



The Next Steps toward Resolving the Israeli-Palestinian Conflict

Summary of a policy-planning workshop convened by
Mitvim – The Israeli Institute for Regional Foreign Policies
and the International Crisis Group

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In the immediate aftermath of Israel's recent elections and the formation of its 34th government, and not long after a period of conflict with Gaza and heightened tensions amongst Israel's Arab population, over thirty experts, diplomats, civil servants, journalists, and representatives of think tanks and NGOs gathered in Jerusalem on 7 May 2015 for a policy-planning workshop convened by [Mitvim – The Israeli Institute for Regional Foreign Policies](#) and the [International Crisis Group](#). On the agenda were possible next steps toward resolving the Israeli Palestinian conflict. This paper summarizes the main points raised in the workshop. It focuses on the analysis of key players and the assessment of future options.*

At a time when the Israeli and Palestinian leaderships are clearly reticent to resume negotiations, the international community is expressing a growing urgency to advance the process. In this context, several next steps are being debated. These include a UN Security Council resolution on parameters for a final-status agreement, increased and coordinated use of incentives and disincentives, continuation of the Palestinian strategy to internationalize the conflict, and promotion of a long-term ceasefire between Israel and Hamas negotiated separately from the PA. International and regional processes, including a perceived increase in US isolationism, deep and oft-violent regional transformations, American political timeline towards the 2016 presidential elections, and the seeming advances of the P5+1 and Iran towards an agreement, are all factors in this debate. The workshop addressed all of these issues as well as internal dynamics in Israel and among the Palestinians.

A. The Parties' Domestic Arenas

1. Post-Election Israel: The New Government and the Opposition

The new Israeli government will rely on the narrowest of majorities - a coalition comprised of 61 Members of Knesset (MK). This slim majority is the result of the last minute decision of Avigdor Lieberman to remain in opposition, which has empowered the coalition's

* The workshop was carried out under the Chatham House rule. This paper, written by Yonatan Zlotogorski of the Mitvim Institute, conveys positions voiced during the workshop. However, it does not reflect the position of either the Mitvim Institute or the International Crisis Group. Nor does it in its entirety or in specific elements reflect a consensus of all or some of the workshop's participants.

religious factions. The new government is likely even too right-wing for Netanyahu himself, as it lacks a center-left faction that could moderate its image and help absorb international pressure to make progress on the Palestinian front. As such, Netanyahu's 4th government is likely to muddle through and behave reactively on issues that pertain to the West Bank and Gaza, East Jerusalem and Israel's Arab population. As he did in the past, Netanyahu may try again to play for time and lessen international pressures, perhaps through a declaratory move (i.e. a sequel to the Bar Ilan speech, this time about the Arab Peace Initiative). In today's political climate, the government will try to portray any bid to restart negotiations in a format other than direct talks as foreign intervention. The opposition under Isaac Herzog will have a difficult time countering that assertion.

On the legislative front, the new government will likely renew efforts to pass laws that were previously deemed controversial by the Israeli opposition and many in the international community. Examples include the Jewish Nationality Law, a law to annex parts of the West Bank, the "Zoabi Bill," and a proposal to extend Israeli law into the West Bank. Ultimately, similar efforts were scuttled by the previous government but are likely to reappear in the coming months. Palestinian citizens of Israel could see their national funding and access to foreign funds cut as well as an effort to ban the northern branch of the Islamic Movement in Israel.

On the other side of the political divide, the Left has been overcome by much disappointment, especially in light of the pre-election polls that showed a tie between Likud and the Zionist Union or even a slight advantage to the Zionist Union. The foundation of the Left's approach regarding the Palestinians is threefold. First, the two-state solution is the only viable option to resolve the conflict while ensuring Israel's existence as a Jewish and democratic state. Second, the status quo is unsustainable and detrimental to Israel. Finally, the Left believes a Palestinian partner does exist and that an agreement can be reached if a "good deal" is put forth.

Going forward, the pro-peace Israeli opposition has a number of options it can pursue. These may include taking actions and adopting rhetoric that are more activist in nature than it has previously used. It could collaborate with the growing American Jewish community that is increasingly drifting away from Israel's current leadership and the senior mainstream leadership of the American Jewish community. This community, largely represented on an organizational level by J Street, is growing from the bottom up and will slowly become a voice that the traditional leadership will have to reckon with. Additional options include encouraging the Obama Administration or the UN to put forth their own initiative to update the Clinton parameters and/or UN Resolution 242.

