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The demise of the peace process

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Abstract:

This chapter examines the mediation attempts undertaken by the administrations of three US Presidents – George W. Bush, Barack Obama, and Donald Trump – to resolve the Israeli-Palestinian conflict. It analyses key case studies such as the Israeli disengagement from Gaza, the Annapolis process, the Kerry initiative, and the Peace to Prosperity plan. In each instance, it discusses the approaches adopted by US mediators and the positions and policies of both Israeli and Palestinian officials. The chapter presents the opposing narratives and understandings of each side, and argues that all sides bear responsibility for the failure of each initiative. While there are identifiable weaknesses in the strategies of each US mediation team, neither party to the conflict has adequately acknowledged the compromises necessary for peace.

While the 1993 Oslo Agreement marked a breakthrough in the Israeli-Palestinian conflict, continuing to progress towards a final peace agreement between Israelis and Palestinians has proved significantly more difficult. Reaching a compromise on the core final status issues – borders, Israeli settlements, Jerusalem, the Palestinian refugee problem, security – would require sustained and intensive negotiations, made all the more difficult by the sensitivity of the issues and the ongoing violent conflict. The mere prospect of a peace agreement galvanized spoilers on both sides who were insufficiently addressed, and interim agreements failed to be implemented (Pundak, 2001). In the summer of 2000, US President Bill Clinton and his peace team undertook the first official effort at final status negotiations at Camp David. It was to become the first of many unsuccessful such attempts, with recriminations for the failure coming from all sides (Malley & Agha, 2001 & 2002; Morris, 2001; Morris, Malley, and Agha, 2002).

This chapter chronicles the story of the subsequent mediation attempts by the administrations of Presidents George W. Bush, Barack Obama, and Donald Trump. It presents the policies of each administration towards peace, how they sought to

approach the issue, and seeks to explain why each effort to date has failed. Although the role of the mediator is central, this chapter also reflects on the parties, their positions on substantive and procedural issues, their relationship with the mediator, and their relationship with each other. As the pre-eminent mediator of the conflict, this chapter focuses exclusively on US efforts. This is not to suggest that other actors have not played a role, but they have at most played a secondary role. One such case in point is the European Union, an institution which has been a primary funder of the Palestinian Authority and the peace process, but which Israel has a contentious political relationship with and does not accept as a mediator (Del Sarto, 2019; Persson, 2015).

For Israel, the prospect of peace with the Palestinians is framed through the lens of security. Surrendering control of the occupied Palestinian territories as part of the “land for peace” formula presents risks, both in terms of Palestinian actions and deep domestic divisions, as the assassination of Prime Minister Yitzhak Rabin by a religious extremist in 1995 illustrated. To Palestinians, they have already made the most significant concession by acknowledging Israeli sovereignty over roughly 78% of mandatory Palestine when Yasser Arafat and the Palestine Liberation Organisation (PLO) recognized the state of Israel as part of the unequal mutual recognition element of the Oslo Agreement. This chapter argues that while this is a story of the failure of the mediators, it is also a story of the failure of the parties to find common ground, and internalize the need for a compromise to coexist as equals. Much like the conflict itself, a zero-sum war of narratives continues over the failure of the peace process, with each side blaming the other.

Bush

At the beginning of his first presidential term, it quickly became clear that George W. Bush had no desire to get embroiled in the Israeli-Palestinian conflict in the same way previous Presidents had. As he remarked to Martin Indyk, the former US Ambassador to Israel and member of Clinton’s peace team, “There’s no Nobel Peace Prize to be had here” (Indyk, 2009: 379). Clinton had warned Bush not to trust Palestinian President Yasser Arafat, who he deemed culpable for the failure of the Camp David summit in 2000 and the subsequent start of the second *intifada*, and

Bush heeded the advice. Contrary to the wishes of Secretary of State Colin Powell, the administration explicitly vetoed any diplomatic initiative, and avoided using the term “peace process” (Indyk, 2009: 379-380; Kurzter *et al*, 2013: 164, 169). Dominant neo-conservatives like Vice President Dick Cheney, Secretary of Defence Donald Rumsfeld, and national security advisor Elliott Abrams opposed negotiations, viewing Arabs generally and Palestinians specifically as unwilling to ever make peace with Israel on terms the Israelis could accept (Ross & Makovsky, 2009: 91-113; Thrall, 2014).

