

Defensible Borders For Israel

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The quest for defensible borders has been an axiom of Israeli governments since 1967 on the basis of UN Security Council Resolution 242. Defensible borders for Israel has been explicitly backed by Washington since the Reagan administration. In Rabin's last Knesset address he made clear that Israel "will not return to the 4 June 1967 lines." He insisted on a map including a united Jerusalem, the settlement blocs, and the Jordan Valley.

In 2003, Israeli planners will have to operate under the assumption that the dismantling of the Palestinian terrorist infrastructure will be incomplete, and should a Palestinian state nonetheless be established, its complete demilitarization will not be reliable.

During the Oslo years, the Palestinian leadership was in material breach of the military clauses of the Interim Agreement, seeking to import illegal weaponry like SA-7 shoulder-fired anti-aircraft missiles and manufacturing Qassam rockets.

Many of the same security figures who breached Oslo now serve the government of Mahmud Abbas. Moreover, fundamentalist groups like Hamas that mentioned the Islamic term *hudna*, for cease-fire, understood that it means a truce that is maintained until the balance of power changes. This means they will seek rearmament; Israeli military intelligence was, in fact, reporting that Hamas had accelerated production of Qassam rockets in early July. In their pronouncements, Hamas and Islamic Jihad have even used a weaker term: *ta'liq* - a temporary cessation of hostilities.

In the wake of the decline of the threat from Iraq, Israel will require defensible borders to meet the growing lethality of the Palestinian threat, backed by the assistance of Iran, Syria, and Saudi Arabia. The Bush administration should provide Israel with assurances concerning defensible borders as it seeks Israel's acquiescence to the creation of a Palestinian state.

For most of the thirty-six years from 1967 to the present, Israel's need for defensible borders in any future peace settlement was an axiomatic element of its foreign policy. UN Resolution 242, adopted in November 1967 after the Six-Day War, set the stage for this claim by asserting that Israel was not expected to withdraw to the prewar armistice lines (also known as the 1967 borders), which were explicitly not defined as final political borders in the document which established them - the 1949 Armistice Agreements. Instead, according to Resolution 242, Israel was specifically required to withdraw only from "territories" (and not "all" the territories) to "secure and recognized boundaries" that were to be **different** from the vulnerable earlier lines from which it had been attacked. These rights to secure and defensible borders emanated from the specific circumstances of the

Six-Day War, for Israel had entered the West Bank and Gaza Strip in 1967 in a clear-cut war of self-defense, thereby acquiring a superior legal status relative to both Jordan and Egypt, which originally invaded and seized these territories back in 1948.¹

Recently, Israel's search for defensible borders has again become extremely salient for several reasons. First, the U.S. victory against Iraq in 2003 significantly improved the military balance along Israel's eastern front and thus raised speculations about Israel's future territorial requirements in a peace settlement. Second, the revival of an Israeli-Palestinian diplomatic option, through the Quartet roadmap, is expected to generate diplomatic debate over the location of a future Palestinian state, even with provisional borders. Notably, the roadmap says nothing about defensible borders. It makes reference to UN Security Council Resolution 242 and even the Saudi plan, which actually calls for a full Israeli withdrawal to the pre-1967 lines. The silence of the roadmap regarding this vital Israeli interest clearly needs to be redressed.

Third, Israel has been building a **separation fence** in the West Bank along a line that is unmistakably different from the 1967 border; U.S. reservations over the route of the fence that were raised in late June 2003 were based on the concern that the new line might become the final political border. If U.S. policy backed defensible borders, then why was this possible eventuality a source of concern? The following analysis takes the position that, despite the elimination of the Iraqi threat in the short and medium term, the Palestinian threat has evolved in the last three years to such an extent that it provides the primary context for Israel's quest for defensible borders. As Israel approaches the implementation of the roadmap, it will become necessary to reach new U.S.-Israeli understandings about defensible borders for Israel, as well.

