

# U.S. Policy and the Israeli-Palestinian Impasse, Part II: Assessment and Prospects

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Brief Analysis

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**Given the imposing obstacles to a near-term breakthrough, the time may be right for a fundamental rethink of U.S. strategy on the peace process.**

**O**n April 4, 2014, Robert Satloff, Dennis Ross, and David Pollock addressed a Policy Forum at The Washington Institute. The following is an edited version of Satloff's presentation; [read Part I, which summarizes Ross's remarks \(http://www.washingtoninstitute.org/policy-analysis/view/u.s.-policy-and-the-israeli-palestinian-impasse\)](http://www.washingtoninstitute.org/policy-analysis/view/u.s.-policy-and-the-israeli-palestinian-impasse). Pollock's observations were published as [PolicyWatch 2237 \(http://www.washingtoninstitute.org/policy-analysis/view/palestinian-public-opinion-offers-abbas-much-room-for-maneuver\)](http://www.washingtoninstitute.org/policy-analysis/view/palestinian-public-opinion-offers-abbas-much-room-for-maneuver).

## A CONTEXT OF TURMOIL

**T**he current impasse in Israeli-Palestinian talks is buffeted by a series of profound global and regional challenges, including Ukraine, Iran, and Syria, among others. In the immediate arena, while Israel and the Palestinian Authority may have dysfunctional political and diplomatic relations, they also have reasonably effective security cooperation and economic coordination. Therefore, a principal challenge for U.S. policy and for local leaders is to find ways to preserve, even enhance, the latter even as disagreement over the former worsens.

This is the environment in which Secretary of State John Kerry launched his peace initiative. In contrast to decades past, when one could argue that the strategic implications of resolving the Israeli-Palestinian conflict were clear, it is very difficult to make that argument today. Indeed, one could argue that some regional crises may even be aggravated by Israeli-Palestinian progress; neither Iran nor al-Qaeda welcomes a two-state solution, for example, and both would likely seek to undermine serious efforts to achieve it.

## THE KERRY APPROACH

**W**hile it is legitimate to question the strategic rationale for intensive American diplomacy on this issue, Secretary Kerry deserves high marks for the tactical adroitness with which he has approached it. Essentially, he adopted tactics precisely opposite from those used by President Obama in 2009. In contrast to that abortive effort, Kerry started with the premise that the issue of Israeli settlements would be resolved in the course of negotiations rather than as a precondition to them. He sought to understand Israel's priorities, which Prime Minister Binyamin Netanyahu reportedly listed as gaining approval for limited but long-term Israeli military presence along the Jordan River, along with Palestinian recognition of Israel as the nation-state of the Jewish people.

In the context of a framework agreement that included these priorities or even a statement of U.S. positions that reflected them, Netanyahu was evidently willing to make significant concessions, including acceptance that territorial negotiations would be based on the 1967 lines plus land swaps. Regrettably, it was not to be. A key reason seems to have been PA president Mahmoud Abbas's increasingly stiff opposition to the "Jewish state" idea, despite Yasser Arafat's statements supporting such recognition years ago. More to the point, the Obama administration, including the White House, was reluctant to pressure Abbas into making substantial concessions on this or other key issues.

The superficial but commonplace narrative ends with a "plague on both their houses" assessment of what led to the current impasse. This is evident, for example, in official White House statements such as spokesman Josh Earnest's April 2 assessment that the administration was "disappointed" by the "unhelpful, unilateral actions both parties have taken in recent days." But this is not an accurate assessment of what happened.

First, it does not account for the actual tick-tock of recent events. Last week, Israel was poised to approve an enlarged deal on prisoner releases, and Netanyahu evidently needed a day or two beyond the target date to secure coalition support. Yet despite knowing Netanyahu's effort and intention to complete the deal, and despite having a month left in the overall negotiation window, Abbas proceeded with the first step of his "Plan B" on April 1 -- internationalizing the conflict.

Second, it is difficult to identify precisely to which "unilateral" Israeli steps the White House spokesman was referring. Surely he was not equating the PA's move -- seeking accession to fifteen international treaties and conventions, something the Palestinians specifically committed not to do -- with the bureaucratic issuance of tenders for apartments inside the municipal boundaries of Jerusalem, a routine step that would never reach the office of the Israeli prime minister and something that Israel never pledged it would not do.

Third, this narrative overlooks the intra-administration jockeying over the peace process. It is no surprise that the White House and State Department have been at odds over key aspects of foreign policy, including Middle East policy, for several months. This includes disagreements over the use of force in Syria and policy toward the post-Morsi military-led government in Egypt. It should be no surprise that there are differences on the peace process too. Indeed, when the history of this episode is written, it will include not only chapters on Secretary Kerry's difficulties in negotiating with Israelis and Palestinians, but also a fascinating chapter on his equally difficult negotiations with the White House.

## **LOOKING FORWARD**

**I**t is important to note that while diplomacy may be on life support, it is not necessarily dead. Abbas most likely prefers direct diplomacy over the UN route; he may have taken initial steps on the latter path because he has been stung by attacks from former PA security chief Muhammad Dahlan as well as pressure from hardline elements in Fatah. Standing up to America and Israel helps him regain popularity and legitimacy. From this perspective, the Palestinians' UN gambit may be a prelude to returning to the negotiating table. If so, the "431 deal" -- in which Israel would release 400 new Palestinian prisoners and the last tranche of 30 old prisoners, while the United States would

release convicted spy Jonathan Pollard, all in exchange for Palestinian suspension of UN efforts and continuation of peace talks through 2015 -- may still be on the table.

