Brandeis University
Crown Center
for Middle East Studies

Mailstop 010
Waltham, Massachusetts
02454-9110

781-736-5320
781-736-5324 Fax
www.brandeis.edu/crown

Middle East Brief

Beyond September: Lessons from Failed Mideast Diplomacy

Prof. Shai Feldman

There seems to be a broad consensus that the Palestinian Authority's strategic decision to seek a declaration of independent statehood at the United Nations this coming September resulted from deep frustration if not complete hopelessness regarding the prospects for a negotiated resolution of the conflict. PA President Mahmoud Abbas has made this clear on a number of occasions, emphasizing that a negotiated resolution of the conflict remains his preferred option but that no acceptable negotiating terms have been presented to him.[1] While much of the commentary has focused on the vote itself and the political storm that might ensue from it, several important questions remain to be answered. How did we get here? What has led the Palestinians to give up on diplomacy? What explains the total failure of the most recent chapter in the efforts to resolve the Palestinian-Israeli dispute?

This Brief looks beyond the anticipated September vote by answering these questions and examining some of the lessons that should be drawn from the failure of diplomacy over the past two and a half years with respect to any future efforts to resolve the Palestinian-Israeli conflict. To the extent that at least some of the sources of this failure can be addressed, identifying them is essential if the next chapter in these efforts is to prove any more successful.

August 2011
No. 54

As has been the case since the first breakthrough in Arab-Israeli peacemaking—the 1974–75 Egypt-Israel and Israel-Syria disengagement agreements—the process involves three major partners: Israel, an Arab interlocutor, and the United States. While the catalyst for a breakthrough often did not involve Washington—Egypt's President Anwar Sadat's surprise visit to Jerusalem in November 1977 being the most visible example—peace agreements have ultimately almost always required intense and sustained U.S. involvement. Therefore, understanding the sources of the failure of the recent efforts to advance an agreed resolution of the Palestinian-Israeli conflict requires a balanced approach that examines the conduct of all three "partners" to the sought-after grand bargain.

Obama

During his election campaign, candidate Barack Obama promised to make a serious effort, beginning early in his first term as President, to achieve Arab-Israeli peace.[2] Accordingly, as one of his very first acts in office, he announced on January 22, 2009, the appointment of former Senator George Mitchell as his special envoy to the envisaged talks. Having negotiated the Good Friday Agreement that brought the bloodshed in Northern Ireland to a gradual end, Mitchell seemed to be the right choice for the job.

Observing, accurately, that the Palestinian side had no trust in Israel's new Likud-led Israeli government, the Obama administration assessed that a dramatic step needed to be taken to build such trust and thereby improve the environment for the proposed talks. Since the epicenter of the Palestinians' distrust of Israel was the latter's ongoing expansion of the settlement project—one that the Palestinians saw as inconsistent with negotiating the end of Israel's occupation of Palestinian lands—it was not unreasonable for the U.S. to push for a freeze on settlement activity.

In its pursuit of this worthwhile goal, however, the Obama administration made a series of mistakes. First, it made the attempt to obtain a settlement construction freeze the focus of its diplomatic efforts rather than a supplement to the more important goal of renewing the Israeli-Palestinian permanent status talks launched in Annapolis in November 2007. Second, the administration seems to have neglected to reach a prior understanding with the Palestinians that they would not transform the construction freeze sought by the U.S. into a precondition for negotiations, thereby holding the entire process hostage to a settlement freeze.

Third, the administration found itself adopting a far-reaching definition of a settlement construction freeze by allowing both the Palestinians and the Israelis to frame the issue as applying in equal measure to Jerusalem. Though the administration did not emphasize the Jerusalem dimension of the proposed freeze, it allowed the two parties to do so: The Israeli side brought up Jerusalem to explain why it could not accept a freeze, prompting the Palestinians to react by stating that they would not accept a freeze that would *not* apply to Jerusalem. Thus, an attempt that might have engendered some sympathy in Israel—as many Israelis are opposed to settlement construction for different reasons—became entangled with the fate of Jerusalem, an issue that enjoys a much broader consensus among the Israeli public.

