

**“MY FEAR IS THAT WE MAY BE A BIT FURTHER AWAY”...  
[FROM PEACE]—ALAN M. DERSHOWITZ, MAY 20, 2011  
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**PRESIDENT OBAMA, THE ‘WINDS OF CHANGE,’  
AND MIDDLE EAST PEACE**

**Robert Satloff**

***Washington Institute for Near East Policy, May 19, 2011*** 

**President Obama...sketch[ed] out a new paradigm for U.S. engagement with the Middle East in his State Department “winds of change” speech this afternoon, in which he raised the goal of reform and democracy to a top-tier U.S. interest. Nevertheless, after critiquing Arab regimes that have used the Arab-Israeli conflict to distract their peoples from the important business of reform, he undermined the potency and effect of his own message by unveiling a new—and controversial—set of principles guiding U.S. efforts to promote Israeli-Palestinian peace.**

**Specifically, the peace process principles he articulated constitute a major departure from long-standing U.S. policy. Not only did President Obama’s statement make no mention of the democracy-based benchmarks injected into this process by President Bush in his June 2002 Rose Garden speech (which might have been appropriate, given the overall theme of his speech), he even included significant departures from the “Clinton Parameters” presented to the parties by the then president in December 2000:**

- President Obama is the first sitting president to say that the final borders should be “based on the 1967 lines with mutually agreed swaps.” (The Clinton Parameters—which, it is important to note, President Clinton officially withdrew before he left office—did not mention the 1967 borders, but did mention “swaps and other territorial arrangements.”) The Obama formulation concretizes a move away from four**

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**decades of U.S. policy based on UN Security Council Resolution 242 of November 1967, which has always interpreted calls for an Israeli withdrawal to a “secure and recognized” border as not synonymous with the pre-1967 boundaries. The idea of land swaps, which may very well be a solution that the parties themselves choose to pursue, sounds very different when endorsed by the president of the United States. In effect, it means that the U.S. view is that resolution of the territorial aspect of the conflict can only be achieved if Israel cedes territory it held even before the 1967 war.**

- Regarding IDF deployment, President Obama said that the Palestinian state should have borders with Egypt, Jordan, and Israel, and referred to the “full and phased” withdrawal of the Israel Defense Forces. This statement implies categorical American opposition to any open-ended Israeli presence inside the future Palestinian state. This differs from the Clinton Parameters, which envisioned three Israeli “facilities” inside the West Bank, with no time limit on their presence.**
- Although the president noted that he was endorsing a borders-and-security-first approach, leaving the subjects of refugees and Jerusalem for future negotiations, this is an odd reading of the relevance of those two issues. For Palestinians, the refugee issue may be powerfully emotive, going to the core of Palestinian identity; for Israelis, however, it is as much an issue of security as ideology. For the president not to repeat previous U.S. government statements—e.g., that Palestinians will never see their right of return implemented through a return to Israel—is to raise expectations and inject doubt into a settled topic.**

**Perhaps more than anything else, the most surprising aspect of the president’s peace process statement was that it moved substantially toward the Palestinian position just days after the Palestinian Authority decided to seek unity and reconciliation with Hamas. Indeed, the president seemed nonplussed that Mahmoud Abbas, president of the Palestinian Authority, has opted for unity with Hamas, a group the United States views as a terrorist organization. This reconciliation with Hamas “raises profound and legitimate questions for Israel,” the**

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president noted—but evidently not questions so profound and troubling to the United States that they would impede a shift in U.S. policy that advantages the Palestinians.

Also odd was the fact that the president offered no implementation mechanism to translate these ideas into real negotiations. He named no high-level successor to Sen. George Mitchell, the peace process envoy who just resigned, nor did he specifically call for the immediate renewal of negotiations.

Despite this absence of a new mechanism, the likely next step is for Palestinians to take up the president’s call, ask for renewal of negotiations on precisely the terms the president outlined—borders that are “based on the 1967 lines with mutual swaps,” with no reference to refugees or other issues on which the Palestinians would make major compromises—and wait for Israel to say no.

