"Peace, Peace, but there is no Peace": Do Israel and the Palestinians Share a Political Horizon?

Shmuel Even

"I sat in front of Abu Mazen and said to him: 'We are willing to concede sovereignty of the Old City... including the Western Wall.' It was the toughest moment of my life." Former Prime Minister Ehud Olmert divulged this interchange in an interview with Raviv Drucker for the television series "Hamakor" (Channel 10 TV, November 2015). The series presented interviews with senior politicians and officials involved in the negotiations over a permanent settlement with the PLO ("the Palestinians") during the Barak and Olmert governments (1999-2001 and 2006-2009, respectively). Those interviewed included Israeli Prime Ministers and members of the negotiations delegations, PLO leader Abu Mazen and negotiator Saeb Erekat, and the representatives of the US administration at the talks. In effect, the series offered a review of the failed peace process from the perspectives of the respective political echelons.¹

The accounts in "Hamakor" suggest that since Yitzhak Rabin's 1995 vision for a permanent settlement, there has been a profound shift in the positions Israel presented in the negotiations, whereas the Palestinian positions have remained constant or become more demanding. The series shows that time after time, Palestinian demands of Israel did not end with a Palestinian state whose capital is East Jerusalem, and that at least thus far, do not converge with Israeli positions enough to forge a common political horizon. However, there could well be a political horizon in the future if there is a change in the Palestinian position.

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This essay explores the topic on the basis of the accounts presented in "Hamakor," along with supplementary information. The essay presents an analysis of the shift in Israel's positions regarding the Palestinian demands, explains the failure in achieving a permanent settlement, and analyzes the possibilities currently open to Israel.

The Shift in Israel's Positions in the Negotiations

On October 5, 1995, Prime Minister Yitzhak Rabin presented his vision for a permanent settlement with the Palestinians before the Knesset:

We would like this to be an [Palestinian] entity which is less than a state, and which will independently run the lives of the Palestinians under its authority. The borders of the State of Israel, during the permanent solution, will be beyond the lines which existed before the Six Day War. We will not return to the 4 June 1967 lines.

And these are the main changes, not all of them, which we envision and want in the permanent solution:

- a. First and foremost, united Jerusalem, which will include both Ma'aleh Adumum and Givat Ze'ev...
- b. The security border of the State of Israel will be located in the Jordan Valley, in the broadest meaning of that term.
- c. Changes which will include the addition of Gush Etzion, Efrat, Beitar and other communities...
- d. The establishment of blocs of settlements in Judea and Samaria, like the one in Gush Katif.
- ...We are embarking upon a new path which could lead us to an era of peace, to the end of wars.²

Rabin was speaking of an Israeli withdrawal from some 70 percent of the West Bank and Gaza Strip areas conquered from Jordan and Egypt in 1967 ("the territories"). This vision underwent significant change during the Barak and Olmert governments.

Under the Barak government: According to "Hamakor," in April 2000, in a meeting with the Palestinian delegation in Eilat, Israel proposed the establishment of a Palestinian state on some 86 percent of the territories, which would be handed over to the Palestinians in two stages (66 percent initially, and the remaining 20 percent at a later time), with Israel annexing the other 14 percent. The Palestinians demanded a full withdrawal to the 1967 lines with land swaps of up to 4 percent on a 1:1 ratio. In July 2000 at the Camp David summit, Israel proposed the establishment of a Palestinian

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state on 92 percent of the territories. The talks failed. The United States and Israel blamed Arafat, who rejected or evaded every Israeli proposal, including Barak's initiative, which the United States called "brave" and which, for the first time, included an agreement on a division of Jerusalem.

