The Final Months:

Clinton Administration Options on the Peace Process

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Brief Analysis

With talks completed between senior Israeli and Palestinian negotiators at a northern Virginia hotel, following Monday evening's tête-à-tête between Ehud Barak and Yasir Arafat, this week has marked the beginning of the Clinton administration's last big push to achieve Israeli-Palestinian peace. As the countdown to January 20, 2001 proceeds, the administration faces a difficult set of options to achieve its long-sought breakthrough on the peace process.

Background The Camp David II summit in July broke new ground on all issues, yet failed to clinch a deal. Since then, the parties have engaged in mutual recrimination, accusing the other of backsliding since the summit. At the same time, new ideas have emerged on some issues, such as the recently mooted proposal to endow the U.N. Security Council with sovereignty on the Temple Mount/Haram al-Sharif. (According to this idea, the Council would then award custodianship of the mosques on the Mount to the Palestinians and some form of sovereignty over non-mosque areas on the Mount to the Israelis.) The flurry of diplomacy that began this week, orchestrated by the United States, is designed to end the drift and determine whether there is a basis for reconvening Camp David and closing the deal. Washington is working on the premise that its mediation is required to achieve a breakthrough but that the parties are still too far apart to make such summitry worthwhile. The expiration of the Clinton presidency in January 2001 is not, of course, the only red-letter date governing the administration's strategy. Three other key dates are: October 29, when the Israeli parliament (Knesset) reconvenes following its summer recess to consider votes to oust Barak and set a date for early elections; the U.S. presidential (and New York senatorial) election on November 7; and the date defined by the Palestinian Central Council as the next benchmark for considering a unilateral declaration of independence (UDI) for statehood, November 15.

Talking and Bridging Monday night's meeting in Barak's Kochav Yair home was significant if only for the fact that it happened. The lack of a constructive working relationship between the two leaders has been a powerful undercurrent of the Israeli-Palestinian relationship. The two barely met during the fifteen days of Camp David and a wall of mistrust has emerged between them. Each seems to fear that the other is interested only in pocketing concessions rather than viewing compromise within the wider context of give and take. With high-level contact now restored, Washington's aim is to nudge--gently and quietly--the two sides to exceed their positions at Camp David in

a bid to narrow the gaps. This is no simple task, for each believes it made breathtaking concessions. Barak, for example, broke the taboo subject of sharing Jerusalem, offered to yield virtually 90 percent of the West Bank to an independent Palestinian state, and permitted in principle a certain (as yet uncertain) number of Palestinian refugees to enter sovereign Israel. For his part, Arafat agreed to the expansion of pre-1967 Israel to incorporate settlement blocs housing the vast majority of Jewish settlers and seemed to reconcile himself to a highly circumscribed "right of return." Yet, as all the parties now attest, distinct gaps remain on all the core issues: Jerusalem, territory, refugees, and security.

Options The Virginia talks with acting foreign minister Shlomo Ben Ami and Palestinian negotiator Saeb Erekat were the first opportunity for the U.S. team to convey, in verbal fashion, its ideas on how far each side needs to go in order to clinch a deal. These talks, however, are just the first step. From here on, the United States stares into a political minefield as it considers what sort of agreement is possible within the lifespan of this administration (and this Israeli prime minister) and how to achieve it.

1) A Full Deal. This is a daunting-some claim impossible-task. It means resolving all outstanding issues, including such ultra-sensitive issues as sovereignty over the Temple Mount/Haram al-Sharif. Still, the advantage of a full deal is that it seizes the opportunity to reach an accord while all three key decision-makers are in office: Arafat, Barak, and Clinton. If the parties cannot reach a deal on their own-and there is no expectation they will-the U.S. may either put forward its own plan or call a summit, or both. Each of these approaches entails risks.

A Bridge Too Far? Recognizing the political sensitivities of pushing too openly and forcefully for an "end-of-conflict/end-of-claims" deal now, the administration is wisely avoiding, at this moment, putting forward its own written bridging proposal. Such a proposal would be interpreted as constituting concrete American policies on issues that Washington has long said must be negotiated between the parties themselves. Such a plan would essentially lock the U.S. into new policy at a time that when it is not clear that such a compromise would fit Israeli and Palestinian requirements. Furthermore, in terms of policy, a plan that is dead-on-arrival, as was the 1982 Reagan Plan, would undermine the U.S. mediation effort; in terms of politics, a "split-the-difference" approach would almost surely embroil the administration in the internal Israeli and Jewish battle over whether Barak has already gone the extra mile to reach an accord. In contrast to a written bridging document, verbal U.S. proposals could be useful in enabling the parties to climb down from untenable positions, plus allowing them to accept American ideas rather than the proposal of the other antagonist.

