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COMMENTS BY

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AT THE LAUNCH OF

HOW ISRAELIS AND PALESTINIANS NEGOTIATE
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P-R-O-C-E-E-D-I-N-G-S

MR. BERGER: Thank you very much, Dick.

Good morning to all of you. I'm very pleased to be here and am very much a supporter of the work of both the USIP generally and this cross-cultural negotiating project that has been unfolding now for several years.

The book, in particular, that we're talking about for which Tamara and Omar and Bill deserve the credit is an illuminating and very provocative book and I recommend it to you even if you have to pay for it outside.

I probably spent more time in the White House on the Middle East than any other single issue.

It has a way of consuming time and energy. We all remember the failure or lack of success at Camp David, but that is not the full picture of the Middle East in the `90s. It was actually the longest period of peace and prosperity for both Israel and the Palestinians since Israel was founded and, in no small part, I think that was the result of a hopeful, if flawed, peace process.

Let's remember as well that during this period we saw a peace agreement between Israel and Jordan. We negotiated successfully at Wye River with President Netanyahu, an opponent of Oslo, who

1 nonetheless reached agreement to move the process
2 forward. But it was Camp David II that brought the
3 parties together for the first time on the final
4 status issues that had never been addressed in a
5 formal way from the beginning of Oslo until Camp
6 David.

7 The issues of Jerusalem and refugees and
8 borders, security arrangements, statehood, they had
9 been discussed informally in various places between
10 Israelis --- and Sam [Lewis, former U.S. ambassador to
11 Israel] knows very well --- and Palestinians but ever
12 in a formal negotiation. I consider we cracked the
13 walnut at Camp David, but we were not able to put the
14 pieces of the cracked nut back together again. But I
15 think the contours that emerged at Camp David will, I
16 believe, one day be reflected in any comprehensive,
17 long-term, durable peace between Israel and the
18 Palestinians.

19 In my own experience, there are many
20 anomalies in negotiations between Israelis and
21 Palestinians. First, they start late and they go
22 late. You slowly gather the momentum in the later
23 morning hours that takes shape in the later afternoon
24 and then runs until exhaustion. Don't expect to get
25 much done during daylight hours.

1 Second, they're like certain alligators
2 that you can buy in Florida that grow to the size of
3 the tank that you put them in. Without deadlines,
4 they will go on forever.

5 And third and this, I think, is not unique
6 to Palestinian and Israeli negotiations, it certainly
7 was true in Bosnia and Northern Ireland and other
8 experiences that I've had, the key is to get the
9 parties talking about what they will do, not what
10 others have done to them--endless diatribes from
11 Israelis about the grievous sins of the Palestinians
12 and the Palestinians about the grievous sins of the
13 Israelis.

14 I could say the same thing about David
15 Trimble and Gerry Adams. The key here is to get them
16 to focus on the future and not the past and that's the
17 hardest challenge of all and understanding their DNA,
18 in a sense, as this book helps to accomplish, I think,
19 is important.

20 We negotiated over eight years with only
21 one Palestinian leader, Yasser Arafat, but four
22 Israeli prime ministers, Rabin, Peres, Netanyahu and
23 Barak. They were each very different as you all, I
24 think, can imagine. I honestly believe and I know I
25 suspect some people in the group, audience, will not

1 agree with this, that there is a good chance there
2 would be a peace agreement today had Rabin lived, if
3 he had not been assassinated. With all of Arafat's
4 flaws, he in a sense was in awe of Rabin. And I
5 believe that Rabin would have engulfed him in trust
6 and would have been able to sweep him into some form
7 of a final agreement.

8 Obviously, that's pure speculation at this
9 point and runs counter to, I think, to an alternate
10 view which is that Arafat never was interested in
11 peace with Israel and that the period from Oslo to
12 Camp David was simply a Trojan horse while he was
13 regrouping. I don't believe that's true. I don't
14 believe that history is quite so predetermined and
15 that there was a certain momentum building until 1996.

16 The assassination of Rabin was a great setback for
17 the peace process. I remember the evening I flew back
18 to Washington, I was out of town, President Clinton
19 saying "That young man who killed Rabin knew exactly
20 what he was doing." That is, he was killing the peace
21 process.