Prof. Shai Feldman is the Judith and Sidney Swartz Director of the Crown Center and Co-Chair of the Crown-Belfer Middle East Project at the Harvard Kennedy School.

Then, when the administration finally succeeded in extracting an Israeli commitment to a ten-month partial settlement construction freeze, it failed to impress upon the Palestinian side the need to make the most of this period by engaging the Israelis in serious and continuous direct talks. As a result, much of this period was wasted.

Four other dimensions of the Obama administration's efforts to achieve a diplomatic breakthrough also proved highly problematic. First, the administration did not make a serious attempt to rally support from within the American Jewish community, or at least to diminish potential opposition to its approach in that community and among its allies in Congress. Instead, it relied on the articulation of its position in presidential speeches to create the pressure required to move the parties along.

Second, brilliant speechmaking became a substitute for establishing policy and devising strategy. While masterfully articulating his understanding of Arab-Israeli realities, Obama's speeches rarely provided or were followed up by an action plan incorporating practical steps that would enable the U.S. to achieve the administration's stated objectives. Indeed, the administration seemed to have lacked any strategy for moving the parties to where they did not volunteer to go or motivating them to assume risks they were not prepared to take.

Third, in a number of cases, President Obama unnecessarily attached deadlines and time frames to his goals and aspirations for Arab-Israeli peace. For example, when launching direct Palestinian-Israeli talks in August–September 2010, the President declared his expectation that the parties would reach an agreement within twelve months, to be implemented over ten years.[3] It was not clear why the President thought he could achieve within a year what had eluded his predecessors for over four decades. And not surprisingly, when these deadlines were not met within their predicted time frames, U.S. credibility was further eroded.

Fourth, while repeatedly emphasizing his commitment to Israel's safety and security—and, in fact, translating this commitment into even closer U.S.–Israel defense ties—President Obama's style and conduct often bred doubts about this commitment. Obama's failure to address the Israeli public directly—though he addressed the Muslim and Arab public in Ankara in April 2009, in Cairo in June 2009, and at the State Department in May 2010—was a mistake, because it encouraged speculation that while he was deeply concerned about the views of Muslims and Arabs, the President was "taking Israelis for granted." Moreover, by failing to address Israelis directly, Obama missed a golden opportunity to place the requested Israeli concessions in the context of shared U.S.–Israeli strategic interest in creating a regional environment conducive to containing Iran.

Above all, the Obama administration failed to exercise leverage, or to extract penalties for ignoring America's priorities. Senator Mitchell's unending talks with the contending parties proved futile because they were not accompanied by any attempt to utilize leverage in order to extract the desired responses. In some measure this was associated with Obama's failure to convince Israeli and Palestinian leaders that both Mitchell and Secretary of State Hillary Clinton were speaking on his behalf, in exactly the same manner that Secretary of State Kissinger was perceived as speaking on behalf of Presidents Nixon and Ford. But even more fatal was Obama's failure to extract any costs from leaders who defied his direct appeals. Thus, neither Netanyahu nor Abbas could rightly expect to pay any penalty for their repeated refusals to accommodate the United States.

Abbas

In some ways, the manner in which PA President and PLO Chairman Mahmoud Abbas conducted himself during this period was the most puzzling of that of any of the major actors in this failed diplomatic saga. While Americans could legitimately debate whether their government should invest time and energy in attempting to resolve the Palestinian-Israeli dispute, it would seem that the Palestinians should have had no greater strategic objective and no higher priority than ending Israel's siege of Gaza and its occupation of the West Bank and East Jerusalem. Accordingly, it would seem that Abbas could have made no greater mistake than to present conditions for Palestinians being willing to engage Israel in negotiations aimed at achieving these goals.