In follow-up talks in Taba in early 2001 (based on Clinton's December 2000 initiative), Minister Ben-Ami offered the Palestinians 95 percent of the territories and sovereignty over the Temple Mount, and also gave the number of refugees Israel would be willing to accept.³ The Palestinians rejected the proposal. At that time, Palestinian recognition of Israel as a Jewish state was not a bone of contention and was clearly taken for granted by both Israel and the United States, as reflected in Clinton's proposal: "The solution will have to be consistent with the two-state approach that both sides have accepted as a way to end the Palestinian-Israeli conflict: the state of Palestine as the homeland of the Palestinian people and the state of Israel as the homeland of the Jewish people."⁴

Under the Sharon government: In the summer of 2005, Israel unilaterally withdrew from the Gaza Strip and evacuated four Jewish settlements in the northern West Bank. This act proved that Jewish settlements can be dismantled without a political agreement. In a June 2004 interview with *Haaretz*, which dealt in part with the disengagement plan, Arafat noted

that only 2-3 percent of the area would be eligible for land swaps and that he "definitely understands" that the Jewish nature of the State of Israel must be preserved. The interviewers took this to mean that "this is the first time that Arafat has announced his recognition of the state's Jewish identity, something he has to date avoided doing so as not harm the status of Israel's Arab citizens."⁵ However, it seems this is not what Arafat had in mind, but only sought to "reassure" Israel about the number of returning refugees.

Under the Olmert government, the shift in Israel's negotiating position was even more pronounced, from the "advanced" positions that Israel presented at Annapolis (November 2007) to the personal meeting According to an Israel-Palestinian opinion poll conducted in July 2015, 54 percent of Palestinians in the West Bank and Gaza Strip oppose mutual recognition of Israel as the state of the Jewish people and Palestine as the state of the Palestinian people.

between the leaders in September 2008 where Olmert went out on a limb even further. In the interview with "Hamakor," Olmert related that in 2008 he offered Abu Mazen full withdrawal from the West Bank with 1:1

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land swaps (6.3 percent Israeli annexation of the West Bank in return for 5.9 percent compensation to the Palestinians from areas inside the Green Line plus 0.5 percent for the safe passage between the West Bank and Gaza Strip; see figure 1), as well as willingness to concede Israeli sovereignty over the Jewish Quarter and the Western Wall in the Old City of Jerusalem (to international control over the Holy Basin), even though according to the Clinton parameters of December 2000, this area would remain under Israeli control. Olmert agreed to concede Israel's military presence in the Jordan Valley in exchange for the presence of a multinational force. Abu Mazen rejected the offer,⁶ agreeing to land swaps of only 1.9 percent. This position departed from Arafat's position in 2004 of 2-3 percent,⁷ and the 4 percent mentioned by the Palestinians before the Eilat talks in advance of the Camp David summit. Abu Mazen's position does not allow any solution that includes the settlement blocs, including Ariel (as emerged from the Palestinian proposal at Annapolis).8 In the interview, Olmert said that in hindsight, he thinks it would have been possible to settle at 4.5 percent.

As for the "right of return," as an opening position, Olmert agreed to the return of 5,000 refugees to Israel. There is evidence that Erekat understood Olmert would go as high as 50,000 or even 60,000, whereas he expected the number of refugees allowed to return to be at least 100,000-200,000.⁹ In the "Hamakor" interview, Olmert said that Abu Mazen told him he "doesn't want to damage the nature of Israel," from which he concluded that Abu Mazen, like Arafat before him, only meant to "reassure" Israel about the number of refugees who would realize their right of return to Israel.

Under the Netanyahu government (starting in 2009), the Israeli public became aware that in a permanent agreement, the Palestinians were demanding the establishment of the nation-state of the Palestinian people but rejected Israel's definition (as defined in its Declaration of Independence) as the nation-state of the Jewish people. Following a meeting in Ramallah in October 2010 between Abu Mazen and Israeli Palestinian members of Knesset, Deputy Speaker of the Knesset Mohammad Barakeh said: "Abu Mazen and the Palestinian leadership clearly refuse to recognize Israel as a Jewish state and the idea of population swaps [as part of the land swaps proposed in the framework of a permanent agreement]. The Israeli offers are a danger to the members of our people in the 1948 lines and outside the territories" (Barakeh avoided using the term "Israel"). Barakeh added that if "the Palestinian leadership were willing to concede its principles,



Annapolis Process (2008): Israeli Proposal (Approximation)

Terrord	Israeli Annexation:	205 an lan (5 00()
Legend	Israell Annexation:	365 sq. km. (5.9%)
The Old City of Jerusalem	Palestinian Annexation:	322 sq. km. (5.2%)
1967 Lines	Settlers East of the Border:	72,300
Palestinian Towns and Villages	Palestinians West of the Border:	12,500
Israeli Settlements Established Since 1967		
5.9%) Israeli Annexation (5.9%)		
Palestinian Annexation (5.2%)		
- Corridor		

Figure 1. Israel's Offer at Annapolis, Rejected by the Palestinians

Source: www.shaularieli.com

it would have signed an agreement long ago," and that the statement was a reassurance issued to Israel's Arabs.¹⁰ When Prime Minister Rabin sent Arafat a signed letter in September 1993, in which Israel recognized the PLO as the representative of the Palestinian people, it is highly unlikely that he and Shimon Peres understood that the PLO also sees itself as the representative of Israel's Palestinian citizens to the State of Israel.

