

# The return of the Arab Peace Initiative

By Yossi Alpher

## ■ Executive summary

U.S. secretary of state John Kerry is seeking to revive the Arab Peace Initiative (API) as a regional framework for renewed Israeli-Palestinian negotiations. This reopens areas of dissonance and controversy over the API that have been largely dormant during the past decade.

Israelis – even Israeli doves – have reservations regarding the API's language concerning borders and refugees. Palestinians tend to identify with the Arab League's refusal to discuss modalities of the API prior to serious peace negotiations or even to the signing of peace treaties.

The current reality in the Middle East seemingly creates a new regional context for the API. On the one hand, peace negotiations between Israel and both Syria and Lebanon are not presently feasible, thereby calling into question the API's formula of awarding across-the-board Arab normalisation and security only in return for comprehensive peace. On the other, Israel may now prove more receptive to the API if the initiative opens the way to Israel-Arab security consultations regarding Iran and Syria.

Beyond these considerations there remains the question: with or without the API, is a serious Israeli-Palestinian peace process currently possible?

The Arab Peace Initiative (API), which was endorsed by the Arab League in Beirut in March 2002, is an extraordinary document that requires all Arab countries to normalise relations with Israel in return for comprehensive Arab-Israel peace. It offers Israel the incentive of regional acceptance that it has always sought, in return for peace agreements that it is in principle pledged to pursue. Even if we assume, as some insisted in 2002, that the API was essentially an attempt by then-Crown Prince Abdullah of Saudi Arabia to make amends for extensive participation by Saudi Islamists in the 9/11 terrorist attacks in the U.S., the API has since then clearly taken on a life of its own and repeated Arab League summits have reconfirmed it.

For most of the past decade the API has languished unfulfilled and often ignored. Its re-emergence in recent months as a prospective framework for renewed Israeli-Palestinian negotiations is intriguing. After all, part of the

Middle East has for two and a half years been in the throes of revolution. The Muslim Brotherhood has taken over the reins of government in more than one Arab country, and while it has thus far displayed a degree of pragmatism in day-to-day security relations, at the declarative level it continues to reject Israel's existence. Yet with the prodding of U.S. secretary of state John Kerry the API was recently reconfirmed by a delegation of Arab League leaders and even made more flexible.

This expert analysis explores the reasons for this development. It looks at Israeli and Palestinian attitudes toward the API and asks whether the document could indeed provide a suitable framework for a renewed Arab-Israel peace process. It points to issue areas in which all parties concerned, including the international community, could do more to advance the relevance of the API.

## What the API is and is not

From Israel's standpoint, the API<sup>1</sup> was born under tragic circumstances. Israel's problems with the initiative began the day before it was proclaimed, with the Passover feast attack in Netanya by a Palestinian suicide bomber that killed 30 celebrants. That act of terrorism against the Jewish holiday of national liberation – the worst of the entire second intifada – had tragic symbolic importance for Israelis and Jews everywhere. The Arab League, meeting in Beirut, offered neither condolences nor condemnation. The terrorist attack precipitated a major Israeli military operation in the West Bank that quite understandably distracted the attention of the entire Middle East from the initiative.

Still, Israeli prime minister Ariel Sharon, when asked for his reaction to the API, stated at the time, "Let [then-Crown Prince] Abdullah come to Jerusalem to present it". Sharon's response was undoubtedly cynical: he was always dismissive of prospects for peace with Israel's Arab neighbours. Yet were Abdullah to have followed in the footsteps of Anwar Sadat and come to Jerusalem to present his initiative, the effect on Israeli public opinion would have been electrifying. Instead, over the past 11 years Israel was visited once by the Egyptian and Jordanian foreign ministers to present and explain the API. In Israeli eyes this lacuna in Arab League outreach is particularly striking, insofar as the final paragraph of the API calls on a long list of international actors (but not Israel) to "gain support for this initiative".