The Rabin-Allon Legacy

In his last Knesset address on October 5, 1995, one month before his assassination, Prime Minister Yitzhak Rabin laid out his vision of defensible borders for Israel in any future peace settlement with the Palestinians: "The borders of the State of Israel, during the permanent solution, will be beyond the lines which existed before the Six-Day War. **We will not return to the 4 June 1967 lines.**" Rabin chose his words carefully. He was seeking Knesset ratification of the Oslo II Interim Agreement that extended Palestinian Authority control to all cities and villages in the West Bank.

In that Knesset address Rabin provided the details of his map. He insisted on retaining the Jordan Rift Valley: "The security border of the State of Israel will be located in the Jordan Valley, **in the broadest meaning of that term**"

(emphasis added). Rabin did not view the narrow Jordan River alone as an adequate defensive barrier, but preferred to rely on the eastern slopes of the 2-3,000 foot high West Bank mountain ridge that rise from the Jordan riverbed located 1,200 feet below sea level. By holding onto the Jordan Valley, in its broadest sense, Rabin sought to assure that Israel would maintain security control of a steep geographical incline that could provide Israeli forces with a defensive barrier having a net height differential of up to 4,200 feet.

In his speech, Rabin stressed, "first and foremost," the need for Israel to hold onto a "united Jerusalem" as its capital, including the communities of Ma'ale Adumin to the east and Givat Ze'ev to the north. While calling for the establishment of "settlement blocs" where possible, he explicitly mentioned communities south of Jerusalem as well - "Gush Etzion, Efrat, Beitar." It is important to note that Rabin did not support the establishment of a Palestinian state, but rather sought to limit its powers: "We would like this to be **an entity which is less than a state**, and which will independently run the lives of the Palestinians under its authority" (emphasis added).

Rabin's map largely corresponded with the plan put forward in 1967 by his old Palmach commander and mentor, Yigal Allon, who also served as his foreign minister during the Labor government of the mid-1970s. Allon was concerned with hostile armies seizing the West Bank mountain ridge that dominated the narrow coastal plain of Israel, where 70 percent of Israel's population and 80 percent of its industrial capacity are located. He also warned that such an invading army could "paralyze almost all of Israel's airspace with surface-to-air missiles," **thereby undermining Israel's air superiority.** Allon presented his ideas on defensible borders for Israel in an article in the October 1976 issue of *Foreign Affairs*.

In that article, Allon advised that Palestinian-controlled areas in the future be demilitarized, linked to Jordan, and that Israel retain a "topographical barrier" to protect it from any future invasion from the east. Another purpose of the "topographical barrier" was to safeguard the demilitarization that he recommended. According to the Allon Plan, Israel was to retain 700 square miles of mostly arid and unpopulated territory out of the 2,100 square miles that made up the West Bank, or roughly one-third of this disputed territory. Allon also opposed giving Egypt territorial contiguity with the Gaza Strip.

Rabin's map was more ambitious than Allon's since it added settlement blocs in Western Samaria as well. Rabin's more robust map could be explained by changes in the Arab-Israeli military balance; back in 1967, when the Allon Plan was first proposed, most of the military formations in neighboring Arab armies were relatively slow

infantry units. However, by the 1990s, the bulk of these armies had become rapid-moving armored and mechanized formations. The proliferation of ballistic missiles among hostile states threatened to disrupt Israel's reserve mobilization time, thereby lengthening the period in which Israel's numerically-inferior standing army would have to fight without reinforcement. Thus, advances in military technology had increased the importance of defensible borders and not the reverse, as some tried to argue.

Indeed, the Allon Plan continued to serve as a model for other Israeli prime ministers, as well. Prime Minister Benjamin Netanyahu used the term "Allon Plus" in 1997 to describe his vision of a permanent-status map. In that sense, an updated Allon Plan became the basis of an Israeli national consensus regarding the territorial contours of a permanent status solution.