There are also those among the Israeli opposition that are eyeing the option of entering Netanyahu's government. If either the Zionist Union or Yesh Atid decide to do so, they should condition it on concrete policy steps that would clearly reaffirm Israel's commitment to the two-state solution, and that will enable actual progress toward this goal.¹ Finally, and perhaps most importantly, if the Israeli Left wishes to return to power and offer a viable alternative to the Right, it must work together and coordinate its activities. Its internal divisions are detrimental for its own success. The Left should also be willing to articulate clear policy alternatives to those of the government. It failed to do so prior to the elections.

¹ Such steps can include: the passing of an Evacuation-Compensation Law in the Knesset, allowing the building of a number of new Palestinian towns in Area C that will serve middle and low income Palestinian families, the reopening of the Orient House and other confidence building measures in East Jerusalem, removal of outposts, or a declaration of principles on sharing the land between Israelis and Palestinians.

2. The Palestinians

It is unclear whether Abu Mazen has a strong desire to resolve the conflict. However, his capacity to do so in the current political climate is limited. No love is lost between Abu Mazen and Netanyahu, making the track of direct negotiations futile. Moreover, the issue of Fatah-Hamas reconciliation will impact significantly on any negotiations. The current chances of any such reconciliation are slim. Neither Fatah nor Hamas has abided by the parameters set out in the 2012 Doha Agreement or in the 2014 Cairo Agreement and while the agreement was signed, it is fair to say that the parameters were never truly agreed to. Too many aspects of the deal are “non-starters” for both sides.

If negotiations do not restart, the Palestinians could resort to unilateralism, further internationalization of the conflict or even the complete rejection of the two-state paradigm. Initiatives to claim individual political rights might also be contemplated and acted upon. It is unclear how the international community will respond to such steps. Additionally, any thoughts about the prospects of resumed talks and the viability of any deal need to consider Abu Mazen’s age and how much longer he will remain in office. Abu Mazen is 80 years old and currently in the 11th year of a 4-year term. Both his age and the absence of elections in the PA impact upon his stature, the legitimacy of his leadership, and any long-term plans he will promote.

Following the last conflict in Gaza, and the lack of progress between Israel and the Palestinian Authority, the option of a long-term cease-fire between Israel and Hamas - to be negotiated through a third-party and without the involvement of the Palestinian Authority - has surfaced.

B. International Efforts to Promote a Two-State Solution

While the international community talks often about the urgency of a two-state solution and states its unwavering commitment to reaching an agreement between Israel and the Palestinians three issues need to be determined. First, how high up the list is initiating such a process at the moment? Second, how much political capital are various actors willing to spend to do so? What steps are the US, Europe and other actors currently contemplating in order to achieve peace?

1. The Middle East Peace Process on the World Powers’ Priority List

The international community seems to be prioritizing issues other than the Israeli-Palestinian conflict at the moment. In recent months, the White House has intimated that its goal is to resolve as many of the issues on its plate at the moment rather than try to solve new ones. These include Iran’s nuclear program, ISIS in Iraq, the Syrian crisis, and Ukraine, to name a few. Therefore, a new US effort to solve the Israeli-Palestinian conflict is unlikely during President Obama’s final year in office. The Europeans would like to make peace between Israel and the Palestinians but their focus, too, is currently elsewhere. Moreover, the EU’s largely ineffective efforts to resolve the crisis in Ukraine strengthen the argument of those who advocate a more cautious and less ambitious approach on Middle East peace. While the issue will definitely remain on the table, it is unlikely that the EU will bend over backwards to resolve it. Key Middle Eastern actors are also preoccupied. Saudi Arabia’s focus is on Iran, Yemen and radical Islam, Egypt is fighting to maintain internal stability both in the Sinai and vis-à-vis the Muslim Brotherhood, and Turkey is eyeing the crisis in Syria and the rise of ISIS.

2. The United States

US leadership of - or at least its support for and involvement in - any successful international effort to promote Israeli-Palestinian peace is critical. This is true regardless of whether an initiative is floated by the Europeans or others within the international community. However, the Obama Administration's current stance on the issue and the degree to which it will actively pursue solving it are unclear. It is virtually certain that the Americans will not reenter the Israeli-Palestinian arena before a deal is reached with Iran on the latter's nuclear program. Furthermore, there is an ongoing internal debate amongst Obama Administration officials as to the value of promoting a UN Security Council resolution. Those in favor of doing so argue that such a resolution would be a "new Resolution 242" that would lay down Obama's legacy. Those who oppose it argue that such a resolution would be largely futile, leading to no tangible changes on the ground.