In the wake of 9/11, however, the Middle East and the Israeli-Palestinian conflict acquired a greater significance amid the reframing of US foreign policy towards the “war on terror”. Bush identified with Israeli Prime Minister Ariel Sharon’s uncompromising stance against Palestinian terrorism, but also made it clear that progress on the conflict was important to ensure Arab support for his new agenda. Mindful of the need to maintain strong relations with President Bush, which was an “obsession” for Sharon, he unexpectedly endorsed the concept of a Palestinian state in a speech on 23 September, 2001 (Ross & Makovsky, 2019: 259). In his address to the UN General Assembly on 10 November, 2001, Bush followed suit, becoming the first US President to officially refer to a Palestinian state as a desired outcome.¹ He then reiterated the message in his “Rose Garden” speech on 24 June, 2002, where he laid out his vision of two democratic states living side by side. However, he stipulated that this required institutional reform “to build a practicing democracy, based on tolerance and liberty”, and the election of new leadership untainted by terror on the Palestinian side to show that they were ready to assume the responsibility of statehood (Bush, 2002). As Abrams has explained, “There would be an independent state of Palestine, but only if and when terrorism was abandoned and Arafat was gone. The key, then, was not diplomacy, not international conferences, nor was it Israeli concessions – it was Palestinian action” (Abrams, 2013: 37).

In response to the ongoing violence of the *intifada*, Powell and other envoys were sent to the region to try to negotiate a cease-fire at different stages, but these efforts were hampered by limited political support from the White House and a lack of coherent policy, evidenced by mixed messages emanating from the executive branch and the State Department (Abrams, 2013: 33). This duality was exemplified

¹ The Clinton parameters of December 2000 referred to a Palestinian state, but these were proposals rather than official government positions and expired when he left office.

by the US approach to the international Quartet's Road Map for Peace, launched in April 2003. A "performance-based and goal-driven" peace plan, the Road Map envisaged three phases: Phase I focused on an end to terrorism and violence, Israeli redeployment from positions in the West Bank, Palestinian institution-building, political and security reform, and a full Israeli freeze in settlement construction; Phase II focused on the creation of a provisional Palestinian state; and Phase III envisaged permanent status negotiations to end the conflict (UN, 2003). The plan was based on three key principles – parallel rather than sequential or conditional implementation, monitoring and accountability, and a defined end game – but failed to abide by the first two and only partially fulfilled the third (Elgindy, 2012: 9). Parallel implementation ran contrary to the White House view and the Israeli position – expressed in one of their 14 reservations to the plan which in practice conditioned their acceptance (Zoughbie, 2014: 63) – that any Israeli obligations were conditional on Palestinian security improvement and reform (ECF, 2003). A US implementation monitoring position was created but accomplished little as it never received political support, and no effective Quartet monitoring mechanism existed (Elgindy, 2012: 11-14; Feldman & Shikaki, 2007: 4). In terms of a defined end game, the plan stipulated the creation of a Palestinian state but left the key final status issues such as borders, settlements, Jerusalem, and refugees to negotiations envisioned for 2005, though subject to performance (Elgindy, 2012: 10).

This plan was upended on 18 December, 2003, when Sharon announced his intention to unilaterally withdraw both the Israeli military and settlers from the Gaza Strip. Having been staunchly opposed to the idea in the past, Ross & Makovsky (2019: 258-259, 265) argue that this was guided by Sharon's military conviction that it is better to take the initiative than to react. In domestic debate of the Road Map, Sharon publicly acknowledged that there was an "occupation" (a term anathema to his fellow Likud party members) which was bad for Israel, and argued that separation from the Palestinians was necessary to preserve Israel as a Jewish state (Ross & Makovsky, 2019: 261-262). The "disengagement", as it became known, allowed him to pursue separation on Israel's terms, effectively sidelining the Road Map and other international peace initiatives such as the Arab Peace Initiative of 2002 and the Geneva Initiative of 2003. As Sharon's lawyer and advisor Dov Weisglass explained, disengagement was "actually formaldehyde" to ensure "the freezing of the peace process":

“when you freeze that process, you prevent the establishment of a Palestinian state, and you prevent a discussion on the refugees, the borders and Jerusalem. Effectively, this whole package called the Palestinian state, with all that it entails, has been removed indefinitely from our agenda. And all this with authority and permission. All with a presidential blessing and the ratification of both houses of Congress” (Shavit, 2004).

This logic, however, did not resonate with Sharon’s traditional right-wing constituency, particularly the settlement movement that he had long supported. Opposition within Likud was so strong that Sharon was forced to break away and create a new centrist party, Kadima (meaning “forward”), to implement the policy. To the right wing, the withdrawal of 21 settlements in the Gaza Strip and four outposts in the northern West Bank, completed in September 2005, was a betrayal. To support Sharon domestically, President Bush wrote him a letter of assurances, stating that Israel could not be expected to return to the precise 4 June, 1967 lines, that larger settlement blocs would be incorporated into Israel, and that Palestinian refugees would be resettled in a new Palestinian state, effectively pre-empting negotiations on these final status issues (Bush, 2004). Sharon reportedly considered this strengthening of the Israeli negotiating position one of his greatest diplomatic achievements (Ross & Makovsky, 2019: 269).

