Winds of Change in the Middle East: How Israel Can Retake Initiative in the Palestinian Arena

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Twice in the last two decades the Palestinian leadership has proved unwilling to sign a comprehensive peace agreement based on terms offered by an Israeli premier. Instead, they preferred a strategy of "holding out for a better deal" over one of compromise that would entail facing the domestic backlash from making painful concessions; they opted to appeal to the international community to deliver on their demands, and the situation in the arena of conflict has moved further in the direction of a "one-state reality." However, recent changes in regional dynamics and the election of President Donald Trump are heralding in an era in which Palestinian refusal to negotiate in the hopes for strengthening their position in the future will yield meagre results. At the same time, the government of Israel may be more appropriately positioned to make a bold move towards peace than it appears on a superficial level. Therefore, the timing appears ripe to make a new effort to work on multiple tracks to change the trajectory of the conflict towards a two-state reality by using methods that aim to cultivate and utilize Palestinian cooperation, but are not dependent on it.

Palestinian Intransigence and Internationalization of the Conflict

In the anticlimactic culmination of years of interim agreements and negotiations between the Israelis and Palestinians, Yasser Arafat rejected the forth-coming offer that Prime Minister Ehud Barak made at the Camp David Summit in 2000. According to Middle East hand Rob Malley, Barak had been elected on the platform of maintaining a unified Jerusalem, opposing land swaps, and offering the Palestinians about 80% of the West Bank, and he would eventually make dramatic concessions on all three of those positions; Arafat, however, would not budge on most major issues. President Bill Clinton was enraged that Arafat spoiled his chance for a legacy as the man who made peace between Israelis and Palestinians, and he reportedly yelled at the Palestinian leader saying:

If the Israelis can make compromises and you can't, I should go home. You have been here fourteen days and said no to everything. These things have consequences; failure will mean the end of the peace process.... Let's let hell break loose and live with the consequences.²

Instead of an agreement, Clinton left behind a set of parameters³ and strong reason to doubt whether Arafat was serious about signing a deal. The Palestinian Authority's ultimate response to Barak's willingness to make concessions did not come via diplomatic cable but through the barrel of a gun – support

¹ This article was finalized on April 2017

² Robert Malley and Hussein AGHA. "Camp David: The Tragedy of Errors," *The New York Review of Books*, 9 August, 2001, www.nybooks. com/articles/2001/08/09/camp-david-the-tragedy-of-errors/.

³ For the parameters see: White House. "Clinton Proposal on Israeli-Palestinian Peace," 23 December, 2000, www.usip.org/sites/default/files/Peace%20Puzzle/10_Clinton%20Parameters.pdf.

for a popular uprising that would last several years and cost a great deal of Israeli and Palestinian blood. Eight years later, after the Israeli withdrawal from Gaza and a concerted effort to restrict settlement construction, Prime Minister Ehud Olmert offered terms to the Palestinians even more generous than those of Barak. According to the former Prime Minister:

[T]he two sides had agreed on key principles: the state of Palestine would have no military; an American-led international security force, not Israeli soldiers, would be stationed on its border with Jordan; Jerusalem would be shared, with its holy sites overseen by a multinational committee; and a limited number of Palestinian refugees would be permitted back into what is now Israel, while the rest would be generously compensated.⁴

