

Beyond the Freeze Deal:

A New Agenda for U.S. Efforts on the Peace Process

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Brief Analysis

The recent announcement that the Obama administration has ended efforts to negotiate a ninety-day extension of Israel's moratorium on West Bank settlement construction is more opportunity than embarrassment. After twenty-two months of near-fruitless efforts to promote Israeli-Palestinian negotiations conditioned on a total cessation of Israeli settlement activity, the administration can finally focus its efforts on the substance of its diplomatic mission -- to test the tantalizing proposition that the current Israeli and Palestinian leaderships may be closer to agreement on the core issues at contention than is commonly recognized.

Dark Clouds and Silver Linings

By any measure of success, Washington's peace diplomacy deserves a reset. After identifying Middle East peace as a high priority and appointing a top-level envoy on the second day of his administration, President Obama cannot be proud of the fact that there has been less progress in Arab-Israeli diplomacy on his watch than during any presidency since Lyndon Johnson.

Although several factors contributed to this poor record, a central reason -- now broadly recognized by key decisionmakers in the administration -- was the misplaced decision to junk the tacit understanding on Israeli settlement construction limitations reached under the George W. Bush administration, and instead insist on a total freeze of Israeli settlement activity as a condition of U.S. engagement in diplomacy. This new position elevated a tactical issue to center stage, fed a damaging and flawed narrative about the impossibility of diplomatic progress without a freeze, denied both the Israeli and Palestinian Authority (PA) leaders room for political maneuver, and distracted attention from promising opportunities to address core issues on the negotiation agenda. Without Israeli-Palestinian agreement regarding what would happen on day ninety-one, an additional ninety-day settlement freeze would only have exacerbated these problems, not resolved them.

What is little appreciated in this moment of reassessment -- a codeword from the 1970s that American diplomats are at pains to avoid using today -- is how ripe the Israeli-Palestinian arena may be for progress.

First, Israeli prime minister Binyamin Netanyahu commands overwhelming support from the Israeli public for his view that peace requires the creation of an independent Palestinian state that is demilitarized in terms of offensive

capabilities, based on the repartition of historic mandatory Palestine. He has privately indicated to the White House (in a manner that reportedly satisfied President Obama), that if his agreement can be reached on security arrangements and recognition of Israel's status as the legitimate and accepted homeland of the Jewish people in a final arrangement that ends all Palestinian claims on Israel, he believes a compromise is achievable on the Palestinians' territorial requirements.

It is important to note that Netanyahu is the third Likud prime minister in a row to endorse the two-state solution, though the previous two -- Ariel Sharon and Ehud Olmert -- did so after leaving the party that brought them to the height of power. While the current Israeli government is an unwieldy, hydra-headed beast that is unlikely to survive a major breakthrough toward real peace with the Palestinians, three other facts are also true: (1) no major political figure on the Israeli political scene opposes the two-state objective; (2) the current right-heavy government has not lost a single member of Knesset, let alone cabinet minister, as a result of either Netanyahu's support of the two-state views or his implementation of the ten-month settlement moratorium; and (3) in the event the government crumbles because the prospect of real peace entails too much compromise for some of its constituent parts, Netanyahu has alternatives without having to resort to new elections.

Another promising indicator is that the "West Bank first" strategy designed after Hamas' 2007 takeover of Gaza to show rapid progress in the security, economic and institutional situation of what remained of PA-controlled territory is succeeding. Thanks to creative and persistent effort by PA prime minister Salam Fayad, prudent support by President Mahmoud Abbas, enlightened self-interest on the part of Israel's security establishment, and important advice and aid from the United States and other international partners, the West Bank today is being transformed.

Especially noteworthy is that the great leap in such progress over the past two years -- security cooperation with Israel, imposition of law and order, economic growth and vitality, improvement in government services, and so forth -- occurred precisely when there was no movement at all on the diplomatic front. While this does not mean that top-down diplomatic progress is unconnected to bottom-up practical progress -- to the contrary, the existence of an organic link between the two directions of peacemaking is recognized universally -- this does mean that something has taken hold on the ground that reflects the very real interests of both Israelis and Palestinians. In that sense, continued progress is even more important than it is commonly viewed to be.

In addition, the separation between the PA-led West Bank and Hamas-led Gaza, combined with the deadlock in "reconciliation" efforts between these bitter rivals, has opened a window of opportunity for Abbas to make decisions without having to temper his positions to take account of Hamas as a junior partner in government. Given Abbas's refusal to bury the hatchet with Hamas and the PA's tough measures against the group's operatives in the West Bank, it is well understood that Hamas will attack him no matter what he says or does. With this certain opposition comes a measure of freedom that, should he wish to exploit it, should provide Abbas leeway to avoid having to hide behind the lowest common denominator of Palestinian public opinion and instead to test whether leadership can bring Palestinians to statehood based on equitable compromise with Israel. Although the West Bank-Gaza division precludes full implementation of any peace deal, it is urgent to test the idea that this same divide offers hope that the PA leadership, unfettered by the chains of intra-Palestinian unity, may actually be able to make a deal.