Continuing Palestinian terrorist attacks as part of the *intifada* had cemented Sharon’s belief that there was no partner for peace, which became a prominent part of the Israeli narrative (Del Sarto, 2017: 46-49). Although Arafat had appointed Mahmoud Abbas (Abu Mazen), a senior PLO member who had been integral to the earlier peace process and rejected violence, as Prime Minister, he disempowered him and refused to cede control, to the point where Abu Mazen resigned in frustration in September, 2003 (Rumley & Tibon, 2017: 93-99). Upon Arafat’s death in November 2004, Abu Mazen inherited the leadership of the PLO and was elected President in January 2005. Despite their professed desire for new Palestinian leadership, the Bush administration failed to effectively support it when the opportunity arose (Kurtzer *et al*, 2013: 195-196). The disengagement was not coordinated with Abu Mazen, and the unilateral nature of the withdrawal let Palestinians draw their own conclusions as to what prompted this dramatic development. Many considered it the product of armed resistance, which boosted Abu Mazen’s Islamist rivals Hamas. This, together with their campaign against the rampant corruption in Fatah, paved the way for Hamas to

win the January 2006 elections for the Palestinian Legislative Council (PLC). With “Fatah’s inability to come to terms with the loss of hegemony over the political system coupled with Hamas’ inability to come to terms with the limitations of its own power” (ICG, 2007: i), political contestation turned to violent competition and, following a brief period of civil war, Hamas took control of the Gaza Strip in June 2007.

This political and geographical split within the Palestinian community was and remains a prominent obstacle to any negotiated resolution to the conflict. Multiple Egyptian, Qatari, and Saudi attempts at reconciliation and forming a national unity government between the two groups have failed (ICG, 2011). The absence of a coherent position towards Israel reduces confidence that any agreement reached would represent all Palestinian parties and be able to be implemented, worsening the existing lack of trust between the two sides. Simultaneously, however, Israel has refused to negotiate with a Palestinian unity government that includes Hamas, creating a dynamic which is not conducive to effective negotiation.

Ironically, American insistence on democracy had legitimised and strengthened the very forces who rejected a negotiated two-state solution with Israel. To respond to Hamas’ election victory, new US Secretary of State Condoleezza Rice decided that Abu Mazen and moderate Palestinian forces needed to be strengthened, and lobbied President Bush to endorse a diplomatic initiative in a stark departure from his first term policy. In March 2006, new Kadima leader Ehud Olmert was elected in Israel, following Sharon’s incapacitation due to multiple strokes. He had campaigned on a peace platform, pledging to negotiate with the Palestinians and, if these failed, to apply Sharon’s strategy of unilateral withdrawal to the West Bank by evacuating settlements outside the main blocs which Israel sought to retain (Kurtzer et al, 2013: 203).

In her early conversations with Olmert, Rice expressed a preference for a negotiated solution over his unilateral *hitkansut* (“convergence”) policy: “I didn’t like the sound of that term but thought it could be shaped to mean a negotiated solution – not a unilateral one – to the Palestinian question” (Rice, 2011: 414). Rice argued that the Palestinians needed a “political horizon” in order to encourage them and generate hope. Bush later reflected, “At first I was skeptical. ... But I came to like the idea. If wavering Palestinians could see that a state was a realistic possibility, they would have an incentive to reject violence and support reform” (Bush, 2011: 408). Although

Abrams argued that this “horizon” already existed through American and Israeli endorsement of a Palestinian state, this remained vague and gave no indication of what that state would look like and whether or not it would have full sovereignty (Abrams, 2013: 203-204). With Rice’s encouragement, Abu Mazen and Olmert began meeting directly in December 2006 and would continue to meet, both with and without Rice present.

On 16 July, 2007, Bush announced that he would convene an international meeting of Israelis, Palestinians, and Arab states in Annapolis, Maryland, to support a return to negotiations. While Rice had worked hard to ensure Israeli and Palestinian commitment but also that of key regional states like Egypt, Jordan, and Saudi Arabia, there remained confusion as to exactly what Annapolis would be and what it would generate. Was it to be a crowning event to present a negotiated document, or a launching pad for future negotiations (Feldman & Shikaki, 2012)? The Palestinians wanted the former to present a framework agreement on the final status issues, while the Israelis wanted the latter (Rice, 2011: 612). Abrams, who opposed Annapolis and preferred to focus on supporting new Palestinian Prime Minister Salam Fayyad’s state-building reforms, describes this period as one of Rice “substituting motion for progress”, creating “the appearance that something positive was happening” with meeting after meeting: “One can caricature this activity as reminiscent of Peter Pan: The peace process was like Tinkerbelle, in that if we all just believed in it firmly enough it really would survive” (Abrams, 2013: 226). Ross and Makovsky (2009: 110-111, 141) and Schiff (2013) are similarly critical of Annapolis, arguing that the event was poorly prepared, while a number of former US diplomats urged Bush and Rice to be more assertive and take the opportunity to present the principles of a final status agreement to be endorsed (Brzezinski *et al*, 2007).