Yet President Mahmoud Abbas, like his predecessor Yasser Arafat, failed to seize the historic moment and instead chose not to respond to the Israeli offer. Observers attribute the breakdown of these talks to a variety of possible reasons, including Abbas's skepticism that Olmert had the ability to execute an agreement while mired in corruption charges (and Tzipi Livni and Ehud Barak are alleged to have whispered as much into his ear), Abbas's (correct) belief that President George W. Bush would soon be replaced by a US president who was more friendly to the Palestinian agenda,⁵ or Abbas was simply unwilling to take the final step and make the concessions necessary to reach an agreement. Since then, little progress has been made in bringing the two sides closer to peace, because the Palestinians have little interest in returning to the negotiating table. The PA has adopted a strategy that seeks to strengthen its negotiating position by bringing the conflict before international bodies. The PA leadership believes that by doing so, they can increase international pressure on Israel and isolate it politically, economically and culturally because the international community has adopted positions on the conflict that are in line with those of the PA. In turn, the international community will push Israel to make further concessions without demanding comparable steps from the Palestinians. After the Palestinians' most recent victory in this arena, the 14-0 vote on UN Resolution 2334 which was a possible segue to proceedings against Israel in the International Criminal Court (ICC), a confidant of President Abbas declared this strategy "a war without bullets." However, even if the international bodies do not succeed in pressuring Israel to make further concessions, the Palestinians believe that their leverage over Israel will increase; this is based on their assumption that failure to reach an agreement will steadily move the conflict in the direction of a one-state reality that would mean the destruction of Israel. They have been convinced of this, in part, by the statements of international leaders, such as US Secretary of State John Kerry, who in their zeal to reach an agreement declare that such is Israel's future without one. The PA reasons that this impending destruction will force Israel to act with a great sense of urgency to avert this disaster, and therefore will sell its interests in later peace negotiations for pennies on the dollar.

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Although it may have ideological components as well, the Palestinian desire to avoid making concessions on key issues at the present time is probably

⁴ Ethan Bronner. "Olmert Memoir Cites Near Deal for Mideast Peace," *New York Times*, 27 Jan, 2011, www.nytimes.com/2011/01/28/world/middleeast/28mideast.html.

⁵ "What Commentary Gets Wrong About Olmert-Abbas Negotiations," *The Daily Beast*, 28 May, 2013, www.thedailybeast.com/articles/2013/05/28/what-commentary-gets-wrong-about-olmert-abbas-negotiations.html.

⁶ "Abbas confidant: We'll take 'hundreds' of IDF soldiers to ICC this year," *Times of Israel*, 26 December, 2016, www.timesofisrael.com/abbas-confidant-we-will-take-hundreds-of-idf-soldiers-to-icc-this-year/.

⁷ David E. SANGER. "Kerry Rebukes Israel, Calling Settlements a Threat to Peace," New York Times, 28 December, 2016, www.nytimes.com/2016/12/28/us/politics/john-kerry-israel-palestine-peace.html?_r=0.

also based on a realistic assessment of its limitations. Even if the PA could sign a deal with Israel in April 2017, it is not clear that it could survive the public backlash against it because of its tremendous legitimacy deficit: as Palestinian scholar Ghaith al-Omari noted recently, the Palestinian leadership simply does not have the legitimacy in the eyes of its people that previous Arab leaders have needed to reach a peace agreement with Israel.8 If the PA did survive the backlash of an agreement, its ability to implement any such comprehensive deal in both the Hamas-ruled Gaza as well as the West Bank should not be taken for granted. This is unlikely to change for the better, as the causes for the PA's unpopularity are actually becoming more severe; in his article on the failure of the latest round of talks, Michael Herzog correctly assessed that Abbas's ability to sign and execute a deal is not only poor but likely declining.9

Changing Regional Dynamics and Trump's Election: Will the Palestinians Need to Change Their Strategy Accordingly?

Recent changes in regional and global dynamics offer good reason for the Palestinians to reconsider the effectiveness of their strategy of internationalizing the conflict in order to "hold out for a better deal." In the Arab Middle East, former champions of the Palestinian cause now barely mention it because of their unprecedented interest in cooperation with Israel. In the global picture, President Donald Trump's entrance into the White House should disabuse the Palestinian leadership of the notion that bringing the conflict before international bodies will serve their interests because it will be opposed by the US, in particular regarding any hopes they may have had for binding UN

resolutions against Israel. As it stands, the current trends should worry the Palestinians as they are sinking lower on the international agenda and, thus, they should feel a sense of urgency to reach an agreement.

