

The Camp David Agreement and the Palestine Problem

FAYEZ A. SAYEGH*

The peace agreement which Israel is to negotiate with Egypt within three months looks like a separate Israeli-Egyptian peace, feels like a separate Israeli-Egyptian peace, and smells like a separate Israeli-Egyptian peace, but is not a separate Israeli-Egyptian peace.

At least, that is what Prime Minister Begin does not want the Israeli press to call it because it would “weaken and embarrass President Sadat.”

These are the opening paragraphs of a report in the *Jewish Week* on Begin’s meeting with Hebrew-language media representatives in Washington, D.C. on September 18, 1978 – the day following the end of the Camp David Summit.¹

American diplomats and spokesmen have also launched an intensive campaign aimed at convincing leaders of a sceptical world – particularly Arab leaders – that what was accomplished at Camp David was not merely the foundation of a separate, bilateral peace treaty between Egypt and Israel but a genuine framework for a comprehensive settlement of the Arab-Israeli conflict in all its aspects – including its root cause, the Palestine problem.

“No peace agreement will be either just or secure if it does not resolve the problem of the Palestinians in the broadest sense,” Mr. Vance told the United Nations General Assembly on September 29. “We believe that the Palestinian people must be assured that they and their descendants can live with dignity and freedom, and have the opportunity for economic

* Fayez A. Sayegh is an Adviser to the Kuwait delegation to the United Nations.

¹ “Press in Israel Urged to Avoid ‘Separate Peace,’” *Jewish Week*, September 24, 1978.

fulfilment and for political expression," he added. "We are determined to achieve a fair and just settlement of the Middle East question in all its parts, and we hope the Palestinian people will seize this historic opportunity," he stated.²

Rhetoric aside, however, what does the "Camp David Framework for Peace in the Middle East" *really* offer the Palestinian people?

Before we turn to specifics, let us make a few general observations about the Camp David Palestine formula as a whole.

1. BASIC FEATURES

According to the agreement reached by the United States, Israel and Egypt, a "self-governing" authority will be set up in the West Bank and Gaza to replace the Israeli military government in those areas. The modalities for establishing that authority, as well as its powers and responsibilities, will be determined by Israel, Egypt and Jordan. The "self-governing" authority will exercise the powers conferred upon it for a five-year period of transition. Approximately half-way through that period, negotiations on the future status of the West Bank and Gaza will start. In addition to Israel, Egypt and Jordan, representatives of the "self-governing" authority will participate in those negotiations.

If we look more closely at these proposed arrangements, we observe that the concept of the transitional period (which is essentially based on Begin's plan of December 1977) is carefully designed to serve Israel's national interests and not to satisfy the aspirations or realize the rights of the Palestinian people. Many analysts have noted its principal defects from the standpoint of the Palestinians: the exclusion of the representatives of the Palestinian population from the negotiations aimed at defining the powers and responsibilities of the "self-governing" authority, and the built-in limits circumscribing those powers. What has not been so widely noted, however, is the degree to which the original Begin Plan and the Camp David metamorphosis thereof serve the vital interests of Israel itself by resolving a dilemma which has haunted Israel since its occupation of the West Bank and Gaza in 1967.

Immediately after the June War, Israelis found themselves pulled by two opposing forces, each of which emanated directly from the heart of Zionism. On the one hand, the *territorial imperatives* of Zionism called for the permanent acquisition of the newly-occupied areas, which Zionism considers integral parts of "Eretz Israel." On the other hand, the *demographic imperatives* of Zionism counselled against the incorporation

² UN Document A/33/PV.14.

of a million Palestinians into the socio-political body of Israel. The demographic changes engendered by the addition of that number of Palestinians to the half million already in Israel, compounded by the higher birth rate of the Palestinians, would before long jeopardize the decisive majority status which Jews must have in the *Judenstaat*.

The intensive debate in Israel in the late sixties revolved around precisely this question: how to reconcile the two incompatible Zionist imperatives. The late Premier Eshkol once summed up Israel's dilemma by recalling a Russian allegory of a would-be groom torn between his strong desire to get his hands on the dowry and his unwillingness to take the bride. Many ingenious plans were devised during that period for coping with the "problem of the territories," as the Israeli dilemma came to be euphemistically called. Some proposed the establishment of small, autonomous enclaves — Dayan actually spoke of a sort of Arab Bantustan³ — surrounded by Israeli-annexed and actively-settled areas. Others proposed the annexation of the entire area and the promulgation of a "national charter" (like that of Lebanon), in accordance with which the Palestinians' share of power would be fixed at a modest rate and frozen for a hundred years, regardless of the actual change in the demographic composition of "Greater Israel" which would in the meantime take place. Still others — Begin among them⁴ — proposed the annexation of the territories without conferring upon their Palestinian inhabitants either Israeli citizenship or the political rights emanating therefrom. Finally, certain Israelis proposed the resort once again to the favourite Zionist "final solution" of the problem of the Palestinians: engineered emigration, or "thinning out" of the population.

It was only because the prospects of an Arab-Israeli settlement in the late sixties appeared remote that the Israeli "Great Debate" soon lost its practical relevance. By the early seventies, it had died down.

With the Sadat initiative of November 1977, however, the need to face the challenge suddenly became compelling. Israelis were once again called upon urgently to seek a formula for reconciling the *expansionism* inherent in the "Eretz Israel" doctrine with the *exclusivism* inherent in the ideology of the *Judenstaat* — or to devise means whereby the *territorial imperatives* of Zionism could be obeyed without violation of its *demographic imperatives*.

The result was the Begin Plan of December 1977 and its reincarnation in the Camp David Framework.

In accordance with that plan, the fate of the *population* would be separated from that of the *land*: the population would have some "self-

³ *Times* (London), June 16, 1967.

⁴ *New York Times*, September 4, 1967.

rule”; but the land would continue to be effectively controlled by Israel. Continued military occupation of the West Bank and Gaza would be assured. The question of sovereignty would technically be “held in abeyance”; but Israel would meanwhile reaffirm its claims and reserve its “right” to reassert them in the projected negotiations on the future of the territories, and would stand ready in those negotiations to veto any competing claims. The spectre of admitting the Palestinian population of those territories into the social and political body of Israel would be exorcised. And the burdens and costs of maintaining direct Israeli military rule over the daily life of a hostile population would be alleviated.

So much for the transitional period.

As for the permanent situation beyond that period, the Camp David Framework — while *appearing* to postpone all decisions until the projected negotiations have taken place — *in fact* fully protects Israel against any changes of which it does not freely approve. Israel is assured by the procedures provided for in the Camp David Framework that, unless the Palestinians and other Arabs concerned trim their future demands and adjust them to Israel’s wishes, the conditions prevailing during the transitional period will be indefinitely maintained. The transitional system would thus be transformed into a permanent condition.

2. ESTABLISHMENT OF A TRANSITIONAL REGIME IN THE WEST BANK AND GAZA

A. “Full Autonomy”?

President Carter, in his address to the joint session of Congress on September 18, 1978, said that “the Israeli military government over those areas [i.e., the West Bank and Gaza] will be withdrawn and will be replaced with a self-government *with full autonomy*.”⁵ [Emphasis added.] President Sadat announced to the Egyptian Popular Assembly that the “fully self-governing Palestinian authority shall take over all the functions of the Israeli military government and its civilian administration.”⁶ Unfortunately, neither of these statements accurately reflects the provisions of the Camp David Framework, which stipulate that the precise “powers and responsibilities of the self-governing authority to be exercised in the West

⁵ “Text of the President’s Address to the Joint Session of Congress,” Office of the White House Press Secretary, September 18, 1978.

⁶ “Report of the Special Committee Established to Study the President’s Statement Delivered before the Popular Assembly on October 2, 1978 Concerning the Results of the Camp David Discussions,” *Official Records of the Popular Assembly, Second Legislative Session*, Cairo, Government Printer, 1978, p. 24. (In all citations from this source, the translation from Arabic is that of the present writer.)

Bank and Gaza” have yet to be defined, and that they will be defined through negotiations among Egypt, Israel and Jordan. The government of each of these three countries must “agree” on the “powers and responsibilities” of the proposed “self-governing” authority – which means that each government will have a veto power. Accordingly, the “self-governing” authority will not be able to enjoy any of the attributes of “self-government” or “full autonomy” which the government of Israel does not consent to confer upon it.

B. Palestinian Participation: Fact or Fiction?

The agreement provides also that, in those negotiations in which the powers and responsibilities of the “self-governing” authority will be defined, “the delegations of Egypt and Jordan *may* include Palestinians from the West Bank and Gaza or other Palestinians as *mutually agreed.*” [Emphasis added.] This modest permissive clause has given rise to some extravagant rhetoric. Thus, Secretary Vance told the United Nations General Assembly on September 29, 1978:

The Camp David Framework also gives the Palestinians a vital role in shaping their destiny by recognizing them as participants in all aspects of the negotiations that determine their future. They will participate in the negotiations to set up their self-governing authority....⁷

Contrary to that assertion, however, Palestinian participation is subject to six crucial limitations:

1. The actual inclusion of Palestinians in the Jordanian and Egyptian delegations is not mandatory: it is subject to the decision of the governments of Jordan and Egypt, respectively.

2. The selection of individual Palestinians is also subject to the will of those governments: the selected Palestinians will be not representatives of their own people but appointees of an Arab government.

3. If either Arab government chooses to include Palestinians in its delegation, every Palestinian it selects must first be approved by Israel. Israel can thus veto the participation of any individual Palestinian in either Arab delegation.

4. During the negotiations, any proposal which a Palestinian member of either Arab delegation may wish to make must be approved by the Arab delegation concerned before it may be formally presented at the negotiations.

5. Proposals, whether Israeli or Arab, which are unacceptable to any Palestinian participant (or to all Palestinian participants) will not be

⁷ UN Document A/33/PV.14.

rejected by the Arab delegation concerned unless its government also finds the proposals in question unacceptable to it.