The Annapolis Conference took place on 27 November, 2007, and although there was little of substance in the joint declaration, the parties did agree to a timetable for final status negotiations across multiple tracks. These included direct talks between Abu Mazen and Olmert, in addition to those between negotiating teams led by Israeli Foreign Minister Tzipi Livni and long time Palestinian negotiator and former Prime Minister Ahmed Qurie (Abu Ala). Negotiations on both tracks proceeded throughout 2008 and reached a pinnacle on 16 September, when Olmert verbally outlined a proposal to Abu Mazen and presented an accompanying map. Abu Mazen asked to take the map with him in order to study it further, but Olmert refused,

insisting that he sign it then and there (Avishai, 2011). President Bush has explained that the idea was then for Olmert to deposit his proposal with him on a November trip to Washington D.C., Abu Mazen would follow in December to agree the deal, and it would be finalised in January 2009 before Bush left office (Golan, 2015: 184, 194; Abrams, 2013: 292-293; Avishai, 2011). However, this chain of events did not materialise.

The US team elected not to present a bridging proposal based on Olmert's verbal offer. Their mediation strategy of allowing the parties to largely negotiate bilaterally throughout 2008 was logical, as the leaders were engaging constructively and both sides preferred dealing with the other directly, but at the crucial point when more assertive and coercive US mediation would have been necessary to finalise an agreement, Bush and Rice failed to adapt (Eriksson, 2019: 404-405). Although US commitment to this process was significantly greater than the Road Map earlier in the first Bush administration, once again the divisions between those in the State Department who believed in diplomacy and the neo-conservatives who did not were stark, and the President's reluctance to get involved reflected his predilection toward the latter.

This episode has come to form a part of the Israeli narrative that the Palestinians "never miss an opportunity to miss an opportunity" and that there is no partner for peace, but Abu Mazen did not actually reject Olmert's offer (Del Sarto, 2017: 50-51). As Abrams (2013: 291), Kurtzer *et al* (2013: 231-232) and Thrall (2017: 181-183) have argued, the Palestinians had a number of questions about the offer that were never answered, and there were multiple details that remained to be clarified. A number of contextual factors also contributed to the failure of the Annapolis process. Throughout 2008, Olmert was dogged by allegations of corruption, leading to his effective resignation in July and official resignation in September, not long after his verbal proposal to Abu Mazen. His mandate to negotiate as care-taker Prime Minister and, above all, his ability to deliver on any deal were thus questionable. Abu Mazen too was a weak and domestically unpopular leader struggling to cope with the challenge from Hamas. He was reluctant to make an agreement with a counterpart on his way out of office, and the politics of succession affected negotiating dynamics, with Livni and others suggesting to Abu Mazen that they wait until she was elected to finalise a better deal (Golan, 2015: 184, 188; Rice, 2011: 724). Moreover, Livni avoided discussing sensitive issues like Jerusalem lest

any leaks should damage her election prospects (Kurtzer *et al*, 2013: 230; Abrams, 2013: 279).

Although ultimately unsuccessful, the Annapolis process was a serious attempt by committed yet weak leaders to resolve the conflict. With the benefit of hindsight, it certainly constitutes, to use Podeh's framework, a "missed opportunity" (Podeh, 2016), but it was a failure shared by all sides. Without any type of proposed framework agreement deposited with President Bush, the progress that had been made was lost, and relations between the parties once again deteriorated as a result of the 2008-9 Gaza war between Hamas and Israel.

Obama

Like Bush before him, President Barack Obama came to office in January 2009 keen to distinguish himself clearly from his predecessor. In a speech at Cairo University on 4 June, he declared that he sought "a new beginning between the United States and Muslims around the world" to repair relations damaged due to the war on terror. Addressing the Israeli-Palestinian conflict, Obama acknowledged the history of suffering on both sides, underscored the need to reject terrorism and violence with a pointed message to Hamas, and endorsed the two-state solution as a necessity, describing the Palestinian situation as "intolerable". On one issue, Obama was very clear: "The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop" (Obama, 2009). The primary difference, however, was one of tone rather than substance. On key issues such as the need for a negotiated two-state solution, the need for Palestinian institution-building, and the cessation of Israeli settlement construction (which was part of the Road Map), there was greater continuity than difference (Siniver, 2011; Gerges, 2013).