When it comes to Israel's recently improved cooperation with Arab states in the region, there are two main motivations. First, the collaboration is based on shared interests between Israel and the Arab states, including Egypt, Jordan, and the GCC, in both containing the rise of Iran and defeating ISIS. Second, Washington's fraying ties with traditional Arab allies in the region, due to President Obama's actions during the Arab Spring¹⁰ as well as subsequent statements¹¹, pushed them to warm up to Israel in an effort to seek both another partner for defence cooperation and an alternative route to the White House. As a result, the wealthy Gulf states and the populous and militarily powerful State of Egypt have sought to work with Israel rather than galvanize public support against it.

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This has significantly reduced Palestinian leverage because it reinforces the point that the failure to resolve the Israeli-Palestinian conflict cannot completely block progress in Israel's relations with the Arab world. An April 2017 article¹² by the newly appointed Ambassador of Saudi Arabia in Washing-

⁸ Ghaith AL-OMARI. "Palestinians Aren't Ready to Make Peace With Israel, But That Doesn't Rule Out a Peace Deal," *Mosaic Magazine*, 19 April, 2017, www.washingtoninstitute.org/policy-analysis/view/palestinians-arent-ready-to-make-peace-with-israel-but-that-doesnt-rule-out.

⁹ Michael HERZOG. "Inside the Black Box of Israeli-Palestinian Talks," *The American Interest*, 27 February, 2017,www.the-american-interest. com/2017/02/27/inside-the-black-box-of-israeli-palestinian-talks/.

¹⁰ President Obama's demand that President Hosni Mubarak of Egypt step down after widespread protests against him and calls for democracy sincerely concerned Arab leaders in the Gulf and elsewhere, who not only lost a long-standing ally in Cairo but worried that they would be next. See: Caryle Murphy. "Fall of Mubarak deprives Saudi Arabia of closest local ally," *The National,* 14 February, 2011, www.thenational.ae/news/world/middle-east/fall-of-mubarak-deprives-saudi-arabia-of-closest-local-ally.

¹¹ President Obama reportedly said "it's complicated" when asked if the Saudis were U.S. allies. See: Jeffrey Goldberg, "The Obama Doctrine," *The Atlantic*, April 2016, www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/.

¹² Abdullah Al-Saud, "Saudis Know That U.S. Power Can Bring Lasting Peace," *Wall Street Journal*, 18 April, 2017, www.wsj.com/articles/saudis-know-that-u-s-power-can-bring-lasting-peace-1492555452.

ton that discussed the region without even mentioning the word "Palestinian" is evidence that the Palestinian cause is holding on to its spot on the Arab Agenda by a thread. Israel's Peace agreements with Egypt and Jordan and the defunct Arab boycott of Israel¹³ demonstrate that Arab solidarity against Israel is being eroded over time by Arab interests in cooperating with it. The fact that economically and religiously influential Saudis are quietly moving towards Israel should suggest to the Palestinians that their leverage as the key to Israel's relations with the Arab world is declining, though it has not disappeared completely.

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Similarly, even before the elections, Donald Trump's campaign promised that the US would not allow Israel to be singled out in international forums. Trump Advisors Jason Greenblatt and David Friedman wrote that:

The US should veto any United Nations votes that unfairly single out Israel and will work in international institutions and forums, including in our relations with the European Union, to oppose efforts to delegitimize Israel, impose discriminatory double standards against Israel, or to impose special labeling requirements on Israeli products or boycotts on Israeli goods.¹⁴

Since assuming office and appointing Nikki Haley as US Ambassador to the UN, President Trump has

abided by his campaign's promise that his administration would defend Israel before international bodies. In April 2017, Ambassador Haley promised "a new day for Israel" at the UN and rebuked the organization for singling Israel out¹⁵; if the Palestinians are hoping for a sequel to UN resolution 2334, they will likely need to wait four to eight years at the very least. In light of that, the PA would be well-advised to consider a new approach towards achieving statehood.