6. Any proposal made by a Palestinian participant — assuming that it is endorsed and submitted by the Arab delegation in which he serves — must be approved by the delegation of Israel before it may be reflected in the final agreement.

Under these limitations, the role of participating Palestinians — assuming that any Palestinians choose, or are permitted, to participate — is minimal indeed: it is a far cry from the “vital role” about which Mr. Vance spoke.

Egypt, Israel and the United States have thus already determined that the role of any Palestinian who may be selected in his personal capacity to participate in the projected tripartite negotiations shall be a subordinate and merely token role. Neither the Palestinian people as a whole, nor the Palestinian inhabitants of the West Bank and Gaza, will be represented as an independent party on an equal footing with the other parties in the negotiations during which the powers and responsibilities of the projected “self-governing” authority are to be defined.

C. The Sadat Innovation: Palestinian “Participation by Proxy”

The pretence of enabling the Palestinians to play a vital role in shaping their own future institutions in the West Bank and Gaza was unceremoniously tossed to the winds in the simultaneous exchange of letters which accompanied the agreement on the Camp David Framework. In one of those letters, dated September 17, 1978, President Sadat wrote to President Carter:

To ensure the implementation of the provisions related to the West Bank and Gaza and in order to safeguard the legitimate rights of the Palestinian people, Egypt will be prepared to assume the Arab role emanating from those provisions, following consultations with Jordan and the representatives of the Palestinian people.⁸

In view of the clear opposition voiced by the Palestine Liberation Organization (on behalf of the Palestinian people as a whole) and by the leaders of the West Bank and Gaza (on behalf of that section of the Palestinian people directly concerned) to the Camp David Palestine formula, any attempt by President Sadat to give effect to that unilateral undertaking would make a mockery of any claim that such arrangements as may be contrived through the Camp David-initiated processes represent the will, respond to the aspirations, or safeguard the rights and interests of the Palestinian people.

⁸ “Camp David Letters,” *Jewish Chronicle*, September 29, 1978.

D. *“Free” Elections Under Foreign Military Occupation*

The United States, Egypt and Israel agreed in the Camp David Framework that elections to the “self-governing” authority would take place under Israeli occupation, in a situation in which the Israeli military government continues to exercise sole authority in the West Bank and Gaza. No provision is made for the withdrawal of the Israeli military government prior to the elections, or at least for the suspension of Israeli military rule during the election campaign and the actual elections.

Nor is there any provision for impartial, international supervision for safeguarding the freedom of the electoral process, the integrity of the election results, or freedom of expression during the election campaign.

E. *Additional Statutory Limitations*

The “self-governing” authority is not merely doubly handicapped before birth by virtue of the fact that its powers and responsibilities are to be defined by others, and that elections are to take place under foreign military occupation without international supervision. Certain mandatory provisions of the Camp David agreement will also place additional crippling limitations on its autonomy. It is unequivocally stipulated in the “Framework for Peace” that “these new arrangements should give due consideration both to the principle of self-government by the inhabitants of these territories and to the legitimate security concerns of the parties involved.” Thus, for example, “Israeli and Jordanian forces will participate in joint patrols and in the manning of control posts to assure the security of the borders.”

3. “SELF-GOVERNMENT” DURING THE TRANSITIONAL PERIOD

A. *“Legitimizing” Continued Israeli Occupation*

During the transitional period, which will last for five years from the time the “self-governing” authority is “established and inaugurated,” Israeli forces will continue to be stationed in areas of the West Bank and Gaza, in locations to be specified during the proposed Egyptian-Israeli-Jordanian negotiations. Having been determined in advance by the agreement of the United States, Israel and Egypt at Camp David, the question of the continued presence of Israeli forces in the West Bank and Gaza throughout the five-year transitional period will not be subject to further discussion and agreement at the proposed trilateral negotiations. Acquiescence in that decision by the “self-governing” authority, which those negotiations are designed to produce, is mandatory.

The “self-governing” authority will have no say in determining the *locations* into which those forces will be redeployed, their *size*, their

weapons or their *functions*, for all these matters will have been decided by Israel, Egypt and Jordan in the proposed trilateral negotiations *before* the establishment of the “self-governing” authority. The agreements among the three parties will be binding upon that authority.

The Camp David Framework thus bestows *American-Egyptian* “legitimacy” upon the continued Israeli occupation of the Palestinian areas in question for years to come. The projected Egyptian-Israeli-Jordanian negotiations – which, it is stipulated, must be conducted “on the basis” of the Camp David agreement – are predetermined to confer further “legitimacy” upon that occupation through *Jordanian* consent (if Jordan agrees to participate in the negotiations). And the “self-governing” authority in those Palestinian territories, which must acquiesce in that continued occupation, will in effect grant purported *Palestinian* “legitimacy” thereto as well.

Thus, thanks to the Camp David “Framework for Peace,” an Israeli occupation which the entire international community has for eleven years been declaring illegal will now be enabled to maintain itself in the Palestinian territories concerned as a “legitimate” occupation for several more years, if not permanently!

B. Excluding Occupied Jerusalem

The Camp David Framework places occupied Jerusalem totally outside the scope of the powers and responsibilities of the projected “self-governing” authority.

It will be recalled that, since the beginning of the Israeli occupation of the West Bank, occupied Jerusalem has been formally *annexed* and its area *enlarged* (by the incorporation therein of other occupied Palestinian territories). Its *demographic composition* has also been significantly altered by the displacement and deportation of thousands of Palestinians from, and the settlement of thousands of Israelis in, “Greater Jerusalem.”

Having failed to agree even on some procedural formula for deciding the status of occupied Jerusalem during the transitional period and beyond, the Camp David conferees resorted to the stratagem of an “exchange of letters,” in which Carter and Begin reaffirmed their respective countries’ positions while Sadat, deviating from the Arab position, made significant concessions.

It has been reported that during the Camp David Summit, Begin threatened not to sign the accords “if President Anwar Sadat of Egypt had gone ahead with his intention to send him a ‘letter of disagreement’ ” regarding Jerusalem⁹ or if President Carter had insisted, in his own letter

⁹ Jewish Telegraphic Agency, *Daily News Bulletin*, September 26, 1978.

to the Israeli Prime Minister, on describing the eastern part of Jerusalem as “occupied Jerusalem.”¹⁰ Both Presidents in the end bowed to the wishes of the Prime Minister and heeded his ultimata.

Concerning that “exchange of letters,” Begin told the Knesset: “I don’t really mind what Mr. Carter writes to Mr. Sadat, or Mr. Sadat to Mr. Carter. Jerusalem will remain the eternal united capital of Israel, and that is that. What we declare on this issue is what will stick.”¹¹

Earlier, he had told a large audience of American Jewish leaders in New York, on September 20, that Jerusalem had been a “heated issue” at Camp David and that he had “chided” Carter for not recognizing Jerusalem as Israel’s capital. He added: “Recognition or no recognition, Jerusalem is united and indivisible and forever more will remain the eternal capital of our people.”¹²

Begin repeated that statement again and again on American television programmes. Later, he pointedly made it the sole theme of his Rosh Hashana Message (of September 28, 1978), which read as follows:

To my brethren, the Jews of the diaspora, from Jerusalem, the eternal and indivisible capital of our people and land, I send my heartfelt greetings. May the Almighty bless every Jewish household and family with happiness and may the coming year be blessed as the year of peace. Shanah Tova.¹³

In the absence of an explicit American-Israeli-Egyptian agreement at Camp David to that effect, the question of Jerusalem will not appear on the agenda of the projected tripartite negotiations designed to define the powers and responsibilities of the “self-governing” authority – for it is clearly stipulated that any such negotiations will be carried out strictly “on the basis” of the Camp David Framework.

Accordingly, the “self-governing” authority will be automatically prohibited from exercising any powers or responsibilities with respect to the *territory* of occupied Jerusalem, including the additional occupied areas incorporated into “Greater Jerusalem,” or its *population*. Nor will it be competent to exercise any powers regarding the *property* which has been expropriated by Israel in “Greater Jerusalem” during the past eleven years.

C. *Equivocation on Israeli Settlements*

1. *Establishment of New Settlements*

A controversy still rages about what was agreed upon at Camp David

¹⁰ *Jewish Week*, November 19, 1978.

¹¹ *Jewish Chronicle*, September 29, 1978.

¹² *Jewish Week*, September 24, 1978; Jewish Telegraphic Agency, *Daily News Bulletin*, September 21, 1978.

¹³ Jewish Telegraphic Agency, *Daily News Bulletin*, September 29, 1978.

concerning the Israeli settlements established by Israel in the occupied West Bank and Gaza, in violation of international law, and in defiance of repeated condemnations by the United Nations. It revolves around only one aspect of the question of these Israeli settlements, namely, whether the freeze on the establishment of new settlements to which Begin agreed applied only during the three-month period in which negotiations on a separate Egyptian-Israeli peace treaty must be conducted and concluded (the contention of Begin) or whether it applied during the projected trilateral negotiations on the modalities for establishing the "self-governing" authority in the West Bank and Gaza (the position of Carter).

Beyond that, there is another dispute over whether the trilateral negotiations can or cannot take up the question of Israel's establishment of new settlements in the West Bank and Gaza during the five-year transitional period, and therefore whether or not the "self-governing" authority may be given the power to prohibit or control the establishment of new settlements in those territories. David Landau has summarized the two points of view as follows: "Israel maintains that it will resume the right to put up new settlements unless *all four* negotiating parties [i.e., including Israel itself] decide otherwise. The US holds that the settlement freeze will in effect continue unless and until all four parties decide to lift it."¹⁴ [Emphasis added.]