Nonetheless, one prominent procedural difference rapidly became apparent: unlike Bush, Obama demonstrated a willingness to exert pressure on Israel over settlements, pushing for a complete freeze in settlement activity. This had been a central recommendation of Obama's new special envoy to the peace process, George Mitchell, in the 2001 fact-finding report he led to address the violence of the second *intifada* (EEAS, 2001). Like Sharon at the time, the new Israeli government of Prime Minister Benjamin Netanyahu rejected this approach, and it became the primary issue

that initially defined a combative relationship between Obama and Netanyahu. In response to US pressure, Netanyahu agreed to a 10-month moratorium on new settlement construction and the expropriation of additional land, but insisted that this did not include natural growth within existing settlements or apply to East Jerusalem or the large settlement blocs (Kurtzer *et al*, 2013: 252-253).

Perceived as a significant concession by Israel and insufficient by the Palestinians, the partial moratorium satisfied no one and failed to build momentum towards renewed negotiations (Ruebner, 2013: 99). A generous US offer of additional military assistance and political guarantees of protection at the UN Security Council to Netanyahu in exchange for a three-month extension of the moratorium was made and then withdrawn, as the Israelis had serious reservations and the offer itself became the subject of negotiation (Rogin, 2010). As Siniver (2011: 681) argues, Mitchell's efforts to secure a settlement freeze in effect focused on the pre-conditions to negotiation rather than the substance of final status. In other words, the administration was more committed to managing the conflict than resolving it. US State Department spokesman P.J. Crowley seemed to acknowledge this at the time: "We thought that this [the settlement moratorium] had, in a sense, become an end in itself rather than a means to an end. ... We're going to focus on the substance and to try to begin to make progress on the core issues themselves. And we think that will create the kind of momentum that we need to see – to get to sustained and meaningful negotiations" (Rogin, 2010).

However, the two parties remained far apart, both on substance and on process. Whereas the Palestinians wanted to resume the negotiations from where they had left off with Olmert, Netanyahu declared that Israel would not be bound by the terms of Olmert's offer, which was not to act as a basis for further negotiations (Kurtzer *et al*, 2013: 247, 249, 252). Shortly after Obama's Cairo speech, Netanyahu endorsed the concept of a Palestinian state in a speech at Bar-Ilan University, but with multiple pre-conditions: that Palestinians recognize Israel as the nation state of the Jewish people, that the Palestinian refugee problem be solved outside Israel's borders, that a Palestinian state would have circumscribed sovereignty by being demilitarized with "ironclad" security provisions for Israel, and that Jerusalem remain the undivided capital of Israel (Netanyahu, 2009; Lochery, 2016: 278-281).

For Palestinians, Obama's push for a complete settlement freeze was then adopted as a pre-condition for the resumption of negotiations (Rumley and Tibon,

2017: 182). Although direct negotiations were launched in Washington D.C. 1-2 September 2010, with Egyptian President Hosni Mubarak, Jordanian King Abdullah II, and Quartet envoy Tony Blair in attendance, these did not extend beyond a second meeting in Sharm el-Sheikh in mid-September. A lack of detailed terms of reference for the negotiations, the impending end of the partial settlement freeze and sensitivities associated with it, and an increase in Palestinian terrorist attacks combined to derail these talks before they had even really started (Ruebner, 2013: 104-108; Kurtzer *et al*, 2013: 259-260).

Dan Kurtzer, a former US ambassador to Israel and Egypt and member of President Clinton's peace team, argues that the US approach was driven by tactics rather than strategy. Mitchell and his team engaged in "a kind of billiard-ball diplomacy", trying confidence-building measures, then indirect negotiations, and then direct negotiations, without an underpinning strategy:

"The question is, why did we not start with a strategy and then decide how these various tactics might fit in? ... The issue is not to seek the confidence-building measure, but rather to embed it in a strategy so that you can market it in a sustainable process in which there are going to be gains and challenges for both sides, but the gains hopefully will outweigh the risks that the two sides have to take" (Kurtzer *et al*, 2014: 3).

After years of stalemate amidst the Arab Spring, the newly re-elected President Obama travelled to Israel in March 2013 in a bid to reset the bilateral relationship. John Kerry, the new Secretary of State, accompanied him to resurrect the moribund peace process as a key foreign policy issue. Convinced that the window for the two-state solution was closing – "in one to one-and-a-half to two years – or it's over" (Gerstein, 2013) – Kerry was determined to re-engage the parties in direct bilateral negotiations. Mistrust between the parties, however, remained high, with multiple waves of attacks in 2012 between Israel and Hamas in Gaza. Since the collapse of the last US-sponsored talks, rather than merely wait for external actors to pick up the peace portfolio again, the Palestinian Authority had embarked upon a strategy of internationalisation, seeking international recognition of their unilaterally declared statehood and commensurate membership of international organisations. Without support of the majority in the UN Security Council, the Palestinians had to settle for the status of "non-member observer state" bestowed by the General

Assembly in 2012, but continued to use the prospect of membership in international organs such as the International Criminal Court to pressure Israel.

