The Difficulty of Consensus

Theodore L. Banks

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Ostensibly different approaches to the problems in the Middle East are illustrative in both the differences and similarities they reveal. Thus, at the outset, certain issues immediately present themselves for discussion. One of the unfortunate results of the seriousness of the problems in the region, which is apparent from the foregoing articles, is that prior to the presentation of any concrete solutions, it was necessary for the authors to establish a framework for analysis by re-examining some of the problems present.

Any treatment of Middle East problems and solutions must begin with an understanding of the peoples of the area. Not only must any solution come from the parties themselves, as pointed out by Professor Dawn, but an understanding of the situation can only come when viewed in terms of the cultures present. For instance, in spite of the talk of establishment of a "secular democratic" state in the region, a government patterned on a western democracy would not be possible. An examination of the governments in the region would reveal that Israel, despite its reliance on religion for many "governmental" functions, may be the most secular of the Middle East countries. Thus, attention should be turned to more basic problems.

The lack of contact between Arab and Jew has given rise to certain suspicions and fears. According to Professor Szyliowicz, the Arabs still regard the Jews as alien to the region. This lack of contact had resulted in an unwillingness to negotiate until the "other side" gave in first, as noted by Professor Dawn. But behind this facade of total intransigence, it was obvious that some issues were open to negotiation, while others were not. For example, the proposal of Professors Bassiouni and Kaplan outlines a scheme of internationalization for Jerusalem. Yet, the consistent position of the Israelis has been an absolute refusal to give up sovereignty over the city, citing their historic ties and violations of religious rights during Jordanian administration. This may be an example of a truly non-negotiable demand. On the other hand, there is no real value to the Sinai desert, and it would appear that further pull-backs there would not cause great difficulties. Even the Golan Heights might leave the category of non-negotiability if adequate international safeguards were provided.

Professor Dawn cogently stated that a settlement cannot be forced upon the parties by any country or international body. Thus, it seems quite difficult to conceive of a solution phrased in terms of international law or a United Nations resolution. Resolution 242[1] was

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1. S.C. Res. 242, adopted Nov. 22, 1967.

accepted by both sides for a significant period of time, albeit with slightly different interpretations. But its acceptance was based only on its nature: each side could manipulate the language of the Resolution to suit its own purposes. Although U.N. resolutions can indeed form a basis for international law, in this instance, nothing of the sort happened.

More importantly, the first interim agreements after the 1973 War provided for a face-to-face meeting between Arabs and Israelis at a peace table. In addition to the issues settled by the agreement itself, its primary importance may lie in the fact that a common experience of reaching accords will continue to have a positive effect on the attitudes of the parties of the parties toward further settlements and negotiations.[2]

Strategic considerations, as viewed by Professors Szyliowicz and Chomsky, are of value in the short run only. The 1973 Yom Kippur War did prove to Israel that it cannot rely on military strength for its security, and it perhaps also showed the Arabs that a military move would not suffice to eliminate Israel from the region. Other commentators have approached the strategic problems from opposite directions. Nahum Goldman has suggested complete neutralization of Israel.[3] Robert Tucker, on the other hand, has suggested giving all of the parties in the region atomic weapons, which would, he argues, create a peaceful situation on the order of a "mini" Soviet-American detente.[4]

Neither neutralization nor nuclearization is the answer. The strategic foundation for the current situation was laid by the diplomacy of the United States in the aftermath of (and during) the 1973 War. The stage was set for settlement by the simultaneous resupplying of Israel, imposing a ceasefire, and forcing assistance to the surrounded Egyptian III Corps. This, according to Safran, sent a clear message to the Israelis — which was also understood by the Arabs — that military force was not the answer to the region's problems. Likewise, it signalled to the Arabs—and to the Israelis—that the United States was not interested in humiliation and defeat.[5]

With the stage set, gradual diplomatic moves were to be of some avail. No doubt the 25 years of fighting created a certain degree of willingness to find a solution; it only required the proper situation to initiate positive momentum. Indications now point to the growing

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2. Safran, *Engagement in the Middle East,* 53 FOREIGN AFFAIRS 45, 48 (1974).

3. Goldman, *The Future of Israel,* 48 FOREIGN AFFAIRS 128 (1970).

4. Tucker, *Israel and the United States: From Dependence to Nuclear Weapons?,* 60 COMMENTARY 29 (Nov. 1975).

5. Safran, *supra* note 2, at 45, 59.

control of the "moderate" faction of the PLO. Profesor Chomsky suggests immediate creation of a Palestinian state. However, the official Israeli position has been that the government of Jordan represents the Palestinian Arabs. Why, then, the Israelis argue, should a new (and, in all probability, economically unsound) state be created? Nevertheless, if it is possible to create a state for the Palestinian Arabs, it would seem that the traditional moderating force of the responsibility of having one's own land to administer would become the overwhelming influence on the heretofore truculent PLO.