Abbas's skepticism as to whether any breakthrough could be achieved in negotiations with arguably the most right-wing government in Israel's history was understandable. Having made so little progress in Palestinian-Israeli peacemaking during Netanyahu's first term, the Palestinians could reasonably assume that it was now even less likely that talks with Israel would yield anything meaningful—because in 2005 the more moderate and pragmatic among Likud leaders and activists had left their party to join Ariel Sharon in creating the then new Kadima party. Under such circumstances, Abbas rightly feared that negotiations would simply provide cover for Israel's continuing to unilaterally establish "facts on the ground," particularly through settlement construction.

Yet, by rejecting engagement with Netanyahu's government, Abbas helped his Israeli counterpart escape being seen as the only rejectionist around. And while Palestinians may have convinced themselves that Netanyahu was the only obstacle to achieving a breakthrough, this was far from self-evident to the American public and its representatives on Capitol Hill. Indeed, many members of Congress continue to see the Palestinian side as reacting rather than initiating, breeding doubts among them as to whether Palestinians are truly prepared for the difficult decisions that a breakthrough would entail. Members of Congress also felt that they had never been provided with a convincing explanation as to why the Palestinians were conditioning the talks on a total Israeli settlement construction freeze when they had refrained from introducing such a condition when they negotiated with other Israeli leaders: Rabin, Peres, Barak, and Olmert—and even Netanyahu himself, during his first term in office. Not surprisingly, the passive approach Abbas displayed in the interviews he gave to Jackson Diehl of the *Washington Post* and Muna Shikaki of *Al-Arabiya* during his May 2009 visit to Washington, D.C., further contributed to such confusion.[4]

Abbas would have been far wiser to have put Netanyahu to the test by publicly declaring early in 2009 that though he was very skeptical about his Israeli counterpart's intentions and deeply concerned that the new Israeli government might use the cover of negotiations to expand settlements (thereby prejudging the outcome of negotiations), he was willing to put the Israeli Prime Minister to the test by engaging him in direct talks for a limited period of time. Indeed, Abbas could have easily won over European if not U.S. leaders by pre-negotiating with them the time period within which it was reasonable to establish whether or not Netanyahu was serious about negotiations.

Rather than testing Netanyahu, however, the Palestinian leadership decided to redirect its efforts to "delegitimizing the occupation" and seeking a UN declaration of independent statehood. Although this new strategy presents Israel with a serious challenge—and inspired Israel's defense minister, Ehud Barak, to warn of an approaching "political tsunami"—it seems to have led the Palestinians into a minefield. Back in 1998–99, then PLO Chairman Yasser Arafat weighed the possibility of going down this road but decided that it was extremely hazardous. He was convinced that declaring a state without clearly demarcated borders would prove meaningless, and that declared statehood would formally "normalize" the Palestinians' situation in the eyes of the international community, allowing it to redirect its attention and efforts to other conflicts and disputes.

Equally, it proved extremely difficult to prevent an international campaign to delegitimize the occupation from being seen as aimed at delegitimizing Israel. While the difference between the two may seem clear to those obsessed with the minute details of the conflict and able to read the fine print, it was not a distinction that most U.S. elected officials could understand. Hence the move was bound to enforce Netanyahu's narrative that Israel does not have a Palestinian partner for resolving the dispute—and that, notwithstanding various tactical concessions Israel has made, the Palestinians continue to reject the notion of a Jewish state.

The latest of Abbas's strategic errors seems to have involved the timing if not the substance of the draft agreement on reconciliation between Fatah and Hamas signed in Cairo on April 27, 2011. Clearly, the Arab Spring has placed both Fatah and Hamas under considerable public pressure to end their dispute and restore Palestinian national unity. Indeed, the oft-cited Arab Street now expressed its anger that Fatah and Hamas continued to place the minutiae of their dispute ahead of Palestinian national goals. Since Hamas now seemed to accept an agreement very similar to the one that Egypt had proposed and Fatah had accepted—but Hamas had rejected—in 2009,[5] Abbas now had no choice but to take yes for an answer. As the weeks and months since the announcement was made demonstrate, however, Fatah and Hamas are unlikely to accommodate one another in a manner required for true reconciliation to be achieved.