Turning a New Leaf

In this environment, the demise of the U.S.-Israeli settlement freeze proposal gives Washington the opportunity to engage in a different type of diplomacy to advance President Obama's goal of Israeli-Palestinian peace. Key elements should include:

- Testing the potential areas of Israeli and Palestinian diplomatic progress through an intensive exercise at winning parallel deposits from each party as to what it would be willing to do, on core issues, should the other meet essential

conditions. This would not be a return to the dead end of proximity talks, which were, in practice, talks about talks. Rather, it would be high-level engagement with leaders exploring a set of hypotheticals: If the Palestinians acceded to Israel's security requirements, what territorial withdrawal would be on offer? If the Israelis indicated a willingness to meet Palestinian demands for negotiations based on the 1967 ceasefire lines (with mutually agreed changes), what security arrangements would Palestinians countenance? How would Israeli and Palestinian confidence in each other's commitment to security and territory, respectively, affect perceptions on Jerusalem? These exchanges -- which would require discretion, candor, and authoritativeness -- would not replace eventual direct negotiations, but they would prepare to launch them at a much more advanced stage than is currently the case.

- Complementing this exploration of high diplomacy with a U.S. decision to give equal diplomatic, bureaucratic, and political weight to the bottom-up process as it does to the top-down process. At the moment, the former is the poor stepchild to the latter. Top-down is sexy and headline grabbing, while bottom-up is messy, unattractive, and to many, boring. That mindset must change.

A good way to do that is, as former U.S. and Quartet official Robert Danin has argued, to endow a high-level U.S. official with responsibility for promoting this effort. This official's responsibility should include strengthening the strong foundation that the PA has begun to lay for the efficient provision of services; the fair and speedy administration of justice; the effort to root out radical Islamist, anti-peace, and anti-Israel sentiment from schools, mosques, and public discourse; and the further reduction of PA reliance on donor aid for budgetary support.

At the same time, his or her charge should include deepening Israeli-Palestinian practical cooperation on a broad array of security and economic issues. A key element of this task is to explore a series of phased, coordinated steps each side could take -- especially on issues of security responsibility over different zones of territory -- that would anchor the existing progress and insulate bottom-up achievements from vicissitudes in the top-down process. While appointing a new outside envoy for this task is not a requirement for effective policymaking, if Washington takes this part of peacemaking as seriously as it should, then having mid-ranking U.S. Agency for International Development officials run the effort is not the right model either.

- Channeling the embarrassment of Arab leaders over their WikiLeaks revelations into making real their now-famously hollow commitments to support Palestinians and, more broadly, advance Arab-Israeli peace. As regards the former, the current moment is a rare opportunity to prod Arab leaders into tangible support for the Palestinian institution-building effort and, more generally, to convince them to provide definitive, unconditional, and open-ended cover for Abbas to make decisions on key negotiating issues in the name of both Palestinian and wider Arab interests.

On peacemaking itself, the WikiLeaks moment is an opening to work with Arab leaders on operationalizing the Arab Peace Initiative, first proposed in 2002. So far, Arab diplomacy on that initiative has been nonexistent; Arabs have no strategy to achieve it other than repeated calls on Israel to withdraw to the 1967 lines as a precondition for any real Arab-Israeli engagement, along with self-defeating threats to turn to the United Nations as an alternative to the hard work of peacemaking. This is a pose, not a policy. As Bahrain's crown prince argued at the Manama Dialogue last week, Arabs need to be bold and creative vis-a-vis incremental normalization with Israel if they too are not to miss what could be an opportunity for real progress.

Taken together, this is a new agenda for Middle East peacemaking. It represents the fact that the failure of the past

two years was due not so much to collapsed negotiations or a fundamental flaw in the two-state concept, but largely to bungled U.S. tactics. Therefore, the course correction is to fix the U.S. approach and not for the United States to shift direction to another negotiating track (e.g., toward Syria) or for Israelis or Palestinians to choose unilateral options over improved diplomacy. At the heart of this new U.S. approach is a different mindset about the process -- one that values the achievement of goal-driven though incremental progress over setting deadlines, making public demands, and trying to satisfy some elemental wish to be viewed popularly as working toward Middle East peace. This is likely to require major, systemic changes in the internal U.S. decisionmaking apparatus on this issue, which will itself have implications throughout the administration.

This strategy may not work, of course. The spoilers are powerful and the obstacles are high. The potential for conflict on Israel's northern border -- a conflict that could escalate into multifront fighting -- is regrettably real. The persistence of mixed messages from Washington on such a basic issue as whether Iran should believe that the threat of military force is or is not on the table is deeply damaging to U.S. power and influence in the region. And, even with the best of intentions, which should not be taken for granted, there may just not be a deal in the offing.

But for an administration that has identified the pursuit of Israeli-Palestinian peace as a top foreign policy priority, failure to change course, rethink strategy, and put the resources, personnel, and energy into testing the proposition that real progress is possible would itself be a failure tantamount to the two years the process has lost already.

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