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The Camp David II Negotiations: How Dennis Ross Proved the Palestinians Aborted the Peace Process

Norman G. Finkelstein[1]

This article, excerpted from a longer essay deconstructing Dennis Ross's book on the Palestinian-Israeli peace process from 1993 to 2000, focuses on the Camp David summit. In particular, it examines the assumptions informing Ross's account of what happened during the negotiations and why, and the distortions that spring from these assumptions. The article demonstrates that, judged from the perspective of Palestinians' and Israelis' respective rights under international law, all the concessions at Camp David came from the Palestinian side, none from the Israeli side. In reflecting on Ross's narrative,

the author explores what he considers its "main innovation": the subordination of the normative framework of rights to the arbitrary and capricious one of "needs."

Dennis Ross's *The Missing Peace: The Inside Story of the Fight for Middle East Peace*[1] has been widely heralded as the definitive treatment of the Israeli-Palestinian "peace process" from the 1993 Oslo Accords through the Camp David negotiations of July 2000.[2]

The "one overriding lesson from the story of the peace process," Ross writes in his prologue, "is that truth-telling is a necessity" (p. 14). The "purpose" of his book as well as the "key to peace," he similarly concludes, "is to debunk mythologies . . . to engage in truth-telling" (p. 773). Ross's execution of this debunking and truth-telling enterprise, however, is problematic. His account of the peace process is based almost entirely on his memory and notes. Its authority derives chiefly from the fact that he was the "point person" (p. 106) for the Clinton administration on the Arab-Israeli conflict. Yet his "inside story" of the Camp David negotiations differs fundamentally on crucial points from what other participants have said and written. Rather than go over the ground already covered,[3] I will focus here on the cluster of assumptions informing Ross's account of what happened during the negotiations and why, and the distortions that spring from these assumptions.

Ross's interpretation of why Camp David failed gained wide currency almost immediately. His narrative, as is well known, assigns the lion's share of blame for the summit's collapse to Palestinian leader Yasir Arafat. Nonetheless, Ross situates the failure in a deeper Palestinian pathology.

The Root of the Problem

It is a central contention of Ross that Palestinians are in thrall to a victim syndrome. While acknowledging that they "surely have suffered" (p. 775), Ross maintains that the Palestinians' "sense of being victims has . . . fostered a sense of entitlement" (p. 42; cf. pp. 200, 686). For instance, Palestinians harbor the belief that they had been "entitled to the land" on which they were born when Zionist settlers coming from Europe sought to displace them; that the land "was theirs and had been taken" (p. 35). In Palestinian "eyes," Ross continues, "they were not responsible for what was done to the Jews in Europe" (p. 42). In their "eyes," consequently, "ending the conflict and agreeing to live with Israel's presence" constituted a significant concession (p. 44). Further, Palestinians chafed at the fact that it was Israel that determined the pace and parameters of withdrawal from the occupied Palestinian territory because they "believed they were getting what was rightfully theirs" (p. 55) and that "the land is 'theirs'" (p. 763). Their opposition to Israeli settlement expansion apparently sprang from this misapprehension as well: "it outrage[d] the Palestinians—absorbing land that they considered

to be theirs" (pp. 82, 195), "perceived to be theirs" (p. 765), that "they believed was theirs or should be theirs" (p. 332; cf. 44, 55). Finally, Arafat "flew into a rage" and "ranted for several minutes" after seeing the Oslo map because of the "appearance" that the Palestinian areas comprised "isolated islands that are cut off from each other" (p. 205). It so happens, however, that what Palestinians "believed," "considered," and "perceived" to be theirs actually *was* theirs according to international law; that it was not just "in their eyes," but in those of any rational person that, whatever sins Palestinians might be chastised for, causing the Nazi holocaust is not one of them; and that the Oslo map did in fact shatter the Palestinian territory into a maze of fragments.

Compounding Palestinian misapprehensions regarding their legitimate claims on Palestine, according to Ross, were those regarding the United Nations and international law. For example, Ross writes:

> Palestinians and many in the Arab world continued to see an American double standard. . . . They asked why was Israel permitted to effectively ignore Security Council resolutions while Saddam was forced to comply? They did not see the difference between the Security Council resolutions. Those against Iraq came as a response to Saddam's eradication of a member state of the U.N.; the resolutions required his compliance, not his acceptance. Noncompliance carried sanctions, and led to the use of force against his absorption of Kuwait. The resolutions that Palestinians and Arabs more generally focused on with regard to Israel were resolutions 242 and 338. They were adopted after the 1967 and 1973 wars. They provided the guidelines or principles that should shape negotiations to resolve the conflict between Arabs and Israelis. The terms of a final peace settlement were not established in these resolutions and they could not be mandatory on either side. But drawing distinctions between Security Council resolutions involving the Iraqis and the Israelis was not satisfying. The Arab world generally rejected the idea that Iraq faced pressure to implement Security Council resolutions while Israel did not. They wanted equal treatment. They wanted to portray all Security Council resolutions as having the force of international law. For the Arab world generally, the resolutions were their face-savers. They would resolve the conflict with Israel, but only on the basis of international law, "international legitimacy," as they called it. Here was their explanation, their justification for ending the conflict. If Iraq had to follow international legitimacy, so too, must Israel. (p. 43)