After months of talks with each side, Kerry announced the resumption of final status negotiations on 30 July, 2013, aimed at achieving a full final status agreement on all the core issues in nine months (Kerry, Livni & Erekat, 2013). To get the parties back to the table, Kerry had agreed a package of confidence-building measures. In exchange for the release of 104 Palestinians imprisoned by Israel for murder prior to the 1993 Oslo Agreement, a “major slowdown” in Israeli settlement construction, and US commitment that any future borders be based on the 4 June, 1967 lines, the Palestinians agreed to cease their internationalisation campaign for the duration of the talks. Although a majority of the Palestinian leadership were against returning to the table on these terms due to deep scepticism about the prospect of any deal with Netanyahu and concern about the political cost of returning to negotiations without a full settlement freeze, Abu Mazen overrode them and decided to return to the table. On the Israeli side, Netanyahu was concerned about being held responsible by the US for the continued impasse, and mounting European Union threats not to do business with entities that operated in the occupied territories (Birnbaum and Tibon, 2014).

The difficulty Netanyahu faced in getting these highly sensitive confidence-building measures approved by his right-wing cabinet created problems that would ultimately precipitate the collapse of the talks. The Palestinian prisoners were to be released in four tranches over the course of the talks rather than all at once, and Netanyahu told Kerry he would need to approve more than 2000 new settlement units in order to appease his coalition partners. As Birnbaum and Tibon (2014) argue, these elements generated misunderstandings and conflicts between the sides that Kerry could not solve. Kerry thought Netanyahu had agreed to release all 104 prisoners, whereas he had agreed to only approximately 80, and did not clarify where the new settlement units would be, with East Jerusalem being particularly sensitive to both sides.

Once again, there were significant differences on both substance and process. According to Schiff (2018), the Israelis sought to discuss all issues in parallel, while the Palestinians wanted to start discussing borders and security. Of these issues, Israel insisted on first agreeing security arrangements and guarantees, such as a continued Israeli military presence in the West Bank for decades, which Palestinians opposed. On the most sensitive issues of Jerusalem and the Palestinian “right of return”, the

same traditional differences existed. Israel rejected the idea of a Palestinian capital in East Jerusalem and any responsibility for the refugee issue, insisting that refugees could only return to a Palestinian state. A combination of violence and Israeli announcements of new settlement plans created a difficult negotiating environment, worsened further due to Palestinian anger at Netanyahu's erroneous suggestion that Abu Mazen had accepted new construction in return for the prisoner release (Indyk, 2014). The dynamics between the negotiators was also reportedly complicated by the presence on the Israeli side of Netanyahu's attorney Yitzhak Molho, who seemed intent on avoiding details and insisted that no maps be discussed until security arrangements had been agreed (Birnbaum & Tibon, 2014). As it became clear towards the end of 2013 that a full agreement was impossible in the proposed timeframe, Kerry and his envoy, veteran diplomat Martin Indyk, focused instead on a framework agreement on the core issues.

Of the two leaders, Kerry focused his attention on Netanyahu, who had historically fought against the Oslo Agreement and sought to limit its implementation while he was Prime Minister (1996-1999) (Eriksson, 2015: 147-163). Security had always been Netanyahu's foremost concern, so the US team decided this was a logical place to start, and put together a security package that they presented to the Israelis in early December. While Netanyahu saw it as a basis for discussion, Minister of Defence Moshe Ya'alon did not and rejected the package, with his private criticism of the American team and Kerry personally as "obsessive" and "messianic" generating headlines (Birnbaum & Tibon, 2014). Despite this setback, Kerry continued to work with Netanyahu on a framework agreement and generated some movement. On the right of return, Israel would, at its own discretion, admit some refugees on a humanitarian basis, and on borders, Netanyahu accepted that these would be negotiated based on the 4 June, 1967 lines with mutually agreed swaps, language which he had previously decried Obama for using (Kurtzer *et al*, 2013: 263-265). Jerusalem, however, remained a key sticking point, together with Palestinian recognition of Israel as a Jewish state. When Kerry took elements of this framework to Abu Mazen in February 2014, the Palestinian leader was disappointed with the lack of clarity on Jerusalem. Although certain elements were improved in a later draft discussed in a March meeting between Obama and Abu Mazen at the White House, the Palestinian leader did not respond definitively to it, either positively or negatively (Tibon, 2017).

