

Analyses of the Palestinian-Israeli Talks: Precedents, Pitfalls and Possibilities
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Introduction and Executive Summary

In a press conference on August 20, 2010, Secretary of State Clinton said, “The President and I are encouraged by the leadership of Prime Minister Netanyahu and President Abbas and fully share their commitment to the goal of two states– Israel and Palestine– living side by side in peace and security.” She continued, “on behalf of the United States Government, I’ve invited Israeli Prime Minister Netanyahu and Palestinian Authority President Abbas to meet on September 2nd in Washington, D.C. to re-launch direct negotiations to resolve all final status issues, which we believe can be completed within one year.” Optimism was unleashed. Finally the Palestinians and Israelis would conduct direct negotiations again as they had a decade ago. Inevitably, pessimism and cynicism abounds from those who have lived, observed and participated in the conflict and its attempts at resolution.

What about all those tough issues– a Palestinian state, Israel as a Jewish state, settlements, Palestinians refugees wanting to go back to Israel, Hamas and the Gaza Strip, Jerusalem, water, borders, prerogatives of a Palestinian state, Israel’s insistence on iron-clad security, etc.? And what about the unforeseen, a leader who could die in the midst of the negotiations, gripping violence that could overwhelm the talks, or intrusion of outside parties or events that could make negotiating progress impossible? What if agreements are signed but the signers are not held accountable?

Rather than dwell on the skepticism of why successes are improbable, I focus on what is possible. I believe that these negotiations, or offshoots of them, could easily yield one or multiple Israeli-Palestinian agreements where Israel disengages from West Bank lands, Israeli settlement blocks are swapped for other lands held by Israel, a demilitarized Palestinian state comes into distinct focus, and the entire process is accompanied with security packages as demanded by the Israelis. To reach conclusions in agreements that will stand the test of time, Palestinian and Israeli leaders and their publics will have to exhibit courage, political will, persistence, and a constantly recalibrating ability to look into the future and see what will be best for their respective populations, in addition to receiving prolonged external support. In trying to understand why agreements may be possible, not necessarily reaching a treaty right away or some statement that the conflict will end as will all outstanding claims, I have looked at nine areas that indicate that agreements are possible. There are many more areas that could have been reviewed such as the European role, why leave out Hamas, why not include Syria and Lebanon, why not aim for a comprehensive peace, etc. I simply evaluated nine elements: **the Israeli domestic and Palestinian domestic settings, role of surrounding Arab states, ripeness for the talks, pre-negotiations, issues to be discussed, role of the US, outcomes, pitfalls and expectations.**

In addition to the analyses, I have provided several key speeches, interviews, press conference summaries as background to the supposition that agreements are possible. In the analyses, the sources are in pdf format and linked for your access. They are referenced in the footnotes.

- 1. The Israeli domestic setting** Israeli Prime Minister Netanyahu has another three years to govern. There are elements in his Likud Party and in his coalition who oppose talks with the Palestinians, who opposed a continuation of a settlement building moratorium, and may oppose voting in favor of substantive elements in a negotiated agreement such as establishing an

undivided Jerusalem as a capital for two states. For a minister, deputy minister, or a party member to leave an Israeli government coalition means giving up access to budgetary allocations and political perks. There is an enormous gap between saying one will leave a governing coalition and actually doing so. If Netanyahu loses members of his current coalition, he can avoid a non-confidence motion in the parliament by having members of the opposition parties provide him with a majority on a given vote or series of votes. In the case of these negotiations with the Palestinians, many members of the opposition Kadima Party, who are generally in favor of reaching a settlement with the Palestinians that above all protects Israeli security, are highly likely to vote with Netanyahu on an issue that otherwise might cause his coalition members not to vote with the Prime Minister. In short, Netanyahu can suffer defections from his coalition and have those critical votes replaced by opposition party members – what in Israeli politics is called a “safety net.” Those opposition members may or may not become members of a new Netanyahu coalition government. Moreover, since 2003, Israel has what is known as a “constructive vote of no-confidence.” This means that the opposition must muster a double majority of MKs, first in a no-confidence vote in the current government and then in a vote of support for a replacement PM. Indeed, every no-confidence vote now must be accompanied by a name of a replacement PM.¹ Without a majority on both votes, the current government stays in place. In any case, there is a majority consensus among the 120 Israeli parliamentarians to move forward with negotiations. As Menachem Begin did in 1978 and 1979 when he brought agreements with Egypt before the Israeli parliament for ratification, Netanyahu also enjoys the prospects of having a reasonable agreement ratified by the Israeli parliament even if there is a split in his party due to the support of the opposition. Netanyahu can survive for a full term as prime minister until the next elections in March 2013.