This argument poses some problems, however. Security Council resolutions regarding Iraq, we are told, focused on its violations of international law, thereby requiring "compliance" and carrying "sanctions," whereas Security Council resolutions regarding Israel focused on

"principles" for a settlement, thereby requiring "acceptance" and envisaging "negotiations." Yet the international community over the last thirty years has reached broad consensus on the principles for settlement of the Israel-Palestine conflict. They are embodied in UN resolution 242 and subsequent UN resolutions calling for full Israeli withdrawal from the West Bank and Gaza and the establishment of a Palestinian state in these areas in exchange for recognition of Israel's right to live in peace and security with its neighbors.[4] Each year the overwhelming majority of UN member states votes in favor of this two-state settlement, while each year Israel and the United States (along with this or that South Pacific atoll) oppose it. It is unclear why principles that find overwhelming support in the UN require compliance and carry sanctions in the case of Iraq's refusal to withdraw from occupied Kuwait but not in the case of Israel's refusal to withdraw from the occupied Palestinian territory. In fact, Israel's refusal to abide by this longstanding international consensus apparently puts its occupation squarely in the same category as Iraq's illegal occupation of Kuwait. "[A]n occupation regime that refuses to earnestly contribute to efforts to reach a peaceful solution should be considered illegal," Tel Aviv University law professor Eyal Benvenisti opines:

> Indeed, such a refusal should be considered outright annexation. The occupant has a duty under international law to conduct negotiations in good faith for a peaceful solution. It would seem that an occupant who proposes unreasonable conditions, or otherwise obstructs negotiations for peace for the purpose of retaining control over the occupied territory, could be considered a violator of international law.[5]

"The continued rule of the recalcitrant occupant," Benvenisti adds, should be construed "as an aggression."[6]

In addition, Arabs and Palestinians have focused not, as Ross alleges, on UN resolutions 242 and 338 when calling for Israel's compliance and sanctions against it, but rather on Israel's violation of scores of Security Council and General Assembly resolutions deploring its illegal annexation of Jerusalem (and the Syrian Golan Heights), its illegal settlement activity in the West Bank and Gaza, its illegal invasion and occupation of Lebanon (and other Arab countries), and numerous other flagrant violations of international law.[7] If the Arab world has not drawn "distinctions" between these resolutions and those directed at Iraq, it is perhaps because there are none to be drawn. It merits notice that Israel falls into a category all its own regarding compliance and sanctions. Although the Security Council has imposed sanctions on member states on some twenty different occasions since 1990, often for violations of international law identical to those committed by Israel, the U.S. veto has shielded Israel from any such sanctions.[8] Again, if the Arab world "continued to see an American double standard," it is perhaps because there in fact has been one, and if the Arab world demanded "equal treatment" for Palestinians "on the basis of international law," it is not self-evident why

this should be objectionable.

Ross as Witness

Before scrutinizing Ross's influential thesis on why Camp David failed, it bears pausing for a moment on his reliability as a witness to these negotiations. Although acknowledging that he was publicly the whipping-boy for the Palestinians, Ross is emphatic that in reality they "respected me" (p. 608). He reports telling Palestinian negotiators, "You know that I understand your problems, your needs, and your aspirations very well. You know that I often explain them better than any of you do" (p. 755). Yet, the evidence suggests that, whether deservedly or not, Ross's Arab interlocutors "couldn't stand" him and believed he was "in league with the Israelis."[9]

Moreover, where Ross's allegedly verbatim account of the actual negotiations can be crosschecked, it proves misleading. Consider the volatile exchange between U.S. President Bill Clinton and the Palestinian delegation on day five of the summit. The Palestinians apparently insisted that before bargaining over land swaps, Israel had to accept the June 1967 borders as a baseline: whatever land Palestinians conceded on these borders would have to be compensated. Clinton, however, demanded that Palestinians exchange maps with Israel without Israel committing itself to the June borders as the baseline. Here is Ross's rendering of what ensued:

> The President had had enough, and he let it rip. He said this was an outrageous approach. He had risked a great deal in having this summit. He had been advised not to take this risk. He disregarded this advice because he felt it necessary to do all he could to reach an agreement. But this was an outrageous waste of his time and everyone else's time. He had offered a reasonable approach that did not compromise Palestinian interests. They lost nothing by trying it, and Abu Ala was simply not willing to negotiate. No one could accept what he was asking for. He [Clinton] would not be a part of something not serious, and this wasn't serious, it was a mockery. Arafat had given his agreement to what the President was asking for and now he comes to the meetings and finds an outrageous approach—and he repeated, shouting now, "an outrageous approach." At this point, the President stood up and stalked out. (p. 668)

Yet, judging by authoritative accounts, Ross omitted a crucial passage from Clinton's reproach to the Palestinian negotiators: "This isn't the Security Council here. This isn't the UN General Assembly. . . . I'm the president of the United States."[10] Thus, even while rejecting the Palestinian position, Clinton implicitly acknowledged—correctly—that the Palestinians were

merely reiterating UN resolutions and international law calling for full Israeli withdrawal from the occupied Palestinian territory, with allowance for minor and mutual land swaps.