22 But there were also extraordinary moments,
23 unforgettable moments, during that period. My
24 favorite moment of all was before we signed the
25 Declaration of Principles on the south lawn on that

1 wonderful, glorious, sunny September day in 1993 when
2 hopes were so high. President Clinton was in the
3 residence with Arafat in one room and with Rabin in
4 the other. And don't forget that Rabin had fought
5 four wars. He had spent his whole life dealing with
6 the man he considered a terrorist. He had reached the
7 intellectual conclusion that you don't negotiate with
8 your friends as he said. You negotiate with your
9 enemies.

10 But President Clinton went in the room and
11 said to Rabin, "You know you're going to have to shake
12 his hand." And Rabin looked like Clinton had just
13 taken a two-by-four and whacked him in the stomach.
14 His face went white, pale and you could see his mind
15 working and he really worked it through and realized
16 of course that they were on the stage of the world.
17 You could not conceive of them not shaking hands. So
18 he turned to Clinton and said, "All right, but no
19 kissing."

20 Let me say a few words about the fateful
21 negotiations at Camp David in 2000. There was a
22 bizarre contrast at Camp David from the beginning.
23 The contrast between the comfortable familiarity of
24 the negotiators on both sides including the current
25 President, Abu Mazen, and Abu Ala and their Israeli

1 counterparts. They knew each other well by 2000.
2 They had been in each other's homes. They knew each
3 other's children and they had often been to each
4 other's children's weddings—and Bar Mitzvahs in the
5 case of the Israelis.

6 But between Arafat and Barak the ice was
7 frozen and deep. I think that because Barak had in
8 his mind a sweeping vision of a final peace, he had
9 defaulted on several commitments that Israel had made
10 to the Palestinians in the preceding two years and the
11 period leading up to Camp David. He believed they
12 would be subsumed under some final agreement, but the
13 act of those abrogations also engendered great
14 distrust from the Palestinians before Camp David.

15 By the time of Camp David, we could not
16 really get Barak and Arafat constructively engaged in
17 a direct dialogue. They were together on more than
18 one occasion but everything was done either by
19 delegations or by the President as an intermediary.
20 Barak knew in essence where he wanted to go which is
21 further than anyone had imagined, but he didn't know
22 how to get there. He had a vision and not a strategy.

23 In my judgment, Arafat had a strategy but
24 not a vision. Arafat's strategy was to avoid making
25 decisions as long as possible. He was not able and/or

1 not willing to pivot from being a revolutionary,
2 leading a movement, to being a statesman leading a
3 country.

4 The fact is the Palestinians did make some
5 concessions at Camp David and I think some of the
6 histories that have been written that suggested there
7 were no concessions on the Palestinian part are
8 incorrect. But unlike Barak, they were unwilling to
9 throw any of the fundamental pillars of their ideology
10 overboard as Barak did with respect to dividing
11 Jerusalem for example. Arafat ultimately was
12 unwilling to confront his extremists. Barak was
13 prepared to go back to Israel and sell an agreement,
14 try to sell an agreement, that did break with the
15 Israeli theology of the times.

16 Arafat thought that if he waited the deal
17 would get better and to some degree, Barak's
18 negotiating strategy reinforced this because Barak
19 kept bidding against himself. At one point, Dennis
20 turned to me and said, "If Barak offers anything more,
21 I'll be against this agreement."

22 But Arafat miscalculated what too far was
23 even for Barak. In the last meeting that Clinton had
24 with Arafat in the White House in December of 2000, he
25 said, "You know, Mr. Chairman. They've always told me

1 that you would wait till five minutes of twelve.
2 Well, it's five minutes after twelve and your clock is
3 broken."

4 Now let me say a last word about our role
5 in all of this. Some, and most recently my friend
6 Aaron Miller for whom I have great respect, argues
7 that we were too wired to Israel to be honest brokers.

8 You saw a piece perhaps in *The Post* not so long ago
9 about us being Israel's lawyers. We did have a
10 special relationship with Israel and we have had a
11 special relationship with Israel since its founding
12 day which is why we are the only country that can be
13 an honest broker. The Arabs are prepared and
14 recognize that we have a special relationship with
15 Israel so long as they believe that we will be honest
16 brokers in this situation and they recognize that the
17 Europeans can't do that.

18 Implicit in Aaron's argument is the notion
19 that we could have been more successful if we had been
20 more impartial. I'm not sure what that means, more
21 sympathetic to the Palestinians. I think the
22 Palestinians knew that President Clinton empathized
23 with their aspirations and wanted to see a genuine
24 Palestinian state. I don't agree the problem was that
25 we put the fulcrum in the wrong place.

