

**EU Non-PROLIFERATION CONSORTIUM**

*The European network of independent non-proliferation think tanks*

# Making Peace Attractive: Emphasizing the Gains of a Negotiated Agreement between Israel and the Palestinians

CLAUDIA BAUMGART-OCHSE

## Background paper

Second EU Non-Proliferation Consortium Seminar to Promote Confidence Building and in Support of a Process Aimed at Establishing a Zone Free of WMD and Means of Delivery in the Middle East

Brussels, 5-6 November 2012

The EU Non-Proliferation Consortium is a network of independent non-proliferation think tanks to encourage discussion of measures to combat the proliferation of weapons of mass destruction and their delivery systems within civil society, particularly among experts, researchers and academics. Any opinions expressed in this document are the sole responsibility of the author and do not necessarily reflect the views of the EU Non-Proliferation Consortium or any of its individual institutes.



November 2012

## Content

1. Introduction.....	3
2. What the conflict parties want .....	4
3. Emphasizing the Gains of a Peace Agreement .....	5

## About the Author

Claudia Baumgart-Ochse is a Member of the Executive Board and Research Fellow at the Peace Research Institute Frankfurt (PRIF)

## Abbreviations

PA	Palestinian Authority
UN	United Nations
MEW MDFZ	Middle East Weapons of Mass Destruction-Free Zone
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
UNESCO	UN Educational, Scientific and Cultural Organization

## 1. Introduction

Negotiations between Israel and the Palestinians have been stalled ever since the failed attempt to revive talks in January 2012 in Amman under the auspices of Jordanian King Abdullah II. The meetings in the Jordanian capital had been demanded by the Middle-East Quartet (UN, EU, US and Russia) in order to re-establish the bilateral track of negotiations after the Palestinian Authority's (PA) bid to become a member state of the UN in September 2011 was rejected. Yet the talks did not bring the parties closer to an agreement. Netanyahu's envoys presented to the Palestinians what looked roughly like the offer which the Israeli government had made in the wake of the Annapolis conference regarding borders and settlements. The Palestinian team upheld the precondition that Israel freeze its settlement activity in the West Bank prior to serious peace negotiations. After just five sessions, the talks ended with no results.<sup>1</sup>

In Western media, the Amman meetings were hardly mentioned at all. Both internationally and in the region itself, the peace process between Israel and the Palestinians seems to have been put on the back burner. Other developments have absorbed the public's and the politicians' attention alike. The Arab Spring, the intervention in Libya, the massive violence in Syria, and most notably the confrontation with Iran over its nuclear programme: the Middle East is changing at a pace and on a scale that is unprecedented, and the outcomes of these processes seem to be entirely unpredictable.

Yet despite these upheavals, the Israeli-Palestinian conflict will continue to leave its mark on the region by providing a bone of contention that resonates in one way or another with all other dimensions and levels of enmity and conflict in the Middle East. Beyond the actual situation in Israel/Palestine, this core conflict has for decades served to draw the line between friends and foes in the region and beyond, formed public opinion, and fuelled numerous instances of violence and war since the days of the British Mandate in Palestine. Even if new and possibly democratically elected rulers assume power in the Arab states, there is a good chance that this basic divisive configuration will stay in place and continue to generate hostility and distrust if no serious effort is made to solve the Israeli-Palestinian conflict.

Therefore, if the attempt to establish a Weapons of Mass Destruction Free Zone in the Middle East (MEWMDZFZ) is not to be a futile endeavour, it has to be accompanied by a political process that envisions a solution to the Israeli-Palestinian conflict. This paper argues that external mediators should seek to set incentives and emphasize the gains which both conflict parties would derive from a peace deal instead of focusing on nothing but the problems and painful concessions. To be sure, both parties will have to concede ground for a solution; but they will only do so if they can clearly see what they will get out of it. And these gains have to be communicated both to the political elites and to the societies at large on each side. The paper proceeds as follows. The first part discusses the main goals and strategies of both Israel and the Palestinians. Both parties have recently abandoned the negotiating table and sought alternative, unilateral strategies. In the second part, some ideas will be presented of how the Middle East Quartet could set incentives for the parties to overcome the current stalemate and return to negotiations instead of pursuing unilateral policies.

<sup>1</sup> Barak Rivkin, Netanyahu's border proposal. Israel to annex settlement blocs, but not Jordan Valley, in: *Ha'aretz Online*, (19 February 2012), [www.haaretz.com](http://www.haaretz.com).

