinians at the lack of concrete points of agreement in it, so much left to future negotiation, but I saw it as accomplishing a great thing that had not been possible up to that time: recognition by both Israelis and Palestinians of one another's legitimacy as peoples. This was not the innovation for the Palestinians that it was for the Israelis, since the Palestinians had already made that recognition in the Algiers PNC of 1988, and in the Geneva statement of Mr. Arafat later that same year. It was already implicit in the unilateral ceasefire the PLO had declared in Lebanon in 1981, and in the behavior of the occupied Palestinian population during the 1987 *intifada*, which was not a rejection of the state of Israel but a protest against occupation. For the Israelis, though, the Oslo recognition of the legitimacy of the Palestinians as a people was truly novel.

So important was this mutual recognition that I believed it could not be retracted, even when I saw Mr. Netanyahu, for the three years in which he was prime Minister, make it his principal objective to retract that recognition. He was unsuccessful. I feared much more that the mutual recognition between the two peoples was endangered, from both sides, during the new *intifada* that began in 2000, but to my relief I find it is still there.

As formulated in Oslo, however, it was not symmetrical. The Palestinians recognized the legitimacy of the state of Israel, while the Israeli recognition was of the PLO as "sole legitimate representative of the Palestinian people," the same formula that the Arab League had consecrated in the 1970s. Implicit in that, but only implicit, is the recognition of Palestinians as a people deserving of representation, but no recognition of their entitlement to a state. It is this asymmetry, I believe, that Hamas rejects. The party's spokesmen nose about the Arab League's formula of 2002, hesitant to give it an explicit endorsement which might be premature, or might be used by the Israelis (and Americans) as a formula of surrender, but manifestly interested.

The prison formula of last week was primarily the work of Marwan Barghouti, and demonstrated again how central a figure of hope he is for the eventual peace of Israelis and Palestinians and their agreement on principles of justice. I had already been impressed, during the campaign before the January election, with the deference the Hamas candidates showed to Marwan Barghouti, often consulting him before taking

positions themselves, and I had mentioned that in both the letters I sent to Mr. Mish'al. I regard it as one of the important objectives, for the Fatah party and all of us who have the peace, with justice, of Israel and the Palestinians at heart, to preserve the leadership of Mr. Barghouti, bring about his release from prison and his political advancement among the people. You have a figure on the model of Nelson Mandela there in that prison.

I recognized, above, the impossibility of your actually entering Fatah into a government coalition with Hamas, because its consequence would be to lose, for your people, any remaining international contacts. What you can do, however, is to cooperate with Hamas in the mobilization of a popular campaign.

Hamas, as I explained above, has been made responsible through its election victory not only to provide decent government, free of corruption, but also to liberate the people from occupation. It cannot provide that government if it resumes its violent campaign, and I believe its leaders understand that well. I complained to Mr. Mish'al, as you can see in the letter I sent him, that the Hamas spokesmen had made a grave mistake in endorsing the Tel Aviv suicide bomb as legitimate self-defense by the Palestinian people. It was not that, and their statements undid work they had been doing ever since the election to assure the Israelis that this sort of thing would not be their policy. But they may not simply lie down in sign of submission to whatever the Olmert government is preparing – unilaterally – against them. The only alternative is a serious non-violent campaign.

Your own greatest danger, and the greatest danger for Hamas, worse than any of the financial assault the world is mounting against you, is that you should fall into civil war between yourselves. I hear both of your sides saying you will not allow that to happen, and as I see the multiple armed clashes developing between you I do not believe a word of it. I think this is growing beyond the capacity of either of you to control, and no other disaster could do such harm to the prospects of your people. The agreement among the prisoners last week is the most constructive single thing that has happened between you.

It is the young men of your Fatah party, the ones who themselves had challenged the corruption of the Fatah Old Guard, unsuccessfully, and had therefore split the party and lost you the election, who are now dissatisfied to have lost to Hamas and are challenging them by violence. Those who are most angry are the ones who made up the Al Aqsa Martyrs Brigade. You have let this become focused on control of the security forces, which are made up predominantly of Fatah members but not the same ones who are attacking Hamas, though they are the prime target for Hamas retaliation. This is something you deeply need to resolve by seeking agreement with Hamas.

I speak of a non-violent campaign of resistance to occupation.

This is something I urged, through all the years after Oslo, on Mr. Arafat. Since the time I first knew him personally, in the mid-1980s, I had great admiration for Arafat. The work of his life, I believe, had been to prepare his people for peace, and in that he

was successful. But once back to Palestine and in charge of the PA, he tried to be a one-man show in negotiating that peace. Alone, he was without the power even to be a serious negotiating partner with Israel, as I used to argue both to him and to Mr. Rabin, who understood it well. The Arab states were no help to him, neither were the Europeans. The United States was arrayed against him. The only power base he could have was the mobilization of his people, and because he tried to negotiate entirely by himself he remained powerless in the international arena. I argued this to him over the years until I felt I had become a broken record. And now I present it to you and to Hamas.

Hamas cannot do this by itself. Dissension among Palestinians about such a campaign would be its death. Hamas has the responsibility, as you have yourself, not to acquiesce supinely in what the Olmert government has in store for you, but to resist and foil it. You and Hamas can only do it non-violently. This will have its costs, very heavy ones for the Palestinians, but not so heavy as the costs of surrender or disunity. The Israeli forces will work furiously to make you suffer for it, but in a united, fully mobilized campaign of total non-cooperation you could force the Israelis to genuine negotiation, and put at naught their efforts to determine the future unilaterally. The mobilization of the people must be complete, as you saw it in the first (1987) *intifada*, and clearly under the direction of the political leadership, a cooperative work of Fatah and Hamas. You can yet come out of this with such agreement with Israel that you will be able to live alongside them, in your own state, as friends.

This is also the answer to your danger of civil war. You will not put away the animosities between your armed young men and those of Hamas unless they can work together to a common purpose. A planned and agreed campaign of this sort between you and the Hamas government will provide that, without requiring that you join with them in governmental coalition.

It is also the answer to the containment of the violence among Palestinians. Your Fatah government, and Arafat's before you, was not able to stem the violent actions of unauthorized Palestinians, among them Hamas itself, because, once seen as corrupt, it and its efforts at negotiation had lost the confidence of the people. Hamas is not in that position, and actually has the power to stop the violence. But only if it can be seen as leading a campaign of non-violence which has the full support of the people and which has real promise of success. The people, then, will clearly understand that every act of violence is an act of subversion against them and their prospects of success, and they will prevent it.

It is not an easy task that I recommend to you. You have to question also whether this is good for Fatah as a party. As much as the party's benefit is subordinate to the good of the Palestinians as a people, this must be a serious concern for you.

It can no longer be said, as it was by the Arab League in the 1970s and by the Israelis in the Oslo Accord, that "the PLO is the sole legitimate representative of the Palestinian people." You are now no longer a single-party system. With the rise of

Hamas, as rival, to success in the election, you are now a multi-party system, with two major parties. That is in fact a great gain for the Palestinians, to have now a truly democratic system, proven by election.

If Fatah is seen now by your people, in this time of acute threat from outside, to be doing the work of those who constitute themselves your enemies by undermining the government they have elected, you will lose their esteem, you will give further stimulus to internal corruption in your party, and may even so sicken your people as to drive them back to a one-party system, all Hamas. But if you stand with Hamas in this mobilization of a successful non-violent popular resistance, you will be seen as an essential part of the people's effort and will regain your standing as a party that has overcome its corruption.

In the likes of Marwan Barghouti, a man able to lead even the angriest of the young men of Fatah in constructive directions, you have the leadership you need to reinvigorate the Fatah party. All of this is within your capacity.

Throughout recent years I have been writing to my own President, Mr. Bush, asking that he do what he can to promote a genuinely just peace between your people and the Israelis. You may know my book, *Negotiating Outside the Law: Why Camp David Failed* (published late in 2004), and its argument that the peace efforts to date have failed because they were essentially coercive, not based on the international law that applies to your situation but instead an effort to determine the outcome by superiority of political and military force. If it were done by law, you and the Israelis are equal before the law, and the coercive disparity of power would be overcome.

My argument to Mr. Bush has been that it is within the power of the United States to insist that the process be premised faithfully on international law. The Israelis are unlikely to do this themselves, but are too dependent on the United States to refuse if the United States insisted. This would not mean that the United States dictated the outcome. Neither would the law prescribe the solution to questions you would have to resolve with the Israelis. It would simply make you equal parties in addressing them. And the law would protect both you and them, your rights and your vital interests, equally. A solution would then not be all that difficult to achieve. Negotiators have failed before not because it was impossible, but because the process, by neglecting the law, was grossly mishandled.

To Mr. Bush I have written that he is in such trouble over his war in Iraq that he has left himself without any good options there – unable simply to withdraw and leave the Iraqis to deal alone with all the ruin and instability his war has brought upon them, yet risking that his forces will actually be expelled if he leaves them there. My own experience with many conflicts has taught me that, when left in this way without good options, one should approach the situation from an altogether different angle. If, by requiring that it be addressed according to international law, Mr. Bush were to bring about the resolution of the Israeli-Palestinian conflict that is readily at hand – everyone has known for a long time what is required to resolve it – he would at once take a great deal of the venom out of his situation in Iraq. But now I am finding that Mr. Bush and

his Administration are so terribly discredited even in his own country that he may no longer have the actual power to do anything of significance. That leaves the initiative entirely to you, and Hamas, to do what you can together.

As I promised at the beginning of this letter, I will communicate it to Mr. Mish'al as well, just as I attach, along with it, the two letters I have written to him. I will be writing to Mr. Bush, as I have often in the past, and I believe I owe it to my own President to communicate these letters to him as well. This has always been my habit in dealing with many conflicts in various parts of the world, from Northern Ireland to the Balkan countries and many others, to put before all parties what I have written or said to any of them.

I will send this by way of my old friend, Mr. Afif Safieh, who now represents you in Washington. My best wishes to you and your people, and my prayers for your success.

Sincerely,

Raymond G. Helmick, S.J.
Instructor in Conflict Resolution
Department of Theology
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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

May 25, 2006

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

Dear Mr. President,

Christ's Peace!

Had I believed what the newspapers and electronic media were telling us I would have feared that you had simply given away the store in your meeting with Prime Minister Olmert on Tuesday last, May 23rd. Instead, I went directly to your White House website even as I heard you speaking of your July 14, 2004 letter to Mr. Sharon and was reassured, as your Israeli press interrogator clearly recognized, that you were maintaining careful reservations on the unilateral disengagement process that was advocated behind all the talk of negotiation. I compared it, also, with your May 26, 2005, statement in your joint press conference at the White House with Mr. Abbas, of which I wrote to you on July 1st last year, which to me remains the gold standard in this matter.

Mr. President, I think you know of my own deep concern, as a long-time Track II mediator, for peace between Israel and the Palestinians, my commitment to the good of both parties and my long involvement with Israeli, Palestinian and American leadership in that cause. I am convinced that the plan of a unilateral Israeli determination of the outcome of the conflict, an act of coercive political/military power possible only with American support, is as bad for Israel and for the United States as it is for the Palestinians themselves. I truly hope you will not support it. I won't try to argue that point, as I am sure you must be more than familiar with the arguments, as enunciated recently by Tony Judt (*Financial Times*, May 23rd, <http://news.ft.com/cms/s/26d2c3a6-ea12-11da-a33b-0000779e2340.html>). Such unilateralism can only lead Israel to more and continuing war, and portray the United States to the world, in its support for such a policy, as the fomentor of continued instability and harm throughout that region. The truth to which you keep returning yourself is that peace and a final settlement will never be achieved without genuine and free negotiated agreement between the parties.

I take it you have seen often enough, too, my own argument (agreed by almost all the world) that such negotiation can only be held on the basis of international law, before which the parties are equal and can negotiate as equals, that law which will protect equally the rights of both parties, but which will only then be taken as the underlying assumption of the negotiations if the United States insists.

The problem most clearly seen currently is the election of Hamas. This really needs to be dealt with imaginatively, building on their feelers and tentative openings for actual negotiation. It is on this subject that I write to you now.

It is truly counter to the interests of Israel and of the United States, I believe, to aim simply for the isolation and failure of the Hamas government. The results, you know, will be great suffering and disruptive chaos in the Palestinian territories that will spill over into Israel and much further into the region; confirmation of the Palestinian people's preference for Hamas over any alternatives as they see the Hamas people as a symbol of the oppression exercised on them all; and driving Hamas itself away from any approach to reconciliation and back to a campaign of unalloyed violence. Israel may feel it can crush any violence Hamas can raise, but the violence in this case would come from the outraged feelings of the whole population and would not be stopped by any such repressive campaign. Cruel as it would be for Palestinians, this is a formula for Israel's ruin. I cannot accept the term "Centrist" for any Israeli government that advocates such destructive policy. I realize that you, like any American government, are under enormous lobbying pressure to endorse this unilateralism, but you should in no way see this as in Israel's true interest.

My own experience has included close contact, in visits and correspondence, with Yasser Arafat beginning in 1985, always conducted in openness with the Israeli and U.S. governments and with just as close contact with them, on the subject of reconciliation between the Palestinians and Israel. Arafat had in fact come further toward preparing his people for peace with Israel at that time than was generally recognized, though I was quite aware of it myself when I approached him. I have also done similar work with the whole spectrum of militant groups, Republican and Loyalist, in Northern Ireland over many years, with the Iraqi Kurds when they were most oppressed, with all the factions in Lebanon and in the Balkan countries, and with many other such troubled elements.

Four years ago, in July 2002, I went with Reverend Jesse Jackson and an interreligious (Jewish, Christian and Muslim) delegation to Jerusalem, much as we had done together in 1999 in Belgrade, when we brought back three American soldiers who had been prisoners of the Serbs and worked to reintroduce some diplomacy into a situation that had become merely outright war. I have been urging Reverend Jackson and our several interreligious friends to make another visit to the Israelis and Palestinians and expect that we will do so some time in the near future.

The day after the election of Hamas in January, Reverend Jackson asked me for comment on the new situation, and I responded on January 27th with the observations that I attach with this letter. Subsequently, as the visit itself was delayed, I have not waited, but have written twice to Mr. Khalid Mish'al and once to President Mahmoud Abbas, paying close attention to their own statements and actions and trying, in my own accustomed way, to make sense of their situations and see what better options they had to choose from. I have always made it my habit to make such correspondence and contacts open to our own government and to the other parties in any given dispute. I attach those letters here too for your information.

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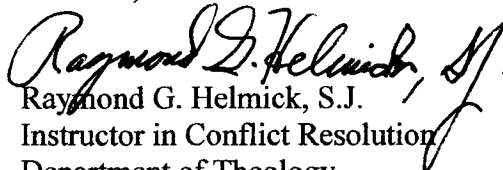
I fully understand how difficult it is for American – or Israeli – government to initiate contact with the Hamas government in the Palestine Authority, as it was for governments in any other of the situations I mention. Nevertheless, government, our own or the Israelis, should prefer peaceful contact and agreement to a violent clash.

An interreligious group such as I describe, though, can have better access even to the thinking of such a group as Hamas. I know people always warn against giving them credibility by approaching them. I have always operated, for myself, on the basis that I should consistently approach the most entrenched and even troublesome figures in any conflict situation, and that if I am not talking to them I am not talking to the right people. I don't even believe the common principle that governments should have no dealings with people they don't approve of – “never negotiate with terrorists” – but I know that is the way it is. Hamas is now at the point, having all these new responsibilities that it never had before, that it needs to look at new options. I would think it derelict, in anyone who could do it, not to help them see where their better options lay.

I put this before you because I would like to help your Administration, and the Israelis, to come to better options than those that could only result in further war and disruption. I have to confess that I have doubts now whether your Administration still has the actual power, the authority with our own American people, to take new initiatives. I have written to you before that I saw the Israeli-Palestinian conflict as eminently resolvable if it were addressed, as it never has been, on the basis of law, to the advantage of all parties including ourselves, and have argued that if you were to produce, through that means, the solution to this conflict, it would take much of the venom out of our situation in Iraq, making that immeasurably more soluble. I hope that is still true.

With all best wishes,

in Christ,



Raymond G. Helmick, S.J.

Instructor in Conflict Resolution

Department of Theology

Boston College

Senior Associate, 2000-2004

Program in Preventive Diplomacy

Center for Strategic & International Studies

Washington, D.C.



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

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FAX: President George W. Bush
The White House

202-456-2461

From: Raymond G. Helmick, S.J.
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(617) 552-8215
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Senior Associate, 2000-2004
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This FAX contains a letter to President Bush. I am sending him, also, copies of correspondence addressed to Hamas leader Khalid Mish'al and Palestinian President Mahmoud Abbas, as well as a commentary on the Palestinian election sent on request to Reverend Jesse Jackson on January 27, 2006.

Rather than have too many pages in a single FAX, I will send each of these items separately.

Letter to the President.

Attachments:

Comments on the Palestinian Election, January 27, 2006
Prepared for Reverend Jesse Jackson

Letters of February 9, 2006 and May 5, 2006, to Khalid Mish'al

Letter of May 13, 2006, to President Mahmoud Abbas

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

July 3, 2006

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

You seem to have become the chosen demon for the Israelis and the American media since the episode of June 25th, with the capture of the young Israeli soldier. The story presented here and in Israel is that you see Prime Minister Haniyeh and the Hamas-led Palestine Authority as your rivals and are exerting divisive control over the military part of Hamas to sabotage Haniyeh's efforts to form a workable government. I could think of nothing that would be more harmful to Hamas itself, but I genuinely doubt that any of this is true. It looks to me more like something concocted by the Olmert government to distract attention from his own policy failures and ineptitude, a pretence that his troubles come from you and Syria, carried even to the provocative extreme of buzzing President Assad's home. I also take as a given that the assault against Gaza and the arrests of Assembly members and government ministers has nothing to do with rescuing young Shalit but is rather a well-laid plan for which Olmert and his army were merely awaiting a pretext.

I understand well how difficult it must be to keep everyone on the same page when it comes to decision-making within Hamas, with you and Mr. Marzook in Syria and even no contact between Hamas ministers in Gaza and the West Bank that does not go directly through Israeli surveillance. Nevertheless, the unity of Palestinians and even the unity of Hamas are prerequisites for any success in winning a just settlement and ending the occupied and constantly abused state of your people. This moment – perhaps a very fleeting one that needs to be grasped at once, when all Palestinians in Gaza, whether of Fatah or Hamas, are united in outrage at what is happening, and the attention of all Palestinians in the West Bank or in exile is riveted on their suffering – is of great value for all of you, precisely for the forging of unity.

I was very glad to see the prisoners' statement. I felt that President Abbas' move to hold a popular referendum on it had great merit, but once I realized that you and your Hamas movement would feel humiliated if such a referendum went against you, as apparently it would, I was much happier to see the agreement based on it that was signed by Hamas and Fatah and most of the smaller movements. That agreement, I am sure, better represents the intentions of the Palestinian public that elected your movement to lead the government. They did not endorse a platform of destroying the state and society of Israel. I have written to you before (on May 5th) of my own understanding of your position, in withholding acceptance of the State of Israel as it stands and as it acts at

present. I don't really believe it is your intention to drive the Israelis into the sea or that you have any other genocidal impulses, much as it serves the propaganda purposes of Mr. Olmert or his American supporters to pretend so.

But that is precisely the context of your opportunity and your problem. If the Israelis can even pretend to believe that, you are their villain, the implacable enemy whom they must destroy for their own survival, whether in fact they fight you for some hidden agenda (of conquest) or not. But if you seize the opportunity, which now offers itself so fleetingly, to unite all Palestinians in a resistance to occupation that commands the moral attention of the world, and of all the peace-minded in Israel, then you can achieve the Palestinian state in all the West Bank and Gaza, with Jerusalem as its capitol, and with a fair agreed settlement of the refugees. That is in fact the true aspiration of the people who elected you, as Barghouti and the Hamas prisoners all realized.

I do not question the legitimacy, as act of resistance, of the Kerem Shalom attack on June 25th. To call the capture of the soldier a kidnapping misrepresents this military action, and to call the attack itself terrorism is nonsense, given that this was the act of resistance to an army exercising extremes of oppression, that the attackers, coming out of their tunnel in the immediate area of a civilian settlement, did not attack that in any way but attacked an armed military unit instead. "Kidnapping," "terrorism" in that instance are merely propaganda terms. I do question, though, the utility of such an attack. Some prospect of success in the winning of justice is prerequisite to the justification of any such action. Its necessity, also, is fundamental to its justification, and I am convinced that you have another option, that an organized non-violent campaign is the viable alternative.

I've written this to you before, and I kept recommending this to Mr. Arafat from the time he first accepted the Oslo Accord right down to his death: that a fully organized *intifada* campaign, mobilizing the entire people under their real leadership, but kept to the most rigorous standard of non-violence, was the way the Palestinians would truly succeed in their aspirations. Arafat never did it, but tried to win the rights of Palestinians as a one-man show. That left him powerless in the face of Israeli military and political power backed by the United States. Resistance by force was at least marginally available to him and to the Palestinians, but was useless. The Israelis could always defeat anything he or they could bring against them, and as soon as the use of force shaded over into actual terrorism – attack on civilians or specifically prohibited actions – it opened the way to classify Palestinians as agents of evil. (With their propaganda advantage, the Israelis were always able to carry out such criminal uses of violence themselves without being so blamed.)

Now, particularly, when you have the united reaction of all the Palestinian people, those of your party and everyone else, you have the opportunity to mobilize such a campaign. It will of course get a massively violent response from the Israelis, for whom massive violence has always been their hallmark, but you are getting that already in response to actions – violent ones – that win you no moral victories. I have just been reading – for a review to be published – the new book by Zeev Maos, analyzing how ready a militarized Israel has always been to resort to violence, and to excesses of

violence, and how ill it has served them. I had already seen that asserted in the book published recently by Shlomo Ben-Ami, the former Israeli Foreign Minister. You have no need to imitate them in that counter-productive exercise. Their proclivity for resorting to such violence will guarantee you the moral victory of you adopt the full strategy of non-violence yourselves, and that moral victory will give you your Palestinian state.

When I have written to you before (February 9th, May 5th), I have believed that Hamas, with its reputation both for resistance and honesty, would have the power to put a halt to any Palestinian use of violence, a power that Arafat's Fatah PA never had. By now I find that you have been either unable or not willing to stop the use of violence by Islamic Jihad and some other groups. I always argued to Arafat that having a campaign which, through its rigorous non-violence, would actually be effective, was the one way he could actually gain control over the use of violence by others, because the Palestinian people, seeing that any and all violent actions were betrayal of their successful campaign, would themselves prevent it. The same is true for you now.

Conflict with Fatah has been the central weakness of your Hamas government so far. The situation created by Israel's violent assault on Gaza gives you opportunity to put that behind you now. You should find President Abbas and his associates ready to cooperate in such a campaign with Hamas. If, of course, there is conflict and disunity even within Hamas, then there is still more damage that you need to repair.

Presently you have the one Israeli Army prisoner, young Gilad Shalit, whom you could see as an asset – people all over Gaza want to see Palestinian prisoners of one kind or other released in exchange for him – or as a grave embarrassment. Your holding him is the excuse for the massive – and criminal – violence Israel is exercising against you. If you kill him, you will be identified as “the terrorists” before the world. If treated well and released, whether in some kind of exchange or, even better, if not, he will be a symbol of the compassion shown by the most consciously Islamic people among Palestinians, and will win you that moral high ground which is your greatest potential asset.

The good of your people is always in my prayers.

Raymond G. Helmick, S.J.

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

July 7, 2006

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

I hesitate to intrude on you too frequently, but the depth of the Gaza crisis compels me to keep writing.

Just this morning I heard an Israeli Foreign Ministry spokesman speak of what Israel is attempting in Gaza. He denied flatly (if unconvincingly) that they were trying to destroy the Hamas government. But he spoke of two things: they wanted their soldier back, and they wanted an end to the Palestinian rockets. It struck me that one without the other will not impress them.

Can you actually force Israel to the table? Not with rockets, nor with captives, even if you had more than one. But with a convincingly promised end to the rockets, you could do it.

Yes, your rockets can now travel the six miles to Ashkelon, and that troubles the Israelis more than the shorter distance to Sderot. It is still only by chance that they ever hit anything. They will not get you Jerusalem, nor will they ever match the rockets Israelis can fire from their drones or their F-16s.

You see me urge, every time I write, an organized non-violent campaign of total non-cooperation with Israel or with occupation. That, I am convinced, would win you what you cannot win by any kind of military force available to you. This time of peril, I believe, is opportunity for you to make such an initiative.

The Israelis want their soldier back, and you would like to exchange him for Palestinian prisoners. I've heard your spokesman in Gaza assure us that Hamas regards young Gilad Shalit not as a kidnap victim who might be murdered or mistreated, but as a prisoner of war, whom you intend to treat honorably as required by the Fourth Geneva Convention. That is most praiseworthy, and unlike what the Israelis do with all their thousands of kidnapped Palestinians. But the Israelis are determined – of course, they might eventually yield, but it would embarrass them – not to give you anything in exchange for Shalit. I think they would sooner see him killed than accept embarrassment.

But they would likely give you your prisoners in exchange for an end to the rockets. What is there to lose by offering that?

This would be your occasion to replace the rocket attacks with the non-violent campaign that would actually gain you the things your people seek, a successful strategy in exchange for an unsuccessful one. For effectiveness, it should be coordinated with President Abbas and his Fatah people. It is the program of success that could supplant the rivalry between you, and without losing you the prospect of continued political difference and party competition afterwards.

Could you actually promise and deliver an end to the rockets, and to a campaign of violence by either your own Hamas people or any of the other groups, from Al-Aksa to Islamic Jihad to the PFLP? I believed that you had that power when you were first elected or when you formed the Hamas government. It may have been lost since, if it ever existed then. But I believe it could be exercised now if it were understood as the condition of this fully mobilized program of total non-cooperation.

The people of Bil'in, of Budrus before them and of many other places along the sorry length of the "separation barrier" have demonstrated the Palestinian competence to run a really serious non-violent campaign. They have done it with a few participants. If that were multiplied by the whole Palestinian people it would have vast impact on any capacity of the Israelis to maintain their hold on stolen territories. Moreover, as you can see in the case of Bil'in and other such exercises of non-violent resistance, you would have the strategically vital cooperation of Israeli peace activists and many foreign sympathizers. You would also win the approval of world opinion as expressed in the international political forum, and it would win you Palestine.

With the deepest respect and my prayers for your people,

Sincerely,

Raymond G. Helmick, S.J.

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

August 14, 2006

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

Several times since Hamas won the election of January 25th I have written to you, always urging that Hamas would have much greater success in winning the rights of Palestinians through an organized campaign of non-violent resistance.

With the cease-fire this day between Israel and the Lebanese, uncertain though it is, Israeli pressure will again fall most heavily on the Palestinians, in Gaza and elsewhere. You will have their full attention. For that reason, I appeal again for the establishment of such a campaign, to be thoroughly mobilized and carried out by the whole Palestinian population. This should be done in agreement between the Hamas leadership and your Fatah rivals led by President Abbas.

I have argued the points of this before. I had hoped for the opportunity to visit you in Damascus, in the company of a significant inter-religious delegation from the United States. Events have prevented us from getting there yet, but I trust we will be there in the near future.

This day, I believe, calls for originality, for a new initiative on the part of the Palestinians, not simply endurance of more of the same. A campaign of violent attacks on the Israelis will reap you nothing more than increased rejection and oppression, and will never bring the liberation of the Palestinians. With a campaign of non-violence you would win. You would gain the sympathy of the outside world and also of so many of the Israelis themselves that they would force their government to attend to your needs. You would still suffer repression while the campaign went on, because the Israeli government would fear nothing more than your non-violent opposition, knowing it was the one thing that would succeed. But you would suffer that repression for a purpose, not fruitlessly as you would for a violent campaign.

For many years now I have been urging on my own government, during the Clinton as well as the George Bush years, that the United States could bring about a genuine just settlement between Israel and the Palestinians if it would simply insist that their relation and negotiations follow International Law. If the United States insisted, the Israelis could not refuse. I have also argued to President Bush that he could drain much of the hatred out of the situation he has so carelessly brought about in Iraq if he were to do this in the Israeli-Palestinian case.

I no longer have any confidence that President Bush will do this, and for all the long agony of Palestine I am unwilling to wait for another American President. The events of these last weeks, in which the Israeli Army has truly lost its war on Hezbollah (at terrible cost to Lebanon) have made it plain that the entire complex of the Middle East conflict must now be addressed, with the matter of the dispossession of Palestinians at its heart. But while there are many in the United States and elsewhere in the world who understand this, there is nothing to make the Israelis face it while President Bush and the U.S. government stand together with them in their denial of the obvious.

Only you, the Palestinians, can now accomplish this, and I believe in no other way than by such a campaign of total non-cooperation and non-violent opposition to the occupation. I urge you to this once again, and choose this day to do so because a new chapter has been opened with the Israeli humiliation in their Lebanese campaign. You know I have as much concern for the people of Israel as for you, and see this as the way that a just resolution of your conflicting interests can be achieved.

With all best wishes, and prayers for you and your people,

Sincerely,

Raymond G. Helmick, S.J.

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

August 22, 2006

Minister of Defense,
MK Amir Peretz
The Knesset
Kiryat Ben-Gurion
Jerusalem 91950

Dear Mr. Peretz,

Shalom!

I wrote to you on March 6th of this year, before the Israeli election, in some disappointment that you and your party had retreated from the platform you had represented when first chosen to lead the Labor Party last year.

You represented to me, then, a sign of hope: the first serious promise since the murder of Yitzhak Rabin of real progress toward peace with the Palestinians; the first breakthrough of your part of the Israeli society, the people who had lived among Arabs and learned how to speak with them and understand them, into high-level politics, with the prospect of providing a Prime Minister; a first opportunity for working-class people who had been treated as an underclass in Israeli society to make their political weight felt. You spoke of your awareness of the troubles and the rights of the Palestinian population, of the squandering of the resources vital to the welfare of the Israeli poor on settlements and their protection, and the need to negotiate seriously with the Palestinians for the peace of Israel.

I heard all your friends warning, when you went into coalition with Mr. Olmert's Kadima after the election and then accepted the post of Defense Minister, that you must take care not to become the front-man for the generals, as Defense Ministers almost always did. I have read Shlomo Ben-Ami's assessment that no government in Israel has ever had actual control over the army. I have seen also Zeev Maoz's judgment that the IDF, with its doctrine of escalation dominance and its practical control over all decision-making in Israel (by reason of the army's intelligence unit being the only thoroughly staffed agency in the government for intelligence gathering or analysis – nothing else of the sort being available to the Prime Minister's office, to the Foreign Ministry or the Knesset or to any of the Knesset committees which were supposed to have oversight over the army), had consistently precipitated needless crises for Israel throughout its history. As I heard your friends on the Israeli Left raise all their concerns about what the generals would do to you, I felt that you had enough admonitors on that subject. I was more concerned that you should not give countenance to Mr. Olmert's destructive plans for unilateral confiscation of whatever he wants from the Palestinians' birthright, his disengagement/"convergence" concept, which could never bring peace but only indefinitely continued war.

I have to say that you still represent to me the greatest hope for sanity and true progress in Israeli government. I don't know where else to place my confidence. But you have now been frightfully damaged by this war. You are under attack from both Right and Left – from the Right for not doing still worse in the destruction both of the Palestinians and of Lebanon, from the Left for getting sucked into the disastrous and failed adventurism of the military. I won't bore you with reciting the arguments of either, as I am sure you have heard more of both than you like. But as a figure for the political future, which I hope you are, you have great need of rehabilitation.

I will be in Israel in the next week, as part of the inter-religious delegation to be led by the Reverend Jesse Jackson, principal heir in the United States to the mantle of Rev. Martin Luther King, Jr. Others will be with us – Rev. Michael Livingston, the President of the National Council of Churches in the U.S., and important Jewish and Muslim figures. I hope we will be able to meet you and discuss these matters. We will already have been in Damascus and Lebanon, talking with those who have responsible opportunities to heal some of the rifts between your societies that have become so threatening to Israel as well as to all of them.

My greetings, my continued respect and best wishes.

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

Senior Associate, 2000-2004
Program in Preventive Diplomacy
Center for Strategic & International Studies
Washington, D.C.

MIDDLE EAST DELEGATION 2006

Reverend Jesse L. Jackson, Sr. - *Founder & President, Rainbow/PUSH Coalition*

Rabbi Stephen Jacobs - *Founder, Progressive Faith Foundation*

Dr. Nazir Khaja; *Chairman, Islamic Information service; Member,
Muslim-Jewish Taskforce*

Reverend Grainger Browning - *Senior Pastor, Ebenezer AME Church*

Father Raymond Helmick, *Jesuit Priest*

Attorney Cleo Fields - *Rainbow/PUSH Board Member*

Mr. Jonathan Jackson - *Rainbow/PUSH Board Member*

Rev. Rodney Sampson - *Pastor & Publisher, World Christian Times*

Ms. Nina Laura Malek - *CEO, Lou Rawls Production*

Ms. Mary Mitchell - *Columnist, Chicago Sun-Times*

Mr. Don Terry - *Reporter, Chicago Tribune*

Ms. Allison Payne - *Evening News Anchor, WNG News, Chicago*

Mr. Vandell Cobb - *Photographer; Ebony/Jet Magazine*

Mr. Sylvester Monroe - *Reporter. Ebony/Jet Magazine*

Mr. Shelley Davis - *Rainbow/PUSH Staff*

Mr. Lyle Wing - *Rainbow/PUSH Staff*

Mr. James Gomez - *Rainbow/PUSH Staff*

Mr. John Fountain - *Writer*

Mr. Adrian Burrows - *Photographer - Rainbow/PUSH Staff*

Mr. Brewster McCauley - *Videographer*

Working Paper – in Syria – on Hezbollah
For Rev. Jesse Jackson Party

Ray Helmick, S.J.
August 27, 2006

Cutting the Gordian Knot

I. The Problem:

a) fragility of the cease-fire

- i) **Olmert threatening a “second round.”** This is very popular with the whole Israeli Right Wing. If they were to attempt it, their success would likely be no greater than in the 34-day war just past, and they would moreover risk a much wider regional war. But this is a matter clearly governed by emotion rather than thought.
- ii) **Impossible demands being made on the international force.** Israel and the United States are looking to the international force to take on Hezbollah in some one of various ways: to disarm them, to patrol the Lebanon-Syria border (or set up a boycott on it, like that which Israel maintains on Lebanon by sea and air) to prevent re-supply of arms. This creates such ambiguity in the role of the international force that countries, especially the European countries, are rightly hesitant to contribute their forces. No other country will be willing to do for the Israelis what they were unable to do themselves in their war. The United States, the only country besides Israel that is calling for such a thing, is unwilling (unable, given its situation in Iraq) to contribute any troops for the purpose.
- iii) **Isolation of Syria by the U.S., Israel and their complacent allies,** who refuse to talk to Syria. Very likely, it is these countries themselves who are isolated by their no-talk policy, having no communication with those (not only Syria, but Hamas and Hezbollah as well) whom they most want to influence and who are the ones who could actually change the situation. We can make a difference in this ourselves, as an inter-religious Track II delegation.

b) Hezbollah as a military force independent of government and unaccountable, the State within a State.

- i. We have to recognize Hezbollah's role as defender of Lebanon against Israeli occupation, a role it maintained for so many years

until the Israeli withdrawal in May, 2000, over many years in which there was no other resistance: none from the Lebanese government or army, none from other groups. In the eyes of most Lebanese, Hezbollah brought about the end of the Israeli occupation, even though analysts may see many other factors in that Israeli decision as well.

- ii. But this is the role of government. The fact that government was unable or unwilling to do it over all those years of occupation does not now legitimize Hezbollah's acting independent of, or as a surrogate for the state. This is an encumbrance to the functioning of the Lebanese state, and we should be able to suppose that such is not Hezbollah's intention, which thus far has proclaimed itself to be the protection of the Lebanese people.

II. Cutting the Knot: Encourage Hezbollah, which has now faced down the Israelis and thus won the respect and acclaim of the Lebanese, to place its military force under the authority of the Lebanese Army, accountable to it and to the Lebanese government of which Hezbollah is a part.

III. Advantages:

- a) **The US/Israeli/international demand for the disarmament and humiliation of Hezbollah, which is an impossibility, would be undercut.** A Lebanese Army reinforced by Hezbollah and its arsenal would be a genuine defense of Lebanon, totally legitimate in the eyes of the international community. Lebanon is entitled to a defense against being simply rolled over by Israel. All the other regional nations contiguous to Israel – Syria, Jordan, Egypt – have their armies. They are not as high-tech or as proficient as the Israeli, but they constitute “No Trespassing” signs at their respective borders. Lebanon has as much right to that as any. The international community is already talking about arming and training the Lebanese Army to do such things.
- b) **Syria could then assume a truly friendly and mutually respectful relation to Lebanon, with no suspicion of domination.** That would help Syria to end its isolation in the international community.

- c) **Hezbollah itself would assume its rightful political place in Lebanon**, without the ambiguity of being an unaccountable force. As of the end of the 34-day war, Hezbollah had the admiration of all sectors of the Lebanese population and was in an enviable place with respect to political power. That situation began to recede almost immediately, as envies arose among the political groups that were previously antagonistic to Hezbollah and resentment could once again be expressed at Hezbollah's having exposed Lebanon to such an assault by Israel. If Hezbollah were to place its defensive capacity at the disposal of that state, and thus of the entire Lebanese community, it would regain and maintain that high level of admiration that it held during the war.

IV. **Recognitions:**

No one is in a position to dictate such a decision to Hezbollah, not even Syria. The decision would have to be a free one by Hezbollah, and welcomed by the Lebanese government

Syria could encourage it and recommend it. So can we.

V. **Key Contacts:**

To put this case, we should look for a person-to-person meeting with **Sheikh Hassan Nasrallah** himself. We will doubtless be given opportunity to meet less authoritative Hezbollah leaders, but this is a decision on which only Nasrallah himself could rule. There are, however, others whose influence on the decision we could seek.

Nabih Berri, Speaker of the Lebanese Assembly, and the authorized negotiator for Hezbollah, although he is of the other Shi'ite party, Amal. Amal is the movement left from the activities of the Imam Musa al-Sadr, an extraordinary figure of reconciliation and commitment to the cause of the "dispossessed" (his term) in the '60s and '70s, the person, of all in the Middle East, who would most compare to a Ghandi or a Martin Luther King. Berri is not a Musa al-Sadr figure himself, and is disliked by a lot of Lebanese since he has been in his (relative) power position in the Assembly, but he has been designated by Hezbollah as the person to speak to on their behalf.

General Michel Aoun ranks now as a major power figure in Lebanon, likely enough to be the next President and already more of a power figure

than the current President or Prime Minister. This gives him, with his base in the Maronite community, the greatest power after Nasrallah himself. After a career full of reversals, he has returned to Lebanon after the departure of the Syrian Army last year, and has now aligned himself – not altogether distinctly – with the Syrians, against whom he had fought (in alliance with Iraq) during his 1988-1990 period as one of two rival Prime Ministers in Lebanon (for which he was then banished for 15 years, until the Syrian departure). He has also an understanding with Hezbollah, unexpected in a Maronite leader, and that may give him some influence in their reflections. He is a person they can't ignore.

Maronite Patriarch Nasrallah Sfeir has enormous standing with the Maronite community and has honed his skills over a long period in office. His voice, marshalling his community, which is General Aoun's power base, would be the strongest single backing we could seek if we appeal to Aoun's possible influence on Hezbollah.

Hussein al-Husseini, the former Speaker of the Assembly (the top Shi'ite position in the Lebanese constitutional framework, the framer of the Taif Agreement that ended the civil war situation in Lebanon, and by far the most respected Shi'ite figure in the country. He was the closest disciple of Musa al-Sadr and represents, more than any other now, the spirit of Musa. No other voice would have as much influence on Shi'ite opinion in the country, and none would be more constructive in trying to make Hezbollah's undoubted achievement into something of service, rather than detriment, to Lebanon's state and society. He lives in Ba'albek, which is somewhat out of the way, and should be visited there.

Draft for Reverend Jesse Jackson

September 7, 2006

Israeli announcement of the end of the blockade of Lebanon

Humanitarian needs in Lebanon, after the damages of the war, have got to be one of our main concerns. Up to a million people are displaced among a population of three million. Vast numbers of these people subsist in terrible misery, their homes destroyed, food, water, basic medicines and other necessities drastically lacking, living under tents in places that will, within a few weeks, be reduced to mud when Lebanon's rain season begins. These needs are so desperate that we have to rejoice on hearing now that Israel has determined, three weeks after the end of active hostilities, to end its sea and air blockade of Lebanon. During our two visits to Lebanon over the past week we experienced that the only serious supplies of basic necessities entering this wounded country came in fleets of trucks that labored up over Mount Lebanon from the Syrian border, many of them from the Saudi Red Crescent. This was wholly inadequate to Lebanon's needs.

We can't forget, though, that this lifting of the blockade, to allow critically needed supplies to enter Lebanon by sea and air after all this time, is only one part of the solution vital to a critically dangerous situation.

The first necessity is to extend the cease-fire, established only some days after the UN Security Council's Resolution 1701. Many people have no desire to see the cease-fire hold. Clamorous voices are heard looking for a "second round" of the fighting, little recognizing that what proved impossible in the first round would be even more unattainable in a second, and that a renewal of the fighting would risk the involvement of other countries and could set the whole region ablaze, with terrible consequences both for Israel and for all its neighbors.

The second priority is to bring the promised force of 15,000 UN troops into the country, to guard Lebanon's peace side by side with the 15,000 force of the country's own army. Terrible ambiguities have surrounded and delayed the formation of this force. It cannot be expected that the international forces will be missioned to pursue purely Israeli objectives and accomplish for Israel what it was unable to accomplish by its own powerful forces. Consequently, European and other countries wait to see what is expected of them. Israel, the safety of its citizens, the integrity of its borders are of value and must be protected, but no less so must Lebanon, the safety of its citizens, the integrity of its borders be kept sacrosanct and defended.

Then come the enormous humanitarian needs that must be met in Lebanon, which has suffered the lion's share of the death, destruction and agony in this war. Israel too has its needs of recovery and repair, but not on so devastating a scale as Lebanon. The long blockade has multiplied, far beyond the war itself, the dangers of disease, hunger, exposure to the elements and simple despair among Lebanon's citizens. That their needs

have so long remained unaddressed shames us all, and the lifting of the blockade comes very late.

And finally, the matter of the release of prisoners cannot safely be neglected without risk of the breakdown of the cease-fire. We may doubt that the capture of the two Israeli soldiers was the true motive of this war, which may well have been planned beforehand and waited only upon a pretext to launch it. But the issue of these prisoners, and of the one Israeli soldier held by Hamas, has assumed huge emotional impact for Israelis. The continued imprisonment of long-incarcerated Lebanese whose release was already agreed and even mandated by Israeli courts in 2000, the holding of Lebanese prisoners of war taken during the recent conflict and even of Syrians captured over the years in the matter of the Golan Heights elicits comparable emotion among their peoples, and demand for their release. The same can be said of the 10,000 Palestinians imprisoned by Israel for their resistance to occupation, including hundreds of women and, inexplicably, more than a hundred small children. The families of the three Israeli prisoners and their many friends have all recognized that there will be no release without exchange of prisoners, and this has become a potent political theme in Israel.

Dangers of renewed war exist all through the region, and the experiences of the 34 days of fighting have stoked hatreds to a degree hardly seen before. Both Israel and the United States have reacted to this by continuing their no-talk policy, refusing to talk with those who are most able to influence the situation, acting as though diplomatic communication with them were a reward to be bestowed only for the "good behavior" of the compliant. In this way they have succeeded only in isolating themselves. When the house is on fire, it does not help to shut out those who come with fire extinguishers.

Work for the stabilization of the peace could not be more urgently needed, and must engage the attention of the world's powers.

Track II visit to the Middle East

Article for the BTI Bulletin

Raymond G. Helmick, S.J.

October 2, 2006

From August 25th to September 4th an interreligious group went with Rev. Jesse Jackson to the Middle East, in the wake of the 34-day war in Lebanon. The visit had long been planned as an effort to work for peace between Israel and the Palestinians, but when the Lebanon crisis arose so suddenly we understood that we had to address that too.

The group included Rabbi Steven Jacobs and Muslim leader Dr. Nazir Khaja from Los Angeles, good friends who had been with us on previous expeditions with Rev. Jackson; Rev. Major Jemison, head of the Progressive Baptist Conference (the church group that had formed many years ago to provide an ecclesiastical home to Rev. Martin Luther King, Jr., after his expulsion from the Southern Baptists); Rev. Grainger Browning, originally from Boston but now an AME Pastor in Washington, D.C.; myself, a Boston College Jesuit from our area; Rev. Jackson's son Jonathan and a number of staff and media people who accompanied us.

Our concerns were for the stabilization of the cease-fire, still much endangered while Israeli troops remained in Lebanon; for helping the introduction of the international forces into Lebanon, as called for by Security Council Resolution 1701 but much delayed because of the ambiguity surrounding their mission; the lifting of the air and sea blockade that Israel still maintained on a critically damaged Lebanon; and the release, by exchange, of prisoners held by Hamas, Hezbollah and Israel.

Traveling first to Syria, we were received by the protocol officers of President Bashar Assad, and informed that we would see him first thing the next morning. The President put in a substantial part of his day with us, receiving us for over two hours of the morning, and then having Rev. Jackson back for another couple of hours over dinner in the evening. He proved very willing to promote all the items on our agenda, including strong acceptance of SC Resolution 1701, and offered help for us to contact people when we would get to Beirut. Having no previous experience of President Assad, I was quite impressed on seeing his full command of detail in all the issues he dealt with, with a sharp ability to synthesize, analyze and see connections and options. I had not known another political figure with this quality apart from our own President Clinton.

My own priority, for which I had insisted we start our visit in Damascus even before the Lebanon crisis arose, was to see the Hamas leadership. Late that night, Rev. Jackson and I, along with Jonathan Jackson and one writer to keep a record, went to meet Mr. Khalid Mish'al and four other members of his political bureau. I had been writing to Mish'al several times since Hamas won the Palestinian election in January. He received us very warmly – the meeting went until 3 o'clock the next morning – and assured us that his party's intentions in no way intended the destruction of Israel. They set as their goal the establishment of a Palestinian state within the 1967 borders. Rev. Jackson recalled to

Mish'al how he had long since advised Yasser Arafat, who even in the '70s said the PLO had no intent to destroy Israel, that he should not allow the party's rhetoric to leave any suspicion that it had such an intention. Urged then to state an explicit recognition of Israel's legitimacy, Mish'al said the time for that had not come.

We spoke at length the question of prisoners. We wished to know the status of the one Israeli soldier, Gilad Schalit, who was prisoner to Hamas. Mish'al assured us he was alive and well cared for, and that they were conscious of their obligations under law for his safety. They wanted to exchange him for some of the 10,000 Palestinians the Israelis held, particularly for the several hundred women and the 120 children in Israeli prisons, and they wanted a proportion of the other prisoners as well. After much discussion they told us they would like to designate us as their choice to mediate a prisoner exchange, on condition, of course, that the Israelis would also accept us in that role.

We visited the Greek Orthodox Patriarch and the Grand Mufti, as well as the small Jewish community who still maintain a synagogue in Damascus, asking their prayers for the success of our mission, and on the Sunday, since we were guests of the Middle East Council of Churches, conducted a prayer service with the Baptist community in the city. Then we went, overland, to Beirut.

The journey took us up the steep mountain roads, heavily pockmarked with bomb craters and with many bridges destroyed, over Mount Lebanon, the roads heavily congested with the heavy trucks bringing the only emergency aid that could come into Lebanon during the sea and air blockade, among them whole flotillas of trucks from the Saudi Red Crescent. We arrived in the city by night, but in the morning went to see President Emile Lahoud at his palace in Baabda to get his advice on approaching the Hezbollah leadership.

In the afternoon we toured the most heavily bombed-out areas of South Beirut, surrounded on all sides, as far as the eye could see, by the ruins of high ten-or-twelve-story tenement buildings that had been reduced to piles of rubble, a few shards of building standing among them. Everyone has seen the pictures, but from the overwhelming stench of death we understood that the casualty figures we have all seen quoted can be only preliminary. In digging out just one of these buildings an additional ninety corpses were found. Preliminary meetings were held with Hezbollah members of the Lebanese Assembly and one Hezbollah member of the Lebanese cabinet and, as with Hamas, we were assured as to the live and cared-for status of the two Israeli prisoners held by Hezbollah and asked to conduct the mediation for their exchange. A constant theme that we encountered was the request that the Israelis provide maps to identify the land mines they had left all over Southern Lebanon when they withdrew their occupation in May, 2000, maps which had been sought from them ever since while a constant stream of residents were suffering death or injury from the remaining mines.

We visited a number of religious leaders in Lebanon, Shi'ite and Sunni Muslims, Maronite Christians, and made a visit to General Michel Aoun at his mountain home.

Aoun, after fifteen years of exile, has returned to become a major Christian power figure and would have much influence on the political outcome in Lebanon.

From there we proceeded to Israel, flying out to Amman and thence to the Tel Aviv airport, where the wife of one of the Israeli soldiers imprisoned by Hezbollah, Ehud Goldwasser, came to meet us. After a press conference and many television interviews, we went to Deputy Prime Minister Shimon Peres' office in Tel Aviv.

The Israelis, understandably, were wary of our visit. Devastated, and rather humiliated to find that their army had been able to accomplish none of its goals in the war, they had taken the stance that the three Israeli prisoners – one of Hamas, two of Hezbollah – should be returned unconditionally. They were unhappy to hear proposals of exchange and preferred to keep our visit at low profile. They sent most of our company on a helicopter tour of Haifa, Kiryat Shemona and other northern cities hit by the Hezbollah rockets. We held a lengthy meeting, however, with the families of the three Israeli captives. All were convinced that they would see their sons/husbands/brothers only in return for an exchange and asked our help to that end.

The families were anxious to see some sign of life from the prisoners. We had received assurance from their Hamas and Hezbollah captors that they were alive and cared for, but Israelis have had the experience of being told that other captives were alive and receiving corpses back in an exchange. They had already sent letters to the prisoners through the care of the Red Cross, asking that the captives sign them, but to no avail.

After seeing us, the families proceeded to a rally of 100,000 of their supporters in a Tel Aviv square. Seeing this, the Israeli government sent a ranking General to see us, basically to find out what deal was being proposed. He was followed the next day by the authorized Israeli negotiator in the matter, who asked us to return to Lebanon to verify the status of the prisoners.

We had hoped to see Palestinian President Mahmoud Abbas. He set an appointment to receive us in Gaza, where we would then have had the opportunity to see Hamas Prime Minister Ismael Haniyeh as well. The Israelis were unhappy at the prospect, and after several exchanges of fire between the Israeli Army and Palestinians in Gaza the day before President Abbas phoned to say the meeting would not be possible. Instead we went to Jericho, where we met the Palestinian chief negotiator, Saeb Erekat.

Returning overland to Beirut, through Jordan and Styria, we held further meetings with the Hezbollah spokesmen, with General Aoun and with Lebanese Prime Minister Siniora. At this point, however, Israel announced that it would deal, in the matter of the prisoners, only with the United Nations and with Secretary General Kofi Annan. With that we returned home.

Seven years ago many of the same group of us had gone to Belgrade during the war over Kosovo, and had come back with three released American captives with us on the bus, having also succeeded in reopening some diplomacy in a situation where all

diplomacy had died, and there were only bombs. It would have been very satisfying if we had witnessed exchange of Israeli, Lebanese and Palestinian prisoners on this trip but it was not yet to be. We found it a positive outcome that the UN's help had been invoked after a period in which Kofi Annan and his organization had been treated with scant respect. We felt we had accomplished some positive diplomacy in opening dialogue with Syria, with Hamas and with Hezbollah, three parties toward which the United States and Israel had adopted a No-Talk policy.

Visiting the American Embassy in Damascus, where there is no Ambassador but only a Charge d'Affaires with a couple of assistants, we had discussed this No-Talk policy. So many of those whom our country would wish to influence, the only people who could actually make a difference in matters that our country would like to affect, are left un-talked-to through this policy that one has to wonder who is being isolated, they or the United States (and Israel) who will not talk to them.

We pointed out that, during the two and a half decades that the U.S. and Israel had maintained their No-Talk policy toward the PLO, their eventual interlocutor with whom even now they are so anxious to talk, rather than with Hamas, the Israeli-Palestinian conflict had simply stagnated, with no progress toward resolution or peace. If, over that time, we had been talking, the peace would very likely long since have been established, there would be no Hamas and no Hezbollah, and the war ordeals that Lebanon had suffered in 1982 and again this year would never have happened.