Barak Gives, Arafat Pockets

The essence of Ross's explanation for Camp David's failure, repeatedly set forth, is that whereas Barak made huge concessions at Camp David, Arafat, having a "tendency to pocket" (p. 686), made none: "we kept moving toward [Arafat] without much movement from him" (p. 686); "the summit was about to collapse. The President had made his best effort, and now so had Barak. Arafat had said no to everything" (p. 693); "I had had it with [Arafat]. . . . here at Camp David he had not presented a single idea or single serious comment in two weeks" (p. 705); "he could not compromise or concede in order to end the conflict" (p. 767); "Palestinians . . . must give up the illusion that Arafat fostered: that they did not have to compromise on land or on refugees or on Jerusalem, and maybe most important, that they did not have to be responsible" (p. 775); "the Arafat legacy [is] rejecting compromise on the permanent status issues of Jerusalem, refugees and borders" (p. 808; cf. 749–50).

To assess Ross's thesis, it is useful first to look at the framework of what he calls the "basic trade-offs" required for resolving the conflict:

> on the western border, the Palestinians get the 1967 lines, but with modifications to take account of the Israeli settlements; on the eastern border, it's sovereignty for the Palestinians, with Israel's security needs met; on refugees, it's the general principle for the Palestinians in terms of reference to UN General Assembly resolution 194 (not the "right of return") and its practical limitation for the Israelis. (p. 663)

Seen in the light of international law, it is to be noticed that the "trade-offs" Ross ticks off require fundamental concessions from Palestinians, but none at all from Israel:

- The Palestinians must relinquish title to parts of the territory Israel conquered in 1967, although the world's highest legal body, the International Court of Justice, has ruled that "all these territories (including East Jerusalem) remain occupied territories," to which Israel has no legal title.[11]
- The Palestinians must accept the permanence of Jewish settlements, although, again according to the International Court of Justice, "Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of

international law."[12]

- The Palestinians must concede restrictions on the right of refugees to return to their homes, although respected human rights organizations "call for Palestinians who fled or were expelled from Israel, the West Bank or Gaza Strip, along with those of their descendants who have maintained genuine links with the area, to be able to exercise their right of return."[13]

What Ross depicts as the framework of necessary "trade-offs" and "compromises" for peace, then, consists entirely of losses for Palestinians and gains for Israel. Beyond this, Ross himself is obliged to acknowledge that Palestinians *did* make "meaningful concessions" on "three settlement blocs in the West Bank, accepting that the Jewish neighborhoods of East Jerusalem would be Israeli, and agreeing to Israeli early-warning sites in the West Bank" (p. 768; cf. pp. 635, 640, 667, 673–75, 723, 724–25). He also reports that Palestinians accepted the principle of swapping Israeli territory for the Palestinian territory Israel wanted to annex, as well as a cap on the number of Palestinian refugees permitted to return to Israel.[14]

Notwithstanding such concessions, in Ross's view the Israelis proved much more forthcoming. In his representation of the talks on day six of the Camp David summit, for example, he typically reports that Israel "had made big moves" (p. 674) granting Palestinian sovereignty over three outlying Arab neighborhoods in Jerusalem and 90 percent of the West Bank. The Palestinian negotiators stubbornly clung, however, to the demand for equal land swaps: "once the principle of swaps was accepted, then they could work out the modifications on the border" (p. 674), and "we recognize the Israelis have needs and we can address them once the principle of swaps is accepted" (p. 674). He concludes his narrative of the session as follows:

> Shlomo [Ben-Ami], in summing up, had said that he and Gilad [Sher] had come in the spirit that the President had asked. They came to make a deal, stretching well beyond their instructions. Unfortunately, he said, their Palestinian friends had not come in such a spirit, but he hoped they would consider carefully everything he had suggested and respond in kind. Saeb [Erekat] responded, appreciating the seriousness of the discussion but also claiming that he had gone very far on Jerusalem. He was out on a limb, accepting Jewish neighborhoods in East Jerusalem that most Palestinians considered illegal. Now the two sides should continue their negotiations. Gilad got angry and said this is rock bottom for us. "You think you can just take this as a new floor and negotiate from there. We came to make a deal, not to go into the souk [market]" . . . In our meeting with the President afterward, I said this is going to confirm Barak's worst fears: he moves in a big way, Arafat pockets it, and he is expected to move again in a way that will definitely go beyond

> his redlines. . . .We cannot ask Barak for anything more; the Palestinians have made that impossible. . . . You have to push [Arafat] back hard and say they moved and you didn't. Enough is enough. You have to say I cannot get you anything unless you move seriously. (pp. 674–75)

Like the Israelis, Ross testily observes, "We too had had enough of the Palestinian unwillingness to negotiate" (p. 677).[15]