With Israel unwilling to release the final tranche of Palestinian prisoners on 29 March, Kerry appealed unsuccessfully to Abu Mazen for a delay. If Israel could not be compelled to release the final 26 prisoners, then there was no way they could be compelled to agree to a Palestinian capital in East Jerusalem, he reasoned (Birnbaum and Tibon, 2014; Rumley and Tibon, 2017: 189). Kerry tried to devise a grand bargain for an extension of the talks involving the US release of convicted spy Jonathan Pollard to Israel, but the Palestinians wanted the prisoner release they had been promised and which Kerry was under the impression Netanyahu had agreed to. On 1 April, instead of a prisoner release, Israel announced the approval of over 700 new homes in the East Jerusalem settlement of Gilo, which prompted Abu Mazen to sign fifteen UN conventions. US attempts to salvage the talks throughout April were definitively ended when news emerged of a unity government between Hamas, Fatah, and Islamic Jihad, prompting the Israelis to officially suspend the talks (Schiff, 2018: 17; Birnbaum and Tibon, 2014).

In subsequent testimony to the Senate Foreign Relations Committee, Kerry explained that both sides bore responsibility for the failure of the talks, but seemed to emphasise the Gilo settlement announcement as the key turning point, much to the annoyance of the Israelis (Landler, 2014; Kershner, 2014). As Ramsbotham has reflected, each party had their disagreements with the US effort: for Palestinians, it was an issue of process and prioritising Israeli demands, while for the Israelis, it was an issue of substance, as the unofficial US position on a number of final status issues was deemed to be more aligned with the Palestinians (Ramsbotham, 2017: 156). Although Kerry considered releasing proposed US parameters for a framework agreement, much like President Clinton had done in 2000, he opted against such an approach and instead publicly outlined six principles of final status that echoed the 1995 Beilin-Abu Mazen Understandings (Eriksson, 2015: 136-137), the Clinton parameters, and the 2003 Geneva Initiative (Kerry, 2016). Once again, this meant that what had been discussed did not create an official baseline for future peace talks or US policy (Kurtzer *et al*, 2014: 6).

Trump

Even if a framework or set of principles had been passed from the Obama administration to the Trump administration, it is not clear that Trump would have felt

bound by them. During his campaign, Trump was forthright about his desire to do things differently. Already during the transitional period, Trump's team was actively lobbying against UN Security Council Resolution 2334, which condemned illegal Israeli settlement construction in the West Bank, on behalf of Netanyahu, in an effort to undermine the Obama administration who later abstained on the resolution and allowed it to pass (Lynch, 2017; Beaumont, 2017). The Trump administration subsequently broke a number of longstanding precedents in US policy towards the conflict and adopted a one-sided approach that prioritised Israeli needs over Palestinian ones. While this was not necessarily novel – former US mediator Aaron Miller (2005) famously described the Clinton peace team as having acted as “Israel’s lawyer” – the scale of Trump’s shift was unlike anything seen previously.

Trump appointed Jason Greenblatt, a lawyer for the Trump Organisation, as his special envoy for Middle East peace, who together with the President’s son-in-law and advisor, Jared Kushner, was tasked with putting together “the ultimate deal”. Whereas Kerry’s final address on the conflict as Secretary of State emphasized the shared Israeli, Palestinian, and US interest in a two-state solution (Kerry, 2016), the Trump administration did not clearly commit to this goal. Rather, Trump vacillated between a one-state and two-state solution, saying in February 2017, “I could live with either one” (Trump, 2017). On 6 December, 2017, Trump announced the US recognition of Jerusalem as the capital of Israel, altering their traditional position that the city’s status should be subject to negotiation between the two parties (Trump, 2017b). Although the announcement lacked specifics, Trump failed to mention Palestinian claims to East Jerusalem, noting only that specific borders were to be the subject of negotiations between the parties. In response, Abu Mazen announced that the Palestinians would no longer accept any US-sponsored peace initiative and called for more systemic change in the mediation of the conflict to include other mediators (Beaumont, 2017; Melhem, 2017).

Whatever constructive ambiguity the Trump administration preserved by omitting specifics in their announcement was not used to effectively mediate and engage with the Palestinians (Eriksson, 2018: 54-56). Rather than address Palestinian needs, the Trump administration’s strategy focused on rewarding Israel and taking further punitive actions against the Palestinians, including halting funding for the United Nations Relief and Works Agency (UNRWA) responsible for the provision of services to Palestinian refugees, trying to redefine which Palestinians can be classified

as refugees, closing the PLO representative office in Washington DC, and reducing funding to the Palestinian Authority (Hirsh and Lynch, 2019; Calamur, 2018). Zartman and Rubin (2000: 288) argue that biased mediators are only useful if they deliver the party toward whom they are biased, but the Trump administration refused to exert any leverage to do so.