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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

October 23, 2006

Mr. James A. Baker. III
By the kindness of
Mr. Bayazid

Dear Mr. Baker.

I write to you because of your chairmanship of the committee reflecting. for the President. on the Iraq situation and its problems. Mr. Bayazid, knowing my thoughts on the matter. suggested that I do so. I had his excellent son, Tarek, as my student a few years ago, and was delighted to find he was a nephew to my old friend Faisal Husseini.

I have been much more directly involved in the Israeli-Palestinian situation than in Iraq, though I have followed that closely. I actually met you once, on the Fourth of July in 1986, when I spent the day, along with Cardinal Bernard Law, at then Vice President George H.W. Bush's home in Kennebunkport, and had the opportunity to tell both you and him at length of my experience, the previous March, of meeting for three days long with Yasser Arafat in Tunis, assessing his readiness for a genuine peace with Israel. At the time I was on my way to Israel to report similarly to government figures there, and I have ever since remained in close contact with the Israeli, Palestinian and American parties to this situation.

In Iraq, as I see it, the President has no attractive options. The occupation has turned out to be miserable both for the Iraqis and ourselves. As the President insists himself, he has not even the option of simply pulling our troops out of Iraq, as the consequent instability would likely be even worse than if we stay. I had written several times before the war began to then Secretary of State Colin Powell arguing against the invasion, for reasons that seem borne out since then.

My own experience of many conflicts tells me that, when there are no good options, one should approach the problem from an altogether different angle. For that reason I have argued, in several letters I have sent to President Bush over these years, that his best course to draw the venom out of the Iraqi situation is to work seriously at the Israeli-Palestinian conflict itself.

This must be very close to your own perceptions, since it was through your work that President George H.W. Bush made, in the aftermath of the Gulf War, one of the most effective American interventions of any time during the many decades of that conflict in convening the Madrid Conference. You clearly recognized at that time the relation of the other regional troubles to this one, and succeeded in bringing all the Arab parties to the conflict into a multi-lateral effort. The problem looks much different now, but it is still the key to much that happens in the region.

I have contended, in meetings and writings to all these parties, that the solution to this conflict is rather readily at hand, at least if it is approached in terms of international law. I argued this in a book I published two years ago, *Negotiating Outside the Law: Why Camp David Failed* (London, Pluto Press, distributed in this country by the University of Michigan Press).

Law has not really been brought to bear on this conflict, which for lack of it has always been approached simply in terms of superior political and military power. By law, in this instance, I mean the principle prohibiting the acquisition of territory by force (Article 2 of the UN Charter) which lies at the heart of SC Resolutions 242 and 338; the force of those two General Assembly Resolutions, 181 of November 1947 (the Partition Resolution which authorized the establishment of two states) and 194 of December 1948 (including the right of return of refugees, but in such form that a negotiation over feasibility and numbers is built into its language) to which Israel had to assent in 1949 as the condition of her entrance into UN membership; and the Fourth Geneva Convention.

The lack of reliance on such law has translated into the assumption that whatever Israel has is hers by right of possession, and that consequently anything the Palestinians get will be by gift of the Israelis. Many Israelis, including such Prime Ministers as Rabin and Barak, have concluded, for good Israeli reasons, that the Palestinians must have something in order that Israel may win the peace. But this assumption that all is in the gift of the Israelis has meant that the Palestinians are never party to the negotiation. It is instead between Israelis and other Israelis: those who want to give something, those who want to give more, and those who want to give little or nothing at all. The outcome of that negotiation is then presented to the Palestinians on a take-it-or-leave-it basis which makes it essentially a Diktat. As such, it can never be accepted by the Palestinians. Even if the Camp David offer had been better than it was, neither Arafat nor Mahmoud Abbas nor any other Palestinian could sign it on that basis, and this would have to be bad news for Israel, which would not attain the peace.

If the law were followed, however, it would not prejudice the case against Israel, as some might fear. Instead it would protect both parties and their interests. Neither would it prescribe the outcome of negotiations. Rather it would empower the two sides to negotiate as equals before the law, and hence to come to genuinely binding agreement.

Such an endeavor will not likely come from the current – or foreseeable future – government of Israel. It would indeed happen, though, if the United States were to insist.

We might expect that there would be screams of anguish from the partisans of the most hardline – and destructive – Israeli positions, likely more virulent in this country than in Israel itself. But the conflict would in fact soon be resolved, and to the genuine satisfaction of both peoples. We have all known for years what the solution would be: a Palestinian state with borders very close to the Armistice line of 1949, a shared Jerusalem that would be capital of both states, and a negotiated agreement on the refugee problem

that would not undermine the Jewish character of the Israeli state. When that would at last be achieved, by free agreement, even AIPAC will be happy.

I know that the election of a Hamas government this year would be seen as obstacle to such an outcome. Just as I devoted several years work to ascertaining that Arafat and the PLO were genuinely negotiating partners for a peace settlement, I have been engaging the Hamas leadership, since very shortly after their election victory early in the year, and had the opportunity to meet for several hours of deep discussion recently with Khalid Mish'al and four others of his political bureau in Damascus. I come away confirmed in the conviction I had formed already from their writings that this party too is amenable to a genuine peace with Israel, is perhaps even more stable and reliable through its personalities and its structure than was Arafat and the PLO, and is in fact the one with which Israel can make a truly satisfactory and just peace. I would be glad to share my observations of that with you.

But as your task is to find a way to deal with the catastrophe of Iraq, I will emphasize first that resolving the Israeli-Palestinian conflict would contribute as nothing else could to softening the hatreds and frustration behind the situation in Iraq and the troubles in many other parts of the Middle East. Such an enterprise is actually more available to President Bush now as he enters into the lame-duck status of his last two years in office. And it is entirely feasible if approached on the basis of law – so much the American way to do it. It would satisfy all the parties. We could have the friendship of them all, including the Israelis who are so precious to us.

With the greatest respect,



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October 13, 2006

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al.

Salaam!

May I thank you, first, for the very gracious and generous reception you gave to me. Rev. Jesse Jackson, his son Jonathan and our friend John Fountain when we were in Damascus late in August. I had thought you already had the several letters I had been writing to you since early February, and when I found they had not got through to you I sent them again through the courtesy of Mr. Mohammed Nazzal.

It grieves me to see that the prisoner exchange we talked of has not yet taken place, nor has there been success in your efforts and Mr. Haniyeh's to form a coalition with President Abbas's Fatah party.

When we got to Israel after that visit, the Israelis were very hesitant to give us access to persons who could make decisions. Rev. Jackson had been asked by Hezbollah, as you had asked, that he be the mediator for an exchange, on the same condition as you laid down, namely that the Israelis too would accept this. They were still talking of unconditional return of the prisoner you hold, young Gilad Schalit, and the two held by Hezbollah. We had a meeting with the families of all three, all of whom understood very well that a prisoner exchange was necessary if they were to see their young men again. They went from their meeting with us to a rally of 100,000 supporters of their cause in a Tel Aviv square. The government then sent us, first, a high-ranking General who wanted to know exactly what the offer was. When he heard it, he said he understood it well, and would report it to the cabinet. We were then approached by the authorized negotiator appointed by the Israeli government, who asked us to return to Beirut and ask for a "sign of life" from the prisoners. We did that, and while we were in Beirut the Israeli government announced that it would deal, in this matter, only with Kofi Annan and the UN.

We were glad to see them invoke the UN, as the organization has been very badly treated, marginalized especially by my own government. The Israelis normally want nothing to do with the UN, and had given negative responses to everything Kofi Annan had requested of them in a visit just a few days before. If the exchange of prisoners were accomplished through the good offices of the UN, we would find that a happy outcome. We were agreed that, should it be necessary to bring about results on this issue, we would gladly return to the region.

Let me explain the "sign of life." The families of the three Israelis were all most anxious about this. They were glad to hear, from us, your assurance that Gilad Schalit was alive and well cared for, and that you recognized your own responsibilities for his welfare as a lawful prisoner of war (Geneva Convention responsibilities, of course). The Hezbollah leadership had given us similar assurances. But Israelis have had experience, in the past, of being told by Hezbollah that prisoners were alive and then getting corpses back.

The families had already written letters to their sons/brothers/husbands in the care of the Red Cross, requesting that the prisoners be able to sign them and return them to them as sign of life. You deal with a lot of death and will be aware of how casually Palestinians are killed and how little attention is paid to Palestinian families who have lost their loved ones, but this is all the same the genuine grief and anxiety of real families. I have to report that the Israeli negotiator, when he asked us to return to Beirut to ask for a sign of life of the two prisoners of Hezbollah, showed little interest in asking the same for the prisoner you hold, Schalit. But I would truly recommend to you that you provide some sign of life in his case.

It would really be a great blow to the Israeli government, which is already so politically damaged, not to get their imprisoned soldiers back, or to hear that, for lack of action on their part, these young men were lost. I recommend to you that you provide the requested sign of life out of compassion, but also as a practical way that you could quite massively increase the pressure on the Israeli government to agree to the exchange. If the status of young Schalit as alive and cared for were confirmed, and with that your readiness to exchange him and, meanwhile, to treat him in accordance with the Geneva Convention as lawful prisoner of war, calls for the exchange from the Israeli public would greatly increase.

You remember that I asked Mr. Nazzal by phone, the day after we saw you, and on Rev. Jackson's instruction, to ask whether Rev. Jackson himself might see this prisoner and be photographed with him. As I anticipated, Mr. Nazzal said this would not be possible, and I understand very well how easily Rev. Jackson or any of us could be followed to a place of concealment. That might also be true if the Red Cross were given access to the prisoner to ask for his signature on that letter from his family. But I would think it easy enough for anyone close to the prisoner to take a picture with some sign to verify the date and have it on *Al-Jazeera* within the hour. I think this would be a most effective way for you to bring about the exchange, especially if the picture or video were to be done in a way that respected the dignity of your prisoner, made no threats and demanded no humiliating statements from him, but showed him treated respectfully in accordance with your Geneva Convention responsibilities. As we all know, the Israelis never bother with such niceties themselves, and you would therefore gain the moral advantage of them. The Israeli public would understand that, and would ask that your good faith be rewarded with the honorable exchange of prisoners that you sought.

May I address, also, this frustrating time you and your Prime Minister Haniyeh are having over the matter of a coalition government.

All this hinges on the action of the Israeli and U.S. governments in cutting off financial resources from the Palestinians, an action I recognize as criminally unjust. I felt earlier, as I wrote to you on May 5th, and to President Abbas on May 13th, that President Abbas had the responsibility to keep open the remaining contacts he had, contacts which might yet bring about relief from the financial pressure, with the Western governments, and that he might risk losing those if he and his party went into formal coalition with the Hamas government.

As the issue has played out in these recent weeks, the problem has been the demand that Hamas accept three conditions set by Israel, the U.S. and the Western governments: that you cease all violence, recognize the legitimacy of the Israeli state, and accept all previous agreements made by the PLO or Palestinian Authority. May I take each of these in turn.

With the cessation of violence I am much in agreement, not that I don't recognize the right of Palestinians to resist the occupation – that is clearly your right – but that I see violent resistance as entirely unproductive for you. I have argued this before in earlier letters to you and will not here cover the same ground again. But I believe that only non-violent resistance will win you what you need to win. You have not the option of ceasing to resist the occupation. That would be betrayal of your people, and they would all know it and dismiss you from office. I read of a recent address you gave, in your travels among Arab countries, saying quite properly that Hamas and the Palestinians had a duty of resistance. But what I failed to see was any distinction, on your part, between violent and non-violent resistance.

By the laws of justice in war that I learn, violence is prohibited when there is another option for the obtaining of justice. As I see it, not only do you have another option, but use of violence on your part will inevitably result in your people's further losses, while the use of non-violence would give you assured victory. It would have to be total, and organized among the whole Palestinian people. Only then would the people themselves understand that they had a successful campaign in hand, and that any act of violence was sabotage to that campaign. They would then act to prevent it. Hezbollah, you will notice, has already done this in Lebanon. They have announced that anyone, their own people or any other group, who fires a rocket now, risking renewal of the Israeli attack in retaliation, will be regarded as a traitor. You would have to have some success in your non-violent resistance to accomplish that, but it would be done. Consequently, I see it as quite feasible for you to require a cessation of violence and institute instead a fully mobilized non-violent resistance. It would not make the Israeli government happy, as they would understand from the start that this would bring you actual victory. They would do their violent best to defeat it (trying to provoke you and your people to renewed violence!), but it would be to your great advantage.

But as I have written before, you could accomplish this full mobilization of the Palestinian people only in cooperation with President Abbas and Fatah. It would not require that formal governmental coalition that is such trouble for you. Your two parties could maintain your differences over all these points, and still cooperate in the mobilizing of non-violent resistance, which is in the interest of every Palestinian regardless of other opinions.

The second of the demands is that you formally recognize the legitimacy of the state of Israel. Rev. Jackson and I were all over that subject with you when we met. You made it clear, and Mr. Nazzal confirmed it to me when I phoned him the next day (calling, by the way, from the Grand Ommayad Mosque), that it was not the plan of Hamas to destroy the state of Israel. Rather, you demanded a Palestinian state within the 1967 borders. You were not talking of 1947 partition-resolution borders, nor of setting up an exclusively Palestinian state in the whole territory between the river and the sea. I was, in fact, surprised that you did not speak explicitly of Jerusalem as capital of that Palestinian state, as Mr. Arafat so consistently did, but I assumed that it was implied.

Rev. Jackson, as you will recall, spoke of how he had heard much the same from Arafat when he first met him in 1978 (I had first met him in 1985 myself, when this question was already very much settled), and had recommended to him, since destruction of Israel was not the PLO intention, that it was in his interest to see that nothing in the rhetoric of the PLO should suggest that this was the plan, and Arafat had agreed. Rev. Jackson therefore made the same recommendation to you. But when he asked why, if that were so, you would not make the formal recognition of Israel as a legitimate state, you answered that it was not the time for that. This would not, of course, be a problem that should prevent Hamas going into coalition with Fatah except that Israel and the United States make it so, and threaten Abbas with the loss of what little recognition he has from them if he will not do likewise.

I have an understanding of your position which I will share with you. Without it, I would believe that you were sacrificing the advantages you might have from granting that recognition for no good reason. My understanding of it comes in three parts, of which I have mentioned two in an earlier letter to you.

First, there is the asymmetry between what the PLO recognized of Israel and what Israel recognized of the Palestinians in the Oslo Accord. The PLO recognized the legitimacy of Israel as a state. It was not for the first time, since the PLO had already done that at the 1988 PNC in Algiers, and Arafat had done it again in his address to the UN General Assembly in Geneva later that year, but it was repeated in the Oslo Accord. The Israelis recognized the PLO as the sole legitimate representative of the Palestinian people. That was the 1974 Rabat formula of the Arab League. I was very glad to see this accord, as it marked the first time that both peoples recognized one another's legitimacy as peoples. This mutual recognition could not be revoked, even when Netanyahu devoted himself for his three years as Prime Minister to retracting that recognition but was unable to do so, or when the Al-Aksa intifada put the recognition in danger from both sides, but did not destroy it.

Yet the Oslo recognition was not symmetrical. The Israelis did not recognize the entitlement of the Palestinian people to a state. Recognizing the PLO as their sole legitimate representative implies, but only implies, that they are a people entitled to a legitimate representation, but it does not parallel the recognition that the PLO gave to Israel. Hence I can well understand it if Hamas refuses to recognize that legitimacy of Israel as a state without the symmetrical recognition of Palestinians as entitled to a state.

Second, there is the question: if I recognize the legitimacy of Israel as a state, where is it? The question of borders is still radically undetermined. Does recognizing the legitimacy of Israel as a state mean recognizing that it has the right to annex whatever it chooses of the West Bank? Or the Golan Heights? Or some part of Lebanon? For myself, Israel is very dear to me, as are the Palestinians. I accept Israel, but I cannot answer that question: where is it? I know where I believe it should be, but not where Israel means to be or where it believes itself to be. So it is very cavalier of me to say I recognize its legitimacy as a state without being able to answer that question. I can only hope they will tell us some time, and I understand that, for Hamas, that is not good enough. What is it you are asked to recognize?

The third element I do not know how to deal with properly, as it is a religious question that remains obscure to me.

I admire, in fact, the importance that religious faith has for you in Hamas, and only wish that more of our Christians were as serious about their faith. I have learned also, not least from you yourself, that Hamas is no movement of religious fanatics, that it does not intend to impose religion or its own faith on others, that you respect, as part of your Muslim responsibility, the faith of the other peoples of the book, Jews and Christians, and intend to have a society in which these are free.

I understand that, in the view of some Muslims, it is not permissible to allow any part of the land of Islam to be relinquished, to be separated from the territorial land of Islam. I do not know the standing or importance of this belief, or how widely it is held.

The Pope, when he made his unfortunate speech in Regensburg, quoted, without contradicting it, a 14th-century Byzantine Emperor who spoke of Islam as believing in conversion by the sword. The Pope knew enough to quote, just before that, the Koranic verse that "there is no compulsion in religion." What he meant by his citation of the Emperor Paleologus is hard to discern. But in the discussion that followed, I heard many scholars distinguish between conversion by compulsion (the sword) and the political (geo-political) acquisition of territory, the lands conquered in the first epoch of Islam. I don't know how any imperative of preserving territory would apply to Spain, or to India. But it is Palestine that is in question.

We Christians had, for a long time, a territorial understanding of what was called Christendom, an area of territory – it was basically Western Europe – that was Christian

in the sense that anyone who lived there should be Christian or would be punished. The Crusades, the Inquisition were based on that premise.

Such an understanding never arose before the time of Constantine who, when he first declared Christianity a legal religion in the Roman Empire, declared himself in favor of religious liberty, but soon fell back, along with his successors, to the idea that, for the sake of the unity of the Empire, there had to be uniformity of religious faith. This was not, it should be noted, an imperative of Christian faith, but only of the uniformity of authority in the Empire, a political imperative. Those who did not conform were persecuted, and all territory that did not belong to this Empire of Christians was seen as enemy territory.

That territorial understanding of Christendom obtained throughout our Middle Ages. With the age of world exploration, it had to break down. Spain attempted to make the Americas parts of Christendom, territorially Christian, but the Portuguese Empire did not occupy the land. It established colonies only along the fringes of Africa and Asia, with the result that they could not be seen as Christendom. Still, as late as the great Edinburgh Conference of 1910, which marked the launching of Protestant mission activity for the next century, people thought in terms of Christian territory (Western Europe, North America and Australia: those at the conference were in doubt whether South America was really Christian, since it was Catholic), and aspired to make more of the world, the continents of Africa and Asia, parts of Christendom as well. By now, the territorial concept of Christianity has faded away before us, and we have had to come to a better, more mature understanding of our faith. We have come to realize that Christian faith requires freedom of conscience and religious liberty at its very foundation, and that therefore the concept of compulsory Christianity in a territory is directly contrary to Christian faith itself.

And so, here is my question. Where is Islam on this matter? Is a territorial imperative – if indeed it really exists at all – seen as a religious or faith imperative, or is it only political? Is this a reason why a state of Israel, which everyone knows is there to stay, alongside – we hope – a Palestinian state in the 1967 borders, can be met only with a *hudna*, however long or even permanent, and not with a recognition of its legitimacy? Or is this a question that is at least open to discussion in Islam, in genuine, faithful Islam?

I am quite able to grant you the first two reasons for withholding recognition of the state of Israel as legitimate – the lack of symmetry in its recognition of Palestinian rights and the indeterminate character of its borders. But this matter, whether or not there is a necessary religious character to Islamic possession of the territory, is beyond my present understanding.

The last Pope, John Paul II, was very upset that the European Union, in its constitution, would not include a reference to Europe as Christian, or as possessing a Christian heritage, and I believe the present Pope is worried about that too. For myself, I don't want to live in a Christian United States, or to see a Europe that is "Christendom." I want to live my Christian faith, in communion with other Christians and respect for the

faith of others, in a land that is free and open to Muslims, to Jews and to those of other faiths or none.

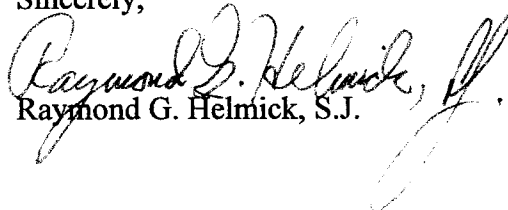
On this basis, I see no problem in Hamas's withholding of recognition of the legitimacy of the state of Israel, on the understanding, as you told us, that the destruction of the Israeli state or society is not the intention of Hamas. The problem, given as the reason for the economic boycott of Palestinians and the objection to your coalition with Fatah, arises only from U.S. and Israeli insistence on such recognition.

The third demand of Israel and the Western powers, that Hamas accept all previous agreements by the Palestinian Authority or the PLO, follows on the same principles as the recognition of Israel's legitimacy as a state. The agreements hold to the extent that Israel is legitimate, and that raises questions of how far Israel itself has been faithful to agreements it has made.

That Israel, the U.S. and the Western powers are seeking to strangle the Palestinian people financially and economically is a matter to be resolved only by their recognizing the injustice of their action, not by submission to injustice or the abandonment of principle by Hamas or the Palestinian people. To the extent that these unjust demands make an actual Hamas-Fatah coalition impracticable, I would want to see that you agree, instead, to cooperate in a serious non-violent resistance to occupation and the multiple injustices that are done to you, the only kind of resistance that will really win you your rights. For this you do not need a formal coalition, but the cooperation in this effort would thrust aside any enmities or resentments that exist between you. Fighting among Palestinians, in the face of the oppression that affects you all alike, is a tragedy that both you and Fatah should do your utmost to avoid or overcome. Your resentments, or the anger of the Fatah members who have not received their salaries, are misplaced. Your enemies are not one another, but those who have subjected all of you together to these outrages. Sharing in a common goal, despite accepted and admitted differences, is what will put that enmity away.

My prayers and best wishes are with you, and with the Israelis as well, that for their happiness and peace they may repent of these injustices and seek reconciliation with you.

Sincerely,


Raymond G. Helmick, S.J.



JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

October 20, 2006

President Mahmoud Abbas
Palestinian Authority
Ramallah, Palestine

Dear President Abbas,

Salaam!

It grieves me greatly to see the suffering of your people compounded recently by fighting between followers of Fatah and Hamas. I'm sure this is a primary worry of yours as well. We read, in our American press, that you think of dismissing the Hamas government, and I am reasonably sure such rumors are planted by interested parties who would like to see the Palestinian cause come apart even more catastrophically than it has.

I last wrote to you on May 13th, when your problems with Hamas were already a consuming trouble. Having a long history, myself, of close contact with your predecessor, Mr. Arafat, as well as with both Israeli and American authorities, I have been writing extensively to Mr. Khalid Mish'al since the Hamas electoral victory in January, and have recently written to him again, a letter which I attach with this. I had the opportunity late in August to meet him and hold several hours' conversation with him in Damascus, in company with Rev. Jesse Jackson. You were so kind as to arrange that the group of us in Jackson's party should meet you in Gaza, which would have given us the opportunity to meet Mr. Haniyeh as well, but as you will recall that became impossible when the time came, and we could only go to Jericho, where we talked with Mr. Erekat.

In recent weeks we keep hearing of your efforts to form a coalition government with Hamas, efforts constantly frustrated when Hamas refuses to include in the package a recognition of the legitimacy of the Israeli state. Hostility between your parties, largely the frustration of civil servants who have so long gone without their salaries and blame Hamas for the Israeli-American-European economic blockade.

I have to say that both Hamas and your suffering Fatah members are looking to the wrong enemy. It is not Hamas that has brought on the economic freeze. It is Israel, the United States and a compliant European Union who have left your people so deprived of economic resources. For Fatah people to blame Hamas for this, and Hamas people to react with such angry violence, is to do exactly what your enemies hope for and the ruin of your common cause, the liberation of your people from occupation.

Forming a coalition government embracing both Fatah and Hamas would be quite possible if the outside powers were not demanding these conditions for calling off their

effort to starve your people into submission. Your aim in proposing the coalition, as I understand it, is to win from them a lifting of this blockade, which they will not do short of seeing Hamas fulfill their demands.

Speaking with Mr. Mish'al in Damascus, I come away quite assured that Hamas is not planning any destruction of Israel. Their demand for a Palestinian state with the 1967 borders mirrors your own, and implies acceptance of Israel. Mr. Mish'al was quite explicit that destruction of Israel was not their intention. Rev. Jackson, during our meeting, invoked the advice he had given Yasser Arafat as long ago as 1978, when he first met him and had the same assurance, that it was in his interest, and would be in the interest of Hamas, to be sure that nothing in their rhetoric implied that the destruction of Israel was their intention. (When I first began meeting Mr. Arafat myself, in 1985, that was already a settled matter.) As you will see in my most recent letter to Mr. Mish'al, I have some understanding of why he holds back on this demand for explicit recognition of Israel as a state. Since it is clear that Israel and the Western powers do not intend to relax their blockade without that recognition (and, of course, the Hamas endorsement of other agreements made by the PLO and PA over the years), a coalition is not going to produce that result. I think a coalition would be worth your entering even without that relief.

But much more seriously, I believe it should be possible for you and the Fatah party to enter into a joint program with Hamas, mobilizing your people for a really concentrated campaign of non-violent resistance to occupation.

I used to recommend this constantly to Mr. Arafat over all the years since Oslo, and even wrote often to Yitzhak Rabin that Arafat would not have the power to be a serious partner for peace without this. He had no power lent him from the Arab states or Europe, and had the opposition of the United States allied to Israel. Without mobilizing his people to join in resistance, non-violent as that was the only resistance that would serve, he was powerless. It was, I believe, one of the weaknesses of Arafat, for whom I always had great admiration, that he tried to negotiate the liberation of the Palestinians by himself, as a one-man show. It could not be done.

From the time Hamas was elected, I have argued to them that, although they had made a decision late in 1987 that they had no other option than a violent campaign (a decision I have seen made by many others, and am never inclined to agree with), they now had other options, as well as new responsibilities that they had not expected to have. They have a mandate to provide good government, and will provide no government at all if they provoke the Israelis into wiping them off the map by continued violence. They have the unavoidable responsibility also to liberate the Palestinian people from occupation. If they neglect that obligation, they are no leadership for the Palestinians at all.

Consequently I have urged them from the beginning to a non-violent campaign, a really serious one that would involve the whole people in refusing to cooperate with occupation. There is no way they can do that without you, since without Fatah they

would be looking to a divided people, who would be ineffectual in their resistance. The same is true for you and your party.

You have need of one another, neither of you able to mount such a campaign without the other. There is no reason why you should not be able to cooperate fully in such a common cause, without having to abandon your different outlooks or your different political prospects. In this matter you are one.

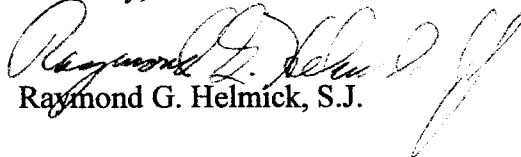
You can be sure that the Israelis would do all in their power to crush your movement of non-violence, but there is nothing they could do more than what they are doing already. The difference would be that the non-violent strategy would bring you to victory, while the current situation of division and passivity wins you nothing.

Such a strategy could also bring you the capacity to control all that Palestinian violence that brings you nothing but Israeli retribution. I understand well your reluctance, and that of Hamas, to act as policemen for the benefit of the Israelis, but the Palestinian violence brings you Israeli revenge attacks with no benefit for yourselves. If there were a campaign involving the whole Palestinian people, a non-violent campaign that would actually succeed, the people would understand that any act of violence was sabotage to their own cause, and would stop it. I see often the Hamas assertion that they have the right of resistance, and know that this is true, but I have not seen them make this distinction between violent and non-violent resistance: resistance that will fail and resistance that will succeed.

I therefore urge you to form an alliance with Hamas for this purpose of liberation. It does not matter, to my mind, whether you declare it a formal coalition or not. You can work together.

I will send this letter on to Mr. Mish'al, as I send you the one I sent to him. My prayers and best wishes are with you both.

Sincerely,


Raymond G. Helmick, S.J.

The New York Times Op-Ed

November 1, 2006

Pause for Peace

By AHMED YOUSEF

Gaza



Anthony Russo

HERE in Gaza, few dream of peace. For now, most dare only to dream of a lack of war. It is for this reason that Hamas proposes a long-term truce during which the Israeli and Palestinian peoples can try to negotiate a lasting peace.

A truce is referred to in Arabic as a “hudna.” Typically covering 10 years, a hudna is recognized in Islamic jurisprudence as a legitimate and binding contract. A hudna extends beyond the Western concept of a cease-fire and obliges the parties to use the period to seek a permanent, nonviolent resolution to their differences. The Koran finds great merit in such efforts at promoting understanding among different people. Whereas war dehumanizes the enemy and makes it easier to kill, a hudna affords the opportunity to humanize one’s opponents and understand their position with the goal of resolving the intertribal or international dispute.

Such a concept — a period of nonwar but only partial resolution of a conflict — is foreign to the West and has been greeted with much suspicion. Many Westerners I speak to wonder how one can stop the violence without ending the conflict.

I would argue, however, that this concept is not as foreign as it might seem. After all, the Irish Republican Army agreed to halt its military struggle to free Northern Ireland from British rule without recognizing British sovereignty. Irish Republicans continue to aspire to a united Ireland free of British rule, but rely upon peaceful methods. Had the I.R.A. been forced to renounce its vision of reuniting Ireland before negotiations could occur, peace would never have prevailed. Why should more be demanded of the Palestinians, particularly when the spirit of our people will never permit it?

When Hamas gives its word to an international agreement, it does so in the name of God and will therefore keep its word. Hamas has honored its previous cease-fires, as Israelis grudgingly note with the oft-heard words, "At least with Hamas they mean what they say."

This offer of hudna is no ruse, as some assert, to strengthen our military machine, to buy time to organize better or to consolidate our hold on the Palestinian Authority. Indeed, faith-based political movements in Algeria, Egypt, Iraq, Jordan, Kuwait, Malaysia, Morocco, Turkey and Yemen have used hudna-like strategies to avoid expanding conflict. Hamas will conduct itself just as wisely and honorably.

We Palestinians are prepared to enter into a hudna to bring about an immediate end to the occupation and to initiate a period of peaceful coexistence during which both sides would refrain from any form of military aggression or provocation. During this period of calm and negotiation we can address the important issues like the right of return and the release of prisoners. If the negotiations fail to achieve a durable settlement, the next generation of Palestinians and Israelis will have to decide whether or not to renew the hudna and the search for a negotiated peace.

There can be no comprehensive solution of the conflict today, this week, this month, or even this year. A conflict that has festered for so long may, however, be resolved through a decade of peaceful coexistence and negotiations. This is the only sensible alternative to the current situation. A hudna will lead to an end to the occupation and create the space and the calm necessary to resolve all outstanding issues.

Few in Gaza dream. For most of the past six months it's been difficult to even sleep. Yet hope is not dead. And when we dare to hope, this is what we see: a 10-year hudna during which, inshallah (God willing), we will learn again to dream of peace.

Ahmed Yousef is a senior adviser to the Palestinian prime minister, Ismail Haniya.



November 8, 2006

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

Yesterday and today we have seen terrible atrocities in Gaza, inexcusable massacres of Palestinians by Israeli shellfire. In the same news bulletin that announced today's murderous attack by the Israelis, I read your announcement that, as a result, the truce which Hamas has been observing, well beyond its announced time limits, since early 2004, was now ended and armed resistance would again begin.

For the sake of a realistic Palestinian resistance, I appeal to you against this.

Once before, in July 2002, when Hamas and other militant Palestinian groups had agreed to initiate a cease-fire, the Israelis, on Mr. Sharon's orders, bombed a Gaza apartment building in the middle of the night, killing Saleh Shehada and fifteen others, nine of them children, a typically cynical action on Sharon's part. It was the occasion of General Halutz's statement, when asked what he felt in carrying out such an attack, that he felt only a slight lifting of the wings of his F16 when the bomb was released.

I proposed to Sheikh Ahmed Yassin, at that time, that he should not let his policy decision, and that of Hamas, be dictated by such an Israeli action. I put the same argument to you now. Why would the Israelis do such a thing? Precisely and only to get such a reaction from you, a shattering of the exemplary restraint Hamas has shown all this time under tremendous provocation.

You have been too successful in demonstrating your restraint to the world, and the Israelis are so worried about this that they try, in this, way, to provoke you.

If there are now suicide bombings of Israelis and other attacks by Hamas as a result of these atrocities, only the actions of Hamas will be reported in the international media, as you well know, and all blame for violence will be heaped on Hamas and the Palestinians. These blatant Israeli crimes, which today are in all the media, will be forgotten instantly.

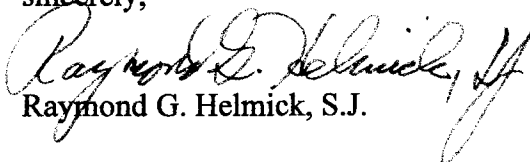
You can rise morally above this, and demonstrate to the rest of the world that it is Israel and not the Palestinians who are carrying out such violence, by your continued restraint, and that will then be the message the world hears.

I have written to you often, and argued in person when, along with Rev. Jesse Jackson, I met with you in August, that you are in fact morally required to respond to Israeli injustices, and to resist their oppression, but that the only effective resistance will be a non-violent resistance. I have written repeatedly to President Abbas as well to the same effect, arguing that Palestinians may not neglect to offer full resistance, but that a non-violent campaign of total non-cooperation with every aspect of Israeli occupation and oppression is the one reliable way for you to succeed – a kind of action that can only be carried out through cooperation between Hamas and Fatah.

Your people are already engaged in efforts to develop a common Palestinian front with Fatah. The forming of a coalition government, which you have both so earnestly sought, is not as important as to initiate this joint program of non-violent resistance. The Israelis dread nothing more than this. Their cynical present government is even prepared to expose its own citizens to deadly harm in order to deflect such a non-violent initiative on your part and lead you instead into acts that will be seen as discrediting to you and your people. I beg you, do not fall into their trap.

With assurance of my prayers for you and your people,

sincerely,


Raymond G. Helmick, S.J.

Middle East Seminar

November 9, 2006

Will it be Hamas that Makes Peace with Israel?

Raymond G. Helmick, S.J.

I'm sure my opening question will get, to begin with, an immediate negative answer both from Israeli listeners, who will hardly believe this, and from Hamas itself, which does not picture itself so. But having studied what I could of Hamas, its antecedents and its behavior, and having had a lengthy meeting in August with Khalid Mish'al and four of his political bureau in Damascus, I will nonetheless argue the possibility and the hope.

The victory of Hamas in the January 25th election this year surprised most of us, including Hamas itself. Their share of the Palestinian vote was only some 40%, but they had organized better and better understood the logistics of the voting. Expecting to do well enough only to be a strong opposition voice in the Palestinian Assembly, they suddenly found themselves saddled with responsibilities they had not believed they would face.

I had, for much of the previous year, been urging my friend, Rev. Jesse Jackson, with whom I had been to the region before, in July 2002, that we needed to make another visit. On my own, I had dealt closely with Israeli, Palestinian and American leadership over many years, working to promote the peace. Jesse asked me, the day after the election, for an assessment, and I sent him one the following day, January 27th. From that time I insisted that, when we made our trip, we should begin in Damascus with Khalid Mish'al.

The January Election

The clearest thing about the election was that the Palestinians had made a real choice, and did it under conditions of occupation that were a terrible hindrance to them. That was reason to rejoice and to honor them. Next most obvious was that the election of Hamas was not about the Hamas issues of rejection of Israel, but about corruption in the Fatah regime. Now, having the prospect of a Hamas government, there might be things we had all won in the search for peace and reconciliation between these peoples.

American concern was generally restricted to how this affected Israel, very little about the Palestinians. We needed to have in our minds the way it affected both.

What is Hamas?

Hamas is the Palestinian branch of the Egyptian Muslim Brotherhood, which started off quite non-violently in Egypt itself in 1928 as a spiritual movement aiming to protect Egyptian Muslim life from corruption by Western influences. The Palestinian

branch is still concerned with corruption by the West, and saw Israel both as colonialist encroachment on Arab/Muslim land and as instrument of that corruption. Both Fatah and Islamic Jihad were offshoots of the Palestinian Muslim Brotherhood, Fatah taking a secular direction as armed resisters against colonization, Islamic Jihad into religiously motivated violent resistance years before the more responsible leadership of the movement believed it was called for. On religious premises, the movement refrained from violence until the end of 1987. It was the spectacle of the violent Israeli response to the stone-throwing of the 1987 intifada that finally brought the Muslim Brotherhood, now adopting the name Hamas, the initials standing for "Islamic Resistance Movement," to make a violent response.

Why? I've had experience of many groups that have drawn the conclusion that they have no other option than violence, from IRA to UVF to Frelimo to ZANU and ZAPU. Surely we hear it quite regularly from the Israelis themselves. For my own part, I'm never inclined to believe it is so, that there is no other choice but this, and am always committed to finding non-violent alternatives, but I have often had to recognize the honesty with which various groups have drawn that conclusion. Now, however, Hamas, having won the election, had other options.

Most of what Hamas is hearing now, from the U.S. government, from Israelis of all stripes, from the Europeans, even from Arab countries, is in the form of "You must...!" or "You must not...!" Since an inter-religious group of us, with Rev. Jackson, were planning to address them directly, I felt we could appeal to them, speaking positively and respectfully, on the basis of their religious values. Violence is not of their essence, and it has not always been their way. They adopted it when they thought, perhaps mistakenly, that it could make a real difference for justice. But now they are responsible for government.

My best single source for Hamas was the book *Hamas, Political Thought and Practice*, by Khaled Hroub, published in 2000 by the Institute of Palestine Studies. Hroub points out that Hamas regarded its attacks on Israeli civilians as always contrary to its own best principles. Their attacks came initially as impetuous response to the Hebron attack in February 1994 by Baruch Goldstein. Hamas then pulled back from such things, with occasional revenge attacks in response to particular attacks by the Israelis, but were basically responsive to Arafat's efforts to keep them from it.

In early 1996 a Hamas military leader, Yahya Ayyash, who had actually been responsible for a long-term cease-fire on the part of Hamas, was murdered by the Shin Bet (clearly with the approval of Acting Prime Minister Shimon Peres), for tawdry motives (simply to show Shin Bet as capable of some kind of action after they had failed to protect Yitzhak Rabin from assassination). Hamas then set off a series of suicide bombs in revenge which were a principle reason that Shimon Peres lost the election that year to Netanyahu.

That was the pattern: Hamas attacking, often in outrageous ways, but basically in response to Israeli attacks that were just as outrageous. Twice after the start of the Al-

Aqsa Intifada, in November 2001 and July 2002, they entered into agreements with the other militant movements, at the prompting of Arafat's Palestinian Authority, to call off all suicide bombings or attacks on civilians in Green-Line Israel, only to have them cut off when the Sharon government launched massive attacks on Palestinians. Eventually they declared a lengthy *hudna*, or cease-fire, to which they remained faithful even though the Israelis never let up from their extra-judicial killings of suspects, often with extensive deaths of by-standers. Hamas had observed this cease-fire, well beyond its promised length, for some two years before the January election. Actually from February 2004.

Hamas and Religion

From the start, as I did my first assessment of Hamas after the election, I was interested in their religious stance. This would affect Palestinians first of all, if Hamas were inclined to set up a Sharia state. Two reassuring Op-Ed articles were published January 31st, one by Khalid Mish'al in *The Guardian*, the other by Mousa Abu Marzook in *The Washington Post*, both insistent on their religious duty as Muslims to respect and protect the freedom of the Peoples of the Book, Jews and Christians, "preserving the Holy Land for all three Abrahamic faiths...in a pluralistic environment, ...[putting] into practice faith-based principles in a setting of tolerance and unity."

Christian response came in the form of a February 1st Joint Statement of The Patriarchs and Heads of the Churches of Jerusalem, issued from the Latin Patriarchate, welcoming and congratulating the Hamas winners of the election, calling on their own people to greet them without fear, extending cooperation to them "for the public good and the national Palestinian aspirations together with the cause of justice and peace in a non violent way, whether in regard to foreign relations, the rule of law together with full religious freedom, especially in the social and educational fields." The widely influential Christian movement Sabeel issued its own statement February 4th, welcoming the Hamas electoral victors in similar terms, reaffirming its own commitment to a two-state solution and asserting that their movement "perceives a change in the stand of Hamas in this direction, though not a recognition of Israel yet. Hamas is also suggesting a very long term cease-fire (*hudna*). Their stand is to halt the armed struggle and leave the matter of ending the conflict to future generations."

When we visited Mish'al and his colleagues in Damascus, Rev. Jackson and I quizzed them particularly on this matter of religious pluralism and freedom. They assured us that they understood the precepts of their Muslim faith, which is clearly of great moment to them, in just this way, were proud of Islam's long record of providing a safe haven to Jews in their times of persecution and insistent on the Islamic principle that there must be no compulsion in religion.

Hamas and Israel

What then of Israel as a state?

One of the main demands that Israel and the West make of Hamas, as test of its own legitimacy, is that it recognize the legitimacy of Israel as a state, which they have conspicuously refused to do. Their discourse has been punctuated by references to the Arab League proposal of 2002, which promised recognition and full normal relations of peace to Israel on condition of a return of the occupied West Bank and Gaza territories to become a Palestinian state. Marwan Barghouti, Fatah member on multiple life sentences in an Israeli prison yet the one Palestinian most likely to prove himself a Nelson Mandela figure of reconciliation, brought about acceptance of that Arab offer by his fellow prisoners, whether Hamas or Fatah or the other movements represented in the prison. Hamas has found it difficult either to accept or reject the prison agreement, nosing about it, sometimes endorsing, sometimes pulling back from it as premature. We've heard Mr. Haniyeh saying Hamas would never recognize Israel, would never..., would never.... We hear a lot of such "nevers" from our own political leaders and know enough not to take them too literally.

Rev. Jackson and I approached this from the other direction: what were their intentions with regard to the state of Israel? Did they mean its destruction? Their response was that they sought only a Palestinian state "on the 1967 borders." It surprised me, in fact, that they did not intone "with Jerusalem as its capital," as Arafat so consistently did, but I took it that was implied. We asked, had they any intention of destroying the state of Israel. Most insistently they answered that they had no such intention. Rev. Jackson recalled for them how he had heard just such statements from Arafat when he first met him in 1978, and had urged on him that, in such case, it would be to his advantage that none of the rhetoric of the PLO give any such suggestion. (By the time I started talking to Arafat in 1985 this was already well established.) So Jackson urged the same thing on Mish'al and Hamas.

We asked: why then, if they wanted only a 1967-borders state and had no intent to destroy Israel, would they not accord it the formal recognition that was demanded? Their answer: it was not time for that.

This is, of course, too easy, and has to be further explored. I have been exploring it, through their own writings and statements. Rev. Jackson and I were all over this subject with them when we met them in August. I wrote myself to Mish'al, explaining my own understanding of their position, as recently as last month, October 13th, and had already discussed this in writing to him on May 5th. My understanding of it comes in three parts.

First, there is the asymmetry between what the PLO recognized of Israel and what Israel recognized of the Palestinians in the Oslo Accord. The PLO recognized the legitimacy of Israel as a state. It was not for the first time, since the PLO had already done that at the 1988 PNC in Algiers, and Arafat had done it again in his address to the UN General Assembly in Geneva later that year, but it was repeated in the Oslo Accord. The Israelis recognized the PLO as the sole legitimate representative of the Palestinian people. That was the 1974 Rabat formula of the Arab League. I was very glad to see this accord, as it marked the first time that both peoples recognized one another's legitimacy

as peoples. This mutual recognition could not be revoked, even when Netanyahu devoted himself for his three years as Prime Minister to retracting that recognition but was unable to do so. The Al-Aksa intifada put the recognition in danger from both sides, but still did not destroy it.

Yet the Oslo recognition was not symmetrical. The Israelis did not recognize the entitlement of the Palestinian people to a state. Recognizing the PLO as their sole legitimate representative implies, but only implies, that they are a people entitled to a legitimate representation, but it does not parallel the recognition that the PLO gave to Israel. Hence, as I understand, Hamas refuses to recognize that legitimacy of Israel as a state without the symmetrical recognition of Palestinians as entitled to a state.

Second, there is the question: if I recognize the legitimacy of Israel as a state, where is it? The question of borders is still radically undetermined. Does recognizing the legitimacy of Israel as a state mean recognizing that it has the right to annex whatever it chooses of the West Bank? Or the Golan Heights? Or some part of Lebanon? For myself, Israel is very dear to me, as are the Palestinians. I accept Israel, but I cannot answer that question: where is it? I know where I believe it should be, but not where Israel means to be or where it believes itself to be. So it is very cavalier of me to say I recognize its legitimacy as a state without being able to answer that question. I can only hope they will tell us some time, and I understand that, for Hamas, that is not good enough. What is it they are asked to recognize?

The third element I do not know how to deal with properly, as it is a religious question that remains obscure to me.

I can admire, in fact, the importance that religious faith has Hamas. I have learned that Hamas is not a movement of religious fanatics, that it does not intend to impose religion or its own faith on others, respects, as part of its Muslim responsibility, the faith and freedom of the other peoples of the book, Jews and Christians, and intends to have a society in which these remain free.

I understand that, in the view of some Muslims, it is not permissible to allow any part of the land of Islam to be relinquished, to be separated from the territorial land of Islam. I do not know the standing or importance of this belief, or how widely it is held.

Pope Benedict XVI, when he made his unfortunate speech in Regensburg, quoted, without contradicting it, a 14th-century Byzantine Emperor who spoke of Islam as believing in conversion by the sword. The Pope knew enough to quote, just before that, the Koranic verse that "there is no compulsion in religion." What he meant by his citation of the Emperor Paleologus is hard to discern. But in the discussion that followed, I heard many scholars distinguish between conversion by compulsion (the sword) and the political (geo-political) acquisition of territory, the lands conquered in the first epoch of Islam. I don't know how any imperative of preserving territory would apply to Spain, or to India. But it is Palestine that is in question.

We Christians had, for a long time, a territorial understanding of what was called Christendom, an area of territory – it was basically Western Europe, Eastern Europe too though they weren't good friends – that was Christian in the sense that anyone who lived there should be Christian or would be punished. The Crusades, the Inquisition were based on that premise.

Such an understanding never arose before the time of Constantine who, when he first declared Christianity a legal religion in the Roman Empire, declared himself in favor of religious liberty, but soon fell back, along with his successors, to the idea that, for the sake of the unity of the Empire, there had to be uniformity of religious faith. This was not, it should be noted, an imperative of Christian faith, but only of the uniformity of authority in the Empire, a political imperative. Those who did not conform were persecuted, eventually fire rather than sword as a persuader, and all territory that did not belong to this Empire of Christians was seen as enemy territory.

That territorial understanding of Christendom obtained throughout our Middle Ages. With the age of world exploration, it had to break down. Spain attempted to make the Americas parts of Christendom, territorially Christian, but the Portuguese Empire established its colonies only along the fringes of Africa and Asia, with the result that they could not be seen as Christendom. Still, as late as the great Edinburgh Conference of 1910, which marked the launching of Protestant mission activity for the next century, people thought in terms of Christian territory (Western Europe, North America and Australia: those at the conference were in doubt whether South America was really Christian, since it was Catholic), and aspired to make more of the world, the continents of Africa and Asia, parts of Christendom as well. By now, the territorial concept of Christianity has faded away before us, and we have had to come to a better, more mature understanding of Christian faith, to realize that of its essence it requires freedom of conscience and religious liberty as its very foundation, and that therefore the concept of compulsory Christianity in a territory is directly contrary to Christian faith itself.

And so, here is my question. Where is Islam on this matter? Is this territorial imperative – if indeed it really exists at all – seen as a religious or faith imperative, or is it only political? Is this a reason why a state of Israel, which everyone knows is there to stay, alongside – we hope – a Palestinian state in the 1967 borders, can be met only with a *hudna*, however long or even permanent, and not with a recognition of its legitimacy? Or is this a question that is at least open to discussion in Islam, in genuine, faithful Islam? I'm having that conversation now with Hamas.

Hamas and Fatah

The other demand made on Hamas, as condition for the lifting of the economic boycott that has put the whole resident Palestinian population to such extreme want, is that it recognize all previous agreements made by the PLO or Palestinian Authority. Hamas holds back on this, and we need to be sure whether that means, as Israelis always suspect, rejection of Israel or not.

The question depends largely on Hamas's refusal to recognize the legitimacy of the Israeli state – recognize it at this time, as we just discussed. The Hamas view is that Arafat and the PLO settled for too little in the Oslo Accord, not getting an Israeli recognition of the Palestinians' entitlement to a state. In addition, they see the series of PLO/PA agreements as tainted by the consistent failure of Israel to live up to its side of these same agreements, which makes them all at least suspect in Hamas eyes. They are, of course, suspect in Fatah eyes too, for the same reason.

Most central, though, is the fact that Hamas is not a part of the PLO, and hence does not feel bound by its agreements. The Oslo Accord, of which the Palestinian Authority is a result, was signed by Israel with the PLO itself as partner, and contained Israel's recognition of the PLO, in the words of Rabat, 1974, as "the sole legitimate representative of the Palestinian people." There remains an ambiguity about Hamas's relation to PA and PLO. The movement has a Prime Minister and other officers of the Palestinian Authority, which as such is signatory of many of those agreements, and Mish'al himself, in his January 31st *Guardian* Op-Ed, names, as medium-term objective of Hamas, "to reform the PLO in order to revive its role as a true representative of all the Palestinian people, without exception or discrimination." Yet for now they are separate, at least from the PLO.

The PLO itself has always been a multi-party system, but one in which the Fatah faction has been so dominant that it has functioned practically as a single-party system. Hamas, being outside it, was careful over many years not to undermine the authority of Arafat or the PLO. But now, after the January election, it can no longer be said that the PLO is "sole legitimate representative of the Palestinian people." The people having chosen freely, they are now a two-party system in which Hamas and Fatah, or if you will, Hamas and PLO, both have legitimacy. I often hear people ask that Hamas be taken into the PLO, but so far that is not their choice.

The advantageous position for both, in the light of the crisis confronting the entire people, would be to combine their efforts without either losing its distinctive character. Occupation, and the threat of a unilateral pre-emption of the future by Israel, is the common danger to both. The Palestinians could oppose it together, whether, like Fatah, they already acknowledge the legitimacy of Israel or whether, like Hamas, they make that contingent on lawful behavior by Israel. They could still oppose one another in another election without either having to have failed of this common purpose.

Resistance

So what is to be sought or expected of Hamas now? Neither Hamas nor Fatah really has the option of no longer resisting occupation. To fail of that would totally discredit them as Palestinian leadership. Their people has lived under military occupation for nearly forty years and they are truly required to resist. For their leadership not to resist would be betrayal.

What I look for, and have argued to them throughout my own correspondence and that meeting in Damascus, is principled non-violence. No violent resistance will be of any use to them. It will only provide the rationale for massive Israeli reprisal, and given the tenor of Western world opinion, the opinion of the powerful parts of the world, any violence on their part will be held against them, and violence against them will be excused.

I used to argue to Arafat, from the time the 1987 intifada folded up, that he needed the mobilized resistance of his people, and that it had to be rigorously non-violent to succeed. Arafat tried to negotiate with Israel as a one-man show, and I used to argue it to Rabin and subsequent Israeli Prime Ministers that Arafat need this mobilized people even to be serious for them as a negotiating partner, since he had no power given him by the Arab states, none from Europe, and only opposition from the United States. He proved unable to control the violence of the various Palestinian militant groups. I argued constantly that he would only be able to do this when his people were conscious that they had a successful campaign of non-violent resistance, so that any act of violence was sabotage to their own cause.

To Hamas, I've argued that they have a mandate to provide honest government to the Palestinians. They will provide no government at all if they continue with bombings of busses and Pizza parlors, because the Israelis will then be able simply to sweep them away. But that with a mobilized campaign of principled non-violence, total non-cooperation with occupation – something that they could only do in cooperation with Fatah – they would seize the moral high ground, in a way visible to Israelis themselves as well as to the rest of the world, and would succeed.

Back to the Question

So what can we expect of Hamas? To a great extent that depends on ourselves, whether we approach them simply as enemies to be destroyed, or as those with whom we seek a relation of peace. From my own contacts, I find them, for all the turmoil and contradictions that appear among them, reasonable people seeking openings for the good life of their own community, within bounds that are not a derogation from Israel, and in the expectation that they will be able to make peace, in freedom, with their occupiers. The November 1st Op-Ed in the *New York Times* by Ahmed Yousef, senior adviser to Prime Minister Haniyeh, is new evidence of that. Khalid Mish'al himself, with whom I've now had the opportunity to speak at length, and who is most central to the leadership, impresses me as committed to finding his way to these goals. He gives the distinct impression of great stability in his actions, and of humanity in his responses to people and their suffering. I have not believed the stories we find so commonly in our press and media, that Mish'al is the hard-line rival to Prime Minister Haniyeh and others who should be counted as moderates.