Even if one accepts for argument's sake Ross's depiction of the Israeli position, what he deems Israel's "big moves" fell well short of what Palestinians could rightfully claim under international law. Would Ross have reckoned it "big moves" if the PLO had recognized Israeli sovereignty over Tel Aviv's suburbs and 90 percent of its territory within the pre-June 1967 borders? Ross acknowledges that the Palestinians had offered concessions on Jerusalem and on Israeli settlements based on the June 1967 borders and the principle of land swaps. In other words, what Ross deems the Palestinian "unwillingness to negotiate" met, and even surpassed, their legal obligations, while what "Arafat pockets" is what Palestinians were legally entitled to. One doesn't recall Ross reckoning it a "tendency to pocket" when Israeli leaders obtained Palestinian recognition of Israel's 1949 borders. A fitter use of the locution would perhaps be that Israel denied Palestinians their legally sanctioned rights while simultaneously pocketing the Palestinians' full recognition of them. "We have recognized Israel and agreed to its demands for secure borders, security arrangements and cooperation and coordination in security matters," a Palestinian negotiator complained a year after Camp David. "You pocketed this incredible historical concession and made more demands."[16]

Palestinian demands appear maximal while Palestinian concessions appear minimal because Ross ignores international law. It is not just "most Palestinians" who considered Israeli settlements in East Jerusalem "illegal," but international law as well. Allowing Israel to retain many of these settlements therefore constituted a huge Palestinian concession; yet, in Ross's account it goes unnoticed because the settlements' illegality is depicted as a Palestinian "perception." Similarly, with regard to Palestinian refugees, Ross explains that Israel could not recognize the principle of their right of return (let alone its implementation) because "no Israeli prime minister could be expected to make gut-wrenching compromises on all issues" (p. 743). For Israel to recognize in principle the Palestinian right of return, however, would signify not a compromise but the bare minimum recognition of a legal obligation. The real compromise would be for Palestinians to forfeit this right—which is exactly what they did, if not in principle, then in its restricted implementation. Mutatis mutandis this likewise applies to Israel's "gut-wrenching compromises" whether at Oslo or Camp David: the Israelis might have had to settle for much less than they *wanted*, but the Palestinians had to settle for much less than they were *owed*. To curb one's desires is fundamentally different from surrendering one's rights. In disregarding international law, Ross obscures this crucial distinction. Concomitantly, he obscures the fact that throughout the peace process, all the genuine concessions came from

the Palestinian side.[17]

From Rights to "Needs"

Ross does not simply ignore international law, however; he explicitly repudiates it. No doubt aware that the standard of rights is an encumbrance on his thesis, Ross substitutes for it the standard of "needs." Once having appointed himself the supreme arbiter of each side's needs, it is child's play for Ross to demonstrate Palestinian culpability. Thus, whereas Israeli demands mirrored their needs, Palestinian demands exceeded theirs: ergo, Palestinians bore sole responsibility for Camp David's failure. The case Ross mounts is irrefutable because it is tautological: Ross decided that the Palestinians were blameworthy because he decided that what Israel had offered was all the Palestinians needed.

The main innovation of Ross's narrative is to shift the framework of the peace process from rights to needs. This novel framework serves as (1) an analytic device to demonstrate Israeli flexibility and Palestinian intransigence and (2) a normative device for justifying a settlement that negates Palestinian rights. Consider Ross's representation of the negotiations on day five of the Camp David summit that climaxed in Clinton's outburst:

> In response to an Israeli map that showed three different colors—brown for the Palestinian state, orange for the areas the Israelis would annex, and red for transitional areas—Abu Ala was not prepared to discuss Israeli needs unless the Israelis first accepted the principle of the territorial swap and reduced the areas they sought to annex. The President at first tried to reason with Abu Ala, explaining that he could see "why this map is not acceptable to you. But you cannot say to them, not good enough, give me something more acceptable; that's not negotiation. Why not say the orange area is too big, let's talk about your needs and see how we can reduce the orange area and turn it into brown? If we focus on the security aspect and look at the Jordan Valley, we might discuss the security issues and see if we can reduce the orange area." Shlomo agreed with that approach—thereby signaling that he was open to reducing the orange area, which amounted to close to 14 percent of the total of the West Bank outside of Jerusalem. Abu Ala continued to resist. As he did, and he repeated old arguments about the settlements being illegal and the Palestinians needing the 1967 lines, the President's face began to turn red. (pp. 667–68)

The Palestinians appear to be uncompromising because they will not negotiate Israel's needs separately from their own rights. Contrariwise, Israel appears to be reasonable because it is willing to negotiate on the basis of reciprocal needs. Needs against needs: isn't this a fair

quid pro quo? Further, Israelis demonstrate flexibility by signaling willingness to reduce their needs, whereas Palestinians demonstrate inflexibility by not budging from their rights. Clinton attempts to reason with the Palestinians that the basis of negotiations is each party's presentation of its respective needs. The Palestinians respond by insisting that each party's needs must be set within, and subordinated to, the framework of rights: if Israel needs more than it is legally entitled to, then it must compensate. But, according to Clinton, a discourse of rights, not needs, is the wrong language. In the face of such unreason and intransigence, he justifiably (in Ross's judgment) explodes.