Now en route to Washington, Israeli prime minister Netanyahu has already issued a statement objecting to the president’s focus on the 1967 borders. The two leaders may find a way to blur their differences over the principles outlined today, given their partnership on strategic issues and mutual interest in political cooperation and amity. But the approach to Israeli-Palestinian peace enunciated today has within it the seeds of deepening tension and perhaps even rift between the two sides—the very distraction from the focus on democratic reform the president said he wanted to avoid.

*(Robert Satloff is The Washington Institute’s executive director and Howard P. Berkowitz chair in U.S. Middle East policy.)*

**UNDERSTANDING OBAMA’S SHIFT ON ISRAEL AND THE ‘1967 LINES’**

**Glenn Kessler**

***Washington Post, May 20, 2011***

***“The borders of Israel and Palestine should be based on the 1967 lines***

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***with mutually agreed swaps, so that secure and recognized borders are established for both states.*—President Obama, May 19, 2011**

**This sentence in President Obama’s much-anticipated speech on the Middle East caused much consternation Thursday among supporters of the Jewish state. Israeli Prime Minister Benjamin Netanyahu, who will meet with Obama on Friday, adamantly rejected it.**

**For people not trained in the nuances of Middle East diplomacy, the sentence might appear unremarkable. However, many experts say it represents a significant shift in U.S. policy, and it is certainly a change for the Obama administration.**

**As is often the case with diplomacy, the context and the speaker are nearly as important as the words. Ever since the 1967 Six-Day War between Israel and its Arab neighbors, it has been clear that peace with the Palestinians would be achieved through some exchange of land for security. Indeed, Israelis and Palestinians have held several intensive negotiations that involved swapping lands along the Arab-Israeli dividing line that existed before the 1967 war—technically known as the Green Line, or the boundaries established by the 1949 Armistice agreements.**

**So, in many ways, it is not news that the eventual borders of a Palestinian state would be based on land swaps from the 1967 dividing line. But it makes a difference when the president of the United States says it, particularly in a carefully staged speech at the State Department. This then is not an off-the-cuff remark, but a carefully considered statement of U.S. policy.**

**Here is a tour through the diplomatic thicket, and how U.S. language on this issue has evolved over the years.**

### **The Facts**

**The pre-1967 lines are important to both sides for setting the stage for eventual negotiations, but for vastly different reasons.**

**From an Israeli perspective, the de facto borders that existed before 1967 were not really borders, but an unsatisfactory, indefensible and**

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temporary arrangement that even Arabs had not accepted. So Israeli officials do not want to be bound by those lines in any talks. From a Palestinian perspective, the pre-1967 division was a border between Israel and neighboring states and thus must be the starting point for negotiations involving land swaps. This way, they believe, the size of a future Palestinian state would end up to be—to the square foot—the exact size of the non-Israeli territories before the 1967 conflict. Palestinians would argue that even this is a major concession, since they believe all of the current state of Israel should belong to the Palestinians.

After the Six-Day War, the United Nations set the stage for decades of fitful peacemaking by issuing Resolution 242, which said that “the establishment of a just and lasting peace in the Middle East” should include the following principles:

- 1. Withdrawal of Israeli armed forces from territories occupied in the recent conflict.**
- 2. Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.**

Since the resolution did not say “the territories,” it has become a full-time employment act for generations of diplomats. Nevertheless, until Obama on Thursday, U.S. presidents generally have steered clear of saying the negotiations should start on the 1967 lines. Here is a sampling of comments by presidents or their secretaries of state, with some explanation or commentary.