Whereas what was gained from the reconciliation announcement was questionable from the outset, the costs involved were crystal clear. Primarily, it was now going to be even more difficult to make the case that the PA was challenging Israel's occupation of Palestinian lands but not Israel's legitimacy—because it was too easy to interpret the reconciliation agreement as constituting Fatah's implicit consent to its partner's rejection of Israel's right to exist.

Moreover, coming only months before the expected UN vote, the announced reconciliation with Hamas split the camp of states sympathetic to the Palestinian quest for independent statehood. For most Europeans, it was one thing to support Palestinian statehood, even if that was not going to be achieved through negotiations, but quite another to support a Palestinian government incorporating a faction that rejected Israel's right to exist. Not surprisingly, the agreement with Hamas only reinforced key European leaders in their efforts to dissuade Abbas from pursuing the UN move.

Along the way, Abbas also made a series of tactical mistakes, the most salient of which was his handling of the Goldstone Report, which reprimanded both Israel and Hamas for the manner in which they conducted their December 2008–January 2009 confrontation in Gaza. Abbas's initial push for adoption of the report by the UN Human Rights Council in September 2009 came as somewhat of a surprise to Israelis who were familiar with the extent to which he and his associates had pressed Israel to act forcefully against Hamas in Gaza. On October 1, 2009, however, under pressure from both Israel and the U.S., Abbas changed his mind and reversed the PA's initial call for a discussion of the report. The flip-flop is said to have cost him more than a measure of credibility on the Palestinian street. With this episode in Palestinians' not-to-distant memory, by mid-summer of 2011 it appeared unlikely that Abbas would be able to afford another flip-flop, this time related to the PA's quest for a UN declaration of statehood.

Netanyahu

Measured against his presumed tactical goals—containing the external pressures exerted on him and maintaining his coalition government—Israel's prime minister, Benjamin Netanyahu, appeared by mid-2011 to have emerged the least scarred by the failed attempts to advance Palestinian-Israeli peace. None of the ground he conceded in his speeches at Israel's Bar Ilan University (on June 14, 2009), to the Israeli Knesset (on May 16, 2011), or to the Joint Session of Congress (on May 25, 2011) has been meaningful. His adoption of the two-state solution to the conflict was far from earth-shattering; already during his first term in office (1996–99), Netanyahu had operated within the Oslo framework and negotiated two agreements (the Hebron Agreement, signed in January 1997, and the Wye River Accords, signed in October 1998) that were part of the Oslo implementation process. Moreover, Netanyahu now made sure that none of his more recent concessions would go beyond rhetoric: None were to be implemented in any shape or form.

Netanyahu proved particularly agile in warding off whatever pressures President Obama attempted to exert publicly to alter Israel's behavior. Thus, he accepted only a partial ten-month settlement construction freeze and resisted an attempt to extract a sixty-day extension, even refusing an incentive package that to most observers seemed too good to be true.[6] But in no area did Netanyahu prove more skillful than in maneuvering the Republican leadership in Congress against the White House to his advantage. As a result, even as President Obama declined to directly address the Israeli elite, Netanyahu engineered an invitation to do exactly that in this country in May 2011 by addressing a joint session of Congress.

In addition to refusing to allow direct talks with the Palestinians to proceed on the basis of the progress achieved by the previous Israeli government, Netanyahu now added two demands not made by the Olmert government: that the Palestinians recognize Israel as a Jewish state, and that they accept a long-term Israeli military presence along the Jordan River.[7] He later also rejected the notion that the border between Israel and the future Palestinian state would be based on "the 1967 lines with agreed swaps," arguing that these lines were indefensible and unrealistic.[8]

Though they were effective in closing the door to serious Israeli-Palestinian talks, Netanyahu's hard-line positions nevertheless came at a heavy price. His personal relations with the leader of Israel's staunchest ally—the United States—sank to a low not experienced since the confrontation between Secretary of State James Baker and Prime Minister Yitzhak Shamir almost twenty years earlier. Netanyahu also lost the confidence of two of Israel's best friends in Europe: French president Nicolas Sarkozy and German chancellor Angela Merkel. Though both European leaders opposed the Palestinian plan to seek a UN declaration of statehood, they were furious at Netanyahu for ignoring their advice, and pleas, that he offer the Palestinians some meaningful alternative. Netanyahu's approach likewise virtually ensured that Israel's relations with two critically important regional players, Jordan and Turkey, would also deteriorate.