This dissonance goes to the heart of Israel's attitude toward the API. Israelis, whether from the peace camp or the political right, choose to understand it as an initiative that should be open to discussion and negotiation. The Arab League, on the other hand, intended it as a "take-it-or-leave-it" incentive of major proportions: if Israel makes peace with all its Arab neighbours on the basis of the API's parameters regarding borders, Jerusalem, refugees, etc., the Arab world – indeed, all 57 members, Arab and non-Arab, of the Islamic Conference – will reward it by establishing normal relations. This tension between Israel's instinctive wish to work the API into the flexible give-and-take of negotiations and Arab League rigidity regarding the initiative explains much of the dynamic of discussions of the API – to the extent that there have been discussions – ever since March 2002.

Finally, the API refers to Israeli peace agreements with the Palestinians, Syria and Lebanon – all three – as prerequisites for Arab agreement to normalise relations. Yet in today's reality in the Levant, peace processes with Syria and almost certainly Lebanon are not on the agenda. What this means with regard to implementation of the API, in the unlikely event that Israel and the Palestine Liberation Organisation (PLO) reach a comprehensive two-state agreement, is unclear. The API does not refer to segmenta-

tion or phasing of the peace and normalisation reward it offers Israel; in July 2007 then-Egyptian foreign minister Ahmed Abul Gheit did mention the idea of awarding specific aspects of normalisation in return for specific steps toward peace, but this proposal has never been reiterated or integrated into the API.

## Principal areas of disagreement

A significant minority on the Israeli far right rejects the entire territories-for-peace principle and hence, by definition, the API. Those on the right who accept the two-state solution but insist that all of Jerusalem remain in Israeli hands also reject the API, which calls for a Palestinian capital in East Jerusalem. But among the majority of Israel's political community the situation is far more nuanced.

On the moderate right are those who insist that Israel reject the API until and unless it is amended through negotiations to meet their peace conditions. At the centre and left are others who call on Israel to accept the API and then try to amend it. Both groups ostensibly believe they can overcome Arab League insistence that the API is non-negotiable. One variation on this theme is a recent paper published by the Israel Institute for National Security Studies and co-authored by Gilead Sher, who led peace negotiations under Prime Minister Ehud Barak in 1999–2000. It calls on Israel somewhat murkily to "recognize the API as a ... platform for multilateral dialogue with the Arab world ... provided that this is in parallel with progress in the negotiations toward a political settlement with the Palestinians".

Peace Now accepts the API more or less as is, including land swaps and the principle that the refugee issue requires the agreement of both sides. Others on the centre-left, like the Council for Peace and Security, simply feel that Israel should not let its legitimate objections to the API's language and official positions regarding the details of a two-state solution obstruct the need to welcome such a sweeping Arab initiative that in any case does not replace the agenda of specific bilateral Israel-Arab negotiations. Politicians on the left and in the centre frequently echo the 2002 "on-the-one-hand-on-the-other-hand" statement by then-Foreign Minister Shimon Peres that welcomed the API in general terms while condemning Arab extremism and terrorism.

One way or another, even most of the Israeli peace camp has two major problems with the specifics of the API in the Palestinian context. One of these is the demand for withdrawal to the 1967 armistice lines, which does not mention land swaps or other territorial measures for accommodating the settlement blocs, as well as Israeli security needs such as protecting Ben Gurion Airport from terrorist missile fire, which are requirements supported by a

<sup>1</sup> See <<http://www.bitterlemons.net/docs/summit.html>> for the original published version.

consensus of Israelis. This API proviso was apparently modified on April 29th when Qatari prime minister and foreign minister Sheikh Hamad bin Jassim al-Thani declared in Washington that land swaps would be possible.