Israeli governments want to preserve and protect a historically strong security relationship with the United States. Israel prefers that the negotiating process does not impact negatively the bilateral relationship in political, economic, and security terms. Israeli governments are particularly protective of their prerogative to decide unilaterally on matters pertaining to security relations with Arab neighbors. Israel does not discount American urging on either the substance or pace of negotiations, and in fact countenances a central US role in any negotiating process. Israel listens to what Washington asks because it wants and needs to protect and bolster the bilateral relationship. But Washington can not deliver Israel on a particular issue unless Israelis see it in their national interests. Under the Ford Administration in early 1975 and in Carter’s first two year’s in office in 1977-78, pressure was exerted on Israel in the negotiating process that had a negative impact on the bilateral relationship and upon security assistance. Earlier in the 1970s, Golda Meir’s government shunned a reasonable negotiating overture from Egyptian President Sadat because she wanted to protect Israel’s ability to acquire modern military equipment. Of course in the 1970s, Israel was still in a state of war with all Arab states and the Soviet Union prowled regularly around the Middle East, sprinkling willing clients with liberal doses of military supplies. Although the Obama-Netanyahu relationship hit some rocky shoals during 2009 and early 2010, the bilateral relationship has been rejuvenated, where a measure of confidence exists between the two leaders. Of particular relevance is the meeting that Obama and Netanyahu had on July 6 in which they not only lauded each other but reaffirmed the strength of the US-Israeli relationship.²

¹ I wish to thank Hebrew University Professor Reuven Hazan for clarifications about no-confidence motions and the Israeli parliament.

² [Remarks by President Obama and Prime Minister Netanyahu of Israel in Joint Press Conference, July 6, 2010.](#)

Four Israeli Prime Ministers--Ehud Barak, Ariel Sharon, Ehud Olmert, and Bibi Netanyahu--have made the case that the Palestinians should have a state, if it can exist side by side with Israel in peace. Netanyahu outlined a detailed framework for two states living side by side in an historic speech at Bar-Ilan University on June 14, 2009.³ In summary he noted six key points:

- “Israel is the state or the nation-state of the Jewish people...[it] will stay that way...Palestinians must provide unequivocal recognition of Israel as the nation state of the Jewish people.”
- “In this small land of ours, two peoples live freely, side-by-side, in amity and mutual respect. Each will have its own flag, its own national anthem, its own government. Neither will threaten the security or survival of the other-- we do not want to rule over them, we do not want to govern their lives, we do not want to impose either our flag or our culture on them.”
- “The territory under Palestinian control must be demilitarized with ironclad security provisions for Israel.”
- “Call on the Arab countries to cooperate with the Palestinians and with us to advance an economic peace. An economic peace is not a substitute for a political peace, but an important element to achieving it.”
- “Our friends in the international community led by the United States...critical to the security of Israel...clear commitments that in a future peace agreement...with effective security measures—real monitoring.”
- “We have no intention of building new settlements or of expropriating additional land for existing settlements; Natural settlement growth will continue.”

For its part, since March 2010, the Obama Administration has engaged in a series of confidence building measures vis a vis Israel. In the public spat over settlements that month when Vice-President Biden was in Israel, though he chastised Israeli settlement policy, he said the Israel-US security relationship was unshakeable. In its May 2010 National Security Strategy Paper, the Administration stated that, “The United States seeks two states living side by side in peace and security—a Jewish state of Israel, with true security, acceptance, and rights for all Israelis; and a viable, independent Palestine, with contiguous territory that ends the occupation that began in 1967 and realizes the potential of the Palestinian people.”⁴ Here the Obama Administration specifically reinforced Netanyahu’s definition of Israel as a Jewish state, and defined the ‘occupation’ as beginning in 1967, contrary to the view of many who define ‘occupation’ as all of what is Israel! For Iran’s president, many Syrian politicians, Hamas advocates and anti-negotiations-with-Israel enthusiasts, define ‘ending the occupation’ as ending Israel! Knowing that Israel will have to take some risks in helping establish a Palestinian state, the Obama Administration has made highly important and specific commitments to Israel. Obama himself at his White House meeting with Netanyahu on July 6, 2010, said, “there needs to be a whole set of confidence-building measures.” Those commitments have not removed some of the deeply held skepticism of the Obama