## 2. What the conflict parties want

From Israel's point of view, security is the top priority. Almost twenty years ago, the late Asher Arian diagnosed this preoccupation as Israel's 'religion of security.'<sup>2</sup> The historical roots of this perception of being permanently under threat reach back to the Jewish experience of anti-Semitism in Europe and elsewhere, eventually culminating in the horrors of the Holocaust; and it has been reinforced by the Arab states' hostility towards the Jewish state in their midst ever since the British promised the Jews a homeland in Palestine. For a short moment in the mid-1990s, it seemed as if the Rabin government had succeeded in reformulating Israel's identity from that of 'the people apart'<sup>3</sup> to an open-minded, liberal democracy which reached out for peace with its neighbours. But spoilers on both sides – radical groups such as Hamas and the Jewish settlers – successfully torpedoed the Oslo peace process. The outbreak of the Second Intifada finally dashed all hopes of a negotiated solution.

Since then, the religion of security is adhered to even more fervently. Israel's policies to enhance its security encompass various elements. In order to fend off terrorist attacks, the government decided to build the controversial security wall around the West Bank, which in some sections cuts deeply into Palestinian territory.<sup>4</sup> Following the takeover by Hamas in Gaza, Israel imposed a full blockade of the strip. In two recent wars, Israel has attempted to eradicate Hezbollah in Lebanon (2006) and topple Hamas rule in the Gaza Strip (2008/9). Beneath the level of outright war, Israel has complemented its deterrence strategy with low-intensity warfare in Gaza as well as in Lebanon.<sup>5</sup> At the same time, the military administration has eased security restrictions in the West Bank and strengthened its security co-operation with the PA, thereby allowing for a moderate economic recovery<sup>6</sup>, which in turn helped to dampen terrorist activity. In 2007, the Israeli air force bombed a Syrian nuclear installation. Currently, there is much debate internationally on whether Israel is about to do the same in Iran. And above all, there is no indication that the Israeli government plans to abandon its own nuclear capabilities any time soon.

There are, of course, other goals than security. One is to preserve the Jewish majority in the State of Israel in order to maintain its democratic political system while at the same time preserve its Jewish character. Another is to keep a comparatively strong economy in an otherwise lesser developed region of the world. Yet in the end, all other goals are nevertheless intertwined with Israel's overarching security concerns.

The Palestinians, on the other hand, want an independent state – which, by definition, implies the end of the occupation. Although the word 'state' was not mentioned in the original Oslo accords, the peace process in the 1990s was widely perceived as kicking off a long-term process of state-building in the territories by establishing the Palestinian Authority

<sup>2</sup> Asher Arian, *Security Threatened. Surveying Israeli Opinion on Peace and War*, Cambridge/ New York: Cambridge University Press, (1995).

<sup>3</sup> Ibid.

<sup>4</sup> See International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. Jurisdiction of the Court to give the Advisory Opinion Requested*, New York (2004).

<sup>5</sup> See Zeev Maoz, *Defending the Holy Land. A Critical Analysis of Israel's Security & Foreign Policy*, Ann Arbor: University of Michigan Press, (2006).

<sup>6</sup> See e.g. Office of the UN Special Coordinator for the Middle East Peace Process, *Palestinian State-Building. A Decisive Period*, Ad Hoc Liaison Committee Meeting, Brussels, (13 April 2011).

(PA). Yet the PA's actual authority has always been limited. The Palestinian territories were divided into three zones, with only zone A (Palestinian cities) under full Palestinian control. And throughout the West Bank, the Israeli government continued to build and expand Jewish settlements, thereby diminishing Palestinian hopes for the territorial contiguity of a future state. In the end, just as on the Israeli side, all expectations were frustrated when violence returned.

Since the Second Intifada, Palestinian politics have been predominantly characterized by the split between Fatah and Hamas. In 2006, Hamas won the national elections. After attempts at establishing a consensual government, the Islamist organization violently seized power in the Gaza strip in 2007. Fatah remained in power in Ramallah. The factions pursue utterly different strategies in order to bring the occupation to an end. Hamas, though it certainly has undergone major changes since its formation as the Muslim Brotherhood's militant offshoot in the late 1980s, still refuses to fully accept the existence of the State of Israel and has repeatedly returned to violence. Fatah, on the other hand, has most of the time chosen the path of negotiations with Israel. Yet the recent stalemate in the talks with Israel and the upheavals in the region have prompted the Fatah government to change its course of action. In 2009, Prime Minister Salam Fayyad proposed to build the institutions of a future state from the bottom up in two years' time instead of waiting until after an agreement with Israel was signed; and President Abbas followed suit and applied for Palestine to become a member state of the United Nations in September 2011, which caused a considerable row in the Security Council. The bid for UN membership was rejected, but the Palestinians succeeded in securing for themselves membership in the UN's cultural organization, UNESCO. Furthermore, Abbas has announced that the PA plans to seek non-member observer status at the UN in November 2012.