Yet, even Israel's "reduced needs" greatly exceeded its rights. Would Ross have praised Palestinians' flexibility if they had reduced their needs from 14 percent of Israeli territory to 10 percent? And would he then have faulted Israelis for having "continued to resist"? Moreover, whereas Palestinians seem uncompromising in Ross's account because they refused to forego the framework of rights, one is hard-pressed to name a conflict where negotiations were not anchored in rights. Was it incumbent upon Kuwait to negotiate its occupation on the basis of Iraqi *needs*? Earlier, Ross had explained that the U.S. negotiating strategy started from Israeli needs "because the Israelis held the territories, they were on the giving end" (p. 55). Was it on the basis of Iraqi needs that the United States conducted negotiations while Iraq held the territory of Kuwait?

Or consider Israel's negotiations with Egyptian president Anwar Sadat on the Israeli-occupied Sinai. Prior to the 1977 Camp David summit, Israel had emphatically insisted that Sharm al-Shaykh was "vital" to its security, with Moshe Dayan famously declaring that he would prefer "Sharm al-Shaykh without peace to peace without Sharm al-Shaykh." Similarly, when the Israeli-Egyptian negotiations at Camp David commenced, Israel asserted that the oil refineries, airfields, and settlements it had built in the Sinai constituted irreducible needs—and it bargained hard to retain them. Yet ultimately, it had to abandon all these "needs" on account of Egypt's legal title to the territory.[18]

Ross's entire narrative of Camp David is firmly embedded in this framework of needs. He reports that on the eve of the summit Israel had formulated "a basis for success": if Palestinians acquiesced in "modifying the Green Line to take account of . . . Israel's needs," while Israel made the "concession" of giving Palestinians the eastern border along the Jordan River, it "would mark the end of the conflict" (p. 636). He reports that on day one of the summit the United States proposed that the Green Line "would be modified as necessary" to meet Israeli "settlement bloc requirements." Although Palestinians had made clear that they "needed" the June 1967 border or a land swap as compensation, the United States decided "not to introduce the concept of a swap at this stage," because Palestinian needs did not carry the same imperative: it was merely something they "believed in" (p. 654). During talks preceding the Clinton Parameters, Ross reports, Palestinians objected to his advocacy of "Israeli positions that would deny the Palestinians what they needed to sell a deal: clear independence, sovereignty over the Haram, and a just solution of the refugee problem." "I was tough in my response," Ross continues. "They focused on their needs to the exclusion of the Israeli

needs" (p. 724). It will be noticed that Israeli needs, in Ross's calculus, systematically trump Palestinian rights.

In his conclusion, Ross observes that the "one unmistakable insight from the past about the Arabs" is that "No Israeli concession can ever be too big" (p. 762). However much Israel gives, the Arabs never "accept that Israel has needs as well—justifying compromise" (p. 763). What he neglects to mention is that no Israeli "concession" to the Palestinians required any sacrifice of its rights, whereas the Palestinians were called upon to sacrifice basic rights for the sake of Israeli needs. The compromise Israel (and Ross) proffered was not needs for needs, but Israeli needs at the expense of Palestinian rights. Indeed, didn't Israel embrace the "needs" framework precisely because under a "rights" framework it had to withdraw fully from the occupied Palestinian territory, not to mention allow for the Palestinian right of return? The same holds true for Israel's relations with the Arab world in general. "The kind of transformation that would make it possible for the Arab world to acknowledge that Israel has needs," Ross laments, "has yet to take place" (p. 763). Translation: Arabs have yet to understand that Israel's needs trump their rights.

"[T]here can be no deal" between Israel and the Palestinians, according to Ross, "unless each side is prepared to respond to the essential needs of the other. . . . [A]greements are forged . . . on the basis of reconciling needs" (p. 771). One might be forgiven for conceiving that agreements are generally reached on the basis of law and rights. But Ross explicitly repudiates this conception. Dissenting from the opinion of some of his American colleagues, Ross recalls:

> Aaron [Miller] was always arguing for a just and fair proposal. I was not against a fair proposal. But I felt the very concept of "fairness" was, by definition, subjective. Similarly both Rob [Malley] and Gamal [Helal] believed that the Palestinians were entitled to 100 percent of the territory. Swaps should thus be equal. They believed this was a Palestinian right. Aaron tended to agree with them not on the basis of right, but on the basis that every other Arab negotiating partner had gotten 100 percent. Why should the Palestinians be different? I disagreed. I was focused not on reconciling rights but on addressing needs. In negotiations, one side's principle or "right" is usually the other side's impossibility. Of course, there are irreducible rights. I wanted to address what each side needed, not what they wanted and not what they felt they were entitled to. (p. 726)

It is not immediately obvious why a standard of rights reached by broad international consensus and codified in international law is more "subjective" than a standard of needs on which there is neither consensus nor codification. On the issues at hand at Camp David, the

standard of rights was notably uncontroversial in international law. Although Ross asserts as a flaw of the rights standard that the respective parties typically disagree on it, this was not the problem during these negotiations. Clinton did not want to hear about UN resolutions and international law, but not because they lacked clarity. Israeli and U.S. negotiators fumed at any mention of rights *because* they knew exactly where such talk would lead.