1 Now let me just say a word about where we
2 are today because I think there is a sliver of hope
3 but one that will not last very long if we don't act
4 in my judgment more aggressively than we have so far.

5 Both sides to this conflict after four years of
6 intifada are exhausted. The Palestinians have finally
7 come to realize that the strategy of suicide bombs was
8 a strategy of suicide for the Palestinians who are
9 living in chaotic conditions and destitute conditions
10 as a result. The Israelis, I think, have come to
11 learn that there is no lasting security and no lasting
12 solution without a political dimension, without a
13 political solution. That military force by itself
14 will never end this conflict.

15 So an opportunity has been presented by
16 virtue of the death of Arafat, the election of Mahmoud
17 Abbas (Abu Mazen) as President and Sharon's decision
18 to withdraw from Gaza. But it's a very fragile
19 opening. It's the first opening we've had really
20 since Camp David but a very fragile one. One of the
21 things about which I am most sure, however, is that
22 they cannot do this by themselves. What "this" is,
23 I'm not sure. This is getting back into a negotiating
24 posture. It's not getting back to the kind of
25 ambitious agreement we were talking about at Camp

1 David but creating a new momentum.

2 I'm pleased to see that Jim Wolfensohn
3 from the World Bank has been asked by the Quartet to
4 play some kind of role in this transition in Gaza and
5 that there may be now a somewhat more expanded role
6 for General Ward who was sent out to help on the
7 security side. He has to be able to call the parties
8 together and to really see that cooperation takes
9 place on the ground. I'm glad to see that Secretary
10 Rice is going to the region this month.

11 We need America's sustained and serious
12 engagement not to pressure either side into an
13 agreement that they don't accept, that will not be a
14 durable and enduring agreement, but to bridge the
15 divide. Peace here is not self-executing. I hope
16 that that willingness on the part of the United States
17 that we've seen a little bit of in the last few weeks
18 emerges before this window closes because we will not
19 have a moderate Palestinian leadership again for a
20 generation if we do not succeed in capturing the
21 benefits of that now.

22 I continue. I say I'm neither an optimist
23 or a pessimist. An optimist in Israel is someone who
24 thinks things can't get worse. I never describe
25 myself as an optimist or a pessimist but a realist. I

1 do think peace is possible, that we will see it one
2 day with leadership on all sides and I think the work
3 that USIP and its colleagues have done here will be a
4 great contribution to those negotiations when they
5 resume. Thank you.

6 MR. SALZBURG: John Salzburg, Washington
7 Interfaith Alliance for Middle East Peace. I'm
8 heartened by the fact that you feel that a just peace
9 is possible but how can that happen with the Wall, the
10 acquisition of more territory by the Israeli
11 authorities, by the destruction of Palestinian homes,
12 all of these circumstances? How do they affect the
13 prospects for peace?

14 MR. BERGER: Well, I think it's long road
15 back from where we were to where we need to go.
16 Ideally, you would have a Gaza withdrawal that would
17 go relatively smoothly although obviously there will
18 be resistance on the part of the settlers, but it
19 would be successful, that there then would be a really
20 substantial intervention by the international
21 community in helping to make Gaza succeed and
22 strengthening Abu Mazen so that he, in fact, can
23 deliver a better life for the Palestinian people and
24 there could be demonstrably be a benefit to Israeli
25 withdrawal.

1 And that would hopefully then lead to a
2 reengagement between Israelis and Palestinians which
3 would have to deal with all of the issues that you
4 talked about. It would have to deal with settlements.

5 It would have to deal with the Wall. It would have
6 to deal with borders. I don't see that now being
7 necessarily a final status.

8 There might be under the Road Map there's
9 a Stage 2 which is there is going to be an interim
10 agreement. I don't know. I can't really sit here, I
11 don't think anybody can, and know exactly how this
12 road twists and turns. But the most important thing,
13 it seems to me, is to get the momentum back in terms
14 of dialogue.

15 MR. SWISHER: Good morning. My name is
16 Clay Swisher. I'm the Director of Programs at the
17 Middle East Institute. I've done a lot of research on
18 the second Camp David for a book that I wrote and I
19 was wondering in light of the presentation this
20 morning on Israeli and Palestinian negotiating
21 behavior if you could comment on what you would see
22 the utility in doing a study on American negotiating
23 behavior.

