

RELEASE IN PART  
B6

**From:** Jake Sullivan [redacted]  
**Sent:** Tuesday, June 16, 2009 12:22 AM  
**To:** H  
**Subject:** Kurtzer

B6

Just wanted to be sure you saw the Kurtzer op-ed, which ran Sunday in the Post. Kudos to Jonathan Prince for getting this written and placed.

## The Settlements Facts

By Daniel Kurtzer  
Sunday, June 14, 2009

Faulty analysis of the Israeli settlement issue is being passed off as fact. Charles Krauthammer's June 5 column, "The Settlements Myth," is one example.

Here are the facts: In 2003, the Israeli government accepted, with some reservations, the "road map" for peace, which imposed two requirements on Israel regarding settlements: "GOI [Government of Israel] immediately dismantles settlement outposts erected since March 2001. Consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements)."

Today, Israel maintains that three events -- namely, draft understandings discussed in 2003 between Prime Minister Ariel Sharon and U.S. deputy national security adviser Stephen Hadley; President George W. Bush's April 14, 2004, letter to Sharon; and an April 14 letter from Sharon adviser Dov Weissglas to national security adviser Condoleezza Rice -- constitute a formal understanding in which the United States accepted continuing Israeli building within the "construction line" of settlements. The problem is that there was no such understanding.

The first event the Israelis cite is the 2003 discussions on a four-part draft that included the notion that construction within settlements might be permitted if confined to the already built-up areas of the settlements. The idea was to draw a line around the outer perimeter of built-up areas in settlements and to allow building only inside that line. This draft was never codified, and no effort was made then to define the line around the built-up areas of settlements. Nonetheless, Israel began to act largely in accordance with its own reading of these provisions, probably believing that U.S. silence conferred assent.

Second, President Bush's 2004 letter conveyed U.S. support of an agreed outcome of negotiations in which Israel would retain "existing major Israeli population centers" in the West Bank "on the basis of mutually agreed changes . . . ." One of the key provisions of this letter was that U.S. support for Israel's retaining some settlements was predicated on there being an "agreed outcome" of negotiations. Despite Israel's contention that this letter allowed it to continue building in the large settlement blocs of Ariel, Maale Adumim and Gush Etzion, the letter did not convey any U.S. support for or understanding of Israeli settlement activities in these or other areas in the run-up to a peace agreement.

In his 2004 letter to Rice, Weissglas addressed the issue of the "construction line," saying that "within the agreed principles of settlement activities, an effort will be made in the next few days to have a better definition of the construction line of settlements in Judea & Samaria." However, there never were any "agreed principles of settlement activities." Moreover, the effort to define the "construction line" was never consummated: Israel and the United States discussed briefly but did not reach agreement on the definition of the construction line of

settlements. Weissglas's letter also promised "continuous action" to remove all the unauthorized outposts, but Israel removed almost none of them.

Throughout this period, the Bush administration did not regularly protest Israel's continuing settlement activity. But this is very different from arguing that the United States agreed with it. In recent days, former senior Bush administration officials have told journalists on background that no understandings existed with Israel regarding continued settlement activity.

Commentators also focus on the Obama administration's reiteration that a freeze must include the "natural growth" of settlements. Krauthammer says that this "means strangling to death the thriving towns close to the 1949 armistice line . . . It means no increase in population. Which means no babies." This is nonsense. No one suggests that Israelis stop having babies. Rather, the blessing of a new baby does not translate into a right to build more apartments or houses in settlements. The two issues have nothing to do with each other. Israelis, like Americans, move all the time when life circumstances -- children, jobs, housing availability -- change.

The pattern of population growth in the territories actually undercuts the natural-growth argument. Since 1993, when Israel signed the Oslo Accords, Israel's West Bank settler population has grown from 116,300 to 289,600. The numbers in East Jerusalem increased from 152,800 to more than 186,000. This goes far beyond the natural increase of families already living in the settlements. Inserting the provision of "natural growth" in official documents started with the 2001 Mitchell Report and the 2003 "road map," reflecting recognition that the concept was being abused as a justification for expanding settlements. The Obama administration is pursuing policies that every administration since 1967 has articulated -- that settlements jeopardize the possibility of achieving peace and thus settlement activity should stop. This does not diminish the Palestinians' responsibilities, especially their commitment to stop violence and terrorism and uproot terrorist infrastructure. President Obama emphasized this in his Cairo speech. But Palestinian failures in no way justify Israeli failure to implement their road map commitments with respect to settlements and outposts. It is time for Israel to freeze all settlement activity and dismantle the unauthorized outposts.

*The writer, U.S. ambassador to Israel from 2001 to 2005, is a visiting professor of Middle East policy studies at Princeton University's Woodrow Wilson School of Public and International Affairs.*