U.S. Policy on Defensible Borders

UN Security Council Resolution 242 was adopted during the Johnson administration. President Lyndon Johnson, himself, stated on June 19, 1967, that a "return to the situation as it was on June 4," prior to the Six-Day War, was "not a prescription for peace but for renewed hostilities." He distinguished between the former "truce lines" which had been "fragile and violated," and new "recognized boundaries" that would provide "security against terror, destruction, and war."

While the U.S. was formulating diplomatic language concerning the required depth of any future Israeli withdrawal, the Chairman of the Joint Chiefs of Staff, General Earle G. Wheeler, prepared a memorandum for Secretary of Defense Robert McNamara that summarized the U.S. military assessment about Israel's need for defensible borders: "From a strictly military point of view, Israel would require the retention of some captured Arab territory **in order to provide militarily defensible borders**" (emphasis added). The Pentagon document, dated June 29, 1967, spoke about retaining "control of commanding terrain" and the need to create "in-depth defense." The Pentagon thus envisioned Israel fixing a new defense line on the top of the West Bank mountain ridge rather than in the Jordan Valley.

Under President Richard Nixon, U.S. policy on the required depth of Israeli withdrawal hardened for a few years, in comparison with the Johnson period. Secretary of State William Rogers spoke on December 9, 1969, about "insubstantial alterations" in the 1967 lines. Rogers was severely criticized at the time by leading Democrats like Senator Henry "Scoop" Jackson, who reasserted Israel's right to "defensible borders" in congressional statements made during 1970. With Rogers' replacement by Secretary of State Henry Kissinger, the U.S. never again returned to the language of "insubstantial alterations." For example, during Kissinger's time, Prime Minister Rabin received U.S. assurances about Israel remaining on the Golan Heights in any peace settlement with Syria.

It was the administration of President Ronald Reagan that most forcefully articulated Israel's

right to defensible borders. Reagan, himself, stated in his September 1, 1982, address that became known as the "Reagan Plan": "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 again." Reagan came up with a flexible formula for Israeli withdrawal: "The extent to which Israel should be asked to give up territory will be heavily affected by the extent of the peace and normalization." Secretary of State George Shultz was more explicit about what this meant during a September 1988 address: "Israel will never negotiate from or return to the 1967 borders."

U.S. support for defensible borders had clearly become **bipartisan** and continued into the 1990s, as well. At the time of the completion of the 1997 Hebron Protocol, Secretary of State Warren Christopher wrote a letter of assurance to Prime Minister Benjamin Netanyahu. In the Christopher letter, the Clinton administration basically stated that it was not going to second-guess Israel about its security needs: "...a hallmark of U.S. policy remains our commitment to work cooperatively to seek to meet the security needs **that Israel identifies**" (emphasis added). Israel would be the final arbiter of its defense needs. Christopher then added: "Finally, I would like to reiterate our position that **Israel is entitled to secure and defensible borders** (emphasis added), which should be directly negotiated and agreed with its neighbors."

Barak's Camp David Concept: Security Arrangements Instead of Defensible Borders

Under Prime Minister Ehud Barak, Israel experimented with an alternative concept to defensible borders: security arrangements. Thus, instead of seeking 33-40 percent of the West Bank, Barak felt he could settle for 12 percent or less, as long as he could place Israeli security installations on what would become Palestinian territory. The "security arrangements school of thought" was an outgrowth of the 1979 Egyptian-Israeli Treaty of Peace, for instead of seeking a territorial compromise with Egypt over the Sinai Peninsula, based on the el-Arish/Ras Muhammad line, the government of Menachem Begin agreed to a full withdrawal that was tied to the establishment of "security arrangements" across the entire Sinai. These security arrangements essentially created limited-forces zones and an area of demilitarization that was monitored by peacekeepers known as the Multinational Forces and Observers (MFO). This formula allowed diplomats to completely divorce the issue of sovereignty from security and yet make Israel secure in the context of a peace settlement based on full withdrawal.

