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## **Israeli-Palestinian Negotiations and the American Set of Principles**

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The negotiations between Israel, the Palestinians, and the United States on an American set of principles to enable Israel and the Palestinians to continue negotiations on a final status agreement even after the nine month period allotted to the negotiations ends in April 2014 has entered its final stretch. Secretary of State Kerry seeks to formulate a document acceptable to both sides before the release of the last group of Palestinian prisoners in March 2014 agreed on before the negotiations commenced.

Kerry's original intention was to mediate between the parties and draft a framework agreement that would be signed by both. Only after it became clear that the gaps between their positions were too wide to reach such an agreement did Kerry adopt the more modest goal of drafting an American set of principles that the two sides could accept in principle even if they expressed reservations about part of the content. There is a big difference between a framework agreement and a detailed status agreement that can be implemented after the signing, and an even greater difference between an American document of principles and a final status agreement. If the two sides agreed to endorse such a document, ostensibly its only achievement would be that negotiations would continue after April. The extent to which it would influence the continued negotiations depends to a large degree on the document's level of detail and the extent of each side's reservations. Such a document is somewhat reminiscent of the Roadmap from 2002. The two sides accepted the Roadmap in principle with a long list of reservations, with the result that there was implementation of only part of the first phase of the three mentioned in the document.

Secretary of State Kerry is attempting to draft a balanced document that will serve the fundamental demands of the two parties as well as their leaders' political needs, so that it will be easier for them to sell it to their public and their polity. Negotiations on the document are still underway, and there is no final draft as yet. There have been comments about the document's content from the three parties involved, but it is difficult to distinguish between accurate reports and political statements intended to manipulate the other parties and/or the Israeli or Palestinian public or political system.

There will apparently be differing amounts of detail on the various issues. To a large extent, this reflects the American effort to meet Israeli demands on issues of security, which will probably be the most detailed section, so that Prime Minister Netanyahu can be more forthcoming on other issues. In fact, this is not easy because General Allen and his team, who in the role of US mediators focused on the Jordan Valley's role in security, sought to propose an alternative system that would prevent the smuggling of weapons and people through the Jordan Valley, even without an Israeli presence. The American experts believe that such a system could make it possible to evacuate IDF forces from the Jordan Valley after a number of years. This condition would likely be readily accepted by the Palestinians because they understand that implementation of the agreement, and especially evacuation of the settlements, would in any case take a number of years (Abbas has already agreed to five years). However, there are no signs that Israel has relinquished its demand for IDF forces to have a continued presence in the Jordan Valley for many years. What is even worse from the perspective of the Palestinians is that the evacuation of these forces will be contingent on the Palestinians' general performance on the issue of security in all parts of the Palestinian state, and in practice, on Israeli judgment on this issue. To the Palestinians, this is Israel's way of continuing the occupation in another form with no time limit because Israel will never acknowledge that the Palestinians have passed the test. Given their historical experience with Israel, this assessment is not baseless. In addition, Israel is demanding the right of hot pursuit in any part of the Palestinian state, and in this case as well, the Palestinians are convinced that Israel would use this right to achieve complete freedom of action in Palestinian territory. In other words, in their view, Israel wants to continue its current method of operation in spite of the existence of a sovereign Palestinian state, but without calling it occupation. In a recent interview with the *New York Times* President Abbas proposed an alternative: to station NATO forces (reinforced by a Jordanian force) under American command in the territory of the Palestinian state, in the Jordan Valley and any other place necessary. However, Israel has adhered to its opposition to an international force as a substitute for an Israeli military presence. On other security matters, the Palestinians are prepared to accept the demilitarization of the Palestinian state, but it is not clear how they will respond to Israel's other demands, such as control over airspace and electromagnetic space and warning stations on Palestinian territory. In conclusion, it is difficult at this stage to see how Kerry's team will succeed in squaring the circle in the area of security.

Other contents of the document remain even more elusive. It appears that the Secretary of State intends to meet Israel's stances on three additional issues: recognition of Israel as the nation state of the Jewish people, an end to the conflict, and not allowing the Palestinian refugees to return to Israel. There are various ways to phrase definitively the non-return of the refugees, and it is still not clear whether the Americans have chosen one of these ways in order to skirt serious Palestinian opposition to a clause that states that

“there is no right of return, period.” Kerry will apparently accommodate the Palestinians on the territorial issue, by determining that the border between the two states will be based on the 1967 lines with exchanges of territory, and on the issue of Jerusalem, even though there are signs that the Palestinians are not satisfied with this point because they think that the clause on Jerusalem is too vague. He will apparently make a supreme effort to reach a situation in which ultimately, after a period of time to be determined, there will be no Israeli military presence in the territory of the Palestinian state.

The effort by Secretary Kerry to formulate a balanced document presents both sides with a serious dilemma. On the one hand, each of them will be forced to bite the bullet, which will create political difficulties for them with their respective publics and political bases of support. On the other hand, whoever is perceived as responsible for the failure of the move could pay a heavy price with the international community. This is true for the Palestinians, who owe the continuation of the Palestinian Authority to international financial aid and who also realize that they are the weaker side and that only the international community can help the PA create a certain balance between the sides. In fact, their only option after the failure of this move would be to appeal to the international community. For its part, Israel fears the acceleration of the process of delegitimization and boycotts and in particular, the deterioration of relations with the US administration. It often appears that the two sides, which do not believe in the success of this political process, are in effect focusing on an effort to place the blame on the other side, and in this context, almost all means are considered acceptable, including spin and partial leaks.

In the end, the two parties could find themselves in a situation in which they are forced to accept the set of principles – albeit with many reservations – because they cannot place the blame only on the other side. If this occurs, it is unlikely that the document could serve as a good basis for fast and effective negotiations, and it would be a good idea for the three parties involved to take advantage of the additional time out obtained to discuss options beyond that of quickly reaching a final status agreement, which does not appear to be on the horizon.