Impasse, however, remains more likely. A look at the specific UN conventions Abbas signed suggests a long-term strategy is at work. In general, joining the fifteen conventions is designed to enhance Palestine's status as a state-in-the-making. Although some of them may have the welcome effect of constraining the excesses of the Palestine Liberation Organization (PLO), such as the convention on fighting corruption, others could be used as vehicles to battle Israel in other forums, such as the convention on genocide. While most observers focus on the PA's longstanding threat to join the International Criminal Court, this first step is serious too, as underscored by the threat that chief negotiator Saeb Erekat reportedly made to Israeli minister Tzipi Livni in their heated meeting last week: "If you escalate the situation against us, we will pursue you as war criminals in all the international forums."

The problem with this strategy is that it does not get the Palestinians any closer to statehood. Just as Israelis seek Palestinian recognition of Israel as a Jewish state because only the Palestinians can provide the legitimacy they seek, so too one would expect the Palestinians to do everything possible to maintain negotiations with Israel because it is the only actor that can provide the most basic ingredient of statehood -- land.

In contrast, a Palestinian strategy of internationalization puts Israelis on the defensive. Israel is not without assets, however, including relations with key governments, international institutions, and private corporations that are more resilient than many believe. The real challenge for Israel is to sustain important security and economic relations with the PA while battling the PLO on the international political and diplomatic front. In this regard, it is important to note that Maj. Gen. Majid Faraj -- the head of Palestinian general intelligence and a key player in security cooperation with Israel -- is also co-head of the Palestinian negotiating team, suggesting that Abbas is signaling some linkage between security and diplomacy.

For the United States, this may be the time for a fundamental rethink of strategy. Given everything else going on in the world, however, a top-to-bottom rethink is unlikely. The path of least resistance would be for the president and Secretary Kerry to say they have done their best, promise to work against the PLO's UN gambit (though probably not with too much enthusiasm), and refrain from imposing serious costs on either side (ironically, cutting aid to the PA is unlikely because Israel would protest, citing the important security ties noted above). In other words, the most likely response is former secretary of state James Baker's "here is our phone number" approach.

But the problem with that response is that history does not stand still; indeed, as Ukraine shows, it can even move backward. If the process remains stalled, some Israelis will likely push for unilateralism of varying types, with the left emphasizing a pullout from much of the West Bank and the right urging annexation of key territory. For their part, some Palestinians will likely call for more direct resistance to Israel, especially when it becomes apparent that the UN gambit can achieve little. Still others will call for new, more assertive leadership; the increased prominence of security barons Dahlan, Jibril Rajoub, and Mahmoud al-Aloul is a sign that the Palestinian succession battle is already joined. Hopefully, some figures will also stand up and say the obvious: "We Palestinians have no choice but to go back and talk with the Israelis if we are ever to get what we want." So far, those voices are few and weak.

For Washington, it is essential to plan for all possibilities. If the administration were willing to devote the time and effort needed to fully rethink its approach, there are several different paths it could pursue. **[Dennis Ross outlined \(http://www.washingtoninstitute.org/policy-analysis/view/u.s.-policy-and-the-israeli-palestinian-impasse\)](http://www.washingtoninstitute.org/policy-analysis/view/u.s.-policy-and-the-israeli-palestinian-impasse)** some aspects of "coordinated unilateralism"; others include the following:

- The administration could release the Kerry framework document and try to whip up international support for it. A more ambitious variation of this would be to coordinate with the Europeans and align Washington's preferred outcomes with its actual policies. This could have huge implications for U.S. relations with Israel and the Palestinians,

neither of which would like the entire package -- a fact that may itself drive them back into negotiations with each other. (This approach will be fleshed out in an upcoming study by Washington Institute adjunct fellow Einat Wilf, a former member of the Israeli Knesset.)

- Washington may also want to revisit its approach to Palestinian leadership -- not because the United States should play the game of choosing new leaders, but because transition is bound to happen anyway, either through Abbas's passing or through more confrontational means within Palestinian politics. Rather than manipulate this process in favor of a specific person, Washington should articulate the characteristics of leadership that would merit U.S. support. Returning to the principles of democratic governance outlined in President George W. Bush's June 2002 Rose Garden speech would be valuable. (Some would suggest that Washington do the same regarding Israeli leadership, but the fact is Israeli democracy has no problem producing free, fair, and open elections at regular intervals.)
- Perhaps the most important step Washington can take toward resurrecting real Israeli-Palestinian peacemaking lies in pursuing a broader regional mandate: namely, to reinvigorate the ideas of American engagement, American strategy, and American leadership among Middle Easterners. After all, current Israeli-Palestinian diplomacy -- like so much else going on in the region -- remains an American-led process. Therefore, actions that affirm effective U.S. leadership on other regional and international issues -- Iran, Syria, Ukraine, and so forth -- would undoubtedly be the most effective tonic for a broken peace process.

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