It is very difficult for Hamas, with its totally separated centers in Gaza, in the West Bank, in Damascus and Amman, and now with so many of its elected officers in

Israeli prisons, to communicate and keep everyone on the same page, but they are united in their purpose all the same, not undercutting one another.

We have become accustomed of late, as a fundamental characteristic of American policy, to tell others, whom we regard most often as inferiors, that if they do not accept what we want, we will punish or destroy them. In Hamas, I believe, we are meeting people with whom we, and especially Israel, should see hope of genuine reconciliation.



November 30, 2006

Mr. James A. Baker, III
By the kindness of
Mr. Bayazid

Dear Mr. Baker,

A month ago (October 23rd) I wrote to you, through the good offices of my friend Mr. Bayazid, arguing a point which, I think, is now no longer controversial, that progress on the Israeli-Palestinian conflict would be the best balm for dealing with the country's dilemma over Iraq. As the Iraq situation has further deteriorated in the meantime, and as the Gaza cease-fire and Mr. Olmert's new proposal have opened new possibilities in that quarter, I beg your attention once more to make two important points in the matter.

The first is to emphasize the utility of appealing to international law as the vital norm that could make negotiations between Israel and the Palestinians successful. In writing to you earlier I mentioned that this is the argument of my own book, *Negotiating Outside the Law: Why Camp David Failed*, but rather than ask that you take on reading a book, I thought it would be well to give you the abbreviated argument. Hence I attach here a brief summary.

Before the law, the parties would be equal, rescuing them both from the disparity-of-power situation that makes any agreement a Diktat.

President Bush himself laid down the gold standard in the matter of observing international law in this matter when he gave his joint press conference with President Abbas at the White House, May 26, 2005

One factor that could help the negotiating process: I have contended for many years – to Palestinians, Israelis and American Administrations – that the existence of all those Israeli settlements, illegal by international law but “facts on the ground” that cannot be easily removed, can yet be addressed. Palestinians need to recognize how important it is, especially to religious Jews, that some Jews be able to live in the territory of the ancient kingdoms. The story of the Bible is there, and not in Tel Aviv or Gaza. Hebron is the test case, the place of most importance both to Jews and Muslims after Jerusalem. It is important that some Jews be able to live there, but the ones there now are the wrong ones. They are there for the destruction of Palestinians, and their conduct is actually terrorist. It is as much the responsibility of any Israeli government to get them out of there as it is for the Palestinian Authority to deal with Palestinian terrorists. But it should still be possible for Jews who would come “to live in peace” (the language of General Assembly Resolution 194) to live there.

Throughout the West Bank Jews should be able to live, those who come in peace, but under the law and jurisdiction of the Palestinian state, with their safety a prime responsibility of that state. They should be able to keep their Israeli citizenship, vote in Israeli elections, hold dual citizenship if they chose.

My estimate is that not more than 100,000 would choose to stay under those conditions, a number that would not threaten, as the enormous colonization of the West Bank before has so deliberately done, the basic demographic character of the Palestinian state. And the arrangement should be reciprocal, a comparable number of Palestinians able to return to Green-Line Israel, the number a matter of negotiated agreement so that it would not threaten the demography of Israel.

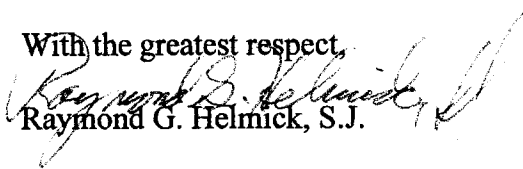
With this, there should be an open border, as open as that between Massachusetts and Connecticut. This would mean that both peoples would be fully a nation, having a state with internationally recognized borders and all the institutions of state and society, but at the same time each people would have access to the whole thing. Israelis would be released from confinement to the narrow box of Israel's territory and have the freedom of the whole Middle East, the Palestinians released from the intolerable confines that have been placed on them.

This concept has always, since I first proposed it in the 1980s to Arafat, Yitzhak Shamir and Yitzhak Rabin, seemed to me a necessary way to deal with the "facts on the ground" situation which was designed so calculatedly to make a Palestinian state impossible.

The second thing I wish to stress, at this critical juncture, is that Hamas is not necessarily an obstacle to peace. Their having won the election last January has been seen as vastly complicating the prospects of peace. I have been writing, since that time, to Khalid Mish'al in Damascus, analyzing the behavior and history of Hamas, its reasons for having taken up, since late 1987, a militant stance, the options and unanticipated new responsibilities it now faces. I visited Damascus in August, in company with Rev. Jesse Jackson, with whom I have traveled before, and spent some four hours with Mish'al and four others of his Political Bureau, confirming my impressions and exploring their intentions.

Since my return I have conferred with Professor Herbert Kelman, who wrote trenchantly of his first encounters with Yasser Arafat back in 1982 and greatly helped our State Department to understand how Arafat could be brought into a process leading to peace. I gave an initial presentation of my findings to the Middle East Seminar group which Kelman maintains in the Weatherhead Center at Harvard, and attach that paper here. I think it important, if our country is to contemplate taking the initiative on the Middle East question again, that we not be daunted by the prospect of having to deal with Hamas.

With the greatest respect,


Raymond G. Helmick, S.J.

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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

December 18, 2006

Afif Safieh
PLO Mission
1320 18th St. NW
Washington, DC 20036
FAX 202-974-6278

Dear Afif,

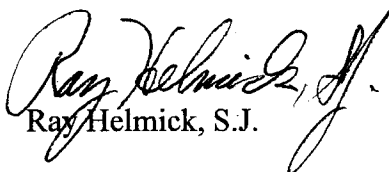
I'm attaching here a letter to President Abbas, which I would ask that you get to him as rapidly as possible.

I will send it also by e-mail, but I wanted him to have it with a proper signature, hence the FAX.

I see the current breakdown of Fatah-Hamas relations into this constant gunfire in Gaza as one of the most perilous things that has ever happened in the course of this conflict. Civil war among Palestinians would be more damaging to you all than anything the Israelis, with or without U.S. support, could do. I see the American efforts, supplying money specifically for the build-up of Fatah-aligned police forces and encouraging Jordan to send in actual military support for Fatah, as quite deliberately fostering civil war, to eliminate Hamas and perhaps also to make the Israelis' job of imposing their will on Palestinians easier. This is a game that President Abbas ought to be most wary of.

In sending the e-mail version of this, I will attach also the most recent letter I sent to Khalid Mish'al in Damascus, which spells out in some detail how I've understood his position on the recognition of Israel. I'm sure President Abbas has more information on this than I have, but I did receive convincing assurances, when along with Jesse Jackson I was there with Mish'al and his political bureau, that this is his position and that of Hamas, and I am actually in discussion with Hamas about each of the three points.

All best wishes. A very happy Christmas, if you can have it under these circumstances, to you and Christ'l and the girls. God be with you all.


Ray Helmick, S.J.



December 18, 2006

His Excellency
President Mahmoud Abbas
Palestinian Authority
Ramallah, Palestine

Dear President Abbas,

Salaam!

The perils of the Palestinians have become more acute than at any time I can think of, with the impending clash between Fatah and Hamas Palestinians likely to wreck any chances of the Palestinians coming to a just settlement of their conflict with Israel.

I beg you to recognize that Hamas is not the source of your troubles. Your most understandable concern is the desperate economic condition of Palestinians in face of the boycott by Israel and the U. S., with the very supine acquiescence of the Europeans.

It is because of the election victory of Hamas and their control of the Palestine Authority government that the U.S. and Israel are doing this, but it is they and not Hamas who are doing it. In fact, their rejection of Hamas only provides Israel and the U.S. a convenient excuse to do what they would have done otherwise, present the Palestinians with nothing other than coercion.

Your persistent efforts over these last months to form a unity government with the concurrence of Hamas have led nowhere, but only because your condition has been that the Hamas leadership satisfy the demands of Israel, backed by the U.S. You of the PLO have long since recognized the legitimacy of the state of Israel, renounced violence against it and made a succession of agreements with it. Hamas does not accept these.

The most cogent of these is the renunciation of violence. Hamas is right that the Palestinians have the right of resistance. Mr. Arafat was right about this over the years. You have been right all the years you too, as a leading PLO figure, have represented this. The difference, as I argued to Mr. Arafat constantly over many years, was that violent resistance would get the Palestinians nowhere, but that they had the alternative option of non-violent resistance. Hamas itself has shown itself eminently capable of restraining any violence of their own over long periods of *hudna*, though they have not as yet drawn the conclusion that success lies in the direction of non-violence in their resistance.

You have your cogent reasons for your position, they have theirs. The question of violent or non-violent resistance does truly separate you, but they are closer to principled

non-violence than most people would think, as I know from my own contact with Mr. Mish'al (along with Rev Jesse Jackson) last summer.

Apart from this, the other differences need not hinder your forming a unity government with them. It will not yet gain you relief from the economic blockade imposed by the U.S. and Israel, but it will put the Palestinian people together in resistance to their real foe, those who so gravely oppress them. You, I know, stand for justice for your people, but it is not to be gained simply by conforming to Israeli or U.S. demands.

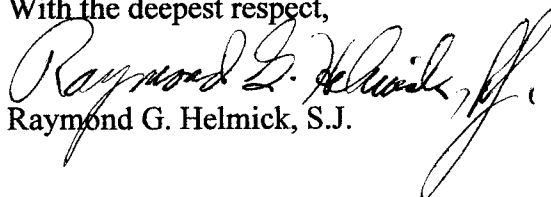
What other options will work? The election you propose is not likely to accomplish any of what you hope. Very likely it would mean that you lose the Presidency. Even if Hamas did not retain the parliamentary majority, they would be uncontainable within Palestinian society and the Assembly, and no government could function without them. This would likely cause a full breakdown of Palestinian society into civil war, than which no greater tragedy could affect it as it would mean the loss of all your hopes, but the economic boycott would continue, unaffected by your efforts.

With a Palestinian people united behind a unity government, you have the option of going to the international courts, to the Israeli Supreme Court itself, to the public opinion of the European Union and the wider international community represented in the General Assembly of the UN to accuse your persecutors of crimes against your people in their maintaining this boycott. This will take you time, but it is time in which you would not overcome the boycott by any other means. And you would have behind you a united Palestinian people who could resist these crimes together, rather than taking out their frustrations – they are you own frustrations – against each other.

Hamas is your political rival, not your enemy. It can no longer be said that the PLO (even with the multiple parties within it) is the sole legitimate representative of the Palestinian people. The Palestinians are now, in fact, a multi-party political system, and that is a democratic gain. Your Fatah people, and the followers of Hamas, need now to demonstrate, even to yourselves, your capacity to work democratically within this better system that has evolved among you without resorting to violence against one another.

I am no enemy of Israel, in fact I believe myself a better friend to Israel than those who propose or defend a hard line for it. The tyranny they exercise against your people contains the seeds of their eventual self-destruction. You yourself can do a more friendly service to the Israelis by uniting with Hamas in opposition to their injustice than by conforming to their coercive demands.

With the deepest respect,


Raymond G. Helmick, S.J.



May 1, 2007

Secretary of State Condoleezza Rice
Department of State
Washington, D.C. 20520

Dear Secretary of State Rice,

Christ's Peace!

As you have made your visits to the Middle East, and as the Saudis have tried to revive the 2002 Arab League proposal of peace, the neuralgic point for Israel has still been the question of Palestinian refugees. Throughout the period of negotiation, from the Madrid Conference to the present, the Israeli nightmare has been of millions returning to Green Line Israel, changing the demographic character of their society.

I have in fact talked of this frequently, ever since the mid 1980s, with Yasser Arafat, with Prime Ministers Shamir and Rabin and their successors, with the Reagan, George H.W. Bush and Clinton administrations, and don't believe the refugee question constitutes any insuperable problem. The very terms of General Assembly Resolution 194, of December 11, 1948, actually point to the solution.

The resolution offers return to their homes "at the earliest practicable date" (some 69 years ago), to those refugees who will "live at peace with their neighbors." The "live at peace" requirement would have entailed enormous difficulties even at that time, but they are compounded by the passage of time since. Both the disposition to "live at peace" and the practicality of it enter into consideration. The actually improbable case of a return of millions to Green Line Israel, reversing the whole demography of the country as it has developed since 1948, could clearly not happen in peace. This is a consideration for Palestinians as well as for Israelis, as it would be unconscionable to thrust any families who might return into conflict with unwelcoming neighbors. Consequently any question of implementation necessarily demands negotiation of acceptable numbers, and that between parties recognized as equals before the law.

The whole situation is further complicated by the settlement movement in the occupied territories since 1967, escalating right down to the present day. This in itself is the same kind of forcible attack on the basic demography of the Palestinian territories as, we all recognize, should not be made on the territories of the state of Israel. We used to hear of the settlement movement as "creating facts on the ground," a program that is still actively pursued even though it has become disreputable to call it that. But those facts are now actually on the ground, and as a practical matter we have to reckon with them.

The proposal I talked through with Arafat over many years, and frequently put before successive Israeli prime ministers, was that Palestinians ought to recognize how important it is to Jews that some of them might live in the territory of the ancient kingdoms. Palestinians should facilitate that, not by surrendering still more territory but by welcoming Jews to live there under Palestinian jurisdiction.

The story of the Bible is of the West Bank, not of Tel Aviv or Gaza. Hebron is the test case, but the Jews who currently live in Hebron are the wrong ones. Their purpose in being there is to harm Palestinians, often to kill them, consistently to destroy their livelihoods, terrorize them and drive them from their homes. Israeli government, as the stronger party, has at least as much responsibility to remove the agents of such activity from there as Palestinians have to deal with their own terrorists. But for religious and historical reasons some Jews should be able to live there, those who would meet the same test as GA Resolution 194 requires of Palestinians, to live in peace.

I have always proposed this with the understanding that Jews in the state of Palestine should be able to keep their Israeli citizenship and vote in Israeli elections. Initially I used to recommend that they be required to choose one citizenship, Israeli or Palestinian, but on reflection I see no trouble with their holding a dual citizenship if they choose, but be subject as residents of Palestine to Palestinian law.

What numbers might be expected to remain in the Palestinian territories under those terms? Currently there are close enough to half a million (a number that at least doubled during the Oslo period) between what Israel regards as West Bank and the occupied areas of East Jerusalem. Those numbers might be reduced if, by agreement on a shared Jerusalem, some settler neighborhoods were conceded to Israel, and if some minor exchanges of territory put some settlements on Israel's own side of the border – certainly not such areas as Maale Adumin or Ariel whose whole function is to carve up the Palestinian territory into separated parts. My reckoning, which can only be speculative but seems quite reasonable, is that not more than a hundred thousand would choose to remain so, under the jurisdiction of Palestinians, a manageable number that would not constitute an assault on Palestinian demography.

But this should be a reciprocal arrangement. A comparably bearable number of Palestinians should be allowed, by negotiated agreement, to move (“return”) into Green Line Israel, perhaps with some preference for family reunion, to live under the same kind of requirements: able to obtain Israeli citizenship if they chose (as one might expect they would), to retain their Palestinian citizenship and vote in Palestinian elections, but to live subject to Israeli jurisdiction and, of course, in peace with their neighbors.

Given this agreement on population, what Israel and a Palestinian state need is an open border, as open as that between Massachusetts and Connecticut. Both peoples would then have their state, with internationally recognized borders, each with all the institutions of state and society, but at the same time each would have access to the whole territory. Israeli Jews would no longer be confined to their narrow boundaries, but could range the whole Middle East, and Palestinians would no longer live in the prison-like

circumstances to which they have been reduced, increasingly, over the years of their occupation.

Could we be confident that numbers would remain manageable? Mass return of Palestinians, whether to original homes in Israel or to a West-Bank/Gaza Palestinian state is not what we should expect. I kept asking Arafat over many years to have a serious study done of who would actually want to return. The most practical way this was done was during the Taba negotiations early in 2001, when a committee under Yossi Beilin and Nabil Sha'ath crunched the numbers and found that they were in fact quite manageable. They relied on the good information in the hands of the Canadian government, which since the Madrid conference has chaired the multilateral study of refugees in the area.

Whether the two populations could safely meet with each other, after all the violence each has visited upon the other, must also be considered. The best indication of this is the way they were able to mix after Oslo and the establishment of the Palestinian Authority. Palestinians in fact always remained at risk in Israel, but for Israelis those territories that came most completely under Palestinian jurisdiction, Area A, became safe and welcoming places for shopping and recreation. Feelings had been very hard before Oslo, and they hardened again under the disillusionment that followed from what people saw as betrayed expectations, but the Palestinian population had shown itself ready and eager to welcome Israeli Jews among them on territories that the Palestinians experienced as their own.

I've tried here not only to show that this problem is soluble but to humanize the solution. All this had been so much discussed, over many years, that it was actually on the table as part of the Palestinian proposal at Camp David, not much noticed, as it was of a different character from the iron-clad proposals submitted by Americans and Israelis. I hope you will find that it merits a close look.

In Christ,

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Instructor in Conflict Resolution
Department of Theology
Boston College

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Program in Preventive Diplomacy
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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

May 14, 2007

Secretary of State Condoleezza Rice
Department of State
Washington, D.C. 20520

Dear Secretary of State Rice,

Christ's Peace!

I wrote you recently, May 1st, recognizing the stalwart effort you have made to reopen peace negotiations between Israelis and Palestinians. They have made you the most interesting person in the Administration. I wish you well in every way in that most necessary work

In that letter I wrote of the refugee aspect of the conflict, which I see as the most neuralgic single feature in the eyes of Israelis, but in fact quite a soluble problem which I don't believe should be an insuperable obstacle to making peace. My friends mention that Jerusalem too is an issue fraught with a vast amount of emotion by both Israelis and Palestinians, but I find there is a basic recognition on the part of Israelis that something must be resolved about sharing the city, while there is little or no such recognition in the matter of refugees.

I wanted to emphasize, though, with this letter, how central this issue of Mideast peace is to the whole position of the United States anywhere in the region, including Iraq, and consequently to commend you for the work you are putting into it. I have rather resolved, as one who has been involved with this question over a great many years, to write to you occasionally, taking up one sticking point after another.

Among the candidates already out and running in the presidential race, with the Democrats so anxious somehow to get out of Iraq, Senator Barack Obama has recognized what by now has become a truism, that there are no good options in Iraq, including any of the Democrat urgings for either a quick or a more temperate withdrawal. I have written this often to President Bush over recent years, and urged the point strongly to former Secretary of State Baker when he and Mr. Hamilton were researching their Iraq Study Group report, that when faced with a situation of no good options we must approach our problem from another direction.

The reputation of the United States has suffered so badly in the eyes of everyone in the Middle East, including our best friends, that our good intentions are never assumed with regard to Iraq or any other part of the region. If, however, we were to address the Israeli-Palestinian conflict successfully, it would take so much of the venom out of the

Iraqi situation that we would again have a voice there, which now we have not. I've read just today of how King Abdullah of Jordan exhorted Vice President Cheney about this.

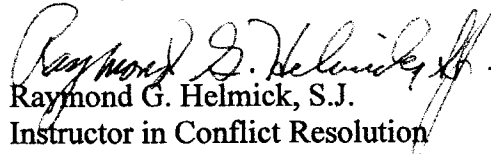
It would not solve the conflict between Sunni and Shi'ite, but it would make it possible for us to be taken seriously again, and create the option, say, for a Dayton-style summit, free negotiation held among the Iraqi parties somewhere outside the country, which might address the problems that are so difficult to deal with in the actual setting of the Iraqi Parliament. But until the reputation of the United States is better, there are no such options.

Short of our being seen as working seriously, and successfully, at Israeli-Palestinian peace, anything else we do with regard to Iraq is doomed to almost certain failure. We may withdraw our troops or keep them there, increase or decrease their numbers, set whatever timetables we will, fulfill or not fulfill any other of the recommendations of the Baker-Hamilton report or any other advice we might receive, but if we are still seen as failing our responsibilities over the Israeli-Palestinian issues all of that will simply be moving about the deck-chairs on a sinking ship.

This is not an appeal to abandon the Israelis or put them at a disadvantage. They have trapped themselves in a terribly dangerous corner. Most of Israel knows and acknowledges that they must make genuine peace with the Palestinians, but they need our American help to budge off the untenable positions they have taken. A scrupulous attention to international law and American commitment to fair process between these parties who are equally to be protected by that law will ensure the safety and the peaceful future of Israel as well as of a Palestinian state. As daunting as the prospect may seem, to Israelis or Americans, both will be very happy to see it accomplished, and the reputation and good standing of the United States will be utterly transformed in the region and in fact in the wider world.

I recognize and applaud the good will with which you have been acting in this matter, and hope you will have the needed support in the Administration. With all best wishes, I am yours

in Christ,


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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

May 14, 2007

President Mahmoud Abbas
Palestinian Authority
Ramallah, Palestine

Dear President Abbas,

Salaam!

The news these last two days, of renewed shootings and killings between Hamas and Fatah in Gaza, has been devastating. You, meaning all the Palestinians, are not winning. Rather, the Palestinian cause, for a just peace with Israel and the establishment of a Palestinian state, suffers enormous damage through these repeated episodes. The fighting appears to have started, this time, with the shooting of a senior commander of the Al-Aqsa Martyrs' Brigade, at least nominally a Fatah affiliate, but more often it appears to stem from actions by armed Fatah units, official or unofficial, whom it is Fatah's responsibility to control.

It is my own fear that you are urged by my own government, the United States, to marginalize Hamas, to refuse to recognize the rightful position it has gained through the election of January 2006, and to arm your security forces, with American help, not to provide for the security of your Palestinian people but to outgun the forces of Hamas.

This cannot serve either the purposes of your own party nor those of your people. You may deprive Hamas of the credit of providing good government, but you will not regain the trust or favor of your own people except by accepting what your people have chosen and working in concert with the Hamas government, as both of you promised at Mecca.

Where are the problems? One is that the cease-fire reached with Israel over Gaza has not been extended to include the West Bank. This has terrible consequences. The cease-fire itself is endangered every time a rocket goes over into Israel from Gaza. It is in the interest of Hamas and of yourself as well to stop those, as you could, in concert. But this is made impossible, for Hamas or for you, so long as the Israelis are still conducting raids on West Bank cities, killing Palestinians on suspicion and, always, the civilian innocents who are called "collateral damage," demolishing houses, building new settlements and conducting all the other activities that result from the lack of a West Bank cease-fire. Every such incident inflames sentiment in Gaza and occasions more rocket firings, while the Israelis complain and prepare for a new massive invasion of Gaza itself. The clearest single priority for your people must be the establishment of that cease-fire in the West Bank, as the one thing that will make a full cease-fire in Gaza possible.

I would hope that, in your dealings with Secretary of State Rice, when she or her representatives attend your scheduled meetings with Prime Minister Olmert, that this would be the first topic every time. Nothing else will succeed for your people if you and the Hamas leadership cannot cooperate, and these things are linked together. A West Bank cease-fire is the condition without which Hamas will be unable to stop the rockets.

After all the years in which the PLO has been, as both the 1974 Rabat summit and the Oslo Accord have said, the "sole legitimate representative of the Palestinian people," the Palestinians have now truly become a multi-party society. Hamas too has now gained legitimacy as a representative of the Palestinian people. This is democratic gain, as you are now no longer, effectively, a one-party system. You should be grateful for that. But you need to recognize that, in such time of crisis as your people now experience, the only mature path for your rival parties is to cooperate for the good of the whole people. That cooperation is to the advantage of your own Fatah Party as well. The trust people once had in you was eroded over the long time that your party had effectively sole sway, and can best be rebuilt now by that cooperation.

I wish you well in your vitally important task. You and your people are always in my prayers, as is the hope for peace between you and the people of Israel. I have every hope and expectation that this will be the ultimate program of Hamas as well.

With all best wishes,

sincerely,


Raymond G. Helmick, S.J.
Instructor in Conflict Resolution
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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

June 15, 2007

President Mahmoud Abbas
 Hamas leader Khalid Mish'al

Dear President Abbas, Mr. Mish'al

Salaam!

We hear that Hamas now controls the Gaza Strip, that Fatah controls the West Bank. We have need of Palestinians here, that you, President Abbas, and your Fatah party, that you, Mr. Mish'al, and your Hamas Party become once again Palestinians.

That your parties and their police and military forces should fight for Fatah or for Hamas is tragedy, utter forgetfulness of who you are and betrayal of Palestine and all your people.

We cannot forget that it is the Israeli policy, fully backed by the United States, that has left all your armed protectors and many others of your people without salaries or income for the last year and a half, deliberately producing the desperation we see among them; that Israel and the United States have worked energetically to prevent your elected government from governing, whether during the time of Hamas government or in the more recent time of unity government, and have assiduously promoted alienation and eventual armed warfare between Fatah and Hamas. One result, intended from the start by the Israelis and U.S. governments, is that you have both lost control of the armed groups attached to your parties. But you yourselves cannot be excused for falling into the trap so carefully prepared for you.

Who is now in military control of the Gaza Strip? Palestinians!

Who now controls, militarily, the West Bank – apart from the Israelis, who ravage it without hindrance? Palestinians!

You cannot now build your choices and actions on the narrower political identity of those Palestinians in military charge of these areas as Hamas and Fatah without descending further into the hell of civil war, to the destruction of the hopes of all Palestinians.

The armed bodies of Hamas and Fatah need to be recognized as Palestinian. The leaders you set in charge of them need to be agreed between you, not representatives of either of you against the other. Nothing other than division and the wreckage of Palestine can be expected if they act or are seen as trying to exclude one another. Only when they are recognized by both of you as Palestinian, accepted by both parties, can they cease

their hostility to each other and act for the common good. There is no advantage in either of you having military advantage over the other.

President Abbas, you have taken too seriously the declarations of support for your party, and assistance in arming your party forces, from Israeli and American politicians. They are not promoting justice or a future for Palestine. They seek only your division, for the purpose of further expansion of Israeli settlement. Yielding to them exposes you to the charges of collaboration in harm to Palestine that you now hear so loudly. Even the statement of Secretary of State Rice that the U.S. would stand behind Fatah, or the blandishments of Prime Minister Olmert, are promotion of further division, actual arguments for civil war, to the grave damage of all Palestinian hopes.

Mr. Mish'al, refusal by your colleague, Mr. Haniyeh, to recognize constitutional legitimacy in President Abbas's dismissal of the unity government only contributes to the demise of the Palestinian cause. You too, Mr. Haniyeh and Hamas need now to be Palestinians first.

You are said to be the pawn of Syria and Iran. Distinction needs to be made here. Syria for some time has been offering peace to Israel in the matter of the Golan Heights, while fully supporting a Palestinian state on the 1967 lines. Israelis themselves, even this ridiculous Olmert government that has so little support in Israel that its legitimacy must be questioned, have been inclined to respond to these Syrian advances, but have been prohibited from doing so by the United States. Syria should not therefore be regarded as using you as a pawn. But Iran is another matter. For them you are simply a tool for purposes that have nothing to do with justice for Palestinians.

What all of you, Hamas and Fatah, Palestinians all, most need at this juncture is to re-establish a true unity government, calling again on the assistance of the other Arab states, as you found it at Mecca. You are two parties, both Palestinian. You are no longer a single-party system. That is a gain for your democracy. But as in any democracy, your different parties, while advancing your own policies, need to work for your country, not against it as divisive forces.

Should this be a government of resistance to occupation or one of cooperation with Israeli and American efforts? This crisis has demonstrated that American and Israeli policy is not for the promotion of justice for Palestinians and the genuine establishment, on an equitable basis, of the two states they speak of. A true Palestinian government can only be one of resistance, common resistance by Hamas and Fatah, to designs meant for the destruction of Palestine. Collaboration is not an honest option unless or until you receive evidence of true support, by Israel and the United States, for a real Palestinian state that you can treat with respect.

But while recognizing all of that as fact, Palestinians must also recognize the futility of armed insurrection. The Israelis can crush you easily any time you resort to military force. It is a folly as great as this fighting between yourselves into which you have allowed yourselves to be lured.

Your only realistic option, and one that actually cannot fail to succeed, is a fully mobilized popular non-cooperation with occupation, a serious campaign of non-violent resistance. Neither of you can organize that by yourselves. You can only do it together.

I write this as one committed to the peace and safety of Israel itself. Look at the Israelis. These are people with whom you can live in peace, in a state of your own alongside theirs. That has been the actual decision of the Palestinian people for many years. The craziness of many of their governments, and their craven subservience to the criminal elements in the settler movement, work always to the detriment of Israeli society itself and do not represent the large plurality of Israelis who are prepared to live in a state alongside you in peace. Part of your task, in non-violent resistance to occupation, is to liberate these Israelis to follow their own better instincts. Only so will they be allowed to enter into comity with the Arab world in the midst of which they live, and which itself has offered them that comity in the Arab peace plan of 2002 and 2006.

With great concern and respect for you both,



Raymond G. Helmick, S.J.

Instructor in Conflict Resolution

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Center for Strategic & International Studies

Washington, D.C.



July 4, 2007

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

What Hamas has done in bringing about the freeing of Alan Johnston is a great credit to you all. I am very glad to see Mr. Johnston himself free, but even more so to see Hamas get the full credit for it. For this I congratulate you and Prime Minister Haniyeh. It demonstrates also the order and lawfulness Hamas is now bringing to the Gaza Strip.

Those who want to divide the Palestinians and render them still more powerless, whether in the American or the Israeli government, have been very properly embarrassed by this demonstration of Hamas good will. I'm sure you are conscious of this.

Writing to you on many earlier occasions since Hamas won the election of January 2006, and in our conversation when I visited you last August, with Rev. Jesse Jackson, I have always urged that you and Hamas adopt an entirely non-violent resistance strategy, as far more effective for the interests of your people than anything you can do by armed resistance. The difficulty with that, of course, is that the Israelis never cease their own violence toward the Palestinians, even when you have held conscientiously to your *hudna* decisions over long periods of time. Now, by an act of clemency which you had to obtain by insistence on your lawful authority over the kidnappers of Mr. Johnston, you have put the Israelis at a disadvantage.

I hope you will be able to hold that moral advantage. You may expect that the Israelis will try to provoke you to some new violence for which they will be able to blame you. You surely understand that they so much control public opinion in the power centers of the world that any violence of theirs will be disregarded and any violence of yours held against you. Might I suggest this: that when they next attack your people in Gaza, as they doubtless will, that you do not respond by sending rockets into Israel (to Sderot, which is as far into Israel as you are able to send them), but confine yourself, in any use of arms, strictly to defense of your own people in the Gaza territory. That cannot be held against you.

I was especially glad to see that, in forcefully requiring the release of Mr. Johnston, you found the way not to attack the Army of Islam and the Dagmouh clan, nor the Popular Resistance Committees, but instead to persuade them to accept the elected authority of Hamas and put themselves and their weapons under its discipline.

This is important, that you not divide the Palestinians by fighting against other factions, but bring them into free participation in the people's resistance to occupation under the authority of one lawful government. For the sake of the Palestinians who put their trust in you, Hamas needs to be a uniter, not a divider.

Your Fatah rivals currently accept the temptation to divide your people. Hamas would fail of its own mission if you were to do the same. The Palestinian people will not long tolerate such division. I have known since I first watched the behavior of Sheikh Ahmed Yassin that, while he led an alternative Palestinian party, he was always careful not to undermine the authority of Yasser Arafat or the PLO and divide the people. Now the PLO and its Fatah Party are no longer the leaders of an effectively single-party system. Hamas has asserted itself as a rival party that can no longer be brushed aside, but the people is still one. In your rivalry with Fatah, both you and they are held to serve the interests of that one people.

It may be that some of the leaders of Fatah have erred to the point of making themselves no longer trustworthy, by acting according to the dictates of an Israeli government and its American mentors that seek to weaken the Palestinians. It is difficult, after all the trials they have been put through, for those who follow Fatah to recognize how false their course has been, but they too will realize that they must be one people with you. You need to remain ready to reconcile with them when they are ready. The principle is the same as you have recognized in deciding to bring the Dagmoushes and the popular Resistance Committees into cooperation with you rather than attacking them.

How then can you best build upon the victory you have won through the release of Alan Johnston and exploit it for the interests of all your people? Obviously you have understood well that your first task is to bring peace, lawful order and good government to the Gaza area that you now control, free from the efforts of Fatah followers to prevent you from governing.

When Rev. Jackson and I visited you last August, we spoke much of the prisoner you hold, Israeli soldier Gilad Shalit, and I was glad to see that his release was one of the topics that Hamas people discussed in the aftermath of the release of Alan Johnston. When we spoke of this in August, you looked for exchange of prisoners, all the women and children among the 11,000 Palestinian prisoners the Israelis hold and another 1,000 besides. Looking at it now, I think that the Israeli government is actually too weak to agree to this, and that consequently such a demand will accomplish nothing.

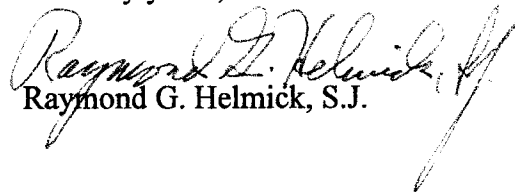
I am in no position to decide anything about this, but I give you my opinion that you would accomplish more now by releasing Shalit unconditionally than by demanding a quid-pro-quo release of prisoners. You have been conforming conscientiously to your responsibilities under the Geneva Convention in your careful treatment of Shalit for more than a year. His father has been more than admirable in the conduct of his appeals to you and to his own government. We met him and the whole family last year after we had

visited you in Damascus, and the families of the two Israelis held by Hezbollah as well. They were anxious to have a sign of life, and you have recently given that.

What you would gain now by an unconditional release of Shalit is to shame this Israeli government and the Americans who urge them on to shameless behavior. Do not believe that either the Israeli or the American people are so blind and unfeeling as their governments. Both will recognize such an action as a sign of your compassion and commitment to justice, that justice which is won by restoring shattered relations among people. Winning the moral high ground is of the greatest value to you, and you have succeeded so well at this by gaining the release of Johnston that this is the right time to build upon that. Your demand for the release of Palestinian prisoners will be far more effective after a release of Shalit than it would be before.

I thank you for the excellent lesson you have given to Israelis and to my own American compatriots, truly a lesson in Islamic virtues, by your action in the release of Alan Johnston. It was good, Mr. Mish'al, to hear you speaking yourself, in English, to the BBC this morning. As one who befriended and respected Mr. Arafat over many years, I recognized that, in your calm and positive way, you did it far more effectively than he was ever able to do, and I encourage you to do that more often. With all best wishes, and my prayers for justice and peace for you and for your people, and for the people of Israel as well, I am

sincerely yours,


Raymond G. Helmick, S.J.

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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

December 12, 2007

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

It is some time since I last wrote to you, on July 4th of this year, after Hamas had brought about the release of British journalist Alan Johnston. My recollection of the gracious reception you gave us a year ago, when I visited you along with Rev. Jesse Jackson, remains strong.

Now I see with satisfaction that, in the aftermath of the Annapolis meeting, with its very slight results, King Abdullah of Saudi Arabia has made friendly contacts with both President Assad of Syria and the Tehran leadership, and has been followed in this by Egypt; also that you yourself have been to see King Abdullah and that you and Hamas remain steadfast in trying to renew relations with President Abbas and the ideal of a unity government of Palestine. I applaud your readiness to enter into joint effort with President Abbas, despite the hostility he has shown toward Hamas. Nothing other than cooperation between you can represent the Palestinian people.

King Abdullah has exercised important leadership in the whole issue of the Israeli conflict, presenting in 2002 the Arab Initiative for which he won the endorsement of the other Arab countries. His renewal of that offer last year has far more relevance to the real situation than the Bush "Roadmap" plan. His sending Saudi representation to Annapolis set that initiative at the center of the table and I expect that it was because of this Saudi action that the other Arab countries, including Syria, attended the conference. That the conference itself should be as hollow an exercise as it was should not surprise us. The Arab Initiative remains now the basis for any process that will emerge. The emptiness of what Mr. Bush and his Secretary of State have been able to accomplish is doubtless the reason these countries are now approaching Iran and Syria.

I quite understand your disapproval of the Annapolis conference, if only for the reason that it was not legitimate to exclude Hamas. Without you, the other participants are not addressing the Palestinian people, but only a part of them. Nevertheless, a process has been started which, for lack of real content on the side of the U.S. and the Israelis, is now an Arab process, and should now be made to include you.

I recall quite well what you told Rev. Jackson and me last year:

- that Hamas has for its objective a Palestinian state on the 1967 borders;
- that you do not recognize the legitimacy of Israel as a state but recognize it as a fact;
- and that it is not the intention of Hamas to destroy it.

You impressed upon us, too, that you have no antipathy toward Jews, and even pride yourself on the ways that Islam has been their refuge in times of trouble, but that you reject occupation. Clearly this has much affinity with the Arab Initiative promoted by King Abdullah and endorsed by the states of the Arab League.

My assumption from that is that Hamas will in fact embrace the opportunity, if there is one, to establish a genuine and just peace for both your peoples.

I want to put before your attention a suggestion that has been put before me, one that may help with the most critical matter that has to be addressed if the Palestinian people are to have relief from their misery and an end to their deprivation. This is the right of return for Palestinian refugees.

Everyone has known for a long time what the substance of any agreement must be: a Palestinian state on or very close to the 1967 borders (with full territorial compensation for any change), a shared Jerusalem that will be capital of both states, and a negotiated resolution of the refugee problem that does not destroy the demographic character of either state. We all know that the Israeli settlement movement has been an attack of that character on the Palestinian territory.

Dr. Michael Sanders has proposed what he calls a “**New Paradigm**.” I will attach here the plan as he has written it himself. Essentially it differentiates between residency and citizenship, so that Jews could live in the Palestinian state and Palestinians in the Jewish state, retaining their Israeli or Palestinian citizenship but living under the jurisdiction of the state in which they resided. I believe this is well known to some of your Hamas people and has received favorable comment from them.

Essentially it is an adaptation of the Arab Initiative to make it more likely that Israelis will accept it. If you were able to recommend it yourself, that would doubtless make it more attractive to King Abdullah, who carries all that leadership among the Arab states.

The plan resembles in many ways a proposal that I began proposing myself, to Chairman Arafat and to the succession of Israeli prime ministers and U.S. administrations ever since 1985. I was convinced, even then, that if one were to anticipate the existence of two states living side by side within these narrow bounds, there had to be an open border, without which neither the Israelis nor the Palestinians could ever be at peace. How could this be? Surely it required the establishment of stable friendship between

Israelis and Palestinians. It should be remembered that at that time Palestinians easily crossed into Israel for work and border controls hardly existed.

As I formulated it then, it was that Palestinians should recognize what importance it had for Jews that some Jews should be able to live, especially for religious and cultural reasons, in the territory of the ancient kingdoms. They should be able to keep their Israeli citizenship if they wished, I proposed, and vote in Israeli elections, but live under the jurisdiction of the Palestinian state.

Settlers were not so numerous then, but it had already become evident that the settler movement aimed at destroying the demography of the Palestinian territories and, if possible, driving the Palestinians out of them. I reckoned that the number of settlers who would choose, under those circumstances, to remain in the Palestinian state would not be so many as to change its demographic character, and also that they would be those who came in peace to live among Palestinians, not to destroy them. It would then, of course, be a major responsibility of the Palestinian state to provide for their safety. The numbers, I believe, despite the greatly increased number of settlers since that time, would still be manageable. Nothing like the number now settled on Palestinian land would agree to live there under these circumstances.

Such an arrangement had to be reciprocal. Comparable numbers of Palestinians should be accepted into Israel on the same terms, able to keep a Palestinian citizenship (which of course, did not then exist, nor does it now) but live under Israeli jurisdiction.

Numbers needed to be agreed, freely negotiated. I had not formulated this in 1985, but the more I reflected on the much contested Palestinian "right of return," the more I realized that the actual language of UN General Assembly Resolution 194 contained the solution to the Israeli nightmare of several million Palestinians suddenly returning to Green-Line Israel, transforming it into a minority-Jewish state. Return of those refugees could only be "to live in peace," a condition that could not be met if the Jewish character of the Israeli population were destroyed, just as there would never be peace if the character of the Palestinian territory were destroyed. That meant necessarily that the matter of numbers had to be the subject of negotiation and uncoerced agreement between the parties.

Elements of this had been growing with me since the New Year of 1983, when I took part in a conference in Tel Aviv, and had realized how confining were the boundaries of Israel to its citizens, who were not free to travel the range of the Middle East. If they had peace on these terms, I argued then, Israelis and Palestinians would each have their own state, with internationally recognized borders, and all the institutions of their own state and society, and each would also have access to the whole territory, and the freedom of the rest of a reconciled Middle East. It was when I heard, in 1985, from an influential Israeli a formula of the three most basic requirements for the Israeli state – that it be Jewish, democratic and safe – that I realized how essential was the open border, as a fourth fundamental interest of both Israeli and Palestinian societies.

I put all of this to Yasser Arafat and several members of his Executive Committee when, in March of 1986, I spent three days in conversation with them. It had already been in a report I sent to the friends in the U.S. State Department after a 1985 visit to the whole region by a Christian-Jewish interreligious party with which I traveled that June.

To Arafat, I put it that Hebron was the test case of the need to accept Jews in a Palestinian city, with the observation that they simply had the wrong Jews there, people who had come to drive Palestinians out, but that Palestinians needed to be open to the presence of Jews who would come in peace. I found all of this acceptable at that time to the Palestinians I consulted, to leadership people like Arafat and his immediate colleagues, and to ordinary Palestinians as well. By the time of Camp David, after I had persisted with this through all the intervening years, this was actually part of the Palestinian proposal, of which we hear rather little since it is more fashionable to say that the Palestinians made no proposal.

But I kept proposing and describing this to each Israeli prime minister as well over the years, beginning with Shimon Peres, who had the office until October of 1986, then to Yitzhak Shamir after the rotation of the office, and to each other prime minister as well, and also to each U.S. administration beginning with Ronald Reagan.

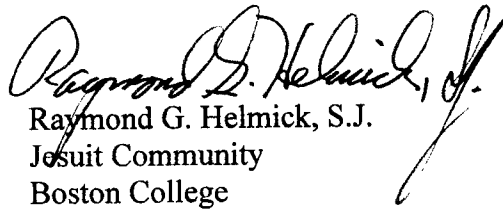
I used to insist, in the earlier years, on the idea that Israelis living in Palestine or Palestinians living in Israel should have a choice of citizenships, one citizenship and not a dual citizenship, expecting that Israelis would tend to choose their Israeli citizenship but that Palestinians, seeing such advantages as come to Israeli Arabs, would more likely choose the Israeli citizenship too. Eventually I came around to the idea that people should be able to have dual citizenship. But at the center of the concept was the open border, a border as open as that between Massachusetts and Connecticut, between states that had their internationally recognized borders and territories and all the institutions of state and society, but peoples who had access to the whole.

Possible? Closed and heavily armed borders, checkpoints, crossings, danger to either population in each other's territory, terrorism, massive and constant military assaults on civilian population, all things that were not seen in the 1980s when I first began to propose this to all the parties, are now the common experience. When I see, however, how the two populations related to one another in the aftermath of Oslo, even though they had regarded one another as enemies until then, with joint police-army patrols and cordial welcome to Israelis in those Palestinian cities, at least, that became Area A, I believe this is possible once a regime that both sides can consider just will have been established. It will probably require a substantial period of adjustment and special protection for those living in one another's territories, but the good will is there.

The formula as proposed by Michael Sanders in his "New Paradigm" peace plan sets this kind of procedure in direct and intelligible terms, such that it could become an added feature of Arab Initiative, as proposed by King Abdullah. If he were to endorse this, the initiative would become far more attractive to those Israelis who genuinely look

for peace with your Palestinian people. It would also give the King a much stronger hand to bring about a restoration of the unity government.

You have my deep respect and my prayers for the success of your people in their search for justice and peace.


Raymond G. Helmick, S.J.
Jesuit Community
Boston College



December 18, 2007

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

I wrote to you just last week, calling your attention to the suggestion Dr. Michael Sanders had made regarding a distinction between residence and citizenship to make possible the residence of Israelis and Palestinians in one another's state territories, what he describes as a "New Paradigm."

Since then I note that David Kimche has published an article in *The Jerusalem Post* that called for the Israeli government to find a way of communicating with you about the establishment of a long cease-fire, a *hudna*, which would make quite a number of things possible. That you yourselves in Hamas have long been offering that very thing, in fact observing it yourselves without imposing it on others, is quite evident.

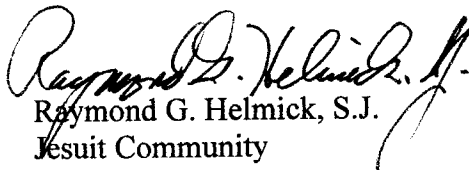
Kimche, I know, as veteran diplomat for Israel, is often used by their government for trial balloons. Since he published his article, there has been no hue and cry in Israel protesting it. The Israelis have been carrying on aggressive military operations in Gaza, but notably they have been attacking Islamic Jihad rather than Hamas members. He mentions prominent Israelis, some of them surprising names, who would favor his proposal. He is one of many Israelis who have given their endorsement to the "New Paradigm" idea which, as you've seen, is close to the recommendation I have been making myself for many years of ways to allow Israelis to be resident in Palestine and Palestinians resident in Israel, with an open border between them that preserves the integrity of each state without creating barriers.

Kimche's suggestion, in this case, is for a third-party intermediary, not an Israeli, to ascertain what would induce you to enter into this kind of relation. If what you seek is, as I understand, a Palestinian state on the 1967 borders, an announcement on your part that Christians and Jews could be resident in it would go far with the Israelis. If your objective is to secure proper borders for such a state, then the long-term *hudna*, including a guarantee against the rocket attacks, would be a means to attain them.

If it should please you, I would gladly come myself to Damascus, as I did in August of last year, to discuss this with you. Last year I came in company with Rev. Jesse Jackson. This time, if you would approve it, I would come in company with Dr. Michael Sanders, the author of this creative idea.

It has always been my observation, in meeting the responsible people in a great variety of conflicts, from the Northern Irish to the Balkans to East Timor and many others, that bright ideas accomplish very little unless the parties to the conflict really want to resolve it, but that once the parties do want that, the bright ideas come readily. It is my impression that you and the Hamas movement really do want to bring this conflict to a just resolution and would consequently be interested in creative ways to accomplish that.

I would appreciate your response, and do pray fervently that your people's long agony may be brought to an end.


Raymond G. Helmick, S.J.
Jesuit Community
Boston College



December 26, 2007

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

Up to this date, the actions taken by Hamas over these last weeks, promoting a *hudna* with Israel, and the statements you have encouraged Prime Minister Haniyeh to make have not resulted in the mutual cease-fire between you and the Israelis which, I am sure, you hoped for. Prime Minister Olmert, in particular, has been very negative in his comments, and various other figures, even such as Shimon Peres, have joined the chorus with him. I trust you are taking note of the important Israelis who continue to respond with hope to your proposition.

I have been attending very carefully to the Israeli undercurrents in the matter, with an understanding of how very high the stakes are for you and for them and the levels of caution with which even those Israelis most disposed to hear you respond. I wish you well in this effort and hope that the desired result can be accomplished. I find that the Israelis have heard your proposals as a very temporary lull in hostilities, a brief *hudna* which, they fear, would be only an occasion for Hamas to regroup and rearm. They fear to take it really seriously. Nonetheless, the openings mentioned by David Kimche in the *Jerusalem Post* article (December 16th) that first indicated Israeli interest in a long *hudna* (<http://www.jpost.com/servlet/Satellite?cid=1196847336361&pagename=JPost%2FJPArticle%2FShowFull>), still stand.

There are things that Israelis fail to understand about Hamas, and that should not be surprising, given the lack of direct contact between them and you. For instance, even Kimche in his article assumes (paragraph 9, sentence 2): "Hamas is opposed to peace negotiations." He has read your objection to the idea that Fatah, participating in the Annapolis meeting, could speak for Palestinians as a nation, to the exclusion of yourselves, as meaning that you opposed peace negotiations of any kind. I believe that is a misreading. Moreover, he reads the "refusal to recognize Israel" by Hamas (paragraph 10) as meaning a determination to destroy Israel. From the detailed conversation Rev. Jesse Jackson and I had with you last year, confirmed when I spoke by telephone with Mr. Nazzal the next day, I know that is not the case.

It does not surprise me, therefore, to find that you and Hamas have also failed to understand precisely what Kimche's article proposed. Much of it you have read very

accurately, but what has been missed, I believe, has prevented the result which you and he have sought.

The observation Kimche makes that most corresponds to reality is that both Israel and Hamas have need of a *hudna*. Israeli government is under popular pressure to mount "a massive Israeli military operation in the Gaza Strip, aimed at crushing Hamas (paragraph 8)." Their army, while always tempted to such things, opposes that, out of knowledge that it would "be bogged down for a lengthy time in Gaza," that "such an operation would only temporarily stop the Kassams (we have been there before)," and that "there would be heavy casualties (paragraph 12)."

From this, I believe, you have concluded that the Israelis (I say "the Israelis" in the plural, because Kimche clearly does not speak only for himself) truly need a viable alternative to such a catastrophic blood-letting in Gaza, which they already know would fail of its purpose. That means, you could see, that of the two scenarios Kimche speaks of in paragraph 8, the Israelis know this one would be a failure.

But I fear that, recognizing this much, having your own needs for relief from the Israeli attacks in Gaza and your own hesitations to go too far because of how much is at stake for your own people, you have offered a *hudna* in terms that the Israelis have not yet been able to read as long-term. Therefore they are left with the precautionary suspicion that it is merely tactical. They are literally unable to be satisfied with that, in the face of their public's outrage about the rockets, and could be forced by public opinion to launch the attack they would wish to avoid.

This is a question of strategy as distinguished from tactics. I doubt that you have seen it that way, though I understand why the Israelis would read it so. The tactical choice would be to use the Israelis' predicament to your immediate military advantage, utilizing a short *hudna* for regrouping your forces. The strategic choice would be to take this moment, in which the Israelis have realized the limits of their options, as a time to initiate a real process that would lead to your people's gaining their independence, an end to the occupation and a genuine state.

I read the Kimche article, in which he too necessarily speaks with caution, as saying that this is truly on offer. I am hearing many other voices as well, assuring me that this reading is correct. I believe you have also read it as creating an important opening, but have been too cautious to respond in a way sufficient to attain the common objective. A short *hudna* will not suffice. A true abandonment of violence, which must be on both your and the Israeli side, will change the entire underlying situation. This follows from the presence of the Arab world at large at the table, led by the Saudis supporting the Arab Initiative of 2002, as I wrote to you in my letter of December 12th.

Kimche is aware that you can be trusted in this matter, that if you declare the long-term *hudna* you will be faithful to it, as you were already to the *hudna* you declared in the time of Prime Minister Sharon. You have been reluctant, even though the rockets have generally not come from you, to prohibit use of them by other organizations like

Islamic Jihad and the Popular Committees, but that is within your power if you should see the far greater usefulness of a principled non-violent resistance.

Where would such a ceasefire, the long-term *hudna*, leave your own organization, Hamas? Kimche asserts, on evidence that would be available to him as a very high-level spokesman, that President Abbas and his Prime Minister Fayyad understand as well as all the rest of us that they have no way to advance to any of their goals without restoring the unity of Palestinians. The Egyptians have been intervening to make this come about, but I am sure you understand that it is the Saudis who most support the idea of a unity government and whose advocacy of it would carry most weight with the Israelis and the U.S. government.

Who are your real political adversaries in this matter? There are plenty of Israelis who would like to sabotage the effort, but like the whole Israeli system they are weak. It is the U.S. government that has been insisting, even to the Israelis, that their Annapolis offers would all be cancelled if President Abbas and Fatah were to reconcile with Hamas. But Kimche recognizes (paragraph 9) that Israeli opposition to that is based on the (false) supposition that you in Hamas are implacably opposed to a peace settlement. Prime Minister Olmert, in his opposition, is tied to his need for the approval of Secretary of State Rice. And President Bush himself, after all the fanfare with which his Annapolis initiative was stated and "the massive backing it has received from all corners of the world," would find it very hard to back away from it.

Vital to this is the prospect of finding a way to deal with the Palestinian Right of Return. For that, the proposition of Dr. Michael Sanders, the "New Paradigm" proposal which has had so widely positive an Israeli and Palestinian reception, including by Kimche and by some members of Hamas, creates an important breakthrough.