In a February 2014 interview with the *New York Times*, Abu Mazen again refused Palestinian recognition of Israel as a Jewish state, saying it "was out of the question."¹¹ His position is supported by the Palestinian public. According to an Israel-Palestinian opinion poll conducted in July 2015, a majority (54 percent) of Palestinians in the West Bank and Gaza Strip oppose mutual recognition of Israel as the state of the Jewish people and Palestine as the state of the Palestinian people, even after a Palestinian state is established and all disputes, including the refugees and Jerusalem's status, are resolved.¹²

There were other disagreements between the leaders. In late 2014, Abu Mazen told the Egyptian newspaper *Akhbar al-Yom*, "Netanyahu told me: 'I want [responsibility for] security on the Jordanian border for 40 years.' I pretended not to have heard him right, and said, 'How many?!' He said, '40 years.' I said goodbye and told him, 'Let's shake hands.' I left his house and said to him: 'This is occupation.' I haven't seen him since."¹³ Abu Mazen demands an IDF evacuation from the West Bank within five years and wants to base the defense of the Palestinian state on international forces.

Former President Shimon Peres asserted he had achieved a breakthrough with Abu Mazen in 2011. In an interview with Channel 2 TV on May 2, 2014, he declared, "We reached an understanding on all points; what we needed was a conclusion."¹⁴ According to Peres, however, Prime Minister Netanyahu

Israel's management of the talks in face of the Palestinian strategy led to the erosion of Israel's fundamental positions. preferred a plan proposed by Tony Blair. In any case, there was no evidence of Peres's breakthrough or of his version that Abu Mazen agreed to recognize Israel as a Jewish state. Other core issues were left open or had nothing substantially new about them (it was agreed to adopt the Arab League formula, whereby "the refugee problem would be solved justly and in an agreed-upon manner"). In the interview, Peres

attributed importance and courage to Abu Mazen's statement in November 2012 in which he said he had no intention of going back to live in Safed, his city of birth. In fact, however, that statement was not an indication that he

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had changed his position that the right to return would be realized based on the individual decisions of the millions of the Palestinian diaspora. In July 2014, Abu Mazen's son and grandson declared their intention of going back to "Safed, Palestine"¹⁵ and in November 2014 Abu Mazen asserted, "There are six million refugees who want to return, and I, by the way, am one of them."¹⁶

Thus, despite the shift in the Israeli position between 2001 and 2008, which increased during Olmert's term in office, no permanent settlement was achieved even though Israel's position was now decidedly inferior to that of the Palestinians. While in Rabin's time the Palestinians' right to an independent state was to be negotiated and the question of Palestinian recognition of Israel as a Jewish state was not even raised, now the Palestinians' right to a state is globally unquestioned while Israel is fighting for Palestinian recognition of its identity as a Jewish state. Based on this shift, Abu Mazen is using the new situation to attempt to establish an independent Palestinian state without an agreement via international pressure on Israel to withdraw from the West Bank.

Why Negotiations Did Not End with a Permanent Agreement

The Palestinian positions never approached – in fact, they receded from – a political horizon shared by Israel. During the negotiations, it became clear that Abu Mazen does not recognize Israel as a Jewish state in principle because of the connection of the Palestinian people with Mandatory Palestine – an issue with profound ramifications.¹⁷ In other words, his opposition to recognition supersedes the clear Palestinian interest of establishing an independent state by agreement. He also demands the right of return for millions of Palestinians, and proposed giving every "refugee" the "right to choose" between immigration to Israel or compensation. His negotiators insist on the return of hundreds of thousands of Palestinians to Israel, while giving preferential treatment to refugees from troubled areas, first and foremost those in Lebanon, instead of their return to the state of Palestine that would be established in the territories. According to him, the solution to the refugee problem is a condition for ending the conflict. This was not the view from Oslo.

