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An Israeli Initiative: Expanding on the Quartet Statement

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The September 23, 2011 statement by the Middle East Quartet¹ may prove to be a landmark in the attempts to reach an Israeli-Palestinian agreement. The carefully worded statement is drafted in such a way as to allow it to serve as a basis for both parties to resume negotiations. From the Israeli perspective, the statement is particularly welcome, as it calls on the parties to "resume direct bilateral Israeli-Palestinian negotiations without delay or preconditions." This explicit call for negotiations without preconditions has been a cornerstone of the Israeli negotiating position. The statement emphasizes that the two central elements that need to be negotiated first are "territory and security," again reflecting the Israeli position that borders cannot be negotiated without reaching agreement on security arrangements at the same time. Furthermore, the statement refrains from endorsing the Palestinian application to the UN and limits itself to taking note of the application.

Notably, the Quartet statement does not call for a settlement construction freeze, although the call "to refrain from provocative actions if negotiations are to be effective" is clearly indirectly intended to refer to new settlement activity. Indeed, the Quartet statement attempts to assuage Palestinian sensibilities by reaffirming all previous Quartet statements, which referred to the need for a settlement freeze. The Quartet statement expresses support for President Obama's peace vision, which referred to the 1967 borders, and reaffirms the importance of the Arab [Beirut] Peace initiative.

The Quartet statement sets an unrealistic timetable that if adopted would be a straightjacket, and is unlikely to be met in any circumstances, especially in light of the

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current regional conditions of volatility and uncertainty. Timetables, however, have always proved to be a flexible element in Middle Eastern negotiations.

If the Palestinians reject the Quartet proposal or place conditions on their acceptance, Israel may earn a short term diplomatic victory and Israel will again be able to claim that there are no partners for negotiations. It is, however, in Israel's longer term interest to actually reach a *modus vivendi* with the present Palestinian leadership. It is also quite clear that the proposed international conference to be convened in Moscow is unlikely to be a harbinger of good news for Israel. It is therefore in Israel's interest to commence talks immediately and to set an achievable goal for such talks. It can use the statement and its own response to launch a diplomatic campaign seizing the initiative and high political and moral ground. This can be done by Israel expanding on the September 23 Quartet statement, adjusting it to meet its own concerns and to some extent those of the Palestinians.

At the present time the only remotely achievable goal would be for Israel to recognize a Palestinian state within agreed temporary borders. Such a *modus vivendi* could include Israeli support for Palestinian UN membership, and possibly a freeze of all settlement activity in the West Bank during the time agreed for negotiations. By defining the borders as temporary neither party would be forced to make the painful decisions that at present seem politically unfeasible. Such full recognition of a Palestinian state, albeit with temporary borders, would go even further than Phase II of the Quartet Roadmap of April 30, 2003 approved by the UN Security Council,² which called only for "creating an independent Palestinian state with provisional borders and **attributes** of sovereignty."³ Within such a *modus vivendi* Israel could clarify that the security arrangements are also of a temporary nature, pending agreement on final borders. It could be that the temporary nature of such security arrangements might make it easier to reach agreement on this subject as well.

Israel's position should be that such an agreement also contain a Palestinian conditional recognition of Israel as the homeland of the Jewish people. The conditionality would be removed once a comprehensive agreement is concluded. Within the negotiations on Phase II, Israel could offer a transfer of part of the territory of Judea and Samaria at present under its full authority (Area C) in stages. Such a transfer, while sending a message of changes on the ground towards the two-state solution, has few ramifications from Israel's point of view and does not call on the two sides to take a decision on final borders, a decision that at this stage has become even more complicated with the eruption of the Arab spring.

The narrowing of the negotiations to security and territory clearly does not obviate the necessity of ultimately reaching agreement on all the core issues, including final borders,

Jerusalem, refugees, end of claims, and full recognition that the two-state solution is the expression of a national homeland for two peoples, the Jewish and the Palestinian peoples.

The proposed initiative calls for concessions by both sides but allows for progress even in this time of political uncertainty in the Middle East. It promises satisfaction of the Palestinian political ambitions of gaining full membership in the UN, and it serves Israel's political need for extracting itself from the diplomatic difficulties and pressures it has recently encountered.

There is an old saying that the perfect is the enemy of the good. It might well be that the well meant attempts to reach immediate agreement on all the final status issues in reality prevent the possibility of a reaching a limited agreement on a Palestinian state within provisional borders.

¹Statement by Middle East Quartet September 23, 2011, SG/2178, <http://www.un.org/News/Press/docs/2011/sg2178.doc.htm>.

²S/2003/529 of May 7, 2003.

³Emphasis added.