President Carter has sought to minimize the Israeli-American dispute and, in the process, to exonerate Begin and absolve him of improper action. "I certainly do not allege any improper action on his part. It is just an honest difference of opinion," he told a news conference on September 28, 1978;¹⁵ and a major American newspaper promptly cautioned against the "backtracking" implicit in that statement. The *Christian Science Monitor* wrote editorially: "President Carter appears to have softened his dispute with Israel... If he has backtracked, we question the wisdom of the decision."¹⁶

No less astonishing than President Carter's exoneration of Begin over this issue is his having permitted himself to be deceived by ambiguity over such a vital issue in the first instance. For the Carter Administration has had more than one experience with the deviousness of the Begin Administration over the question of a unilateral freeze on the establishment of Israeli settlements. On the next-to-last occasion, the *Washington Post*

¹⁴ David Landau, "Facing All the Facts on West Bank Settlements," *Jerusalem Post International Edition*, October 10, 1978.

¹⁵ *Washington Post*, September 29, 1978.

¹⁶ "Mideast Linkage," *Christian Science Monitor*, October 12, 1978.

summarized what it described as Begin's "provocative and devious" policy as follows:

No sooner had Menahem Begin promised Jimmy Carter personally last July that Israel would restrict new settlements on occupied territories than the Israeli government legalized three existing but previously unauthorized settlements in the West Bank. Only three weeks later three new civilian settlements were established....

Moshe Dayan in September assured Jimmy Carter that there would be no more settlements except within existing military camps.... Then it turned out that the Dayan pledge was good only for a year.... "A" year soon became "the" year, 1977.

On January 3, 1978, some weeks after Anwar Sadat's Jerusalem initiative transformed the diplomatic landscape, the government authorized three more West Bank civilian settlements — albeit inside military perimeters — in a part of the West Bank heavily populated by Arabs. Just the other day American officials detected signs of yet another new settlement. Mr. Carter said he'd been assured it was only an archaeological dig, but the people living there say they intend to stay.

What is going on? Many Israelis, even some within the government coalition, are shocked to find Mr. Begin pursuing a policy so provocative and devious. A policy of sneaking new settlements in between the lines of assurances to the United States is offensive to the United States, and to Jimmy Carter personally.¹⁷

The *New York Times* also surveyed what it termed "the stealthy conduct" of Israel's policy of "planting new settlements" in the same vein. It wrote editorially:

After agreeing with President Carter that Israel should not encumber the path to negotiation with new psychological and even physical obstacles, Prime Minister Begin's government has been infinitely resourceful but most imprudent in the handling of the settlements issue.

Existing but previously unauthorized settlements have been officially recognized and qualified for governmental support.

New settlements, allegedly restricted to military encampments, have been earmarked for demilitarization and various forms of "civilianization."

One settlement, officially "unauthorized," has been given the fig leaf of "archaeological" site.

Three more are now being constructed by military units, under an "old" plan but for "new" civilians.

The effect is to portray Israel's leaders as tricksters determined to drive huge tractors through the loopholes of solemn policy declarations.¹⁸

In view of this history, it is inexcusable that Mr. Carter should have permitted the Camp David agreements to contain such gaping loopholes through which Begin might choose to drive his fanatic determination to continue to colonize the West Bank and Gaza. In his first encounter with

¹⁷ "Peace — Or Settlement," reproduced in the *Guardian Weekly*, February 12, 1978.

¹⁸ "Those Creeping Israeli Settlements," *New York Times*, February 2, 1978.

Begin's deviousness, after their first meeting, President Carter took the blame himself. "The matter of legalizing existing settlements was a subject that was never discussed by me or Prime Minister Begin," he told a news conference on July 28, 1977; "My own concern was with the establishment of new settlements."¹⁹ When pressed for further explanation, he said: "I hate to admit it to you, but *I did not think about* raising the subject of recognizing the legality of those settlements. The item that I wanted to discuss with him – and I did – both in the public meeting with Cabinet members and also privately upstairs in the White House, was the establishment of new settlements."²⁰ [Emphasis added.] However, by September 1978, neither inexperience with the complex aspects of the question of settlements nor unfamiliarity with Begin's pattern of deviousness could have served as a valid excuse for the failure at Camp David to make the agreement on settlements as loophole-proof as possible.

2. *Enlargement of Existing Settlements*

All this relates to the establishment of *new* settlements. Regarding the related question of the *territorial enlargement* or *demographic expansion* of *existing* settlements, the public evidence now at hand points to far greater culpability on the part of the American President.

While at Camp David in September 1978, President Carter should have had a vivid recollection of Israel's recent record in that regard. In early January 1978 – between the end of the Begin-Sadat Ismailia Summit of Christmas Day 1977 and the convening of the Military and Political Committees, in Cairo and Jerusalem respectively, in mid-January 1978 – Israel had resorted to the stratagem of pushing ahead with its colonization programme in Sinai in the guise of expanding existing settlements instead of setting up new ones.

When the intensive Israeli campaign to build new settlements in Sinai in early January 1978, and the strong disapproval voiced by both the United States and Egypt, brought matters to a head, the Israeli government found a way out by equivocation. William E. Farrell reported on the decisions of the Israeli cabinet, on January 8, 1978, in the *New York Times*:

Mindful of the sensitivity of the impending negotiations between Israel and Egypt, the Cabinet today rejected plans for establishing new settlements on Israeli-occupied areas of Sinai.

The Cabinet Secretary, Aryeh Noar, said that the Cabinet voted, however, to extend agricultural lands and to encourage additional settlers to move to existing

¹⁹ "President Carter's News Conference of July 28," *Department of State Bulletin*, Vol. LXXVII, No. 1991, August 22, 1977, p. 221.

²⁰ *Ibid.*, p. 224.

Israeli communities in northern Sinai... and to the vicinity of Sharm al-Sheikh....²¹

In a report filed the following day from Yamit, the principal Israeli settlement in Sinai, Mr. Farrell wrote:

The Cabinet said “no” to new settlements but “yes” to expansion of existing ones.

Viewing the situation on the scene can cause bafflement.

Some people say the bulldozers and earth movers are carving out land for new settlements. Others say the work is for expansion of existing settlements. How far, some ask, does a machine have to work from an existing settlement before it is involved in ground-breaking for a new one?²²

This cynical Israeli equivocation was noted by other observers. Thus, Ronald Koven wrote in the *Washington Post*:

After what nearly erupted into an Israeli government crisis over halting a rush plan for new settlements, the cabinet decided that it would add people and farmlands to existing settlements but not set up new ones.

Many of the residents of the area see this as nothing but semantics. They say they do not care if the government chooses to call what were originally planned as new settlements enlargements of old ones.²³

How the Israeli cabinet’s decisions were implemented in practice was described by Zvi Arenstein in the *Jerusalem Post*:

The government decision to “strengthen existing agricultural settlements” in the Yamit area is in fact being defined as the establishment of separate agricultural “footholds” as far as six kilometres from an existing settlement in Northern Sinai....

Construction of twenty of these “footholds” was discussed at a meeting in Yamit between Agriculture Minister Ariel Sharon and Jewish Agency settlement director Ranan Weitz on January 6....

It appears that the plan is to put up just one house on each site, before continuing with its further development.²⁴

President Carter cannot be absolved of responsibility for encouraging Israel to persist in this pattern of deviousness. During the first Carter-Begin confrontation over the question of settlements, President Carter confessed publicly that he had given Begin the go-ahead signal, as far as the expansion of existing settlements was concerned. In his press conference of July 28, 1977, he said: “I don’t think it’s violating any confidence to tell you what I said, and that was that I thought it would be easier for us to accept an increase in the population of existing settlements than it would be to accept the establishment of new settlements.”²⁵ Similarly, at

²¹ *New York Times*, January 9, 1978.

²² *New York Times*, January 11, 1978.

²³ Reproduced in the *Guardian Weekly*, January 22, 1978.

²⁴ *Jerusalem Post International Edition*, January 24, 1978.

²⁵ “President Carter’s News Conference of July 28,” *op. cit.*, p. 224.

a post-Camp David breakfast meeting with reporters on September 28, 1978, President Carter explained in some detail why he did not press Begin for a freeze on the expansion of existing settlements. The transcript of that meeting quotes the US President as follows:

We dropped the part on [the] expansion [of existing settlements] because Prime Minister Begin and Foreign Minister Dayan described to me the problems where they had existing tiny settlements that were being built and a father and mother – the example they used – would go there and build one room in a kind of pioneer environment, leave their children with their grandparents in Jerusalem and even commute at night. And their plans were to build two extra bedrooms in a tiny house and bring the children later on. If we put an absolute freeze on all expansion, it would mean the families could not be reunited.

... I thought it was a good trade-off that in dropping the expansion language, that the status of future settlements would be decided during the negotiations....²⁶

It appears that it did not occur to President Carter to tell Begin and Dayan that the families could indeed be reunited, without the commitment of further violations of international law, by the father and mother rejoining their children instead of the children joining their parents. Be that as it may, President Carter placed the United States in the position of a country violating international law when, on its behalf, he concurred in Israel's plans for continued expansion of existing illegal settlements. Article 49, paragraph 6, of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of August 12, 1949, does not distinguish between settlers joining existing settlements and settlers building new colonies, but prohibits both actions equally. Furthermore, under Article 1 of that Convention, the United States, as a State Party, has undertaken not only to "respect" but also to "ensure respect for" the terms of the Convention; and, in Article 148, it is prohibited from absolving itself or any other Party of any liability for breaches of the Convention. This Article states:

"No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article." (The provisions of Article 49, paragraph 6, are among those "referred to" in Article 147 of the Convention.)

Little wonder that Begin has considered himself absolved by Carter of the legal obligation to desist from expanding existing settlements as well as from building new ones. He assured the Knesset, during its debate on the results of Camp David, that "with regard to the West Bank, there was no

²⁶ Jewish Telegraphic Agency, *Daily News Bulletin*, October 27, 1978.

problem with reinforcing Israeli settlements.”²⁷

3. *Retention of All Settlements*

More important than the question of the setting-up of new settlements or the territorial-demographic expansion of existing ones is the issue of the retention of Israeli settlements in the West Bank and Gaza. It is clear, however, that, with regard to this paramount question, Israel has not been placed under any obligation to dismantle the vast network of settlements it has illegally planted in the West Bank and Gaza since 1967. Like all other issues affecting the future of those territories, this issue also has been left for the projected quadrilateral negotiations. Over the outcome of these negotiations Israel is empowered to exercise a veto – which, by preventing agreement, would be tantamount to a perpetuation of the status quo.

