

Kerry's responsibility to continue

By Yossi Beilin

■ Executive summary

The collapse of U.S. secretary of state John Kerry's initiative to end the Israeli-Palestinian conflict revealed the limitations of his negotiation model. Instead of offering both sides the opportunity to establish special administrations for peace (as was done previously), staff these administrations with experts and hold intensive discussions on generic issues (water, environmental problems, the electro-magnetic space, etc.), there were fruitless negotiations at ministerial and under-ministerial level in which the Palestinians presented their positions and Israel posed questions and made comments, but refused to present its map and a plan of its own (because it realised that had it done so it would have found itself in a minority of one in the world).

The likely future scenario is that both sides will now take unilateral steps and their relationship will become more complicated and dangerously violent. To avoid this situation the U.S. government should hold exploratory talks quietly with both sides about the possibility of an immediate agreement on a Palestinian state with provisional borders. If it turns out that this is a likely option, the two sides should convene in a secluded place to negotiate on borders, security arrangements and restrictions on settlement areas that would remain under Israeli control.

U.S. secretary of state John Kerry's attempts to bring Israel and the Palestinians to the negotiating table and to reach a permanent agreement between them in nine months – or at least a framework for such an agreement – have collapsed. It should have been clear to Kerry that the failure of the initiative could place both sides in a much worse position than where they stood before the attempt.

After the failure the U.S. has a moral obligation not to blame both sides and abandon the Middle East. "Timeout" is the term President Barack Obama borrowed from the sports world to characterise the current situation, but in real life timeout may become a vacuum filled by undesirable developments that will further damage the chances of a settlement of the conflict. The U.S. has a responsibility to prevent further deterioration following the failure and to devise a process that is different from the one it has led so far.

The mistakes

John Kerry's main mistake was that he dealt with the two leaders – Israeli prime minister Binyamin Netanyahu and Palestinian president Mahmoud Abbas – as if they were Yitzhak Rabin and Yasser Arafat, i.e. as if they were an Israeli leader who was convinced of the need to reach an agreement with the Palestine Liberation Organisation (PLO) and was ready to pay the price needed to achieve peace, and a charismatic Palestinian leader who could speak on behalf of the Palestinian people and make decisions for both the West Bank and Gaza Strip. Had this been the case the U.S. mediator would merely have been needed to assist the parties in finding solutions and to bridge gaps.

But Netanyahu is one of the strongest opponents of the Oslo Accords and has announced publicly that he is not willing to pay the price that would bring about a permanent settlement, while Mahmoud Abbas, who opposes the use of violence, can neither speak for Hamas nor control what happens in the Gaza Strip after the signing of a peace

treaty (unless the April 23rd agreement between Fatah and Hamas becomes a reality).

In such circumstances there was no likelihood of a permanent agreement being signed and the most realistic option was to try to implement the second stage of the “road map” of 2002, a road map that both the Israeli government and the Palestinian leadership adopted, and which became a United Nations Security Council resolution. This road map allows for the establishment of a Palestinian state with provisional borders and the subsequent negotiation of a final status agreement between the government of Palestine and the government of Israel within a defined period. Kerry raised the option of a gradual movement towards a settlement with the two leaders, but they both told him that they would prefer a permanent settlement, and he did not realise that behind this preference stood unwillingness to compromise and the inability to deliver.

Even the process itself was flawed. Instead of offering both sides the opportunity to establish special administrations for peace (as was done previously), staff these administrations with experts and hold intensive discussions on generic issues (water, environmental problems, the electro-magnetic space, etc.), there were fruitless negotiations between four people at ministerial and under-ministerial level in which the Palestinians presented their positions and Israel posed questions and made comments, but refused to present its map and a plan of its own (because it realised that had it done so it would have found itself in a minority of one in the world).

The Palestinian negotiators resigned, while Kerry found himself shuttling once or twice a month between Ramallah and Jerusalem, sitting with the leaders for long hours, and trying to draw up a joint paper. Because he came to the conclusion that the main problem was persuading Netanyahu to make concessions, he tried to cater to him on two issues: security arrangements and Palestinian recognition of Israel as a Jewish state. But when he presented his solutions to Abbas, the latter understood them as indicating that Washington had adopted the Israeli position. It was a huge mistake.