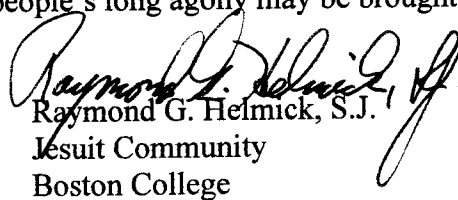
This is critical, because Kimche did not write without consulting a broad spectrum of Israeli society, including government, briefing the Quartet and meeting Tony Blair for the first time. Their consensus was that the long-term *hudna* would give the Israeli public, for whom Palestinian Right of Return is still tremendously frightening, the time to realize that Right of Return on these terms would not mean destruction of the demographic structure of their society. For Palestinians, too, this "New Paradigm" would mean that the destruction of the demographic structure of their society that has been the real objective of the settler movement would be reversed.

The time during the *hudna* would be spent negotiating the "New Paradigm." The end result could be part of the condition of the *hudna*. Both Hamas and Israel could thus accept King Abdullah's Arab Initiative as a basis of agreement, with the New Paradigm an integral part: i.e., the 1967 borders as the territory of the Palestinian state and the Right of Return based on the differentiation between residency and citizenship. (I have always taken it that, when you say 1967 borders, the shared Jerusalem as capital of both states is implicitly included.) The question that Kimche asks is: if that is what the Arab states and Hamas have been asking, why shouldn't both parties go ahead and accept it?

The only demand it makes on Hamas or other Palestinians is the right of Jews and Christians to live in an independent Palestine, and that is already in their charter.

With stakes so high for you and for the Israelis, it seems to me that you are in the better position to make the breakthrough that would oblige the Israelis to follow. I have been citing the David Kimche article so extensively here, making this letter so nearly an "*explication du texte*," that I will attach it here along with this letter. With it, I will also attach the very perceptive article by Henry Siegman, which is about to appear in the December 31st issue of *The Atlantic*. Siegman, with his eminent good sense, does not speak for the Israeli establishment in the way Kimche does, but his insights carry great influence in the more thoughtful part of the Jewish community in the U.S.

My prayers, once again, that your people's long agony may be brought to an end.


Raymond G. Helmick, S.J.
Jesuit Community
Boston College



January 25, 2008

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

You are to be congratulated on the opening of the Egyptian border with Gaza. At a stroke Hamas has overcome, at least for a time, the Israeli/U.S. effort to undermine the elected authorities of Hamas by isolating Gaza and starving out its people. Your action was carried out without violence, and thus becomes a striking example of the power of non-violent resistance to oppression. No Israeli has been harmed, but those who have striven so hard to harm you and your people have been put to shame.

I have been writing extensively to you for more than the past month about an opening which promises a genuine gain, even an opportunity for peace to all your people. I understand better now why you have not responded, as this plan, launched on the occasion of your major assembly in Damascus, must have been on your mind. The other opportunity of which I have written still remains.

Now you have the Egyptians making efforts to close the border again, so far without success, but they will be under enormous pressure from Israel and the United States to continue. That could escalate into heavy violence between your people and them. The real enmity of Egypt is something you should not incur by allowing that to happen.

This interval, before a closing of the border, especially now that the Egyptians have seen how difficult a closing would be, presents a window of opportunity for you to win agreement from Egypt not to hinder supplies from entering Gaza over their border.

I understand well the reluctance of Egypt to free Israel from its responsibility to provide supplies to Gaza, which is still under belligerent Israeli military occupation. For Egypt to become the supplier would have that result, and would further separate the Palestinian people between the West Bank and Gaza. But permitting supplies through their border would not be the same. It would effectively remove the stress of the Israeli embargo and allow Hamas to do what the people elected it for, to provide fair and clean government. It is to prevent your doing that that the Israeli/U.S. embargo policy has been created. It is the right of Egypt to have control of its own border, but you can concede that and still have the benefit of their friendship.

I am sure Hamas has won great credit among the people of the West Bank as well as Gaza by its action in opening the border. That is something that should not be lost through your subsequent actions. You can increase the gain in your standing among the people by showing Hamas as reasonable and constructive in the aftermath of this great triumph. If you now establish friendly relations with Egypt, you should be able to have their assistance, along with that of the Saudis, in your objective of reconciliation with Fatah and solidarity of all Palestinians in resistance to occupation, which you so clearly stated in your Damascus speech.

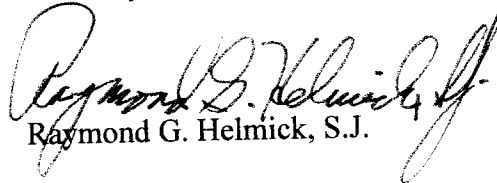
Having such a victory to your credit, it should be possible for you to base that resistance on non-violent actions like the one you have just accomplished. It would be a clear gain for you not to bear the onus of attacks that are properly described as terrorist. Your capacity for military actions is pathetically trivial compared to the Israeli ability to punish collectively all your people. They have murdered a few even in these days of the opening to Egypt, but what excuse have they to bomb you for that?

It is not right that the small population of the border city of Sderot should bear the burden of all the crimes that Israel has committed against your people. What you have accomplished at the Egyptian border exceeds to an enormous degree any discomfort you have brought to Israel by all the rockets of the last year and more and made it more likely that you will obtain the Palestinian state you seek. That accomplishment should not be wasted by reinforcing the reputation you have in the world as the attacker of innocents. It is time to put an end to that.

Israelis, a group of them with very serious influence in the country, have offered you, this last month, to put an end to the killing on either side and establish genuine communication that could lead to the fulfillment of your objectives, including even return of Palestinians to their homes. Your response was the offer of a cease-fire which they understood as only a short one, and did not see as adequate. The offer on your part of a long hudna would bring about a serious opening. I hope that is still in your sights, and once again I would appreciate it if I were able to talk with you, as I did before in the company of Reverend Jesse Jackson, and clarify my own understanding of your objectives. You have been hearing a great deal from me, and I don't yet know your thoughts or your priorities.

With best wishes and renewed prayers for the happy future of your people,

Sincerely,



Raymond G. Helmick, S.J.



February 22, 2008

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

It causes me great alarm when I see, in these critical days, that politically powerful forces in Israel are barely restrained from launching terrible attacks on your people. Some of my friends, in contact with influential Israelis, draw the conclusion that you and your colleagues in Hamas are deliberately provoking some such attack by allowing a continuation of the Qassam rocket launchings from Gaza. I don't believe that is so, but I know it is widely believed in Israel.

They ask me always why you keep the rockets coming. I think I understand pretty well why the rockets are still coming. It is because of the brutality of the Israeli assault on all the Palestinians, in the West Bank as well as Gaza; of the unrelenting murder campaign they conduct incessantly against you, with no regard for how many innocents are struck, including children; the continuing encroachment on Palestinian land by new and expanding settlements, the refusal to communicate at all with your validly elected Hamas leadership, the crippling blockade of Gaza and constant obstruction of any kind of economic life or freedom of movement even in the West Bank. All these are criminal behaviors, conducted by the highest organs of the Israeli state, beside which anything done by the Palestinians pales.

Nevertheless, I believe your response is mistaken and self-defeating. I don't believe you are alone in that, as those Israelis whom I have perceived as genuinely looking for a breakthrough to understanding with you have also made some false assumptions and drawn what I see as seriously mistaken conclusions. Because the time is desperately short before these misunderstandings would lead to a dreadful bloodbath of your people, I feel I have to offer a bit of interpretation of what I see happening.

You appear to believe that the Israelis, as a people, will respond to the rocket attacks by becoming discouraged and eventually yielding to your people because they want the rockets to stop. This, I am convinced, is a misreading of these people. Their history has been one of so much trauma, which they have sustained so long against enemies so heartless toward them, that they are inured against ever yielding to such pressure. Moreover, their more recent history, as a people overcoming these historic sufferings and triumphing over enemies, steels them against such yielding. Any such pressure only motivates them to a more stubborn and eventually vengeful resistance.

True though it is that your people are suffering immeasurably more than they, they see it nevertheless from within that history.

I know you as a man of deep religious faith to whom Islam is of great importance. I honor you for that, and know that it is characteristic of the people you lead. You told me yourself when, with the Reverend Jesse Jackson, I saw you in August of 2006 that you prided yourself in the compassionate history of the Muslims who had been the refuge for Jews throughout the many tragic centuries of their persecution by Christians, and how you understood it as intrinsic to your Islamic faith to honor the Jewish and Christian peoples of the book. That, to me, is one of the most blessed features of Islam.

It has to be of importance to you to understand rightly these people who are now your adversaries. What will they respond to?

For all the hardening of their hearts that has resulted from their experience, first, of those many centuries of violent oppression and then their triumphant resurgence, this is a people for whom it is centrally important to be righteous. This holds even for those whose actual religious faith is remote, but who know that this must characterize them as a people. It should never surprise us to see that people who have survived grave assaults will commit equally grave assaults on those they see as enemies. But if, as Jews, with this admirable need for righteousness, they see others as victims – like themselves – the thought that they would be the unrighteous oppressors is intolerable to them. Rather than that, they must try to confine their view of those they oppress and see them only as dangerous enemies.

You have seen me, in my many letters to you, always urging the ways of non-violent but organized and unrelenting resistance. I have become very familiar with Islamic teaching on when the use of force is permissible, and know that for a Muslim, as much as for any Christian who truly honors our own teachings, the use of force is not permissible when there is a genuine alternative. It is for that reason that, in my own practice, I am always intent on interpreting what is truly happening in any situation of violent conflict, in order to find what other options there are that would be credible alternatives to violence and truly as effective as means to obtain justice.

That is the more abstract and general reason to seek and cultivate the means of non-violent resistance. It is always more effective than any amount of violence. But what I describe to you is a much more particular reason to prefer it in your case. Your Jewish adversaries, because of their history, are impervious to any violence you exercise against them, and you have seen how ready they are to employ collective punishment to your whole people for attacks that are not at all comparable to their attacks on you. But their deep religious need, rooted in areas of their faith that exist even in those who are otherwise least religious in their practice, for righteousness, will not allow them to engage in or approve of oppression unless they can disguise it, as they so assiduously try to do, as mere defense.

You have been approached by Israelis who genuinely wanted to transform their relation with you, particularly since mid-December when David Kimche spoke for them. Your response was to offer a *hudna*, which I, having talked with you and seriously studied whatever I could learn of you, read in terms of your long-standing effort to establish a long-term *hudna*. You expressed it in reticent terms, as was natural enough when you did not know how far you could trust those to whom you were responding.

These Israelis, truly anxious for a breakthrough with you, did not know, any more than you yourselves, how far they could trust you. They read your response as inadequate, an offer only of a brief *hudna* that would be no more than a chance for you to regroup and rearm. They talk now of how everything that was offered is now taken off the table and that it is too late. That is familiar as an Israeli reaction. It was how they talked after the failure of Camp David, but it is untrue, and an essentially juvenile response to their disappointment.

You should know that there are such Israelis, that they are truly open to a transformation of their relation to you and your people, and that they are people of substance with real influence in their society. They offered you one specific thing as the sign of their opening, and when they then did not see you pick it up as the answer to anything you might want, they interpreted that as meaning you were dedicated to the total destruction of Israel. Consequently they are offering no serious resistance now to the plans of the most malicious Israelis to attack your people without mercy. They see you as the enemies of peace and compassion, just like the most dedicated saboteurs of peace in their own society.

When you told us, at our meeting in 2006, that the intention of Hamas was to have a Palestinian state on the 1967 borders, and that your intentions toward Israel were not for its destruction, Rev. Jesse Jackson reminded you of how he had heard the same from Chairman Arafat at his first meeting with him in 1978, and had told him at the time that it would be to the advantage of his movement, the PLO, that nothing he or his colleagues said should give a contrary impression. That is the truth. Israelis, even those most disposed to seek a better relation with you and your people, suspect that you are planning their utter destruction, and that is an obstacle to you in any quest you may make for justice.

You have no other option than to resist Israeli occupation and oppression, and seriously so. Anything less would be betrayal of your people and make you unworthy of the trust they have placed in you. The means of that resistance should be the most effective you can achieve, but should be lawful and just. The scale of the oppression makes forceful resistance legitimate for you, but only if it is itself just and only if there is no alternative as effective as the just use of force would be.

You accomplished an enormously successful triumph of non-violent resistance when you broke through the wall separating Gaza from Egypt and resupplied your people, even if only in a temporary and symbolic way, with the necessities of life that the

Israelis were denying them. You had the Israelis, and the U.S. government that was urging them to be unrelenting, in a quandary.

President Mubarak in particular was put in the position where he would be seen throughout the Arab world as collaborating with Israel in oppression if he sealed up that border again. By now he has done so, under vast U.S. and Israeli pressure, but he needs more than anything else to come to an agreement with you.

What was accomplished was a demonstration to all the world, which immediately understood it, that yours was a desperately deprived and oppressed people, who were able nevertheless to resist with dignity and effectiveness. For Israelis especially, who have that Jewish need for righteousness, this was the most effective form of resistance you could make. They have to work so hard to believe you are nothing of the sort, and to convince the world of that, and you had broken through their pretence.

That gave you an opportunity, not yet realized, to forge a new relation with the entire region you are facing, Arab and Israeli. The continuation of rocket attacks only obstructs and wastes that opportunity. It hands your enemies the chance once again to say, and partly to believe, that you are only the implacable enemy bent on destroying them, and that you must therefore be destroyed yourselves. There are many Israelis who know better than that, but there are also the brutes like their cabinet minister Meir Sheehrit, who fantasizes on wholly uprooting some neighborhood of Gaza. Even the Saudis have become disillusioned with you, and you need to regain their good will.

What options have you? The most useful is to exploit further anything that demonstrates to the world how unjustly your people are treated. Israelis of the peace movements like Gush Shalom have helped you significantly this past week by bringing their convoy of desperately needed supplies through to Gaza. It took them a matter of weeks to shame their government into letting their convoy through, and every day of waiting and publicity was of a value greater than the supplies themselves.

I think of how your hospitals, and in fact any kind of health facility, are so desperately lacking in everything needed, from medicines and dressings and machinery to the electricity and fuel required to make them work. You have some friends abroad, those in the Scandinavian countries who are not so dominated by the policy demands of the U.S., who could be asked to send a hospital ship to anchor off the shore of Gaza. You had such great success in breaking through the southern border of Gaza and relating your people's terrible needs to Egypt. Such a hospital ship would equally break open the Israeli blockade of the sea front to your west. Even if they prevented the ship from coming to your people's aid, it would be as effective a symbol of the oppression they exercise over you as were the refugee ships of Jews that were being turned back and refused entry by the British in the years just after the Second World War and the holocaust. And the denial of medical aid to your sick and your pregnant and your wounded is so flagrant an Israeli denial of your people's most basic human rights that they would likely be shamed into permitting the hospital ship to aid you.

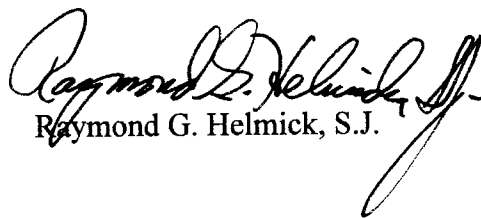
We speak often of the Fourth Geneva Convention, which the Israelis are so anxious to pretend has no application to them, and most often we look at it in terms of the settlements. But the most basic and immediate obligation on the Israelis, recognized by the Convention, is that they are wholly responsible to provide for the safety and necessary supplies for the occupied population. Their obligation to provide for your people's safety is simply an irony when you see how they have employed their whole professional army in attacking your civilian population. But as for providing necessary supplies, they have never, in any of the forty years of occupation, done any of that. It has been left entirely to such external agencies as UNRWA and support from the Arab countries and the Europeans. This, and the neglected Israeli responsibility to have done it, should be demonstrated and emphasized in every conceivable way, as an appeal to that always underlying Jewish need for righteousness.

I write all this, Mr. Mish'al, with the greatest respect and concern for you and your people. I think you understand how much concern I have for the Israelis as well. I believe the danger to all of you, from an Israeli public that is being whipped into a frenzy, is most immediate. There is little time to address it. It leaves even those of best will among the Israelis, confused as they are about your intentions, helpless to work against the threat of an imminent bloodbath.

The guilt of that, if it happens, will be theirs, but your people will be devastated, perhaps left as leaderless and incapable of protecting themselves as they were after the British suppression of their uprising of 1936-39. There are things you can do, late as it is, to prevent such horrors.

- I have spoken of Israelis, David Kimche the effective spokesman among them, who have been trying to communicate with you, mostly through go-betweens, and who have real influence in their country, though at present they are terribly discouraged by what they have seen as too little response from you.
- I have spoken of understanding properly what, on your part, can really influence Israelis, which is not force but an appeal to their innate Jewish sense of righteousness.
- And I have spoken of the real effectiveness of an organized campaign of strictly non-violent resistance to the occupation and oppression of your people, for which you demonstrated such capacity in your breaching of the wall at Rafah. That action should be a model for you to duplicate in multiple ways.

With best wishes, and my prayers for the safety of your people.


Raymond G. Helmick, S.J.



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JESUIT COMMUNITY BOSTON COLLEGE CHESTNUT HILL MASSACHUSETTS 02467-3802

March 13, 2008

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

The Israeli attack in Bethlehem yesterday confirms, for me, that it is not Hamas and the other Palestinian groups that make attacks which provoke Israeli reaction, but rather the contrary, that the Israeli government, not wishing to respond to the truce offers currently being made by Palestinians through the mediation of Egypt, deliberately provoke attacks in order to maintain the level of violence.

I see the continued effort you have made, in concert with the Egyptians, to bring about a cease-fire, an agreed universal one between Israelis and Palestinians that would include the West Bank as well as Gaza. As it is reported publicly in the United States (e.g., in today's *New York Times*), your efforts are interpreted as looking only for a very temporary cease-fire, preliminary to a renewed attack. It is my understanding that you are seeking, and have sought ever since you won the election of January 2006, a long-term *hudna*; which would give opportunity to undertake serious negotiation for a genuine Palestinian state within the 1967 borders. Since the time of the agreements made in the prisons through the efforts of Marwan Barghouti, this is practically defined in terms of the Arab League proposal of 2002, as renewed last year. It seems to me that it would be to your advantage to make sure that is known. And since the Israelis and the U.S. government, with their obedient media, prefer always to discount what you say yourselves, it would serve your interest to enlist the good offices of Egypt and Saudi Arabia to convey that message for you.

Our media, and the propaganda of the Israeli and U.S. governments, consistently portray you and the Iranians, seen as your principal patrons, as intent on the destruction of the state of Israel. Iran has its own interests to pursue. The statements of President Ahmadinejad, who says this very bluntly, are taken as the definitive expressions of Iran's policy, even though it is clear that there are many other forces in Iran, both liberal and conservative, the clerical ones far more powerful than Ahmadinejad himself, who see these statements as needlessly provocative and are increasingly critical of Ahmadinejad.

I understand very well, however, from my conversation with you in the summer of 2006, that the destruction of Israel is not your intention. Reverend Jesse Jackson, in that same conversation, reminded you of what he had said, in 1978 and in the same

context, to Chairman Arafat: that since that was so, it would better serve your interests to be sure that impression was not given by you or your Hamas colleagues.

It is the association with Iran that opens you, constantly, to that accusation. I do completely understand your reliance on Iran, since other aid is denied to you. But it would serve you much better to be associated with Arabs, whom the Israelis and the Bush Administration are not able, at present, because of their 2002 proposal and its more recent reaffirmation, to accuse of such intentions. This is the reason for pursuing the objective of reestablishing a Palestinian unity government with President Abbas and his Fatah party. I realize that you have in fact been actively seeking that, and that the resistance comes from Abbas and his colleagues. I hope you have patience with him, despite all the problems he creates for you, realizing what enormous pressures he comes under from the Israelis and particularly from the U.S. government's demands and threats. He, and the possibility of working together with him, remains very important for you. With the assistance of the Egyptians and Saudis and other Arab states, you need to create opportunities for him to break out of the bonds Israel and the U.S. have put upon him. If you can accomplish that, and retain the full confidence and support of the Arab states, you will have no need to rely principally on Iran. There is no need for you to dismiss or be ungrateful to the Iranians, but you would be in a better position to achieve your goals for the Palestinian people if your support is substantially Arab.

Back in the summer of 2002 I recommended to your predecessor, Sheikh Ahmed Yassin, that he should not allow the Israelis, by their provocation attacks, to dictate his policy, or allow Hamas policy to be merely reaction to Israel's. At that time, Sheikh Yassin had been prepared, along with the other Palestinian groups and with the urging of President Arafat, to introduce a *hudna*. Knowing this, the Israelis had conducted a night raid on Gaza, bombing an apartment building and killing, along with Saleh Shehadeh, fifteen Palestinians, of whom nine were children. The motivation was clear, as it had been in a similar situation the previous November: the Israelis wanted Hamas to turn away from its intended *hudna* and keep the violence high, as an excuse to continue their own violent attacks. I argued then that Hamas should not accept this undermining of its decisions by the Israelis. I know that Nabil Sha'ath, resident in Gaza, was going every day to Sheikh Yassin's office with that same message. Eventually Hamas did conduct a retaliatory attack, the bombing of the Hebrew University cafeteria, but then did initiate, unilaterally, a cease-fire to which your organization remained faithful, under continuous Israeli provocation, for a very long time.

I urge on you now, again, that you see the advantage of responding with peace, with a fully active but non-violent resistance to the Israeli occupation, and using all the good offices you can muster from the Arab states. It is by seizing the high moral ground that you will succeed, and your Arab neighbors understand that.

Once, in a 1986 conversation with Mr. Arafat, I reminded him of the actions of Nur-eddin before Damascus and of Salla-eddin before Aleppo, appealing to those who opposed them to join in a common effort. Arafat understood this at once to be the achievement of victory by means of peace.

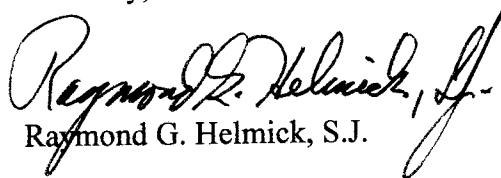
Is this in fact a time when such an effort could succeed in bringing about true justice for the Palestinians? There is talk of peace in the air. Israelis and Palestinians deeply desire it. President Bush, his feckless Secretary of State Ms. Rice and their Annapolis process have generated this and coerced the Olmert government of Israel into playing along with their pretence, but everyone except Bush and his entourage know that his effort is hollow and that only real proposal on the table is that offered by the Arab League.

You are familiar, I know, with the suggestion of my friend Michael Sanders for dealing constructively with the neuralgic question of the right of return. It is a very astute way of approaching the question, and has the advantage of having proven attractive to many powerful Israelis as well as Palestinians and Americans. You may have your doubts as to whether it solves the whole question, as many of these people believe, but it does at the least give you a valuable handle in dealing with it in a way that will not meet the automatic rejection that you are accustomed to receiving from Israelis.

This creates real opportunity, of which you can take advantage only with the help of the Arab states and in a campaign that unites you with Fatah. Those are preeminently important and necessary goals. I truly hope you will understand the opportunity well and embrace it.

With my best wishes and earnest prayers for your safety and success and that of your people,

Sincerely,


Raymond G. Helmick, S.J.



August 21, 2008

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

As I look at the relation between your Hamas adherents and the Fatah adherents of President Abbas's government, it seems to me that the continued disunity among Palestinians must be your primary concern, far outweighing the question of who wins in the rivalry between your parties.

I have a sense that this concern does inform your own decisions, that you do see clearly enough that Palestinians need to act in unity if they are to escape from occupation and have a viable state of their own. Information presented to us in the West, whether by our media or by governments, is always calculated to put you in the wrong. Everything is seen in terms of whether it is advantageous or troublesome to Israel with little attention to what suffering it may cause to Palestinians. The worst possible interpretation of any action or response by Hamas is preferred, even as you remain meticulously faithful to the cease-fire you have won by much striving, and the effort of U.S. and Israeli governments and their complacent media is to keep you isolated, especially from Fatah, and to discredit you.

Critical times are before us all as transitions of power from devastatingly weak governments in the U.S. and Israel approach. They call more than ever for reconciliation between your Palestinian parties. Israeli policy and public opinion has been able to play the game of setting the good Palestinians of Fatah against the bad Palestinians of Hamas and this has tremendous implications for who gains power in Israel and how public opinion there and in the U.S. is formed. It would be entirely different if Palestinians presented a solid front of resistance, all the more so if it were the non-violent but nevertheless implacable forms of resistance which could not be used to blacken your names.

As the U.S. elections approach, impressions will be formed by the candidates themselves and those who will form the next government under the leadership of one of them as to whether a just resolution of the Israeli-Palestinian conflict can be reached with you as a factor in it or whether the only sensible U.S. policy will be to promote merely submissive behavior toward Israel by a Fatah government and strive to drive you from any power, as the Bush Administration has done.

I realize as well as you do that such a policy cannot succeed and will result only in more oppression of Palestinians and greater despair and anger among them which, in the long run, will greatly endanger Israeli society as well. (That, for me, is a very serious consideration, as I am very conscious of the millennia-long suffering of Jews and their genuine need of a safe haven in which they can live in cooperative harmony with their Arab neighbors, Christian and Muslim.) But those will be the calculations of our U.S. politicians and the most powerful influences of our society will be pressing our new government in those destructive directions.

You will have observed that our candidate Senator Obama, the only one of our candidates who has shown signs of understanding the Palestinian plight, has been forced to remove, at least from the public face of his campaign, the foreign policy advisers – Robert Malley, Anthony Lake, the Brzezinskis father and son – who represented genuine understanding of the Palestinian cause along with their support for a safe Israeli state. Senator Obama himself presented his submission, quite abjectly, to the AIPAC conference and remains careful not to say anything that could embattle him with their influence. You can expect to hear little about the Israeli-Palestinian conflict during the campaign, and what little either candidate says will be inflexibly circumspect. But it remains that this will be a matter close to their hearts. The enormous entanglement one of them will inherit in Iraq is inextricably linked to this.

You can have no influence on the U.S. election. Anything favorable you said of either candidate would be used against him, anything negative you said would be help to the candidate you criticized. You can expect that a McCain presidency will be totally against you, whatever you say or do. But there will be close attention to whether the Palestinians are able to work together for their liberation in a way that is not simply a vengeful threat to the Israelis. An Obama presidency, if we have one, will make its policy decisions in accordance with its reading of that.

I must be one of few Americans who have taken the trouble to come talk with you directly, when I came with Reverend Jesse Jackson in the summer of 2006, both of us fully open to you, anxious to hear your case and look for justice in it. I have great respect for Reverend Jackson, having been with him in Belgrade during the Kosovo war, and in your part of the world in 2002. We were planning another such visit to the Middle East, which almost happened late in 2005, and when Hamas won the election of January 25, 2006, I insisted immediately to him that our trip had to begin in Damascus with you. When that visit got postponed into August of that year I began the series of letters, I hope helpful ones, that I then sent to you.

I see you and your movement calculatedly misrepresented now, and realize the bad effects, in terms of the political consequences I have been discussing, that this misrepresentation can have if left unchallenged, political consequences that can direly affect the lives of Palestinians. You and your movement are presented as seeking the destruction of Israel, and as supporters of terrorist actions. I understand and have written to you and to others before about the propriety of your not recognizing the legitimacy of the Israel state – one that has no recognized borders and that sits as illegitimate and

oppressive occupier on your people. That is not the same as seeking the destruction of Israel. I know well, and Reverend Jackson and I tested out in our conversation with you, your commitment to a Palestinian state in the 1967 borders. Such distinctions are deliberately blurred in the standard U.S./Israeli presentation of you.

I had the conversation on terrorism with President Arafat on many occasions in 1985-86. When we began that conversation he was engaged in a peace initiative together with King Hussein. Renunciation of terrorism was set then as one of the three pre-conditions for admitting him to a process of negotiation over the Middle East, and the other parties, including even King Hussein, were interpreting that as the renunciation of all use of force.

I knew very well that use of force in the face of such things as the Palestinians suffered was legitimate, by Western Just-War theory or by Islamic law, and that, if Arafat renounced that, he was no longer leader of the Palestinian people. He and I talked at great length, often in the presence of other members of his Executive, of the meaning of terrorism, which he was prepared to renounce. We agreed on its definition: that the terrorist action is one taken by a non-state actor or force (in our use of this language we don't normally use the term "terrorist" of a state unless it is for purely propagandist purposes) which, if undertaken by the regular armed forces of an established state, would deserve to be condemned as a war crime. We recognized that, in the case of states, that condemnation, even when deserved, was usually given only to losers. The actions that deserved such condemnation, if the war itself were just, would be attacks on civilians or the innocent, use of prohibited weapons etc.

Beyond that, however, we also discussed the utility of force (never legitimate if there is an alternative) and of non-violent resistance, of which we had an example in the First Intifada. My recommendation, which Arafat followed, was for a ceasefire for an indefinite period, enduring as long as the peace initiative which he was engaged in and had no intention of abandoning. We had further conversation, in October 1986 while he was visiting Kuwait, of whether it was advisable or useful for him to continue an armed campaign while conducting negotiations – gun and olive branch in his hands – as the Vietnamese had done. I argued then, as I do now, that a fully organized popular campaign of non-violence, the refusal of all cooperation with occupation, would have a winning result, whereas continued use of force would result only in increased oppression of his people.

My relation with Arafat continued strongly to the time of his death. My outlook on the failed Oslo Accord is not that it was a bad agreement (I thought it greatly helpful in that it established at long last mutual respect between the two peoples), but that it was betrayed by the Israelis, who continued their forceful inroads on the lands and rights of the Palestinian people with the complicity of the United States. I respect the critique of those, like Edward Said, who saw Oslo as asymmetric, but I expected the negotiation process to follow the rule of law, which it did not. My disappointment with President Arafat, for whom I had truly high regard, was that he never learned to trust his people with real participation in government or in the struggle against occupation, but tried to do

it all by himself as sole negotiator, without the organized resistance activity of his people. The original – non-violent – intifada was abandoned. It never should have been.

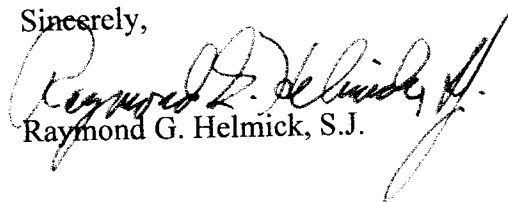
Now you face choices as to how to secure the rights of your people, whose allegiance is now disputed between you and Fatah. You have very intelligently gone the route of cease-fire, which is fragile both because of deliberate Israeli provocations to lure you out of your cease-fire and the anger that generates among your own people. Holding to the cease-fire is of great importance to your success. But you have made little progress toward reconciliation with Fatah, despite Egyptian help, with President Abbas and those many Palestinians who still put their hope, such as it is, in the PLO and its parties which, for so long, they saw as the “sole legitimate representative of the Palestinian people.” You, of course, have earned a place also as legitimate representative of the Palestinian people, but it is hard for people to recognize or accept that if you are source of a division that weakens rather than increases the resistance of the people as a whole.

The Fatah movement has taken the course of submissive reliance on Israeli and American good will, largely because of fallacious blandishments from the U.S. Those within it who have maintained resistance – the Al Aksa brigade – have recklessly indulged in actually terrorist actions which discredit them and the whole Palestinian people who are blamed for every such action. But the Fatah leadership has become very impatient with its submissive course and should be open to full cooperation in a genuine campaign of non-violent resistance.

The best sign of that came recently from Prime Minister Fayyad (holding that title in competition with Mr. Haniyeh), who protested powerfully at the Israeli incursions into Nablus, encouraging people simply to defy their orders. That, of course, is true non-violent resistance and non-cooperation with occupation. Fayyad is a man of great competence, who threw in his lot with the party he still saw as representing Palestinian legitimacy and incurred great anger from Hamas members by his efforts to curb their activities. He has now, in his very evident disillusion with Israeli promises, offered a hand to Hamas. This is exactly the hand you need if, as an equally legitimate representative of your people, you are to lead them to freedom from occupation. Your Hamas people have great resentments against Fayyad. It is your proper role as leader to overcome those and forge the alliance between your movement and Fatah that is essential to Palestinian interests. There is no need for you to be agreed or to abandon your differences as parties. But you need to cooperate for the good of your people.

It is a long time since I last wrote to you – March 13th of this year. Your cause, and the rights of the Palestinian people, remain of great importance to me, along with my equal concern for the Jewish people of Israel. As you enter the holy season of Ramadan my prayers will remain with you.

Sincerely,


Raymond G. Helmick, S.J.

E-mail to Khalid Mish'al, Mohammed Nazzar,
Headed "Food shipments to Gaza"
December 26, 2008

Dear Mr. Mish'al,

Salaam!

I note the opening of the cargo crossings that has been authorized by Israeli Defense Minister Barak this day.

It is my clear impression that you and the Hamas leadership have really wanted to renew the recently expired cease-fire with Israel, to extend it beyond Gaza to the West Bank as well, and to ensure that this time the Israelis will keep to their obligation to lift the cruel siege of Gaza.

Threats of massive invasion of Gaza have become commonplace over recent days, and escalation has become itself a danger to your people. I am reminded of the famous Kennedy decision during the Cuban Missile Crisis of 1963, when President Kennedy found himself confronted with two opposite messages from the Soviet leadership, one very aggressive and threatening and the other opening a door to dialogue and the lessening of tension. He chose to respond to the better message and not acknowledge the threatening one at all, and this was the key moment in averting the crisis.

I would see this moment of the Israeli opening of the cargo crossings as an opportunity to interpret this as a good-will gesture toward actually lifting the siege of Gaza. As I see it, the escalating trend toward violent exchanges has been initiated by the Israelis themselves through their attacks on Gazans. I understand the pressure this has placed on the people of Gaza and the Hamas leadership there to respond in kind, but I have not thought it wise to do so. As long ago as 2002, when I contacted Sheikh Yassin about the July Israeli bombing of a Gaza apartment building, which killed Saleh Shehadeh and fifteen other persons, nine of them children, I recommended that he not allow the Israelis, by their provocations, to determine his policy decisions, but that he pursue further the cease-fire plan he had already determined on prior to that Israeli attack.

If you and all the Hamas leadership interpreted this Israeli opening of the cargo crossings as an occasion for halting the missile attacks, you could defuse the threatening situation that exists at present. You would not be obligated to make that halt permanent but could condition it, as you have wished, on the Israelis fulfilling their own obligations, which stem from their responsibilities as occupiers under the Fourth Geneva Convention. You would put the Israelis, who have in fact made a first recognition of the terrible humanitarian crisis they had created, in the wrong if they did not respond to your halting the rocket reprisals by fully lifting the siege.

Raymond G. Helmick, S.J.

Memo on Middle East

January 2, 2009

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

Context:

Whether the present fighting over Gaza will lead to a new cease-fire or to unheard-of horrors can hardly be perceived at the time of this writing. It threatens to hold our attention to such an extent that we may ignore larger questions.

The most fundamental problem currently facing U.S. foreign policy is that no one can any longer believe what the U. S. government says. It means our voice can hardly be heard as we attempt recovery from errors in Iraq or Afghanistan for the healing of relations in the Middle East. The very fact of Barack Obama's election does much to alleviate that problem, but he will be judged on his earliest initiatives. He has said throughout his campaign that the Israeli-Palestinian conflict would have priority with him. That sets an important hurdle. On this matter, as on the monster problem of the economy, he cannot afford to fail. He is the man of hope and has to deliver if that hope is not to be dashed.

In that respect, I was glad to see, in the Scowcroft/Brzezinski Op-Ed in *The Washington Post* of November 21st, a recognition that this issue will be a test of the credibility of the new Administration. They see that the Bush Administration's belated effort to raise the Israeli-Palestinian issue over the last year has actually accomplished little, but that a lapse of attention now could incur new outbursts of violence in many places, including Gaza and Lebanon, perhaps dimming still further the prospects of a two-state solution, with evil consequences both for Israelis and for the Palestinians; yet, that a resolution of the Palestinian question would have a positive impact throughout the region.

My own interest at present goes particularly to their perceptions of Hamas. On the one hand, they look forward to a dissipation of the appeal, in the event of real progress on this issue, both of Hamas and Hezbollah, dependent as they are on the plight of Palestinians. On the other, they realize that peace cannot be made with divided Palestinians, and that any real progress depends on fostering Palestinian unity.

The ambivalence here is important. As one of very few Americans who have made a serious study of Hamas, I regard it as one of the major blunders of the Bush Administration's policy on the Middle East that they elevated the elimination of Hamas into an essential element of policy. The concept of Hamas as simply a spoiler, in my view, is greatly mistaken, yet it has become practically fixed dogma among our American

political actors. Hamas is an elected majority in the last Palestinian Assembly elections. Rejection of the Palestinian voters' choice by the U.S., and by Israel, is a fundamental derogation of democracy. Elimination of Hamas as a factor has also become, quite simply, a practical impossibility.

The motive for rejecting them, of course, is fear, and it is to this fear of Hamas that I believe I have become qualified to speak.

Two major obstacles have stood in the way of American efforts to help Israelis and Palestinians find their way to peace: the first, a failure to base American policy on the rule of international law; the second, the effort over the last several years to base relations with the Palestinians on their division. I will concentrate first on the problem of Hamas, having already written on the rule of law question in a book I published four years ago, *Negotiating Outside the Law: Why Camp David Failed* (Pluto Press, 2004). Neglect of international law, as I see it, was the basic reason for failure in the whole assiduous effort to resolve the Middle Eastern conflict in the years of George H.W. Bush and William Clinton, and has to be addressed if there is to be success in these new times. But the Bush Administration's attempt to exclude Hamas has now superseded it as a guaranteed cause of failure.

Failure of Policy Based on Division:

Islamist anger and the mobilizing of religion as an instrument for nationalistic fury have become the nightmare of the U.S. and much of the rest of the world. The storm blew up throughout the Islamic world in the wake of the Six-Day War of 1967, but we remained hardly aware of it until the Ayatollah appeared suddenly in Iran in 1979. At that point, even devoutly Muslim governments throughout the Middle East became frightened of Islam. The 1981 assassination of Anwar Sadat focused our anxieties on the Muslim Brotherhood, the movement which since 1928 had tried to rescue Muslim values in Egypt from corrupting influences of the West, but has lapsed into terrorist violence at various times. Increasingly, from the time of the 1983 suicide attacks and kidnappings in Lebanon, Americans began stereotyping Muslims everywhere as terrorists. Only more recently have we begun to pay attention to the gross distortions and injustices against Muslims that this reaction has involved. Nevertheless, our 9/11 experience came as a national shock and in subsequent years Islamophobia has become rampant.

A Palestinian branch of the Muslim Brotherhood carried on, despite outbreaks of violence in Egypt, quite non-violently over the years, concerned with the integrity of Muslim belief and practice among their own people. Dissidents who believed their duty ran to resisting Israeli occupation broke away from them occasionally, the Fatah movement carefully avoiding politicization of their Muslim faith and defining their struggle in secular terms, Islamic Jihad developing into virulent and violent religious fanaticism. Then in late 1987, as the stone-throwing children of the First Intifada were met with the gun-firing and bone-breaking strategy of the Israeli forces, the Muslim Brotherhood in Palestine gave birth to the new movement called Hamas, believing that they now had no other option than a violent campaign of resistance.

Many other movements among oppressed peoples have drawn that conclusion. People like myself, devoted both to the safety of Israeli society and to the finding of non-violent alternatives to the use of force, will disagree that that is their only option. We readily invoke the term terrorism, but need to distinguish carefully between particular actions that have clearly merited that term and the underlying cause for which people have engaged themselves. These are people who, after many years prescinding from the politics of occupation, felt at last a moral responsibility to resist it.

Hamas, then: our first questions have to be who we are dealing with. This is the question I have pursued for some years, especially since they won the election of January 2006. I had already been in contact with their former leader, Sheikh Ahmed Yassin, arguing for a cease-fire in 2002, and after the 2006 election I began writing regularly to Khalid Mish'al, visiting him in Damascus, along with Rev. Jesse Jackson, that summer.

At that time we had a four-hour conversation with Mish'al and four of the colleagues who make up his political bureau. Our first question was to determine whether we were speaking with religious fanatics, and we concluded that we were not. These are people to whom their religion is very important but not a matter for imposition on others and not politicized: not made into an instrument for a political purpose. Living their faith involves specifically, for them, respect for the faith of Jews and Christians. They take deep pride from the fact that, during the centuries of Christian persecution of Jews, Muslims were their refuge and protection. I've no doubt that religious fanatics are attracted to Hamas, but the movement and its leadership are not such.

We wanted to know what their plans were, and examined carefully their assertion that it was for a Palestinian state "on the 1967 borders," very much what President Abbas and his Fatah negotiators are saying. We asked whether their plans were for the destruction or harm to the state of Israel, and were assured very convincingly that they were nothing of the sort. We inquired of their refusal to endorse the legitimacy of the Israeli state – a topic on which I had dealt extensively over several years with Yasser Arafat – and came to understand their refusal and that it had nothing to do with any plan for Israel's destruction or harm.

Rather than spell that out at length, I attach here the report I gave on this meeting to the Weatherhead Center's Middle East Seminar at Harvard, at the invitation of Professor Herb Kelman, in November, 2006, when the experience was still fresh. But I will lay out here the political conclusions that I believe are important for President Obama.

It is, in my opinion, an injustice that the United States has tried every device to exclude Hamas from our dealings, and Israel's, with the Palestinians. The Israelis have actually shown more pragmatic readiness to deal with them than the U.S., but have regularly been held back by the U.S. Palestinian President Abbas has been pressured against reconciliation with Hamas, and even threatened with the cessation of any peace

efforts by the U.S. if he should resume dealing with them. But there is not a prayer of a chance that Palestinians will be able to make peace with Israel while divided in this way.

We are inclined to think that any effort toward liberation of Palestinians from occupation is an act of hostility to Israel. Yet peace with the Palestinians is in the most basic interest of Israel, and even outgoing Prime Minister Olmert has recognized that the cost of that is very much like the Arab Peace Plan that has been on the table since 2002.

For Palestinians themselves, there is no option other than resistance to the military occupation they have suffered since 1967. While violent fringes exist in both Fatah and Hamas, as also among the Israeli settler movement, their responsible leadership has learned that violent or military resistance will accomplish nothing for them and that their only reasonable option is a non-violent resistance, organized refusal to cooperate with occupation. What has happened in recent weeks, with the breakdown of the cease-fire agreement after its six-months term and the escalation to today's extreme violence, has been disputed. The Palestinian belief is genuinely that Israel initiated the confrontation with its tunnel attack of November 5th. Hamas, regrettably, has had too little discipline not to react to what it has seen as deliberate provocations. It has shown great discipline in the past and could most probably assert it again if motivated by some glimmer of hope among its people. The context of this current failure is despair at the lack of progress throughout these recent years. But without united effort between the two major Palestinian parties, no viable campaign of non-violence can happen.

What is needed from the Obama camp, even before his inauguration, is therefore some assurance that the Bush Administration's principled exclusion of Hamas will not be continued. Surely whatever is done about this needs to be done through very quiet contacts, but that assurance should be given.

A special urgency about this comes from the proximity of elections, a stipulated new election for the Palestinian presidency on January 9th, before President Obama's inauguration, and the Israeli election on February 10th.

Interference with an Israeli election is always bad American policy, as witness the ill results when President Clinton expressed his support for Shimon Peres during the election campaign of 1996. We should have some awareness, however, of the consistent readiness of the Israeli public to pursue what they see as genuine opportunities for peace. They are not the entrenched enemies of Palestinians that they are sometimes thought. When confronted with the unexpected visit of President Anwar Sadat, the Israeli public responded with great enthusiasm, as they did too at the time of the Oslo Accord. If there is an election at the time that a convincing opportunity for peace occurs, the Israeli public regularly votes for it, as they did in 1992 for Yitzhak Rabin and in 1999 for the sadly disappointing Ehud Barak.

This is a public, nevertheless, that has suffered millennia of trauma, and they are easily panicked. The enemies of peace among them understand very well how to pull their chain. Yet if, by the time of the Israeli election, it is evident that President Obama is

working seriously for their peace, is making no false steps nor intervening in any offensive way in their election, we can expect that this Israeli public will make their vote felt for the peace. They can be relied upon if given the chance. As I see commentary on the February 10th election, there seems to be broad Israeli consensus that it is too late for any peace-oriented party to challenge the three leading parties, which are practically indistinguishable in their warrior tempers, but the turmoil of the current fighting might actually change even that reckoning.

The Palestinian election presents a more complicated problem. There are contradictory provisions in the Palestinian constitution. On the one hand, a new election for President is required after four years, hence the expectation of an election on January 9th. On the other, the constitution calls for elections both to presidency and Assembly on the same day.

Mr. Mish'al and his externally-based Hamas leadership have apparently, at least up to the time of the current fighting, been willing to have the presidential election postponed to the date of the next required Assembly election, January 25, 2010. That would preserve the opportunity for Mahmoud Abbas to negotiate peace with Israel. Such a negotiation could then be approved in a plebiscite, which would have the support of both Fatah and Hamas if, and only if, there is consensus and a sharing of power between them as the negotiation proceeds. Short of that, however, the Hamas public will likely refuse to recognize the legitimacy of Mr. Abbas as elected president after the end of his four-year term on January 9th. It should be noted that there have been no preparations for a January 9th election, preparations that could only have been made by Fatah.

The public rhetoric of Hamas and Fatah is not in fact a reliable index of what to expect of them. What we hear from Hamas, especially what our media chooses to report of them, always emphasizes tough posturing, which reflects more the crisis situation they face as a result of U.S. and Israeli rejection. What we hear from Fatah, especially what is actually reported, is reliance on Israeli and American help and seeming submission to Israeli and American proposals. That submission is in fact far from the truth. Both Fatah and Hamas have at heart the liberation of their people from occupation. Hamas will be more outspoken about that, but it is the objective of Fatah as well, and can be heard clearly in the actual statements of Abbas and Fayyad if we deign to listen.

The Bush Administration worked to the proposition that Abbas and Fatah could be or even had been beaten into submission. They opposed Hamas because they felt it could not be brought to submission to their policy, and ignored the indications from Hamas that it was also, like Fatah, intent on establishing a just peace, with Israel and for their own people. There is more in common between Hamas and Fatah than this mentality has been ready to recognize.

There appears to be a rift between Mish'al's external leadership of Hamas and some parts of the Gaza leadership that nurse resentments against President Abbas and want an election on January 9th, thinking that will bring his defeat. Putting President Abbas to an election so immediately, however, would have terribly destructive results.

Election of a Hamas President, should it happen, would raise all the red flags in Israel, bring about the election of a destructive government in Israel on February 10th and postpone any prospects of peace indefinitely. The person most likely to be the next elected Palestinian president, Marwan Barghouti, a Mandela-like figure who is a genuine peace advocate and has the full respect of both Fatah and Hamas, is still in prison, and his election now would only be disruptive, as well as occasioning one of those panics among the Israeli public.

All of this underlines the importance of reconciliation between Hamas and Fatah, a thing that the Bush Administration has always worked to sabotage. The Egyptians have tried to bring about that reconciliation, but out of an anti-Hamas mind-set conditioned by fears of their own Muslim Brotherhood. Likelier parties to work at it now would be Saudi Arabia, which did bring about a short-lived pact before, or Qatar. American encouragement would be vitally necessary, but would have to be offered quietly and delicately if it were not to create panic among the Israeli electorate.

There are Israelis, of course, who would like to see both presidential and Assembly elections on January 9th, 2009, in the expectation that Hamas would be defeated. That is an unrealistic expectation, all the more so after the current attack on Gaza. The premise for the sabotaging of Hamas's chances to act as an elected government and the isolation and starving of the Gaza Strip has been that Palestinians would sicken of Hamas and turn against them. That has not been the case. Rather, all the sufferings of the Palestinian people under this burden have been blamed, quite rightly, on Israel and the U.S. Abbas has been blamed, unfairly as it happens, for complicity with these actions or complacency in the face of them, with the result that Hamas has gone from strength to strength politically and would win such an election hands down. That option has not been attractive to the Fatah leadership, who have understood this well.

Hence the action of some trusted Obama associates, important now, while this question of the January 9th election is still in abeyance, and not only after January 20th, should be to test out Mish'al's readiness to postpone the Palestinian presidential election to the date of the next Assembly election, January 25th of 2010. That has to be done quietly, in a way designed not to cause panic among Israelis, and could only be accomplished with an assurance that the Obama Administration will support unity and a non-violent campaign for their rights by the Palestinians.

What, then, can or should be done about the Gaza faction, whose insistence on a January 9th election is premised on their unwillingness to reconcile with Fatah or allow renewed sharing of Gaza government with Fatah? It is not clear at all that Ismael Haniyeh or Ahmed Yousuf, the responsible figures among them, should be counted among the hotheads. It would be a mistake to declare them the enemy and try to isolate them. They too should be approached, even more quietly, and given assurance that truly serious peace initiatives would come from an Obama Administration. These are the things they, and the Israelis along with them, truly want and need. It would be self-defeating in American policy to ignore these urgent priorities because of scruples about talking with people we presuppose are unworthy of our attention.

Where is the sticking point in all this? It is the impression among American policy-makers that Hamas is the very devil, and that dealing with them at all would be some sort of moral fault. Even President-elect Obama himself and Secretary-of State-Designate Clinton have made statements, in the heat of electoral campaign, to that effect. My own carefully modulated experience of Hamas says this is a false premise. If adhered to, I believe, it will mean the failure of any attempt to bring about Israeli-Palestinian peace.

For the United States, then, the central policy question in this area is whether we shall continue believing that Hamas is the Evil Empire and must be obliterated, and that Fatah must still be prevented from having any positive contact with them, a proposition that means crushing all Hamas's civilian followers as well, or whether it is in our interest and that of the Israelis to foster Palestinian unity, reconciliation between Hamas and Fatah.

We may take it for granted that in no case will the United States act to the prejudice of Israel. We have to believe that it is in Israel's interest too that they should have a united Palestinian people with whom they can make a just peace to mutual advantage. We may take it for granted also, especially on the evidence of how Hamas has gained politically from its resistance to Israeli might over these last terrible days of the bombing of Gaza, that Hamas will not go away. Refusal to promote their reconciliation with Fatah or to treat them as a necessary element in the peace will mean that Israel will not achieve peace but will continue in a condition of turmoil and non-acceptance in its region, necessarily to its growing peril, for the indefinite future.

Rule of Law:

The law in question is international law, concretized in the institutions and resolutions of the UN but having much longer roots. Appealing to international law is a familiar process of advocacy for the Palestinians, with the result that Israelis often feel it is stacked against them. It should be clear, must be clear in the case of the United States, that there is no way this or any U.S. government is going to act to the prejudice of Israel. The law itself has to be the protector of the rights and vital interests of both or all parties.

A further obstacle is the way international parties, many of them advocacy NGOs, have often tried to use the law as a cudgel with which to accuse and punish Israel. The Human Rights forum held in Durban in 2001 left Israeli and American governments with a sour taste for this reason, and the U.S. and Israel have already refused to participate in a similar upcoming conference.

What should be noted here is that international law is ill adapted to retributive concepts of justice, the determination of guilt and punishment. Except in the rarest cases, international law has no police force but depends, for its implementation, on the honor of parties who will fulfill the commitments they have made, as in the treaty obligations incurred by accepting membership in the organization. The Chapter 7 powers are rarely

invoked and then, for the most part, only when a superpower like ourselves wants to utilize the United Nations structures for the promotion of its own national agenda.

International law, for that reason, is better suited to restorative justice. It will call for the negotiation of differences and interests, on which, in the ordinary course, it requires negotiation as a way to restore just relations.

Not to make this memo too long, I will summarize here the argument I made about the need for international law in my 2004 book, *Negotiating Outside the Law: Why Camp David Failed*. A process not based on law, I believe, will surely fail, and I am glad for that reason to see that President Obama is so serious a man of law.

Disparity of power most basically defines this conflict. Unless the conflict is approached according to law, before which the parties are equal, the only alternative is a procedure based on power relationships, and therefore essentially determined by political and military superiority. That makes any agreement formed, even had it been signed by Arafat at Camp David or should be signed by Abbas or any other Palestinian leader, nothing other than a *Diktat*, which could not be binding on the Palestinians. Acceptance of a *Diktat* would be disaster for the Palestinians themselves, but just as unfortunate for the Israelis, who would not attain the one thing they most need and desire, namely peace.

A process based on law, however, places the parties on an even plane. Contrary to the fears one might expect from some Israelis, it would not put Israel at a disadvantage, as the law would protect, equally, the rights and genuine interests of both sides. Neither would it predetermine the outcome of negotiations, but would leave the issues of conflict open to and even requiring free negotiation between the parties, both of whom would have to be satisfied with the fairness of the agreement. The law would not protect occupation, but it would protect Israeli rights as well as Palestinian.

