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## Unsettled conditions in the Holy Land

**BYLINE:** Douglas **Feith****SECTION:** Part A; COMMENTARY; Pg. A17**LENGTH:** 994 words

Ideological attacks on Israel and Zionism continue despite (indeed as part and parcel of) the Israel-PLO negotiating process. The arsenal for such attacks contains few devices as potent as the charge that Israeli settlements in the territories are prime "impediments to peace." President Clinton recently revived that characterization and we can expect to hear much more of it in the course of the inevitable recriminations that will attend debates about whether the parties are complying with the new Hebron accords.

The idea that the settlements impede peace makes sense only if one thinks that Israel's unwillingness to give up additional land is impeding peace. There is a serious argument to the contrary, however. And, in any event, focusing criticism on the settlements plays into the hands of Israel's extremist opponents.

Left and right in Israel agree on how the settlements affect the Arab-Israeli negotiations. When Jews live in an area, this raises the political costs - and therefore reduces the likelihood - of the Israeli government's yielding that area to the Arab side in negotiations. That is why Labor-led Israeli governments after the 1967 Six-Days War set up settlements in the Jordan Valley, for example.

Labor hoped to implement the so-called Allon Plan: partitioning the West Bank so Israel would keep certain "strategic" areas (including the Jordan Valley) and Jordan would obtain the balance in return for a formal peace. Labor knew its settlements would help ensure continuing Israeli control over portions of the territories.

Likud has supported settlements with essentially the same idea in mind, though Likud and Labor have always disagreed about how much land, if any, in Judea-Samaria and the Gaza Strip to offer for trade in negotiations with the Arabs. Neither party ever doubted the legal right of Jews to live in the territories, a right based squarely on the Palestine Mandate and general international law. The 1949 Armistice Lines were no more than the formal delineation of the cease-fire that ended the Arab military attack on the newly declared state of Israel.

Neither in Arab nor Jewish minds did Israel's pre-1967 boundaries ever represent a border between land to which the Jewish people have legitimate claims and land to which they have no such claims. No one intended those lines to divide a zone in which Jewish settlement was legal from one in which it is illegal. In fact, the 1949 Armistice Agreement between Israel and Transjordan (now Jordan) states that the boundary lines "are agreed upon by the Parties without prejudice to future territorial settlements or boundary lines or to claims of either Party relating thereto." (At the Arab parties' insistence, each of the other three 1949 Armistice agreements contained a similar provision.)

This is why Arab-led efforts in the United Nations and elsewhere to characterize the settlements as illegal encroachments on Arab land have implications that reach far beyond the settlements as such. Arab officials and

scholars who argue that the West Bank and Gaza are "Arab territories" never do so by arguing that pre-1967 Israel is legitimately Jewish territory. To make that argument, they would have to hang more moral and legal significance on the 1949 Armistice Lines than could possibly be supported. The argument made to delegitimize Jewish settlements - that the territories are "Arab land" - is not made to distinguish land that is "Arab" from land that is "Jewish." On the contrary, it is designed to prove that Jews have no right to settle "Arab territory" that came under Israeli control in 1967 just as Jews had no right to settle "Arab territory" that came under Israeli control in 1948-49, at the Jewish state's inception.

Those who think the key to peace lies in Israel's delivering more land and power to Yasser Arafat and the Palestinian Authority oppose settlements. Others, however, think a sovereign PLO-led ministate on the West Bank and Gaza Strip is likelier to produce violence and war than peace and security. This latter view aligns with the official analysis that for decades prevailed in the governments of the United States (both Republican and Democrat) and Israel (both Labor and Likud). Those who, despite the Oslo Accords, retain this view - and are concerned that such a ministate would threaten Israel and Jordan, serve as a base for terrorism and generally destabilize the region - see high value in the settlements.

Israel's friends can and do differ about whether the cause of peace and security is served by further Israeli territorial concessions. But those favoring such concessions should make their case without generalized denunciation of Jewish settlements, a tactic that reinforces ideological themes designed to delegitimize the idea of the Jewish state.

The territories' final status has been held open for negotiations by every Israeli government since 1967, none of which has attempted unilateral annexation. Israel cannot put the territories in a deep freeze - without building and without population growth - until a consensual Arab-Israeli peace materializes. And it is prejudicial to argue that Jewish building in the territories is improper (illegal or incompatible with peace negotiations) while Arab building there is not.

If and when there is peace, there should be no objection to Jewish communities on Israel's side of the border, even on land in what is now called the territories. Indeed, peace should preclude objection to Jews living even on the other side of the border. If, however, the conflict remains unresolved, it is unrealistic and unjustifiable to ask Israel to refrain unilaterally from shoring up its claims to land its government has a right and an intention to retain.

Douglas J. Feith served as a Middle East specialist for the National Security Council and as deputy assistant secretary of defense in the Reagan administration.

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