These positions reinforce the impression that Palestinians view negotiations as a strategy to wrest concessions from Israel without making any of their own. According to a report by Ehud Ya'ari, Abu Mazen stated in a July 2002 lecture in Gaza that "Israel made the biggest mistake in its

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history when it signed the Oslo Accords. In Oslo, we took land without giving anything in return; the issues of the final stage remain open."18 In June 2009, in an interview with the Jordanian newspaper al-Dustur, Saeb Erekat said that Israel has in any case retreated from its positions in the talks, so why should the Palestinians be in a hurry (to compromise on an agreement)? "Where have the talks with the Israelis gotten us? At first they [the Israelis] said that we have the right to run our hospitals and schools; after that, they were willing to give up 66 percent [of the territories], at Camp David they offered us 90 percent, and just lately [during Olmert's term in office] they offered 100 percent. In that case, why should we hurry after all the injustice that has been inflicted on us? In any case, no stable agreement will be reached unless it is based on international law and justice."19 The Palestinian method of managing the negotiations was consistent: Arafat and Abu Mazen evaded the talks after the Israeli side presented far reaching concessions and when they were asked to present concessions of their own. This strategy profoundly eroded Israel's positions.

At present, it does not seem as if any Israeli leader would agree to the Palestinian positions, or even to the compromises offered by Olmert. This is particularly the case given the negative implications of the Middle East turmoil on the potential agreements. The migration of refugees from the Middle East could reduce Western nations' willingness to take in veteran Palestinian refugees (most of whom are the descendants of the original 1948 refugees) as part of the permanent settlement. Instability for Israel from the east will make it difficult for Israeli leaders to concede reliable security arrangements in the Jordan Valley.

The Palestinians' main explanation for the talks' failure is that Israel did not sufficiently meet their demands. For media purposes and given Israel's assertions on the absence of a Palestinian partner for peace, the Palestinians inflate the claim (as they also did in the interviews with "Hamakor") that Israel made the most advanced offers precisely at a time when the Israeli Prime Ministers were on the political wane (Barak because of the dissolution of the coalition, and Olmert because of police investigations), at which point it was hard for the Palestinians to take them. It seems as if this is at best a secondary reason, especially given the fact that the claim is a double-edged sword regarding the status of Abu Mazen himself as a partner, in light of his weakness within the Palestinian camp.

Arafat and Abu Mazen came to the negotiations for a permanent settlement with decided unwillingness. Evidence from participants in the talks shows that even when Barak's and Olmert's political position was strong, PLO heads made no proactive effort whatsoever, preferring instead to take a dismissive, evasive attitude to Israeli and US offers. According to Olmert in "Hamakor," starting in September 2006, he tried meeting with Abu Mazen on five different occasions, but Abu Mazen avoided him each time. Abu Mazen also tried to cancel a meeting with a concocted excuse that he was on his way to meet with Hamas in the Gaza Strip in order to free the abducted soldier Gilad Shalit. The meeting finally took place thanks to Olmert's perseverance, though it did not help him in the long run. In 2008, Olmert suggested to Abu Mazen that all agreements be anchored in UN Security Council resolutions, even before being authorized in Israel, in order to ensure their international standing for the Palestinians. But Abu Mazen cut off contact and disappeared from the talks. An analysis of the Palestinians' positions and conduct makes it clear that even if Barak and Olmert were at the peak of their political power when they made their offers, the Palestinian position would still not have allowed an agreement.

The Palestinian claim that Egypt and Jordan were not required to recognize Israel as a Jewish state in their peace agreements is beside the point, because between these states and Israel there was no dispute over

the territory comprising the land of Israel, whereas with the Palestinians there must be an agreement not only between two states but also between two peoples.

The interface between Israel's management of the talks and the Palestinian strategy led to the erosion of Israel's fundamental positions. Members of the Israeli delegation were split among themselves. Erekat has been quoted as saying that the Israelis spent 95 percent of the time at the talks negotiating with one another. At times, there were different channels of communications, not all of which seem to have been aware of one another. Furthermore, Israeli politicians were in informal touch with the Palestinians and conducted "consultations" with them without coordinating this with the Prime

During Olmert's term in office, the Israeli side failed to learn the lessons of past negotiations. The Israeli mistake repeated itself throughout the talks, as if another 1 or 2 percent of Judea and Samaria, or an additional 10,000 refugees entering Israel would generate the elusive peace.