Ever since the Madrid Conference, it has been supposed that everything in Israel's possession is hers, by right of possession. That means that anything the Palestinians get will be free gift from the Israelis, a premise which denies them any genuine entitlement in law.

A large Israeli peace movement has long been prepared for an agreement that would give substantial "concessions" to the Palestinians. Several Prime Ministers of Israel have aimed for a peace agreement that would even be "generous" (that famous word!) to Palestinians. But the underlying supposition of Israel's "right of possession" meant that the negotiation was always between Israelis and other Israelis: Israelis who want to give something, Israelis who want to give more, Israelis who want to give little or nothing at all. In consequence, Palestinians were never actual parties to the negotiation, but have only been handed the outcome of this negotiation among Israelis and told to take it or leave it.

Even President Clinton, who of all participants in the process clearly wanted more for the Palestinians rather than less, accepted this "right of possession" assumption, and

that poisoned the entire process. The much-discussed “failure” of Camp David – a failure only if it has ended the possibilities of agreement – resulted from this basic structural fault in the process rather than from anyone’s particular malice or sabotage.

The solution to this conflict is not difficult to discern. Both Israeli and Palestinian advocates of peace have agreed on them for many years. It requires:

1) a West-Bank/Gaza Palestinian state, its borders substantially where they were before the 1967 war, with full territorial compensation for any changes freely agreed;

2) a sharing of Jerusalem such that it can be capital of both states; and

3) an agreed resolution of the Palestinian refugee situation that does not overturn the demographic character of Israel. This last carries particular difficulties that need to be addressed below, but these are the essentials both sides have known.

I note that the Scowcroft and Brzezinski proposals add a fourth term: a fully demilitarized Palestinian state. That is needed so long as these two peoples have not reconciled their anxieties about each other, but we need not presume that they are forever incapable of that. The Palestinians also have security needs, and such needs have to be provided for both parties.

These conditions are also what international law – enunciated most basically in the principle of non-acquisition of territory by force, to which all member nations of the United Nations have pledged themselves, Security Council Resolutions 242 and 338 and the Fourth Geneva Convention – prescribes. Resolution of the conflict has evaded those who have sought it only because it has been grossly mishandled through neglect of law.

I fully understand the nervousness of Israelis and their governments at the prospect of operating under the 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.

The Contentious Problem of Right of Return:

If we are to speak of rule of law, the particular problem of Palestinian refugees has to be addressed, as it is the nightmare of Israelis that millions of Palestinian refugees would suddenly appear within the territory of Green-Line Israel. Such an event would destroy the character of Israel as a state that is the guarantee of the safety of Jews. (I avoid here the term "Jewish state," as that has become the hallmark of those who would deny equal rights to its non-Jewish citizens.) Scowcroft and Brzezinski, like many others, have phrased this in terms of abandoning the whole concept of a Right of Return, and to Palestinians that means denial of the basic facts of what happened to them in 1948 and 1967, denial of the very existence of their people. Is there any daylight between that and the prospect of Israel being flooded with millions of returning descendants of refugees?

The relevant law is General Assembly Resolution 194, of December 11, 1948. Among its many provisions anticipating the end of the war then current, it

"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, itself an option once the peace is agreed. These include 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. Those together had already 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 even in other parts of the West Bank is to attack and expel Palestinians, often to kill them. Recent months have seen such settlers on an unusually violent rampage, attacking even Israeli Army and police who have attempted to restrain 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. They should live, however, under Palestinian jurisdiction, though free to retain their Israeli citizenship.

Israeli government itself has recently recognized these violent settlers as an acute danger even to the Israeli state. Only a small fringe element among the settlers pose such a problem – best estimate about 10,000 among the half million settlers. They are a policing problem, for which the state of Israel bears the responsibility.

Most of the rest are economic settlers, who live in the West Bank settlements because of the generous subsidies Israel has paid them. They would have their welcome, and full guarantee of safety, from the Palestinians if they chose to remain there under Palestinian jurisdiction, and would be open to resettling in Israel proper if given adequate economic help. In fairness they should have that, as they have been led into their illegal colonization by the policy of their own government. Those whose reasons for living in the West Bank are truly religious, and not an agenda of violently displacing Palestinian residents of the land, are the most likely to accept the Palestinian welcome that would be theirs.

It is often said that the Palestinians went to Camp David without any proposition to offer. Yet the Palestinian authorities, at Camp David and elsewhere, did explicitly accept this understanding, of which I had myself spoken for so long. That, of course, was true of the Fatah/PA delegation at Camp David. But given the assurances I have heard directly from Mish'al, that he and Hamas have nothing against Jews or the presence of Jews, only against occupation and Palestinian deprivation, we should expect that of him as well.

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, by free agreement, to return to the state of Israel under the same conditions. With this, there should be an open border – eventually, once calm and mutual recognition has been achieved – as open as the border between Massachusetts and Connecticut.

The wall/fence/separation boundary that has so offensively been erected in recent years 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. When first built, it was described as defensive only, and there were denials that it represented further territorial encroachment, but more and more it has been seen by the settlers and even some other Israelis as an effective border.

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. My friends sometimes bridle at my mention of the Massachusetts-Connecticut border as unrealistic. Yet after Oslo, 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. Those became favorite recreation and shopping areas for Israelis, and there were even joint patrols of Israeli and Palestinian police and army to keep the peace.

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.

Realism of such Prospects:

Is this a pipe-dream? Not if we look to the basic needs of the United States. The Bush Administration has gotten this country into so much trouble over Iraq and much else that we are effectively without a credible voice on the questions that most concern us. The best remedy available for this is to bring about, by insistence on law, the readily available solution to the Israeli-Palestinian conflict, which would in fact win the applause of both peoples. At the same time, it would take much of the venom out of the situation we face, even with our allies, in the rest of the world.

We could expect that it would cause an outcry from those who have understood the interests of Israel only in the ways defined by its hard Right. President Obama, if he understood the interests of Israel otherwise, as an interest in peace and genuine security, would face a Congress much under the constraint of such opinions and their highly organized supporters. It would be well for him to recognize that there has been a major shift in American Jewish opinion. As much as any earlier administration he needs, in justice, to have Jewish voices – though not those only – among his close advisers on these questions. He can draw unimpeachably respected advisers not only from the ranks of the long-established organizations but also from such resources as the American Friends of Peace Now, Brit Tzedek, the Tikkun movement, the J Street lobbying group and many other organizations that represent a different, very likely more representative part of American Jewish opinion and aspirations.

- An episode of President Clinton's administration offers a useful precedent for initiating such beneficial movement in policy.

When President Clinton first resolved to enter into the Northern Irish situation, at first by the rather unobtrusive action of granting a 48-hour visa, enabling Gerry Adams to address a conference in New York in February, 1994, he went against a long-consecrated policy of regarding Ireland as strictly Britain's business in which we should never interfere. The reaction from our close British allies was to declare, in alarm, that the "special relation" between the United States and Britain had ceased.

His action, opening a door to a despised party that had previously been regarded as beyond the pale, had enormously positive results. It permitted the IRA, and with them the opposing Loyalist militants, to initiate the cease-fire they had been longing to enter. From that it led to the process of negotiation that has now turned Northern Ireland into a success-story of reconciliation. It did not take long for the British, and even for the Northern Irish Loyalists and Unionists, to realize that Clinton had done them the greatest possible favor. The reputation of the United States, and its influence, is consequently at its highest point in that part of the world.

So, again, we come to **the central question for U.S. policy in this area of the rule of law**. Do we believe that following the law would stack the deck against Israel? It is my own belief that it would not, but rather that true implementation of law, before which Israelis and Palestinians are equals, is the only route that will rescue Israel from war without end, and therefore the fundamental thing that is most in Israel's genuine interest and will win them a respected place among the nations in whose midst they live. That is the basic meaning of the Arab Peace Plan that has been on the table since 2002.

It will not license Israel to continue with the artificial – and deceptive – apparent gains of territory that it has acquired through the colonization of conquered lands in violation of law. However, the great nightmare of the return to Israel proper of millions of refugees turns out not to be true. And the parallel nightmare of having no access to the ancestral lands – Judea, Samaria, Jerusalem – is also untrue, because the Palestinians are open to Jewish residence in Palestine, under Palestinian jurisdiction, and to easy access across an open border between the two states of Israel and Palestine.

A decision by the United States, though, to ignore the rule of law and encourage the state of Israel to do the same, could lead only to the same impasse as was reached, for that reason, in the unsuccessful Camp David negotiations.

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The Baker Report and the Middle East

Op-Ed

Submitted Jan. 2, 2009 - not printed

Raymond G. Helmick, S.J.

Among the many recommendations of the Iraq Study Group, one makes most sense for resolving the Iraq crisis: that the U.S. resume working for peace in the Israeli-Palestinian conflict. Without that, nothing else amounts to more than rearranging the deck chairs aboard the sinking ship.

The impasse in Iraq stems, more than from anything else, from the perception everywhere in the Middle East that the U.S. supports injustice, as seen in the plight of the Palestinians and confirmed by our occupation status in Iraq. The resulting hatred can stymie any effort our government might make to calm the storm it has raised in Iraq. Nothing would more surely restore the image of the U.S. than that it help to bring a just resolution, acceptable to both sides, to the Israelis and Palestinians. It would remove a great deal of the venom that infects not only Iraq but all our relations in the Middle East.

Israelis react instinctively against this proposition, fearing clumsy interference in their affairs. A sense of failure from the demise of the long effort that ran from the Madrid Conference and Oslo through Camp David and Taba has been one vast obstacle looming over U.S. efforts to address the Israeli-Palestinian situation. Another has been doubt about a Palestinian partner. But the conflict is not insoluble.

Surely Americans will not want to undermine Israel, whose existence and safety remain always a priority for us. Yet we need never support Israeli injustice to others, and do no service to Israel when we do.

The negotiating effort from 1991 through 2000 suffered a major structural defect that accounts for its failure. It accepted, throughout, the premise that whatever Israel held belonged to Israel, as by right of possession.

A constant large majority of Israelis has always wanted genuine peace with the Palestinians, and such leaders as Yitzhak Rabin and Ehud Barak recognized that, for Israel's peace, the Palestinians must really have something. But on that right-of-possession premise, anything the Palestinians got could only be an Israeli gift, its size or content determined entirely by Israelis. Negotiation on those terms relied entirely on the superior military and political power of Israel, and that disparity of power made every proposal essentially a Diktat. Even if the Camp David proposal, which made great progress and broke many traditional taboos, had been better than it was, no Palestinian leader could have signed it and had it accepted by his people, simply for that reason.

Disparity of power, as obstacle, would disappear if the process were premised on international law, before which the parties are equal. Because this law has been flagrantly neglected for so long, Israelis might fear it would prejudice the case against them, but it would do no such thing. Rather it would protect the rights and interests of both parties. Neither would it pre-determine the outcome, but would require negotiation of differences between these two equal parties. Agreements so reached would truly bind both parties.

Israel, as the stronger party, will not likely initiate such a negotiation on the basis of law. But if the U.S. were to require it, it would surely be done, and resolution of this long-standing conflict, a resolution with which both parties could be happy, would follow with surprising promptitude.

Since Hamas won the legislative elections last January, doubts that there is a Palestinian negotiating partner have been a further obstacle. My personal reaction to that election was to contact Khalid Mish'al, the Hamas leader in Damascus. As follow-up to many letters, I met Mish'al and four of his Political Bureau this summer, in company with Rev. Jesse Jackson, and can report some firm impressions:

- That Hamas does not intend the destruction of Israel, but intends instead the establishment of a Palestinian state "on the 1967 borders" (their expression) that will not impinge on the Israeli state.

- That its leaders pride themselves on Islamic reverence for the faith of Jews and Christians, particularly for the way Muslims, through the centuries, have always been the refuge for Jews from Christian persecution.
- That these people, for whom their Muslim faith is tremendously important, are not religious fanatics.

We need to talk with them, as the future of relations between Israel and the Palestinians is now so much in their hands.

It has become the practice of the U.S., in recent years, not to talk to anyone who does not already conform to our political agenda. For a period of some decades, this was our policy toward the PLO, the very persons whom we are now so anxious to promote as interlocutors. That meant that, for all those years, negotiation over the Middle East remained frozen. Had we been talking with the PLO over that time, the likelihood is that the Mideast conflict would long since have been settled. There would be no Hamas. There would be no Hezbollah. Lebanon would not have been invaded, in 1978, in 1982, in 1993, in 1996 or last summer. Israel and Palestine would be at peace, both thriving, prosperous, friends of ours and contributing to the stability of the entire region.

The United States, for most of our history, has been seen by most of the world as a beacon of justice, freedom and all the good things. Today we are seen by most of the world as anything but that. For the United States, which always boasts – hollowly? – of being a nation of laws not of men, to bring in this way a just solution to the lengthy quarrel of these two embattled peoples, to the real benefit of both, would do more to restore the tattered reputation of our country than anything else we could do. Iraq would look much different then.

Raymond G. Helmick, S.J., of Boston College, is author of Negotiating Outside the Law: Why Camp David Failed, London, 2004.

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

January 19, 2009

President Mahmoud Abbas
Palestinian Authority
Ramallah, Palestine

Dear President Abbas,

Salaam!

As the Israeli incursion into Gaza comes to its conclusion, I am writing to Khalid Mish'al of Hamas, as I have often before, urging that he seek restoration of relations with you and your Fatah Party.

Nothing is more urgent for the Palestinian people, I believe, than reconciliation and unity between your two parties.

It was once true that the PLO was the "sole legitimate representative of the Palestinian people." That was the correct conclusion of the Arab league, meeting in 1974 in Rabat, and it is the formula recognized by Israel in the 1993 Oslo Accord.

But the electoral victory of Hamas in January 2006 has meant that two parties can now legitimately contest the leadership of the Palestinian people in democratic electoral politics: your Fatah Party which has predominance in the PLO and the Palestinian Authority, and the non-PLO Hamas Party. In itself, that is a democratic gain. There is no need for you to be enemies, any more than the rival parties of any other democratic polity. You yourself have recognized the paramount need of the Palestinian people for their parties to unite in the cause of their liberation from occupation.

In writing frequently to Hamas leader Mish'al I have always emphasized that violent resistance to the occupation will accomplish nothing but that no Palestinian leadership has the option of not working for liberation from occupation. That would be a betrayal of the people and would mean forfeiting leadership.

For that cause, you and he have absolute need of one another, and no difference of party or of governing philosophy need prevent your working together for it. This is true despite all the striving of outside parties, Israeli and American, to prevent you from uniting in that cause.

I know you have spoken for reconciliation with Hamas, and that the Egyptian government has called for this. Mr. Ismail Haniyah has also been quoted calling for such unity in these last days. All Palestinians will be weakened if you are unable to craft unity among you. Resentments built up over the last years and especially during the Israeli drive make this difficult, but it is terribly necessary to overcome them.

Even the agreement made a few days ago between Israeli Foreign Minister Livni and our outgoing Secretary of State Rice impressed me as built on the false premise, that the way to peace was the suppression of Hamas. That has, from the time of the January 2006 election, been the false and anti-democratic choice of our outgoing President Bush, urged by him on the already anxious Israeli government. You know well how the refusal of Israel and the U.S., over a matter of decades, to talk with the PLO, always on the pretext that there was "no partner for peace," resulted in simple paralysis between Israeli and Palestinian peoples. The same process is being repeated now. Neither you nor the leaders of Hamas should be party to such destructive policy.

I shall be writing this day to Mr. Mish'al as well, as I have many times over these last years, and will copy this present letter to him as I copy the letter I send him to you. I am attaching here also the Memo that I have been putting in the hands of a number of prominent figures in the Obama Administration that will be taking power in my country tomorrow, from which we all hope so much. This has gone to Mrs. Clinton, his new Secretary of State, to General James Jones, the new National Security Adviser, and to Messrs. Brent Scowcroft and Zbigniew Brzezinski, the two NSA of politically opposite presidents who have worked closely together as advisers to Mr. Obama.

With the deepest respect,

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January 19, 2009

Mr. Khalid Mish'al
HAMAS Political Bureau
Damascus

Dear Mr. Mish'al,

Salaam!

When last I wrote to you, on December 26th, just a day before the Israel assault on Gaza began, I thought there might be a way, through acknowledging the food shipment that had just come into Gaza, to defuse the situation before the violence would reach its extreme. I may well have been mistaken in that, as the food shipment may actually have been a preliminary step toward the invasion itself, but I felt I should not miss the chance that it was a gesture of conciliation.

Now, as the fighting dies down and may be over, I am more convinced than ever that the unity of Palestinians is the most urgent need of your people, if they are ever to escape the burden of occupation. So much bad feeling has grown up between Hamas and Fatah over these last years, especially since June of 2007, that it is difficult even to suggest reconciliation, but without it neither you nor they can do anything effective toward the liberation of your one people.

I never write to you without arguing that no amount of violence will bring about the liberation of Palestine from Israeli occupation. The Israelis have just demonstrated to themselves the futility of violence. Their unbridled assault has left them in just the same position as their attack on Lebanon, failing to achieve their objective so that your people have won simply by surviving. Yet they have suffered most terribly. The Israelis have, in a shorter time, killed more of them than they did of Lebanese in their last war, and thereby lost still more of their moral standing in the world. Yet the greatest loser is Fatah, and that is tragic for the Palestinians. Your people have need of both of your parties if they are to end the occupation. You and Fatah have need of each other, for neither of you represents the full needs and hopes of Palestine by yourself. Only working together can you bring the moral force to bear that will free your people.

I have written this day to President Mahmoud Abbas, and attach that letter to this, as I did this letter to him. I have also written a Memo to leading figures in the new Obama Administration that takes office tomorrow in my country, and I attach that also. It is my prayer that the sufferings of your people may bear fruit in their liberation.

With the greatest respect,

Raymond G. Helmick, S.J.

Memo on Middle East

March 4, 2009

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Context:

Secretary of State Clinton, journeying this last week in the Middle East, has faced a daunting set of problems. Her immediate goal, at the Sharm el-Sheik fund-raising event, was described in the media as bringing relief to Gaza after the heavy attacks of December and January. Every report emphasizes that there must be no “enriching,” “empowering” or “bolstering” of Hamas, but that every cent raised by the donors’ conference – the U.S. share reported as \$900 million, of which \$300 million is for restoring shattered Gaza – must go to the Palestinian Authority and its President Abbas, as the “sole legitimate government” of the Palestinians recognized by the United States, Israel and the European Union.

Everyone must have realized that this simply cannot be done. None of this money will be used to undo the estimated \$2 billion damage in the Gaza Strip because Hamas, which governs the area, will not be allowed any share in the work. The government of President Abbas and the Palestinian Authority will be further tarred with the “collaborator” label for accepting money, which will not go for its stated purpose, from the United States and Israel, both of which are still seen as the destroyers of Gaza. The net result of this expensive exercise will be only to deepen the crisis and make the furtherance of peace for Israel and for the Palestinians more remote than ever.

I pointed out the obvious, in a previous memo (January 2), that the United States has lost its credibility throughout the Middle East region. The election of President Obama has created new expectations and a readiness to hear us, but that can easily be dissipated if people hear only the same things. Exclusion of Hamas was the center-piece of the Bush policy that was so much despised, and on this central point no change is visible.

Mrs. Clinton has to be very much of a puzzle to the people of the region. Palestinians remember her well as having been the first, of her stature, to recognize the need for a Palestinian state, in her husband’s time, a recognition that was repudiated at the time by the White House. Since then she has been seen as very closely related to the American Jewish organizations that carry so much influence in the State of New York. That she had nothing to say, in the region, about the closed crossing points into Gaza and repeated the old Bush-era refusal to deal with Hamas leaves the impression that this is more of the same.

The close relations and spirit of trust between Mrs. Clinton and the American Jewish community should in fact be a great advantage to the Obama Administration if it is to attempt anything different in its Middle East policy.

The United States and our people have, quite rightly, a devotion to the rights of Israelis and it is a given that we will never abandon or betray the Israelis. We all know that as a sacred trust. But for the sake of Israel itself and any chance of its future peace we need to break with the unsuccessful positions of the past.

The Set of Problems:

The new government gradually emerging, or failing to do so, in Israel constitutes a major problem in itself. The likelihood is that it will be a narrow coalition, a hard-line government based on Mr. Netanyahu's rejection of a Palestinian state with stiffening from the radically anti-Palestinian Israel Beitenu Party of Mr. Lieberman. That Ms. Livni thus far refuses to enter a coalition with Netanyahu's Likud because of his rejection of the two-state solution is far less significant than it seems. She and her Kadima Party pursued the Bush Annapolis Initiative that was always so hollow that everyone knew it was going nowhere, the frequent visits by Secretary of State Rice a palliative to conceal the emptiness of the whole enterprise. Ms. Livni now would equally welcome Lieberman and his Kach-*redivivus* party into a coalition, guaranteeing that no progress toward settlement of the long conflict was even contemplated. Mr. Barak's Labor Party, whose election in 1999 seemed so promising and proved so disappointing, now offers nothing different from the other parties which seem – deceptively – to be on his Right. The Israeli public, so convinced that it needs a peace settlement with the Palestinians and anxious to take up the known means to achieve it, has been propagandized into feelings of victimization and demand for revenge.

That picture is so bleak that it is better not at this point to rely on any initiatives from that source. The Israeli public can, in fact, be relied on, but only if something happens to reassure them and change the climate of the conflict. That can only come from the United States.

On the Palestinian side, the problem basically is their lack of unity. On this subject, the United States policy is still flopping about, unable to make up its mind. Our policy-makers know that unity between Hamas and Fatah is necessary and at the same time fear it. Everyone has heard that it was an undemocratic decision of the Israelis, prompted mainly by the Bush Administration, that Hamas should not be recognized despite winning an admirably democratic election, but instead should be isolated and prevented from governing, but we have preferred not to talk about that. President Abbas and his Fatah Party have been backed into a corner by these U.S. and Israeli decisions, threatened with the loss of any U.S. help in dealing with the Israelis or with making the peace if he were to deal with Hamas or admit them into a unity government. The result has been the constant erosion of the authority of President Abbas, whom we supposedly want to support and strengthen, or of the government he installed by decree in place of the elected government, while Hamas, the more it is attacked by Israel, and with U.S. backing, gains more and more authority as the only credible defender of Palestinians against a world of enemies. We have been earnestly building up the very antagonist against whom our efforts are supposedly directed and labeling those we declare to be our friends as Quislings. Hamas is in the

ascendant, especially in the West Bank, as any new Palestinian election will surely show. As I have mentioned before, in my January 2 memo, it would be very bad for all concerned, if as a result of this Hamas itself were to become *de facto* the sole legitimate representative of the Palestinian people.

And meanwhile, Israeli government, even during this interval period, has been pressing forward with new settlements and intimidation attacks on the most innocent of Palestinians, at an escalating pace. This should be evident enough to anyone, but was made clear in a February 20th article in *The Guardian* by Ben White, titled "The real Israel-Palestine story is in the West Bank." During this time of maximum tension the IDF has staged horrendous raids on Jayyous, a Palestinian village where responsible non-violent protest has been waged against the use of the "separation barrier" as an instrument for the expansion of a neighboring Jewish settlement into their agricultural land. Jayyous homes have been occupied, residents detained, access roads blocked off, property vandalized, protesters beaten, and Israeli flags have been flown over buildings of the village. Army raids have been made on other Palestinian villages – Bil'in, Nial'in etc. – that have been the scene of non-violent protest against the wall, and residents abducted. The Jayyous raids have been especially heavy-handed, but not exceptional.

At the same time, that same week, the noose was tightened on Palestinian movement and residency rights in East Jerusalem, with the closing of the remaining passage in the wall in the Ar-Ram neighborhood, cutting off tens of thousands of Palestinians from access to the city. Even those with the hard-to-obtain permits now have first to travel north and enter the city by the Kalandia checkpoint. And the mayor of the Efrat settlement in the Bethlehem area announced that the settlement would expand to triple its present size by the appropriation of 420 additional acres of Palestinian land as "state land." Farmers are seized for no explained reason while working on their land and shot dead by IDF soldiers as well as by rampaging settlers. Children are assaulted, beaten and humiliated by settlers on their way to school and left entirely unprotected by IDF soldiers who stand by and watch. These too are commonplace actions, nothing exceptional, and we can expect still more extreme behavior under a Netanyahu government.

Our American support for Israel is and must remain unshakeable. That we should, for that reason, adopt an entirely uncritical attitude toward any and all Israeli deeds is no more appropriate than that we should adopt a comparably uncritical attitude toward misdeeds committed in the name of the United States. Our positive encouragement of lawlessness on the part of Israelis and Israeli governments has often amounted to providing the Kool-Aid to Israel, to the great detriment of Israel itself. Our love for Israel, like our love for our own country, should make us more honest than that.

What can be done?

Great hopes have been placed, throughout the Middle East region, on the Obama Administration. The President said so often during his campaign that he would address this conflict from Day One that he will be judged by what he does in this regard. No cooperation can be expected, for the time being, from the Israelis. They seem to be greatly divided but one

finds, despite the tremendous party and personal rivalries among them, they are all saying the same thing.

Because this is so obviously difficult, a number of voices have been advising the Administration that it should simply let the Israeli/Palestinian situation take its course for now and concentrate instead solely on Syria. This goes by the name of choosing its battles. Such advice is a trap, similar to the trap into which Prime Minister Barak fell when he first assumed office, subordinating the Palestinian track to that of Syria. It simply created the impression that Barak was trying to do an end-run around the Palestinians and draw Syria away from the field, leaving the Palestinians more abandoned than ever. The President's promise that he will address the Middle East from Day One, is understood as meaning Israel and Palestine.

The Palestinians are more genuinely riven by party loyalties than Israel, but are at a destroying disadvantage if they cannot join together to free themselves of occupation.

I use that phrasing, free themselves of occupation, with great deliberation. In our country it is too little recognized that this people, after all these years of very hard military occupation and deprivation of their most basic rights, have full entitlement to struggle for their liberation. It can even be said that any Palestinian government that abandons resistance to the occupation thereby forfeits its legitimacy as a government, and that is the problem the faces the current Fatah government. I believe it is not true that the Abbas government has acquiesced to the occupation and become the instrument of the occupiers, but that appearance has been given and is the basic reason for the low esteem in which it is now held. Every new acknowledgement by our U.S. government or the Israelis that these are "our guys," whom we strive to prop up, further undermines their authority. The truth is that President Abbas and his highly capable and reliable appointed Prime Minister Fayyad complain vigorously at every new encroachment on Palestinian rights, but this is hardly noticed by our governments or reported by our media.

What the United States can do now is to treat the Palestinians with a kind of respect that they have never been shown by an American Administration. That necessarily includes Hamas, and the White House is hearing from all sorts of people now (Shlomo Ben-Ami outstanding among them) that talking respectfully to Hamas is the way to go. Israeli hard-liners and their American supporters will of course hyperventilate over it, but there is no reasonable objection they can bring. Everything could be done, from the White House side, to reassure them that there is no way they or any American Administration would let the Israelis down.

This is the very dilemma that President Clinton faced, with his British ally, when he first turned his face to treat Gerry Adams, as representative of Northern Ireland's Sinn Fein Party, with respectful engagement. This too had been the third rail of British-American relations. British spokesmen treated it as the end of the "special relationship" that existed between the two countries. After the success of this strategy had been brilliantly demonstrate, they were duly grateful.

But simply treating the Hamas Palestinians with respect would change the entire climate quite radically. I happen to know, because of my own special contact which I detailed in my previous memo of January 2, that Hamas would respond very positively. And the fact that the

United States was in respectful conversation with them would actually compel the Israelis to change their tone as well.

Such a strategy would be far more effective than any amount of fussing about tunnels and rockets and retaliations and opening of crossing points. All those things, of course, would have to be dealt with, but they then could be dealt with. Without that respectful conversation all those points will simply be the topics of abrasive confrontations for an indefinite time. It's a simple enough strategy, well within reach of White House policy, would have no financial costs and would even completely recast the Administration's relation to the American lobbying effort on behalf of Israeli government policy.

We have seen recently Senator Kerry's very helpful visit to the Middle East region, on which he reported to the Senate Foreign Relations Committee which he chairs. It is noteworthy that he was inhibited, on this trip, from seeing anyone from Hamas while in Gaza, not could he see Khalid Mish'al while visiting President Assad in Damascus. Those are limits which should be broken through. Very likely the first steps would need to be taken by Track II diplomats, who however should be able to assure them that the United States will no longer adhere to the policy of isolating them, of preventing them from governing and undermining the unity of the Palestinians as a people.

Objections to this proposal:

Why won't we talk to them? We speak, as of a virtue, of our refusal to talk to terrorists. It is true that, by their rocket launchings and other attacks on Israeli civilians they violate clear principles of international law. It is true, also, that Israel has the right to defend itself when the citizens of Sderot and, more recently, Ashkelon are exposed to such things. We don't, however, hold the Israelis to the same standards as the Palestinians, who in fact also have the right to defend themselves. When the Israelis bombard civilian homes and cities, killing Palestinians, predominantly civilian, by a ratio of a hundred to one, when after receiving from Lebanon rockets which in fact did little actual harm the Israelis immediately begin shelling civilian villages with heavy artillery with no objection from ourselves, it becomes massively unpersuasive for us to argue that the Hamas rockets are such a violation of law as to prohibit our having any concourse with them.

Of course the rockets have to be stopped. But the strategy of respectful engagement which I recommend would be an actual and very practical way of stopping them.

The harder task might well be that of protecting the Fatah government of President Abbas. His authority should not be undermined. In fact he has been undermined through the totality of Israeli-American policy ever since his election as President. Even while praising him (to his grave detriment) as the pliable Palestinian leader, amenable to Israeli and American aims, which have plainly been the seizure of more land and rendering the Palestinians more helpless as a people, Israel, with American backing, has circumvented him entirely in the withdrawal of settlers from the Gaza Strip, has failed entirely to address the phenomenal settler growth in the West Bank while reinstating the full brunt of heavy military occupation, has excluded Palestinians from work opportunities in Israel and drastically deconstructed the economy of both

Gaza and the West Bank, all the while constructing the intrusive "separation barrier" and cutting up the remaining Palestinian territories by road blocks, check points and the interposition of ever new settlements. He has been shown as unable to gain anything for his deprived people.

How to increase Palestinian respect for Abbas as President? He should be given the rewards, for his people, that have so flagrantly been denied him, and this should be concurrent with the new respect shown to Hamas. An immediately urgent question is the exchange of prisoners for the release of the Palestinians' prisoner Gilad Shalit. Release of a large number of prisoners, many designated by themselves, to Hamas has been so publicly discussed that it seems likely soon to happen. An equal number should be released to President Abbas, including among these the Fatah leader Marwan Barghouti, who inspires so much respect from both Fatah and Hamas. In this and comparable ways, what is granted to Hamas should be granted to President Abbas also. Above all, rather than making it our American objective to undercut Hamas, which clearly has the support of the Palestinian people, we need to encourage unity of purpose and a unity government between these two sides, the very things that the Bush Administration so intently tried to prevent.

The objective has to be that the Palestinians and Israelis develop a way to relate to one another as friends and neighbors, each recognizing and supporting the other's rights. There is no Israeli interest that is higher than that. In fact, without achieving that, the Israelis as a nation are ultimately doomed. And the Palestinians, as a terribly abused people, deserve better than they have had from us and others.

Memo on Middle East

April 28, 2009

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Context:

Prime Minister Netanyahu will soon visit the White House, and already it has become evident that his interest and that of his close partner Mr. Lieberman will be to prevent any process likely to lead to the establishment of a Palestinian state. President Obama, even as he reaffirms the priority the Middle East problem has for him, has not yet shown his hand.

The Israelis publish reports about his properly civil phone conversation with Mr. Netanyahu as an evidence that he will limit any activity on his part to what would not threaten the cohesiveness of the Israeli coalition, which if true would mean that Foreign Minister Lieberman was given a veto over U.S. policy.

It would also suggest that the United States sees itself as having a stake in the preservation of this specific Israeli government, despite its lack of cooperation. American governments have often in the past tied their hopes to the maintenance of one foreign leader or other in office, frequently to their regret when the countries we are courting turn in disgust from those leaders. To do so in this case would be to ignore the consistent behavior of the Israeli public, which has always rejected and replaced any government that would not retain the confidence of the United States.

What one does need to do, though, is to find what particularly worries an uncooperative negotiation partner and make it feasible for them to cooperate. In this case, a lot of talk has presupposed that the creation of a genuine Palestinian state would mean the removal of all the Jewish population from the West Bank, or the greater part of it, much as was done in Gaza. The numbers, however, are altogether different. In Gaza there were 7,300 settlers, the number bolstered to somewhat over 9,000 by West Bank settlers who infiltrated the Strip at the last moment simply to create greater trouble. Within what Israelis define as the West Bank estimates run to 280,000 settlers, and occupied East Jerusalem harbors another 180,000.

Anyone responsible for government in Israel knows that they cannot remove all these people. Many even of their young people have been trained to extremes of violence, which they practice on the Palestinian residents around them, and there have already been incidents of their shooting at Israeli troops. An attempted Gaza-style evacuation of all these settlers would involve Israel in civil war on a scale that the state would likely not survive.

What to do about the settlers?

The situation is not so dire as it sounds. Palestinians have long realized how important it is to Jews that some of them be able to live in the territories of the ancient kingdoms where the story of the Bible unfolded. This is a topic I took up myself with Yasser Arafat beginning in the mid '80s, urging that it must be made possible for them. All of the settlements are in fact illegal, a direct violation of the 4th Geneva Convention. Arafat insisted, however, that he and the Palestinians had no hatred for Jews, much as they rejected occupation, and by the time of Camp David 2000 this had become fixed Palestinian understanding, that Jews, in reasonable numbers that did not represent an attempt to expel Palestinians, would be welcome to live in the West Bank, but under the jurisdiction of the Palestinian state. They could keep their Israeli citizenship if they chose and vote in Israeli elections, even adopt dual citizenship, but they would be accountable to the Palestinian state.

How many would take advantage of this welcome? At a guess, not more than a hundred thousand out of the nearly half million living there would stay, not enough to challenge the Palestinian demographic character of the state. Their safety would be one of the primary responsibilities of the Palestinian security forces.

We could expect to need a period for the healing of the antagonisms left from the events of the last eight years. We should remember, though, that feelings were very high in the times before Oslo, yet once the new arrangements were made Jews were welcome and safe in those Palestinian towns and villages that were more fully under Palestinian jurisdiction, which then became favorite places for Israeli recreation and shopping.

This arrangement would then have to be reciprocal, with comparable numbers of Palestinians admitted back to live in Green Line Israel, on the same terms, able to retain their Palestinian citizenship and/or qualify for Israeli citizenship. Numbers on either side would have to be agreed freely in negotiation, and not such as to disrupt the demographic character of either state.

Of the West Bank settlers, who would leave and who would stay? Those who preferred to live in an Israeli society would need help, financial and otherwise, to resettle in Israel itself. Those who chose to remain would be largely those of a religious character who yet chose to live in peace with their neighbors. The Israeli state would be responsible for removing those violent settlers who would not accept this agreement, but they would now be an isolated fringe group, no longer seen as heroes either by the population of Israel itself or even by those who chose to remain in the territories in peace. Their challenge would have been reduced to a manageable police problem.

One further piece is necessary to complete this picture. The border between the two states should be an open one, as open as the border between Massachusetts and Connecticut, even if it took some time to calm the feelings between the two populations.

I make that Massachusetts/Connecticut border comparison rather often, and find that friends tend to take alarm at it as too radical, suggesting something like the U.S./Canadian border instead. I know my concept of an unpatrolled border would take time to achieve, but I believe aiming at anything less would only perpetuate the schism between these two peoples who, like it or not, are going to live cheek by jowl, and need to break down rather than build barriers between them. How could we imagine putting up internal check-points within Jerusalem, as before 1967? And how should they be more justified along any other part of the Israeli-Palestinian border? They would only set arbitrary limits on the free access that both peoples need to the entire territory.

The result of this would be that the two peoples, Israeli and Palestinian, each a nation, would have their territories with internationally recognized borders, with all the institutions of their own state and society, but both would have that access to the whole territory. Israelis would no longer be confined to the narrow bounds of their tiny state but would have access to the entire Middle East.

Palestinian public opinion and the Palestinian Authority were fully prepared for this at the time of Camp David and would be so today. My own conversations with Hamas leader Khalid Mish'al and the members of his political bureau assure me that they, like they Fatah followers, are quite willing to live with Jews and reject only the status of occupation. This is an open door through which those seeking a negotiated peace can enter. Recognizing this should make it possible for even a far-right Israeli government to envision a genuine two-state, which is the only feasible way to the long-term safety of Israel.

Respect:

I had thought, in this memo, to review again the central recommendation I made in my memo of March 4th, namely that the key to success lies in treating all the parties – both Israelis and Palestinians, equally, and among Palestinians especially Hamas, which until now Israeli and American authorities have striven to isolate, disempower and destroy – with respect. I will not burden readers with a reprise of that theme but will simply restate the principal benefits that could be expected from such behavior.

It would put an end to the long and always destructive claim that there was no Palestinian partner with whom to make peace. Hamas, necessarily in harmony with the Fatah-led Palestinian Authority, would be established as such an active participant in the quest for reconciliation, a role to which I know, from my dealings with them, they would respond cooperatively. And on the part of the Israelis, even such an Israeli government as run by Mr. Netanyahu and Mr. Lieberman, such action by the United States would truly require a change from their dismissive and contemptuous tone.

Nothing can be gained, either for the United States or Israel, by seeking ways to insult and humiliate those from whom we want positive action. It was very encouraging, this last week, to discern in the careful statements of Secretary of State Clinton during her

tour of the Middle East, openings for dealing with a Hamas that had established harmony with the presidency of Mr. Abbas.

Memo on the Middle East For President Obama

June 4, 2009

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

President Obama gave a most memorable speech in Cairo this day, addressed to the Muslim world. I've been trying to read the particular section addressed to the Israeli-Palestinian conflict, which I have long studied, as if with Arab and Muslim eyes (good trick for an American Jesuit). That this would be the crucially important part of the speech, by which the Muslim world would judge it, has been widely recognized even beforehand. I found great values in it, along with some points that were left ambiguous or would disappoint the chosen audience.

As a way of commenting this, I include here, in bold type, the actual text (as the White House released it in advance to *The New York Times*), highlighting in red the particular parts on which I'll comment:

The second major source of tension that we need to discuss is the situation between Israelis, Palestinians and the Arab world.

America's strong bonds with Israel are well known. This bond is unbreakable. It is based upon cultural and historical ties, and the recognition that the aspiration for a Jewish homeland is rooted in a tragic history that cannot be denied.

Altogether essential that this should be said right up front. Arabs, Palestinians, all Muslims know this well, and it needed to be stated clearly, along with the grounding that follows.

Around the world, the Jewish people were persecuted for centuries, and anti-Semitism in Europe culminated in an unprecedented Holocaust. Tomorrow, I will visit Buchenwald, which was part of a network of camps where Jews were enslaved, tortured, shot and gassed to death by the Third Reich. Six million Jews were killed – more than the entire Jewish population of Israel today. Denying that fact is baseless, ignorant, and hateful. Threatening Israel with destruction – or repeating vile stereotypes about Jews – is deeply wrong, and only serves to evoke in the minds of Israelis this most painful of memories while preventing the peace that the people of this region deserve.

On the other hand, it is also undeniable that the Palestinian people – Muslims and Christians – have suffered in pursuit of a homeland. For more than sixty years they have endured the pain of dislocation. Many wait in refugee camps in the West Bank,

Gaza, and neighboring lands for a life of peace and security that they have never been able to lead. They endure the daily humiliations – large and small – that come with occupation. So let there be no doubt: the situation for the Palestinian people is intolerable. America will not turn our backs on the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own.

These basic recognitions have seldom been stated by an American President. It is good for Israelis too to see them so presented by an American President. Their development in the next paragraphs is also a welcome parallel, valuable even though some voices, both Israelis and Palestinians (with the wider Muslim audience), have been objecting to it during the day. Those are the very people to whom this needs to be addressed. I note that Akiva Eldar, one of the most constructive Israeli voices, praised this parallel recognition of rights in his article today in Ha'aretz.

For decades, there has been a stalemate: two peoples with legitimate aspirations, each with a painful history that makes compromise elusive. It is easy to point fingers – for Palestinians to point to the displacement brought by Israel's founding, and for Israelis to point to the constant hostility and attacks throughout its history from within its borders as well as beyond. But if we see this conflict only from one side or the other, then we will be blind to the truth: the only resolution is for the aspirations of both sides to be met through two states, where Israelis and Palestinians each live in peace and security.

Ambiguity arises from the phrase “from within [Israel's] borders as well as beyond.” It would not be right to accuse the Israeli Arabs, those Arabs who have Israeli citizenship, of constituting such danger to Israel. And as an alternative, it is not right to describe hostile action emanating from the territories under occupation as “within [Israel's] borders.”

That is in Israel's interest, Palestine's interest, America's interest, and the world's interest. That is why I intend to personally pursue this outcome with all the patience that the task requires. The obligations that the parties have agreed to under the Road Map are clear. For peace to come, it is time for them – and all of us – to live up to our responsibilities.

Palestinians must abandon violence. Resistance through violence and killing is wrong and does not succeed. For centuries, black people in America suffered the lash of the whip as slaves and the humiliation of segregation. But it was not violence that won full and equal rights. It was a peaceful and determined insistence upon the ideals at the center of America's founding. This same story can be told by people from South Africa to South Asia; from Eastern Europe to Indonesia. It's a story with a simple truth: that violence is a dead end. It is a sign of neither courage nor power to shoot rockets at sleeping children, or to blow up old women on a bus. That is not how moral authority is claimed; that is how it is surrendered.

A distinction needs to be made here, though what is said is largely true. It was actually the opening bond of my own protracted dialogue with Yasser Arafat, from 1985 on, to recognize that the call, even by King Hussein of Jordan, that he make a total renunciation of the use of force would be disqualifying of him as Palestinian leader. This is a people under a prolonged and very harsh military occupation.

I've just read, with agreement, Chris Hedges eloquent article (TruthDig.com, June 2) entitled "War is Sin," and I agree with his horror of any use of violence, but in view of the general acceptance of the right of self-defense we have to apply our hatred of violence evenly. We are always very ready, rightly, to recognize Israel's right to defend itself when under attack. You claim that right for the United States in the part of your speech that deals with 9/11, and we have had only admiration for those who resisted occupation during World War II or the Hungarians who resisted Soviet repression in 1956.

No less do Palestinians have that same right, as I wrote to Arafat in 1985, and the occupation constitutes such an attack. The Palestinian who does not recognize this ceases to be the people's leader.

What is right is, on the one hand, that any form of armed resistance is simply counterproductive for the Palestinians. It only provokes massive and typically disproportionate retribution from the Israelis. And on the other hand, Palestinians are never entitled to attack the innocent or do any of the things that actually constitute terrorism. (Arafat and I agreed, back then, on a definition of terrorism, as opposed to a justified use of force: that it is the action of an unofficial person or group which does things which, if done by the official armed forces of a recognized state, would deserve to be condemned as war crimes. That certainly includes your examples of firing rockets at sleeping children or blowing up old women on a bus, along with much else.)

All of this applies, as well, to Hamas, which you bring up in the next paragraph.

Now is the time for Palestinians to focus on what they can build. The Palestinian Authority must develop its capacity to govern, with institutions that serve the needs of its people. Hamas does have support among some Palestinians, but they also have responsibilities. To play a role in fulfilling Palestinian aspirations, and to unify the Palestinian people, Hamas must put an end to violence, recognize past agreements, and recognize Israel's right to exist.

This is a key paragraph.

I have written to you before, in memos of January 2, March 4 and April 28, my belief that the most constructive single thing you are able to do in this situation, as President of the United States, is to treat all the Palestinians, including Hamas, with a level of respect such as they have never experienced before from the United States. From all my reading of your personal character, this would be practically connatural to you. It would have multiple beneficial effects.

It would receive, for one thing, a highly positive response, as I know from my own conversations with Hamas leader Khalid Mish'al and his associates in the Hamas Political Bureau. This, of itself, would put an end to the common claim that "there is no partner," introducing thus the whole actually existing Palestinian leadership, in its pluralism (which is a democratic gain over the single-party character that leadership previously had), into the actual process of negotiating peace. And from the very fact that the United States did this, even an Israeli government headed by Mr. Netanyahu and Mr. Lieberman would have to change its tone, no longer treating Palestinians and their rights with contemptuous dismissal.

I found your phrasing, that "Hamas does have support among some Palestinians," an understatement of the fact that Hamas won a remarkably free election and has by now still wider support from Palestinians. In that, the phrasing denied the respect that they had earned.

I could not agree more with your next statement, that they have also responsibilities. It was on that basis that I first approached Mr. Mish'al after the January 2006 election. I recognized, in my first letter to him, that Hamas, at its founding in December 1987, had drawn the conclusion that they had no other option but violence. I have known many groups, in the various conflict situations I have worked with, who drew that conclusion. I have had no inclination to agree with it, but have known that people sometimes draw it honestly, and that my own task is always to find the alternatives to violence and demonstrate their feasibility to those who have genuinely believed they have no option but violence. It is my experience that when people realize that nonviolent action can actually lead to the justice they seek, they do recognize that violence is then no longer legitimate.

And so I wrote to Mr. Mish'al, as early as February 9th, 2006, shortly after the election, that Hamas, whatever they had believed until then, now did have other options, political ones. And that they had also now acquired responsibilities which they had never believed they would have to meet. The first was the responsibility to provide government, clean government in contrast to the corrupt government into which Fatah had fallen. They had been elected to provide that, and not to destroy Israel, and if they continued planting bombs in pizza parlors or on busses they would provide no government at all, because the Israelis could stop them cold in their tracks. Their second, ineluctable responsibility was to resist occupation, since no Palestinian government could claim legitimacy if it neglected that.

Their only legitimate and available means for that resistance was through a rigorously nonviolent and thoroughly mobilized campaign, something of which they would be incapable unless they came to agreement with Fatah and carried it out in unity with them. This has been the theme of my communication with Mr. Mish'al ever since.

I devote so much space to this theme of the respect with which I would hope you will deal with Hamas because I believe it the only approach that can have any truly positive effect. I ask myself why this has not already happened, as it is so consonant with your own character. I don't know, of course, but I would wonder if it is connected with the likelihood that current Israeli government and their supporters in the United States would all be excited and jumping up and down, hyperventilating as I put it in an earlier memo. You have been very forthright in addressing the question of settlements and have found that both in Congress and in the American Jewish community you have very strong support. It may be that, in order to open a positive dialogue with Hamas without too much frightening those constituencies, you might need to use Track II diplomats first to convey to Hamas that the effort to exclude and suppress them was over. In this way you might elicit the positive response from them that would enable you to present your dialogue with them to the Israeli and American-Jewish publics.

One other thing calls for comment in that short paragraph: the requirement that Hamas "must 1) put an end to violence, 2) recognize past agreements, and 3) recognize Israel's right to exist." These are the preconditions that we so often claim we will not require. However reasonable they may sound, or however much the defenders of past policies may defend them, it should be noted that no such preconditions are imposed on Israel. Israel has not put an end to violence, either the extreme violence of its treatment of Gaza or the incredible violence of its settlers against innocent Palestinians in their own land. Israel has shown no intention of honoring its own past agreements. And the Israeli government will not concede the entitlement of Palestinians to a state. There is no parity here.

At the same time, Israelis must acknowledge that just as Israel's right to exist cannot be denied, neither can Palestine's. The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop.

Two very distinct things require attention in this short paragraph. First, so much is made of Hamas's refusal to acknowledge Israel's right to exist. One of the core reasons why this is so, as I found in talking with Mish'al and his colleagues, is the lack of symmetry just mentioned: Israel does not acknowledge the Palestinians' legitimate entitlement to a state.

I happen to have had much to do with Arafat's, and the PLO's, recognition that they, in fact, had already come to an acceptance of Israel's right to exist, in conversations I had with him and members of his Executive Committee in 1985 and 1986. They made this recognition public at the Algiers PNC of 1988, Arafat confirming that when he addressed the UN General Assembly in Geneva later that year. It was the basic content of the PLO's part in the 1993 Oslo Accord. Israel's part in that Accord was to recognize the PLO as the "sole legitimate representative of the Palestinian people," implying, but only implying, that the Palestinians were a people deserving of legitimate representation. This Israeli formula was borrowed from the Arab League's statement in

their Rabat meeting of 1974, but they did not recognize that entitlement of the Palestinians to a state.

Some statements of Israelis and of George Bush as U.S. President since then have spoken of the need for a Palestinian state, but it has never been of a genuine state, and Hamas declines to make that recognition of Israel's legitimacy without that symmetry. This is not a matter of permanent refusal. The ball, in this matter, is in the Israeli court.

The second matter requiring attention in that brief paragraph is your statement that "The United States does not accept the legitimacy of continued Israeli settlements." This is ambiguous. You may be saying that the U.S. does not accept further expansion of settlements, as you have been making plain to Mr. Netanyahu recently. Or it may also mean that you regard all the Israeli settlement, ever since 1967, as illegal, which is what most of the world believes and international law very clearly determines.

This is a very drastic provision if it were to mean that all the Israeli settlers would be required to leave the Palestinian state's territory, an impossible outcome. I devoted most of the last memo I sent you on this subject (April 28) to the agreement Palestinians have already made long since, that Israelis, Jews, would be welcome to live in their territory, retaining their Israeli citizenship if they chose and having the option to adopt Palestinian citizenship as well. But they would be subject to the jurisdiction of the Palestinian state. Their safety would be a priority responsibility of the Palestinian state.

This was part of the Palestinian proposal at Camp David and was recently confirmed as a standing offer by Abu Ala (Ahmed Qureia, interview by Alex Levac, Ha'aretz May 26), who is actually the main negotiator for the Palestinian Authority even though Saeb Erekat carries the title of Principle Negotiator. That Hamas too would accept this is indicated by Mr. Mish'al's statement to me that he and his movement have no problem about living with Jews. What they object to and resist is occupation. Mish'al told me one of his great reasons for pride in Islam is that, during the many centuries of Christian persecution of Jews, Muslims and Muslim countries were their refuge.

Not all the Israeli settlers would elect to live under Palestinian jurisdiction. Those who chose to return to Israel itself would need help to make the move. And Israel would have the responsibility to remove those violent, even terrorist Israeli settlers (very insistent but not that large a number) who would refuse to accept that arrangement.

Israel must also live up to its obligations to ensure that Palestinians can live, and work, and develop their society. And just as it devastates Palestinian families, the continuing humanitarian crisis in Gaza does not serve Israel's security; neither does the continuing lack of opportunity in the West Bank. Progress in the daily lives of the Palestinian people must be part of a road to peace, and Israel must take concrete steps to enable such progress.

This is the strongest recognition you or anyone in your Administration has yet given to the catastrophic condition of Gaza. As I read the commentary that comes from

both Israelis and Arabs, Palestinian and other, in the region, the strongest single reason people give for doubting your commitment to the peace there is the lack of any mention of the calamity of Gaza or the extreme violence of the assault made last December and January on its people, whose end was so carefully measured to your Inauguration Day. The United States has since pledged 300 something or other, hundred of thousands or millions of dollars for its reconstruction, but the number doesn't matter since none of it will reach Gaza so long as the Israeli blockade continues and our country refuses to deal with any Palestinians other than President Abbas and his Fatah government, who can do nothing about it.

Finally, the Arab States must recognize that the Arab Peace Initiative was an important beginning, but not the end of their responsibilities. The Arab-Israeli conflict should no longer be used to distract the people of Arab nations from other problems. Instead, it must be a cause for action to help the Palestinian people develop the institutions that will sustain their state; to recognize Israel's legitimacy; and to choose progress over a self-defeating focus on the past.

America will align our policies with those who pursue peace, and say in public what we say in private to Israelis and Palestinians and Arabs. We cannot impose peace. But privately, many Muslims recognize that Israel will not go away. Likewise, many Israelis recognize the need for a Palestinian state. It is time for us to act on what everyone knows to be true.

Too many tears have flowed. Too much blood has been shed. All of us have a responsibility to work for the day when the mothers of Israelis and Palestinians can see their children grow up without fear; when the Holy Land of three great faiths is the place of peace that God intended it to be; when Jerusalem is a secure and lasting home for Jews and Christians and Muslims, and a place for all of the children of Abraham to mingle peacefully together as in the story of Isra, when Moses, Jesus, and Mohammed (peace be upon them) joined in prayer.

This eloquent concluding section of this part of your speech, Mr. President, must truly represent the spirit in which you approach this entire problem. I hope the peoples of the region and the Muslim world, to whom this topic is at the very heart of their concerns about the United States, will understand that. Hearing and then carefully reading the speech myself I felt these points needed clarification or even further consideration.

