

# Setting the Stage for New Peace Talks

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Jul 22, 2013

## ABOUT THE AUTHORS



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Brief Analysis

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**The various calculations and concessions that brought Israelis and Palestinians back to the negotiating table are mostly encouraging, but the tough decisions all lie ahead.**

**O**n July 19, Secretary of State John Kerry announced that Israel and the Palestinian Authority had "established a basis" for renewing peace negotiations after a nearly three-year standstill. Yitzhak Molcho, a top advisor to Israeli prime minister Binyamin Netanyahu, is expected to join Justice Minister Tzipi Livni and chief PA negotiator Saeb Erekat for meetings in Washington, perhaps within the next two weeks. Palestinian officials say they are still awaiting some unspecified clarifications from the United States before resuming talks. In the meantime, the initial discussions that Kerry has led since April and the political environment within Israel and the PA could provide analytical clues about how the negotiations might unfold.

## STATUS QUO UNDERMINING ISRAELI INTERESTS

**A** new motif emerged during the Kerry mission: Netanyahu publicly railing against the status quo. Specifically, he has been emphasizing that Zionism is based on Israel remaining Jewish and democratic, and that these traits will not persist indefinitely if Israel fails to reach an agreement with the Palestinians. Most recently, his office just released a quote from his Sunday cabinet meeting in which he stated that holding talks is a "vital strategic interest" because Israel is keen on "preventing the creation of a binational state between the Jordan River and the Mediterranean Sea."

For his part, PA president Mahmoud Abbas has not emphasized any new rationale for negotiations except the statement he made about Israel in early July: "They are our neighbors, and we recognize them as such. We must live together in security and stability." Given the mistrust between the parties, a positive Palestinian rationale for the talks (besides the obvious desire to end occupation) is important amid skepticism about the prospects for a breakthrough. Polls show that while a majority of Israelis and Palestinians favor a two-state solution, each side is

convinced that the other is not serious. Leaders must therefore find ways to rally their publics around compromise and provide justifications for new talks. This is especially important because hardliners on both sides will likely intensify their opposition if negotiators make progress.

## THE SILVER LINING OF LOW EXPECTATIONS

**A**nother theme of the pre-negotiations phase is that right-wing politicians in Netanyahu's government did not bother to block new talks because they are convinced the process will fail. In particular, they firmly believe that Abbas will not make a deal. Deputy Foreign Minister Zeev Elkin, an internal critic of Netanyahu's two-state policy, said he favors talks but called his dispute with the prime minister over Palestinian statehood "theoretical," apparently due to his belief that the PA will not sign a deal. Similarly, leading politician Avigdor Liberman has called Abbas an obstacle to peace and apparently does not believe that Israel will have to seriously consider tough concessions to the Palestinians. Thus far, the various settler factions have not spoken out against Netanyahu's decision either, though their silence may be based on factors other than low expectations.

For his part, Netanyahu clearly wants to minimize his critics' ability to undermine the talks. This was part of the reason why he refused a pre-negotiations commitment to base the outcome of any deal on the pre-1967 borders, as requested by the Palestinians. Right-wing leader Naftali Bennett said his party would bolt the coalition if the prime minister made such a promise. Netanyahu has also signaled that no final agreement with the PA will receive his government's consent until it is approved by a national referendum. He even raised the specter of new elections to ratify the results of negotiations. Given the precedent of Ariel Sharon -- who split the Likud and formed a new party when his ruling faction was not sufficiently supportive of the 2005 Gaza disengagement -- some have speculated that Netanyahu might do the same in the event of a breakthrough.

## AVOIDING BLAME

**I**n light of Abbas and Netanyahu's mutual doubt regarding each other's commitment to reaching a deal, many questioned whether Kerry would succeed in getting them back to the table. Yet Kerry was apparently able to exploit another shared sentiment between the two leaders: the desire to avoid U.S. blame for failing to resume talks. Israel did not want to be blamed because it would face even greater risk of diplomatic isolation from Europe and elsewhere.

For the Palestinians, the issue was about not just blame, but also concern that another failure would end U.S. peace efforts for the remainder of President Obama's second term, especially given the various other crises Washington faces at home and abroad. It is an open question whether this mutual fear of being blamed will be sufficient to keep the parties at the table, or just enough to get them there.

## BEYOND THE NEGOTIATING TABLE

**O**ff-the-table concessions and benefits also played a role in jumpstarting talks, and such moves will likely continue as the negotiations unfold. For example, it is no coincidence that Kerry and international peace envoy Tony Blair chose the former's peace mission earlier this spring as the moment to announce a \$4 billion economic development package for the West Bank. The Palestinians had to assume that if they spurned Kerry, the assistance would not be forthcoming.

Moreover, Abbas knew everyone wanted the PA to return to the table, so he used this leverage to secure two concessions: a phased release of approximately eighty Fatah prisoners convicted by Israeli courts before the 1993 Oslo Accords, and limitations on Israeli settlement growth (it is unclear if these limits apply to all settlements or just the less-heavily-populated nonbloc areas). For its part, Israel apparently secured a commitment from Abbas not to return to the UN to further upgrade the PA's status as long as negotiations continue for the next six to nine months.

# STRUCTURAL ISSUES

All parties seem to have learned at least one lesson from the three weeks of negotiations that took place in 2010. At the time, the process entailed that the leaders themselves negotiate -- a politically risky arrangement that quickly produced an impasse. This time, with Livni, Molcho, and Erekat acting as negotiators, neither leader will be exposed to controversial obstacles too early. Although significant decisions must ultimately be made by the leaders, backchannel efforts can still help break the types of deadlocks that occur in formal talks.

Yet Kerry's understandable focus on simply getting the parties to the table has obscured important substantive and structural issues regarding the new talks. As a result, questions abound. Will the parties attempt to negotiate all issues, including Jerusalem and refugees, or will they defer sensitive narrative and symbolic matters and deal with practical issues first, such as territory and security? Will they deal with issues in sequence or in parallel working groups? What will the U.S. role be in direct negotiations between the parties? Will Washington put its own ideas on the table or stay outside the room? Some reports indicate that the United States will name veteran Middle East diplomat Martin Indyk as special envoy, but this has yet to be made official.

The regional role is uncertain as well. Arab leaders gave Abbas political cover last week by saying they support the Kerry peace initiative; ideally, that will continue once the difficult business of negotiations begins. In Egypt, the military's ouster of the Muslim Brotherhood government could constrain Hamas's ability to cause mischief, but the situation obviously remains fluid. Meanwhile, the European Union -- Israel's largest trade partner -- decided last week not to fund any Israeli activities in the West Bank and east Jerusalem. In addition to potentially affecting future trade agreements, this move could harden Palestinian attitudes on the need to compromise if the PA believes it can count on Brussels to press Israel outside the negotiating room.

## CONCLUSION

Given the many issues left open for the negotiators, Kerry will likely be adding to his tally of trips to the region in the near future. Indeed, high-level attention will be paid as the parties face critical policy decisions, though not at the pace of the past few months. Kerry has brought the Israelis and Palestinians together for the first time in three years, but the tough decisions on the terms of peace itself all lie ahead.

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