Minister. Moreover, the talks were marred by haste and departure from acceptable negotiations methodology. For example, it is not customary for delegates at the table to have the authority to make significant concessions,

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but Israeli representatives – such as Minister Ben-Ami – proposed far reaching concessions about the scope of Israel withdrawal (95 instead of 92 percent), Palestinian sovereignty over the Temple Mount, and a proposal for the number of refugees that would be allowed to enter Israel, without the Palestinians showing any willingness to move the talks along. Unlike their Israeli counterparts, the Palestinians did not have the sense that theirs was an "historic moment." In addition, senior Israeli officials (including Olmert and Barak) parsed Palestinian statements as tactical, reassuring, and non-binding when it came to the refugees and mutual recognition, as if these were expressing fundamental Palestinian positions in the talks.

Israel's red line policy, in which the lines become pink before disappearing altogether (as described by one US delegate to the talks), caused the Palestinians to believe that Israel does not have any end points, so that every Israeli concession will lead to yet another concession, with the sky the limit. So why not wait, as Erekat said.

Did Israel concede its assets in the negotiations too fast, or were the talks' foundations shaky? This was the argument that broke out in 2001 after the talks collapsed. Back then, Ben-Ami rejected Peres's claim that "there is no permanent settlement because we have gone too far" (i.e., in Israeli concessions to the Palestinians). By contrast, Ben-Ami said that the talks failed because they were built on the unsound foundations of the Oslo process (for which Peres was responsible). "The Oslo philosophy collapsed altogether," said Ben-Ami. He explained that the Oslo process was based on a (flawed) Israeli approach that one could bring a group of people from Tunisia, give them land, have them maintain Israel's security in the territories, and tell them that one day it would be possible to talk to them about a permanent settlement. The discussions of the permanent agreement held by the Barak government exposed this lapse.²⁰ The impression that emerges is that there is truth to both claims, as there is truth to Barak's assertion that Arafat was not a partner in talks for a permanent settlement.

During Olmert's term in office, the Israeli side failed to learn the lessons of past negotiations. It continued to look at the trees and failed to see the forest. The Israeli mistake repeated itself throughout the talks, as if another 1 or 2 percent of Judea and Samaria, or an additional 10,000 refugees entering Israel would generate the elusive peace. The breakthrough that Ben-Ami (2000-2001) and Olmert (2008) sought was not found even after Israel agreed to the establishment of a Palestinian state whose capital would be East Jerusalem and close to 1:1 land swaps. It took Israel many years to understand that deep, qualitative – rather than quantitative – gaps divide the sides. It seems that the Israeli side failed to appreciate the strategy taken by Abu Mazen and the importance of 1948 (the refugees' return, non-recognition of Israel as a Jewish state, and the connection of these issues to the end of the conflict) in the eyes of someone who sees himself as a refugee from Safed and a revolutionary fighting for the rights of the Palestinians rather than a leader who could take an active part in the building of a Palestinian state after its establishment.

Olmert's claim in the "Hamakor" interview about his ability to bridge the remaining gap does not seem credible given the Palestinians' positions, regardless of how he came to end his term in office. There is no evidence to back his assertion that Abu Mazen was a "partner"²¹ in the effort to find a permanent settlement (as distinguished from routine cooperation between the Palestinian Authority and Israel). Moreover, until the Second Lebanon War, Olmert clung to the "convergence plan" he had devised, which was based on the opposite assumption – namely, that Abu Mazen was not a partner to the process.

It is worth studying the way Israel conducted the talks with the Palestinians. Some of the lessons could have been learned already from the negotiations over the Oslo Accords.²² For one, the disagreements within the Israeli delegation played into the Palestinians' hands, and also affected the US mediator who increased his demands of Israel on the basis of the most compromising position he found within the Israeli delegation. Israeli concessions in the talks, even if declared non-binding, became intangible Palestinian assets that the Palestinian side would then use against Israel and the United States in future rounds of talks. The Palestinians, the Americans, and sometimes even the Israeli representatives would view previous concessions as the starting point of the next round of talks.