As noted above, military threats have not brought about a Mid-East peace. Therefore, political and economic measures must be examined further. Threats of political isolation were most effective on Syria after the 1973 War, and, as pointed out by Professor Dawn, similar pressures were applied after the 1948 War by the various Arab states. The present round of agreements is structured in such a way that they can actually serve to bring together diverse elements within the Arab world, and thus act as a positive incentive to peace. While the goal of pan-Arabism, as expressed by the Arab leaders, may be more apparent than real, any unifying effort will certainly be viewed with favor.

There is also a large area of non-political considerations that can be important in maintaining the impetus toward peace. For example, there seems to be a quiet agreement (after initial squabbles) as to the use by Israel and Jordan of the waters of the Jordan River. This is an element that transcends politics, for each side realized that ultimately its self-interest would be best served by cooperation and sharing. The relationship of the Israeli town of Eilat to the Jordanian city of Aqaba, may be viewed as another example of quiet consensus where self-interest was put ahead of ideology.

In spite of the emphasis given to political and strategic values, ultimately economic considerations will be given the primary importance. Thus, while it is true (as mentioned above) that no outside power can impose a settlement on the Middle East, economic threats or incentives may have a definite value in influencing a desired course of behavior. For example, while there is no lack of understanding as to the serious financial situation of the oil-poor countries in the Middle East, more attention should be given to the impetus provided by the economic situations in determining whether and when a war should be fought. President Sadat has indicated that one of the reasons he went to war in 1973 was to force Arab governments which had promised aid to Egypt (but had failed to deliver) to immediately send

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6. Sadat to a meeting of diplomats, in Remba, *Why Egypt Needs Peace Now: The Economics of the Sinai Accord*, 58 NEW LEADER 9 (Sept. 29, 1975).

their pledges to Egypt in order to meet its international obligations. In Israel, similar charges were made regarding the Six Day War of 1967: the war was initiated to end an economic depression in Israel that the government could not otherwise control. Whether or not that theory is true, it does appear that a disincentive to further pull-backs in the Sinai or the Golan Heights is the exorbitant sums expended by Israel to construct fortifications along each new truce line. While the 1973 War should have proved a "Maginot Line" in the Middle East will be no more successful than its French progenitor, Israel feels that such a defensive bulwark is imperative, and weighs the value and cost of each pull-back accordingly.[7]

The rising cost of maintaining a standing army will force the Middle East countries to reach a decision. One alternative may be another all-out war, while they can still afford it. The 1973 stalemate should indicate the folly of this approach. A more feasible alternative is to turn to outside powers for military assistance, and devote all domestic resources to domestic problems. This poses chilling prospects indeed, since the major powers, if their perceived interests justify such a course, can easily supply the military needs of the parties at a bearable cost and, at the same time, have the benefit of field-testing of new equipment.

A more encouraging alternative envisions long-term involvement by major powers, but not in the military sphere. Both Egypt and Israel view the United States as a stabilizing influence in the region, since its imperialist tendencies seem to be much more moderate than those of the Soviet Union. While a true commitment to regional development as an alternative to war might require an undertaking on the part of the United States or other countries similar in scale to that of the Marshall Plan, this may be a necessary price to pay for peace.

Whatever course is adopted, it cannot be expected that the solution can be reached in one sitting. In spite of the caveats raised by Professor Chomsky, it appears that incrementalism is the only workable technique at this time. Gradual steps to establish an independent Palestine have already begun, to a limited extent, by local elections in the territories administered by Israel. The gradual phase-out of Israeli administrative control, to be followed by a phase-out of Israeli military control, could be used to create the state sought by the Palestinian Arabs.

The incremental approach, however, will only work if each step is perceived by all parties as a gain for themselves, and a step forward toward peace. In spite of the inequities in the bargaining "chips," the

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7. Salpeter, *The High Cost of Non-War,* 58 NEW LEADER 6 (Oct. 13, 1975).

provision of a mutual recognition of Israel and a Palestinian state contained in the proposal of Professors Bassiouni and Kaplan would constitute a *quid pro quo* long sought-after by both parties, thus providing a firm foundation for a final settlement.

Notwithstanding the local tensions in the Middle East (*e.g.*, the civil war in Lebanon, or the Arab opinion regarding Israel's right to exist (*e.g.*, the Zionism resolution in the General Assembly), the current mood clearly favors progress toward permanent peace. The ideologies that were dominant in the 1960s and early 1970s are fading as countries realize that slogans and promises cannot solve their economic problems. The diplomats who work in the Middle East know how to distinguish between statements made for domestic consumption, which are often vicious, and the more significant private indicators of true policies. By concentrating on areas of agreement, and by seeking to solve the basic economic problems present, the "situation" in the Middle East can be normalized.

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8. Safran, *supra* note 2, at 45-46.