24 What you said was very illuminating about
25 Ambassador Ross saying, "If this deal gets any

1 better," let's say "deal" for the sake of rhetoric at
2 Camp David, "that he would oppose the agreement." Now
3 he later wrote in his memoirs that he thought 94 to 96
4 percent of territory would be acceptable solution
5 whereas your colleagues, Rob Malley, Gamal [Helal] and
6 Aaron [Miller] thought that 100 percent was the key
7 ingredient to making a successful agreement with
8 Israel and the Palestinians. There's a lot of
9 differing views in the American team on what is fair
10 and as an American, I'm wondering why should we be the
11 ones to impose and to say what we support and endorse
12 when the parties might be in some cases as Barak was
13 after Camp David more willing to go farther.

14 MR. BERGER: I don't think you can impose
15 anything. First of all, Camp David, there's a
16 "Rashomon" quality to Camp David. There's the
17 American Camp David, the Israeli Camp David and the
18 Palestinian Camp David. Within the American
19 delegation, there's the Dennis Ross Camp David, the
20 Martin Indyk Camp David, the Rob Malley Camp David,
21 the Sandy Berger Camp David because this was an
22 unusual summit where everything was not done through
23 preparation.

24 There are a lot of different
25 interpretations of what, in fact, went on and we spent

1 the next six months as you know between Camp David and
2 Clinton putting down the parameters in December trying
3 as such to capture more precisely where both sides
4 thought the deal was. I think by the time we got to
5 December, the work we did in Camp David to December in
6 many ways was even more important than the work we did
7 from Camp David because we basically thought we had a
8 pretty good idea of what the narrow bands were on each
9 issue and we said to the both sides, "Here are the
10 parameters. You can color inside the lines. You
11 can't color outside the lines." The Israelis
12 reluctantly said, "Yes, we're prepared to engage in a
13 final negotiations based on that." Arafat was never
14 able to do that.

15 Ultimately, no matter what letters, what
16 statements, President Bush makes about what is
17 acceptable to the United States with respect to
18 incorporation of settlements, any piece has to be
19 consensual by both parties. Otherwise, it will not be
20 durable peace.

21 MR. MOSHE MA'OZ: Moshe Ma'oz, The United
22 States Institute of Peace and Hebrew University of
23 Jerusalem. I tend to agree with you regarding Rabin.

24 I worked with him and believe that if he would be
25 still alive you could have a deal but this is only

1 some expectations for another leader. But I want to
2 ask you about the rationale that you mentioned about
3 Jerusalem and Camp David because here again, our
4 different interpretations of this process. Was Barak
5 willing to give up half of Jerusalem at Camp David or
6 only after Clinton on December 23, 2000 announced his
7 plan? And then another thing is about the refugees.
8 Was the issue raised in Camp David?

9 MR. BERGER: Jerusalem, this was totally
10 Barak's proposal. It actually came rather -- It was
11 really stunning to us when after about five or six
12 days he said he was prepared to divide not only
13 Jerusalem, but the Old City and where we got hung up
14 was over the question of sovereignty on the Temple
15 Mount, sovereignty being an abstraction. It's a word.
16 It's a concept. It's not real, but it's on the other
17 hand very real. But it was clearly Barak's proposal
18 and one, I think, that we were surprised to hear
19 about.

20 The second part of your question just
21 remind me.

22 MR. MOSHE MA'OZ: The refugees.

23 MR. BERGER: The refugees. Refugees was
24 discussed at length at Camp David and our formulation
25 which I always thought was rather ingenious but didn't

1 work was to give the Palestinians the words but then
2 define them in such a way that addressed the Israelis'
3 concerns. So basically, the formulation that we were
4 playing with at Camp David was there is a right-of-
5 return defined as follows: (1) compensation; (2)
6 return to Palestine; (3) resettlement in third
7 countries; (4) relocation to Israel in such numbers as
8 Israel agrees to.

9 So in sense, that might have been a
10 hundred or a thousand. We basically said we gave the
11 Palestinians the concept but we defined it as very
12 lawyer-like. We defined the concept essentially in
13 terms that theoretically might have been acceptable to
14 Israel. There was never a meeting of the minds on
15 that and I think four years later after the Intifada I
16 can't imagine any settlement that the Israelis would
17 accept that would even go that far, that would even
18 acknowledge a theoretical right-of-return.

19
20 Thank you very much.
21