Two features of the Egyptian front, however, were very different from the West Bank case. First, in Sinai, Israel only sought to **limit** the Egyptian military presence, but it did not seek to obtain an Israeli presence. Israel understood that it would have to abandon its large early-warning

facility at Umm Khashiba in central Sinai. In the West Bank, Israeli security requirements were based on there being an irreplaceable Israeli military presence: early-warning stations, surface-to-air missile batteries, brigade-strength ground formations, border controls, and patrols.

Second, Israel's limited security arrangements in Sinai were implemented in a peripheral part of Egypt - not in the Nile Valley - where Egyptian sensitivities to infringements on sovereignty were of a lower order of magnitude. In contrast, the West Bank was to become the heart of a new Palestinian state. Had the territory been reconnected to Jordan, then the Sinai analogy would have been more applicable. But in the event of an independent Palestinian state centered in the West Bank and Gaza Strip, Palestinian sensitivities to demilitarization of the entire territory would be much greater than in the Egyptian Sinai case, making such limitations difficult to sell. Israeli military deployments inside of a Palestinian state should have been expected to be even more unacceptable than demilitarization.

Therefore, it should not have come as any surprise that Barak's defense concept at Camp David and at the subsequent Taba talks proved unworkable. According to the record of the Taba talks by Ambassador Miguel Moratinos from the European Union, the Palestinians refused to accept the deployment of Israeli forces of any kind on any land that was to become their territory. There were serious problems with the term "demilitarization," as well. The idea that Israel could protect its security interests in territory formally defined as Palestinian was proven to have failed.

By December 2000, the Barak proposals were adopted in Washington as "the Clinton Plan." The deep concessions contained in the Clinton map were viewed as disastrous for Israel's future. The Chief of Staff of the Israel Defense Forces, Lt. General Shaul Mofaz (currently Defense Minister), told the Israeli cabinet: "the Clinton bridging proposal is inconsistent with Israel's security interests and **if it will be accepted, it will threaten the security of the state**" (emphasis added).² Thus, on both diplomatic and security grounds, Barak's proposals faced serious difficulties.

Potential Implications for U.S.-Israel Relations

Moreover, under its new defense concept, the Barak government sought huge increases in U.S. military aid to Israel as compensation for the loss of strategic territory, in order to procure advanced military technologies. Whether or not these technologies could actually compensate Israel for its concessions, they would require Israel to adopt a defense posture based on the assumption of even higher annual levels of U.S. aid than Israel enjoyed in the past.

There were also proposals that would have Israel agree to the deployment of international peacekeeping forces as a replacement for defensible borders. For historical reasons, the only

reliable force that Israel would consider would be U.S. forces. Under such conditions, Israel would be undertaking an enormous risk regarding its future relationship with Washington. In the past, while Israel has sought financial aid from Washington, the fact that it had never asked for actual American protection by U.S. troops undoubtedly elevated its status in American public opinion. The one exception to this rule - the deployment of U.S. Patriot anti-missile batteries during both the 1991 Gulf War and the 1993 Iraq War - was only temporary.

Should U.S. forces, deployed in Israel's defense, come under a serious terrorist threat, as did U.S. Marines in Beirut in 1983, then public pressures on the U.S.-Israel relationship could become considerable, over time. It is important to remember that the small U.S. battalion that is part of the Multinational Forces and Observers in Sinai has been placed in a sparsely-populated territory; the West Bank, by contrast, is far more densely populated, with much greater prospects for terrorist attacks. In short, under such conditions, the long-term deployment of U.S. forces on behalf of Israel would probably undermine the close bilateral relations between the two countries.

Ariel Sharon and the Return to Defensible Borders

During the swearing-in of his new government in the Knesset on February 2, 2003, Prime Minister Ariel Sharon outlined his policies for any future Arab-Israeli peace process. While attention was drawn to his willingness to support the creation of "a Palestinian state under limited conditions," Sharon again voiced his position that any Israeli-Palestinian agreement include "security and buffer zones." He also insisted that any peace arrangements "preserve the unity of the Capital of Israel - Jerusalem."