Another consensual Israeli reservation concerns the API's reliance on United Nations (UN) General Assembly Resolution 194 of 1949 with regard to the refugee issue and its "rejection of all forms of Palestinian patriation which conflict with the special circumstances of the Arab host countries". As then-Foreign Minister Tzipi Livni noted in rejecting the API during a previous round of Israeli-Palestinian peace talks in 2008, the Arab world understands Resolution 194 to mean the right of return of all five million 1948 refugees and their descendants – a position unacceptable to virtually all Israelis. As for "rejection of patriation", it is understood to mean that any Arab country, and particularly Lebanon, can insist that its entire Palestinian refugee population be absorbed elsewhere. Notably, in the same March 2002 Arab Summit that enacted the API – which does not itself use the phrase "right of return" – several additional resolutions specifically reaffirmed the right-of-return principle.

Livni, incidentally, in her current position as Israeli chief negotiator, welcomed the Qatari concession regarding the 1967 lines that was made in the name of the Arab League. Other members of the League objected that al-Thani, in his capacity as acting chairman of the League, had no authority to offer this concession in the first place. This places the latest API initiative in the context of the Qatari-Saudi rivalry, which has bedevilled inter-Arab efforts to deal with both the civil war in Syria and the rise of the Muslim Brotherhood.

Essentially, the PLO accepts the API while Hamas rejects it. Repeated polls show that most Palestinians support it. Over the years since 2002 a variety of Palestinian and other Arab leaders have periodically called for the re-evaluation or even revocation of the API due to perceived Israeli intransigence. In the present context little has been said by the Palestinian leadership to indicate that Kerry's API initiative is welcome. In particular, the April 29th declaration by the Qatari prime minister regarding land swaps caused great discomfort in Ramallah, where it was argued that as long as there is no active peace process, this concession would be abused by Israel through settlement expansion. (On the other hand, PLO chief negotiator Saeb Erekat dismissed the significance of the concession by noting that in any case negotiations had long been based on the concept of land swaps.) The imprisoned Marwan Barghouti, often cited as a potential successor (if released) to Mahmoud Abbas, stated bluntly in late May (as quoted by *Al-Monitor*) that the API "is the lowest the Arabs have gone in terms of a historical settlement with Israel. The statements of the Arab ministerial delegation to Washington in regards to ... accepting the land-swap inflict great damage on the Arab stance and Palestinian rights and stimulate the appetite of Israel for more concessions."

Assuming the land-swap clarification is binding, whether de jure or de facto, it is significant because it goes far beyond the issue of borders. If the Arab League is prepared, for the first time, to "open" the API to modification, then there may be room for further negotiation of additional modalities that are deemed problematic by Israel.

### Why the API is being revived in 2013

The primary protagonist behind the revival of the API at the current juncture is U.S. secretary of state John Kerry. Confronted by revolution and chaos in parts of the Arab world, Kerry appears to be approaching the near-intractable aspects of the Palestinian issue – the Israeli settlements and occupation, Palestinian political and geographic divisions, Hamas's refusal to negotiate with Israel, and Mahmoud Abbas's preconditions – by suggesting that a broad regional framework for Israeli-Palestinian negotiations may render it easier to address questions like borders and security, which are the two issue areas he proposes that the parties tackle first.

There appears to be a secondary protagonist behind reviving the API. Policy planners in the Israel Prime Minister's Office evidently view the API, which offers "security for all the states of the region", as a possible vehicle for promoting security discussions that focus on Iran and Syria and would involve Israel, Saudi Arabia, and other Gulf states. According to the logic of this Israeli concept, by citing the benefits offered Israel by the API framework regarding regional security issues, Prime Minister Binyamin Netanyahu could conceivably rationalise concessions to the Palestinians in the eyes of his political colleagues and constituents. The April 29th statement regarding land swaps should be understood in this context.