Negotiations should target a goal that both sides want and can implement. They should take place at ministerial level, be accompanied by technical assistance, secluded geographically and continuous. Only later, when the differences are clear, should a leadership summit take the historic decisions needed to conclude an agreement.

Since the main issue in the negotiations was the parties’ unwillingness and their inability to make the necessary historic compromises, they ended up negotiating about issues that had nothing to do with the peace process, like the release of Palestinian prisoners and the release of Jonathan Pollard by the Americans.

Palestinian reconciliation

Nobody can complain about President Mahmoud Abbas’s attempts to return the Gaza Strip, currently governed by Hamas, to the control of the Palestinian Authority. He is not doing this out of either love of or solidarity with Hamas targets; neither is the case. He does not want to end his political career by leaving the Gaza Strip out of the game and continuing to allow Hamas not to recognise the president of the Palestinian Authority. It is difficult to know whether the current attempt announced on April 23rd to achieve unity will be more successful than the previous ones, but anyone who wants to see peace in the Middle East should congratulate him for the effort he is making.

Hamas is a political movement – a religiously fanatical one that encourages terrorism. According to the Interim Agreement between Israel and the PLO in 1995, this movement was not permitted to participate in the elections to the Palestinian legislature because of its support for violence. Nevertheless, it was allowed to take part in the elections due to pressure exerted by then-U.S. president George W. Bush. Bush thought that Hamas would attract very limited support and would eventually become a normal political party. He was wrong on both counts. Hamas won the elections and remained undemocratic. The world never learnt how to deal with the new phenomenon and over the last eight years has been pondering how to deal with a movement that won elections without recognising the Oslo agreement that allowed it to participate in these elections, without recognising Israel as a party to this agreement and without ending its support for terrorism against Israel.

The solution that Abbas is trying to reach is an attempt to square the circle. He will serve as the prime minister of an interim government of experts supported by both Hamas and Fatah. This government will be responsible for daily life in the West Bank and Gaza Strip, while political negotiations – if they take place – will be the responsibility of the PLO (which currently does not include Hamas). The government will meet all the conditions of the Quartet (recognition of Israel, renunciation of violence and recognition of international agreements – i.e. the Oslo Accords and agreements stemming from it).

In six months there will be Palestinian Authority Legislative Council elections. A Hamas victory or active participation in the government formed after these elections would require the movement to decide whether to meet the Quartet conditions.

Israel has no reason to boycott Abbas or any new government headed by him, and it will be a mistake if the U.S. hurries to boycott and stop financial aid to the Palestinian Authority as Republican senators Marco Rubio of Florida and Mark Kirk of Illinois are urging Kerry to advocate if the Palestinian government and Hamas do not acknowledge Israel’s right to exist and honour all previous Israeli-Palestinian agreements.

Even if the potential results of the process described above are far from clear, one should give it a chance, because otherwise it will be impossible to reach a permanent agreement between Israel and the Palestinians. Currently it is the most sensible way to address the problem created by the Bush administration eight years ago.

The future: unilateral steps

The most likely scenario for the future is a continuation of unilateral steps: the Netanyahu government will withhold from the Palestinians customs revenues levied on goods imported by them, while the Palestinians will turn to the International Criminal Court and accuse Israeli officials of war crimes. Israel will decide to build more settlements in the occupied territories, even in very delicate areas near Jerusalem that it was careful not to touch in the past. The possibility of an escalation to violence will be constantly present.

This option should be avoided – and can be prevented. The U.S. government should hold exploratory talks quietly with both sides about the possibility of immediately coming to an agreement on a Palestinian state with provisional borders. If there is a chance that this will happen, then both side should convene in a secluded place to negotiate on borders, security arrangements and restrictions on settlement areas that would remain under Israeli control. Negotiations should be conducted for three months, during which Israel would freeze settlement-building activities. The failure of the negotiations with an unrealistic aim should not prevent the two sides from discussing a practical goal. An imperfect agreement is far better than a perfect failure. ■

■ THE AUTHOR

Yossi Beilin taught political science at Tel Aviv University, was a member of the Knesset for 20 years and has held ministerial positions in several Israeli governments. He initiated the secret talks that resulted in the 1993 Oslo Accords and in 1995 concluded the guidelines for a permanent peace agreement with Palestinian leader Abu Mazen. He headed the Israeli delegation to the multilateral peace process working groups between 1992 and 1995, was a negotiator at the 2001 Taba talks, and is a promoter of the Geneva Accords.

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