

# **UNITED NATIONS INTERNATIONAL MEETING IN SUPPORT OF THE ISRAELI-PALESTINIAN PEACE PROCESS**

*Ending the occupation and establishing the Palestinian State*

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**CHECK AGAINST DELIVERY**

## **PLENARY I**

**The state of the political process and prospects for peace**

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## **Negotiating Israeli-Palestinian peace: Lessons learned from previous negotiations**

Few peace negotiations in our time have been so exhaustively dissected as those between Palestinians and Israelis. Many of the principal actors have been quick to publish their own thoughts in analyses filled with blunt comments on the errors made by others and by themselves. Poring over the respective narratives can be confusing as if one were trapped in a Near Eastern version of the Japanese classic film *Rashomon* where each witness to the same murder swears by his own “truth”, each presenting a different view of the subject. I contribute a “truth” based on my own experience during the Reagan Administration in the “**What Hasn’t Worked**” section below.

The passage of time has complicated the efforts of those trying to advance a peaceful settlement. Palestinians and Israelis alike have lost faith in the process. For Israelis the Palestinian call for the right of return has always been heard as a coded signal for the destruction of Israel. Palestinians see tightening controls over who has the right to live in Jerusalem and the West Bank as proof of a plan to block their aspirations for a sovereign state and, ultimately, to achieve their mass expulsion. In a word, today’s atmosphere for would be negotiators is poisonous.

The skepticism of the Netanyahu government about peace prospects is increasingly shared by the Israeli public which often cites the example of Gaza as showing bad faith on the part of Palestinians. The Israeli narrative asserts that the withdrawal of the IDF and settlers from that territory five years ago was rewarded by rockets. For Palestinians that withdrawal only brought increased Israeli controls over access to Gaza by land, sea and air and was accompanied by the shut down of the Israeli labor market. Palestinians also believe that the Israeli closure of Gaza is an effort to “divide and conquer” the Palestinians and force Egypt to take responsibility for Gaza. They see Israel’s unilateral withdrawal as a deceitful move designed to cultivate good will abroad which left Gazans worse off than before. Gazans argue that Israel’s closure of Gaza’s borders is an act of war that justifies a Palestinian response.

On May 9 a milestone was reached when Israel and the Palestinians agreed to start proximity talks under American auspices. This was scarcely a dramatic achievement, however, since there had been sixteen years of direct talks before they collapsed with the Gaza offensive. The American administration has correctly cautioned against high expectations or rapid progress. Nonetheless, as one observer has noted “despite denials, the key element of the resumption is the de facto suspension of new Israeli construction activity in East Jerusalem, a necessary step to bringing the Palestinians to the negotiating table.” That same day the State Department warned against action by either party that could again derail the talks saying “If either takes significant actions during the proximity talks that we judge would seriously undermine trust, we will respond to hold them accountable and ensure that negotiations continue.” This represents

a game change: the United States is again actively involved in working for an agreement rather than leaving the two sides to their own devices.

The United States is talking about timing citing its expectation that an agreement can be reached in two years. This is probably the maximum time to maintain pressure against Israeli expansion without an agreement. September 10 is the interim deadline when suspension of Israeli construction in the West Bank is scheduled to expire and when proximity talks are expected to end, followed by direct negotiations.

In the United States, this emphasis on timing reflects both the political judgment of the Administration and ferment in public opinion about the Israeli-Palestinian conflict. Certainly there is no weakening of Congressional or broader public support for the survival and security of the state of Israel and some critics of President Obama accuse him of exerting more pressure on Israel than on the Palestinians and Arab countries. Yet there is a discernible uneasiness in the American Jewish community about the *status quo* in the region. Their support for the Administration's efforts on behalf of a peaceful solution will be essential. There are thoughtful articles appearing in the American press about diminishing support for Israeli government policies on the part of younger American Jews. The linkage to which General David Petraeus publicly testified between the unresolved Arab-Israeli confrontation and the situations in which American troops are engaged in Iraq and Afghanistan has had an even broader impact on American public opinion.

The potential impact of a fresh American approach to the peace process may be diminished by attitudes in the region. Neither party feels itself sufficiently pressured either by exhaustion or a sense of urgency to reach a settlement. Israelis are economically prosperous, well armed, and relish the protection of the West Bank wall. For them the *status quo*, if not ideal, is relatively comfortable. Their economic and military power has fed their readiness to retaliate massively against any level of Palestinian violence. They justify this policy as the only way to avoid any appearance of a lack of will to survive in a hostile environment. Palestinians express deep frustration and suspicion but many have fallen into the fatalistic assumption that somehow time and demography will bring them justice. But for now while foreign aid has provided economic support for Palestinians on the West Bank, there is little real development there, and Gazans suffer under the siege imposed by Israel with the acquiescence of most of the international community.

While these respective mind sets are worrisome, it is premature to conclude that the majority of Palestinians reject negotiating a peace agreement or that most Israelis seek permanent occupation of the West Bank, a continuing suppression of Gaza or to exist surrounded by hostile neighbors as its only future. Polls show that majorities in both societies still support a two state solution, at the same time doubt that it is attainable. Among Israelis, Defense Minister Barak is not alone in recognizing publicly that if there is to be only one state called Israel between the Mediterranean and the Jordan River, Israelis will have to accept living with an eventual Arab majority. In this case they will be forced to adopt some version of *apartheid* to preserve its Jewish character. The

alternative of an equitable, viable two state solution will not be around forever and at present it is unclear that Israel is ready for its implications.