Indeed, by avoiding taking any steps to assure the Palestinians that he was seeking serious negotiations—thereby also ignoring the warnings issued by his own defense minister, Ehud Barak, of a coming "political tsunami"—Netanyahu made the Palestinian march to the UN almost inevitable. And by providing additional ammunition to those already highly critical of Israeli conduct, he contributed to the blurring of the line between criticism of Israeli policy and the questioning of Israel's legitimacy. At a minimum, Netanyahu's approach did not provide any remedy for the delegitimization campaign.

Lessons for Future Efforts

Whether efforts to achieve Palestinian-Israeli peace should figure high on the U.S. foreign policy agenda is not the subject of this Brief. But the abysmal failure to make any meaningful progress in this realm provides a number of lessons that must be learned by all parties if future attempts are to prove any more successful.

For its part, the United States would need to decide whether to focus on the convening and facilitating of permanent status negotiations or on attempting to achieve some interim agreement. Whatever its choice regarding the proper focus of negotiations, the U.S. should avoid spending its limited time and energy on attempting to improve the environment *for* such talks. Thus, although steps such as a settlement construction freeze would be helpful, the U.S. should never again permit itself to be bogged down in endless haggling over the details of such environmental issues.

Second, the administration would need to conceive, adopt, and execute a clear strategy for achieving its goal—that is, an action plan aimed at moving the parties closer and closer to either an interim agreement or one aimed at ending the conflict. In doing so, the President would need to exercise at least as much cunning as Middle East leaders do. In particular, this would require playing the full chessboard by utilizing different sources of leverage and mobilizing various potential allies in the U.S. and in the region at large. As well, the U.S. might need to exploit Israeli and Palestinian domestic political realities, at least to the same extent that its counterparts utilize U.S. domestic politics to their advantage.

For the Palestinians, at least two lessons should be internalized. First, Palestinians should understand that no one has a greater interest in a negotiated resolution of the conflict than they do, because that appears to be the only realistic way of ending Israeli occupation of the West Bank, Gaza, and East Jerusalem. Accordingly, it is never in the Palestinians' interest to attach preconditions to the convening of such negotiations. As an alternative, the Palestinians could impose time limits on such talks to ensure that they do not drag out indefinitely.

The second important lesson for the PA is that it must avoid creating confusion regarding its basic objectives. If its strategic goal is to end Israel's occupation of the West Bank, Gaza, and East Jerusalem by concluding an agreement *with* the Jewish state rather than by attempting to replace it in some fashion, then it cannot enter into a partnership with Hamas unless it is made crystal clear that Hamas has come around to the PA's approach to negotiations—which would entail Hamas's recognition of Israel, renunciation of violence, and acceptance of all previous PLO-Israel and PA-Israel agreements. A partnership with Hamas that is not seen as based on these principles will inevitably raise doubts as to the PA's true intentions and give credence to suspicions that it views an agreement with Israel as only a stepping stone to future efforts to destroy the Jewish state.

Finally, if there is to be a more successful effort to resolve the Palestinian-Israeli conflict, the Israeli government needs to acknowledge two realities. First, absent an accommodation with the Palestinians, it will be impossible to stop the train currently heading toward delegitimizing the Jewish state. Underyling this assertion are two observations: first, that the Palestinians are well on their way to successfully delegitimizing Israel's occupation of the West Bank, Gaza, and East Jerusalem; and second, that with time, it will be increasingly difficult to maintain the boundary between what the Palestinians refer to as "the delegitimization of occupation" and what Israelis maintain amounts to "the delegitimization of Israel."