4. *The “Self-Governing” Authority and the Settlements*

Meanwhile, Israeli settlements will raise a number of important problems for and about the “self-governing” authority during the transitional period:

1. Will Israeli settlers in the West Bank and Gaza take part in the elections to set up the “self-governing” authority? (It will be recalled that the Camp David Framework refers on several occasions to the “elected representatives of the inhabitants of the West Bank and Gaza,” without qualifying the word “inhabitants” by any description of nationality or citizenship.)

2. Will the “self-governing” authority have the power to restore to their rightful owners the lands expropriated by the Israeli occupation authorities over the past eleven years and turned into Israeli settlements?

3. Will the “self-governing” authority exercise its powers over the Israeli settlements and settlers in the area it governs, just as it will over the villages and towns of that area and their Palestinian inhabitants? Will the local police, the judiciary and the administrative agencies of the “self-governing” authority exercise their respective powers in and over the Israeli settlements? Or will Israel insist – as it had initially done with respect to its Sinai settlements – that its settlements in the West Bank and Gaza “be linked to Israeli administration and law” and “be defended by an Israeli force”?

The far-reaching importance of these questions, for the transitional period and beyond, requires no elaboration. What the *New York Times*

²⁷ *Jewish Chronicle*, September 29, 1978.

wrote editorially on the long-range import of Israeli settlements, before Camp David, applies with even greater relevance after Camp David:

Mr. Begin asks whether he has not been generous enough in postponing Israeli claims of sovereignty in the West Bank and offering “self-rule” to the million Palestinians there and in Gaza. Why has Jordan failed to negotiate from that point? Probably because Jordan, like a growing number of prominent Israelis, understands the fine print in the offer. *While Arabs rule their own communities, Israelis financed by their government and protected by their army would continue to buy and settle West Bank lands so that when the question of sovereignty is next examined, they will have completely altered the face of the region.* Behind a shield of security, they would have staked out claims to more territory. If it were not so, why have there been no Israeli security proposals – as for Sinai – that plainly renounce the ambition for territory?²⁸ [Emphasis added]

D. Return of Displaced Persons

One more aspect of the powers and responsibilities of the proposed “self-governing” authority, according to the Camp David Framework, must be mentioned. It pertains to the power of that authority to participate in decisions on the return of former inhabitants of the West Bank and Gaza.

It will be recalled in that connection that the General Assembly has affirmed on at least twelve occasions the right of those persons to return to their homes – in resolutions 2252 (ES-V), 2452 A (XXIII), 2535 B (XXIV), 2672 D (XXV), 2792 E (XXVI), 2963 C and D (XXVII), 3089 C (XXVIII), 3331 D (XXIX), 3419 C (XXX), 31/15 D and 32/90 E. (The latest of these was adopted on December 13, 1977 by a vote of 125 in favour, one against (Israel), and no abstentions; however, five delegations, absent during the vote, later notified the United Nations Secretariat that they had intended to vote in favour – thus bringing the vote to 130 to 1.) This resolution again “reaffirm[ed] the right of the displaced inhabitants to return to their homes and camps in the territories occupied by Israel since 1967” and “deplore[d] the continued refusal of the Israeli authorities to take steps for the return of the displaced inhabitants.”

The agreement reached at Camp David, to the effect that “the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas [viz., the West Bank and Gaza]” should have led to the two inescapable conclusions of that arrangement: the termination of Israel’s ability to obstruct the exercise by the displaced inhabitants of the West Bank and Gaza of their inalienable and universally-recognized right of return; and the assumption by the “self-governing” authority of the power

²⁸ “What Price for the West Bank?” *New York Times*, July 23, 1978.

to determine the modalities of, and regulate, that process of return. But the logic of Camp David has decreed otherwise. The Camp David Framework has been based directly on paragraph 21 of Begin's original 26-point proposal of December 28, 1977. It provides that: "During the transitional period, representatives of Egypt, Israel, Jordan and the self-governing authority will constitute a continuing committee to *decide by agreement* on the modalities of *admission* to persons displaced from the West Bank and Gaza in 1967, together with necessary measures to prevent disruption and disorder." [Emphasis added.]

By means of this procedure, the United States and Egypt have acquiesced in Israel's determination to abridge drastically the exercise of the right of return by the displaced Palestinian inhabitants of the West Bank and Gaza. Accordingly,

1. The *absolute right of return* is transformed into a *selective privilege of "admission"*;

2. The application of that "privilege" is limited to persons displaced *in* (but not *since*) 1967; and

3. Israel is given a *veto power* over the "admission" of any of the displaced persons concerned.

The linkage between the "admission" of displaced persons and "measures to prevent disruption and disorder" gives Israel the legal weapon wherewith it may "justify" its refusal to consent to the "admission" of any Palestinian it deems "politically undesirable," on grounds of "security."

Israel has already alluded to another criterion it intends to apply in order to restrict the scope of the exercise by displaced Palestinians of their right of return: it intends to invoke the principle of "economic viability" as another factor in its determination of who and how many of the displaced Palestinians would be "admitted." At a news conference in Jerusalem on September 21, 1978, shortly after his return from Camp David, Dayan said that he "expects the Palestinians to demand the right of 100,000 [sic] of their compatriots who fled the West Bank and Gaza Strip to return. But Israel's attitude... would depend on whether this will be economically viable. 'We don't want any new Arab refugee camps,' he said."²⁹

Students of the history of the Palestine problem will not fail to detect the irony of Israel's invoking the principle of "absorptive capacity" (now renamed "economic viability") in the context of seeking to limit the flow of people into the land. During the British Mandate, the Zionists always

²⁹ *Christian Science Monitor*, September 22, 1978.

objected to any attempts to tie the influx of Jewish immigrants to the "absorptive capacity" of an underdeveloped Palestine. Now, however, when the issue revolves around the return of displaced inhabitants to their own homes, it is Israel which seeks to invoke that very principle whose relevance to the immigration of aliens was denied by Zionists a few decades ago!

* * * *

It should be mentioned in this connection that the United Nations General Assembly has pronounced itself unequivocally in opposition to the Camp David provisions relative to the displaced persons. When the Special Political Committee of the General Assembly took up this question at the thirty-third session (in November 1978), it was not content with reaffirming the right of these displaced persons to return, as it had done every year since 1967, but added certain provisions in a language that was unmistakably addressed to the Camp David accords. It resolved:

The General Assembly,

...

Reaffirms the *inalienable* right of *all* the displaced inhabitants to return to their homes or former places of residence in the territories occupied by Israel since 1967; and declares that *any attempt to restrict, or to attach conditions to, the free exercise of the right of return by any displaced person is inconsistent with that inalienable right and inadmissible.*

(The emphasized words are those which were added to the resolution in response to the Camp David provisions on the displaced persons.) During the vote on this resolution, only the United States, Canada and Australia joined Israel in voting against it. (As of this writing, the resolution had not yet come before the plenary of the General Assembly for final adoption; but, in view of the overwhelming support it received in the Committee and the miniscule opposition, there seemed to be little doubt that the plenary would give its formal stamp of approval to the recommendation of the Special Political Committee which, like all the Main Committees, is drawn from all the members of the General Assembly.)

4. BEYOND THE TRANSITIONAL PERIOD

A. *Deferred Agreement on All Issues*

What of the future of the West Bank and Gaza beyond the transitional period?

The Camp David agreement resolves *none* of the issues involved: it simply *defers* all substantive decisions.

Having failed to agree on the principles governing their resolution, the

Camp David conferees have agreed on nothing other than a *procedure* for negotiating on those issues.

They have agreed on the *parties* to those negotiations (“Egypt, Israel, Jordan and the elected representatives of the inhabitants of the West Bank and Gaza”); on their *timing* (they should begin “as soon as possible, but not later than the third year after the beginning of the transitional period” and end by the close of that period); and on *some* of the *issues* to be negotiated (namely, (1) “the final status of the West Bank and Gaza,” (2) “its relationship with its neighbours,” (3) “the location of the boundaries,” and (4) “the nature of the security arrangements”). It is significant, however, that the following questions are not included among the “matters” which the Camp David conferees have agreed that the projected quadrilateral negotiations “will resolve”: (1) the final status of occupied Jerusalem, (2) the future of Israeli settlements, (3) withdrawal of Israeli forces and, above all, (4) sovereignty over the West Bank and Gaza.

B. The Camp David Procedures Give Israel the Power to Make the “Transitional” Regime Permanent

This aspect of the Camp David Framework deserves closer attention, for its provisions are designed to affect the long-term future of the West Bank and Gaza and not merely the short-term transitional period.

Face-to-face negotiations without preconditions have always been Israel’s chosen recipe for settlement of all its problems with the Arabs. The Camp David Framework fully accedes to this Israeli wish. By so doing, it relieves Israel of encumbrances and commitments to specific principles upon which a settlement is meant to be based — such as compliance with the rules of international law, fulfilment of obligations incurred (and, ostensibly, accepted) by it at birth, or respect for decisions and resolutions of the competent bodies of the United Nations.

Negotiations also mean conferring upon each party, including Israel, a full veto power over any proposals or suggestions to which it does not consent. Inasmuch as Israel is the party *in control* of the West Bank and Gaza, such a veto power means that — *alone among the parties* to the projected negotiations — Israel also has the decisive veto over the outcome of the negotiations. Negotiations give an unequal power to the party in actual control of the situation. If the other parties reject an Israeli proposal, that rejection does not foreclose Israel’s options; but if Israel rejects a proposal made by the Palestinian or other Arab negotiators, its rejection prevents agreement — and by so doing perpetuates the status quo.

By agreeing to the procedure of negotiations as the sole vehicle of change, the United States and Egypt have in effect agreed at Camp David

to permit Israel to prevent change in the West Bank and Gaza for as long as it wishes. Under the Camp David Framework, the United States and Egypt have accepted – and have purported to commit Jordan and the Palestinians also to accept – a process of change in which Israel *and Israel alone* can determine both the directions and the pace of change.