### Israel and the API

Despite – or in parallel with – the diverse and articulate Israeli responses to the API noted above, a late-May survey of Israelis (reported by Akiva Eldar in *Al-Monitor*, May 27th 2013) found that nearly three-quarters had never heard of the API. The survey can hardly be considered biased insofar as it was sponsored by the Israel Peace Initiative, a dovish project that aspires to respond in kind to the API and encourage dialogue. This means that in the best case an Israeli government is not subject to strong public pressure to adopt a more accommodating attitude. Yet if we suppose the API does find its way into a new U.S. peace proposal, this and earlier surveys show that once the API is explained to them, most Israelis tend to support it. In effect, the polls indicate that Netanyahu would have public support if he accepted this Arab offer of comprehensive normal relations and security in return for peace agreements based on the 1967 lines.

Now that objections regarding the need for land swaps have been answered, Israel would need to stipulate its interpretation of UN General Assembly Resolution 194,

which is cited by the API as the basis of a “just and agreed” solution to the Palestinian refugee issue. Back in 1949 the Arab UN members voted against Resolution 194 precisely because it did not stipulate a specific “right of return” of all refugees. Since then the Palestinians have successfully recast Resolution 194 and persuaded many quarters in the international community that it does indeed offer a comprehensive right of return. This is what Livni was referring to in her earlier rejection.

In accepting the API, Israel could cite its understanding that Resolution 194 refers only to the original refugees and not succeeding generations, that it never mentions the “right of return”, and that it conditions refugee return on Israeli agreement and a willingness on the part of the refugee to live at peace in Israel. This is also the place for Israel to add that it expects the Arab countries to discuss compensation for the hundreds of thousands of their Jewish citizens who fled and came to Israel in 1948 and thereafter as a consequence of Arab hostility to Israel’s existence.

Israel should also refer to the need for phasing or segmenting of the normalisation and security rewards promised by the API. Comprehensive peace is currently impossible. Yet as Abul Gheit apparently recognised, rewarding Israel with aspects of normalisation and security in return for a partial peace agreement, or for agreement with one Arab neighbour prior to the others, would provide incentives for further peacemaking and persuade the Israeli public that the API is a serious offer. In this regard, suppose an Israeli-Palestinian two-state solution agreement is accepted by the PLO yet does not conform to the conditions laid out by the API, e.g. it does not include the Gaza Strip or the land swaps are not symmetrical, will the API “payoff” still apply, if only partially?

Israelis also need to know just how substantive and serious is the API’s offer of broad Arab acceptance. Do all the Arab countries enter into a peace and security agreement with Israel? Is this a collective agreement with the Arab League? Or is Israel simply invited to make peace with each and every Arab League member on its own?

Here the current attitude toward peace exhibited by most Israelis is relevant. Two or three decades ago, when Israel made peace with Egypt and Jordan and was negotiating seriously with Syria, Israelis by and large viewed peace as implying not only the “end of conflict”, but also normalisation and even acceptance into the region, whereby Israelis would be greeted in the marketplaces of Cairo and Damascus as members in equal standing of the Middle East community. Today, even after factoring out the numbing effect of a stalled Israeli-Palestinian peace process, years of cold peace with Egypt and Jordan and the more recent rise of political Islam have left Israelis with the impression that this is not what they can expect.

This explains, at least in part, why the API’s offer of normalisation and security in return for withdrawal to the 1967 lines has not generated the kind of enthusiasm in Israel that might qualify the offer as a tempting incentive. Here again, and having acknowledged Israel’s need to be more forthcoming toward both the Palestinians and the API, the Arab side could do better.

## Conclusion

It would be comforting to believe that a revitalised API could provide sufficient incentive for a successful peace process. Sadly, this discussion is almost certainly theoretical. Even if two-state solution negotiations are successfully reconvened by dint of the U.S. effort, they appear to have little chance of success. The Netanyahu government has a highly restrictive peace vision, if any. On the Palestinian side, a sad symmetry has been generated by hopeless Fatah-Hamas schisms and unbending demands regarding everything from territory to the Temple Mount and the wholesale right of return. This explains why some form of limited progress is probably the most we can hope for and why the notion of phasing in or segmenting the Arab Peace Initiative is so relevant. ■

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