Both Israel and the Palestinians have successively veered away from negotiations in recent years and opted for unilateral measures in order to pursue their respective goals. And both parties have in fact achieved partial successes. In Israel, the number of terror attacks originating from the territories has decreased considerably over the past few years. In Palestine, Prime Minister Fayyad's plan to build state institutions has produced tangible results which have earned much praise from the international donors who are the major financiers of the Palestinian Authority.<sup>7</sup> But these successes may be built on thin ice: if Palestinian aspirations to statehood are frustrated time and again and the spirit of the Arab revolutions spills over into the territories, a new wave of violence cannot be ruled out.

### 3. Emphasizing the Gains of a Peace Agreement

The above-mentioned goals of the parties – security for the State of Israel, an end of the occupation and an independent state for the Palestinians – entail, of course, a host of complicated issues which have to be tackled if a solution is to be sustainable: the status of Jerusalem, the return of Palestinian refugees, determining the exact borders between Israel and a future Palestinian state, and the issue of the Jewish settlements in the West Bank and in East Jerusalem. These so-called final-status issues are just the most prominent ones.

<sup>7</sup> World Bank, *Sustaining Achievements in Palestinian Institution-Building and Economic Growth*, in: *Economic Monitoring Report to the Ad Hoc Liaison Committee*, (09/18/2011).

Yet in fact, all of these issues, every single detail of them, have been discussed in-depth by Israeli and Palestinian representatives over the last 20 years. Countless rounds of negotiations between the parties in Oslo, Camp David, Taba, and Annapolis produced progress and even understandings on many of these issues. External mediators and organizations presented important documents which could serve as blueprints for a new round of talks, most notably the Clinton parameters<sup>8</sup>, the Road Map to Peace,<sup>9</sup> and the Saudi Peace Initiative (Beirut Declaration).<sup>10</sup> Therefore, if negotiations are resumed, then external mediators should urge the participants to start at the point where previous talks arrived – and not go back to square one yet again. Among the understandings that have been reached are land swaps, evacuation of settlements which are not to be annexed by Israel within the land-swap framework, the designation of the Arab neighbourhoods of East Jerusalem as Palestine’s capital, and Palestine’s status as a demilitarized state. Once back on track, negotiations should furthermore follow the advice of Gilead Sher, former chief of staff of Ehud Barak: they should be ‘based on a “what has been agreed will be implemented” principle. This will replace the “nothing is agreed until everything is agreed” formula and smoothen the path towards transitional arrangements and partial, gradual agreements’.<sup>11</sup>

But if everything has already been discussed between the parties, why is it so difficult to achieve substantial progress? And what could be the role of external parties in restarting negotiations? In an interview in 2010, President Barack Obama looked back at his first year in office and said that it was true that his administration’s policies in this respect ‘didn’t produce the kind of breakthrough that we wanted, and if we had anticipated some of these political problems on both sides earlier, we might not have raised expectations as high.’<sup>12</sup> The interview was held after the failed attempt to demand a settlement freeze from Netanyahu and persuade Abbas to return to the negotiating table. Obama’s remark referred to both parties’ problems in mustering support internally for their peace policies. Both the Palestinians and the Israelis have to weigh their decisions in the peace process against the risk of upsetting and estranging their coalitions and constituencies. But what follows from this insight?

First, future efforts by external parties towards a resumption of negotiations should emphasize the gains which both parties would make from an agreement instead of solely focusing on the problems and necessary painful compromises. By and large, these gains must correspond to the parties’ main goals, that is, a Palestinian state and Israel’s security. In order to strengthen the parties’ confidence that negotiations will in the end bring them much closer to the realization of their goals, the format of negotiations will have to be different from previous ones. On the one hand, the US as well as the other members of the Quartet (EU, UN, and Russia) will have to express their firm commitment to Israel’s security and step up their measurements to curb terrorist violence and rocket fire from the territories and from Lebanon. Much has been done in this direction already, especially regarding security sector reform in

<sup>8</sup> Muriel Asseburg, Materialsammlung zum Friedensprozeß im Nahen Osten. Anlageband zur Studie "Die EU und der Friedensprozeß im Nahen Osten", in: *Stiftung Wissenschaft und Politik / Deutsches Institut für Internationale Politik und Sicherheit, SWP-Studie*, Nr. 28, Berlin, (2003), pp. 23-24.