Is there any appetite for a mediation effort broader than one led by the Americans? During his recent visit to Damascus, the Russian president asserted his country's desire to play a role. The creation of the Quartet during the Bush Administration suggested that there might be a new American readiness to work with other partners. However, signs persist that the US remains possessive of the mediator's role. That said, no one disagrees that a settlement will have to be internationally blessed and there are two major platforms to build on: the Arab League initiative of 2002 and the Clinton Parameters.

### **Lessons from past negotiations.**

There are four general principles which Palestinians and Israelis, as well as any external mediator(s), should keep in mind:

1. the Palestinian and Israeli people in the end must want to reach agreement. Peace cannot be imposed.
2. most successful negotiations have involved progress in secret Arab and Israeli meetings before an external power could be an effective mediator.
3. mediation will not succeed if it gives priority to the needs of one side over the other. The need to assure Israeli security and achievement of Palestinian rights are equally compelling.
4. external mediation needs to focus immediately on the Israeli-Palestinian process but, in order to succeed, at some stage must be expanded to include Syria and Lebanon, who otherwise might disrupt negotiations. They too must be part of a regional peace. An accompanying resolution of Iran's conflict with Israel and the West should also be a goal, but the process should not be held hostage to Iranian policy.

### **What works:**

--precise agreements. Framework agreements involving broad and vague principles will not be enough to motivate and sustain the energies of negotiators. Nonetheless there must be a document setting forth principles guiding negotiations as contained in relevant UN resolutions, international law and signed agreements.

--clarity about the end game coupled with respect for each other's needs and treatment of each other as having equal needs..

--specifics of what each party sees as the contents of peace and what compromises each will have to offer to achieve it. The Oslo Accords, for example, have been faulted as being insufficiently clear that the end of road would mean withdrawal to '67 lines,

implementation of the right of return in a mutually acceptable manner and a clear division of Jerusalem.

--agreement on mechanisms for implementation and monitoring.

--no exaggeration of the importance of incremental steps. These were once seen as the way to build trust and confidence but too often have ended up doing the opposite.

--holding the parties accountable for violating undertakings.

### **Three policies which haven't worked and will not work.**

#### **--exclusion of principal players from the negotiations.**

After the June War the US coordinated closely with Jordan on matters affecting the West Bank on the assumption it would be both possible and desirable to restore Jordanian sovereignty over that territory. Washington decided that this meant it would have no dealings with the PLO. At the 1974 Rabat Summit, the Arab League formally identified the PLO as the sole legitimate representative of the Palestinian people. In 1975 Washington, with Israel's strong encouragement, codified its original stand, no dealings with the PLO until that organization affirmed Israel's right to exist, accepted UN Security Council resolutions 242 and 338 and forswore violence. We maintained that policy even after King Hussein in 1988 declared that he would no longer be responsible for the West Bank. There were a variety of tortured efforts to establish channels to the Palestinians including attempts to organize a meeting between American officials and "non-PLO Palestinians". The latter effort was challenged by Israel, Jordan and the PLO and never took place. Even after Hussein's decision, and mounting pressure from European allies, the UN and others to start a dialogue, the US government refused to talk to the PLO. Washington waited for Arafat to commit the PLO publicly, using precisely the same formulation as in 1975. He eventually did so at a special meeting of the UN General Assembly in Geneva in December 1988. This led to the beginning of the US-PLO dialogue in Tunis forty eight hours later.

Washington congratulated itself that it had prevailed with a principled position. But it was a pyrrhic victory. Perhaps those principles helped negotiators achieve the Oslo Accords a few years later but the Israeli leadership continued to distrust Arafat and the PLO. Today Washington will not engage with Hamas until it has met the conditions set by the Quartet, which are roughly those demanded of Arafat in 1975.

Was this sensible? My "truth" is that a generation ago we wasted valuable time by insisting that Arafat speak the magic words and that it would be a mistake to repeat this policy. We cannot know for certain whether an American engagement with the PLO in 1975, or even earlier, might have improved the prospects for Palestinian-Israeli peace. What is clear, however, is that during those 13 years, 1975-78, there was a sustained Israeli program of settlement construction which criticisms from Washington and the

international community failed to stop and which have become a major obstacle to progress in peace making.

In addition, negotiations will likely fail without, at some stage, a new unity agreement between the Palestinian Authority in the West Bank, and Hamas in Gaza. The U.S. should encourage this, since Israel is unlikely to make peace with a divided Palestinian partner.

--an **imposed peace**.

The United States has had poor results when it has tried to impose a solution. Recall the Rogers Plan (1964), the Reagan Plan (1982) and that of Clinton in 2000. The Obama administration has undoubtedly thought about different scenarios even before the proximity talks got underway. The options could range from promotion of a comprehensive regional peace plan, including Israel and Syria and implementation of the 2002 Arab Peace initiative, a comprehensive plan for Israeli-Palestinian agreement addressing all core issues, or a deal just on security arrangements, deferring agreements on refugees, Jerusalem and borders. While a new dynamic may emerge from the proximity talks, it is most unlikely that the US will produce its own ideas until proximity talks and a period of direct talks have taken place.

--**Palestinian violence**. As noted above, Israel has long operated on the assumption that its Arab adversaries respect force and that it must respond massively to any physical violence perpetrated by Arabs.

### **What might work:**

For that reason passive resistance might be the better course for the Palestinians to follow although in the face of so much resentment and built up hatred it may be too late for this. It is worth noting the protest by the Israeli Foreign Ministry which described Ramallah's call for a boycott of Israeli goods produced in the settlements as "incitement and an effort to delegitimize the state itself." This reaction has bemused foreign observers and suggests that even so minor a Palestinian boycott action, along with other forms of passive resistance, might have a positive influence on Israeli policy.

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