³ [Bibi Netanyahu sSpeech Bar-Ilan University, June 14, 2009.](#)

⁴ [US National Security Strategy, May 2010](#), especially page 26; see also pp. 4, 24, and 25.

Administration held by many American supporters of Israel. Obama again reaffirmed the strong security relationship with Israel, to which Netanyahu replied, that there exists “cooperation in the fields of intelligence and security. And exactly as the President said, it is extensive. Not everything is seen by the public, but it is seen and appreciated by us.”

To reassure Israel further of the close US-Israeli relationship, on July 16, 2010, Assistant Secretary of State for Political-Military Affairs Andrew J. Shapiro outlined how the US would maintain Israel’s qualitative military edge vis a vis its neighbors and stipulated again, “Israel as a Jewish state.”⁵ In addition, this past summer, the US and Israel have been engaged in a very high degree of cooperation on security issues, perhaps more intense than at any other time in the history of the relationship. Israel is acquiring the F-35 airplane in several years with few limitations on how it can reconfigure its platforms for weapons use. Finally in the August 20, 2010,⁶ announcement about the coming direct negotiations, US Special Envoy to the Middle East Peace George Mitchell made it clear four times that these negotiations would be ‘between the parties.’ In diplomatic terms this meant that neither the US nor others would be umpires in the coming negotiations, alleviating any sense that pressure would be applied to Israel to make concessions it felt were not in its national interest. Such confidence in an American president did not exist when in 1977 Jimmy Carter tried to force the Israelis to go to an international conference, include the Soviet Union in the talks, and make the Israelis sit down with all the Arab states simultaneously, including elements of the PLO.

- 2. The Palestinian domestic setting** After several years of American, European, and other donor assistance, and with a will to make changes, the PA has improved the standard of living and security conditions in the territories. A portion of the credit for reducing corruption and the size of several bureaucracies goes to Prime and Finance Minister of the PA Salam al-Fayyad. Israelis have encouraged the bolstering of security conditions in the West Bank. Even anti-PA advocates have appreciated steps made to reduce violence. Some in the PA dislike the manner of cooperation with Israeli forces because it demonstrates Israel’s asymmetrical dominance in security affairs. On the one hand Israeli security officials appreciate the changes made by the PA in the security fields, but Palestinians chafe at Israeli orders and actions. Palestinian-Israeli cooperation seems greatest when the targets are Hamas activists, with that external motivation to cooperate not likely to dissipate in the near future. Palestinian Authority President Abbas has gained some credit for steering the territory toward a better standard of living. Immediately upon taking office in 2005 he unilaterally declared the end of the intifadah. His relationship with al-Fayyad is one of a working partnership, not one of obstruction, which Abbas suffered as Prime Minister during the last years of Arafat’s rule. But they also have had their fractious moments. From within his own Fatah Party, Abbas suffers political weakness; it is an organization fraught with personality quarrels since before Arafat’s death in November 2004. Fissures in Palestinian Arab politics should not surprise an historian of the Palestinian Arab movement: it was and remains perhaps the most fragmented of all Arab national movements--

⁵ Andrew J. Shapiro, Assistant Secretary, Political-Military Affairs, [The Obama Administration's Approach to U.S.-Israel Security Cooperation: Preserving Israel's Qualitative Military Edge](#), Brookings Saban Center for Middle East Policy, Washington, DC, July 16, 2010.