Camp David Redux? Should the parties narrow the gaps between them to the point that a potential agreement is in sight, the administration will have to decide whether it once again calls the principals-Barak and Arafat-to a presidential summit/meeting. After all, it is hardly likely that lower-level discussions will solve this dispute if even the fifteen days at Camp David were insufficient. But given the proximity of U.S. elections, there are indications that the White House worries that Republicans would seize on a second: an "October flop" instead of an "October surprise." Hence, the administration has raised the bar as to how close the parties need to be before a summit is reconvened; the goal is to make the next summit a virtual formality.

2) A Deal without Jerusalem. For the United States, there is obvious appeal in opting for a lesser deal, one that defers the Jerusalem problem but still encompasses a number of the key trade-offs achieved at Camp David-including the negotiated independence of a Palestinian state. Yet, the appeal is deceptive, due to the passions surrounding this issue, as underscored by today's riots on the Temple Mount following opposition leader Ariel Sharon's visit to the contested holy ground. Just this week, Gaza preventive security chief Mohammed Dahlan said the Palestinian Authority could not accept such a deal, arguing that "delaying the issue of Jerusalem means the struggle is not over. All the groups that are anti-peace, Jewish, and Palestinian, will concentrate on the issue of Jerusalem and the struggle would be moved from a political struggle to a religious one." Indeed, this is the fear of the Israeli public, as

well. In fact, on this issue, Israeli and Palestinian public opinion appears to be aligned. Israel fears that deferral of Jerusalem would indeed mean no end of conflict, as Dahlan suggests, while the Palestinians fear that deferral would mean the indefinite postponement of a discussion about a core demand.

3) Wait for the Transition. The fear of suffering an embarrassing diplomatic failure just prior to the November election is not the only factor weighing heavily in the minds of administration officials. There are strong indications that the Palestinians prefer waiting until after the U.S. election in November, which could explain why Arafat has shown no eagerness to offer his own post-Camp David compromise ideas to match Israel's. In remarks to The Washington Institute ten days ago, Palestinian Authority (PA) minister for international cooperation Nabil Sha'ath suggested that Camp David could be completed after the election, just as the U.S.-PLO dialogue of 1988 was initiated during the transition period between Presidents Reagan and Bush. According to this view, Clinton would be free from domestic political concerns and could then put forward bridging ideas that would be more favorable to the Palestinians. Alternatively, the transition period might provide an opportunity for the U.S. president to take the politically unpalatable step of recognizing a unilaterally declared Palestinian state.

There are, however, strong arguments against this "transition" strategy. First, unlike the recognition of the PLO in 1988 that was opposed by the Israeli government of the day, a peace accord with the Palestinians would, by definition, require Israeli consent and there is no reason to believe a lame-duck administration has the power to press Israel (or the means to entice Israel) to accept unpalatable proposals. Second, a UDI that is not coordinated with Israel could produce chaos on the ground and the Clinton administration is unlikely to want its dying days to be spent managing a self-induced violent clash between Israelis and Palestinians.

And third, waiting until November runs the risk that there is no Israeli partner with whom a deal could be negotiated. Barak could be effectively ousted from office by October 29, when the Knesset reconvenes. (Due to Knesset regulations, Barak may have sufficient parliamentary strength to withstand a no-confidence vote, but insufficient support to withstand a vote for new elections.) The Palestinians believe Barak could remain in power with a coalition of 60 out of 120 votes, but this would include banking on at least three, if not more, avowed right-wing Knesset members who potentially could be part of a makeshift coalition. All it would take is for one of the three to bolt and there would be early elections. If the Knesset opts for new elections, some in the Clinton administration may nevertheless be tempted to try to reach a peace deal with Barak, regardless of the latter's lame-duck status. However, even if Barak were to consent to this approach-and he is currently insisting the talks must be completed sometime in October-he could negotiate only at a considerable disadvantage. Many, not only his traditional critics, would question his legitimacy charging him with putting politics ahead of the nation's future.

4) Mini-Statehood Fallback. According to this scenario, Barak reconfigures a grand government to include Likud leader Sharon (keen to prevent the return to power of Benjamin Netanyahu, who may reengage in politics following the attorney general's decision yesterday not to prosecute him for corruption charges). In such a scenario, many final status issues are deferred to another time. However, Barak and Sharon could agree on recognition of a Palestinian state, which might claim the full West Bank but would only have effective control over Areas A and B, equaling 40 percent of the West Bank. The advantage of such an approach is that neither side would be confronted with gut-wrenching decisions on Jerusalem, refugees, and territory, at this moment. On the other hand, Barak's and Clinton's goal of resolving the Israeli-Palestinian conflict in its totality-including a declaration of no new Palestinian claims-will have slipped away for the foreseeable future.

Conclusion The next month will determine which set of goals the administration sets for itself and the peace process and which set of tactics it adopts to achieve them. But while the administration expires on January 20, 2001, the implications of the decisions adopted by the Clinton peace team in the coming days will reverberate far into the next administration.

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