The second required Israeli realization is that ongoing tension between the Prime Minister of Israel and the President of the United States invites potential strategic disaster for the Jewish state. As the Arab Spring has taken on increasingly deadly dimensions in various corners of the region and as the potential for nuclear proliferation in Iran and elsewhere in the region looms large, Israel's neighborhood is likely to present the Jewish state with ever more challenging hazards. Successfully meeting such challenges will require a strong United States—and a U.S. that is *seen* as strong in the Middle East—as well as an effective U.S.–Israeli strategic partnership. But such a partnership cannot be effective without the two countries' top leaders forging intimate ties.

For this reason, Israel simply cannot afford the present level of tension between Prime Minister Netanyahu and President Obama. Neither can it afford the growing perception in the region that the American President is weak—and so any Israeli contribution *to* such a perception undermines the security of the Jewish state. Since Israeli concessions to make Arab-Israeli peace possible inevitably involve a measure of risk, and since the United States remains the only party capable of offsetting some of this Israeli risk, the restoration of mutual trust and confidence between the Israeli Prime Minister and the President of the United States remains an absolute prerequisite to breaking the current stalemate and paralysis in Palestinian-Israeli negotiations.

Endnotes

Jasmine Gothelf, a research assistant at the Crown Center, assisted in gathering data on which this Brief is based.

1 Ali Sawafta, "Netanyahu Offers No Hope for Peace, Abbas Says; Will Seek UN Recognition; Israeli PM's Speech Dictated Solutions before Negotiations Begin, Palestinian Leader Says," *The Gazette (Montreal)*, May 26, 2011; Khaled Abu Toameh and Herb Keinon, "Adviser to Abbas: PA Will Drop UN Bid if Israel Accepts '67 Borders as Baseline, Freeze Settlements," *Jerusalem Post*, July 5, 2011.

2 Obama's promise was that he would work for a negotiated breakthrough in the Middle East conflict, "starting from the minute I'm sworn into office." See Donald Macintyre, "Obama Pledges to Work for Middle East Peace," *The Independent*, July 23, 2008.

3 Shimon Shiffer, "US Wants Agreement Now, Peace Later," *Ynetnews.com*, August 27, 2010*; White House, "President Obama on Bilateral Mideast Peace Meetings," September 1, 2010*.

4 Jackson Diehl, "Abbas's Waiting Game on Peace with Israel," *Washington Post*, May 29, 2009; Muna Shikaki, "Palestinian President Mahmoud Abbas's Exclusive Interview with Al-Arabiya after His Obama Meeting," *Al-Arabiya*, May 29, 2009.*

5 Albert Aji, "Hamas Rejects Reconciliation with Fatah," *Boston Globe*, October 16, 2009.*

6 For a detailed account of the package offered, see David Makovsky, "Dear Prime Minister: U.S. Efforts to Keep the Peace Process on Track" (Washington Institute for Near East Policy, *PolicyWatch* #1707, September 29, 2010).*

7 "Speech by PM Netanyahu to a Joint Meeting of the U.S. Congress," Israel Ministry of Foreign Affairs, May 24, 2011.*

8 "Benjamin Netanyahu Rejects President Obama's 1967 Border Plan," *The Telegraph*, August 5, 2011.*

* Weblinks are available in the online version found at www.brandeis.edu/crown

Brandeis University Crown Center
for Middle East Studies

Mailstop 010
Waltham, Massachusetts
02454-9110

781-736-5320
781-736-5324 Fax
www.brandeis.edu/crown

Middle East Brief

Beyond September: Lessons from Failed Mideast Diplomacy

Prof. Shai Feldman

Recent Middle East Briefs are available on the Crown Center website
www.brandeis.edu/crown

Naghmeh Sohrabi, "The Power Struggle in Iran: A Centrist Comeback?"
July 2011, No.53

Asher Susser, "Jordan 2011: Uneasy Lies the Head," June 2011, No. 52

Malik Mufti, "A Little America: The Emergence of Turkish Hegemony,"
May 2011, No. 51

Eva Bellin, "Lessons from the Jasmine and Nile Revolutions: Possibilities of Political Transformation in the Middle East?" May 2011, No. 50

Nader Habibi and Joshua W. Walker, "What is Driving Turkey's Reengagement with the Arab World?" April 2011, No. 49