⁶ Hillary Rodham Clinton, Secretary of State and George Mitchell, Special Envoy for Middle East Peace, [Briefing on Middle East Peace Process](#), Washington, DC. August 20, 2010.

sociologically, ideologically, and geographically. In the broader spectrum of Palestinian politics, Abbas remains an interim leader, a voice from the generation that spoke only of liberating all of Palestine until the late 1980s. And yet Abbas proclaimed a willingness to make peace with Israel, but of course on Palestinian terms. His public references can and have been hard line in promoting the Palestinian view. To what degree those hard line views change in private and then are offered to the Palestinian public remains to be seen.⁷

A senior Arab commentator, Rami Khouri took him to task recently for “only speaking for a few people, commercial partners and numerous guards.”⁸ Abbas does enter negotiations without a public mandate. A precedent certainly exists. Arafat, then head of the Palestine Liberation Organization, recognized Israel in September 1993, with absolutely no mandate from his people to do so. And that included Arafat acting in total opposition to Hamas, already a potent political force in the territories. I remember having a discussion in Tunis in October 1993 with members of the PLO Executive Committee; they were totally dumfounded and in apoplectic disagreement with Arafat’s readiness to recognize Israel. In these current negotiations, Abbas is not obliged to include doubters or naysayers, be they of a secular or religious leaning. Historically, Palestinian Arabs though at times eager to negotiate on their own behalf, found themselves arguing profusely about whether even to negotiate. And more often than not, others like the Arab League, or Arab states – be it Jordan, Syria, or Egypt – have sought to speak for the Palestinians. Even at the conclusion of the 1948-49 war, Palestinians from the West Bank wanted to negotiate with Israelis in Rhodes and Lausanne but were denied the full chance by the Arab League. Now Palestinians have a chance to speak for themselves, yet fragmentation of views does not have to make the Abbas effort inherently paralyzing. In addition, for months the Arab print media, and this includes Palestinian editorials and opinion pieces, have claimed that Abbas is giving in to Netanyahu and the US without a firm promise as a precondition not to continue settlement activity. While halting all growth and expansion of settlements is important for Abbas, it is not as important in the long run as having international, US, and Arab support for a Palestinian state. The reality is that Abbas and the PA would not be engaged in these talks if they did not believe that there already existed substantial agreements on many issues and that long term Palestinian Arab national interests will be better served by direct talks with the Americans playing a committed public role. What the Palestinians want are ‘rights.’ They seek the right to establish a state, free from threats of force or violence and non-interference by external parties. They are seeking a measure of daily normalcy which they believe a state can provide. Palestinians want to be citizens of their own state, not inhabitants governed by someone else. What interaction they seek with Israel and Jordan *during and after* a state is established is for the parties to decide.

- 3. The role of surrounding Arab states** For Abbas, no Arab leader with clout is keeping him from joining the talks or forcing him to include Hamas leaders in the negotiations. Unlike Arafat’s negotiations with the Israelis in July 2000, Abbas enjoys open support for these talks from the Jordanians and the Egyptians, and important support from the Arab League. Jordan and Egypt are the two Arab states that have signed peace treaties with Israel. Both have

⁷ Mahmoud Abbas, Palestinian Authority President, [Speech Before Commencing Talks with Israel](#), Washington, DC September 2, 2010.

⁸ Rami Khouri, “A Contempt for the Governed,” Editor-at-Large for the *Daily Star* (Beirut), September 6, 2010.

declared a national pragmatic interest in non-belligerency with Israel. Neither is wallowing in a Zionist embrace, nor will the Palestinians for that matter. Both want to see Abbas push forward with negotiations that can either limit or reduce the influence of Hamas, who opposes all discussions with the Israelis. For Jordan and Egypt, Hamas is a valuable ally to many Islamic opposition groups in their respective countries and elsewhere in the Middle East that have opposed for decades the secular style of leadership of both President Husni Mubarak in Egypt and King Abdullah in Jordan. For other Arab countries like Saudi Arabia, Kuwait and Morocco, positive movement toward resolving portions of Palestinian political aspirations has a beneficial by-product of enhancing bilateral relations between those countries and the United States. Given the precarious nature that some of these countries find themselves in today, strengthening their ties with the US is a valid trade-off for supporting negotiations. After the first Gulf War in 1991, Arab states such as Saudi Arabia and Kuwait were persuaded that demonstrated American military support for their respective regimes also warranted Arab state support of the Bush-Baker effort to resume Arab-Israeli negotiations through the October-November 1991 Madrid Middle East Peace Conference. Finally, while neither Netanyahu nor Abbas possess the broad domestic strength that Sadat and Begin enjoyed when they engaged in their direct talks from 1977-1979, both Palestinians and Israeli leaders are stronger today than they were a year or two ago. And significantly, the West Bank setting is more conducive to a negotiated settlement than it was when Abbas became prime minister in January 2005. And in the past, serious Israel-Palestinian negotiations (in 1992 and in 2000) competed for attention with the prospects of serious negotiations on the Syrian-Israeli track. At present the possibility does not exist of another negotiating track delaying, deflecting, or derailing Palestinian-Israeli talks.