Paths Open to Israel

Given all of the above, there is at present no common political horizon for a permanent agreement. Perhaps this might emerge in the future, if and when the Palestinian leadership presents realistic positions that enable the idea of two states for two peoples and stops its efforts to undermine the Jewish identity of the State of Israel. For now, however, certain options are available to Israel:

a. *Negotiations*. In principle, Israel must leave the door open to political negotiations. However, returning to talks on a permanent settlement in

their previous format is problematic because of the fundamental gaps. As great as the expectations, so are the depths of the disappointment and the extremes of the consequent violence, as demonstrated by the second intifada after Camp David. Therefore, it is best that as far as a permanent settlement goes, it be discussed within very restricted teams focusing on the core issues. In addition, experience has shown that Israeli initiatives did not advance the negotiations, and therefore there is little purpose in new Israeli initiatives that will not satisfy Palestinian demands and instead are apt to weaken Israel's position in the negotiations. Therefore, it is necessary to decide that any concessions proposed in talks will be measured and require the approval of the Prime Minister. At the same time, a socioeconomic future for the Palestinian people must be fashioned. Israel must continue to demand the end to incitement in Palestinian schools and public diplomacy, as this is a platform for terrorism and a cultural obstacle to creation of a common political horizon.

- b. *Preservation of the option of a permanent agreement in the long term*. It is proposed that Israel outline its own clear political horizon whether or not negotiations are underway, both for domestic purposes and vis-à-vis the international arena. This involves delineating future borders, which will not be a subject for negotiation, and a settlement policy that leaves an option open for a permanent agreement, even if this does not appear to be in the near offing. For example, Jewish settlement should not be expanded beyond the area of the separation barrier and the settlement blocs. This means not establishing any new settlements and not adding territory to existing ones, but maintaining the existing communities with full services (security, education, culture, transportation, and so on) until an agreement is reached, thereby preserving the territorial option for a permanent settlement even if it is currently not within reach. In the meantime, Israel can decide to make local withdrawals or transfer certain territories to PA control, as it sees fit.
- c. Negotiations for separation under terms of an agreement. Abu Mazen has rejected the possibility of a new interim agreement that does not include Israeli withdrawal to 1967 lines (with land swaps), but he might agree to negotiations on a "partial agreement," whose purpose is the establishment of a Palestinian state in the permanent borders, while leaving the issues of 1948 open (Palestinian refusal to acknowledge Israel as a Jewish state, without compromising on the right of Palestinian refugees to return,

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and without ending the conflict). Without a substantive change by the Palestinians on these issues, this appears to be the only possibility for achieving a long term agreement. This is of course less desirable than a permanent agreement, which Israel must continue to seek.

d. Unilateral withdrawal from the West Bank. Another opinion maintains that Israel should undertake a significant unilateral withdrawal from the West Bank, similar to the 2006 convergence plan, i.e., a redeployment of the IDF and the evacuation of at least 80,000 civilians residing in the West Bank in areas outside Jerusalem, the settlement blocs, and the Jordan Valley. While this would reduce the routine friction between Israelis and the Palestinians in the West Bank, it is highly doubtful whether a new reality would emerge - one in which each side lives its separate life peacefully. A more realistic scenario is that terrorism would remain, internal stability would be undermined, and it would be more difficult to achieve a permanent settlement. Moreover, it is likely that such a move would not be recognized internationally as progress toward ending the occupation, would not free Israel of responsibility for the fate of the people in the West Bank, and would not strengthen Israel's status as a Jewish democratic state. There would also be heavy domestic costs: fierce internal opposition to evacuation, vast monetary expenditures, difficulties in integrating the evacuees, and more. It would be an event on a scale ten times that of the withdrawal from Gaza, whose results differed vastly from what Prime Minister Sharon envisaged.²³ It is doubtful if the risks and costs would be justified in the absence of a permanent settlement. Therefore, it would be better to wait for a political horizon to open up in the future, which will allow a permanent agreement - even if this is contingent on waiting for the rise of a new local Palestinian leadership that will see the establishment of a Palestinian state in the territories as a priority that serves the welfare of its population, over the unrealistic demands that seek to undermine the identity of the State of Israel.

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