Sharon's position on security zones was not at all new. As foreign minister in 1999, he called for the establishment of two north-south security zones in the West Bank:³

a. **An eastern security zone** between 9 and 12 miles wide, which would contain early-warning stations and other military positions oriented toward threats from the east; in a subsequent article he said that this corresponded to the area of the Jordan Valley "in its broadest sense, as defined by the Allon Plan."

b. **A western security zone**, 3 to 6 miles deep, that would "provide control of the heights dominating the coastal strip"; here, Israel would establish "an effective defense system" against Palestinian terrorist attacks. Sharon explicitly warned, "since those security zones constitute a critical component in Israel's defense system, Israel can under no circumstances relinquish control of them as part of a future permanent settlement."

Sharon's security zone concept was based on serving several dimensions of Israeli national security interests. His security zones did not just address the demographic separation that Barak sought, but also Israel's **strategic security** from Arab states, **tactical security** from Palestinian

infiltrations, and even the security of Israel's water supplies. As Sharon pointed out, his western security zone sat over the most accessible parts of the Yarkon-Taninim mountain aquifer, from which Israel derived 40 percent of its drinking water. **Water security** meant that this particular aquifer would remain under Israel's ultimate control, though the water output itself could be shared with West Bank Palestinians, who would gain access to other aquifers in any case.

How did Sharon expect to obtain these security zones after Barak's concessions had been put on the table at the failed Camp David and Taba talks? In his March 20, 2001, address to the AIPAC policy conference, Sharon argued that the failure of the intense diplomacy under his predecessor proved that "conditions are not yet ripe to conclude a permanent status agreement." He also added that Israel could not be bound by the record of inconclusive past negotiations. Instead, he called for a **long-term interim agreement** that gave the Palestinians contiguity while Israel would obtain security zones. Sharon reiterated in a *New York Times* op-ed on June 9, 2002, that "Israel had legitimate rights to **defensible borders**" (emphasis added) in the West Bank and Gaza Strip, which he defined as "disputed territories." Thus, by shifting diplomacy from the search for a final agreement to a long-term interim agreement, Sharon hoped he could create a context that would make his security zones and defensible borders more acceptable.

The Strategic Logic of Defensible Borders after the Iraq War

By the summer of 2003, the strategic context for any discussion about defensible borders had changed due to two major political-military developments in the Middle East region. First, the Iraq War appeared to have altered the strategic landscape along what Israelis have called their "eastern front." Historically, Iraq had consistently deployed one-third of its ground forces against Israel in the Arab-Israeli wars of 1948, 1967, and 1973. As the Iraqi army grew, the size of its projected expeditionary force was expected to grow proportionately; thus, even though Israel and Jordan have been at peace since 1994, it was not expected that the Jordanians would be able to block an Iraqi force of 6-8 divisions, if another such conflict developed.

With the defeat of Saddam Hussein, Israeli concerns over a potential Iraqi threat have been undoubtedly reduced in the short and medium term. From a more long-term perspective, however, it is still unclear what kind of regime will finally emerge in Baghdad and what its capacity will be to re-arm and pose a regional threat. Israeli decisions about defensible borders cannot be based on short-term calculations alone; any border arrangements in Israel's east must be sufficiently robust to last for decades.

Defensible Borders and the Palestinian Threat

After a three-year Palestinian terror campaign in which Israel has suffered more deaths than in some of its wars with Arab coalitions, the strategic

context for the discussion about defensible borders has shifted from a **primary** concern with the threat of surrounding Arab states to the threat posed by Palestinian terrorism.

As a result of the violence initiated by Yasser Arafat in September 2003, it became abundantly clear that the demilitarization provisions of the Oslo Agreements between Israel and the PLO had totally failed. The Palestinians had successfully smuggled in huge amounts of weapons and ammunition that were used by the various irregular terrorist groups. Some of the weaponry was smuggled through underground tunnels from Egyptian-controlled Rafiah to Palestinian-controlled Rafiah, right underneath the narrow patrol road controlled by Israel that separated the Gaza Strip from Egyptian Sinai. Tons of weapons were imported by ship from Lebanon or even from Iran, such as those found on the Karine-A weapons ship intercepted by Israeli commandos in the Red Sea in January 2002.