4. **Ripeness for the talks** Serious negotiations occur when the time is “ripe”. What is ripeness? Ripeness is when both sides agree for similar or differing reasons that it is better to negotiate now, than to delay. An unbearable status quo can unleash ripeness. Ripeness can also apply to eventually reaching an agreement. Over the last several years, both Israel and the Palestinian Authority have witnessed positive changes on the ground in terms of security and economic realities. The Hamas takeover of Gaza in June 2007 prompted a common urgency among Israelis and Palestinians to reduce Hamas’s strength. Both want to prevent Hamas from growing especially with Iranian support. Both Israelis and Palestinians are worn out and eager to generate more normal lives for themselves away from the conflict. There is a measure of conflict fatigue that has generated a keen desire to find daily normalcy. Both Israel and the PA see a United States President, an active US envoy, and a Secretary of State, eagerly interested and committed to sticking with negotiations. Much like Egyptian-Israeli diplomacy of the 1970s, the United States provided the means and the mediation for achieving agreements. Then and now both sides find engagement and reliance upon Washington as critically central to successful and lasting agreements. The PA particularly prefers the Obama Administration’s eager engagement to the Bush Administration’s earlier aloofness. Both are convinced that the US will not let negotiations stagnate but carry them to logical conclusions. Both sides have seen and continue to see active support for progress from Arab states, European countries, Russia, and the UN; both sides in one way or another believe that the “status quo” can become worse if they do not arrest building trends in Islamic extremism. Both sides foresee issues in the immediate future that will make it more difficult to achieve separate visions of future national interests. The Palestinians want their state and the Israelis long for their security. If ripeness for a settlement on some or many of the major issues is not apparent today, as negotiations continue, ripeness can evolve to ‘picking fruit that is not now, but may in the future be, low hanging!’ Ripeness can also apply to a mutual understanding about the future.

While both the leaders of Egypt and Saudi Arabia are ensconced in power and support these talks, they are also engaged in succession considerations. It is far better to have these negotiations begin while those succession issues are not deflecting attention. It is known that Abbas, Netanyahu, Mubarak, Abdullah and other Arab leaders separately see common threats from Iran and understand that Palestinian-Israeli negotiations begun now have a far better chance of success than if they are begun in six months or a year, when Iran will have a deliverable nuclear device. Together Israel, the Palestinian Authority and a variety of Arab states possess an informal alliance of necessity. It is not an alliance of political conviction or compatibilities in culture, but an alliance that motivates the need and desire to talk. Begin and Sadat had an external threat that helped bring them together: dislike for the Soviet Union, and a desire to keep Moscow away from influencing their bilateral talks. Tehran and its aggressive foreign policy is a common external threat to both the Palestinian Authority and to Israel.