<sup>9</sup> [www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/A+Performance-Based+Roadmap+to+a+Permanent+Two-Sta.htm](http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/A+Performance-Based+Roadmap+to+a+Permanent+Two-Sta.htm)

<sup>10</sup> [www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Beirut+Declaration+on+Saudi+Peace+Initiative+-+28-.htm](http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Beirut+Declaration+on+Saudi+Peace+Initiative+-+28-.htm)

<sup>11</sup> Sher Gilead, *Steps Israel should take to control its destiny*, (11 October 2012), [www.jta.org](http://www.jta.org).

<sup>12</sup> See [www.time.com/time/politics/article/0,8599,1955072-6,00.html](http://www.time.com/time/politics/article/0,8599,1955072-6,00.html).

conjunction with Fayyad's state-building programme, but in order to set incentives for Israel, more would be better. In addition, the EU could offer help in relocating and compensating the settlers who have to leave their homes in the West Bank settlements.<sup>13</sup> With regard to Palestinian statehood, the Quartet should promise to approve Palestinian membership of the UN as soon as a certain stage of negotiations has been reached. This would complement the concrete efforts on the ground, which were generously funded by the US, the EU and other foreign donors, with symbolic politics that mean a lot to the Palestinians.

On the other hand, it will be necessary to widen the negotiation format and integrate the Arab states. The Beirut Declaration of the Saudi peace plan of 2002 is a landmark document which, for the first time, offers Israel normal relations with all Arab states if it withdraws to its pre-1967 borders and accepts a Palestinian state in Gaza and the West Bank with East Jerusalem as its capital. Despite their best efforts, the members of the Quartet will not be capable of fully guaranteeing security for Israel and an independent state for the Palestinians. Only the Arab states may be able to span a regional safety net for both parties, as former Jordanian Foreign Minister Marwan Muasher writes: 'For Palestinians and Syrians, it provides Arab cover for painful compromises (refugees and Jerusalem for Palestinians, modifying the relationship with Iran and Hezbollah for Syria). For Israelis, it convinces them that they are getting regional peace and security and that the agreement is not just a separate peace deal with half of the Palestinians or one with Syria that lacks a solution to Israel's security needs'.<sup>14</sup> By promising security for Israel, the Arab states would take responsibility for disarming groups such as Hamas and Hezbollah and turning them into purely political organizations. Concerning the MEWMDFZ, the Beirut Declaration does not set Israel's nuclear disarmament and accession to the Nuclear Non-Proliferation Treaty (NPT) as a precondition for offering normal relations. This allows Israel to first negotiate a comprehensive peace agreement within a wider Arab framework, and as a second step to reconsider its nuclear posture and join a MEWMDFZ once a settlement has been achieved.

Second, any attempt at reviving negotiations should entail a major public diplomacy effort. One of the most severe mistakes of the Oslo peace process was neglecting public diplomacy. Neither the Palestinian nor the Israeli leadership sufficiently conveyed to their societies how a peace agreement could change their daily lives and the lives of their children in positive ways. In both societies, there are large majorities who have time and again said in opinion polls that they are tired of the conflict and long for peace. But these moderate majorities are, at the same time, always at risk of being lost to more radical parties in elections if the situation deteriorates and frustration takes hold. Therefore, public diplomacy which explains the envisaged peace dividend is essential if the peace process is to achieve progress. Moreover, in previous instances, both Israelis and Palestinians missed the opportunity to deliver this message to the staunchest opponents of the peace process, that is, to the spoilers on both sides.

<sup>13</sup> An evacuation-compensation plan has been discussed in the Knesset. According to polls, about 30 per cent of those 100,000 settlers that would be affected by a land-swap agreement would accept compensation and relocate. Akiva Eldar, Ramon's settler evacuation-compensation bill is just talk, in: *haaretz* online, (09/05/08), [www.haaretz.com](http://www.haaretz.com).

<sup>14</sup> Muasher Marwan, Palestinian-Israeli Direct Talks. The Case for a Regional Approach, in: *Carnegie Endowment for International Peace, Policy Outlook*, (24 August 2010).

## 8 EU NON-PROLIFERATION CONSORTIUM

Such public diplomacy could be aided by external actors. Obama's speech to the Arab world in 2009 in Cairo was very well received in Arab societies and set a new tone in US-Arab relations. Unfortunately, Obama did not make such a gesture towards the Israelis in order to explain how his approach to the Middle East could advance their yearning for security. If he is elected for a second term in office, Obama should take the opportunity of not having to fear the next election and give his peace initiative a second try – and talk publicly to both Palestinians and Israelis, in Ramallah and in Jerusalem. The same applies to other leaders of the Quartet, from Secretary-General Ban Ki-Moon to Catherine Ashton. Criticism certainly has to be levelled at both parties if they violate what has been agreed. But the general tone should be one that emphasizes the gains and creates incentives for the political elites and the societies on both sides to embrace the peace process.