Under the Oslo Agreements, the Palestinian police were supposed to be the only armed force operating in the West Bank and Gaza Strip, in addition to the Israeli army. Yet the Palestinians created nearly a dozen security organizations, as well as armed militias like the Tanzim that were entirely outside the framework of the Palestinian Authority. Furthermore, under the Oslo agreements the Palestinian police were restricted to specific numbers of pistols, rifles, and machine guns of a limited caliber. No mortars, artillery, or rockets were permitted. Yet, the Karine-A weapons ship contained a ton and a half of highly potent C-4 explosives, long-range mortars (120 mm), and 20 kilometer-range Katyusha rockets (122 mm).⁴ In addition, Palestinian factories in Gaza manufactured Qassam-2 rockets (6-7 kilometer range) that were regularly launched against Israeli towns like Sderot. In short, the Palestinian security services and the various Palestinian groups systematically engaged in a massive material breach of the demilitarization provisions of the Oslo Accords. Such widespread and systematic Palestinian violations of Oslo's demilitarization provisions have clear-cut implications for the future and require new thinking by Israeli strategic planners.

Under **ideal circumstances**, any future Palestinian political entity, or even a Palestinian state, should dismantle the infrastructure of terrorism in its midst. That, in fact, is called for in the 2003 Quartet roadmap. But, **in practice**, the **complete** dismantling of this infrastructure is extremely unlikely. Leading Palestinian officials, including Muhammad Dahlan, have already said that they have no intention of adhering to these provisions of the roadmap. Even if, at some point, a certain number of illegal weapons are in fact collected, it is extremely doubtful that this action will be thorough. After all, the Islamic term used by militant fundamentalist groups like Hamas and Islamic Jihad in their discussions on a cease-fire with Israel - *hudna* - specifically refers to a truce that is only maintained **until** the balance of power changes in favor of the Muslim side.⁵

In their actual official pronouncements, the

Islamic groups use a term that is even weaker than *hudna - ta'liq* - which is only a temporary suspension of hostile actions. Indeed, it was not surprising that Israeli military intelligence was reporting accelerated production of Qassem rockets during the cease-fire period.⁶ Moreover, on the basis of past experience, it is likely that at a later stage the Palestinians will violate the demilitarization provisions of any future agreement with Israel, as well, since many of the past leaders of the Palestinian Authority who violated the Oslo Accords in the 1990s (especially in the security field) are still in positions of responsibility in 2003. A good portion of this leadership can be expected to remain in power with the emergence of a Palestinian state.

Given the range and lethality of the weapons they sought to acquire during the intifada, the militarization of Palestinian-controlled areas could pose a **strategic threat** to Israel, and not just the kind of small-scale tactical problem that Israel has confronted throughout its history. This is by no means an alarmist conclusion, given the trends in international terrorism over the last year. The Palestinian Authority itself attempted to smuggle SA-7 shoulder-fired anti-aircraft missiles on the Santorini weapons ship intercepted by the Israeli Navy in the Mediterranean in May 2001. In November 2002, a SA-7 anti-aircraft missile was actually fired by al-Qaeda operatives at an Israeli Arkia aircraft taking off from Nairobi, Kenya. Given past efforts by al-Qaeda to penetrate the territories, the use of shoulder-fired anti-aircraft missiles by its operatives or by any Palestinian faction becomes a distinct possibility, especially since the West Bank is adjacent to Israel's Ben-Gurion International Airport.

In assessing possible future threats, Israel must also take note of the growing interest of al-Qaeda-related groups in non-conventional weapons, from biological and chemical weaponry to radiation and nuclear devices. It was this nexus between weapons of mass destruction and terrorism that provided President Bush with the urgency to pursue his global war on terrorism in defense of the United States.