***“It is clear, however, that a return to the situation of 4 June 1967 will not bring peace. There must be secure and there must be recognized borders.”—President Lyndon Johnson, September 1968***

***“In the pre-1967 borders, Israel was barely ten miles wide at its narrowest point. The bulk of Israel’s population lived within artillery range of hostile armies. I am not about to ask Israel to live that way***

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***again.*—President Ronald Reagan, September 1, 1982**

***“Israel will never negotiate from or return to the 1967 borders.”—Secretary of State George Shultz, September 1988***

**Starting with President Lyndon Johnson, right after the Six-Day War, U.S. presidents often have shown great sympathy for Israel’s contention that the pre-1967 dividing line did not provide security.**

***“I think there can be no genuine resolution to the conflict without a sovereign, viable, Palestinian state that accommodates Israeli’s security requirements and the demographic realities. That suggests Palestinian sovereignty over Gaza, the vast majority of the West Bank, the incorporation into Israel of settlement blocks.... To make the agreement durable, I think there will have to be some territorial swaps and other arrangements.”—President Bill Clinton, January 7, 2001***

**In his waning weeks in office, Clinton laid out what are now known as the “Clinton parameters,” an attempt to sketch out a negotiating solution to create two states. His description of the parameters is very detailed, but he shied away from mentioning the 1967 lines even as he spoke of “territorial swaps.”**

***“In light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.”—Bush, letter to Israeli Prime Minister Ariel Sharon, April 14, 2004***

**When Sharon agreed to withdraw Jewish settlers from the Gaza Strip, Bush smoothed the deal by exchanging letters that supported the Israeli position that the 1967 lines were not a useful starting point. The letter infuriated Arabs, but it helped Sharon win domestic approval for the Gaza withdrawal. Interestingly, despite Israeli pleas, the Obama administration has refused to acknowledge the letter as binding on U.S. policy.**

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***“We believe that through good-faith negotiations the parties can mutually agree on 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 the Israeli goal of a Jewish state with secure and recognized borders that reflect subsequent developments and meet Israeli security requirements.”—Secretary of State Hillary Rodham Clinton, Nov. 25, 2009***

**When the Israeli government announced a partial settlement freeze, Clinton responded with a statement that specifically mentioned a state based on 1967 lines, but as a “Palestinian goal.” This was balanced with a description of an “Israeli goal.”**

**Originally, the Obama administration had hoped both sides would have agreed to acknowledge such goals as a starting point for negotiations—known in the diplomatic trade as “terms of reference.” When that effort failed, Clinton issued the concept in her own name. She would repeat the same sentence, almost word for word, many times over the next 1½ years.**

### **The Bottom Line**

**In the context of this history, Obama’s statement Thursday represented a major shift. He did not articulate the 1967 boundaries as a “Palestinian goal” but as U.S. policy. He also dropped any reference to “realities on the ground”—code for Israeli settlements—that both Bush and Hillary Rodham Clinton had used. He further suggested that Israel’s military would need to agree to leave the West Bank.**

**Obama did not go all the way and try to define what his statement meant for the disputed city of Jerusalem, or attempt to address the issue of Palestinians who want to return to lands now in the state of Israel. He said those issues would need to be addressed after borders and security are settled. But, for a U.S. president, the explicit reference to the 1967 lines represented crossing the Rubicon.**

## **PRESIDENT OBAMA’S MISTAKE**

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**Alan M. Dershowitz  
*Jerusalem Post, May 20, 2011***

**President Barack Obama should be commended for his emphasis on Israel’s security and his concern about Hamas joining the Palestinian Authority without renouncing its violent charter. But he made one serious mistake that tilts the balance against Israel in any future negotiations. Without insisting that the Palestinians give up their absurd claim to have millions of supposed refugees “return” to Israel as a matter of right, he insisted that Israel must surrender all of the areas captured in its defensive war of 1967, subject only to land swaps.**