- 5. Pre-negotiations** Arab-Israeli negotiations succeed **only** when there have been substantial pre-negotiations where difficult issues are raised, differences are narrowed, and draft understandings are composed. Prior to the January 1974 Egyptian-Israeli Disengagement Agreement, details of that understanding were negotiated by Egyptian and Israeli generals after the end of the October 1973 War. Prior to the convening of the Camp David Summit between Carter, Begin and Sadat in September 1978, substantial content of the Camp David Accords emerged from pre-negotiations and the drafting undertaken by State Department officials Roy Atherton and Hal Saunders. The briefing book for the Camp David Accords that Secretary of State Vance provided to Carter in late August of that year, contained vital elements that were ultimately included in the final version of the Accords. In convening the 1991 Madrid Conference, Secretary of State Baker narrowed differences on the nature of the conference by travelling to the region at least nine times in 1991. Prior to the signing of the Oslo Accords in September 1993, Israeli and PLO negotiators plodded through eight months of detailed private discussions. But prior to Camp David in July 2000, there was little if any pre-negotiation which is one of several reasons why those talks failed. Prior to the September 2010 meeting of Netanyahu and Abbas in Washington, Senator and Special Envoy to the Middle East George Mitchell and other State Department officials for more than a year, shuttled back and forth between Ramallah and Jerusalem. Sometimes these discussions were unofficial, sometimes in an official capacity in carrying out what were described as “proximity talks.” Abbas in his opening speech in Washington in early September acknowledged progress made in pre-negotiations. And those discussions through Mitchell were based on earlier discussions between Palestinians and Israelis during Israeli Prime Minister Ehud Olmert’s tenure and that of his Foreign Minister Tzipy Livni. The respective sides knew then and now the detailed content of the final status issues; they also know full well the respective “red lines” of the other.
- 6. Issues to be discussed** It is significant that as private pre-negotiations have taken place, changes on the ground, in the West Bank and between the PA and Israel, on matters of security have also steadily taken place. These changes are apparently sufficient for each side to believe that as negotiations move ahead, additional progress can be made on many of the outstanding and difficult issues. Progress in narrowing differences should not be confused with settling all outstanding details connected to an issue; differences are many and issues are interconnected. In a conference at Tel Aviv University in May 2008, Saeb Erekat, a leading Palestinian negotiator said, “a two state solution is the preferred outcome, and that the parameters of an agreement are well known to all sides; it is a matter of finding common ground.”

From published Arabic, English and Hebrew sources many of the ideas and contents in the negotiations are known. On territory, the concept of land swaps is likely to occur. Negotiations will determine which land areas are to be swapped: those in the present West Bank with areas presently inside Israel's pre-1967 borders. For land that Israel would give to the Palestinians, the Israelis would in exchange annex areas adjacent to Israel where settlements are situated. That could include as many as 70% of the existing settlements. On refugees, the issue is the number of Palestinians that might return over a period of time and to where they might return. On security, some measure of international participation will be used to assure that domestic tranquility in the West Bank is maintained after substantial Israeli withdrawals. There are certain areas of the West Bank that are highly sensitive for long term Israeli security, including areas in the Jordan Valley and along the mountainous heights that run through the center of the West Bank. The concept of international monitors as part of future demilitarized Palestinian state was presented by Netanyahu in his June 2009, Bar Ilan University speech. The concept of demilitarized zones is also present in several Egyptian-Israeli agreements and present in the wording of 1967 United Nations Resolution 242 which is a core framework for previous Arab-Israeli talks. The depth of the demilitarized zones, the composition and numbers of the monitoring or observer forces, their rules of engagement with the local population, all remain to be clarified. Israel prefers that the monitors possess extensive powers, with prerogatives to arrest individuals and confiscate weapons. How these international monitors interact with Israeli and Palestinian security personnel is integral to any lasting agreement. It is quite certain that Israel will not want to turn over immediate or all security monitoring to outside parties but retain some prerogatives for themselves. Numbers and prerogatives could be telescoped to lesser involvement over a period of time. On economic matters, the prospects of a free trade zone, a customs union, or a most favored nation status agreement between Israel and the proposed Palestinian state and perhaps Jordan have been debated. There are pros and cons to all of these options. On water, there is substantial understanding about sharing water including Palestinian access to aquifers and water desalinization plants in Israel. On Jerusalem and settlements, less has been publically discussed, but already a great deal has been agreed upon in private. The Palestinians are seeking an independent state that is contiguous and viable. It is not impossible that Jerusalem will be the capital of two states, with the city of Jerusalem remaining open, unified, and municipal services provided for in a collective manner.