This is precisely how the Israeli leaders who participated at Camp David have perceived the implications of the Camp David Framework – and why they agreed to it. On any issue it chooses – and therefore on all issues – Israel can hold on to the status quo simply by withholding its consent from any Arab proposal for change. Thus, in an exclusive interview with *Time* magazine, Begin declared: “[If] there is agreement between the parties negotiating – then everybody will rejoice that there is an agreement. And if there is no agreement, the [present] arrangement ... will continue. So in either case nothing wrong can happen. Therefore, I am optimistic about the future.”³⁰

In a statement before the Knesset, Begin reiterated:

We left no doubt, and we stated, that after the five-year transition period, when the question of sovereignty comes up for decision, we shall assert our right to sovereignty over Judea, Samaria and Gaza. If an agreement is reached against the background of counter claims, very well. If no agreement is arrived at, the result will be that the autonomy arrangements of Israel’s security will continue to remain in force.³¹

Dayan spoke to the same effect, but in greater detail, in a statement on Israel’s domestic television network on September 20, 1978. Extracts from that statement follow:

...Let us say that Jordan demands that we remove the settlements or that we split up Jerusalem or that we hand over East Jerusalem to its sovereignty, and if Israel does not want to, then it will not do so.... Then, one of two things: either Jordan will agree to give up this demand, or we will not sign a peace agreement with it. If we do not sign a peace agreement with it, the situation now prevailing will continue....

If we hold negotiations and do not arrive at a new agreement, the existing situation will remain valid....

It is not inconceivable that, during the negotiations, the Arabs will put forward such proposals or demands of the sort that we will not be prepared to accept. If we do not accept them, there will be no agreement. If there is no agreement, the situation will remain as it is now....

What was agreed upon [at Camp David] was that there will not be an independent Palestinian state. If they propose any Arab sovereignty, it was stated that Israel will demand full Israeli sovereignty over those territories. But let us

³⁰ *Time*, October 2, 1978.

³¹ *Jewish Press*, November 10, 1978.

assume that we demand this and they demand that and we do not reach an agreement, then the existing situation remains.³²

The mortal defect of the procedural provisions of the Camp David Framework – and it is a deficiency fraught with significant substantive implications – is that that Framework contains no agreed guidelines or principles governing the negotiations on the future of the West Bank and Gaza and affecting their outcome, and no agreed recognizable goals for those negotiations. Nor does it contain any commitments by Israel to move the situation beyond the supposedly provisional conditions of the transitional period. And, in the final analysis, it is only a recorded agreement on such principles and commitments – not the wishful unilateral interpretations of a Carter or a Sadat – that can be held to bind Israel in the projected negotiations.

The Camp David apologists disagree with the foregoing analysis. They point to three statements in the Camp David document which, in their judgment, supply sufficient substantive content to the Framework and some guidance to the negotiators – viz., (1) that the negotiations shall be based on all the principles and provisions of Security Council resolution 242; (2) that the solution from the negotiations shall recognize the legitimate rights of the Palestinian people; and (3) that efforts shall be made to resolve the Palestine problem in all its aspects.

We shall now proceed to examine the implications of these statements one by one.

1. The Principles and Provisions of Resolution 242

Referring to the quadrilateral negotiations on the West Bank and Gaza, the Camp David Framework states: “The negotiations shall be based on all provisions and principles of UN Security Council resolution 242.”

This statement has been seized upon by leaders of the United States and Egypt. President Carter laid emphasis on it in his opening statement announcing the results of the Camp David Summit on September 17, 1978, as well as in his address to the joint session of Congress the following evening. President Sadat also stressed it in his first address on the results of the Camp David Summit before the Popular Assembly on October 2, 1978.

Illustrative of the importance attributed by the Egyptian regime to the reference in the Camp David Framework to Security Council resolution 242 is the Report of the Special Committee of the Popular Assembly, established on October 2 to study the statement of President Sadat

³² Foreign Broadcasts Information Service, September 21, 1978, pp. N 5-14.

delivered before the Assembly on that date. After citing “the fundamental principles which shall govern the negotiations leading to peace treaties,” the Report states:

By including reference to Security Council resolution 242 in all its provisions and paragraphs, those principles mean the reaffirmation of withdrawal from all Arab territories occupied in 1967 as a basis for peaceful settlement.

To the text of the [Camp David] document was appended the text of Security Council resolution 242 – which emphasizes in its preamble the “inadmissibility of the acquisition of territory by war.”

It will be observed that that rules out any interpretation of that Security Council resolution which alleges that it does not call for withdrawal on all fronts....³³

The Report proceeds to state:

It has been observed that Israeli withdrawal during the transitional period shall not be total but only to specified locations, and that there are no provisions for complete withdrawal beyond the transitional period.

That, of course, is subject to the results of the negotiations on the future of the West Bank and Gaza. However, inasmuch as the document under consideration affirms the commitment to the principles of the United Nations, and also the commitment to resolution 242, which affirms the inadmissibility of the acquisition of territory by force; and, furthermore, inasmuch as Jordan (which had exercised sovereignty over the West Bank) and Egypt (which had administered the Gaza Strip) shall be parties to the negotiations – it follows that sovereignty over those two areas, although it is not referred to in the document under consideration, shall inevitably be Arab, vested in the owners of the land.³⁴

More careful reading of the text of the Camp David document, coupled with consideration of its negotiating history, however, will lead to greater caution in interpreting the reference to Security Council resolution 242 contained in the Framework, and to a more responsible – and more restrained – view of its implications.

It could not have escaped the notice of the American and Egyptian apologists – nor could it escape the attention of any informed reader of the Camp David document – that the text of the Framework for Peace is *highly selective* in its incorporation of certain elements of resolution 242. *Some provisions of that resolution are quoted in full: others are omitted. Some principles affirmed in the resolution are reaffirmed in the Framework: others are ignored.*

Let me be more precise. The relevant principles and provisions of resolution 242 are to be found in preambular paragraphs 2 and 3 and in operative paragraph 1. The second preambular paragraph states: “Emphasizing the inadmissibility of the acquisition of territory by war and the need

³³ “Report of the Special Committee of the Popular Assembly,” *op. cit.*, p. 6.

³⁴ *Ibid.*, pp. 8-9.

to work for a just and lasting peace in which every State in the area can live in security.” Of the two clauses of this paragraph, the first (the “inadmissibility clause”) is omitted from the Camp David Framework while the second is reaffirmed. The third preambular paragraph, referring to commitments under article 2 of the Charter, is reaffirmed in the Camp David Framework. The principal operative paragraph (No. 1):

Affirms that the fulfilment of the Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgment 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.

Of these two sub-paragraphs, the first is omitted from the Camp David Framework while the second is reaffirmed.

A closer look would show that those elements of the resolution which do find their way into the text of the Camp David Framework are precisely the elements which *Israel* has all along considered vital to its interests. On the other hand, those elements of the resolutions which have been omitted from the Camp David document are the ones which *the Arab states concerned* have always considered to be most relevant to the safeguarding of their own national rights and interests – the “inadmissibility” clause and the “withdrawal” clause.

Those elements of resolution 242 which are embodied in the text of the Camp David document are significantly *expanded* in the process of being reaffirmed; they are *enlarged far beyond their original scope*. Thus, to the requirements of sub-paragraph (ii) of operative paragraph 1 of the resolution (“Termination of all claims or states of belligerency,” etc.), are added such additional requirements as “full recognition,” “abolishing economic boycotts,” and economic cooperation – which are not explicitly required under the terms of the resolution of the Security Council.

The reader is undoubtedly familiar with the eleven-year-old controversy over the significance of the omission of the word “the” from the English version (although not from the equally authentic French version) of the “withdrawal” clause contained in sub-paragraph (i) of operative paragraph 1 of the resolution. Israel has insisted that, because the resolution spoke of withdrawal “from territories” instead of “from the territories,” it was relieved of the obligation to effect *complete* withdrawal – even though the present language of the resolution, in its English version, does not preclude complete withdrawal, and the “inadmissibility” clause clearly requires it. Yet Israel and its American supporters have insisted on their limitative

interpretation. It is astonishing, then, that the Egyptian negotiators should have acquiesced in and yielded to the American and Israeli negotiators' injection into the other clauses of the resolution of such far-reaching additional elements, which are required neither by the letter nor by the spirit of the resolution.

For eleven years, American and Israeli diplomats have maintained that resolution 242 was so "delicately balanced" that the enlargement of the scope of any of its elements or the omission of any other element would completely distort its meaning and destroy its usefulness as an acceptable basis for settlement. At Camp David, however, American and Israeli negotiators – aided and abetted by the docile acquiescence of the Egyptian negotiators – committed both sins against the "sanctity" of resolution 242 at once: they *injected new elements into one set of provisions*, and they *omitted any specific reference to the other, counterbalancing set of provisions*. By so doing, they have grossly distorted the meaning of that resolution and destroyed whatever usefulness it might have previously had as a basis for an Arab-Israeli settlement.

Such a selective treatment of the mutually balancing elements of resolution 242 in the Camp David document renders meaningless the pious lip-service paid in that document to "all provisions and principles" of that resolution. *Resolution 242, as it is transplanted in the Camp David Framework, is a lop-sided and grotesquely distorted image of its original self: it is at once a truncated and swollen caricature, parts of it having been amputated at Camp David while other parts were fattened.*

* * * *

The published accounts of the negotiating history of the Camp David Framework for Peace reveal that the distortion of Security Council resolution 242 brought about by the failure to reaffirm the principle of "the inadmissibility of the acquisition of territory by war" reflected abject surrender to Begin's intransigence.