**This formulation undercuts Security Council Resolution 242 (which I played a very small role in helping to draft). Resolution 242, passed unanimously by the Security Council in the wake of Israel’s 1967 victory, contemplated some territorial adjustments necessary to assure Israel’s security against future attacks. It also contemplated that Israel would hold onto the Western Wall, the Jewish Quarter of Jerusalem and the access roads to Hebrew University, without the need for any land swaps. Land swaps would only be required to make up for any areas beyond those contemplated by Resolution 242. The Obama formulation would seem to require land swaps even for the Western Wall.**

**Any proposed peace agreement will require the Palestinians to give up the so-called right of return, which is designed not for family reunification, but rather to turn Israel into another Palestinian state with an Arab majority. As all reasonable people know, the right of return is a non-starter. It is used as a “card” by the Palestinian leadership who fully understand that they will have to give it up if they want real peace.... Obama’s mistake was to insist that Israel give up its card without demanding that the Palestinians give up theirs.**

**Obama’s mistake is a continuation of a serious mistake he made early in his administration. That first mistake was to demand that Israel freeze all settlements. The Palestinian Authority had not demanded that as a condition to negotiations. But once the President of the United States issued such a demand, the Palestinian leadership could not be seen by**



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**its followers as being less Palestinian than the President. In other words, President Obama made it more difficult for the Palestinian leadership to be reasonable. Most objective observers now recognize Obama’s serious mistake in this regard. What is shocking is that he has done it again. By demanding that Israel surrender all the territories it captured in the 1967 war (subject only to land swaps) without insisting that the Palestinians surrender their right of return, the President has gone further than Palestinian negotiators had during various prior negotiations. This makes it more difficult for the Palestinian leadership to be reasonable in their negotiations with the Israelis.**

**It is not too late for the President to “clarify” his remarks so that all sides understand that there must be quid pro quo—that the Palestinians must surrender any right to return if the Israelis are expected to seriously consider going back to the 1967 lines (which Abba Eban called “the Auschwitz lines” because they denied Israel real security).**

**If President Obama is to play a positive role in bringing the Palestinians and the Israelis to the negotiating table, he should insist that there be no preconditions to negotiation. This would mean the Palestinians no longer insisting on a settlement freeze before they will even sit down to try to negotiate realistic borders. The President did not even ask the Palestinians to return to the negotiating table. Nor did he ask them to drop the condition that he, in effect, made them adopt when he earlier insisted on the freeze.**

**The President missed an important opportunity in delivering his highly anticipated speech. We are no closer to negotiations now than we were before the speech. My fear is that we may be a bit further away as a result of the President’s one-sided insistence that Israel surrender territories without the Palestinians giving up the right of return. I hope that Prime Minister Netanyahu’s visit to Washington may increase the chances of meaningful negotiations. I wish I could be more optimistic but the President’s speech gave no cause for optimism....**

**WHAT SHOULD NETANYAHU SAY?  
Jerold S. Auerbach**

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***American Thinker, May 20, 2011***

**Next Tuesday, four days after he meets with President Obama, Prime Minister Netanyahu will address Congress. With Israel now confronting a triple-security threat that leaves the country more vulnerable than at any time since the outbreak of the Yom Kippur War in 1973, it is imperative for the Israeli leader to stand firm.**

**Netanyahu’s planned “peace initiative” has been undermined by recent events. With its peace treaty with Egypt fraying since Mubarak’s forced departure, Gaza will surely become a Hamas arsenal. Reconciliation between Hamas, sworn to Israel’s destruction, and the Palestinian Authority, too weak to resist, will trap Israel between Palestinian pincers in Gaza and the West Bank. Looming in September is United Nations recognition of Palestinian statehood, another step in that organization’s persistent delegitimization of Israel.**

**Pressure continues to mount, from the international community and from the Obama administration, for Israel to relinquish the West Bank for a Palestinian state—and, presumably, “peace.” That is a delusion.**