Like yourself, I write this in full support of the state of Israel, its peace, its permanence and the safety of its people. I believe we both realize that this approach is much more supportive of Israel than are those who would lead Israelis down the garden path of believing they could deal with the Palestinians without justice. For Israel's long-term good, it must come to reconciliation and peace with its neighbors. America's help to Israel can only be genuine if it helps Israel toward that goal.



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BOSTON COLLEGE

JESUIT COMMUNITY

July 20, 2009

Mr. Denis McDonough
National Security Council
The White House
Washington, D.C. 20500

Dear Mr. McDonough,

Christ's Peace!

You have seen, I believe, several memos on Middle East policy that I wrote earlier this year, tracked to you through Jerome Maryon, a friend who has been close to the Administration during and since the campaign. I thought it best, then, to send these further observations to you as, in President Clinton's time, I did regularly to Tony Lake. I have very high hopes from the Obama Administration on many counts, and particularly on the Middle East matters with which I've been closely concerned for a number of years.

Recently I read an article by Ali Abunimah, one of the founders of *The Electronic Intifada*, " Hamas' choice: Recognition or resistance in the age of Obama" (July 6, 2009, <http://electronicintifada.net/v2/article10647.shtml>). Among other things, it gave me my first extensive quotations from Khalid Mish'al's speech of May 25th, which up to then had not been available in translation. I think of Abunimah as one of the more intelligent and honest Palestinian commentators, and take him seriously, but found I disagreed with enough in his analysis that I needed to pick up on it, among others to you in the Administration. (I assume that you know the article.)

I don't believe Abunimah is right, that Mish'al and Hamas are in danger of selling out their principles if they sought a rapprochement with the United States. Nor do I believe that Arafat and the PLO did that. I think the Oslo Accord was a very positive thing, weak in not providing more concrete agreements than it did, unrepeatable because the staged transition principle that it embraced has been discredited now by failure. But it was honestly made by Arafat and the PLO (earlier, in fact, than Oslo: at the Algiers PNC of 1988). In my judgment, the failure resulted from betrayal on the part of Israeli governments: the continued pre-emptive confiscations of land and expansion of settlements, as well as the refusal to implement agreements when made. It is fashionable to blame the Palestinians, at least equally, for the failure, and of course some of the tactics – attacks on civilians which meet the definition of prohibited acts even in a legitimate resistance – have to be condemned and rejected. I would note that they were all done, whether by Hamas or by other groups, in reaction to far more extreme violence by Israeli government and settlers to Palestinian civilians. Yet in fact there can be no legitimacy to any Palestinian leadership that is not resisting occupation, especially as the

breadth of continued Israeli preemptive actions, all of which Israel had renounced in signing the Oslo Accord, justified and even required continued Palestinian resistance.

But I disagreed further with Abunimah in his concurrence with what he took to be Mish'al's opinion, that non-violent resistance is appropriate only to civil-rights issues, and that such things as Israel's oppressive military occupation, which of itself is a continuing act of war, can be addressed only by armed resistance. That's an argument I had with Arafat over several years prior to the 1988 Algiers PNC, and we went through all these same comparisons: with World War II resistance, Algeria, Vietnam (where Kissinger's U.S. continued holding formal negotiation sessions with the Viet Cong even while their military attacks continued), Northern Ireland, etc. Justification (exaltation!) for the World War II resistance came at a time when the virtues and the strategies of non-violent resistance were not really known or understood. Ghandi was doing it in India, but no success had yet been shown. By now, though, we have the demonstrated examples of India, South Africa, Poland and the rest of Eastern Europe and many others, including the way the Northern Ireland conflict was actually brought to its end, and can see that the non-violent campaign not only can be successful but holds far more promise of success than a violent resistance.

I do entirely agree, though, that the conditions Israel, the U.S. (even under Obama) and the Quartet are laying down for the Palestinians would amount to betrayal and abandonment of their people. When it comes to renunciation of all right to armed resistance, I am back to what I argued, beginning in 1985, to Arafat: that the right existed – subject, of course, to the criterion of necessity, almost an impossible criterion to meet: that there was no alternative – so clearly that renunciation of it would itself be a disqualification for leadership of this oppressed and occupied people. But that in fact the use of armed force was altogether unproductive for the Palestinian people in the circumstances of their relation to Israel, and that there was now clearly an alternative in the form of a fully mobilized non-violent resistance.

The recognition of the state of Israel as legitimate was appropriate to Arafat, the 1988 PNC and the Oslo negotiators in the understanding that the negotiation of a responding recognition of a Palestinian state was genuinely in prospect (though not specifically spelled out in the Accord) and that preemptive actions, such as Israeli governments later took with full abandon, had actually been renounced by the Israelis in the Accord. In present circumstances, I would judge that Hamas is justified in withholding formal recognition for the two reasons it gives: the lack of Israeli recognition of their entitlement to a (genuine!) state and the lack of any definition of borders, after Israel has so demonstrated its readiness to keep on confiscating and colonizing land even after having formally renounced it. (You will have seen, from earlier memos of mine, the conversation I have been carrying on with Hamas about territorialism on behalf of Islam as such, comparing it to the catastrophic and now abandoned Christian history of territorialism.) The current addition by Netanyahu and other Israelis of a further condition, that the state of Israel be recognized as (exclusively) Jewish, with all that has come to imply (religious territorialism again!), really has to be rejected by the Palestinians.

Abunimah's understanding of these pre-conditions to dialogue is essentially the reason he believes Mish'al could only cooperate with U.S. policy if he betrayed his people. I don't believe this has to follow, and do argue that case in my own writings to Mish'al.

What is most significant in the Mish'al speech though, recognized by Abunimah, is the good-faith opening to genuine dialogue by Hamas. That is the thing that the Obama Administration can and in my opinion ought to recognize and respond to.

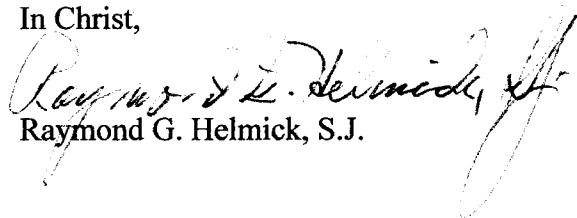
I have been arguing, in each of the memos I've sent, that the essential thing the Obama Administration can do with regard to this conflict is to treat the Palestinians, and Hamas in particular, with a level of respect they have never experienced from an American government. Such respect is in fact connatural to President Obama, and would produce a number of benefits. It would put a definitive end to the old argument that Israel has no partner with which to make peace. It would introduce Hamas into the positive process of making the peace – to the great advantage of Israel as well as both the Palestinians and ourselves. And by the very fact that the United States did it the Israeli government, even one headed by Netanyahu and Lieberman, would have to change its tone to one of respect.

It might be necessary to initiate such respectful dialogue first by Track II diplomacy, but from my own dealings with Mish'al and his leadership I have full confidence that the response would be positive.

Nothing other than obstruction can be expected from the present Israeli government. I am convinced that this approach would truly change the whole climate of these dealings and lead them to a conclusion that would mean success: for the U.S., for Israel and for the Palestinians.

With best wishes,

In Christ,

A handwritten signature in dark ink, appearing to read "Raymond G. Helmick, S.J.", with a stylized flourish at the end.

Raymond G. Helmick, S.J.



BOSTON COLLEGE

JESUIT COMMUNITY

September 21, 2009

President Barack Obama
The White House

Dear President Obama,

Christ's Peace!

I have been reading, in this morning's *New York Times*, the leaked summary of General McChrystal's report, predicting failure in Afghanistan if he does not receive more troops within the year. Your own response that you are waiting to see a promising strategy has been well reported, and it is clear that sentiment about the war in our own country is very clouded.

I noted particularly General McChrystal's observation that, in the prisons, 2,500 Taliban or Qaeda radicalizing insurgents are able to recruit among 14,500 inmates. That points up to me that the strategy question is fundamentally one of hearts and minds. You are not able, nor do you wish, to send escalating numbers of American soldiers and marines, and you must realize that, even if you did, they would not win so long as the United States is seen as the aspiring master with the whip.

That puts the problem squarely in the Israeli-Palestinian Middle East, the core issue for all the Muslim world, where you have in fact been trying manfully to make progress toward the peace. Your proposal of a freeze on settlement building has met outright defiance from Mr. Netanyahu, and his success in deflecting that issue into discussions of permissible expansion and vertical construction has left you looking powerless in the eyes of all those – Muslims anywhere among them – who are asking whether anything is new or whether you have it in you to make a breakthrough to Middle East peace. Without that, the angrier Muslims – Taliban, Qaeda and many others – will believe they must simply fight on to break the American power that has for so long facilitated the terrible destruction of Palestinian rights. In Afghanistan and elsewhere we will fight losing battles against those stirringly convinced that justice is on their side and that we are oppressors.

I have written earlier on this topic, seeing the question fundamentally as one of the rule of law. Building of settlements in the territories captured by Israel in 1967 is clearly illegal, and not simply a breach of special agreements made in previous negotiations. That used to be said

unambiguously by U.S. authorities. All the world, outside of Israel and the United States, still knows it to be true. Israeli lawyers and their supporters here have striven endlessly to deny that but have convinced no one but themselves. U.S. administrations have progressively weakened their statements on the issue, calling the settlements “obstacles to peace” or, at its most flaccid, merely “unhelpful.” Recognition of the basic illegality of those settlements ought to be the baseline of American policy.

This does not mean the evacuation of all Jews from the Palestinian territory. This is an issue I took up myself with Yasser Arafat constantly beginning in 1985, that Palestinians should recognize how important it is for Jews to be able to live in the territories of their Bible history (“Judea and Samaria”) and should welcome those who were willing to live in peace under the jurisdiction of a Palestinian state.

Hebron, I always argued, was the test case, the place more important to Jews than any other except Jerusalem itself. The problem was that the wrong Jews lived there, those who were not at all willing to live in peace but were there explicitly to drive Palestinians out. In more recent times these settlers, and those of many other West Bank settlements, have become actively terrorist, even training their children, teenage and even younger, to assault Palestinian children on their way to school, while their elders vandalize and often burn Palestinian homes, steal or destroy their crops, or attack them violently as they work in their fields or olive orchards. It is as much the responsibility of the Israeli state to prevent that activity as it is for Palestinian government to deal with Palestinian terrorists, though in fact Israeli army or police normally stand by passive during these episodes, or even arrest any Palestinian who resists.

But Jews should be able to live in Hebron and elsewhere in these territories that are so important to them. Arafat, after a few years of telling me we should let that question wait until a later time, embraced the proposition, and it was part of the understanding with which he and his Palestinian delegation went to Camp David. That it is still a part of Palestinian policy has been stated explicitly, recently and quite emphatically, by Prime Minister Fayyad and Ahmed Qureia, the negotiator.

Anyone would have to suppose that, if Israeli Jews living in the occupied territories were given the option of living there, with their Israeli citizenship, dual citizenship if they chose, but under Palestinian jurisdiction, not all would stay. The numbers there at present – a full half million, 300,000 in what the Israelis designate as West Bank and another 200,000 in occupied East Jerusalem – have been built up as a way of driving Palestinians away. The number who would remain, under the option of living within a Palestinian state recognized by Israel, would be fewer.

I am, as I believe you know, one of the small band who visit Hamas, just as I did over many years to Arafat. I’ve been with Jesse Jackson to see Khalid Mish’al, in fact had insisted to Jackson that our first stop had to be in Damascus to talk with him, and close friends of mine,

such as Lord Raymond Hylton of England, have also maintained that contact. I have never heard that particular formula from Mish'al, that Jews would be welcome to live as residents in a Palestinian state, but I have heard him speak at length about his, and his people's, readiness to live side by side with Jews. He (and they) had nothing against Jews, he explained, and he even regarded it as a matter of great pride in his religion that, through all the centuries of Christian persecution of Jews, Muslims had been their refuge and protectors. What the Hamas people reject, as do the PLO and Fatah, is occupation.

It is not surprising that Mr. Netanyahu defies you over the settlement freeze. You are dangerous to him. He has always opposed anything not to the liking of those Israeli extremists who envision a takeover of everything the Palestinians have. His policy has always been to promise the minimum he can get away with and then renege on even those promises. His tactic is delay and postponement, and it never has an end. In his current government he is under the full control of Mr. Avigdor Lieberman, the reincarnation of Kach.

Netanyahu can heed you or fight you. Either way he loses. If he does as you ask, his coalition will dissolve. If he fights you and risks alienating the United States, his people will ditch him. His saving option is to make you look a failure, and that is no good for you.

What are you concretely able to do? There are basically two things.

The first is to premise your every action in this area, and your every dealing with either Israelis or Palestinians, on the rule of law. There is ample international law that affects this situation. In a book I published myself a few years ago, *Negotiating Outside the Law: Why Camp David Failed*, I argued that the whole peace process, from the Madrid Conference through Camp David and Taba and beyond, had been conducted without premising it on law. The only alternative if you do not premise it on law is to premise it on power, on superiority of military and/or political power. The disparity of power between these parties, especially with the United States as superpower underwriting Israeli power at every point, is enormous. That kind of process cannot produce agreement, only submission if that.

In the case, with actual good will on the part of many of the participants (the problem was structural rather than one of ill will), the underlying assumption was that everything Israel had was hers, as by right of possession. Several Israeli Prime Ministers (Rabin, Barak) and a genuine preponderance of the Israeli public had realized that, for the peace of Israel, the Palestinians had to have something real. The negotiations though, on that basis of possession, were never between Israelis and Palestinians, but instead between Israelis who wanted to give the Palestinians something, others who wanted to give more, and yet others who wanted to give little or nothing. No one was more anxious than President Clinton that the Palestinians get more rather than less, but he too accepted the assumption that what the Israelis had was theirs by right of possession and what the Palestinians got would be gift.

The result of that was presented to the Palestinians on a take-it-or-leave-it basis, essentially a *Diktat*, with the supposition that they were in the wrong if they refused it. Even if the offer had been better than it was (and as it was at Taba, where the business was left unfinished), a *Diktat* could not be accepted, no more by Palestinians than by anyone else.

If the law is the underlying assumption, the parties are equal before it and can negotiate in freedom. Many Israelis, and their American supporters, have a fear that this would prejudice the case against Israel, which has much violated it during the forty two years of occupation. But this is not the case, as the law is there for the protection of both sides, which are equal before it. Israeli rights and interests will be as much respected and defended as those of Palestinians.

The law in question does not determine outcomes, but requires that the parties negotiate them. At issue are

- 1) the principle prohibiting the acquisition of territory by force (allowing alteration of borders only by free agreement), Article 2 of the United Nations Charter, a matter firmly entrenched in the international condemning of aggression even before the Charter;
- 2) the two General Assembly resolutions, 181 (the partition, authorizing the establishment of two states, one Jewish and one Arab, in the territory of Palestine) and 194, containing the contentious item of right of return for refugees;
- 3) the two major Security Council resolutions, 242 and 338, so often cited as the basis for peace but so slighted in practice; and
- 4) the Fourth Geneva Convention.

These are the substance of the pertinent international law.

The water has been muddied by the practice of many Palestinian advocates, NGOs and others, of using this international law as a cudgel with which to beat the Israelis. International law does not lend itself to such retributive use, as there is effectively no enforcement mechanism other than to honor the moral commitments made by the parties to uphold it. That honor requires of the parties that they agree, as equals, on the outcomes.

In the matter of that difficult resolution on the right of return, for instance, General Assembly Resolution 194 specifies that any refugees who return will do so “to live in peace” (something not adhered to by the Hebron settlers who feel they are returning, after exile, to a Promised Land but feel no obligation to live in peace). Living in peace cannot even be imagined if the whole Palestinian refugee population returned to live in Israel, any more than it can be as Israeli settlers attempt to populate and control every last parcel of Palestinian land in the West Bank. The proposition of itself requires negotiation about acceptable numbers which would not disrupt the demographic character of either state’s territory.

To demand this observance of international law is not an abandonment of Israel to win the favor of their enemies. Israelis, needing the peace as much as they, are very aware that its

price is a just settlement with the Palestinians. Consistent polls over a long time show a high level of Israelis, up into the 70s in percentage points, who are ready to pay that price. It is also true that this is a long-traumatized people, easily panicked by enemies of the peace who know very well how to pull their chain. The even-handedness, positive for both peoples, with which you, as President of the United States, would advocate insistently this observance of law would be the reassurance the Israelis need.

All that is the first thing that it is in your power to do. Very clearly it will entail a turnover in Israeli government, unless Mr. Netanyahu were improbably to agree, in which case too he would lose his coalition. That is not interference in another government. The decisions would be left entirely to the Israeli public, which can be relied on and which has always shown a readiness to respond positively whenever it understands that there is a genuine possibility of peace. Instances of that are their reception of Anwar Sadat, or of the Oslo Accord, or their election of Yitzhak Rabin or of Ehud Barak.

The other quite necessary thing you can do is to promote the unity of the Palestinians, without which any talk of peace or reconciliation between Palestinians and Israelis is shadow-boxing.

This too I have written to you before, in memos which I believe did get through to you, dated January 6th of this year, April 28th and March 4th, as well as in a letter I sent to Denis McDonough July 20th.

Most of the correspondents who write of your policy take it that you are still hoping to arrange a deal between Israel and the Palestinian Authority, with its Fatah leadership, to the exclusion of Hamas, as a band of untouchables. I don't know, in that case, what you mean to do with them. The Israeli effort in December and January was not exactly a success.

As I mentioned above, I have been talking with Hamas, as I did over a long period of years with Arafat. I have been at pains to discover whether they were really religious fanatics, and I find that they are not. Their Islamic faith is of great importance to them, but it does not reach to imposition on others, and they – Khalid Mish'al and his political bureau – attest to their respect for and acceptance of Jews (not of occupation).

Hamas is ineluctable. The party was freely elected by the Palestinian people in an election more honest than any other in the Middle East. The decision by the Bush Administration, and at their urging by the Israelis, to refuse all contact with them and to try to stifle them was fundamentally anti-democratic. Reports circulating now – among spin-doctors – that they are falling behind Fatah in polls are about as reliable as the polls that predicted a massive Fatah victory in 2006. Fatah is, in fact, doing better now than before. It's party conference showed some new life and opposition to corruption, and it stands to president Abbas' credit with his public that he is now refusing to deal with an Israeli government that is merely playing games with him and with you. He carries the burden of having looked like a Quisling to

that public over all the Bush/Olmert/Livni years. It will be a great surprise if that does not show in an election. No Palestinian government can have legitimacy if it does not stand for resistance, just as no Palestinian government is going anywhere if its resistance is through violence.

Granted, it would be a grave disaster if Hamas were to become what the PLO once was, the sole legitimate representative of the Palestinian people. The good standing of Fatah and its fully active alliance with Hamas in a rigorously non-violent resistance to the occupation is an indispensable condition for any possibility of peace. Both of these parties need American help to be able to work in harmony with each other. Their bitter division now is basically the product of American and Israeli sabotage, and that division is now the greatest single obstacle to achieving the peace, which is in the real interest of Israel and the United States.

Your own fundamental charism, for which I heartily admire you, is for treating people with genuine respect. You tossed a bone to Hamas in your Cairo speech, but it was a very bare one. I would understand that you cannot at once make direct contact with Hamas, but there are ample Track 2 opportunities to approach them, first with assurances that the era of trying to exclude them from the process is over. These, I am fully convinced, are people with whom it is possible to make peace.

There are benefits if you would do it.

First, by showing them such respect as Palestinians have never had from the United States before, you would introduce them into the process, putting an end to the familiar argument which we have been hearing for as long as the state of Israel has existed, namely that there is no partner for peace. That is not true, any more than it is true that the Palestinians have no partner for peace, though that is likelier in the Israeli people rather than in its present government.

Second, your doing so would require of Hamas that they respond positively to the occasion, as I know them capable and willing to do.

Third, by the very fact that the United States treated Hamas with such respect, the Israeli government, even that of Netanyahu and Lieberman, would have to change its tone. That too is precondition to any possibility of peace.

I would remind you of the experience of President Clinton when he made his first overture to the Irish Republican movement, granting the 48-hour visa to Gerry Adams to come to a forum in New York in 1994. That ended more than seventy years of total American abstention from taking any position on the Irish question, which was seen as Britain's business alone. The British reaction was consternation. The Minister of State for Northern Ireland in the British government, Mr. Michael Mates, spoke for the government establishment as a whole when he pronounced that the special relation of Great Britain with the United States had ceased. Look back at that now. It was Mr. Clinton's greatest single success in his presidency. He did a noble

service to Britain as well as to Ireland and to the peace. In Britain there is now nothing but gratitude to him for doing it.

Mr. President, I wish you well in your efforts to help these peoples to peace. They will be tremendously grateful too, perhaps after some rambunctious storms, if you succeed. And it is really the condition of your solving the massive dilemma you face in Afghanistan.

You have declared yourself often in favor of talking with your adversaries. On the evening of 9/11, 2001, I spent an hour and three quarters in a panel discussion of the day's horrors for a local TV station here in Boston. I was already making a distinction among three groups of people: those who had carried out this outrage, to whom, after their suicides, not much more could be done; those who had sponsored or assisted their action in any way, who had to be held accountable, in proportion to their actual involvement; and thirdly, the sea of anger that existed not only among Arabs and Muslims but in much of the world.

These latter were people who had driven no airplanes into our towers, but who saw the United States as oppressor, as exploiter, as dishonest in its dealings, all the bad things. It was not true, as Mr. Bush told us, that they hated us because we were so good. We needed to address their grievances. (There is something to that effect in Matthew 5, 23-24.) If we did not, we would be untrue to our own most basic principles.

Another panelist, a professor who had worked as staff for the Senate Foreign Relations Committee for some years and felt very angry that might, responded that if people thought that way of us, we must make them fear us. I told him I reckoned that was what those nineteen people had been trying to do to us during the day, and asked if he cared to join them. That, of course, was not the reply he wanted, so he said: "They've been telling us all these years that we should do these things by diplomacy and look where it got us." My retort was that our diplomacy must not have been very good.

But the Bush Administration took the professor's course, and drove it to an extreme degree, trying to instill fear of us in the rest of the world. That is the fundamental foreign policy catastrophe that you have had to deal with in your presidency. If, in your dealings with the Palestinians, with Hamas in particular, or with Afghanistan, your central policy is to instill fear and obedience, you won't get it. If you succeed, through care for all the participants, Israeli and Palestinian, in this core issue of the Middle East, you will have addressed most positively the grievances of the whole Arab, Muslim and third worlds. The anger at the United States will be turned to respect and your presidency will have succeeded.

In Christ,


Raymond G. Helmick, S.J.



BOSTON COLLEGE

JESUIT COMMUNITY

September 21, 2009

General James Jones
National Security Adviser
The White House
Washington, DC. 20500

Dear General Jones,

Christ's Peace!

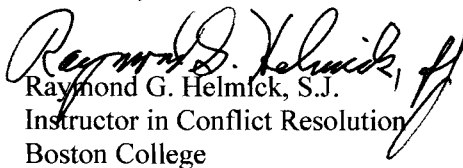
Excuse me, please, that I impose on you, enclosing this letter for President Obama.

I do so because it was my habit for many years of the Clinton Administration to do so with National Security Adviser Tony Lake. I always heard back from him, often from President Clinton himself. I had no such responses from Sandy Berger, but at the end of his administration President Clinton wrote thanking me for all the many letters I had sent and telling me he had always asked both Tony Lake and Berger to get them to him. That had been my experience both with the Reagan and the George H. W. Bush administrations. I seldom knew if anyone (other than Colin Powell) read the many things I sent during George W. Bush's years.

I've been writing memos for President Obama, as I mention in this letter, through friends, but I've no idea whether they ever got through. I would be very grateful to you if this one does.

With thanks,

In Christ,


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



The Middle East's Leading English Language Daily

Friday 6 November 2009 (19 Dhul Qa'dah 1430)

[Print Page](#)

President Obama, the Nobel Prize & "Call to action"

Fr. Raymond Helmick & Dr. Nazir Khaja —

US President Barack Obama's Nobel Prize is a source of pride and honor for all Americans and all of us who hope for peace in this world. It is an award more of expectations than for any significant accomplishment in this early period of his tenure. His own words summarize it best. On responding to the news of his award, he acknowledged, "this is only a call to action". If his recent performance in restarting the Middle East peace process is any indication then one will have to urge him to be more resolute in action rather than continue with rhetoric and shadow dancing.

This is even a greater challenge for Obama because of present political situation in the Middle East where the most hawkish government in Israel's history is in power and there is continuing Palestinian factionalism.

In the recent round of Middle East peace talks Obama backed down on the settlement freeze. He was publicly humiliated, much more so than by failing to bring home the Olympic Games to Chicago.

He is smart enough to know that he was making Benjamin Netanyahu's position precarious. Either Netanyahu would do what Obama told him, in which case his coalition would fall apart, or he would defiantly refuse, in which case the Israeli public, which will never tolerate a PM who fights with the United States, would throw him out. Netanyahu's only refuge was to make a fool of Obama. He and Avigdor Lieberman, who is his real governor, are since then smirking at their triumph. It will come to haunt him.

Netanyahu was cleverer; he threw the ball into the Arab court and the international community. He put all kinds of obstacles to Palestinian rights and the end of the occupation. He tentatively mentioned the "state" word, but without mentioning borders or sovereignty.

But do not for a moment believe that Obama is a spent force. There are things he can yet do, and Netanyahu's victory over him is a pyrrhic one.

The settlement freeze idea, which put Netanyahu on the spot, was not in fact well designed to address the basic problem of occupation. The existing settlements are the problem, not simply their further growth. They are an encroachment meant to displace the Palestinian people from their ancestral lands, and illegal under international law, as incorporated in the Fourth Geneva Convention. We hear often enough of Palestinian plans to drive Israelis into the sea. The settlement project, from its inception, has been the plan to drive the Palestinians into the desert.

What is the US position on the question of settlements? Obama has said that "The United States does not accept the legitimacy of continued Israeli settlements" and "It is time for these settlements to stop". It is the same language that Hillary Clinton has recently used. But what does it actually mean?

Does it mean that settlement expansion should stop? Or, in fact, for existing settlements to be disbanded? Could the first sentence even mean that the US is beginning to revisit its studied ambiguity, for the past 30 years, over whether it views all Israeli settlements on occupied territory as illegal?

It is not the intention of all Israelis to drive the Palestinians into the desert; many of them understand that the settlers are poison to Israel itself.

What Obama can do is, first of all, to predicate every decision about this conflict on international law.

Neglect of the law, the search for some alternative to law that would be more palatable to the Israeli right wing, was the devil that foiled all the negotiation efforts from the Madrid Conference through the Oslo period. If the law is not followed, what alternative do we have? There is only the employment of power, superiority of political and military power to enforce the will of one side. The power disparity in this situation is overwhelming. Before the law, though, the parties are equal.

Israelis may fear that the law would prejudice the case against them, but this is not true. The law will protect the rights and legitimate interests of both parties.

Let's be clear in our expectations. Obama and the United States citizenry will never undermine Israel or cast its interests aside in favor of some other interest, that of Arabs and Palestinians, or its own interest in oil supplies or the geopolitics of the Arab states. Obama said that plainly enough himself at Cairo and says it often, even as he reaches out with manifest friendship in support of Arab and Palestinian rights. He is very conscious of the political minefields of public opinion and intense lobbying within the United States and will always be wary of taking the Arab or Palestinian side in a way that will be understood as anti-Israel, since he knows that doing so would make the achievement of the most righteous Arab goals less attainable rather than more. A whole series of American presidents has been led, by these considerations, to make those destructive compromises with the law, but in Obama we have someone from whom we may expect better.

A subsequent article will spell through the major points of international law that rightly govern this situation. But let it be noted here that the law does not predetermine the outcome. Rather, it requires negotiation between parties who come before it as equals, relieved of the power disparity that has reduced them thus far to simply exercises of coercion.

Understand it this way. The guiding assumption of the negotiations that have happened so far has been that everything Israel has belongs to Israel: Right of possession. Many Israelis, including prime ministers like Yitzhak Rabin, or perhaps Ehud Barak, who was such a disappointment, have understood that for the peace of Israel the Palestinians must have something real. But that assumption that it belongs, by possession, to Israel has meant that what the Palestinians received would be gift from Israel. That meant that the negotiation was never between Israelis and Palestinians, but between Israelis and other Israelis: Those who wanted to give something, though who would want to give more, and those who wanted to give little or nothing at all.

The outcome of that process was then presented to the Palestinians on a take-it-or-leave-it basis, but it had been reduced to a diktat. Even if the offer were better than what is called the "generous offer" made at Camp David, as was the outcome envisaged at Taba or the unofficial one in the Geneva Accord, no one can accept a diktat.

No one more wanted that Palestinians get more rather than less than President Bill Clinton, but he too accepted this premise that all was in the gift of the Israelis, and that poisoned the whole process.

For Obama, then, in his manifest friendship and care for Israel and its people, which in fact practically everyone in the United States shares, insistence on the law is both an available policy, something he can really do, and an exercise of a great deal better care for the Israelis than any indulging them in those things that are poison to their society as well as torture for the Palestinians. Rule of law is what will bring peace and reconciliation with their neighbors to the Israelis as well as justice both for them and for those who have been their victims. This would get to the heart of the problem, as the settlement freeze could not.

There is a second thing that Obama can do which is vitally important to fostering the peace. That is to bring Hamas into the process of resolving the conflict.

The effort to exclude Hamas after they won a free election and were the democratic choice of their people was an injustice from the beginning. Without unity of the Palestinians there can be no progress toward peace between Palestinians and Israelis.

What is within Obama's opportunities and would be as great a contribution as his setting his course by the rule of law is to treat the Palestinians, and among them Hamas, with a kind of respect that they have

never experienced from an American government. This is the special charisma of Obama, to treat others with genuine respect. Those who have taken the trouble to know the Hamas leadership come back with a sureness that they are not fanatics, important as their faith is to them, and that they would respond positively to any such approach. It may well be that Obama's approach to them would have to be, at first, through Track 2 diplomacy but it would get well beyond that.

What it would accomplish would be, first, to put an end to the old argument, which we have heard for as long as Israel has existed, that there is no partner for peace. Hamas will be such a partner, and must be so in alliance with Fatah, as neither can produce the unity of the Palestinians by themselves. That show of respect by Obama, revealing that there really is a process leading to peace and justice, would introduce them into the heart of it. By the very fact that the United States showed that respect, those Israelis most insistent that there is no partner would be obliged to change their tone, even a Netanyahu and an Avigdor Lieberman.

A demand for total freeze of all further settlement growth backed up, if necessary, by firm enforcement measures will be a good start.

Israelis do respond when they see a real prospect of peace. Obama still has it in him to do that, and has these means to do so: The law and a personal capacity for respect. May God help him to recognize this and do what is in him.

— Fr. Raymond G. Helmick, S.J. is instructor in conflict resolution, Department of Theology, Boston College and author of "Negotiating Outside the Law: Why Camp David Failed" (London, Pluto Press 2004). Dr. Nazir Khaja is chairman of Islamic Information Service, Los Angeles.

This is the first of a two-part series

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BOSTON COLLEGE

JESUIT COMMUNITY

November 18, 2009

President Barack Obama
The White House
Washington, D.C. 20500

Dear President Obama

Christ's Peace!

This morning's news that the Israeli government has authorized the building of 900 new houses in the Gilo settlement, East Jerusalem, is direct defiance of your appeal/demand for a settlement freeze. That is both personal to you and in contravention of U.S. policy. You have shown that you know how devastating this is to the prospect of negotiating Israeli-Palestinian peace. Your Press Secretary, Mr. Gibbs, and the State Department have both expressed their "dismay" at this action. It could pass now into public perception as another case of words, not action on the part of the United States.

The Israeli decision is also, of course, direct contravention of the Fourth Geneva Convention and therefore a serious violation of international law.

I have been urging you, in a whole series of memos and letters, to make international law the basic criterion of what you will accept or not accept on the part of the Israeli government. I realize that it is difficult to find the right handle with which to apply such a standard, and that it may only be done in such a way that the full United States support for the security of Israel is preserved intact.

Here is a specific instance in which the United States could call the Netanyahu/Lieberman government to account on a basic matter of international law without any diminution of United States support for Israel.

You have often professed your support for the United Nations as an organization of value to our country and the world, a resource which should be used for its purpose of maintaining the peace and treated with respect. Yet U.S. policy over many years, largely Republican years, has been to treat the United Nations distantly and with disdain, and specifically to exclude it, through the use of vetoes, from any role in the Middle East conflict, even while including it, in a formal and essentially empty way, among the Quartet. I would recommend that you use the United Nations in calling for observance of law in this very specific instance, as you said you would when addressing the General Assembly.

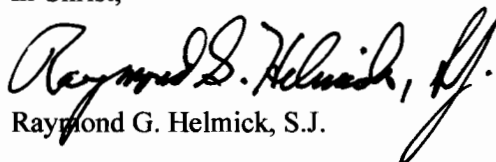
This should be a Security Council resolution, which would be binding in law. It should reject the proposal of building this new housing for Israeli settlers within the bounds of occupied East Jerusalem as a violation of the Fourth Geneva Convention responsibilities of Israel as an occupying power, and order the Israeli government to desist. It need not be initially proposed by the United States, but should be explicitly supported.

This action by the United States would not abrogate the United States commitment to the security of Israel. It could even explicitly reaffirm that in strong terms. If the United States show itself willing to take this action in support of international law, then it should not be difficult to get the rest of the Security Council to make such an affirmation with us. That would be a substantial gain for Israel as well as for the peace.

Mr. President, I believe that this is a solid way to establish that the United States, while as firmly supportive as ever of the state of Israel and its safety, will require that the relation between Israel and the Palestinians, and negotiation between them, be conducted by the rule of international law. The occasion of this peremptory decision by Israel is a favorable one in which to establish this principle. Genuine agreement between Israel and the Palestinians cannot be brought about merely by the employment of Israel's far superior power. It can only be sought if the parties meet as equals before the law to negotiate the massive problems between them. The law itself will be the protection of Israel and its rights, as it will be also for the Palestinians, and the attention of the United States will guarantee that it is so.

This is a path to make real progress toward a resolution of this long-standing and excruciating conflict. Without such progress, essential to the good name and credit of the United States in the rest of the world, I think no good result can be looked for in the dealings of the United States in Iraq, in Iran, in Afghanistan or in Pakistan. The long history of failure and neglect by the United States in this Israeli-Palestinian conflict, and especially the dismal history of 2001-2008, has poisoned the relation of our nation to all this wide part of the world. From the time of your brave statements during your presidential campaign, all this Muslim world, and your European allies as well, has expected that you would deal firmly and successfully with these wrenching problem. I wish you well in it and assure you of my prayers for your success.

In Christ,

A handwritten signature in black ink, reading "Raymond G. Helmick, S.J.", with a stylized flourish at the end.

Raymond G. Helmick, S.J.



BOSTON COLLEGE

JESUIT COMMUNITY

November 18, 2009

General James Jones
National Security Adviser
The White House
Washington, DC. 20500

Dear General Jones,

Christ's Peace!

I am enclosing here a letter for President Obama, requesting as I did once before, with a letter of September 21st, that you put it before him.

I have been appealing to the President before, in that earlier letter and in a number of memos that I have sent him through others since before his inauguration, to make international law the criterion by which he expresses that support of Israel which is and will be the position of the United States, setting the parameters of what the United States expects in turn from Israel.

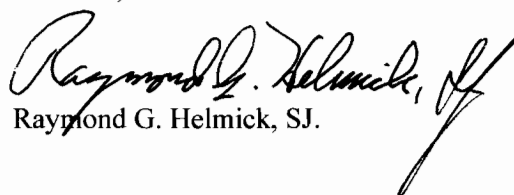
I have been very aware how difficult it is for him to find the right handle by which to establish this insistence on adherence to law as a matter of principle.

Yesterday's action by the current government of Israel, approving the building of extensive new housing within the boundaries of occupied East Jerusalem, is a direct and defiant response to the President's call for a housing freeze, in fact deliberately contemptuous and insulting to him. It provides the quite specific occasion for the President to identify a clear violation of law in a particular Israeli decision, something much better than the more generalized appeal for a freeze that was made earlier.

I understand the necessity that such an action be done only in a way that can be seen also as a reaffirmation of United States support for the state of Israel and its safety. I believe this constitutes an opportunity to do just that.

With best wishes,

In Christ,


Raymond G. Helmick, SJ.

Draft Op-Ed article for *Arab News*, with Nazir Khaja, November 19, 2009

Just 900 more houses

Mr. Netanyahu's reckless behavior has exceeded a new limit in his authorization of an extra 900 houses in the Gilo neighborhood of East Jerusalem. There is more to this than just another big settlement growth on Palestinian land. It is a rude finger pointed in Barack Obama's face. The Israeli government has decided that it will not only defy the President of the United States but insult him.

The White House spokesman said the Administration was "dismayed," and the State Department chose the same word to describe its reaction. The President, speaking to his big-league haters on *Fox* television from Beijing, said this new building spurt will not make Israel safer but will make any prospects of peace more difficult. When George Mitchell said much the same to an Israeli apparatchik in London, he was given another dose of contemptuous insult. Journalist Akiva Eldar, writing in *Haaretz*, wondered whether Netanyahu's behavior would at last push Obama into the arms of Mahmoud Abbas.

That last suggestion, if it were to mean a turning away from American commitment to the safety of Israel, will not happen. But Obama made clear, in his statement to *Fox*, how well he knows that this sort of rampage will never provide Israel with security but will only drive its thus far helpless victims to greater rage. Many times over he has told us of his realization that Palestinians are in fact victims of grave injustice. Will his instinct for protecting Israel from harm this time lead him merely to talk about it but do nothing?

The hurdles he would have to overcome to do more than talk loom formidable. The powerful traditional lobbying groups, however false their claim to represent the real opinion of the American Jewish community, are instruments not of Israel's interests but of Likud politics. The Congress of the United States could well be described as their wholly owned subsidiary, with the pressures of the religious Right added to those of AIPAC and its accomplices. Obama, with other fish to fry in the Congress, from health care to climate change to the introduction of some sanity into the American financial system, knows the vengefulness of the legislators, the whole Republican Party an unbroken phalanx seeking to bring down his presidency in a Waterloo and his own Democratic Party members so wrapped up in their self-interested subservience to their funders that reliance can never be placed on them. Dare he provoke them?

The President, his Secretary of State Clinton and his emissary Mitchell have tried evasive tactics, begging PA President Abbas to pretend nothing is wrong and sit down further with the land-devouring Netanyahu, but Abbas has shown he will not play that game.

This column, and many other voices, have long argued that Obama, with all his genuine commitment to Israel and its safety, should make international law the measure of what he expects of Israel, in fact of what he would see as contributing to Israel's real good. If indeed he

has had any inclination to take up that challenge, it would be difficult to see just what would make a suitable handle to initiate such an insistence on the law. His general plea for a freeze on settlements proved too broad and abstract to give him leverage on this matter. But here, in this decision to build 900 more houses in one of the most sensitive areas of encroachment on Jerusalem itself, he has a concrete and specific instance of the gross violation of a particular item of international law, the Fourth Geneva Convention's prohibition of the colonization of occupied territory by an occupying power.

Obama has spoken often, most recently when he addressed the opening session of the General Assembly, of his intention to use the United Nations as a resource and treat it with due respect. Such respect has not been forthcoming from the United States for a long time, especially over the years since 1980. The United States refused, for many years, to pay its dues to the organization, tried to bully its members into making the UN an instrument of its own policies and used its veto power in the Security Council to stymie anything unwelcome to Israel's far Right. In more recent years, the U.S has declared the United Nations one of the Quartet powers, even while making sure that it had no influence in this or other regions.

Obama could now use the UN as the instrument for peace that it was designed to be. He could give his approval to a resolution of the Security Council defining this enlargement of the settlement footprint in occupied East Jerusalem as a specific violation of law and demanding that Israel desist. The United States need not initiate such a resolution itself. Approval of it would a powerful action in itself, and it might best be proposed by one of America's European allies.

What would this accomplish? It would put Israel on notice that the international community spoke with one voice in its disapproval of its confiscatory policy of settlement on land belonging to another. Aggressive actions of this sort by Israel could not happen without the support, or at least tolerance, of the American super-power. Israel's own citizens by great majority, are themselves quite strongly conscious of what a burden the settlements are to their society and its safety. That the United States spoke with all the rest of the world, which would readily agree, would require Israel to look to its own genuine interests, which can only be for peace with its neighbors, with the Palestinians and all the nations of this region in which it has been planted. Israel would be the gainer, as would all its Palestinian and other neighbors.

For the United States, breaking out of its dominative relation to all the world's nations, including those most anxious to be its allies, by aligning itself with their belief in justice, alive even in the most difficult of its partners in the United Nations, would make it possible to build cooperative consensus among them, a relation that would rescue the United States itself from its stance as a new kind of Empire, which all the world must strive to overcome. The decision to call its own ally, Israel, for its own good, to recognition of international law would do precisely these things for the United States. The Likud aggressors and the settler movement, with their allies within the Washington Beltway, would howl, but briefly. Like the British government which was so infuriated when President Clinton made his first moves on Northern Ireland, the

howlers would soon come to realize that he had done them the service they needed more than anything else.

Is the Arab world ready to respond to such an action generously, with generosity to an Israel that stepped away from its ruinous policies? That readiness has already been manifest ever since the Arab nations made their massive peace proposal of 2002.

And what of Hamas? Its leaders clearly know that Palestinians cannot succeed in achieving a life for themselves unless they reconcile with Fatah and work together with them for the good of their people. They have suspected Abbas, Fayyad and all their colleagues of being collaborationists in their own destruction, but Abbas is determinedly showing now that he is nothing of the sort. That he finds himself so helpless in face of the Israeli juggernaut is, to an enormous extent, due to the schism itself between his party and Hamas. Both sides in this quarrel recognize this and desire to heal the breach. What holds them apart are technicalities, which can be resolved if they are not fed by suspicions.

This column has insisted for some time that the massive wounds of the Middle East can be healed, that the persons involved can actually be the ones to bring about a resolution of the problems that beset them, that are reservoirs of good will in the populations that are opposed to one another, and that these can be tapped if they turn toward one another with recognition and respect. President Obama, if he overcomes the fears that have to hold of him, can be the essential catalyst that sets such a development in motion, for the good of Israelis, Palestinians, all their neighbors and in fact all the rest of the world. Inshallah, and on that we can rely.



BOSTON COLLEGE

November 25, 2009

JESUIT COMMUNITY

President Barack Obama
The White House
Washington, D.C. 20500

Dear President Obama,
Christ's Peace!

From what I read and hear, I gather you have now made your difficult decision about Afghanistan, after much reflection, and will be announcing it before you get this letter. I won't second-guess you on that. I have an abhorrence for war, which I can see you share. I would rather see less of it or none at all, but I understand the pressures you face: not only the urgings of your generals and many advisers but an objective situation in which you see danger to our own people, to the Afghans and to many others, dangers which I know are real.

I would remind you, though, of what Jim Wallis, a good friend of yours, wrote recently, that if the only tool you have is a hammer, then everything looks like a nail. I don't believe you have only a hammer in hand, but I'd like to mention others that, I believe, are more important than your military approach.

Many astute observers have been pointing out recently that Al Qaeda does not need to be based in Afghanistan, or in Pakistan, to be effective against us. It has shown up in alarming strength in Mali, from where it can organize strikes against the United States or anywhere it pleases as easily as it can from Afghanistan. It can do so from anywhere, even from New York.

Of its nature, this is a school, not a guerrilla or terrorist military base. It purveys ideas, an ideology implacably hostile to us. Its disciples can pick up their weapons anywhere, and their weapons of choice, as on 9/11, are simple ways of turning our own strengths and technology against us. They did 9/11 with box-cutters. We provided the heavy weapons simply by living in the high-tech ways that are normal to us.

You cannot stop them everywhere by military force, with the hammer, and in fact the hammer only creates more disciples for the school. Even capturing or killing the high-profile leaders would only provide the movement and school with martyrs to encourage it on its way. As of now, Afghanistan and Pakistan are such danger spots for us mainly because people there have acquired such strong reasons to hate us through the eight years we have been exercising force against them.

In a memo I sent you, through others in your circle, before your inauguration, on January 2nd, I mentioned that your predecessor, Mr. Bush, had left the reputation of the United States in tatters, seen internationally, even by those most anxious to be our allies, as fundamentally a bully, and having lied so extensively that no one in the world could believe anything on the basis that it was asserted by the government of the United States.

The very fact of your election did much to turn that adverse opinion around – much of the world was ecstatic at seeing you – but you, and this country, would be on trial to see if the promises would be fulfilled. You made a very good start with the Islamic world, and therefore also with the rest of the “two-thirds” world, through your Cairo speech, along with the more general readiness you showed to respect others, even adversaries, and to listen. Our American hawks, to many of whom you must feel obliged to pay attention, were full of alarm over this and were doubtless advising you to show more spine or some such thing.

But by now you have left those who felt such encouragement at your coming disappointed. In matters of domestic policy – health care, the recession and its joblessness, energy policy and climate – we can all see you are embattled and working hard against the Republican Party’s solid front trying to bring you down through a Waterloo, with little attention to your actual proposals, and Democratic politicians whose first loyalty is to their funders. We are with you. It is in the foreign policy field that you have, so far, little to show.

Your backing down from your settlement freeze proposal before the fury of Messrs. Netanyahu and Lieberman has left the Muslim world and all of us who looked for relief in that quarter very heavily disillusioned, much as we assent to your recognition that the U.S. may not and will not ever betray the genuine interests and safety of Israel. I have written to you often enough of my perception that the general settlement freeze was not well chosen as an opening move and that there are better handles through which you can address that situation. I need not repeat all that now.

But when it comes to Afghanistan, or to this amorphous and mobile school of anger called Al Qaeda, your approach, with so far nothing other than the hammer you inherited from Mr. Bush, has not yet shown us the imaginative audacity we expect from you.

You can send any number of Americans to fight in Afghanistan, the 80,000 that General McChrystal would really like or any other number, and we will lose if we do not convince Muslims, there and elsewhere, that we are able and willing to do really good things for them, to be their partner in realizing all the best potentials of their own societies and cultures. You just did this very impressively in China, when all the Right Wing in our own country was anxious that you be chastising them for their command style of government and violations of human

rights, badgering them to revalue their currency and seeking ways to punish them for their air pollution and anything else we could hold against them.

I hear it from Afghan intellectuals, teachers and people whose interest is in the basic social concerns that they look for development assistance from the United States rather than further militarization of their country and their life. I repeat that as I hear it from them while fully realizing the dangers to American helpers because of the anger that has built up there. Above all, as I keep writing to you, lack of real progress in the Israeli-Palestinian arena means, inevitably, that no one in the Arab or Muslim world will believe that anything has changed since Bush. That is the key to winning their respect. While they are very angry at the way they have seen Israeli governments treat Palestinians, they are not out for Israel's destruction or harm, but have offered real peace to Israel in the Arab peace proposal to which have remained faithful, not woodenly but with room for reasonable negotiation, ever since 2002.

I had the personal experience of sitting on a TV panel on the night of 9/11, discussing the awful events of the day. I mentioned that, while we could not do anything more to the actual perpetrators and had to hold their active supporters, political or financial, to account, we were faced also with a sea of anger among a world of people who had driven no planes into our towers but had serious grievances against the United States. We needed to address those grievances if we were to be faithful to our own American principles. Another panelist, a Professor who in fact had credentials from his earlier work as senior staff to the Senate Foreign Relations Committee, responded to me that, if people felt that way toward us, we must make them fear us. I replied that I thought the nineteen individuals who had attacked us that day had been trying to do just that to us, and asked if he cared to join them. When he retorted that we had been told all these years that we should address these things diplomatically and look where it had got us, I told him our diplomacy most not have been very good.

But the Bush presidential response was then exactly what he was looking for, and he managed to whip up popular emotions to support it. That is what has so discredited us in the eyes of the world.

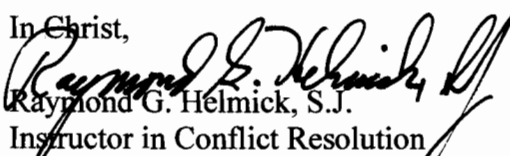
The most dangerous item in our arsenal of policy decisions is the policy document, *Rebuilding America's Defenses: Strategy, Forces and Resources for a New Century*, of September, 2000, which your predecessor erected into the main thrust of U.S. policy. It has two fundamentally false premises. The first is that the United States must, forever, be the strongest military force in the world. The second is that we are entitled, to that end, to wage preventive war against anyone capable of threatening us. The first premise amounts to a dare: any strong power in the world, by itself or in alliance with others, must sooner or later defy such imperial pretensions. We will ultimately lose such a contest, if we wage it, and go the way of other

empires of the past. The second premise is against basic morality, that we are entitled to the crime of aggression whenever it suits us. That same premise was the downfall of the Nazis.

Mr. President, you can do better than that. Your presidency gives our country and us the opportunity to be the encourager and enabler for the rest of our world to realize its beset dreams. Our own future is better and more secure doing that than if we are the warrior state, victorious – for a while – over all challengers.

I write this with consciousness of how difficult it is for you to craft an adequate response to the crises of Al Qaeda and the Taliban, of Afghanistan with the miserable government our country has installed and can't now seem to get rid of, and the multiple voices that are truly echoes of that infamous document of September 2000. I recall the words of another of your predecessors, John F. Kennedy, beset as he was with military and political voices summoning him to be the warrior prince. He said we would do what he was resolved to do, not because it was easy but because it was difficult. He was speaking of going to the moon, a great enterprise. For you, the task it is to use American power and the magnificent resources of our people to build, cooperatively, a world worthy both of ourselves and of all its other peoples.

In Christ,


Raymond G. Helmick, S.J.
Instructor in Conflict Resolution
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Program in Preventive Diplomacy
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BOSTON COLLEGE

JESUIT COMMUNITY

November 25, 2009

General James Jones
National Security Adviser
The White House
Washington, DC. 20500

Dear General Jones,

Christ's Peace!

Excuse me that I once again ask you to put a letter before President Barack Obama.

I do this because I was so easily able, all through President Clinton's time, to get letters through to him through his national Security Adviser, Tony Lake, and even though I would not hear back from Sandy Berger after Tony's time, I had a letter from President Clinton himself in the last days of his presidency telling me he had always made sure that either Tony or Sandy gave him anything I wrote to him. I had had similar easy ways to get through to President Reagan and the first President Bush. Clinton added that I would understand, as I always did, that he would not be making policy declarations in letters to me.

I have no idea whether any of the several things I have written to President Obama have got through: memos since before his inauguration, one that I sent as a letter with a covering letter to Denis McDonough and two already that I have sent with covering letters to you. I hope this letter may be of help to the President in the many burdens he carries.

In Christ,

Raymond G. Helmick, S.J.
Instructor in Conflict Resolution
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Israel Should Not Be Left to Self-Destruct

Draft op-ed for Arab News

Nazir and I

June 1, 2010

How could it go so wrong? The State of Israel has once again entered the competition for “Most Hated Nation” by its action against the aid flotilla to Gaza. So futile, so wrong-headed, so self-destructive! It is as if outrage of the world were deliberately sought.

Let’s look at the excuses. A massive blame-the-victim campaign began with the first news of the violent raid. Israel and its choir condemn the passengers on the ship for resisting an armed attack (“lightly” armed, they say, though there were no other guns in play than those the raiders brought with them). Were the passengers truly at fault for disarming their attackers and then attempting to defend themselves against them? The claim is based on the proposition that the Israeli blockade of Gaza is legal and that in consequence the flotilla was unlawfully violating a lawful blockade.

But is the blockade lawful? Nothing could be clearer in law than that an occupying power is obliged, by fundamental decency and legal equity as well as by the explicit provision of the Fourth Geneva Convention, to provide for the safety and adequate supply of the occupied population. In forty three years of incredibly hard military occupation Israel has never done this, leaving every Palestinian in perpetual danger from its forces (witness the attacks on the Gaza population of December-January 2008-9 or any of the massive attacks anywhere in the West Bank, including East Jerusalem over all those years). Provision of supplies has all been left to outsiders – UN agencies, the Arab world, Europeans, at various stages, the United States only occasionally and half-heartedly – while Israel had determinedly deconstructed the Palestinian economy, government, political life and culture.

But that pales in the face of the blockade since June 2007, punctuated by repeated military attacks, sometimes unbelievably massive, which has left the Gaza population hungry, without medical care, without clean water, electricity or sewage, one and a half million people crowded into the most densely populated part of the world, rotting amid garbage and the ruins of their destroyed homes, which the Israelis, who bombed them, will not let them repair. The Israeli insistence that there is no humanitarian crisis in Gaza is just too patently untrue to be taken seriously. The crisis – of safety and of supply – is of their creation, and unlawfully created.