- 7. Role of the US** Historically, when the US unilaterally offers a public plan for a negotiated settlement between Arabs and Israelis, e.g. the 1969 Rogers Plan, 1977 Carter Plan, or the 1982 Reagan Plan, there are no takers. The respective sides cringe at US suggestions for what a final agreement should look like. Each side wants to shape their own agreement and if the US gets too nose, then the sides, no matter how mistrustful they are of one another, by-pass US suggestions. When Carter pushed relentlessly for Soviet involvement, an international conference, and a comprehensive settlement between Israel and all other Arab parties, Egyptian President Sadat and Israeli Prime Minister Begin found direct and indirect secret channels to test each other's intentions. Unbeknownst to Washington, they used Morocco, Rumania, and Iran to obtain a measure of one another. For US mediation to work, the first axiom is that Washington should do no harm. But to be successful the oval office or the US president's representative, in this case Senator and Special Envoy to Middle East Peace George Mitchell and/or Secretary of State Hillary Clinton, need to be consistently and somewhat continuously engaged. The questions then become: how engaged and how often? For what duration? And then if and when should the President himself become involved? Above all, the US should not be making any remarks about "Mission Accomplished!" Third, the US has a measure of leverage over both Israel and the Palestinians. That is a factor which contributes to making the

US role the vital mediator. While the sides will be negotiating and possibly signing agreements with one another, for both sustaining a strong bilateral relationship with Washington is a powerful incentive not to walk away from negotiations. In January 1974 when an Egyptian Chief of Staff balked at the minimum number of tanks Egypt could have on the side of the Suez Canal it liberated from Israel with great effort in the October 1973 War, Egyptian President Sadat turned to his Chief of Staff and said, according to the Chief of Staff, 'remember my dear general we are not making peace with Israel, we are making peace with the United States.' How and what pace the US uses its leverage this time, and when in the negotiation process matters. Too much, too soon, too public, or too demonstrative can all be counter-productive. Understanding the right pace and degree in urging progress privately matters; however, leaving the sides unattended could mean that they will have a dust up in their sandbox, or events in the region will overtake the prolonged interlude that they might elapse between on-going negotiations. While general understandings on all or most of the important issues may be discussed and a good number of them generally agreed upon over the next year, implementation of agreements will take longer than Obama's term as president. Continuity in American engagement in solidifying these negotiations must take place now, during the next presidential election and in consultation with Congress. Fourth, in the past the US has played many roles in mediating Arab-Israeli negotiations, some will undoubtedly be employed again. These will include roles as adviser, architect, arbitrator, bridge-builder, banker, catalyst, cheerleader, choreographer, convener, donor, facilitator, financier, friend, engineer, guarantor, hand-holder, intermediary, interpreter, mailman, mediator, messenger, mentor, monitor, nag, nudge, spokesman, and wordsmith.

8. **Outcomes** It is highly unlikely that within one year Israel and the Palestinian Authority will sign a peace treaty that has resolved all outstanding issues. What is likely is that there will be another Israeli disengagement agreement or series of disengagements from territories over a period of time with corresponding transfer of powers to the Palestinian Authority. Since the June 1967 War, after Israel succeeded in gaining the West Bank, East Jerusalem, Gaza Strip, the Sinai Peninsula, and the Golan Heights, Arab-Israeli negotiations, with the exception of the 1994 Jordanian-Israeli Treaty of Peace, have boiled down to this premise: under what circumstances and over what period of time will Israel return territories acquired in the war, and what will Israel receive in security by virtue of an accord, agreement, or treaty in return? Agreements can be reached on a variety of specific issues like borders, water sharing, or Jerusalem. Yet their respective implementation may not happen simultaneously. Likewise, if agreements are reached on some issues, but not on others, those unresolved may be covered through a more generally agreed set of accords, principles, protocols, or parameters.

Accompanying negotiations on outstanding issues may be side letters that the US or some other party issues. What is certain is that whatever is negotiated between the parties will be implemented in stages or phases over time. For the Palestinians, the time frame will be too long; for Israelis, the time frame will be too short. Whether an accord, agreement, framework or series of them, what will happen is that Israel will disengage once again from territories and receive promises or guarantees or both from Palestinians, the Americans and others. But Israel will not place sensitive security issues exclusively into the hands of the Palestinians, the Americans or the international community. Given the cauldron of troubles that the Middle East provides the Obama Administration in Afghanistan, Iraq, Iran, and Turkey, with succession questions upfront in Egypt and Saudi Arabia, perennial concerns about Syrian intrusion into neighborhood affairs, and Lebanon's precarious republic pushing Palestinian-Israeli negotiations forward may have more upside potential than these other complex issues. Any

positive movement in Israeli-Palestinian talks can take some sting out of the extremist rhetoric of Hizballah, the Iranian leadership, and others who totally opposed Israel's existence. However, expectations must be realistic: a series of Israel-Palestinian agreements will not magically cause anti-Israeli sentiment to disappear. A characteristic we have learned in past successful Arab-Israeli negotiations: mistrust that enters negotiations, while temporarily offset or moderately changed by signed agreements, does not end historically held bad feelings between the parties. Thirty years after the Egyptian-Israeli treaty, Cairo-Jerusalem relations are correct and pragmatic, not warm and fuzzy.