In his address to major American Jewish leaders in New York on September 20, 1978, Begin disclosed very important details of the negotiating history of the Camp David agreement which have not been contradicted by either American or Egyptian participants. According to Begin, the negotiations were held up for eight days by disagreement over a passage in an early American draft which declared that future negotiations should be based on the principle of "the inadmissibility of the acquisition of territory by war." Begin disclosed that he adamantly refused to sign any draft containing such a clause and that, after eight days of arguing,

the “offensive” clause was deleted. Only then were the negotiations able to proceed.³⁵

As important as Begin’s refusal to agree to the inclusion of the “inadmissibility” clause in the agreement, and the acquiescence of Carter and Sadat in that position, was the reasoning behind Begin’s position – as explained by Begin himself. According to his uncontradicted narration, Begin argued that:

(1) Because the “inadmissibility” clause appeared in the preamble of resolution 242, it did not have the force of law;

(2) Even if it did have legal force, the “inadmissibility” clause would refer only to “aggressive wars”;

(3) In 1967, Israel captured the Palestinian (and other Arab) occupied territories in a “defensive war”; and

(4) In any case, the “inadmissibility” clause had no relevance whatsoever to the West Bank and Gaza, which are “integral parts of Eretz Israel.” (Begin had all along maintained that those territories had been “liberated” in war and not “acquired by war.”)

Inasmuch as the negotiating history of an agreement is relevant for the interpretation and implementation of its terms, the attitude taken by Begin at Camp David and acquiesced in by Carter and Sadat *removes* the crucial principle of the “inadmissibility of the acquisition of territory by war” from among the “provisions and principles of UN Security Council resolution 242” on which the projected negotiations on the future of the West Bank and Gaza “shall be based.”

These facts are glossed over and concealed by those American and Egyptian supporters of the Camp David agreement who try to assure Palestinians and other Arabs about the prospects of the West Bank and Gaza in the future negotiations proposed in the Camp David Framework.

2. *The Legitimate Rights of the Palestinian People*

In addition to declaring that the negotiations on the future of the West Bank and Gaza shall be based on Security Council resolution 242, the Camp David Framework declares: “The solution from the negotiations must also recognize the legitimate rights of the Palestinian people and their just requirements.”

The second declaration is as hollow as the first is worthless.

The present writer’s scepticism about the validity of the term “legiti-

³⁵ Reports on Begin’s remarks have appeared in: Jewish Telegraphic Agency, *Daily News Bulletin*, September 21, 1978; *Jewish Week*, September 24, 1978; and *Jewish Press*, September 29, 1978.

mate rights” was expressed some years ago as follows:

I must confess that I have been baffled by the words *legitimate rights*. Surely, if the objectives of the Palestinian people are rights then they must also be legitimate: if they are legitimate, then they are rights. At best, then, the qualification *legitimate* is a redundancy; at worst, it conceals more than it reveals. Do the words *legitimate rights* perhaps mean that there are some Palestinian rights that may – and others that may not – be legitimately pursued? If so, where is the line of demarcation to be drawn?³⁶

Where indeed is the line of demarcation to be drawn, as between the “legitimate” and the “not-so-legitimate” or perhaps “illegitimate” rights of the Palestinian people?

The Camp David Framework provides no answer to this question; it offers no guidance, no illumination and no yardstick of any kind.

Under these circumstances, the use of that term in the Camp David document is an act calculated to seduce the Palestinians and lull their supporters, without in fact committing Israel to anything specific.

Notwithstanding the reference to the “legitimate rights of the Palestinian people,” the explicit provisions and the implicit terms of the Camp David Framework *exclude*, in practice, the realization of the most fundamental Palestinian rights: to sovereignty, statehood, self-determination and return.

Moreover, it is clear that the three parties to the Camp David Framework have totally different ideas about the connotations of the term, “legitimate rights of the Palestinian people.”

President Carter’s sudden conversion to the concept of “the legitimate rights of the Palestinian people,” which was first revealed in the joint Soviet-American declaration of October 1, 1977, was apparently still operative three days later when he addressed the General Assembly of the United Nations. However, although he declared in that address that “the legitimate rights of the Palestinian people must be recognized,” he added: “How these rights are to be defined and implemented is, of course, for the interested parties to decide in detailed negotiations, and not for us to dictate.”³⁷ Notwithstanding that initial reticence, President Carter proceeded, before the month was over, to enunciate his own unilateral definition of Palestinian rights. That definition was calculated to placate American Zionists, whose vociferous reaction to the Soviet-American declaration appears to have taken President Carter and his advisers by

³⁶ F.A. Sayegh, “Prospects of the Palestinian Cause in the Diplomatic Arena,” in B. Abu-Laban and F.T. Zeady, eds., *Arabs in America: Myths and Realities* (Wilmette, Illinois: Medina Press, 1975), p. 248.

³⁷ *New York Times*, October 5, 1977.

surprise. In his press conference of October 27, 1977, he defined the rights of the Palestinians as follows:

Well, the Palestinians have rights as I described in my United Nations speech, as do all human beings. The Palestinians are one major group of refugees that have been created in the Mideast. Obviously, there are Jewish refugees also. But I think all human beings have the same basic yearning for freedom, for human self-respect, for a home in which they can live, for the right to raise a family, to have education, health care, food, so I would say in that respect they have [the] same rights as others do.³⁸

What is striking about that statement is not what it includes but what it excludes. For example, the right of return – which, to Palestinians in their dispersion, is the most pertinent and urgent of all individual human rights – was omitted from Mr. Carter's list. And the national right of self-determination – the inalienable birthright of all peoples – was also missing. That that omission was not inadvertent was made clear by Vice-President Mondale in his appearance on NBC-TV's "Meet the Press" on November 6, 1977. Saying that it was "important to observe" that the President was "talking about rights and not national rights," Mr. Mondale recalled that the "old formulation" had been "legitimate national rights," which "implied an independent state," but that President Carter had deliberately deleted the word "national."³⁹

President Sadat's ideas about the "legitimate rights" of the Palestinian people have been somewhat fluid of late. In the course of the past two years, his thoughts on this question have fluctuated so frequently that it is almost impossible to ascertain his real position on that subject at the present moment. His most recent pronouncement came in his address to the Popular Assembly on October 2. At one point in that address, he equated the "self-rule" arrangements in the Camp David Framework, envisaged for the five-year transitional period, with "self-determination";⁴⁰ at another point, he pronounced the procedures through which Palestinians will participate in quadrilateral negotiations for determining the future of the West Bank and Gaza as tantamount to "self-determination."⁴¹

It has been alleged that, of the three architects of the Camp David Framework, it was Prime Minister Begin who made the greatest "concession" – by agreeing to the use of the words "the legitimate rights of the Palestinian people" in that document. But, according to his own inter-

³⁸ *New York Times*, October 28, 1977.

³⁹ Jewish Telegraphic Agency, *Daily News Bulletin*, November 8, 1977.

⁴⁰ "Report of the Special Committee of the Popular Assembly" *op. cit.*, pp. 25-26.

⁴¹ *Ibid.*, p. 24.

pretation of those words, his consent to their incorporation in the document represents no “concession” at all.

In an interview published in *Maariv* of September 20, 1978, Begin said:

I had a certain difficulty with the phrase: The legitimate rights of the Arabs of Eretz Israel, since until the Camp David summit we had used the noun “rights” only. However, we were able to overcome this difficulty after *we had proved both to our hosts and to ourselves that in fact the adjective does not add anything and is a mere repetition of the term itself. Is there an illegitimate right?*

In order to make it easier for the other party and to reach an agreement we could surely consent to this reiteration while still maintaining our interpretation.

... If anybody gives a right which we consider illegitimate, it is clear that we will have the right not to recognize it. However, I do not think that things will come to this since *this is clearly an emphasis devoid of any real content.* [Emphasis added]

In another interview, he explained:

We have accepted what is called in English “legitimate rights” because everyone has his own interpretation. The word “legitimate” which is linked to rights – *as I tried to explain to my hosts at Camp David – has no meaning, really ...* When we saw that for our hosts and for the other party it is a matter of a feeling of dignity – because they have already used that expression – and because *it does not change reality*, we accepted it, and everyone has his own interpretation of what the legitimate rights are. *If it transpires that any demand is illegitimate, illegal, then we will not accept it.*⁴² [Emphasis added]

Another Israeli participant in the Camp David negotiations – Simha Dinitz, Israel’s ambassador to the United States – explained how Israel could accept the words “the legitimate rights of the Palestinian people,” which it had rejected repeatedly over the years, by emphasizing that “we were dealing at Camp David with formulations after the actual substance, the on-the-ground facts, had been determined.” Wolf Blitzer, who reported the interview with Dinitz, proceeded to state:

Procedurally, this shift enabled Israel to become more flexible in accepting “language.” He elaborated:

Instead of working on various draft formulations first, the negotiators spent their time discussing the practical implications of certain steps. Israel wanted to know whether its forces could be stationed on the West Bank and Gaza Strip during a five-year period and beyond. Israel wanted to know in advance what the exact mechanism for allowing the Palestinians to have a voice in determining their own future would be.

“Once these points became clear,” Dinitz said, “then the value of formulas became less acute and we could afford to be more flexible in accepting some that we could not accept in the past. Now they were defined in practical terms, and their substance became clear.”

When Israel had earlier refused to recognize “the legitimate rights of the Palestinian people,” he went on to say, “it was because we didn’t know what the

⁴² *Israel and Palestine*, No. 70 (October 1978), p. 8.

words 'legitimate,' 'rights,' and 'people' meant. Now we do. All these 'holy cows,' while valid for many years, become less important when you agree on substance."⁴³

David Landau, the diplomatic correspondent of the *Jerusalem Post*, summed it all up in the following words: "The Israeli concessions, it can be argued convincingly, were more apparent than real. Granted, the code-words are in the agreement. But the code has been broken. 'Legitimate rights'... no longer mean what they meant before."⁴⁴

3. *The Resolution of the Palestine Problem "in all its aspects"*

Section A of the Camp David Framework for Peace, entitled "West Bank and Gaza," opens with the following high-sounding declaration: "Egypt, Israel, Jordan and the representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects." But the hopes aroused by that declaration are immediately blighted. For the document proceeds to narrow the scope of that opening statement, by declaring that: "*To achieve that objective, negotiations relating to the West Bank and Gaza should proceed in three stages.*" [Emphasis added.]