Israel claims that it no longer occupies Gaza, but that it is a hostile foreign entity. Israel did withdraw its colonizing settlers and its administrative machinery from occupied Gaza some years ago, but it retains total military control over the territory. That, in international law and by the recognition of the rest of the world, is continued occupation. But in the light of the Israeli raid on the aid flotilla, let’s look at the argument both ways.

If Gaza is in fact occupied territory, kept under this cruel and lawless blockade by its occupiers, then the raid on the ships is quite simply a violent strike to protect Israel's unlawful policy and actions. If Gaza is no longer occupied, but an independent entity as Israel claims, then ships of other nations, carrying citizens of some 32 different nationalities, have been unlawfully and violently attacked in international waters. How does that differ from piracy?

Are Israel's allies happy about this – the United States, European powers, Turkey, which has been Israel's greatest friend and defender in the Islamic world and now feels an act of war has been perpetrated against it by Israel, Egypt, which has actively participated in the enforcement of the blockade? See the shamed and humiliated faces.

But who are these outside powers to blame except themselves? With the single exception of Israel's great friend and defender, Turkey, they are all in support of this unlawful blockade which they have now seen so bloodily maintained. Plenty of Palestinian blood has been shed to maintain it, but that seems to have meant less to these powers than the blood of their own citizens shed in defense of Palestinians.

And why have they done this? They have wanted to block Hamas from participation in the process of making peace, and they have believed that by making government of Gaza by this democratically elected party impossible they can turn Palestinians against them and blame Hamas for what others are doing to them.

What about the rest of the Quartet – Russia, the UN? Are they also in support of all this? Or have they merely been intimidated by the U.S. to the point that they dare not object, or see objection as futile? Is that where Egypt finds itself? Or the Arab nations that dare not argue for Hamas but leave them dependent, by default, on the dangerous graces of Iran?

The writers of this article happen to know that Hamas is not the obstacle to reconciliation that its enemies – these very powers in addition to Israel itself – portray them to be, but that in fact the world could expect a very positive response from them if they were treated with respect and admitted into the process. Excluding them is to guarantee that the Palestinian Authority can be, in the consecrated phrase, “no partner for peace,” and that the entire program for peace in this region can only end in failure. The reigning Israelis (not all Israelis by any means) and their supporters in the United States and elsewhere may think of the “partners for peace” as people who will tell them: “Take anything you want,” but Mahmoud Abbas and Fatah are resolved that they will no more do that than will Hamas itself. Without cooperative action between Fatah and Hamas, the Palestinians are helpless to make peace with Israel. That, no doubt, pleases those Israelis, thick in the current government, who want to yield nothing at all to Palestinians and to recognize in them no rights, but it is not good for Israel.

Yet we must think of the constant peril in which Israel finds itself, we are told, surrounded from its birth and down to the present by enemies who seek its destruction. Is Israel,

then, truly in danger? Only from itself. Often it seems Israeli governments, especially the wild crowd in power now, are determined to create enemies for themselves.

The Arab world, which is assumed to be that dangerous enemy, has had a standing peace offer on the table since 2002, and that is not the first offer Arabs have made. Nor is it a take-it-or-leave-it ultimatum, but a genuine basis for serious negotiation. Will the Avigdor Liebermans and Avi Yishais of the world (for it is truly they that we deal with now rather than the hapless Binyamin Netanyahu, whom they control) be successful in turning the Arabs and the world away from offering peace and safety to Israel in return for decency? That would be tragic, as this people has in fact suffered so much that they deserve safety and peace and the friendship of good neighbors. Denial of that history, or of its climax in the Nazi Shoah is a disservice to the truth and to those who shame themselves by refusing to see what really happened. The Arab world needs to remain steadfast to its offer of reconciliation through any provocations, though never accepting injustice.

What can in fact be done? The courageous ships of the Free Gaza Movement have set a valuable precedent and brought Israel's unjust boycott to a watershed test. One sometimes thinks that things could not possibly get worse, but Israel is unlikely to get past this without the world's noticing. These ships are not the first to sail to Gaza, though they are the most ambitious effort so far. That movement should not be abandoned, nor should it be left to little bands of volunteer "activists" (has that become a dirty word now?) to carry on this mission of compassion alone.

The idea has been on the table for some time now that the countries who are repelled by the Israeli treatment of Gaza and the plight of its inhabitants should ignore the naval blockade. Scandinavians are perhaps the likeliest to send a major hospital ship, something it would be even more shameful and embarrassing for Israel to repel, but others, especially those that are most intent on supporting the State of Israel and guaranteeing the safety of its people despite all provocation should see it as a responsibility to defy the ban and lend their respectability to the movement.

And then there is Hamas. This is particularly the responsibility of Barack Obama, the President of the United States. The strongest of his personal characteristics is his ability to treat others with respect. That he should treat Hamas so, lift the ban, open communication with them, however cautiously and even if it has to be first through Track 2 diplomacy, would surely elicit serious positive response from them. It would enable the Fatah-led Palestinian Authority to reconcile with them, a thing prohibited now by Israel and the United States, and in that way confer on Palestinians the ability to be a genuine partner for peace with Israel, as they truly determined they should be as long ago as the 1980s. And the very fact that the United States did this would require the Israelis, even the Netanyahus, Liebermans and Yishais to change their tone.

Over a period of decades Israel and the United States told themselves they should not speak with the PLO, that the PLO and its members were so evil and dangerous that there should be no commerce with them, but that they had to find an alternative partner. They attempted to invent such alternative Palestinian partners, with the result, of course, that they invented only Quislings, and that any effort at negotiating peace was paralyzed for as long as that was the policy. PLO, Palestinian Authority, Mahmoud Abbas, Fatah are now the partners the U.S. and Israel are so anxious to talk to that they want to coerce them into the negotiating chamber. (What service, we may ask, did the attack on the aid flotilla do to that endeavor?) But the PLO, Fatah as its majority party and the Palestinian Authority are no longer what they once were, “the sole legitimate representative of the Palestinian people.” Palestinians are now legitimately a two-party system, and that is a democratic gain. If cooperative action between those parties is now immobilized by those who claim they want a partner for peace, then they have crippled any capacity the Palestinians have to be that partner.

Is that good for Israel? Or for the United States?

And does it make one an enemy to Israel to say such things as this? Or are they the only things a friend can say?



BOSTON COLLEGE

JESUIT COMMUNITY

June 4, 2010

President Barack Obama
The White House

Dear President Obama,

Christ's peace!

With the storming of the ships carrying aid supplies to the Gaza Strip, the Middle East conflict has taken on new urgency and also intractability. As you and Secretary of State Clinton have both stated with great clarity, the Gaza situation is unsustainable.

Israel has one trenchant argument to bolster its maintenance of the blockade of Gaza, namely that free entry of supplies would give opportunity for the further arming of Hamas. It is our American interest as well as Israel's to see that this does not happen.

I have argued to you previously, in many letters, that the classification of Hamas as irreformable enemy is a mistake. Along with Reverend Jesse Jackson I have visited Hamas leader Khalid Mish'al and four members of his political bureau in Damascus as long ago as 2006, discussed their attitudes toward Israel, its permanence as a state and society, and the making of peace, studied all the Hamas positions with care, and concluded that Hamas is really ready to deal positively. I am not alone in that, as others who have taken the trouble to do this have drawn the same conclusion. Besides your predecessor Jimmy Carter, there is Lord Raymond Hylton of Britain, a still sitting hereditary member of the House of Lords and a most responsible and peace-minded observer, and Sir John Allardice, whose peacemaker credentials are attested by his having founded Northern Ireland's Alliance Party. There are others as well and many of us must have communicated with you.

The true solution to your problem, and Israel's, about dangers from Hamas, is to bring Hamas on side. I am firmly convinced, from our conversations, that Hamas, if approached respectfully by the United States, would respond very positively to our peace concerns.

The statement, a commonplace of almost every news report from the American media, that Hamas is bent on the destruction of Israel is simply untrue. What is true is that Hamas does not recognize the legitimacy of the State of Israel in advance of agreements. Before doing so they want to see evidence – not merely statements – that Israel accepts a real Palestinian state within “the 1967 borders” (their formulation), and that agreed borders are actually recognized internationally as well as by Israel itself.

There is a third, genuinely theological, question that also figures in their calculations, about which I have written to you before. That is whether it is religiously legitimate that territory which has “been Muslim” can cease to be so. Territorial claims of the Muslim character of lands is actually no part of Islam, as every Muslim scholar I have consulted attests, although the idea has popular appeal. I have been conducting an ongoing conversation with Mish’al and his colleagues about the very bad Christian experience with territorialism – including religious wars, the Inquisition and, of course, the centuries-long persecution of Jews – noting that nonetheless both Pope John Paul II and the current Pope have been vociferously anxious to see an EU Constitution recognize Europe as Christian territory but that in fact the whole concept is void and without content since the Second Vatican Council’s recognition of religious liberty and freedom of conscience. I ask Mish’al and his colleagues where they stand on this: what about Spain, what about India? But the conversation is of course about Palestine, and they are in fact engaged in it. Religious territorialism will not be an obstacle to peace between Israel and these Palestinians. They are intelligent and conscientious men. I doubt that you often hear them described so.

That Hamas should be “on side” and a participant promotive of a peace solution with Israel is the one real protection against the opening of blockaded Gaza leading to further arming of Israel’s enemies. Accomplish this and the danger of Hamas violence against Israel is over. We would even be able to count on help from Hamas in policing this. How then can the United States bring Hamas on side?

I have argued to you before, Mr. President, that your personal capacity for treating people, friend or foe, with respect is among your most commendable qualities. I think this would best be done by some initial Track II diplomacy, unofficial go-betweens who could assure Hamas that the United States was not going to try to exclude them. I don’t volunteer to do this myself, but I can tell you that I did it, not alone, with Yasser Arafat in intense conversations and correspondence that went from June 1985 to the late 1988 PLO acceptance of what were then the Three Pre-Conditions for dealing with the U.S. and Israel and the institution at that time of the U.S./PLO dialogue. At that time this was of interest to the State Department and White House, which were not permitted by law to communicate with anyone of the PLO themselves. I worked, in this, with William Wilson, President Reagan’s close friend and the first U.S. Ambassador to the Holy See, and Stanley Sheinbaum, doubtless a political opposite to Wilson but colleague with him on the California Board of Governors. It was Wilson who brought me together with Stan Sheinbaum.

That Arafat/PLO acceptance of the Three Pre-Conditions included the recognition of the legitimacy of the State of Israel, a thing Hamas has not done, but it should be noted that the PLO’s legitimacy recognition was of a State of Israel alongside a Palestinian State, a two-state solution, which is still the stance of President Abbas and Fatah. They and Hamas are not in fact divided on this point. Neither will consent to Israel’s simply taking what it wants and ignoring

Palestinian rights. It should be noted, too, that Israel was not, in the 1980s, defining “Jewish State” in terms of utter exclusionism, as it is now under the current government.

The entire policy of Israel blockading the Gaza Strip, with its terrible and unsustainable consequences including the reduction to misery of one and a half million people and Israel’s storming of a ship of its long-time ally, Turkey, at sea and killing of persons on board, is based on that one proposition, affirmed by the United States since the time of George Bush and imposed by us on our European allies, that Hamas is implacable enemy to Israel. It is simply untrue, and our demanding conformity to that proposition is one of the principal causes of inertia in the process of seeking peace.

The United States has also prohibited President Abbas and his Fatah government from making any outreach for reconciliation with Hamas, although that is the first requirement for serious Palestinian participation in a peace process. We have tried to convince Abbas and his colleagues that it is to their advantage to come to agreement with Israel in the total absence of Hamas. In that way we promote an agreement that has no possibility of holding and try to force Abbas and Fatah into negotiating with Israel at such a disadvantage that they can only be cheated, as well as discredited when the agreement fails. Thus the initial false premise poisons the entire process. We need to correct it.

The Palestinians are no longer a single-party system. Hamas has become another voice with legitimacy among the Palestinian people. There is no reason why the rival parties cannot cooperate for the primary interests of their people. (Don’t you wish our own Republicans understood that?)

Adequate leadership is also needed if a peace process is to succeed. Where would South Africa have been without a Nelson Mandela, emerging from prison with his principles intact to lead his country?

The freeing of Gilad Shalit is a massive concern to Israelis. He has been four years now in captivity. I have had conversation with Khalid Mish’al of Hamas’s responsibility under the Geneva Convention for his safety and decent treatment, and see no sign that that has not been provided, other than in the failure to provide Red Cross access to him. I understand that because of the danger should his location be revealed. I have the greatest admiration for the young man’s courageous father, whom I met in 2006, and his steadfast pursuit of his son’s freedom. The freeing of Shalit has been held up repeatedly by Israeli reluctance to free Palestinian prisoners, and at the very top of the list of those prisoners is Marwan Barghouti, the potential Mandela of this conflict.

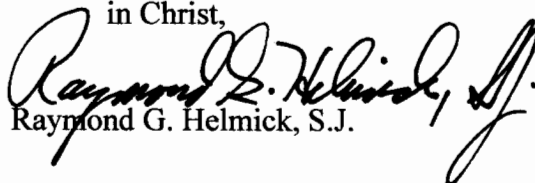
Barghouti has been all these years a consistent and intelligent advocate of a peace agreement, has acquired the full respect of both Fatah and Hamas, bringing his fellow prisoners of both factions and of all the smaller Palestinian parties to agreed advocacy of the Arab peace plan of 2002. It should be a major concern of the United States to bring about the freedom both

of Gilad Shalit and of Palestinian prisoners including Barghouti. When there is election to the Palestinian leadership, we have to reckon that Abbas has actually been badly damaged by his acquiescence in things we were advocating, for Israeli advantage only and not that of his own people, and that Mish'al or anyone of Hamas would simply be too provocative a figure to the Israelis to win their acceptance. The Palestinians know quite well that it is Barghouti who could lead them to successful agreement with Israel, which would be acceptable to both sides.

As dismal as the Middle Eastern situation looks now, with all the damaging consequences that you, Mr. President, together with General Petraeus and our military leadership, recognize for our positions in Iraq, in Afghanistan or Pakistan, with the other Arab countries, with our valued ally Turkey which is now so alienated from our ally Israel, I cannot yet be pessimistic about our prospects there. There are concrete steps that the United States can take which would be most positively transformative of this situation, beginning with our dealings with Hamas, a central blockage to our success in bringing peace to the region.

You could expect shrieks of horror from the current government in Israel, which would see itself undercut by any rapprochement with Hamas, perhaps too from Fatah, whom we have hitherto required to treat Hamas as its enemy. But I would remind you once again, as I have before, of what happened when President Clinton made his first overtures to Sinn Fein, permitting Gerry Adams to come to speak in the United States. British government, our perennial ally, was outraged, even declaring that the U.S./British "special relation" had come to an end. But soon they saw that this transformative action had truly provided solution to their most pressing internal problem and led eventually to bringing the Northern Ireland conflict to an end. They and everyone in Ireland is grateful to America and to President Clinton for enabling what so long had been impossible for them. Israelis, who are now on a catastrophic path to self-destruction, Palestinians and the whole Middle Eastern world will be grateful to you if you accomplish this, to the great advantage of the United States as well.

With the greatest respect,
in Christ,


Raymond G. Helmick, S.J.



BOSTON COLLEGE

JESUIT COMMUNITY

June 4, 2010

General James Jones
National Security Adviser
The White House
Washington, DC. 20500

Dear General Jones,

Christ's Peace!

Once again I enclose a letter for President Obama about the Middle East as I have done before, hoping you will put it before him. That is the way I always handled letters to President Clinton, sending them with covering letters to Tony Lake.

I can see that the Middle Eastern situation has gained new urgency since the action on the high sea the other day. Since the Israelis worry most about importation of arms to Hamas, and that is the reason for their blockade of Gaza, I look for how that danger can be set at rest, to the benefit of all parties including ourselves.

With all best wishes, I am yours,

in Christ,

A handwritten signature in black ink, reading "Raymond G. Helmick, S.J.", with a stylized flourish at the end.

Raymond G. Helmick, S.J.

E-mail to Khalid Mish'al, June 8, 2010

Sent to his address, hooood88@hotmail.com , and to that of Mohammed Nazzal, bareedkom@yahoo.com

Attachments: June 4, 2010, letters to President Barack Obama and General James Jones; draft proposed op-ed by myself and Nazir Khaja, June 1, 2010

Dear Mr. Mish'al,

I've only now gotten to see your televised interview with Charlie Rose, broadcast here on May 28. I congratulate you on it and am very happy that Charlie Rose saw fit to do it, as the constant denigration of Hamas in the American media is one of the more pernicious features of the way news is managed here. Under the circumstances, it was a brave decision on his part.

I wanted to share with you the letter I wrote to President Obama recently, after the affair of the ships. Your interview confirmed what I say here (and have been saying often, to American presidents, both Bush and Obama, and many others) about Hamas, adding also very constructive remarks you made about the right of return.

I had also written, jointly with my friend Nazir Khaja, an op-ed for *Arab News*, which unfortunately fell by the wayside. *Arab News* has been publishing several of these op-eds recently, often picked up by *Al Khaleej*. But this one failed to get in on time because of faulty e-mail communication between myself and Nazir.

In your interview you stated very clearly the need for resistance to the occupation, a position on which I cannot fault you. As I would see it, no Palestinian government -- and your party was elected to government -- can be legitimate if it is not resisting occupation. From the first time I wrote to you, February 9, 2006, before I visited you in the company of Reverend Jesse Jackson, I have always asserted that, as I had done earlier in my many years of contact with Yasser Arafat. I have also always emphasized the necessity that it be done jointly with Fatah and the PA, and that its strategy, if it is to have any chance of succeeding, be that of rigorous non-violence.

I recognize entirely the negative role, as you called it yourself, of the United States in prohibiting reconciliation or common action between you and Fatah, and in sabotaging the Mecca agreement between you. The events of June 2007, always described in the U.S. as a violent coup by which Hamas took over complete control of the Gaza Strip, I understand quite differently. It was an attempted coup, planned by the U.S. and our General Dayton, to take over the Strip and oust Hamas, which you anticipated and prevented by a counter-coup, a basically defensive action on the part of Hamas, which entailed violence which I regret but recognize in its defensive character. The most unfortunate outcome of that clash has been the near-total separation between Hamas and Fatah ever since, which is crippling to the whole Palestinian

cause, perhaps welcome to the Israeli right wing and its American supporters for just that reason.

Fatah has since taken a different course, with emphasis on the building of Palestinian institutions. Salam Fayyad has come to be highly resented by Hamas because he consented to accept the post of an appointed usurper Prime Minister in place of Mr. Haniyeh, the elected Prime Minister from Hamas, thus confirming the alienation. I cannot bring myself to put the responsibility for this on him. Given the pressures created by Israel and the U.S., I don't see that President Abbas and Fatah had any choice but to make the best of a bad situation and try to provide the Palestinians of the West Bank with government. Now he is constantly fed the notion that any success of Hamas is a failure for him.

What Fayyad has done in government earns my admiration. His building of basic institutions of what one must hope will become a state has been a great service to this people that is yours and his. He did good service too when he urged shop-owners to remain defiantly open in the face of the Israeli occupiers' orders that they close. And with the assistance of the same American General Dayton he has been building a Palestinian police force of growing competence. That force is used against Hamas, but need not be, and it is of fundamental value to your people that there should be a police force of real competence and honesty. These are the very things for which Hamas was elected in January 2006, to provide good, competent and honest government instead of the corruption people had come to see in Fatah. None of us should regret that Fatah is now doing better.

All those accomplishments can be overturned in an instant by Israeli government, but the Palestinians are bereft already if they are left without them. The one saving thing is that they are of importance to the U.S. government and to President Barack Obama. When you hear, even now, in the time of the Obama presidency, that the US would withdraw all help from the Palestinians if Fatah and Hamas were reconciled, you can temper your apprehension of that by the recognition that those are accomplishments this American government would not sacrifice, even in that event.

We have all had to fear, also, that the Abbas government would succumb to the blandishments of Israelis and Americans and agree to things that were detrimental to the rights of Palestinians. The actions of the Abbas government in response to the urgings and near-coercion that they now engage in the "proximity talks" and even in direct negotiation with the Netanyahu/Liebermann faction of the Israelis, has been persuasively faithful to Palestinian interests, firm as I would expect Hamas to be itself.

Which brings us back to resistance. As I heard you, in your interview with Charlie Rose, I could find no distinction between violent and non-violent resistance. I happen to have spent much of my own life in trying to oppose or prevent violence, always with an insistence on

justice. I have a great repugnance to violence, but know that there is a point, under injustice or oppression, when people are entitled to defend themselves or others by force. Our Americans and other Westerners seem very indulgent about that when Israelis are in question.

There are conditions on that entitlement. I am familiar with the Western Christian criteria for the "just war." Dealing with many conflicts over the years, I have tended to stress particularly the requirement of "necessity," meaning that there is no alternative. I have been at pains always to look for alternatives. I can have confidence that anyone, whether familiar with Just War theory or not, understands that when there is a truly effective alternative the use of violence is no longer legitimate. I don't know Islamic teaching as well, but I do know that it is, if anything, more restrictive than the Western variety.

But the criterion I would call upon now is the prospect of success. As I have written often to you ever since that first letter of February 9, 2006, use of force by Palestinians against Israel is of its essence a losing proposition. I argued this to Mr. Arafat frequently over the years, insisting even after the disbanding of the *intifada* that had brought his people as far as Madrid and Oslo that he needed an *intifada*, but a rigorously non-violent one; that without a thoroughly mobilized people acting in concerted resistance to occupation and non-cooperation with the occupiers he had no real power even to negotiate the peace, but that use of violence would only give the Israelis an excuse to oppress the Palestinians even more violently. It was a no-win situation, in which every thrown stone would be used as argument against the Palestinians whereas Israel would be indulged in any amount of violence, described as "self-defense." Arafat, great leader that he was, never rose to that, but instead tried to negotiate with the Israelis merely by himself, without any real power.

Now, as then, a truly organized campaign of non-violent resistance, showing the solidarity of the whole people, would win the cause. It would require enormous discipline of the people, as they would be attacked most violently by the occupying power -- something very evident now in Bil'in or Sheikh Jarrah. Still the non-violent strategy will win. Ghandi freed India so, Nelson Mandela South Africa. Martin Luther King brought a level of liberation to American blacks that they would have gained in no other way, and the Solidarity Movement in Poland was what neither the Polish system nor any of the Communist countries could stand up to. The Israelis know that very well, fear Palestinian non-violence more than anything else, do everything in their power to provoke violent response from the Palestinians and know, when they get it, that the Palestinians have just lost.

I hear the argument now that the greatest peril to Hamas, and to its authority in Gaza, is not from Israelis, or certainly from Fatah, but from the restless young who are impatient for more violent action and drawn to extremist organizations whom, even now, you control only with difficulty. That is something that will remain true only if there is stalemate and a sense among

your people that they have no other options but violence. This too is something I argued often with Arafat. If there were truly an organized non-violent campaign, engaging the whole people, they would have a stake in its success and would not tolerate violent actions that could discredit it and bring it to failure.

You can have such a campaign, the only one that will succeed, only in cooperation with the other legitimate leadership of the Palestinians, Fatah, and the solidarity of the whole people. Nothing other than reconciliation and cooperation with that other leadership should have priority for you. It is for that reason that I keep pleading to President Obama and to the American public that they will accomplish none of their legitimate objectives -- peace and justice, for both Israelis and Palestinians -- in your part of the world if they persist in prohibiting that reconciliation.

I urge you to look with hope to President Obama. He is a man of justice, as you recognized despite all disappointments in your Charlie Rose interview. He has that very special quality of being able to treat friend or foe with genuine respect, a noble quality in any man. He is surrounded both by the defenders of your opponents and by voices of caution, who warn him every day of the perils of dealing with you and offending the lobbying power, especially with the American Congress, of the most right-wing proponents of Israeli paranoia, or the even crazier voices of the Christian right. I would even urge you, as you have done once before, to write directly to him, plainly and without pretence as you believe in the justice of your own cause. You can be sure that every word you write will be carefully scrutinized, that President Obama will not leave it to subordinates to read your writings as simply something to refute but will carefully consider it himself, for all the negative interpretation he will hear from these others. I would argue that there is more personal integrity in President Barack Obama even than President Bill Clinton showed when he made his moves for the transformation of the Northern Ireland conflict in the face of opposition from everyone around him.

I pray for your success, and for that of your Israeli enemies, in bringing both peace and justice to your relations. As previously, I address this e-mail letter to your colleague Mohammed Nazzal as well as yourself, since he told me, at the time of our meeting, that his address, perhaps more than the address for you that I had from your January 2006 op-ed in the *Guardian* newspaper, would most surely get to you. My greetings to him as well.

Raymond G. Helmick, S.J.
Jesuit Community
Boston College



BOSTON COLLEGE

JESUIT COMMUNITY

June 9, 2010

General James Jones
National Security Adviser
The White House
Washington, D.C. 20500

Dear General Jones,

Christ's Peace!

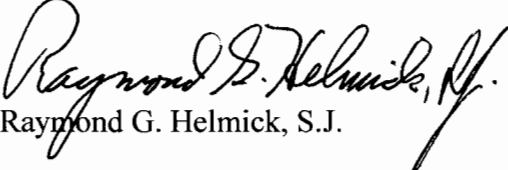
I wrote yesterday to Mr. Khalid Mish'al, having seen the interview with him that Charlie Rose had done with him, televised on May 28th. I sent him this by e-mail, as I have done on other occasions, believed that the White House should have immediate knowledge of it and thought I could simply click "Forward" and send it to you. But I found I had no e-mail address for you other than the public one that gets more messages than you could possibly get to see. Hence you get this only by snail-mail.

I have written often before, as you doubtless know, to Mr. Mish'al, since Hamas first won the election of January 2006, and spent several hours discussing Middle Eastern issues with him, in company with Rev. Jesse Jackson, in July of that year.

In this case, I found much that was positive in Mish'al's television interview. I have been convinced ever since the opening of this phase of the Israeli-Palestinian and now infra-Palestinian conflict that we need to be talking with Mish'al, for Israel's sake and our own as well as in fairness to the Palestinians. You will see what I wrote to him and, since I had written of him to President Obama just days before, I copied that letter to him also.

With all best wishes,

in Christ,


Raymond G. Helmick, S.J.

Way to peace in the Middle East

By **FR. RAYMOND G. HELMICK & DR. NAZIR KHAJA**

Published: Jun 6, 2010 02:40 **Updated:** Jun 6, 2010 02:40

With the storming of the ships carrying aid supplies to the Gaza Strip, the Middle East conflict has taken on new urgency and also intractability. As President Barack Obama and Secretary of State Hillary Clinton have both stated with great clarity, the Gaza situation is unsustainable.

Israel has one trenchant argument to bolster its maintenance of the blockade of Gaza, namely that free entry of supplies would give opportunity for the further arming of Hamas. It is in American interest as well as Israel's to see that this does not happen.

The classification of Hamas as irreformable enemy is a mistake. Along with Reverend Jesse Jackson and the above mentioned writers have visited Hamas leader Khaled Meshal and four members of his political bureau in Damascus as long ago back as 2006. We discussed with them their attitudes toward Israel, its permanence as a state and society, and the making of peace. We studied all the Hamas positions with care, and concluded that Hamas is really ready to deal positively.

We are not alone in that, as others who have taken the trouble to do this have drawn the same conclusion. Besides Jimmy Carter, there is Lord Raymond Hylton of Britain, a still sitting hereditary member of the House of Lords and a most responsible and peace-minded observer, and Sir John Allardice, whose peacemaker credentials are attested by his having founded Northern Ireland's Alliance Party.

The true solution to our problem, and Israel's, about dangers from Hamas, is to bring Hamas on side. We are firmly convinced, from our conversations that Hamas, if approached respectfully by the United States, would respond very positively to our peace concerns.

The statement, a commonplace of almost every news report from the American media, that Hamas is bent on the destruction of Israel is simply untrue. What is true is that Hamas does not recognize the legitimacy of the state of Israel in advance of agreements. Before doing so they want to see evidence — not merely statements — that Israel accepts a real Palestinian state within "the 1967 borders" (their formulation), and that agreed borders are actually recognized internationally as well as by Israel itself.

There is also a genuinely theological question that also figures in their calculations, that is whether it is religiously legitimate that territory which has "been Muslim" can cease to be so.

Territorial claims of the Muslim character of lands is actually no part of Islam, as most Muslim scholars will attest, although the idea has popular appeal. The very bad Christian experience with territorialism — including religious wars, the Inquisition and, of course, the centuries-long persecution of Jews — in fact the whole concept of a Christian entitlement to retain territorial possession has become void and without content since the Second Vatican Council's recognition of religious liberty and freedom of conscience.

Israel's recent formulation of its Zionism as meaning an exclusively Jewish state, in which no others have equal rights, may be linked to the idea of Religious Territorialism. We believe that territorial claims on the Palestinian side have always been entirely based on Palestinian nationalism. The reluctance of Hamas ever to concede a legitimacy to the existence of Israel in the midst of Arab Muslim lands may lead to the impression that it is based on Religious Territorialism, but if so it would truly compromise their Islamic authenticity.

The Arafat/PLO acceptance of the Three Pre-Conditions included the recognition of the legitimacy of the state of Israel, a thing Hamas has not done, but it should be noted that the PLO's legitimacy recognition was of a state of Israel alongside a Palestinian state, a two-state solution, which is still the stance of President Abbas and Fatah. They and Hamas are not in fact divided on this point. Neither will consent to Israel's simply taking what it wants and ignoring Palestinian rights. It should be noted, too, that Israel was not, in the 1980s, defining "Jewish State" in terms of utter exclusionism, as it is now under the current government.

The entire policy of Israel blockading the Gaza Strip, with its terrible and unsustainable consequences including the reduction to misery of one and a half million people and Israel's storming of a ship of its long-time ally, Turkey, at sea and killing of persons on board, is based on that one proposition, affirmed by the United States since the time of George Bush and imposed on America's European allies, that Hamas is implacable enemy to Israel. It is simply untrue, and American demand for conformity to that proposition is one of the principal causes of inertia in the process of seeking peace.

The United States has also prohibited President Abbas and his Fatah government from making any outreach for reconciliation with Hamas, although that is the first requirement for serious Palestinian participation in a peace process. The United States has tried to convince Abbas and his colleagues that it is to their advantage to come to agreement with Israel in the total absence of Hamas. In that way they promote an agreement that has no possibility of holding and try to force Abbas and Fatah into negotiating with Israel at such a disadvantage that they can only be cheated, as well as discredited when the agreement fails. Thus the initial false premise poisons the entire process. We all need to correct it.

That Hamas should be "on board" and a participant, promoter of a peace solution with Israel is the one real protection against the opening of blockaded Gaza leading to further arming of Israel's enemies. Accomplish this and the danger of Hamas violence against Israel is over. We would even be able to count on help from Hamas in policing this.

It may be unusual for anyone in US to hear that there are intelligent and conscientious people among the Hamas leadership yet among them there are those who recognize the importance of dialogue and the necessity for peace in the region.

How then can the United States bring Hamas on side?

This would best be done by some initial Track II diplomacy, unofficial go-betweens who could assure Hamas that the United States was not going to try to exclude them. After all at one time it was not permitted by US to communicate with anyone of the PLO themselves but this was subsequently achieved by efforts of many individuals including one of the authors of this paper in intense conversations and correspondence with Yasser Arafat that went from June 1985 to the late 1988. This contributed toward PLO acceptance of what were then the Three Pre-Conditions for dealing with the US and Israel and the institution at that time of the US/PLO dialogue. At that time this was of interest to the State Department and White House.

The Palestinians are no longer a single-party system. Hamas has become another voice with legitimacy among the Palestinian people. There is no reason why the rival parties cannot cooperate for the primary interests of their people. Adequate leadership is needed urgently if the peace process is to succeed.

— *Fr. Raymond G. Helmick, S.J. is instructor in conflict resolution, Department of Theology, Boston College and author of Negotiating Outside the Law: Why Camp David Failed (London, Pluto Press 2004). Dr. Nazir Khaja is a Peace Activist, chairman of Islamic Information Service, Los Angeles. Nazir.khaja@gmail.com. Both authors have been members of Middle-East Peace delegations with Rev. Jesse Jackson and others on number of occasions and have met the Palestinian leadership.*

Israel Should Not Be Left to Self-Destruct

Draft op-ed for Arab News

Nazir and I

June 9, 2010

How could it go so wrong? The State of Israel has once again entered the competition for “Most Hated Nation” by its action against the aid flotilla to Gaza. So futile, so wrong-headed, so self-destructive! It is as if outrage of the world were deliberately sought.

Predictably, the propaganda war went into full gear, with defense of Israel’s action in every part of the American media. When, in San Francisco, the Bay Area Women in Black and Jewish Voice for Peace made a silent vigil against this Israeli action, a group calling itself StandWithUs/SF Voice for Israel screamed epithets such as “Kapos,” “sink the next flotilla with you on it” and videographers actively threatened “You’re all being identified, every last one of you...we will find out where you live. We’re going to make your lives difficult.... We will disrupt your families....” The true believers who will defend anything Israel does as right are reduced to hysteria.

Let’s look at the excuses. Israel and its choir condemn the passengers on the ship for resisting an armed attack (“lightly” armed, they say, though there were no other guns in play than those the raiders brought with them). Were the passengers truly at fault for disarming their attackers and then attempting to defend themselves against them? The clubs you saw, in the Israeli video, turn out to be broomsticks. The claim that the passengers were wrong to resist is based on the proposition that the Israeli blockade of Gaza is legal and that in consequence the flotilla was unlawfully violating a lawful blockade.

But is the blockade lawful? Nothing could be clearer in law than that an occupying power is obliged, by fundamental decency and legal equity as well as by the explicit provision of the Fourth Geneva Convention, to provide for the safety and adequate supply of the occupied population. In forty three years of incredibly harsh military occupation Israel has never done this, leaving every Palestinian in perpetual danger from its forces (witness the attacks on the Gaza population of December-January 2008-9 or any of the massive attacks anywhere in the West Bank, including East Jerusalem, over all those years). Provision of supplies has all been left to outsiders – UN agencies, the Arab world, Europeans at various stages, the United States only occasionally and half-heartedly – while Israel had determinedly deconstructed the Palestinian economy, government, political life and culture.

But that pales in the face of the blockade since June 2007, punctuated by repeated military attacks, sometimes unbelievably massive, which has left the Gaza population hungry, without medical care, without clean water, electricity or sewage, one and a half million people crowded into the most densely populated area in the world, rotting amid garbage and the ruins of their destroyed homes, which the Israelis, who bombed them, will not let them repair. The

Israeli insistence that there is no humanitarian crisis in Gaza is just too patently untrue to be taken seriously. The crisis – of safety and of supply – is of their creation, and unlawfully created.

Israel claims that it no longer occupies Gaza, but that it is a hostile foreign entity. Israel did withdraw its colonizing settlers and its administrative machinery from occupied Gaza some years ago, but it retains total military control over the territory. That, in international law and by the recognition of the rest of the world, is continued occupation. But in the light of the Israeli raid on the aid flotilla, let's look at the argument both ways.

If Gaza is in fact occupied territory, kept under this cruel and lawless blockade by its occupiers, then the raid on the ships is quite simply a violent strike to protect Israel's unlawful policy and actions. If Gaza is no longer occupied, but an independent entity as Israel claims, then ships of other nations, carrying citizens of some 32 different nationalities, have been unlawfully and violently attacked in international waters. This would be described as an act of piracy if done by privateers, but here it is done by the official armed forces of a state.

Are Israel's allies happy about this – the United States, European powers, Egypt, which has actively participated in the enforcement of the blockade? See the shamed and humiliated faces. First Turkey, which has been Israel's greatest friend and defender in the Islamic world, and now Ireland (Ireland!!) as well feel that acts of war have been perpetrated against them by Israel.

But who are these outside powers to blame except themselves? With the single exception of Israel's great friend and defender, Turkey, they are all in support of this unlawful blockade which they have now seen so bloodily maintained. Plenty of Palestinian blood has been shed to maintain it, but that seems to have meant less to these powers than the blood of their own citizens shed in defense of Palestinians.

And why have they done this? They have wanted, at the bidding of the United States, to block Hamas from participation in the process of making peace, and they have believed that by making government of Gaza by this democratically elected party impossible they can turn Palestinians against them and blame Hamas for what others are doing to them.

What about the rest of the Quartet – Russia, the UN? Are they also in support of all this? Or have they merely been intimidated by the U.S. to the point that they dare not object, or see objection is futile? Is that where Egypt finds itself? Or the Arab nations that dare not argue for Hamas but leave them dependent, by default, on the dangerous graces of Iran?

The writers of this article happen to know that Hamas is not the obstacle to reconciliation that its enemies – these very powers in addition to Israel itself – portray them to be, but that in fact the world could expect a very positive response from them if they were treated with respect and admitted into the process. Excluding them is to guarantee that the Palestinian Authority can

be, in the consecrated phrase, “no partner for peace,” and that the entire program for peace in this region can only end in failure. The reigning Israelis (not all Israelis by any means) and their supporters in the United States and elsewhere may think of the “partners for peace” as people who will tell them: “Take anything you want,” but Mahmoud Abbas and Fatah are resolved that they will no more do that than will Hamas itself. Without cooperative action between Fatah and Hamas, the Palestinians are helpless to make peace with Israel. That, no doubt, pleases those Israelis, thick in the current government, who want to yield nothing at all to Palestinians and to recognize in them no rights, but it is not good for Israel.

Yet we must think of the constant peril in which Israel finds itself, we are told, surrounded from its birth and down to the present by enemies who seek its destruction. Is Israel, then, truly in danger? Only from itself. Often it seems Israeli governments, especially the wild crowd in power now, are determined to create enemies for themselves.

The Arab world, which is assumed to be that dangerous enemy, has had a standing peace offer on the table since 2002, and that is not the first offer Arabs have made. Nor is it a take-it-or-leave-it ultimatum, but a genuine basis for serious negotiation. Will the Avigdor Liebermans and Eli Yishais of the world (for it is truly they that we deal with now rather than the hapless Binyamin Netanyahu, whom they control) be successful in turning the Arabs and the world away from offering peace and safety to Israel in return for decency? That would be tragic, as the Jewish people, who see Israel as their refuge from a cruel history of rejection by the world, have in fact suffered so much that they deserve safety and peace and the friendship of good neighbors. Denial of that history, or of its climax in the Nazi Shoah is a disservice to the truth and to those who shame themselves by refusing to see what really happened. The Arab world needs to remain steadfast to its offer of reconciliation through any provocations, though never accepting injustice.

What can in fact be done? The courageous ships of the Free Gaza Movement have set a valuable precedent and brought Israel’s unjust boycott to a watershed test. One sometimes thinks that things could not possibly get worse, but despite all the shouting of its defenders Israel is unlikely to get past this without the world’s noticing. These ships are not the first to sail to Gaza, though they are the most ambitious effort so far. That movement should not be abandoned, nor should it be left to little bands of volunteer “activists” (has that become a dirty word now?) to carry on this mission of compassion alone.

The idea has been on the table for some time now that the countries which are repelled by the Israeli treatment of Gaza and the plight of its inhabitants should ignore the naval blockade. Scandinavians are perhaps the likeliest to send a major hospital ship, something it would be even more shameful and embarrassing for Israel to repel. Others, especially those like the J Street lobby, Jewish Voice for Peace, Tikkun, the American Friends of Peace Now, who are most intent on supporting the State of Israel and guaranteeing the safety of its people despite all provocation, should see it as a responsibility to defy the ban and lend their respectability to the movement.

And then there is Hamas. This is particularly the responsibility of Barack Obama, the President of the United States. The strongest of his personal characteristics is his ability to treat others with respect. That he should treat Hamas so, lift the ban, open communication with them, however cautiously and even if it has to be first through Track 2 diplomacy, would surely elicit serious positive response from them. It would enable the Fatah-led Palestinian Authority to reconcile with them, a thing prohibited now by Israel and the United States, and in that way confer on Palestinians the ability to be a genuine partner for peace with Israel, as they truly determined they should be as long ago as the 1980s. And the very fact that the United States did this would require the Israelis, even the Netanyahus, Liebermanns and Yishais, to change their tone.

Over a period of decades Israel and the United States told themselves they should not speak with the PLO, that the PLO and its members were so evil and dangerous that there should be no commerce with them, but that they had to find an alternative partner. They attempted to invent such alternative Palestinian partners, with the result, of course, that they invented only Quislings, and that any effort at negotiating peace was paralyzed for as long as that was the policy. PLO, Palestinian Authority, Mahmoud Abbas, Fatah are now the partners the U.S. and Israel are so anxious to talk to that they want even to coerce them into the negotiating chamber. (What service, we may ask, did the attack on the aid flotilla do to that endeavor?) But the PLO, Fatah as its majority party and the Palestinian Authority are no longer what they once were, "the sole legitimate representative of the Palestinian people." Palestinians are now legitimately a two-party system, and that is a democratic gain. If cooperative action between those parties is now immobilized by those, the U.S. and Israel, who claim they want a partner for peace, then they have crippled any capacity the Palestinians have to be that partner.

Is that good for Israel? Or for the United States?

And does it make one an enemy to Israel to say such things as this? Or are they the only things a friend can say?



United States Department of State

Washington, D.C. 20520

Raymond G. Helmick, S.J.
St. Mary's Hall
140 Commonwealth Ave.
Chestnut Hill, MA 02467

Dear Mr. Helmick:

Thank you for your June 4 letter to President Obama regarding Hamas and the situation in Gaza. I have been asked to respond on his behalf.

The United States is steadfastly committed to providing continued assistance to the people of Gaza. When the Government of Israel announced its new policy for Gaza on June 20, we welcomed it, and noted that implementation would be critical. The Israeli government's July 5 announcement of measures to implement this policy was an important step in facilitating the flow of goods and material into Gaza. We worked closely with the Israeli government on implementation of this policy, and we believe it will help to improve the quality of life for the people of Gaza, while still addressing Israel's legitimate security concerns.

President Mahmoud Abbas and Prime Minister Salam Fayyad are working to build the institutions of a future Palestinian state and a better life for the Palestinian people, in Gaza as well as the West Bank. Palestinians in Gaza deserve a better life and expanded opportunities, and the chance to take part in building a viable, independent state of Palestine, together with those who live in the West Bank. Our goal is to provide assistance and build economic opportunities to benefit the people of both the West Bank and Gaza.

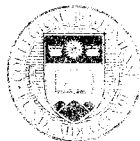
The way forward is clear: two states for two peoples living side by side in peace and security. We continue to believe that through good-faith negotiations, the parties can mutually agree to an outcome which ends the conflict and reconciles the Palestinian goal of an independent and viable state based on the 1967 lines, with agreed swaps, and Israel's goal of a Jewish state with secure and recognized borders that reflect subsequent developments and meet Israel's security requirements.

We hope that this information is useful to you. If you have further questions regarding this issue or other matters, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to be 'JDF', with a long horizontal stroke extending to the right.

Jeffrey D. Feltman
Assistant Secretary
Near Eastern Affairs



BOSTON COLLEGE

JESUIT COMMUNITY

August 18, 2010

Mr. Jeffrey D. Feltman
 Assistant Secretary, Near Eastern Affairs
 Department of State
 Washington, D.C. 20520

Dear Mr. Feltman,

Thank you for your letter. I was grateful for it as a first sign that at least this one of my several letters to the President had been seen.

I realize that a letter such as that is not a place to announce any changes of policy. One of President Clinton's letters, at the end of his term, had made a point of that, saying I would understand it, as I did, while assuring me that he had always instructed Tony Lake and Sandy Berger that he should see the things I was writing.

I do appreciate the Administration's hope that the Gaza people should be somewhat relieved, and that there be two states, at peace with one another. I don't actually see anything to reassure us that such will happen. In fact, having been all my life firmly committed to the safety of Israel, I worry terribly now as I see a terribly reckless Israeli government burning bridges as fast as they can. Their policies toward their Palestinian population, both those who are their Israeli citizens and those under their military occupation, have become increasingly cruel.

I recall writing to then Prime Minister Shamir in 1990 of my realization that Israel was creating its own perils. The safety of the state was then, as now, a primary responsibility of government, of importance to its people along with its Jewish and its democratic characters. Even then the settler movement had no interest in the democratic character, of which it is so derisive now. Jewish character, as understood then, did not yet mean the exclusion of others, but it was already clear that it was endangered by the continued occupation. But it was of Israel's safety that one had most to worry.

Israelis, through all their history, had predicated their safety basically on their military capacity to defeat anything all the Arabs together could bring against them. They had managed in 1948, seemed to demonstrate it in 1956 and 1967, had a rude shock in 1973 but still held that as a condition for the safety of Israel, with no serious thought of coming to an accommodation with the Arab world around them.

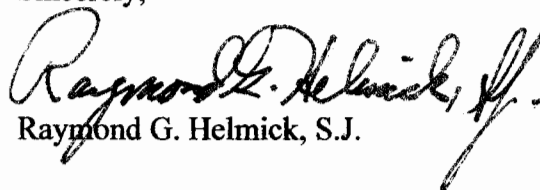
I wrote to Shamir then that if he found anyone coming into his office suggesting that he forget his military defense and rely only on winning the friendship of the neighbors, he would know enough to pitch him right out the window. He should be just as ready to defenestrate anyone who came saying he should rely only on military power and neglect working for the friendship of the Arab nations about. The numbers dictated otherwise: some five and a half Jews against some hundreds of millions of Arabs. And if for the time being he chose to make Israel a fortress against all its neighbors, their being able to defeat anything all the Arabs together could bring against them could not last for a length of time significant in the life of a people. He would doom the state and society of Israel to eventual destruction. Having invested all his life in building and protecting the state, he should not wish that to be his legacy.

Shamir readily acknowledged that and we had some further correspondence for the rest of his term. I've written in that vein regularly to other Prime Ministers (and American administrations), and always found them – Rabin, Peres, Barak, even Ariel Sharon – receptive to it, with the single exception of Mr. Netanyahu, either in the '90s or now, who is currently so actively driving his society right over the cliff.

I think it no service to Israel for our present Administration to pretend nothing is wrong in Israel's policies or behavior. A very tentative start was made, but the Administration backed off as soon as the Israeli government barked back at us. That is terrible for Palestinians, but truly just as bad for Israel itself. We are leading them right down the garden path.

With best wishes, and my continuing best hopes that Mr. Obama's Presidency will bring new hope to this region, and to us all.

Sincerely,


Raymond G. Helmick, S.J.



BOSTON COLLEGE

JESUIT COMMUNITY

August 26, 2010

President Barack Obama
The White House

Dear President Obama,

Christ's peace!

The beginning of direct negotiation between the government of President Abbas and Prime Minister Netanyahu, meeting there in Washington, has now finally been determined. I have to confess that my expectations, barring startling new developments from our own American side, are approximately those of Professor Stephen Walt, as published in the August 20th issue of *Foreign Policy*. At earlier stages, when such talks were proposed, I have advised President Abbas, as you know, against agreeing to take part, as it seemed no protections for Palestinian rights were built into the proposition.

I will not so advise him now. That is partly because of the great trust I put in George Mitchell, after his handling of the Northern Ireland negotiations. He is a master of the deadline, and knows well how to stretch his deadline when he needs to. Moreover he is fundamentally honest. I cannot believe that you or he will set the Palestinians up to be fleeced through this process.

The one-year deadline is a very effective way to bring about motion, as everyone will know that a failure to produce over that year will be the catastrophic prelude to new violence in a situation more dangerous now than ever before. Either party bailing out of the process would just as readily produce disaster. I recognize as a truism that nothing beyond preliminary formalities can happen before the November elections in our own country, but the full year's deadline leaves ample time for the process to begin in earnest immediately after that. Something may already have been accomplished, in that the Israeli government has realized that all-out resumption of its settlement policy would bring the talks to a crashing close.

I have written to you so often of the basic requirement that the negotiation happen within the context of international law that I need not recite it all again. If law is not the basis, there is no other alternative but raw force, political or military, and of course it is the exercise of raw political power on our part that has brought President Abbas to the table now. The disparity of power between Israel and the Palestinians, especially with Israel totally backed by the United States, is so great that the Palestinians stand no chance at a table where law has no part.

Israel faces a great problem, of its own making, quite apart from the aggressive policies of its current government, in that more than half a million of its own citizens have now been planted on territory that belongs to the Palestinians, many of them extremely violent and as defiant of their own government as of anyone. That is difficult to resolve, as it carries the threat of civil war in Israeli society. Help to Israel from the United States may well require American policing assistance to bring the most extreme of the settlers into compliance with what will have become Israeli policy, that they should desist from attacks on Palestinians or be expelled from the Palestinian territories.

I hope, though, that it will be made clear in the negotiations, and always recognized by the United States, that the Palestinians are not calling for expulsion of Jews from their territories, the “ethnic cleansing” of Jews from these territories that were the ancient Hebrew kingdoms, Judea and Samaria. The Palestinians, as official PA and PLO position, have been saying for many years that Jews will be able to live in the Palestinian state, though under its jurisdiction. That is something I argued successfully with former President Yasser Arafat ever since 1985, and it was clearly and formally part of the Palestinian proposal at Camp David, restated unequivocally in more recent years by Prime Minister Fayyad and negotiator Abu Ala, speaking for President Abbas and the PA. From the conversations I had four years ago, along with Reverend Jesse Jackson, with Hamas leader Khalid Mish'al and four officials of his Political Bureau, Hamas is also quite willing to have Jews living in a Palestinian state (on “the 1967 borders,” as they put it). I have often confirmed that since.

But a poison pill is built into these negotiations: the continued exclusion of Hamas. You have often seen my argument that Hamas, if treated with respect, is fully prepared to respond positively and become a positive factor in making the peace with Israel, to the great benefit of Israel, the United States and regional peace. Hamas, in fact, has become the protection of our mutual American and Israeli interests in heading off the anger among Palestinians that would otherwise generate militant extremism, adherence to Al Qaeda policies and a host of other dangers that would be worse for us than anything we are now facing.

The continued exclusion of Hamas, as these talks proceed, forces them into necessary rejection of whatever may be agreed, it indeed anything has been able to be under those circumstances. It quite simply kills it. All the evils that must come of failure in this hard-won initiation of a new process will follow, and that is entirely unnecessary.

I am as aware as anyone that introduction of Hamas into the process now would lose you the Israeli participation. It is not too late, though, to begin a process of simply communicating respectfully with Hamas, as an initial step. It will very likely have to be done through Track-II intermediaries, but it is essential.

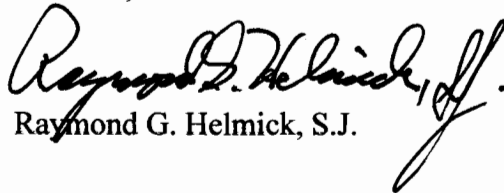
American and Israeli policy ever since the Palestinian election of 2006 have forced President Abbas into an increasingly rejectionist relation to Hamas, with deepening actual

enmity, and that may be the more difficult thing to overcome. He needs to be encouraged to see the necessity of Palestinians working together, despite their differences. Hamas, too, has acquired serious grudges against the government of Prime Minister Fayyad since, despite his many good qualities and accomplishments, he constitutes with his colleagues an appointed government usurping the positions of a freely elected one. That is so evident a fact that there is no virtue in concealing it, papering it over or sugar-coating it. The process of bringing about reconciliation between the two Palestinian factions will have to deal with that conundrum too. With care, though, it can be demonstrated to the Israelis that this is the path that will lead to their peace and safety. The interval between the start of the Netanyahu/Abbas talks and the effective beginning of any genuine process, after the American election day in November, can be used for that purpose.

I've just been reading Daniel Bynam's article on handling Hamas in the September/October issue of *Foreign Affairs*, and realizing that he too is far too timid in his advice. Dealing with this group is an essential, for us and for Israel, if we are to succeed in any efforts toward peace, cooperation, the establishment of two contiguous states able to live with each other in this narrow territory. We need to get over our assumptions that this is a group that has to be reduced to subordination to ourselves or the Israelis. Cooperation and understanding of the other's motivations and genuine needs is better.

With deepest respect, I am yours

in Christ,

A handwritten signature in black ink, appearing to read "Raymond G. Helmick, S.J.", written in a cursive style.

Raymond G. Helmick, S.J.



BOSTON COLLEGE

JESUIT COMMUNITY

August 26, 2010

General James Jones
National Security Adviser
The White House
Washington, DC. 20500

Dear General Jones,

Christ's Peace!

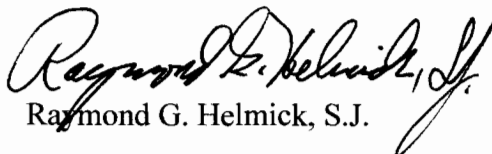
This becomes a habit, that I send letters to President Obama with covering letters to yourself. I would very much appreciate your putting this one before him.

