

WAITING FOR UNCLE SAM

“Ten Commandments” for a New, and More Honest,
U.S. Leadership in the Israeli-Palestinian Peace Process

By Daniel C. Kurtzer

Is it still reasonable to believe that a peace settlement, brokered by the United States, is possible between Israel and the Palestinians? The historical record and conventional contemporary analysis would argue “no.”

Even a cursory examination of the history of the conflict and the U.S.-led conflict resolution process would suggest that all three parties today lack the leadership, will, and determination to take the risks and offer the necessary compromise concessions that might make a deal possible.

Indeed, history is replete with examples of failed plans, processes, and initiatives. In the early 1990s, there was a palpable sense that a breakthrough was possible. I recall Secretary of State James Baker telling the U.S. delegation—myself among them—on the way home from the Madrid Peace Conference that, after the 1992 U.S. presidential elections, he expected to intensify negotiations that he was sure would culminate in peace treaties. The United States and Russia had convened the Madrid conference that paved the way for bilateral negotiations between Israel and each of its neighbors, and a parallel process of multilateral talks on transnational issues that had been neglected too long, such as economic development, the environment, water, and even contentious issues such as arms control, regional security, and refugees. Arabs and Israelis met routinely and expanded the circle of peacemaking in a series of economic summits that brought together the public and private sectors.

▷ **President Barack Obama addresses world leaders in Middle East peace talks at the White House, Washington, D.C., Sept. 1, 2010. *Jonathan Ernst/Reuters***

Of course, Secretary Baker never had the chance to make that deal—nor did later two-term administrations succeed. The story can be told and amplified even more, but the conventional conclusion of most analysts is that a peace process between these two historical rivals—the Zionist and Palestinian national movements—cannot succeed, certainly not now when the Middle East region



is more unstable than ever and in the throes of popular anger and civil wars. Part and parcel of this is receding American power, alongside historic American biases and failures.

I disagree, however, and believe that determined, persistent American leadership can change the calculus of the Israelis and Palestinians and move them toward a fair and conclusive peace settlement.

A Failure Assisted by Poor American Diplomacy

The reasons for failure of the Madrid and Oslo processes and of the efforts at Camp David, via the Road Map, following the Annapolis Conference and in the diplomacy of Secretary of State John Kerry have been well documented: Israeli leaders offered some far-reaching compromises, but each fell short of what the Palestinians insisted were their minimal requirements.¹ Palestinians argued that they had made their most fundamental compromise in 1988 when they accepted the two-state solution on what would effectively be 78 percent of historic Palestine; that starting point and their particular sensitivities about Jerusalem and refugees often led their leaders to stonewall and not respond to what the Israelis had offered. The United States, ever-billing itself as the “honest broker,” proved to be too committed to Israel to offer honest compromises. U.S. negotiators either remained on the sidelines or, worse, repeated the failed and discredited practice begun in the 1990s of coordinating positions with Israel and then trying to market them to the Palestinians.

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The accumulation of bad behaviors by the Palestinians and the Israelis, and the failure of the United States to monitor those actions and to hold the parties accountable, destroyed trust on both sides. Far from the confidence-building measures that were often contemplated, these actions were confidence destroyers. In addition to, or perhaps as a result of, these failures on all sides of leadership and negotiating acumen, the Israelis and Palestinians persisted in taking actions that undermined mutual trust. Israel’s settlement activities in the occupied territories expanded dramatically at the same time as negotiations were taking place over territory and borders. Israeli security

requirements led successive governments to engage in onerous occupation practices, such as fixed or “flying” roadblocks, administrative detentions, and the like. For their part, Palestinians never stopped the violence and terrorism that the Palestine Liberation Organization (PLO) had foresworn in the Oslo Accords, and the Palestinian Authority failed to act vigorously to contain the violence.

Significantly, even these setbacks did not conclusively end the search for peace. From the depths of the Intifada’s violence and counter-violence in the early 2000s emerged the Quartet-sponsored Road Map that offered a staged process of peacemaking. Following an empty conference of over fifty participants at Annapolis in 2007, Israeli and Palestinian leaders engaged intensively in final status talks. And after a succession of fits and starts in what I have labelled “billiard ball diplomacy”—that is, trying a less than well-thought out tactic until it encountered resistance and then trying another less than well-thought out different tactic—the United States launched a promising process in 2013 that seemed to be making progress until it collapsed in early 2014, and the administration called a “pause” in efforts at peacemaking.

Debunking the Peace Cynics

Given repeated failures, why does the search for a U.S.-brokered peace settlement continue? Why not throw in the towel and admit that some protracted conflicts do not have a neat and tidy resolution, and therefore engage in conflict management efforts rather than conflict resolution? This idea seems to be gaining currency, especially as the two societies and the United States produce leaders who lack vision, will, determination, and wisdom to strive for a diplomatic outcome.