This new scale of threat provides a new context for the issue of defensible borders. The best protection for safeguarding Palestinian compliance with any demilitarization regime is to keep international border crossings into Palestinian territory in Israeli hands. For this reason alone, Israeli control of the Jordan Valley as an eastern security zone remains an absolutely vital security interest. Were Israel to concede this strategic territory, major smuggling operations from Jordanian territory to the Palestinians can be expected, despite the friendly relations between the Hashemite throne and past Israeli governments. It should be recalled that large numbers of volunteer Islamic fighters crossed tough desert terrain to join the attacks against U.S. forces in postwar Iraq. Many of these fighters came from eastern Syria and northern Saudi Arabia, but a significant number also came from Jordan.

Depending upon what eventually emerges in

postwar Iraq (or, for that matter, in Syria and Iran), neighboring states, at war with Israel, can be expected to use Jordanian territory as a platform for smuggling substantial arms into the West Bank. The long borders between Syria and Jordan or Jordan and Saudi Arabia have been notoriously porous, despite the efforts of Jordanian security forces. Historically, Syria and Hizballah have smuggled large amounts of explosives in a north-south direction across Jordanian territory to groups in Saudi Arabia and the Gulf states. Preventing similar infiltration efforts along an east-west axis would be vital for Israel and the stability of the negotiating process. The best means for intercepting this kind of infiltration remains the continued Israeli control of an eastern security zone.

This same logic applies to Israel retaining its western security zone, as well. During the years that Oslo was implemented, Israel suffered over 1,000 **fatalities** from Palestinian terrorist attacks, including suicide bombings in the heart of almost every Israeli city. Again, the Palestinian security services were supposed to foil efforts by terrorists to infiltrate Israel proper. But on the basis of past performance, any Israeli government would be making a terrible mistake by relying on the Palestinian security services alone. **Israel must not be asked to take that sort of political risk again after losing so many lives.** As an alternative, a barrier against Palestinian infiltration is needed that will include concrete walls but also a series of roads, sensors, and patrol zones as well, that together will provide Israel with the tactical depth it requires in order to defend its cities and vital infrastructure along the densely-populated coastal plain and in Jerusalem.

In fact, the planned separation wall is likely to prove essential for stabilizing Israeli-Palestinian relations in the years ahead. **It is important to remember that out of some 250 suicide bomb attacks against Israel by Palestinian groups, not a single suicide bomber got past the Gaza Strip fence;** all the suicide bomb attacks came from the wide-open West Bank. One Gaza attack that succeeded against "Mike's Place" in Tel Aviv involved foreign terrorists who got past the Gaza crossing-point with British passports. By neutralizing the threat of suicide bombing, which has proved to be far more lethal than shooting attacks or Qassam rockets, the separation wall can help defeat the most potent instrument in the Palestinian terrorists' arsenal and avert the kind of escalatory situation that a successful terrorist attack can create.

The Bush Administration and Defensible Borders

In one of its first acts regarding the Middle East, the Bush administration clarified that the failed Camp David proposals put forward by President Clinton - with the backing of Prime Minister Barak - were removed from the negotiating table and hence had no legal standing. Yet, since that time, President Bush has not clarified his position on the issue of defensible borders for Israel. During his November 20, 2001, address before the

UN General Assembly, at one point Bush used the phrase, "we are working toward a day when two states, Israel and Palestine, live peacefully together within secure and recognized borders as called for by the Security Council resolutions."

This unfortunate phraseology created a false equivalence between the idea of secure borders for both states, despite the asymmetry between their situations. Historically, Israel has been threatened by coalitions of armies from Arab states, while a Palestinian state, backed by the Arab world, would have only one Jewish state with which to contend. Moreover, Israeli civilians have been the intentional victims of repeated Palestinian suicide attacks, not the reverse. Finally, a Palestinian state might some day decide to federate with Jordan, where a Palestinian majority already exists, and thereby create the depth that a West Bank state alone may not offer, in the Palestinian view.