What is most peculiar about Ross's argument is his apparent belief that his personal adjudication is less arbitrary than reference to a consensual body of laws. Leaving aside the strange premise that the transitory opinion of one should count for more than the received opinion of many, it is unclear what qualifies Ross for the role of philosopher-king.[19] On a professional level, his insights on the art of diplomacy will probably not make their way into a textbook,[20] while his lengthy affiliation with a think-tank created by the Israel lobby would seem to cast doubt on his claim to objectivity.

It is his wholesale dismissal of Palestinian needs that ultimately enables Ross to prove Palestinian culpability for Camp David's failure. Regarding the Palestinian state's eastern border, Ross delineated on day one of the Camp David summit that Palestinians had only "symbolic needs" whereas Israel had "very real and legitimate . . . concerns about security" (p. 655).[21] Regarding Jerusalem, Ross reasoned on day six of Camp David that, basically, Palestinians needed a token to recoup their losses, such as having an American embassy in a village abutting the city, so that they could pretend Jerusalem was their capital: "That would be a big symbol for Arafat. I said in addition the President could lead an international delegation that Arafat could host and take to the Haram, again symbolizing for the world, especially the Arab world, Palestinian control" (pp. 681–82). Regarding land, Palestinians did not need full compensation for the territory Israel coveted. Inasmuch as Gaza is one of the most densely populated areas on earth, and inasmuch as one aspect of the solution to the refugee problem was that Palestinians would return to the Palestinian state (but not Israel), one might have supposed that Palestinians might need, at a bare minimum, full territorial compensation. But Ross decided otherwise when formulating the Clinton Parameters: "I felt strongly about 6 to 7 percent annexation [by Israel] and I was not prepared to lower the ceiling. Nor was I prepared to introduce the idea of an equivalent swap" (p. 726).[22] When even *Israeli* negotiators proposed a smaller percentage of Israeli annexation, Ross reports being "furious"—which gives some sense of his nonpartisan tallying of Palestinian needs (pp. 748–9).[23] On the specific matter of land swaps, Ross had proposed on the eve of the Camp David summit that Israel "symbolically" exchange territory "as a way to provide the Palestinians with an explanation for the modification of borders" (p. 639). Regarding the refugees, too, Ross consistently maintained that Palestinians had only "symbolic needs" as against "Israel's practical needs" (pp. 655, 726).[24]

Judging from Ross's account, Camp David failed because Palestinians stubbornly clung to the illusion that they had real needs. Had they understood that all they really needed was symbols, Palestinians would have leapt at the generous Israeli offer.[25] The root of the

problem, again, appears to be that Palestinian "sense of entitlement": Camp David might have succeeded if only Palestinians grasped that they aren't real, actual human beings.

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Notes

[1] New York: Farrar, Straus, and Giroux, 2004. All parenthetical page references in the body of the text refer to Ross's book.

[2] Three distinct phases marked the Israeli-Palestinian peace negotiations of 2000–1: the Camp David summit in July 2000, the parameters President Clinton proposed in December 2000, and the Taba negotiations in January 2001. Ross's narrative covers the first two phases, with Taba getting barely a mention. For convenience's sake, "Camp David" will denote both the summit and Clinton proposals. However, where the distinction needs to be made, "Camp David summit" will denote the first phase and "Clinton Parameters" the second.

[3] For comprehensive accounts of Camp David based on eyewitnesses, see Charles Enderlin, *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995–2002* (New York: Other Press, 2002); Clayton E. Swisher, *The Truth about Camp David: The Untold Story about the Collapse of the Middle East Peace Process* (New York: Nation Books, 2004); and Jeremy Pressman, "Visions in Collision: What Happened at Camp David and Taba?" *International Security* 28, no. 2 (Fall 2003), pp. 5–43.

[4] According to Ross, UN resolution 242 did "not necessarily mean withdrawal from all the territories captured in 1967" (p. 815). To support this claim he cites the authority of UN Ambassador Arthur Goldberg and the Washington Institute for Near East Policy (WINEP) monograph *UN Security Council Resolution 242: The Building Block of Peacemaking* (Washington: WINEP, 1993). In fact the consensus of the Security Council (and General

Assembly) was that 242 called for full Israeli withdrawal from the territories it occupied in June 1967 apart from minor and mutual border adjustments. Goldberg himself is on record as subscribing to this interpretation during his negotiations with neighboring Arab states. In any event it is a moot point since the International Court of Justice authoritatively ruled in 2004 that Israel must withdraw from all territory conquered in the June 1967 war, including East Jerusalem, in accordance with the UN Charter principle barring acquisition of territory by force. (For details see Norman G. Finkelstein, *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History* [Berkeley: University of California Press, 2005], pp. 287–301.) As for the monographic evidence relied upon by Ross, its quality can be gleaned from statements such as "the Arab population of the West Bank and the Gaza Strip" is "often wrongly called 'The Palestinians'" (p. 6), and 242 "does not require the Israelis to transfer to the Arabs all, most, or indeed any of the occupied territories" (pp. 18–19).

[5] Eyal Benvenisti, *The International Law of Occupation* (Princeton: Princeton University Press, 1993), pp. 145–46.

[6] Benvenisti, *International Law*, pp. 215–16; cf. p. 187.