Political Dynamics in Jerusalem

The political situation in Israel, on its surface, is not conducive to progress in the Israeli-Palestinian arena. In terms of electoral politics, the ruling coalition is the most hardline and right-wing in Israel's history; if Prime Minister Netanyahu is worried about being displaced, he is most concerned by rivals to his right. On the grassroots level, the Israeli population's desire to achieve a two-state solution is on the decline at barely over 50%, and the percentage of those who believe that it can be implemented is considerably lower. At the same time, Netanyahu and his inner circle are under investigation in numerous anti-corruption probes - similar to those that caused Abbas to question how serious Olmert's offer was a decade ago. On top of that, all of these worrying factors exist within a context of inertia - a decade of failed attempts to restart peace talks, despite Washington's repeated and earnest efforts.

However, the situation may not be as grim as it appears.

First, the election of President Donald Trump did not herald in the death of the two-state solution as the presumptuous prophets of Israel's far-right predicted.¹⁶ In fact, considering the myriad of problems in the region including campaigns in Afghanistan, Iraq, Syria, and Yemen, President Trump has expressed a disproportionate amount

¹³ Jonathan Ferziger and Peter Waldman, "How Do Israel's Tech Firms Do Business in Saudi Arabia? Very Quietly," *Bloomberg View*, 2 February, 2017, www.bloomberg.com/news/features/2017-02-02/how-do-israel-s-tech-firms-do-business-in-saudi-arabia-very-quietly.

¹⁴ Jason Greenblatt and David Friedman, "Joint Statement from Jason Dov Greenblatt and David Friedman, Co-Chairmen of the Israel Advisory Committee to Donald J. Trump," 2 November, 2016, medium.com/@jgreenblatt/joint-statement-from-jason-dov-greenblatt-and-david-friedman-co-chairmen-of-the-israel-advisory-edc1ec50b7a8.

¹⁵ "Nikki Haley: It's a New Day for Israel at the United Nations," CBN News, 26 April, 2017, www1.cbn.com/cbnnews/israel/2017/april/nikki-haley-its-a-new-day-for-israel-at-the-united-nations.

¹⁶ Emily TAMKIN, "Israel's Naftali Bennett: With Trump, 'The Era of the Palestinian State Is Over'," *Foreign Policy*, 14 November, 2016 http://foreignpolicy.com/2016/11/14/israels-naftali-bennett-with-trump-the-era-of-the-palestinian-state-is-over/.

of interest in achieving a peace agreement between the Israelis and Palestinians and has sent his envoy and confidante Jason Greenblatt to the region numerous times over the past several months in order to lay the groundwork. Because of its unpredictable nature and the importance of the support it lends to both parties to the conflict, the Trump Administration is uniquely positioned to pressure both Netanyahu and Abbas to make concessions; while Trump may not be able to use pressure alone to push the two sides into a comprehensive agreement, he can change the conflict's trajectory by using methods discussed below in order to avoid past pitfalls and preserve the possibility for a two-state solution in the future. He has already taken steps in that direction by successfully pushing to curb Israeli settlement construction and declaring his intention to improve the Palestinian economy and infrastructure.

Second, despite the fact that Prime Minister Netanyahu faces pressure from the right not to concede to Palestinian or American demands, he may decide that it is in his own interest to take a bold step in resolving the Israeli-Palestinian conflict. As of April 2017, Netanyahu is the second longest serving Prime Minister in Israel's history, and is likely considering what legacy he will leave behind; he has yet to achieve anything significant in the realms of war or peace, and so he may see the Palestinian arena as one that is ripe for carving out a place for himself in Israel's history. Though some may interpret Prime Minister Netanyahu's legal troubles as an indication that no significant overtures towards the Palestinians can be undertaken for the foreseeable future, history has indicated otherwise. Ariel Sharon, for example, is reported to have launched the disengagement from Gaza as part of a successful strategy to protect himself from impending legal investigations.¹⁷