Within the American Jewish community there is a discernible shift towards advocating for an Israel policy that is less *carte blanche* in nature, i.e. supporting Israel regardless of its policy vis-à-vis the Palestinians and despite the absence of negotiations. While this attitude is clearly more "bottom up," it is noticeable among the elites as well. Pre-election statements by Israeli politicians, including Netanyahu, surprised, and even shocked, members of the community because it appeared that an Israel with Netanyahu at its prime minister would no longer be committed to a two-state solution. In the long run, American Jewish demographic trends are leaning to the left but this shift will probably not have impact in the short-term. Nevertheless, Jewish donors who are contributing lavish sums of money to political candidates, particularly on the Republican side, are influencing the political debate about American-Israeli relations and broader US policy in the Middle East.

In the near term, some options available to the US are: (1) Adopt the UN Security Council Resolution currently promoted by France, or refrain from vetoing it; (2) Put forth American parameters for Israeli-Palestinian conflict resolution, perhaps through a Presidential statement; (3) Force the sides to put forth their own maps delineating the contours of a final status agreement; (4) Request Netanyahu to re-affirm his commitment to the two-state solution through actions and not only words and to refrain from policies that jeopardize it (e.g. settlement expansion).

3. Europe

The Europeans have recently been taking steps toward advancing their own framework for a two-state solution and have been calling for negotiations to resume. This comes after a several month lull in European activity, caused by the 2014 European Parliament elections, personnel changes in Brussels (including the appointment of Federica Mogherini to replace Catherine Ashton), and the Israeli elections. With Israel's new government sworn in, it is likely that the Europeans will re-engage both directly with the parties and within international fora in order to move the process forward. The appointment of Fernando Gentilini as the new European Special Representative to the Middle East Peace Process may also contribute to increased European involvement.

One form of European involvement is being led by France: the promotion of a UN Security Council resolution outlining the parameters of a two-state solution. The French already discussed the resolution's proposed language with Germany and the UK in late 2014, before putting it on hold until after the Israeli elections. The French text is likely to be rejected by both Israel and the Palestinians despite the fact that it includes language on key elements for both sides. News reports have stated that the draft text recognizes the

1967 lines as the basis of a final agreement to placate the Palestinians, and includes language affirming Israel's Jewish nature to satisfy the Israelis.

Renewed French efforts are expected following the establishment of the new Israeli government. However, as Europe tends to follow the Americans' lead on the Israeli-Palestinian conflict, French efforts are contingent upon the position of the Obama Administration, which is still unclear.

The EU is likely to try to utilize incentives and disincentives to cajole Israel and the Palestinians into restarting talks. Offering both parties the status of a Special Privilege Partnership (SPP) with the EU was an attempt to do this. The initiative never gained traction, and the vast majority of the Israeli public is not at all aware of it, let alone its benefits. The SPP's details were never fleshed out and European attempts to discuss it with the Israeli government were unsuccessful. Because the SPP was tied to the John Kerry Initiative, it has not been mentioned of late. However, it will likely resurface whenever the efforts to restart the process begin anew.

C. Questions Raised for Future Debate

A number of scenarios and key questions were raised during the workshop and require further debate:

1. Can international pressures convince Israel and the Palestinians to resume negotiations? What can be learned from Israel's ultimate acquiescence to differentiate between inside and outside the Green Line, in the context of the European Horizon 2020 program? And what impact might we expect from renewed European efforts to label settlement products and from continued non-state actors BDS (boycott, divestment and sanctions) efforts?
2. What is the weight of the various peace incentives on the table at the moment - taken separately and holistically? Taken together, do American security guarantees, the Arab Peace Initiative and the SPP have the capacity to advance the process?
3. How can the Arab Peace Initiative be updated to reflect the current Middle Eastern geopolitical reality? And, even if updated, does such an initiative currently carry any credence?
4. Should alternatives to a two-state solution be more vigorously explored? What is the viability of options such as confederation and cohabitation? What is the role of the media in raising public awareness to them, as well as to the two-state solution?
5. What impact will a final deal on the Iranian nuclear program (or the failure to reach such a deal) have on the Israeli-Palestinian issue? What will be the implications of another round of Israeli-Arab warfare, whether in Gaza or in Lebanon?