[7] Norman G. Finkelstein, *The Rise and Fall of Palestine: A Personal Account of the Intifada Years* (Minneapolis: University of Minnesota Press, 1996), pp. 53–56.

[8] Yoram Dinstein, *War, Aggression, and Self-Defense*, 4th ed. (Cambridge: Cambridge University Press, 2005), p. 302. David Cortright and George A. Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s* (Boulder, CO: Lynne Rienner, 2000). Marc Weller and Barbara Metzger, "Double Standards" (Negotiations Affairs Department, Palestine Liberation Organization, 24 September 2002).

[9] Swisher, *The Truth about Camp David*, pp. 184, 186 ("couldn't stand," quoting State Department colleague of Ross), 226–27, 228. Enderlin, *Shattered Dreams*, pp. 58, 232 ("in league," quoting Arafat). See also Ron Pundak, "From Oslo to Taba: What Went Wrong," *Survival* 43, no. 3 (Autumn 2001), pp. 40–41, which reports that "the American government seemed sometimes to be working *for* the Israeli Prime Minister, as it tried to convince (and pressure) the Palestinian side to accept Israeli offers" (emphasis in original), and "Lessons of Arab-Israel Negotiating: Four Negotiators Look Back and Ahead" (National Press Club, 25 April 2005), where Aaron Miller observes that "far too often, we functioned in this process, for want of a better word, as Israel's lawyer" (transcript available at www.mideasti.org). Pundak is Director-General of the Peres Center for Peace in Tel Aviv and participated in Israeli-Palestinian negotiations during the Oslo years, while Miller was on the American delegation at Camp David.

[10] Enderlin, *Shattered Dreams*, p. 202; Swisher, *The Truth about Camp David*, p. 275 (citing Enderlin).

[11] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion* (International Court of Justice, 9 July 2004), 43 IL M 1009 (2004), para. 78.

[12] *Legal Consequences*, paras. 119–120; cf. para. 99. For the World Court opinion, see also Norman G. Finkelstein, "Reconciling Irreconcilables" (forthcoming).

[13] Amnesty International, "The Right to Return: The Case of the Palestinians, Policy Statement" (30 March 2001). Human Rights Watch issued nearly identical statements; see "Human Rights Watch Urges Attention to Future of Palestinian Refugees" (22 December 2000), and "Israel, Palestinian Leaders Should Guarantee Right of Return as Part of Comprehensive Refugee Solution" (22 December 2002).

[14] Ross occasionally suggests that it was Palestinian negotiators rather than Arafat himself who offered these compromises—e.g., "We had continually moved toward [Arafat]; while his negotiators moved, he had not moved at all" (p. 708). However, Ross neither adduces evidence to sustain this claim, nor is it plausible that the positions presented by Arafat's negotiators fundamentally differed from his own. Moreover, Ross seems unaware that, were he correct, his book would make little sense: What point would there be to reporting in minute detail the positions of Palestinian negotiators if they represented no one except themselves?

[15] Echoing the Israeli negotiators, Ross writes that "the Palestinians had come more to maneuver in the souk than to negotiate a deal" (p. 675). On a side note, although the metaphor is right, the Israeli negotiators apparently got its subject wrong. According to Pundak, it was not the Palestinians but Barak who "dragged his feet and treated the talks like a Persian market. Abu Mazen—the Palestinian architect of the Oslo accord . . . —repeatedly recommended that the general principles guiding the Permanent Status Agreement be established at the outset. . . . But Barak, fearing he would 'expose' his position too early in the game, rejected this proposal" ("From Oslo to Taba," p. 39).

[16] Cited in Ron Pundak, "Camp David II: Israel's Misconceived Approach," p. 7, online at www.peres-center.org/media/upload/229.pdf.

[17] Compare these passages from Ross:

> In the first meeting on territory and borders, Abu Ala tried a new tack. Whereas previously he would not discuss security until the Israelis accepted the Palestinian

> concept of their eastern border, now he added the condition that he would not discuss possible modifications to meet Israeli needs on the western border unless he knew that the total size of the Palestinian territory would remain unchanged. As he put it, so long as the Palestinian state would comprise the 6,500 square kilometers that currently made up the West Bank, Gaza, and East Jerusalem, he could consider modifications to meet Israeli needs; if not, he could not. This was Abu Ala's way of trying to get the Israelis to concede both the eastern border and equal swaps of territory as conditions for considering Israeli needs. This was, of course, a prescription for going nowhere. (pp. 663–64)

and

> Shlomo [Ben-Ami] . . . persuasively argued it was time for both sides to give up their myths. Israel was giving up its myths: being in the Jordan Valley forever and not dividing Jerusalem. These myths were as central to Israel's belief system as the right of return was to the Palestinians. It was time for both sides to accept reality and surrender their myths. (p. 721; cf. p. 4)

In the first instance Ross deems the Palestinian tack a nonstarter because it demands from Israel the impossible "concessions" of recognizing the legitimate Palestinian border and compensating Palestinians for the Palestinian territory Israel covets, while in the second instance he puts on the same plane of unreality Israel's claim on the Jordan Valley and all of Jerusalem, and the Palestinian right of return, even if the former claim has no legal basis whereas the latter one does (leaving aside that Palestinians did in effect surrender it).