Looking Forward

Israel's vital interests are preserving the Jewish, democratic and morally just components of its character as well as ensuring its national security. Achieving a two-state solution in the context of a final agreement with the Palestinians that ends the conflict with them *may* help Israel in pursuit of the four abovementioned aims depending on the terms and conditions. Inasmuch as the Israeli-Palestinian conflict poses a threat to Israel's Jewish and democratic character, achieving lasting peace with the Palestinians could help to preserve those elements. However, Israel will not seek an agreement at any cost, especially if it comes at an *even greater expense* to its abovementioned vital interests. The status quo is sustainable far longer than much of the rhetoric about it would indicate, and so, while it is not desirable, it is certainly preferable to a dangerous agreement.

The basic parameters of any realistic final status agreement that results in two states have already been outlined by previous efforts. Israel must relinquish the goal of "greater Israel," accept a Palestinian state based on the 1967 borders plus swaps for settlement blocs and the Jewish areas of Jerusalem. and allow for Palestinian control of some of Jerusalem's Arab neighbourhoods and the holy basin. The Palestinians will be required to relinquish the "right of return" to Israel, commit to end the conflict with Israel and finality of claims, recognize Israel as a Jewish state, and accept some limitations on Palestinian sovereignty as part of the security arrangement. The offers made by Prime Ministers Barak and Olmert as well as the Clinton Parameters are more or less along these lines, however, the Palestinians have yet to indicate their willingness to accept them. Yet, we should not assume that any sort of negotiations on a final status agreement will yield results simply because we know of a potentially successful formula; rather than seeing Israel's increasingly generous offers as gestures of goodwill and responding in kind, the Palestinian leadership has seen them as an indication that Israeli "final offers" are actually "false bottoms" and so it should continue to hold out for a "better deal" from the international community. However, the tides have turned against the Palestinians' internationalization strategy that sees very little opportunity cost in prolonging the conflict, which may cause them to reconsider their goals and methods. Therefore, the field may be ripe for a different approach capable of changing the

¹⁷ Amnon Lord, "The Etrog: The Media, the Courts and Prime Minister Sharon during the Disengagement," JCPA, 10 March, 2016, http://jcpa.org/article/etrog-media-courts-prime-minister-sharon-disengagement/.

trajectory of the conflict for the better, towards an agreement, by learning from past mistakes.

In the New Republic's authoritative postmortem of Kerry's final efforts at advancing negotiations in 2014, the authors assessed, "nearly everyone we interviewed felt the same way... for any agreement to be reached in the future, something major, something fundamental would have to change."18 One change that would significantly improve the odds of reaching an agreement would be shifting away from the "all or nothing" single-track approach which has served as an overly ambitious recipe for failure that results in outbreaks of violence during political deadlocks. At the present time, the lack of confidence between the two sides makes a continued stalemate all but a certainty. Instead, the government of Israel should work on multiple tracks to improve the situation on the ground, build confidence between the two sides, and move towards a twostate solution that protects Israel's vital interests and aligns with the parameters outlined above.

On the first track, there should be an effort to revitalize the bilateral negotiations between Israel and the PA. Israel could present the PA leadership with a proposal based on an updated version of the Clinton Parameters, modified in accordance with both lessons that Israel's security services have learned from the second intifada and demographic changes that have taken place over the past 17 years. If it is accepted in Ramallah, this could serve as a basis for final status negotiations; if it is not accepted or the negotiations do not lead anywhere, Israel should move to a second track rather than languishing in the status quo.

The second track seeks to include the active participation of regional actors that have an interest in Israeli-Palestinian peace, including countries like Saudi Arabia and Egypt, and aims to develop a resolution to the conflict based on the Arab Peace Initiative. This track would present Arab governments with an opportunity to both prove their worth to the US as critical regional allies (and competent mediators) as well as demonstrate their leadership within the Arab world by championing the Palestinian cause and labouring towards the realization of a Palestinian state. They could do this by providing finan-

cial, political, or symbolic support for brave steps towards peace by either side of the negotiating table in order to encourage efforts to bridge the gaps. This could serve to incentivize concessions and shift the dynamics in the Israeli-Palestinian arena away from a "zero-sum" game.