Apart from the procedural provisions relating to the West Bank and Gaza which then follow, the only other aspect of the Palestine problem to which the Camp David agreement refers is that of the refugees – with respect to which it provides only for a procedure for establishing a procedure.

Once again, then, we are confronted with empty rhetoric. Procedures are described, with or without specificity; invariably, the procedures consist of negotiations; and the negotiations are left without guiding directives or governing principles or recognizable goals.

Egyptian and American supporters of the Camp David Framework have sought to induce Palestinian and other Arab leaders to read into the words "in all its aspects" some mysterious, far-reaching meaning. But, when pressed to concretize that hidden meaning, they have come out with nothing more profound than the statement that the Camp David Framework recognizes that the problem of the Palestinians has a political as well as a humanitarian aspect. It is a fascinating exercise in clutching bubbles.

Thus, President Sadat, in his major address before the Popular Assembly on the results of Camp David, declared:

The negotiations which will take place after two years [sic] – which constitute the next stage in the transitional period, and in which representatives of the

⁴³ *Jewish Week*, October 22, 1978.

⁴⁴ *Jerusalem Post International Edition*, September 26, 1978.

Palestinian people [sic], Jordan, Egypt and Israel will participate – will take place on the following bases, as provided in the agreement: First, negotiations for the solution of the Palestine problem in all its aspects, as provided in the agreement – namely, the political aspect as well as the humanitarian aspect relating to the problem of the refugees. The final status of the [West] Bank and the [Gaza] Strip will be determined – that is to say self-determination....⁴⁵

Echoing and expounding those views, the Special Committee of the Popular Assembly stated in its Report:

It was possible [at Camp David] to bring about a fundamental change in the Israeli position. For the first time, Israel has recognized, in a written document safeguarded by full international guarantees, that: (1) there is a Palestinian problem and not merely a problem of refugees; and that (2) permanent peace cannot be achieved save by solving this problem in all its aspects – namely, including its political aspects.⁴⁶

Straining to find promise and concrete meaning in the Camp David statement under examination, Secretary of State Vance told the United Nations General Assembly that, although “the Camp David accords concentrate on the means by which self-government can be established for the Palestinians living in the West Bank and Gaza,” that was not the sum-total of the contribution of the Camp David Framework to the solution of the Palestine problem, for “there was also clear recognition by all three leaders at Camp David that the problem of the Palestinians living outside these areas must also be addressed.” He proceeded to say: “We recognize that this problem has political as well as humanitarian dimensions which must be resolved as an integral part of a durable peace settlement. When the Camp David accords call for ‘the resolution of the Palestinian problem in all its aspects,’ they acknowledge and embrace that central fact.”

However, having unburdened himself of all these axioms and truisms, Mr. Vance had little more to say on that subject. For there was really nothing in the Camp David Framework (and apparently nothing in the understandings on which it was built) to empower him to say anything substantive – to define goals or to affirm agreed principles of future action. Predictably, therefore, the sequel was something of an anti-climax:

As the political institutions of self-government take shape on the West Bank and Gaza through negotiations among the parties, the relationship between those institutions and the Palestinians living outside the area *should be defined*, including the question of *admission of Palestinian refugees to the West Bank and Gaza*.⁴⁷
[Emphasis added]

⁴⁵ “Report of the Special Committee of the Popular Assembly,” *op. cit.*, p. 24.

⁴⁶ *Ibid.*, p. 7.

⁴⁷ UN Document A/33/PV.14.

In the context of the Camp David Framework, the “in all its aspects” phrase is devoid of substantive content. It represents no commitments of any kind made by Israel. It contributes nothing meaningful that may serve as a guide in the projected negotiations.

C. The Position of Israel on the Outstanding Issues

Since the end of the Camp David Summit, Israeli leaders have forcefully reaffirmed the position which Israel will adopt at the projected negotiations.

1. Occupied Jerusalem

Several statements made by Prime Minister Begin since the end of the Camp David Summit were cited earlier, in connection with the transitional period. Their import, however, goes beyond that period. In his address before the United Nations General Assembly on October 9, 1978, Mr. Dayan stated:

One of the subjects that will be discussed between the parties will undoubtedly be the question concerning Jerusalem. For us, the city of Jerusalem is the one and only eternal capital of Israel. We have not and we shall never have any other capital city, whether or not others recognize it as such.... We have resolved never again to compromise the unity of Jerusalem, and it is our hope that other people will share our position.⁴⁸

Appearing on the CBS television programme, “Face the Nation,” on the preceding day, Dayan “set the rumours at rest which supposedly had him saying that he envisioned some Arab sovereignty over the eastern part. ‘The answer is, No. I haven’t heard of it,’ he declared.”⁴⁹

2. Israeli Settlements

Immediately after the Knesset vote approving the removal of Israeli settlements from Sinai within the framework of an Egyptian-Israeli peace treaty, the Israeli press published assurances by Begin that that decision did not establish a precedent affecting the future of Israeli settlements in the other occupied territories. “In newspaper interviews published over the weekend,” reported the Jewish Telegraphic Agency *Daily News Bulletin*, Begin “insisted that Israel would never withdraw its settlements from the West Bank and Golan Heights.”⁵⁰ And, in remarks to foreign newsmen in Jerusalem on September 21, 1978, Dayan stressed that “Israel would have an open-ended right” even after a peace treaty was signed to “settle on

⁴⁸ UN Document A/33/PV.26.

⁴⁹ *Jewish Week*, October 15, 1978.

⁵⁰ Jewish Telegraphic Agency, *Daily News Bulletin*, October 4, 1978.

the West Bank.”⁵¹ He spoke in the same vein in his address to the United Nations General Assembly on October 9, 1978: “... We do not regard ourselves as foreigners in those areas. The Israeli settlements in Judea, Samaria and the Gaza district are there as of right. It is inconceivable to us that Jews should be prohibited from settling and living in Judea and Samaria, which are the heart of our homeland.”⁵²

3. *Withdrawal of Israeli Forces*

Begin has contended that the “security arrangements” envisaged in the Camp David Framework for the transitional period “and beyond” confer upon Israel the “automatic right to keep troops on the West Bank beyond the five-year interim period,”⁵³ and has declared that Israeli troops would remain on the West Bank “forever.”⁵⁴

While Secretary Vance was visiting Saudi Arabia immediately after the end of the Camp David Summit, a senior official in the United States party who asked not to be identified was reported by the Associated Press to have told reporters that: “If it was necessary for Israeli security, the United States would support Israel in its determination to leave troops on the West Bank beyond the five-year transition period envisaged in the Camp David accords.”⁵⁵

4. “Security Arrangements”

In the “Framework for the Conclusion of a Peace Treaty between Egypt and Israel,” Israel agreed to a set of “security arrangements” which included the stationing of “United Nations forces” and excluded the continued stationing of Israeli forces in Sinai.

The “security arrangements” envisaged by Israel with respect to the West Bank and Gaza – by contrast – would exclude the stationing of non-Israeli forces and require the continued presence of Israeli forces.

That was disclosed by Begin in his meeting in Washington with Hebrew-language media representatives, on September 18, 1978, when he was reported to have stated that “only Israeli troops would be on the West Bank and Gaza” and that “no foreign forces would be there.”⁵⁶

⁵¹ *Ibid.*, September 22, 1978.

⁵² UN Document A/33/PV.26.

⁵³ *Jewish Week*, September 24, 1978.

⁵⁴ Jewish Telegraphic Agency, *Daily News Bulletin*, September 20, 1978; and *Jerusalem Post International Edition*, September 26, 1978.

⁵⁵ Associated Press dispatch, in *The Reporter Dispatch*, September 23, 1978, pp. A-1 and A-14.

⁵⁶ Jewish Telegraphic Agency, *Daily News Bulletin*, September 19, 1978.

5. *"The Location of the Boundaries"*

The Camp David conferees agreed that the projected quadrilateral negotiations would "resolve, among other matters, the location of the boundaries." This indicates that both Presidents Carter and Sadat have agreed, in advance of the negotiations, with the Israeli position that – at least as far as the West Bank and Gaza are concerned – there shall be no return to the Armistice Demarcation Lines which had separated Israel from those territories between 1949 and 1967.

In Israel's eyes, the question of drawing new borders is intimately interconnected with the questions of the continued presence of Israeli forces and retention of the settlements. The link has been aptly described in an editorial in the *Jerusalem Post*, as follows:

Speaking to the General Assembly, Mr. Dayan set out Israel's twin irreducible conditions for a Palestinian solution: a deployment of Israeli forces in the West Bank... and a recognition of the right of Jews to settle and live in Judea, Samaria and Gaza.

In so doing the Foreign Minister may have come close to defining what amounts to ... a national consensus. But the definition is somewhat lacking in precision, and it gives ground for uncertainty.

Mr. Dayan placed the right of settlement ahead of the consideration of security, and that need not have been accidental. Yet settlement to what purpose?

... The underlying issue here is not, after all, whether Jews should be entitled to settle and live in Judea and Samaria, even though they are "the heart of our homeland," but whether these areas, or parts of them, should be within Israel's domain.

It need hardly be repeated that very few Jews would care to take advantage of the right, or even the practical possibility, of living in the heart of the homeland that is not organically related to Israel's body politic.