I was very glad to have acknowledgement and response to my June 4th letter by Mr. Jeffrey Feltman of the State Department. I wrote back to him. It has long been familiar to me, in writing to presidents or other leaders, that a reply to my letter is no place for them to make announcements of policy, as President Clinton wrote to me just at the end of his term, when he told me he had always made sure that Tony Lake or Sandy Berger gave him the things I wrote.

Now this actual opening of direct Israeli-Palestinian talks creates a new situation containing both promise and enormous risk. I'm sure the President is calculating both of those with great care, but I wanted to give him my own reading from having dealt directly with these matters for a very long time.

I mention, in my letter to the President, that I have at earlier stages advised President Abbas not to agree to such talks as this, but that I would not so advise him now. I have in fact written also to him, recommending that he enter the talks with careful optimism. I enclose here a copy of that (e-mail) letter as well.

In Christ,


Raymond G. Helmick, S.J.

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

August 26, 2010

President Mahmoud Abbas
Courtesy of Issa Kassissieh

Dear President Abbas,

Salaam!

My hopes and prayers are with you as you travel to Washington to open direct talks with Prime Minister Netanyahu and his government, in the presence of President Obama and his officials.

In the past I have recommended to you that you not take part in such talks, as there is no guarantee in the terms of them for Palestinian rights. I do not so advise you this time, but would encourage you to take part.

I know quite well that you have agreed to this only under colossal pressure from the United States. You must be as aware as I that President Obama also works under tremendous pressure, and that you cannot expect any actual motion from his side in these talks until after the November elections for the U.S. Congress have taken place. There is value, though, in simply establishing the fact of these negotiations beforehand, as it will then be much more difficult for the Israelis to back out if they don't find they are being given unthinking American support for any demands they may make.

Factors that work for a positive outcome from these talks are:

The one-year deadline, which gives ample time after that date of the American elections for new things to develop. For either you or the Israelis to drop out short of that deadline, or to come away at the end of the year without accomplishment, would so clearly entail massive disappointment and the likelihood of new outbreaks of violence, discrediting any moderate voices on either side and unleashing the most aggressive, that both you and the Israelis will be highly motivated to work seriously for success.

The presence of Senator George Mitchell, whom you will by now know much better than I. He is honest and tremendously skillful, as he showed in his brilliant mediation of the Northern Irish conflict. He is, among other things, the very master of the deadline, which he knows how to use and how to stretch when necessary – a skill he learned as leader of the U.S. Senate. Neither President Obama nor he is setting you up for a betrayal of the Palestinians. I'm sure you are well aware yourself of your need to resist any demands that are truly a betrayal of Palestinian rights.

The touchstone of these talks will be respect for international law. No one need tell you how grossly it has been violated in the case of the Palestinians. Neglect of it was the basic cause

of failure in previous peace attempts, such as Camp David. We will all be watching to see if there is basic insistence on:

The basic international law prohibiting the acquisition of territory by military conquest, so fundamental that it has been made the central purpose of the United Nations Organization by Article 2 of its Charter, establishing that prohibition as the principal means by which the UN seeks to prevent wars.

The equal legitimization of the Palestinian state and of the Israeli state, both of them authorized by the international community through General Assembly Resolution 181 of November 1947.

The recognition by the General Assembly of the natural right of refugees to return to their homes, in its Resolution 191 of December 1948, laying down the terms on which the initial war was to be ended even before its end. With respect to that right of return, I had many conversations over the years with your predecessor, President Arafat, both of us emphasizing the proviso attached to it, that returning refugees were welcome back only “*to live in peace.*” Fulfillment of that condition requires that neither of the two authorized and legitimate states be dismantled or essentially disfigured by this return of refugees. That, of itself, requires that there be *full and freely negotiated agreement* on what numbers can be consistent with that requirement “to live in peace.” While it is true that resolutions of the General Assembly do not normally have the same binding force in law as those of the Security Council, it is also true that the state of Israel, as condition of its admission to membership in the United Nations in 1949, agreed that these two resolutions, GA 181 and 194, would be binding on it with the same force as resolutions of the Security Council.

Security Council resolutions 242 of November 1967 and its supplement 338 of October 1973, reminding Israel of its obligation under Article 2 of the Charter to return the territory it had taken by conquest in the June war of 1967. I’m sure you are familiar with the arguments that have swirled around these since: the claim that omission of a definite article, “**the** territories,” in the English version of 242, limited the scope of the obligation, an argument refuted by the presence of that article in the equally authoritative French and Russian texts of the resolution; or the specious argument that the signing of the Oslo Accord in 1993 abrogated the force of those Security Council resolutions.

The Fourth Geneva Convention, with its three explicit requirements, each firmly based in natural law:

- a) That the occupying party recognize and fulfill its obligation to provide for the safety and adequate supply of the occupied people.
- b) The prohibition that the occupiers should exile or banish citizens of the occupied territory from their land.
- c) The prohibition of all colonization of the occupied territory by the occupier’s own citizens – the provision that recognizes all the Israeli settlements on occupied territory, without exception, as illegal.

Palestinians have long established that while rejecting colonization of their territory by the occupying power, you have no objection to Jews, including Israeli citizens, living in the territory of your state, so long as they recognize Palestinian sovereignty over it. This is something I discussed frequently with Mr. Arafat ever since 1985. He recognized it as principle as he went into the Camp David negotiations in 2000, and I have seen it reaffirmed under your authority since, especially by Prime Minister Fayyad and negotiator Abu Ala. None of us should have any patience with the frequent claim by Israeli propagandists that you seek an "ethnic cleansing" of Jews from your rightful territories. The numbers of such colonists now exceeds half a million. We should not expect that all those would choose to remain there under Palestinian sovereignty, but that perhaps some 100,000, those most willing "to live in peace," would do so. That should be the basis on which you would negotiate the numbers of Palestinians who could exercise that right of return propounded in GA Resolution 194 "to live in peace."

Insistence on these terms of international law is the single most important requirement of these negotiations. I'm sure you will recognize that the White House will only let you state them and defend them on your own part until after those November elections in the United States. If after that the White House is not affirming them with you, you will then know that you are being betrayed. This was the basic obstacle at Camp David. Even though President Clinton then wanted more than almost anyone else that the Palestinians get a genuine state, he never actually recognized this as a matter of right, only as something desirable. That had the effect of making Israeli desires the only governing principle of the process. It was no negotiation between Israelis and Palestinians, but only between Israelis and other Israelis: those who wanted, for the sake of the peace of Israel, to give something, those who wanted to give more, and those who wanted to give little or nothing at all. The outcome of that infra-Israeli negotiation was then presented to the Palestinians on a take-it-or-leave-it basis, which made it a power-based *Diktat*. Even had the offer been better than it was (and as the Clinton parameters recommendation was a few months later), it could not be accepted as a *Diktat*.

I write often of law in these matters. It is possible to empty international law of its force if it is treated as a weapon to beat and punish the Israelis. Many of the best-intentioned NGOs do exactly that. They fail to recognize that there is no police to enforce the international law. It can only be implemented by appealing to the honor of nations which have made their solemn commitments to uphold these standards. It is obligatory on the United States, though, in honor, to recognize those commitments on the part of Israel and of itself.

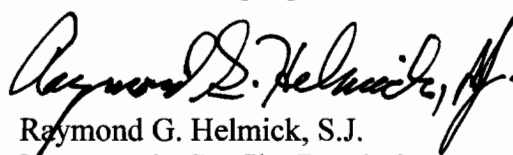
I have written to President Obama (copy attached here) pointing out that there is a poison pill in the whole program of these negotiations, and that is the continued exclusion of Hamas. This, I know, is a sore point for you, but it must be clear that if Hamas, the validly elected party of government, is excluded, they will be forced into the position of totally rejecting any outcome of the negotiations. Because they have become, through election, fully legitimate as a representative of the Palestinian people, that will essentially destroy anything you might agree without them. The outcome will contain all the evils that any other kind of failure would bring. As one who has taken the trouble to communicate with Hamas over the years, I know, as do others who have communicated with them, that they will not take any such prohibitive position if they are admitted into the process, but will act very constructively.

I have long argued to President Obama that he, by virtue of his great capacity to treat friend or foe with respect, is in the very best position to elicit such a response from Hamas.

The United States, as well as Israel, has been party to that exclusion of Hamas and have even brought tremendous pressure on you to conform to that exclusion. You will realize that, as a matter of gross politics, President Obama cannot lift that exclusion now, as it would simply lose him the Israeli participation, but that the time for it should and may come. You and your PA/Fatah Party government cannot make the peace alone. Palestine is no longer a one-party system, with the PLO as its sole legitimate representative, but has become more complex and therefore more democratic in having more than one legitimate voice within it. You can only gain the rights of the Palestinian people by reconciling and working together. The United States, responsible as it is for your estrangement, should by right help you to accomplish that.

I am sure, President Abbas, that you are getting plentiful advice from many people of good will. I take license to add my own voice by reason of the long and close association I have had both with Israelis and Palestinians and with your leadership and theirs for more than thirty years. And I take advantage of my friendship with Issa Kassissieh to put these thoughts before you. I have asked him to present this to you in Arabic. My prayers are with you and with the Israelis as well, that you may truly attain the peace between your two peoples.

With the greatest respect, I am



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

Senior Associate, 2000-2004
Program in Preventive Diplomacy
Center for Strategic & International Studies
Washington, D.C.

Author: *Negotiating Outside the Law: Why Camp David Failed*, London, 2004.

Draft Op-Ed, for *Arab News*

Hamas, In or Out?

Nazir and I

September 6, 2010

Netanyahu and Abbas have made their visit to Washington to proclaim the opening of yet another round of peace talks, to great acclaim at the White House and the Department of State, and they have gone home again, though with statements that they will meet further. What indeed has happened?

The most cynical explanation is simply that both Barack Obama and Binyamin Netanyahu just wanted to pretend something was happening, Obama to look good before the November election, Netanyahu to reassure his hard-right coalition that he could still go through some motions without risking any actual effect, and that Mahmoud Abbas was left with no other option but to comply. The most damaging single thing to come of that bit of play-acting, if such it was, will be the picture of a smiling Abbas reaching across Hillary Clinton to shake hands with an equally jolly Netanyahu. Abbas will pay for that picture at the polls.

But there is more to it than that, a seriousness to the encounter that belies simply cynicism. It may be that the low expectations with which Israeli and Palestinian press and opinion have taken in the show will be some safety against the high risk of negative consequences that yet another failure will entail. But Obama, the essential catalyst and mentor of the procedure, has invested himself and his prestige in it and clearly means something go come of it. The next rung of cynicism would mean that what he seeks is a Palestinian collapse before the force of Israeli political and military power and the abandonment of Palestinian rights to land and freedom, but that would be inconsistent with anything we know of Obama. Expect better than that.

Then the most significant thing about the picture is the absence of Hamas. Many of the most respectable commentators – Henry Siegman, retired U.S. Ambassador Charles Freeman, *The Economist's* Nicolas Pelham, former White House adviser on the Middle East Robert Malley among many others – say plainly now that this is a fatally disabling obstacle to success or even serious meaning in this round of negotiations, that the exclusion of Hamas from the talks or the refusal ever since their election win in 2006 has already shown itself as failed policy. Hamas grows steadily more powerful and popular in response to its exclusion. Egyptian President Hosni Mubarak, as high-profile participant in the couple of days of Washington talks, said so while there, in an Op-Ed in *The New York Times*. But Hamas itself engaged in guerrilla attacks in the West Bank, killing four Israeli settler passengers, two couples, one of the women pregnant, in an SUV driving near Hebron just as the celebrity negotiators were gathering in Washington, making another similar attack the following day, and licensing its normally temperate spokesman

Mahmoud al-Zahar to praise these acts as the opening of a new round of violence aimed at the prospects of a negotiated settlement.

One has to wonder about the wisdom of the Hamas leadership in authorizing this series of actions.

This column never ceases to record the actual knowledge of its authors that Hamas is truly ready to become a positive partner for regional peace, committed to the Arab Peace Plan of 2002, but needing to be treated respectfully and have its essential role recognized and accepted, both by the American/Israeli actors and by the Fatah protagonists of the PA. The Israeli/American refusal to admit them into the process actually forces them into a hard rejectionist position, foiling their own at-least-stated objective of peace.

There is a difference of narrative here. The settlers in the Hebron area, whether the few making the city itself a hell for its Palestinian inhabitants or those in Kiryat Arba who glamorize Moshe Levinger and Meir Kahane and make a shrine of the tomb of Baruch Goldstein – but not necessarily these in particular – have been at the forefront of settler violence against Palestinians, attacking their villages, burning their olive groves or stealing their olives, shooting at them when they try to harvest their fields, training their own children to attack Palestinian children on their way to school. But to the rest of the world they are not what Hamas is looking at: colonists unlawfully invading occupied territory under the protection of massive and unthinkingly violent military force. Instead, in a world that condones any Israeli behavior, they are innocent civilians subjected to cruel attack. What good does it do to Hamas or to the Palestinian cause to have the picture on the front page of *The New York Times* of a pitiable 9-year-old child grieving at the deaths of both mother and father? Those whom Hamas really needs to win to their cause are hardened in their rejection.

It is fair to comment that Hamas is taking these negotiations rather too seriously. There really are no prospects whatever of their succeeding at all so long as Hamas is kept out. Therefore it is superfluous for Hamas to be doing anything more than to state that obvious fact. Killing in the name of such an assertion is truly overkill (pun seriously intended).

Hamas leader Khalid Mish'al recently gave a lengthy interview in Jordan. It was admirably progressive and still utterly faithful Islam on many topics – religious freedom, friendly advances to Jew, rights of women, of course justice and the rights of Palestinians. It was strongly opposed to negotiation, which Mish'al saw as negotiation from weakness and practically a surrender as it would be based on the superior power of the Israelis (with their total American backing) to force unwelcome surrenders of vital positions on the Palestinians. It was terribly lacking, even chilling in its reliance on counter-force as the equalizer in the contest with the Israeli occupier.

What was lacking was appreciation of the law, rule of law, reverence for international law and the rights of nations as the true equalizer in this struggle. Without that reverence for and insistence on the rule of law, the buildup of counter-force can only produce a reverse injustice,

put the sufferers on top and put the inflictors beneath their feet to suffer themselves. That would not be good Christianity, if that were the issue, and it is not good Islam. Mish'al professes his warm welcome, religiously, to Jews, and he is surely sincere in that. It is at the political level that he has missed this beat of the heart.

Lacking too is an appreciation of the true force of non-violent resistance, or the realization that it accomplishes far more than any recourse to violence. Mish'al is entirely right to recognize that Palestinians cannot neglect the real duty of resistance to occupation, to the destruction of their homes, the theft of their land, the efforts to expel them by reducing their life in their own land to a hell. But he practically romanticizes the use of violence in resistance.

This is counter to his own better intuition, that has led him to the better policies of these last years. He knows quite well the necessity of reuniting Palestinians in the objective of freeing themselves of occupation, but he has not seen his way to it. President Abbas is in similar need of finding the way to that unity of purpose.

September 14, 2010
 For *Arab News* – Nazir and I -- draft

Peace in the Middle-East.

President Osama's special envoy former senator George Mitchell is in the Middle East to get the Israeli-Palestinian Peace talks back on track.

Many in the international community believe that a peaceful and just solution of the Palestinian Israeli conflict is overdue and necessary. Not only for the sake of the local inhabitants, both Israelis and Palestinians, but also since it will substantially reduce level of terrorism; success is helpful in the battle against extremists to whom the violent, intractable dispute is a potent recruiting tool.

The issue of Peace in the Middle East, more than any other, has bred generational hatred of America and the west among Arabs & Muslims.

For the Palestinians there are few issues as contentious as the building of Jewish Settlements. The recent decision by the Israeli Government to allow fresh settlements will undermine the US effort to revive the Peace negotiations. Under the already agreed terms of the Roadmap peace process settlements are supposed to be frozen. Some 450,000 Israeli settlers live in the West Bank, including East Jerusalem. The settlements are illegal under international law,

As president Obama took up his office in January, we were all conscious of how low the United States had sunk in the esteem of the rest of the world, even our closest allies. The overseas burdens he inherited from the Bush years were not even his worst problem, given the economic collapse,

He had promised that he would seriously address the Middle East conflict from Day One. This was touchstone for his foreign policy, in fact a condition for his being able to deal with the situation in Iraq. Now it comes to a testing of his resolve.

President Osama's call for a freeze on settlements has been met with outright defiance from the Netanyahu government, which is so much indebted to the extremists of the settlement movement, would fall if Netanyahu made more than a passing and insubstantial nod to Osama's demand. Would that be good for Israel or bad? And if Netanyahu and his partner, the Meir Kahane clone Avigdor Lieberman, were allowed to determine American policy, would that be good for the United States, or a disaster?

Reports in the Israeli press claim that agreement was reached, when George Mitchell met Netanyahu in London, that the United States would give no approval to the extensive new confiscations, settlement building and demolition of Palestinian housing in Jerusalem, but would do nothing more about it than to regret it; that a token freeze on new building in the West Bank settlements would last nine months (a compromise between Obama's full year and Netanyahu's six months), but would permit 2,500 houses already begun to be completed, plus allow for "normal living," by which was meant

building new schools, kindergartens and public buildings; and that any renewal of this seeming freeze after the nine months would depend on the Palestinians meeting conditions which were too insulting even to contemplate.

We see no reports confirming (or denying!) such an agreement in the American press or media, but when Netanyahu's government announced the licensing of an additional 450 houses, many of them in the most sensitive areas, like Modi'in Illit, which encroaches on the Palestinian villages of Bil'in and Ni'lin even in defiance of the Israeli Supreme Court itself, we still heard only "regret" from Washington. It all sounds like abject surrender on the part of the Obama Administration. Netanyahu and Lieberman can do as they please.

How will this, if it truly represents American policy, affect the standing of the United States in the world? It will be taken, by our allies (Israel among them) and our enemies – in Afghanistan among other places – either as terminal weakness or as hypocrisy, and we need to wonder which of those perceptions is worse for us.

President Obama is presently fighting what the analysts believe to be his toughest battle, the Health Care issue. Much of the Administration's energy is mobilized in getting the House to pass preferably a bipartisan bill. This will not only enhance his chance for a second term but in the congressional elections it will help maintain a democratic majority. The question that is being asked is if President Obama will have enough left in him to fight on the Foreign Policy front the strong Israeli lobby and get the Israeli government to agree on the settlements issue after this battle.

What would be the result if we did persist in the freeze demand and the Israeli government fell, either because Netanyahu conformed or because he defied the United States to the point of alienating his most essential ally? The Israeli public is quite capable of determining that. Never underestimate their good sense. When Israelis have seen some prospect of genuine peace with the Palestinians they have always responded positively to it, and dismissed governments that were an obstacle to it. They know, better than many Americans, that the present course of Israeli policy is ultimately suicidal to their own state. Note the response they gave to Anwar Sadat, or to the Oslo Accord, their vote for Yitzhak Rabin when they saw that Shamir was merely temporizing with the Madrid conference, and their vote, after their earlier three years of Netanyahu, for Ehud Barak, who turned out to be such a disappointment. They will be grateful if the United States creates the circumstances that truly enable them to create the peace they seek.

We are always reluctant to interfere in another country's electoral process, but standing to principle cannot be confused with such interference. The Netanyahu government is there only out of disillusionment, because of the foolish indulgence of the Bush Administration in the worst excesses of Israeli militarism, under Olmert as much as under Sharon (the mentor of Netanyahu's previous attempt at government).

President Obama promised to be serious about bringing genuine peace to the Middle East, for the sake of Israel, our valued ally, as well as for the Palestinians and other Arabs, who know just as well their need for peace. Any chance for the Palestinians for

escaping a world of walled cantons, checkpoints, ethnically segregated roads, dispossession and humiliation and for Israel to remain safe & secure as a functioning democracy will be lost if the Obama administration does not put its full weight behind its demand to halt the settlement activity completely.

Words are not enough, there must be some consequences that Israel must face for its intransigence on this issue.

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Draft Op-Ed article for *Arab News*, with Nazir Khaja, October 5, 2009

What can Obama do now?

So Obama backed down on the settlement freeze. It was embarrassing to see. He was publicly humiliated, much more so than by failing to bring home the Olympic Games to Chicago.

He had to know that he was dangerous to Binyamin Netanyahu. Either Netanyahu would do what Obama told him, in which case his coalition would fall apart, or he would refuse, in which case the Israeli public, which will never tolerate a PM who fights with the United States, would throw him out. Netanyahu's only refuge was to make a fool of Obama. He and Avigdor Lieberman, who is his real governor, are since then smirking at their triumph. Is Obama then a spent force, or are there things he can yet do?

While the settlement freeze idea put Netanyahu on the spot and might easily have brought down his government, it was not well designed to address the basic problems of the occupation relation between Israel and the Palestinians. The existing settlements are the problem, not simply their further growth. They are an encroachment meant to displace the Palestinian people from their ancestral lands, and illegal under international law, as incorporated in the Fourth Geneva Convention. We hear often enough of Palestinian plans to drive Israelis into the sea. The settlement project, from its inception, has been the plan to drive the Palestinians into the desert. This is not the intention of all Israelis, as most of them understand that the settlers are poison to Israel itself, but Israeli governments, some (no all) complicit with the project, have never gotten up the courage to confront them.

What Obama can do is, first of all, to predicate every decision about this conflict on international law. If the law is not followed, what alternative do we have? There is only the employment of sheer power, and the power disparity in this situation is overwhelming. Before the law, though, the parties are equal.

Israelis may fear that the law would prejudice the case against them, but this is not true. The law will protect the rights and legitimate interests of both parties.

A clear body of international law exists, which defines the obligations and responsibilities of the parties – Israeli, Palestinian and American – in this conflict. Its major points have been incorporated in the acts of the United Nations, but many of them exist already prior to any action of the UN as fundamental matters of international law and justice. The principal elements are these:

1. Article 2 of the United Nations Charter, by which every nation signatory to the Charter renounces any acquisition of territory by force. Reference to this is made three distinct times in the "Land for Peace" resolution of 1967.

2. General Assembly Resolutions 181 (November, 1947, the partition resolution, authorizing the establishment of two states in Palestine, one Jewish and one Arab) and 194 (December, 1948, voted even before the end of the initial war, and containing, along with much else, the neuralgic point of Right of Return for Palestinian refugees.) It should always be noted that Resolution 194 specifies that the return of refugees should be “to live in peace.” When we look at the practicalities of the situation, that means necessarily that there should be negotiated agreement on numbers, so that the project does not become the displacement of the Israeli Jewish population itself.
3. The major Security Council resolutions, 242 of November 1967, and 338 of October 1973. Resolution 242 carries the greatest weight, often invoked and as often neglected. Written only after months of deliberation following the June war of that year, it is the only instance in which a Security Council compromised with Article 2 of the Charter. In all other cases of the seizure of territory by force (Korea, Iraq in Kuwait, Israel in Lebanon 1978) the Security Council has demanded immediate return to the initial border. Only this time did it make the return of territory dependent on first achieving peace, i.e., treaties.
4. The Fourth Geneva Convention (1949), dealing with the responsibilities of occupiers in occupied territories. The Convention affects Israeli policies in three ways:
 - a) It prohibits the expulsion of residents from the land other than in strictly limited circumstances.
 - b) It requires of the occupiers that they provide for the safety and the adequate supply of necessities to the occupied population. This is seldom mentioned but is a major obligation.
 - c) It prohibits entirely the transfer of the occupier’s own population into the occupied territory. This, of course, affects all the settlements.

Does this mean, as we hear from the more paranoid Israeli propagandists, that all Jews would be expelled from the Palestinian territories? *Judenrein*, as opposed to *Arabenrein*? Not at all. Palestinians have recognized how important it is to Jews that some of them should live in the territories of the ancient kingdoms, their holy places, and have stated their readiness to welcome them. The problem is not Jews, but occupation. These territories do not belong to Israel, but to the Palestinians. Jews who live there should be able to keep their Israeli citizenship but live under Palestinian jurisdiction. That would require them to live there in peace, the same requirement that is made in General Assembly Resolution 194 for Palestinians who would return to their homes.

This, in fact, was the Palestinian proposition at Camp David and has long been settled policy. In quite recent months it has been emphatically reasserted by Prime Minister Fayyad, by negotiator Abu Ala and others in an authoritative way.

Hebron is the test case, the holiest spot for Jews after Jerusalem itself. But the wrong Jews live there, people not willing to live in peace, but who have come to drive Palestinians out.

The West Bank is increasingly dominated by settler terrorists who violently attack Palestinians in their homes and their fields, burn their olive groves or steal the harvest from them, set their own children to molest Palestinian children on their way to school. Israeli army and police stand by, not interfering, sometimes joining in the mayhem, and if there are arrests it is normatively of Palestinians who resist these predators. It is as much the responsibility of Israeli government to stop that, to discipline its army and remove the terrorist elements from the territories, as it is for Palestinians to deal with their own terrorists. No society that respects the rule of law could tolerate, from its own citizens, what these settlers do constantly and with impunity.

For President Obama, then, in his manifest friendship and care for Israel and its people, which in fact practically everyone in the United States shares, insistence on the law is both an available policy, something he can really do, and an exercise of a great deal better care for the Israelis than any indulgence of the in those things that are poison to their society as well as torture for the Palestinians. Rule of law is what will bring peace and reconciliation with their neighbors to the Israelis as well as justice both for them and for those who have been their victims. This would go to the heart of the problem, as the settlement freeze could not.

There is a second thing that Obama can do which is vitally important to fostering the peace. That is to bring Hamas into the process of resolving the conflict.

The effort to exclude Hamas after they won a free election and were the democratic choice of their people was an injustice from the beginning. Without unity of the Palestinians there can be no progress toward peace between Palestinians and Israelis.

What is within Obama's opportunities and would be as great a contribution as his setting his course by the rule of law is to treat the Palestinians, and among them Hamas, with a kind of respect that they have never experienced from an American government. This is the special charism of Barack Obama, to treat others with genuine respect. Those who have taken the trouble to know the Hamas leadership come back with a sureness that they are not fanatics of religion, important as their faith is to them, and that they would respond positively to any such approach. It may well be that Obama's approach to them would have to be, at first, through Track 2 diplomacy but it would get well beyond that. What it would accomplish would be, first, to put an end to the old argument, which we have heard for as long as Israel has existed, that

there is no partner for peace. Hamas will be such a partner, and must be so in alliance with Fatah, as neither can produce the unity of the Palestinians by themselves.

That show of respect by Obama, revealing that there really is a process leading to peace and justice, would introduce them into the heart of it. By the very fact that the United States showed that respect, those Israelis most insistent that there is no partner would be obliged to change their tone, even a Netanyahu and an Avigdor Lieberman.

Israelis do respond when they see a real prospect of peace. Obama still has it in him to do that, and has the means to do so: the law and a personal capacity for respect. May God help to recognize this and do what is in him.

Draft Op-Ed, for *Arab News*

What if Israel Just Won't Play?

Nazir and I

October 18, 2010

Is there really no prospect at all of success in what we have been calling the “Peace Process in the Middle East? The times have become cynical. The new peace talks were solemnly proclaimed at the White House. Netanyahu and Abbas shook hands with great enthusiasm, pledged their seriousness and went home. At the first real test, the expiration of the supposed “settlement freeze” on September 26th, Netanyahu cancelled out whatever shallow pretence there was of restraining the confiscation of the West Bank territory he was supposedly negotiating about. He then gave his voice to the Lieberman proposal to impose loyalty tests on citizens, proclaiming Israel the “nation state of the Jewish people” in terms that actually translate into denial of rights to all non-Jewish citizens and the prospect of eventual expulsion. Without any mention of all that, he then called on the Palestinians to “continue the good and sincere talks that we have just started, in order to reach a historic peace agreement between our two peoples.” Not all that subtle a way to announce that nothing has been changed.

To every appearance, President Obama, the essential catalyst and mentor of the procedure, seems to be getting used to the continued embarrassments that Netanyahu and his government has caused him thus far. Besides all the economic and military aid that the U.S. offers to Israel on a regular basis, he now offers permanent establishment of the Israeli military in the Jordan valley and a new squadron of F-35 fighters, in order to get just an extension of the phony building moratorium in the West Bank for a mere two months, but Netanyahu refuses to grant him even that.

Can we believe that there is a seriousness to the encounter that belies simple cynicism. Abbas had to be wary that any flinching from his declared readiness to walk away if that “freeze” were not extended would harm his standing with his own people, yet he gave a few days time to keep things going by first consulting his cabinet, the PLO and the Arab League. The League itself then did a great favor for Obama by postponing decision for another full month, in other words, until after the American congressional elections.

It may be that the low expectations with which Israeli and Palestinian press and opinion have taken in the show will be some safety against the high risk of negative consequences that yet another failure will entail. But Obama has invested himself and his prestige in it and clearly wants something to come of it. The next rung of cynicism would mean that what he seeks is a Palestinian collapse before the force of Israeli political and military power and the abandonment

of Palestinian rights to land and freedom, but that would truly be inconsistent with anything we know of him. Expect better than that of Obama.

The most significant thing about the picture is the absence of Hamas. Many of the most respectable commentators – Henry Siegman, retired U.S. Ambassador Charles Freeman, *The Economist*'s Nicolas Pelham, former White House adviser on the Middle East Robert Malley among many others – say plainly now that this is a fatally disabling obstacle to success or even serious meaning in this round of negotiations, that the exclusion of Hamas from the talks or the refusal ever since their election win in 2006 has already shown itself as failed policy. Hamas grows steadily more powerful and popular in response to its exclusion. Egyptian President Hosni Mubarak, as high-profile participant in the couple of days of Washington talks, said so while there, in an Op-Ed in *The New York Times*.

Hamas itself, at the start of the talks, engaged in guerrilla attacks in the West Bank, killing four Israeli settler passengers, two couples, one of the women pregnant. One has to wonder about the wisdom of the Hamas leadership in authorizing such actions. But as of this writing, it has not driven the escalation further.

This column never ceases to record the actual knowledge of its authors that Hamas is truly ready to become a positive partner for regional peace, committed to the Arab Peace Plan of 2002, but needing to be treated respectfully and have the essential character of its role recognized and accepted, both by the American/Israeli actors and by the Fatah protagonists of the PA. The Israeli/American refusal to admit them into the process actually forces them into a hard rejectionist position, foiling their own at-least-stated objective of peace.

There is a difference of narrative here. The settlers in the Hebron area, whether the few making the city itself a hell for its Palestinian inhabitants or those in Kiryat Arba who glamorize Moshe Levinger and Meir Kahane and make a shrine of the tomb of Baruch Goldstein – but not necessarily those shooting victims in particular – have been at the forefront of settler violence against Palestinians, attacking their villages, burning their olive groves or stealing their olives, shooting at them when they try to harvest their fields, training their own children to attack Palestinian children on their way to school. But to the rest of the world they are not what Hamas is looking at: colonists unlawfully invading occupied territory under the protection of massive and unthinkingly violent military force. Instead, in a world that condones any Israeli behavior, they are innocent civilians subjected to cruel attack. What good does it do to Hamas or to the Palestinian cause to have the picture on the front page of *The New York Times* of a pitiable 9-year-old child grieving at the deaths of both mother and father? Those whom Hamas really needs to win to their cause are hardened in their rejection.

What then is actually possible for any real Palestinian quest for a just peace now? Hamas, in its immediate reactions to the cynicism of Israelis resuming full-scale settlement, was admirably practical and reasonable. Their statements said Abbas should make it his principal objective now

to reconcile with them and establish a policy of cooperation. Remaining differences between them, declared leader Khalid Mish'al, were small and bridgeable. This was not a threat to respond with violence to the Israeli action, though we have not heard it ruled out.

For Hamas to resort to renewed violence now would be taking these negotiations rather too seriously. If all Palestinians take the sane course of concentrating on their own reconciliation, the Israelis themselves will be the ones to pull out of the talks, demonstrating to Obama what he is so reluctant to recognize, that their current actions are the genuine obstacle. That gives the Palestinians the time to prepare a more realistic peace initiative, which is what both they and the Israelis, as well as the Americans, really need. So what if Israel just won't play? The Palestinians can do better than they. Obama and George Mitchell should know it.

The present situation is rather as if an armed house invader had someone tied up on the floor in his home and helpless, and was going through his house deciding what he should pack up and carry off in the moving van he had outside, while the policeman in attendance told the victim he would have no one but himself to blame if he didn't smile and ask what else the robber would like.

Meanwhile, a new threat looms from the Israelis with their loyalty test demands, calculated not to guarantee anyone's rights, Jewish or any other, but explicitly to deprive their non-Jewish citizens of their rights in the country.

Netanyahu's rhetoric claims that the world, and the Arabs and Palestinians in particular, have reneged on their promise to recognize the essentially Jewish character of the state. He builds this argument on the partition decision of November 1947, United Nations General Assembly Resolution 181, which authorized the establishment of two states, one Arab and one Jewish, in Palestine.

Look at the actual situation in law. Partition was a political decision by the UN, authorizing in law something that was not a simply assertion of what is just of its nature, like the prohibition of the acquisition of territory by conquest in Article 2 of the UN Charter. It was done and has continued legal standing, reinforced by now by the existence of a people in place whose rights must be observed. As a resolution of the General Assembly, it had not the same legally binding force as a resolution of the Security Council. But something very particular happened in 1949 when the state of Israel, emerging from its first war, was admitted into membership of the United Nations.

At that time, a condition was placed on Israel's membership, that the new state accept as fully binding on itself in law two resolutions of the General Assembly, this one and Resolution 194, which mandated the Right of Return of refugees. That resolution is neuralgic for Israelis, who fear the advent of more Palestinians than there are Jews in Israel into Israeli territory: actually a false fear, since the language of 194 requires that refugees can return only "to live in peace," a condition that could not be fulfilled if all descendants of the refugees of 1948 were to arrive in

Israel to live. It demands, now, that there be a freely negotiated agreement on how many could return in fulfillment of that condition.

But for the resulting legal situation, look at the resolutions that actually accomplished the admission of Israel into the United Nations as a member, Security Council Resolution 69 of March, 1949, and General Assembly Resolution 273 of April 1949. By conditioning Israel's membership in the community of nations on its acceptance of 181 and 194, it legally defined the state as one obliged to recognize the rights of its non-Jewish citizens: in the language of our own time, a state for all its citizens.

December 2, 2010

Middle East peace prospects

By **FR. RAYMOND G. HELMICK & DR. NAZIR KHAJA**

Palestine President Mahmoud Abbas has announced that he will not participate in the US-led peace effort unless Israel stops the settlement activity.

This was to be expected.

If one looks at the map showing the borders of Israel in 1967 versus what Palestinian lands Israel has since colonized and claims as its own, with unconditional support from US, the picture of illegal confiscation is evident.

In keeping with its policy of creeping annexation Israel insists that East Jerusalem not be included in the settlement freeze proposal that the US has made. This is a killer for any diplomatic effort toward settlement of the conflict. No Arab or Muslim leader could be bribed or coerced into agreeing to this.

We were told first that, as a sweetener, Israel would be guaranteed a permanent presence of its army in the Jordan Valley. By what right? And by what right could the US promise it? That part seems to have been put aside, but other sweeteners include 20 further F35 jets (besides the 20 Israel already has on order as part of its spending this year's financial subsidy from the US for its military). Is that about Iran? Are these 20 planes to be used by Israel to attack Iran or reward for a promise not to do so? Why should such an offer be made? It would seem to resemble the way the Camp David summit was set up in 2000, even as Yasser Arafat argued to President Bill Clinton that it was doomed for lack of adequate preparation. Arafat then received a promise that he would not be blamed if, as he expected, the conference failed, and we can see how far that promise was honored.

Anonymous sources in the Israeli intelligence apparatus whisper to Haaretz that Israel must strike a deal now before the Palestinian Authority headed by Abbas disintegrates with nothing available to replace it, an outcome that would open doors for a Hamas takeover or worse. Do they believe that they can extract agreement from Abbas for a Palestinian state that would be no state? What happens if he holds direct talks with Israeli Prime Minister Benjamin Netanyahu and at the end of 90 days there is no result? The likeliest result is a fastening of the blame for failure on Palestinian intransigence in the face of valiant Israeli effort, as after Camp David. That would indeed bring about the collapse of Abbas, and it would force Hamas to totally reject any result that might come of the process. Is that what the designers of this venture seek? Where indeed does this come from?

The gentleman's name is Dennis Ross. He was the principal US negotiator for 12 years, during the administrations of George H.W. Bush and Bill Clinton. He was there because he represented AIPAC, the main organ of the "Israel Lobby" in the US, before which the Congress quakes in fear. Ross seemed to strive mightily for peace for those 12 years, and it was only when he published his vast book, *The Missing Peace: The Inside Story of the Fight for Peace in the Middle East* (2004) that we knew what utter personal aversion he had held for Arafat throughout that time, and how he regarded every appearance of Palestinian principal negotiator Saeb Erekat at a meeting as trouble. Ross operated already under the Kissinger-era State Department provision that nothing could ever be presented to the Palestinians without prior Israeli clearance. Ross had returned, during the Bush years, to AIPAC's subsidiary, the Washington Institute for Near East Policy. With the beginning of the Obama administration, he was given the job of special adviser to Secretary of State Hillary Clinton on the Arabian Gulf, but Ross failed so signally that he was brought back to the White House, where his titles are special assistant to the president and senior director for the "Central Region," which includes the Middle East, the Gulf, Afghanistan, Pakistan and South Asia. He functions there as personal access for Prime Minister Netanyahu, and was the craftsman of the 90-day proposal with all its sweeteners. This means that Netanyahu is now dealing with a proposition which he has made to himself. All the drama, all the protestations, all the requirement for a seven-hour cajoling of Netanyahu by Clinton are in aid of that. Is this then designed as a trap by which to sell out Abbas? Much speaks for that interpretation. The probability that Netanyahu would come to such talks with an offer to operate within the context of international law, and negotiate with Abbas as an equal is practically nil. Even if he did, he would be negotiating with a man of dubious authority. Abbas whose term as president has already run out, is operating with an appointed government which substitutes itself for the Hamas government elected in January 2006, whose mandate has also run out.

A missing element in all this is any proposal for new elections, of PA president and Legislative Council. Those shadowy anonymous spokespersons for Israeli intelligence fear that there would be no viable successor to Abbas and the whole structure would shatter before they could win their prize. But the Palestinian people, if given the chance, would clamor for the succession of Marwan Barghouti, a proven peace-seeker who has won his spurs by the reconciliation work he has done between his Fatah and Hamas fellow prisoners. Is there any chance, then, that the actual powers, Israel and the United States, would allow a fair legislative election, with all the real stakeholders running their candidates?

When last it seemed more than apparent that the current "peace process," begun with so much fanfare at the White House just in September was going nowhere, Hamas, rather than resort to violent opposition, called on Abbas to dedicate himself to a restoration of Palestinian unity, without which no effort for peace or the end of occupation could succeed. That remains the best advice. Those of us who have taken the trouble to ask Hamas what it truly stands for have been convinced that it is prepared to be a positive factor in this process. Abbas has been at odds with Hamas since the 2006 election, but that has resulted essentially from the maneuvering of Israel and the United States. He has the options now to look for Palestinian partners.

For the Arab side and also an increasing number of others in the international community the US offer to Israel seems to be more than appeasement. President Obama's credibility and strength is being called into question. It is being argued that he is not seriously intent on stopping Israeli

encroachment and by continuing to arm Israel to the teeth the president is giving a wrong message, making peace and stability in the region even more precarious.

The question that is being asked is, how long will US continue to remain entrapped with Israel in this cycle of promises. And what, if any, other approach does US have in getting Israel committed to peace and international rules?

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What are Palestinians doing for themselves?

By FR. RAYMOND G. HELMICK & DR. NAZIR KHAJA | ARAB NEWS

Published: Jan 30, 2011 20:59 **Updated:** Jan 30, 2011 20:59

The revelations from Al Jazeera have stirred the pot.

What authority any of these documents have is far from clear. Often they are talking the language of the "Clinton parameters" of late 2000, which didn't get any clear acceptance at the time but were met without real hysteria also. The motives for the release of these documents are altogether unclear. Who were they trying to embarrass: Israelis or Palestinians, Fatah, Americans? As with the WikiLeaks, it is good to have things out in the open, but hard to know what is true.

Much more important, though, is how the Palestinians will respond to them. The worst thing happening to Palestinians is their disunity, which leaves them helpless before massive political and military power forces. That should be the main thing we learn from these papers - as though it were anything new. If Palestinians, as a result of the Al Jazeera papers, draw the long knives on each other, they will be much further harmed. That may have been the motive of the release.

To anyone following the interminable "peace process," the prolonged negotiations since 1993 between Israelis and Palestinians seem always to have been designed to fail. The Israeli government scuttled the talks last year by refusing to extend the ten-month partial freeze on settlement construction that the Obama administration was begging for. It is becoming clear that the prolonged negotiations are intended to give people false hope and generate active dissent and disunity among the Palestinians, thus making it easier for Israel to continue annexing Palestinian territory.

Painful as it is to say for anyone who wishes Israel well in its enterprise of building a society that will be the opposite of the persecutors of Jews, the State of Israel, under its present government, drifts further and further into simple racist fascism. With a true dictator's instinct, it seeks now to suppress any voice within Israel that speaks anything other than the government's own propaganda. It has become a write-off so far as any serious effort toward peace or justice is concerned.

Netanyahu's Lieberman-dominated government now controls all the major parties, since the defection of Ehud Barak leaves Labor in its death-throes and there is no possibility of any action useful for the peace coming from Tzipi Livni's Kadima.

The United States, for all the brave words and apparent good intentions that come from President Obama, responds spinelessly to every new defiance, and even the intrepid George Mitchell is now shepherded about the Middle East by AIPAC-apparatchik Dennis Ross. Abandon hope, anyone who knocks on that door!

That leaves an urgent question: What are Palestinians doing for themselves?

It is beyond believing that the Palestinians should still be tolerating the division among themselves that separates Fatah and Hamas. It disempowers them utterly. So long as this division and the bitterness that accompany it endure, no progress is possible.

One must concede some serious praise to Salam Fayyad, even though the very mention of him is a red flag to Hamas. Fayyad has grasped one basic truth that the Hamas leadership has yet to see with full clarity: That the only resistance by Palestinians that has any chance of success is a rigorously nonviolent one. Fayyad's project of building the institutions by which a Palestinian state can run, and his ambition of having them in place by August, are themselves a campaign of resistance to the occupation.

True, they are utterly dependent on Israeli acceptance, and in that way open to the criticism that they are merely means of consolidating the occupation itself. Yet they are things the Israelis cannot push over or destroy without creating more embarrassment for itself than even this shameless government can bear.

True also that Fayyad's government is usurping the place of a legitimate one that was properly elected, though the mandate even for that, and of course also for the presidency of Mahmoud Abbas under whom Fayyad serves, has run out by now. But he and his activity create practically insoluble quandaries for Israel's occupation regime, and that is a mark of genuine resistance. Moreover, Fayyad himself recognizes that there is no possibility of a Palestinian state that does not include Hamas Gaza. Not for him the facile assumption one hears from so many others that he can create the building blocks of a Palestinian state and forget about Hamas, that it will evaporate if he succeeds. Fayyad knows and acknowledges that Hamas must be a part of it.

As for Hamas itself, it has a strong interest in a just peace with Israel. But the policy of Israeli and American governments, of excluding Hamas from any efforts at peace, leaves Hamas with no other option than opposition to any progress that might be made without its participation.

Hamas is rejected as a terrorist organization, a sworn enemy of peace, which refuses to recognize Israel. Yet Hamas leader Mishaal has laid out the policy direction of Hamas on a number of critical issues: Negotiations with Israel, recognition of Israel, resistance, Jews. There is a plan for permanent cease-fire/settlement - the Arab plan of 2002 - that has been accepted by Hamas, contingent on an Israeli return to the 1967 borders. The picture of Hamas as irreducibly unready to be a positive partner for the peace is a disinformation game.

Hamas speaks of an essential need for resistance against the occupation, and that is the very truth: No Palestinian government can claim legitimacy if it is not for resisting the occupation. Hamas has actually become the last bastion against a Palestinian violence that would otherwise

inevitably break out in response to the constant violence of Israeli Army and settlers against the Palestinians. In a situation where angry Islamists are itching to impose a strict way of life on their compatriots, Hamas, in a sign of tolerance, has become the best defense against a Shariah that would be the result of imposition on society. Hamas has still not made the necessary distinction between a nonviolent resistance that would have the prospect of success and a violent one that has none, but its actual conduct has been based on it.

Given the utter lack of good will or honesty in Israel's present government, and the supine way the US permits that Israeli government to determine everything, in defiance of law, by its massive, superior brute force - surely that government does not represent the Jewish principles and culture of the Israeli people - what can the Palestinians actually do for themselves?

They can mount a really effective campaign of fully mobilized nonviolent resistance. That is not merely a matter of demonstrations. The weekly demonstrations at Bil'in are admirable, as is the steady but nonviolent demonstration of outrage against the rape of Sheikh Jarrah. But a truly effective mobilized campaign would be organized noncooperation with every aspect of Israeli control, all over the Palestinian territories, all the time. New Israeli settlements would not be built by Palestinian labor. Palestinian authorities, at all levels, would never accommodate or acknowledge any Israeli right to determine their actions. Citizens, knowing the full authority of their society was behind them, would obey no command of an Israeli, armed or not.

Palestinian workers would be without jobs. The Israelis would intensify their violent oppression in every way they could imagine. Would any of that be new? It would be concentrated within a shorter period. But the Israelis could not govern or even coerce under those circumstances. The Palestinians would win.

It is clear that a new Palestinian political leaderships needs to emerge, a leadership that is trusted by its own people and the world community. The absolutely necessary condition of that is cooperation between Fatah and Hamas. Both sides' leadership must actively engage in this effort regardless of how many more difficulties are created for them.

As for Israel, it will soon realize that it is impossible to win a war of occupation in the modern age. In truth Israel has already lost because it has made a two-state solution impossible by its continued intransigence and callousness, Time is on the side of the Palestinians; they must however close ranks among themselves and not remain entrapped in a power struggle.

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Draft Op-Ed, Arab News

April 28, 2011

Palestinian Unity at Last

Events move very quickly. This day we have the announcement of the best news Palestinians could have: a reconciliation between Fatah and Hamas, the one most necessary step toward their eventual liberation.

Who would ever have believed the whole Arab world would so suddenly be transfigured by a democracy movement? The countries experiencing turmoil in this effort may yet face disappointments and delays on their course, but they have set their faces to an assertion of their rights and the distinctiveness of their cultures that will not fail in the end.

Most immediately, though, these events affect the Israeli-Palestinian situation. Some of the sanest voices in Israel say this is the time for Israel to make a just peace with the Palestinians, others that it is an imperative time, even a last chance. The current leadership of Israel shows no such inclination and even retreats from what little readiness they had to meet Palestinians in an Arab world which they know less than ever.

Yet there are some signs of hope. Despite the present Israeli governments deliberate efforts to scuttle the Peace process there is a growing number of people who are showing inclination towards a peaceful resolution of this “mother of all issues”.

A significant group of Israelis, former heads of intelligence agencies, and a distinguished group of Israelis intellectuals, including many winners of the prestigious Israel Prize, has now come out, , with serious peace proposals, in terms very new to them . Their proposals contain many elements of The 2002 Arab Peace Plan

This group has to win a wider Israeli public to its side, at a time when that public, a people from whom, by reason of their Jewishness, one should always expect generous response to the sufferings of others, has been demagogued into irrational panic by Netanyahu and others of his ilk. The occasion gave striking evidence of what courage it takes for Israelis to say such things, as they were heckled by strident voices calling them “traitors” and “Jewish Nazis” even as they spoke, but stood witness to their convictions all the same.

It is time, therefore, for a carefully calculated policy by Palestinians. They must have learned, by now, that efforts at negotiating with the Netanyahu government are a wild goose chase, that there is no good will to be found there. Even President Obama, reluctant though he may be to admit that, must know it. We have had meanwhile, the unedifying spectacle of Netanyahu and Obama racing one another to put before the American Congress what they feel it safe to propose about Middle East peace. As soon as Obama announced his intention of addressing the subject anew, the congressional Republicans issued their invitation to the Israeli Prime Minister to address the joint houses of Congress first. What seriousness can be attached to

this maneuver? Clearly enough the Republican spoilers want simply to transform Middle East peace into a wedge issue, a political football that they can kick around with impunity and no commitment until next year's November election. It is a sideshow.

Let's hope that the Israelis as a people are not so blind even to their own welfare as their government, and those new thoughts from the responsible heads among them give evidence of that.

We have seen the violence level rise alarmingly over past weeks, both Israeli killing raids into the Gaza Strip and West Bank and the launching of rockets from Gaza into southern Israel, two of those missiles of greater range than the relatively puny Qassam rockets. The killing of a Palestinian is hardly news in Israel or the Western countries but that of an Israeli always has enormous impact. For that reason the bombing at the Jerusalem Central Bus Terminal and the murder of five members of an Israeli family in Itamar are of policy-changing import.

The Palestinians since then have made great efforts to draw back from the brink, offering to renew the cease-fire they have largely kept over the last two years, but Israel's government responds so far only with further killing raids. They appear determined to provoke new Palestinian violence, put the Palestinian people in the wrong and give excuse for a new "Cast Lead"-style assault with even deadlier effect. The backing and filling over the Goldstone Report about the last such adventure makes such an attack all the more likely.

The murder in Gaza of Italian peace activist Vittorio Arrigoni embarrasses Hamas, showing its leadership unable to prevent outrage in the territory it controls, but paradoxically it has also demonstrated to the Israeli public that such peace activities as Arrigoni's, on behalf of Palestinians, are genuine and admirable, deserving of their sympathy and respect. Such a response from the Israeli public has not been seen since the time of the First Intifada, when the non-violent but determined activism of young Palestinians, facing bullets and the breaking of their bones with nothing more than stones, won their active sympathy.

Where does that leave the Palestinians? Utterly unable to rely on the word of Israeli government, unable to expect any real help from a sympathetic American government, which is sympathetic but in a state of paralysis that will last at least until its own next election and which disempowers efforts by Europeans to mediate, the Palestinians are left to their own resources. These are considerable, but have not been seriously mobilized. The lack of a united effort by Fatah and Hamas has until now remained massively disabling, as it has been for as long as their needless feud has lasted. That feud served only the interests of their enemies, who of course have worked assiduously to keep it in being.

Prime Minister Netanyahu gives false advice when he now says Fatah must choose between peace with Israel and peace with Fatah. Their choice with regard to Israel must indeed be peace, but on the basis of ending the occupation. Leadership from both sides of this Palestinian divide, Hamas and Fatah, have now recognized the devastating effect of their needless feud. For lack of any serious help from outside, this task of internal reconciliation becomes imperative. It was encouraging to hear the statement from within the entourage of President Abbas that he would be willing to forego any American financial aid that might be

withdrawn if he reconciled with Hamas. Unity among Palestinians would be worth immeasurably much more than anything poured from the American bounty.

We hear much these days of the admission by the United Nations of Palestine as a member state, recognized by the international community within the borders that obtained from 1949 to 1967. The Hamas leadership recognizes, better than that of Fatah, that such a proposition is a will-o'-the-wisp. The American government would not support it and that would crush it as a diplomatic demarche. This Israeli government is practiced in defying such moves and would only be provoked to new colonization, confiscations and violence.

Look instead at what those former Israeli intelligence chiefs are seeing. Their concern is unabashedly for the welfare of Israel itself, and that should be seen as encouraging. They have understood that Israel is on an untenable course, that it cannot indefinitely suppress the captive Palestinian people. They know that the Arab Spring makes a great difference. Hitherto these Arab countries have been under the control of autocratic regimes, shamelessly fostered by American power, which have been content to cooperate with Israel in holding the Palestinians under water. Egypt, of course, is the key power, but there is prospect of a broader Arab unity of purpose as the peoples take power back from their dictators. There is good reason to hope that the liberated people of these countries will not be working for the destruction of Israel, and of course the safety of Israel must be maintained, but they will not be patient with any action by their governments that supports the yoke on Palestinians. That is a fact that these responsible Israelis recognize.

The Palestinians themselves, if they make the most of their power in a united and disciplined campaign of non-cooperation with any aspect of the occupation, would be quite irresistible for the Israelis. Who can contain a people determined to be free who know how to use their true power? It has always been a convenience for those Israelis intent on maintaining the occupation when Palestinians have persisted in violent actions that discredited them and their cause in the eyes of the world. Responsible heads in Fatah and in Hamas know that now, and it is this that has convinced the old hands in the Israeli intelligence fraternity that the time for occupation is running out. Timid as their offer is, it should not be ignored.