The implementation of the Quartet roadmap, now that it has been adopted by the Bush administration, presents an opportunity for Washington to articulate a position in favor of defensible borders, as most previous U.S. administrations have done in the past. Essentially, by offering a Palestinian state, the roadmap predetermines, in very precise terms, one of the sensitive final-status issues that previously was to be left up to the Israeli-Palestinian negotiators. In order to counterbalance this Palestinian advantage, the Sharon government sought to insert language in the roadmap that would predetermine a vital Israeli interest: making sure that the Palestinian claim for a "right of return" for Palestinian refugees to enter Israel will not be on any future agenda. While Bush has stated his support for Israel as a Jewish state - and has implicitly rejected the idea of overwhelming Israel demographically with refugees - he did not agree to explicitly rule out the Israeli Palestinian claim in future negotiations, as Israel sought.

Historically, as Israel undertook new risks for peace, it has been the practice of past U.S. administrations to offer letters of assurance, or even executive agreements, to Israel to help protect its vital interests in the peace process. In 1975, the Ford administration provided such assurances to the first Rabin government when it executed a controversial withdrawal from the Sinai mountain passes during the second Egyptian-Israeli disengagement agreement. These documents related to future negotiations on other fronts: on the Golan Heights and regarding the Palestinians. Further letters of assurance accompanied the 1979 Egyptian-Israeli Treaty of Peace, the convening of the 1991 Madrid Peace Conference, and the signing of the 1997 Hebron Protocol.

Before Israel proceeds with the roadmap, it would be appropriate to reach new U.S.-Israeli understandings about the future direction of the peace process. In the short term, Israel's construction of the **separation fence** should not become an issue in U.S.-Israel relations. The fence is a **military barrier**; Israel's right to make its own judgment about how best to protect its

security needs should be respected. Israel will still retain settlements and conduct military operations on **both sides** of the fence. Nonetheless, the separation fence could evolve over time into a permanent political border, if the Palestinians fail to seriously enter into a negotiating process with Israel. But the fence does not necessarily have to

become a final border should the parties agree to other boundaries.

In the longer term, Israel's right to defensible borders ought to be acknowledged by the Bush administration. Should the roadmap to a Palestinian state be implemented, then an appropriate *quid pro quo* for the establishment of

a Palestinian state (with certain security restrictions) would be defensible borders for Israel. The details of what constitutes those defensible borders should be worked out by the Bush administration and the Sharon government, before the roadmap proceeds to its next stage. ▲

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Notes

1. Former State Department Legal Advisor Stephen Schwebel, who later headed the International Court of Justice in the Hague, wrote in 1970 regarding Israel's case: "Where the prior holder of territory had seized that territory unlawfully, the state which subsequently takes that territory in the lawful exercise of self-defense has, against that prior holder, better title." Stephen Schwebel, "What Weight to Conquest," *American Journal of International Law*, 54 (1970):345-347.
2. *Yediot Ahronot*, December 29, 2000.
3. Ministry of Foreign Affairs, Foreign Minister's Bureau, "Security Zones in Judea and Samaria," 1999.
4. See "The PLO Weapon Ship from Iran," *Jerusalem Issue Brief*, Volume 1, No. 5, January 7, 2002.
5. In defining the Islamic concept of *hudna*, the Grand Mufti of Saudi Arabia, Sheikh Abdul Aziz bin Baz, wrote in the mid-1990s: "The peace between the leader of the Muslims in Palestine and the Jews does not mean that the Jews will permanently own the lands which they now possess. Rather it only means that they would be in possession of it for a period of time until either the truce comes to an end, or until the Muslims become strong enough to force them out of Muslim lands - in the case of an unrestricted peace." See Dore Gold, *Hatred's Kingdom: How Saudi Arabia Supports the New Global Terrorism* (Washington, DC: Regnery, 2003), pp. 195-196.
6. Ben Caspit and Amir Rapaport, "Preparing Weapons for the Next Clash," *Ma'ariv*, July 7, 2003.