[18] See Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict*, 2nd ed. (New York: W. W. Norton, 2003), pp. 157–71 (Dayan quote at p. 159).

[19] Nor does Ross's administrative judgment exactly overwhelm. He reports, for example, that his colleague Toni Verstandig "had an intuitive feel for economic development" (p. 106). This feel was on full display at the Camp David summit. Interposing herself during the intense deliberations between Israeli and Palestinian negotiators over water, Verstandig said:

> "I'm not going to allow these piddly issues to be a stumbling block to a peace agreement!" With that, witnesses recalled, she took the eraser, wiped off the

> formulations, and with a piece of chalk drew an elongated dollar sign. After slamming the chalk down and facing the group, her words would leave them speechless: "Just tell me how much!" (Swisher, *The Truth about Camp David*, pp. 296–97)

[20] For example, "it is good to learn your interlocutor's position before revealing your own" (p. 54), "when you have momentum, don't stop; build on it, and work around the clock" (p. 277), "when you can close an issue, do so" (p. 403), "surprise always stretches the time needed to overcome problems" (p. 437).

[21] In fact the Jordan Valley apparently had no military value for Israel. Shlomo Ben-Ami refers to it as a "mythological strategic asset" (Shlomo Ben-Ami, *Scars of War, Wounds of Peace: The Israeli-Arab Tragedy* [New York: Oxford University Press, 2006], p. 270), while Ross himself reports that "Even the IDF acknowledged that the eastern border in the Jordan Valley and along the river was less significant than historically thought" (p. 636) and that it was one of "Israel's myths" that it "could never surrender the Jordan Valley lest it give up its essential security border" (p. 774; but cf. p. 616).

[22] Some 1.4 million Gazans live on 365 square kilometers of land, or 4,000 Gazans per square kilometer, as compared to the Israeli population density of 300 per square kilometer. Ross was hardly unaware of these grim realities when he decided Palestinians could do with less territory, for he himself quotes Palestinians on this point:

> Saeb [Erekat] spoke of enlarging the size of the swap area adjacent to Gaza to relieve the terrible population density there. [Muhammad] Dahlan was especially poignant on this subject, observing that we were asking for 8 percent annexation of the West Bank to accommodate 80 percent of Israel's 200,000 Israeli settlers. He pointed out that they were asking us to increase the size of the swap area to relieve the pressure on 1.2 million Palestinians living in Gaza—an area roughly equal in size to the area we now said the Israelis would need to annex for the "comfort" of their settlers in the West Bank. (p. 724)

[23]In his epilogue, Ross seems to sanction Israel's annexation of a much higher percentage of the West Bank in the event of a unilateral Israeli withdrawal. Putting aside the veracity of the various percentage-offers he cites, the basis of his revised calculation perplexes. Reporting that

Israel will need to annex 15–20 percent of the West Bank to absorb about 75 percent of the settlers, he writes: “At Camp David and again in the Clinton ideas we spoke of three settlement blocs that could accommodate 80 percent of the settlers. But we were focused on an agreement that would annex these areas to Israel and for which there would be some territorial compensation to the Palestinians” (p. 798). The Clinton Parameters called for Israeli annexation of about 5 percent of the West Bank. If Israel could absorb 80 percent of the settlers on the basis of a 5 percent annexation, why does it need to annex 15–20 percent of the West Bank to absorb 75 percent of the settlers?

[24] It appears that Barak shared Ross’s conception of Palestinian needs. For example, just prior to the Camp David summit he estimated that in the event of a peace settlement Israel “would need $23 billion to meet security and resettlement needs” and an additional “$10 billion in loan guarantees,” whereas “he saw the Palestinians needing $5 billion” (p. 500). Israel’s per capita national income hovered around $17,000, Palestine’s around $1,000.

[25] Ross’s contempt for Palestinians is of a piece with his treatment of Arafat. He warns Arafat that “there better not be any surprises tomorrow. No holdups, no questions, no reluctance to sign. Any of that takes place and you lose President Clinton. Understood?” (p. 207). He impresses on Arafat that “it is remarkable that the President took time out from campaigning to call you” (p. 286), and browbeats Arafat to “not let Clinton down” (pp. 301, 416). Before an encounter with Netanyahu, he threatens Arafat “Don’t just come to the meeting, make sure you give me a gift from that meeting that I can take to President Clinton” (p. 302). Later, he wows Arafat, saying that “President Clinton was prepared to assume the ‘risk and responsibility’ of launching an American initiative to save the peace process. These words, I said, should convey great meaning to you” (p. 341), and chides Arafat that “he had disappointed President Clinton . . . there were costs for him in disappointing Clinton” (p. 372). It seems a fair inference that Ross didn’t speak in this tone to Asad, and the reason is not hard to find. “Barak was also far more attracted to dealing with Hafez al-Asad than to dealing with Yasir Arafat,” Ross reports. “In his eyes, Asad was everything Arafat wasn’t. He commanded a real state, with a real army, with thousands of tanks and hundreds of missiles” (p. 509; cf. p. 90). Like Barak, Ross evidently respected the Syrian strongman, whereas Arafat was seen as just a two-bit terrorist.