Kushner unveiled the first component of the administration's plan at the Peace to Prosperity workshop in Bahrain, 25-26 June, 2019. Billed as a presentation of the economic opportunities that the administration sought to offer the Palestinians, the event was widely criticized for failing to move beyond broad economic aid aspirations, for including projects that already exist or projects that have been proposed in the past, and for ignoring Israel's occupation which remains the major obstacle to Palestinian economic growth (Makovsky, 2019; Morris, 2019; Lee, 2019). Trump presented the full Peace to Prosperity plan at the White House on 28 January, 2020, accompanied by Netanyahu but no Palestinian representative. These were fitting optics, as the plan was heavily tilted towards the Israeli perspective on all final status issues. Under the plan (The White House, 2020), Israel would not evacuate any illegal settlements but rather annex substantial portions of the West Bank, in return for land swaps surrounding Gaza and in the Negev desert along the Israeli border with Egypt. A Palestinian capital would be created in areas east of the current security barrier around Jerusalem, such as Kafr Aqab, Abu Dis, and parts of Shuafat, rather than all Arab areas of East Jerusalem. Israel would accept no responsibility for the Palestinian refugee problem, and no refugees would be re-settled in Israel.

Although the Trump plan called for the establishment of a Palestinian state after negotiations based on their vision, the plan was a non-starter for the Palestinians, with the conditionalities included effectively emptying any proposed sovereignty of meaning. By effectively seeking to normalize the one-state status quo rather than mediate, the most consequential impact of the Trump administration's plan may well be the final death of the two-state solution (Eriksson, 2018: 58-59). The prospect of Israeli unilateral annexation of parts of the West Bank has been widely criticized, with EU foreign policy chief Josep Borrell stating that such a move "could not pass unchallenged" (Emmott *et al*, 2020). While multiple individual EU member states announced that they would not recognize any unilateral Israeli annexation, a lack of consensus among all members has made it difficult for the EU to effectively act on Borrell's words (Eriksson, 2020; Lovatt, 2020; Del Sarto, 2019).

As countless international and Israeli officials have repeatedly warned, the abandonment of the two-state solution will have detrimental effects on Israel, and imperil the notion of a Jewish and democratic state (Kerry, 2016; Ross & Makovsky, 2019: 268-269, 273-290; Guardian, 2020). In an interview with German broadcaster Deutsche Welle (Schmitt, 2017), former Israeli Prime Minister Ehud Barak warned that continued Israeli occupation of the Palestinian territories meant that Israel would “inevitably” become “either non-Jewish or non-democratic”, putting them on “a slippery slope toward apartheid”.

Conclusion

Although the basic guiding principles of a two-state solution have been clear for over two decades, an agreement to end the conflict has not been achieved despite multiple attempts. This chapter has critically evaluated these mediation efforts in terms of strategy, engagement, and execution. Former officials like Martin Indyk and Dennis Ross have argued that the United States needs to reassure Israel in order to generate progress in negotiations (Thrall, 2014), but it must also take into account the needs of both sides. However, as Thrall and others have argued, the US must also pressure the parties to compromise and be willing to use the substantial leverage it holds (Thrall, 2014; Thrall, 2017: 39-40; Eriksson, 2019). A key lesson Kurtzer and Lasensky (2008: 43-47) identified during the Oslo process was the need for accountability and ensuring the implementation of agreements reached. The same was true of the efforts detailed here (Kurtzer *et al*, 2014: 5-6), but the US has always been reluctant to fulfil this role, despite its unique position to do so.

To use a well-worn expression often heard during the case studies examined in this chapter, a mediator cannot want peace more than the parties themselves. They are the ones who will have to implement peace, and they have to own it. Both parties bear responsibility for this catalogue of failure. Neither side has adequately prepared its people for the nature and scale of the sacrifices an equitable two-state solution would require. Both sides are riven with division between pragmatists and extremists, those who are willing to compromise and those who are not, and facing up to these differences runs the risk of generating internal conflict. On the Palestinian side, this is already evident in the continuing rift between Hamas and Fatah, while on the Israeli side, the vast political polarization evident in the murder of Prime Minister Yitzhak

Rabin in 1995 continues through competing visions of the nature of the state of Israel and its future.

An alternative argument, however, would be that the failure of previous efforts suggests a deficiency in the concept of a two-state solution, and that other solutions such as the one-state solution are preferable. Indeed, this is the position of the Israeli right wing and appears to be the inclination of the Trump administration. Palestinians have also increasingly adopted this view, seeking to reframe the struggle as one of equal rights within one state. However, just as with the two-state solution, there are wildly different visions of what a one-state solution would look like in practice. Would it be a Jewish state, or would it be a bi-national state with equal rights for all citizens, regardless of identity? Neither solution would fully satisfy the twin nationalisms that have developed and consolidated over time. Consequently, a one-state solution is no guarantee of a peaceful future, merely a different form of conflict.

Recommended reading:

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Questions for discussion:

What were the strengths and weaknesses of the Annapolis process?

Was the Obama administration correct to focus on Israeli settlements as a main obstacle to peace?

How has the Trump administration's plan impacted the prospects for peace?

Why has US mediation failed to produce a peace agreement?

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