- 9. Pitfalls and expectations** The August 20, 2010, announcement by Secretary of State Clinton at the start of direct negotiations was not an announcement that the two sides are about to sign an agreement or a treaty. The talks over time may or may not develop a rhythm with levels of progress not known to the media and general public. Netanyahu and Abbas want to control the talks, the flow of information to the media, and therefore avoid undue expectations. Commentators will have a field day about what is agreed upon. Speculation about what has not been achieved and why will overwhelm the media and blogosphere. Rumors will abound. Unsubstantiated guesses disseminated in emails will spread virally like measles. If at all possible public deadlines should not be stated; historically they are not kept. Preferably the Americans should control the flow of information to the general public. However, it would be highly beneficial if at the end of some series of regular negotiations or periodically, press releases or press conferences were made with both sides 'owning' the remarks made. Leaks from the negotiators to the media should be avoided at all costs. Whatever happens with the talks on the ground, every effort must be made by all the parties to assure Israeli and Palestinian populations that progress in negotiations translates into positive changes on the ground. There is no way of stopping the unfolding of events in the region that could negatively influence the pace or content of the talks. These could include assassinations, shootings, harm to public and religious sites, civilian attacks, military encounters, kidnappings and the rest. To reach lasting conclusions, resolve, persistence, courage and long term commitment must be exhibited by negotiators. Successors to the current negotiators must accept the contents signed and agreed upon. As far as the freeze in the settlements in the West Bank that is due to end later in September, what could Netanyahu do? Every US administration since Lyndon Johnson has stated that the settlements in the territories are an obstacle to a successful negotiating process. And every Israeli government has said that it will determine by itself its policies vis a vis the territories. Some Israeli governments have quietly placed a moratorium on settlements and consequently for periods of time over the last forty years the settlements issue has gone into a 'sleep mode.' A lesson from past experience might work again. Sustain the freeze privately without making a public statement about them, and do it without another deadline. Of course there are permits pending to build additionally, so some blanket action by the parliament to sustain the freeze indefinitely might work as well. Prime Minister Begin had the parliament ratify the 1978 Camp David Accords which implicitly meant compromising on the settlements. Perhaps Netanyahu could do something similar after the parliament reconvenes this fall: pass a resolution endorsing the negotiations with the Palestinians which includes a vague statement about not changing present population centers or demography for the duration of these negotiations. He will receive a majority in the parliament for such a binding statement, even if not all members of his coalition vote for it. In negotiations what you say matters, but sometimes it is better not to say, and simply do, or say it with profound ambiguity. Then Netanyahu must be prepared to be tested and vilified by activists and politicians alike.

At Emory University in Atlanta, Professor Kenneth Stein teaches Middle Eastern History and Political Science. He is the Director of the Emory University Institute for the Study of Modern Israel and President of the Center for Israel Education. He is the author of *Heroic Diplomacy: Sadat, Kissinger, Carter, Begin and the Quest for Arab-Israeli Peace*, Routledge 1999 and with Ambassador Samuel W. Lewis, *Making Peace Among Arabs and Israel: Lessons from Fifty Years of Negotiating Experience*, United States Institute for Peace, 1991.⁹ The above analysis may be forwarded only in its entirety with due credit given to the author September 10, 2010 © www.ismi.emory.edu and www.israeled.org
My thanks to Ana Fuchs and Heather Waters in preparation of the materials for this essay. I am solely responsible for the contents. KWS

⁹ See Stein and Lewis, *Making Peace Among Arabs and Israel: Lessons from Fifty Years of Negotiating Experience*, United States Institute for Peace, 1991. <http://www.ismi.emory.edu/usip.pdf>