The way to a solution was pointed out by Mr. Dayan himself, toward the end of his speech to the General Assembly. There he recalled that under Security Council resolution 242 "the final borders must be negotiated bilaterally among the states concerned." That is what must, sooner or later, be done in the east with Jordan, as it has already been done in the south with Egypt. Once this is done it should indeed be possible, in Mr. Dayan's words, "for Jews and Arabs to live together in equality, trust, and mutual respect."⁵⁷

6. *Sovereignty over the West Bank and Gaza*

Shortly after the end of the Camp David Summit, Begin told the US House Foreign Relations Committee that "Israel had not given up its right to claim sovereignty over the West Bank. It would exercise that right if

⁵⁷ *Jerusalem Post International Edition*, October 17, 1978.

the issue came up for negotiation in the future.”⁵⁸ He assured “a cheering, enthusiastic audience of more than 2,000 Jewish leaders from across the United States” on September 20, 1978 that “Judea, Samaria and the Gaza Strip are integral parts of the land of Israel. This is our land of right.”⁵⁹ Although Israel was willing to “let the question of sovereignty be open,” for the time being, it was ready to discuss it and reassert its claims during the negotiations on the future of those territories.⁶⁰ He repeated, in an exclusive interview with *Time*, that Israel has “a right and a claim to sovereignty” over the West Bank and Gaza, that it had agreed at Camp David that that question “will be left open,” and that it will reassert that claim at the end of the five-year transitional period in the expectation that “others” also will come and put forward a similar claim.⁶¹

Harry Hurwitz, the South African journalist who has become Begin’s adviser on *hasbara* (information and propaganda), urged the Jewish media to “start educating your readers to understand the right of the Jewish people to Eretz Israel.”⁶² Emphasizing that that was one of the first priorities of the Jewish media, he added: “We must realize that in the course of the next five years, Israel and the Jewish people and the Zionist movement have to present a very strong, substantiated case to indicate that our claim to the right of Judea and Samaria as an integral part of Eretz Israel is the higher claim, the stronger claim.”⁶³ Asking rhetorically, “What is Eretz Israel? Is it only the area around Tel Aviv and Netanya?” he replied to his own question: “I believe that when the time will come in the last years of the twentieth century, we may well have to educate the world to sustain our political association with that Land.”⁶⁴

And Yehuda Blum, Israel’s new permanent representative at the United Nations, told members of the Anglo-Jewish press that Israel’s “concessions in Samaria and Judea,” in allowing the question of sovereignty to be “kept in abeyance,” were “of equal magnitude” to its “sweeping concession in the Sinai.”⁶⁵

7. *The Final Status of the West Bank and Gaza*

On several recent occasions, and particularly in his address to the

⁵⁸ *Ibid.*, September 26, 1978.

⁵⁹ Jewish Telegraphic Agency, *Daily News Bulletin*, September 21, 1978.

⁶⁰ *Ibid.*

⁶¹ *Time*, October 2, 1978.

⁶² *Jewish Week*, October 1, 1978.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Jewish Week*, October 15, 1978.

Knesset during the debate on the Camp David accords, Begin has repeated his famous *three noes*: No Palestinian state; No referendum on the West Bank and Gaza; and No negotiations with the Palestine Liberation Organization.⁶⁶

More importantly, however, he told the Knesset, with reference to his negotiations with Presidents Sadat and Carter at Camp David: "I obtained an assurance that there will be no Palestinian state under any pretext whatsoever."⁶⁷ It will be noted that his public assertion has been contradicted neither by President Carter nor by President Sadat.

In that connection, it must be observed that the Camp David Framework, although it appears to leave the question open by not explicitly excluding political independence and statehood, implicitly rules out this option. For it requires that the projected negotiations produce agreement on a "peace treaty between Israel and Jordan, taking into account the agreement on the final status of the West Bank and Gaza" and that, in those negotiations, the representatives of Jordan be "joined by the elected representatives of the inhabitants of the West Bank and Gaza."

5. THE PROBLEM OF THE ORIGINAL REFUGEES

A. *A Procedure for Establishing a Procedure*

The Camp David Framework states: "Egypt and Israel will work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent implementation of the resolution of the refugee problem."

This strange paragraph provides only for a procedure for establishing a procedure! There is no agreement on the nature of the solution which the parties will seek to implement.

Even as a procedure, however, this formula is deficient. There is no agreement on who the "other interested parties" are, or who identifies them; on how the representatives of the Palestinian refugees will be designated; or on when the efforts to resolve the problem will begin or end. In all these respects, the procedural formula relating to the refugees has far more serious shortcomings than the procedural formulas relating to the West Bank and Gaza. Could it be that the reference to the refugee problem was inserted in the Camp David Framework as an afterthought?

⁶⁶ Jewish Telegraphic Agency, *Daily News Bulletin*, September 26, 1978; *Jewish Chronicle*, September 29, 1978.

⁶⁷ *Christian Science Monitor*, September 26, 1978.

B. Paying Lip-Service to United Nations Resolutions

For its part, the United States has subsequently introduced a substantive element into the picture. In his address to the joint session of Congress on September 18, President Carter said: "We also believe there should be a just settlement of the problems of displaced persons and refugees, which takes into account appropriate UN resolutions."⁶⁸ And Secretary Vance told the General Assembly on September 29: "The United States is irrevocably committed to bringing about a satisfactory solution to the problem of the Palestinian refugees. We will play an active role in the resolution of this problem. A solution must reflect the relevant UN resolutions relating to these refugees."⁶⁹

This welcome reference to United Nations resolutions on the refugees would have been far more meaningful and satisfactory if it had been written into the Camp David Framework for Peace itself, instead of appearing in subsequent unilateral assertions by the United States alone.

The American assertions notwithstanding, however, the fact remains that, as matters stand, Israel is *not* committed to the proposition that the solution of the problem of the Palestinian refugees must "take into account" or "reflect" the relevant resolutions of the United Nations.

More importantly: How does the United States interpret those resolutions? General Assembly resolution 194 (III) of December 11, 1948, on which all the other resolutions of the United Nations relating to the Palestine refugees have been based, affirms above everything else the principle of *free choice* by the refugees themselves between repatriation and compensation. In recent years, American interpretations of that key resolution have ignored its basic thrust, by disregarding the natural right of return and the principle of free choice and emphasizing the resettlement of the refugees instead of their repatriation.

The suspicion that post-Camp David references by American leaders to UN resolutions relating to the Palestine refugees are predicated on an interpretation of those resolutions which envisages enforced resettlement as the solution instead of repatriation is heightened by two additional facts. First of all, Secretary Vance followed his reference to UN resolutions by calling for assistance "to promote economic development in the West Bank and Gaza *as well as to assist those refugees residing elsewhere.*"⁷⁰ [Emphasis added.] Secondly, Mr. Vance also referred in that context to "the question of admission of Palestinian refugees *to the West*

⁶⁸ "Text of the President's Address to the Joint Session of Congress," *op. cit.*

⁶⁹ UN Document A/33/PV.14.

⁷⁰ *Ibid*

*Bank and Gaza*⁷¹ [emphasis added], but not to the question of their “return to their homes,” as the United Nations resolutions stipulate and require.

CONCLUSIONS

At the beginning of this article, we asked: What does the Camp David Framework for Peace offer the Palestinian people? In the light of the foregoing analysis, we may now offer the following observations on the Camp David Palestine formula.

A. All the basic decisions – whether the explicit decisions relating to the procedures to be followed in seeking solutions or the implicit decisions regarding the nature of those solutions – have been made at Camp David in the absence of Palestinian representatives and without regard for the known wishes of the Palestinian people. The Palestinian people is therefore now being confronted, as it has been confronted on many occasions in the past sixty years, with fundamental decisions about its own destiny reached without its participation, knowledge or consent.

The Camp David Framework will go down in the history of Palestine alongside the Balfour Declaration, the League of Nations Mandate, the partition recommendation of the United Nations General Assembly and Security Council resolution 242 – all of which dealt with Palestinians as objects.

In this connection, it should be recalled that it was none other than President Sadat who declared, in his keynote address to the latest (thirteenth) session of the Palestine National Council in March 1977:

The Palestinian people is the sole decision-maker with respect to anything that concerns its destiny and its cause. No one, whoever he may be, may exercise a trusteeship over, or impose his will upon, the Palestinian people. For a decision which does not emanate from a free will is devoid of its very essence. We in Egypt insist that the Palestinian will shall remain sovereign and independent, free from bondage or interference. We equally insist that all the decisions which have emanated from that will shall be fully respected – foremost among which is the decision to designate the Palestine Liberation Organization as its sole legitimate representative, the defender of its rights and interests.⁷²

At that same session, the Palestine National Council concluded its 15-point programme by declaring that “any settlement or agreement affecting the rights of the Palestinian people made in the absence of this people will be completely null and void.”

B. The Camp David Framework divides the Palestinian people into

⁷¹ *Ibid.*

⁷² *Al-Abram*, March 13, 1977. (Translated from the Arabic by the present writer.)

separate categories and offers different formulas for dealing with their respective situations. It places in one special class, and focuses its attention upon, the "inhabitants of the West Bank and Gaza." It then takes cognizance of a second group of Palestinians, consisting of those who were "displaced from the West Bank and Gaza in 1967." And, finally, it refers imprecisely to the "refugee problem."

The unity of the Palestinian people is thus to be brought to an end, once and for all, under the Camp David accords.

The dismemberment of the Palestinian people, which is in itself a symptom of its tragedy, has been transformed at Camp David into a permanent feature of the proposed Egyptian-American-Israeli final solution to the Palestine problem.

C. The Camp David Palestine formula excludes the three basic rights of the Palestinian people which have been recognized and affirmed by the United Nations as the foundations of a just and lasting solution of the Palestine problem: the right of the Palestinian people to self-determination and independence in Palestine; its right to designate its own national representative and to participate through the Palestine Liberation Organization — its sole legitimate representative — in all efforts aimed at achieving a settlement of the problems in which it is involved; and the right of displaced and dispossessed Palestinians to return to their homes and property.

D. If the Camp David process gets off the ground and is permitted to reach its ordained destination, the most that it can offer the Palestinian people will be the following:

A fraction of the Palestinian people (under one-third of the whole) may attain a fraction of its rights (not including its inalienable right to self-determination and statehood) in a fraction of its homeland (less than one-fifth of the area of the whole).

This promise is to be fulfilled several years from now, through a step-by-step process in which Israel is able at every point to exercise a decisive veto power over any agreement.

Beyond that, the vast majority of Palestinians is condemned to permanent loss of its Palestinian national identity, to permanent exile, to the permanent separation of most Palestinians from one another and from Palestine — in short, to a life without national hope or meaning.