**It is time for Netanyahu, in his address to Congress, to decisively reject the seductive but menacing mantra of “land for peace.” His recent declaration that the Palestinian Authority can have peace with Israel or with Hamas, but not both, was reassuring. His conditions for peace, recently outlined to the Knesset, sounded firm: Palestinian recognition of Israel; its refugee problem to be solved outside Israel’s borders; settlement blocs to remain part of Israel, with Jerusalem as its united capital. But they are insufficient.**

**The West Bank mountain ridge forms the major land barrier against an attack from the east that could decimate the coastal plain (including Tel Aviv), where 70 percent of Israelis live. The widely despised Jewish settlements located there are not the primary obstacle to peace; enduring Arab hostility to a Jewish state is. Between 1948 and 1967, there were no settlements—and still no peace.**

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**The prime minister might use his opportunity to remind the world that the West Bank, biblical Judea and Samaria, is the biblical homeland of the Jewish people. Two thousand years of ancient Jewish history unfolded there. If there is Jewish land anywhere in the world, it is there.**

**Until after the Six-Day War, however, this land was *Judenrein*. Only then, following yet another failed Arab attempt to annihilate the Jewish state, could Jews return to live in their historical homeland. More than 300,000 Israelis have done so. Surrounding settlements with a Palestinian state will destroy them and undermine Israeli security. The alternative—Israeli expulsion of tens of thousands of Jews who live outside the settlement blocs—is no better.**

**Finally, given relentless international efforts to delegitimize Israel, Prime Minister Netanyahu might remind critics that Jewish settlement, protected by international guarantees ever since 1922, is fully consistent with international law.**

**The League of Nations Mandate then cited “the historical connection of the Jewish people with Palestine and the legitimacy of grounds for reconstituting their national home in that country.” After Great Britain lopped off three-quarters of Palestine for Trans-Jordan (the first Palestinian state), Jews were assured the right of “close settlement” in the remaining land west of the Jordan River. That right has never been rescinded.**

**Article 80 of the United Nations Charter explicitly protected the rights of “any peoples or the terms of existing international instruments to which members of the United Nations may respectively be parties.” Drafted in 1945 by Jewish legal representatives (including Ben-Zion Netanyahu, the Prime Minister’s father), it preserved the rights of the Jewish people to settle in all the land west of the Jordan River.**

**Settlement critics often cite Article 49 of the Geneva Convention, adopted in 1949 in the shadow of the Holocaust, as a restriction on settlement. They are mistaken. Drafted to prevent a repetition of the forced Nazi and Soviet deportations of civilian populations, it declared that an “Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”**

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**This provision has no applicability to Jewish settlements. Neither during nor since the Six-Day War did Israel “deport” Palestinians from the West Bank or “transfer” Israelis there. Settlers acted on their own volition to restore a Jewish presence in the Jewish homeland—precisely as Zionist kibbutzniks had earlier done in the Galilee and Negev....**

**Prime Minister Netanyahu’s speech should be framed with reminders of these international guarantees, the historic Jewish attachment to the Land of Israel, and the menacing security situation that Israel will confront should its ancient homeland be abandoned. The consequences for Israel of surrendering its legitimate security and its historic and internationally guaranteed land claims would be dire, if not fatal....**

**Netanyahu’s willingness to [compromise] Jewish land, first demonstrated when he capitulated to Clinton administration demands under the Oslo II Accords, is a disturbing harbinger. Last year he acceded to President Obama’s insistence on a ten-month freeze on settlement construction—in return for nothing. Even after the freeze expired, with no discernible Palestinian willingness to resume peace negotiations, Netanyahu tacitly acquiesced to its continuation.**

**Appeasement paved the way for one horrific Jewish tragedy. It is imperative for Israel’s Prime Minister to state, clearly and unequivocally, that the Jewish state will not become another Czechoslovakia, sacrificed by “friends” to please its enemies. Clinging to the fantasy of land for peace can only deepen Israel’s alarming vulnerability.**

***(Jerold S. Auerbach is the author of Brothers at War: Israel and the Tragedy of the Altalena.)***