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## The treachery undermining Israeli-Palestinian peace

by Douglas W. Kmiec

### COMMENTARY

For the last several days, President Barack Obama has rightly been highlighting the U.S. involvement in the rescue of Libya from the oppressive and violent hand of Muammar Gaddafi as an example of 21st century international cooperation. He's right.

Indeed, the rescue of Libya began when Secretary of State Hillary Clinton authorized an emergency rescue and evacuation of the U.S. embassy personnel in Tripoli. When Gaddafi's forces reacted with violence to peaceful protest, the U.S. along with most other nations, closed their Libyan embassies. But the hundreds of American, Australian, Canadian, British, Maltese and other personnel still had to get out.

With no commercial carriers available on sea or by air, this transplanted Californian serving as Ambassador in nearby Malta did what you would expect a guy from Malibu to do -- I helped persuade the State Department to rent a catamaran to come to the rescue.

It did. All got out safely, braving gun fire on land and gale force winds on the Mediterranean. Standing on the quay as they disembarked, I accepted on behalf of all Americans the embrace of my very grateful fellow foreign policy officials as well as foreign nationals, whose collective sigh of relief was "God bless America."

Now, with Gaddafi on the ropes, a new transitional government forming, and the entire world community seeking to find ways to affirm the democratic potential of the "Arab Spring," the president is able to reopen the Libyan embassy.

There are many aspects to the Obama success in Libya.

First, its primary focus was on the safety of our citizens, although the State Department Legal Advisor somehow missed this in his explanation to Congress. Second, the president and the secretary of state worked as partner, not dominating superpower, with the European Union. Third, the president did not prematurely involve our military -- notwithstanding the early saber-rattling of others, and when the President did deploy our sea and air resources, it was in conjunction with a modestly worded U.N. resolution to protect civilian populations.

In taking these prudent steps, Obama demonstrated that protecting human life and dignity, not geopolitical advantage, is guiding his foreign policy.

Unfortunately, to date, this presidential emphasis has not been allowed in Arab-Israeli policy. The president himself, in efforts to jump start negotiation that was almost nonexistent in the Bush years, set out to be "honest broker."

But the president's approach ran into resistance from a Republican dominated House that sees domestic political gold in far more one-sided and unquestioning support of Israel, even when it uses violence to blunt a Turkish effort to bring aid to the Gaza, where life is wounded by medical and food shortages ever since Israeli military attacks during the weeks leading up to Obama's inauguration

In early 2010, George Mitchell was still special envoy seeking a genuine "two-state" solution where Israel would stop unauthorized settlement activity and the Palestinians would have the 1967 national borders adjusted to mitigate the impact on existing Israeli populations. Israel ignored our request and kept building settlements; even defiantly announcing it on the very day of a visit from Vice-President Biden.

How is it that Israeli Prime Minister Netanyahu feels entirely comfortable thumbing his nose at President Obama? Because Netanyahu has two independent sources of support favoring his every request, whether or not they advance negotiations favoring two neighboring states living in peace.

Tea Party politics paying no heed to the "water's edge," those sources are key members of the U.S. Congress and, outrageously, some decision makers within the State Department.

When Mitchell was not able to attend a U.N.-sponsored conference on the Arab-Israeli matter held in Malta, I was asked to attend in order to reaffirm that America was neither Israel's attorney nor Palestine's agent. Like the president's prudential policy in Libya, we were the agents of peace, which meant calling on Israel to knock off the settlements; open access to the Gaza; meaningfully negotiate borders, with swaps, back to the 1967 lines; and find a way to share the beauty and sacredness of Jerusalem among plural faiths.

When pro-Palestinian voices at the U.N.-sponsored meeting criticized Israel on the first day, the Israeli delegation walked out, and sought to have me do the same.

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I balked. Remembering my letter of appointment came from the president, I reminded the agents of Israel working in the State Department -- likely at the cost of my position -- that I worked for a president who very astutely saw both sides of this long-standing conflict and was working toward common ground. Only the president or the secretary of state could instruct me differently.

No such instruction was forthcoming. The speech was given; part of the Israeli delegation returned; and the conference led to small, but on-going cooperation between Israeli and Palestinian representatives.

Last spring, House Speaker John Boehner, Rep. Eric Cantor and others invited Netanyahu to address a joint session of Congress. Netanyahu's remarks saw -- not surprisingly -- only one side; and yet, he received a standing ovation.

Anticipating then this week's Palestinian effort to seek U.N. recognition -- and knowing how the president and the secretary believe that the best path to recognition is through face to face negotiation where both Israel and the Palestinian Authority can address the interrelated and complex issues standing in the way -- I made an effort to convince, through Suha Arafat, the widow of former Palestinian president Yasser Arafat who I came to know and respect as a woman of peace and courage, to slow the Palestinian U.N. end-around effort by having Congress give equal time to Mr. Abbas.

Unfortunately, the Congressional intermeddlers in foreign policy were pouting most of the summer over the debt ceiling, and the effort went nowhere.

The Israeli people deserve to live and prosper, as a recognized Jewish state, and be as free of terror threat as any modern nation can be. The Palestinian people deserve recognition. Both sides need to sit at the table to get the details right.

President Obama is prepared to help all stand upon common ground, and his efforts ought not to be undermined by a Congress that constitutionally is not the voice of foreign affairs, and certainly not by those in the State Department, who deserve reminder that they work for the President.

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