Should the Arab states decide not to cooperate with these efforts or they prove unsuccessful in doing so, Israel should attempt more modest goals by moving to a third track: interim agreements with the Palestinians like the Road Map for Peace announced in 2003. This would entail striking deals that serve the interests of both parties and improve the situation on the ground but do not resolve all of the core issues of the conflict. For example, Israel could commit to gradually increasing PA control of area B and designating more lands in area C for industrial parks and economic development for the Palestinians. Of course, these incremental agreements would be performance-based and thus would demand and incentivize that the PA live up to its commitments. In addition to building confidence between the two governments, the cooperative efforts to improve Palestinian quality of life could diminish the PA's legitimacy deficit among its people thereby potentially improving its ability to sign and implement an agreement in the future. However, if the past is prologue, the Palestinian refusal to accept incremental progress towards peace in the past casts some doubt on the ability of this track to succeed.

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Finally, if none of the above tracks bears fruits, Israel should move to the fourth track which is one of independent and coordinated action; this option dispels the widespread but mistaken notion that Israel is moving towards an inevitable one-state reality if it

¹⁸ Ben Birnbaum and Amir Tibon, "How the Israel-Palestine Peace Deal Died," *The New Republic*, 21 July, 2014, https://newrepublic.com/article/118751/how-israel-palestine-peace-deal-died.

cannot reach a peace agreement with the Palestinians. Israel should attempt to coordinate with the international community in order to demarcate its own borders and withdraw from 60-70% of the West Bank. By attempting the previous tracks in serious and concerted efforts to make peace, Israel would prove that it is not the spoiler in the peace process and that could serve to restore its declining international reputation. By withdrawing from much of the West Bank, Israel would preserve the possibility for a future two-state solution when conditions will be more conducive.

In the course of independent action, it is important to learn from the mistakes of years past, in particular Prime Minister Sharon's disengagement from Gaza. Sharon was correct in his belief that Israel would benefit from drawing clear borders and relinquishing control of the millions of Palestinians in the Gaza Strip, however, he made three major mistakes in executing the move: withdrawing from the Philadelphia Corridor between the Gaza Strip and Egypt, which allowed for the smuggling of weapons into the former; withdrawing from 100% of the territory without an agreement, leaving the other side little incentive to reach a negotiated agreement in the future; and operating with a lack of adequate international coordination. Because of these mistakes and their negative ramifications on Israeli security, such a step in the West Bank may elicit a negative, kneejerk reaction from the Israeli public. However, if effectively planned by the government, successfully marketed to the Israeli public, and widely support by

the international community, the move should be significantly easier to execute and more successful than the disengagement from Gaza.

The tracks laid out in this proposal are intended to promote progress wherever and whenever possible, and as such they are not mutually exclusive, but rather can be alternated between in accordance with the circumstance and opportunities.

In sum, Israel's positioning in the Israeli-Palestinian conflict does not doom it to either making unreasonable concessions or facing a one-state reality. The Palestinians believe that because the international community has largely adopted their position, multilateral organizations will deliver Israeli concession and that in the meantime their obstruction of the peace process is essentially a veto they have over Israel's withdrawal from the West Bank, international recognition of Jerusalem as Israel's capital, and Israel's relations with the Arab world. However, particularly in light of recent global and regional developments, that is probably an overestimation of their leverage. Israel has proven time and again that time plays in its favour - after all, it has been only 100 years since the Balfour Declaration and not only has Israel been established but it has flourished and been recognized either officially or tacitly by most Arab governments. If Israel retakes the initiative by proving its willingness to reach a fair agreement through this four-track approach, it will once more prove that time is on its side and that it is the Palestinian veto which is in jeopardy, and not Israel's vital interests.