In the United States, this leadership vacuum—which is a minimally-negative definition of U.S. leadership after the 2016 presidential elections—is exacerbated by a combination of factors that make it hard for any administration to act with determination as an honest broker. The U.S. public overwhelmingly supports Israel, and the institutional arms of the pro-Israel community have translated this political support into a formidable brake on an administration’s freedom of action in the peace process. This may be changing as the political divide within the American-Jewish community with respect to Israeli policy widens, but the immediate impact of these changes is negligible.

Equally important, the United States has too many other pressing priorities to devote significant capital to the Palestinian-Israeli dispute. Several of the most significant priorities are in the volatile Middle East, which makes for a strong argument against asking Israel in particular to take the risks associated with a peace process. A further complication—perhaps the most important of all—is that the current leadership in Israel is uninterested in moving toward a political settlement; and the current

leadership in Palestine is too divided and too weak to contemplate a deal that would involve concessions on core issues.

Under these circumstances, it is alluring to try to make the case for managing the status quo. After all, there are things that can be done to mitigate the worst problems and, at a minimum, to leave the door open for the possibility of future progress. For example, a conflict management strategy could start with a variation of the Hippocratic Oath, that is, do no (more) harm. Israel could be asked to stop or slow down its settlement activities, reduce some of the more onerous occupation practices, allow more Palestinian workers into Israel, approve more building permits, and the like. Palestinians could be asked to take effective actions against those involved in violence and to clamp down on incitement in education and public media. There is a range of such activities, usually considered under the label of “bottom-up,” that is, improving the situation on the ground in order to create a better atmosphere for future progress toward a final settlement.

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There are also “outside-in” possibilities in which regional states would agree to help the Palestinians more than they have in the past, for example, through targeted investment designed to create jobs, and engage with Israel on, for example, transnational problems whose remedies should not be put off until there is a peace treaty. These could include health and environment cooperation, and the like. This approach would build on the 2002 Arab Peace Initiative, which offered peace and normalization to Israel after the conclusion of peace with the Palestinians and Syria. In addition to these steps, the parties could be persuaded to treat each other more civilly and to take affirmative steps to build a culture of peace.

But there is a fundamental problem with “outside-in” or “bottom-up” approaches—they stand a chance of working *only* in conjunction with a serious “top-down” political process, that is, a political process whose aim is to reach a peace settlement. All the other steps are surely useful and necessary, but the degree to which they can be sustained is limited in time and subject to an array of outside pressures, the most pernicious of which are the actions of spoilers on both sides who don’t want the status quo to remain static.

Spoilers try to make it impossible to sustain conflict management actions, and they have fertile ground on which to operate when there is no progress toward peace. Every time these steps have been tried in a political vacuum, they have failed—every time.

Ten Principles for Renewed U.S. Leadership

And yet, despite the cynical push for conflict management, and notwithstanding the analysis of past U.S. failures, peace today is possible—however conditional that statement is. While it may not be possible *now* to move expeditiously toward a final peace settlement, and while it may be impossible to rely on the parties themselves to do the right thing and to get serious about negotiations, it is possible for the honest broker, the United States, to take a number of steps that, at a minimum, can preserve the idea of a two-state peace settlement and also establish conditions that will provide an impetus to negotiations whenever they do resume. These proposed U.S. steps are a new “peace process ten commandments,” and they constitute a proposed American strategy that integrates the “top-down” along with the “bottom-up” and “outside-in” approaches, for a comprehensive process that, over time, can be implemented incrementally to achieve the two-state outcome. A significant part of this program is aimed toward rebuilding trust not only between Israelis and Palestinians, but toward the U.S. role.

I. Lay out American parameters on core issues to be used as terms of reference for future negotiations.² The parties have actually made some serious progress in past negotiations—at Taba in 2001, after Annapolis in 2008, and during Kerry’s diplomacy in 2013–14. Each side has a record of what was discussed and where differences were narrowed, but there is no agreed record of where the negotiations got to and what gaps remain. As such, when negotiations resume, each party will feel itself free to start from its most extreme position.

In 2000, President Bill Clinton tried to capture progress that had been registered until that point and to point the way forward in what became known as the Clinton Parameters. This was a U.S. paper, with a U.S. assessment of progress achieved, and a U.S. view of where the parties should head when they resume talks. Clinton (mistakenly, in my view) made the parties’ acceptance to negotiate on the basis of the parameters a condition for maintaining the parameters as a statement of U.S. policy. When both sides demurred and added killer conditions to their responses, Clinton withdrew the parameters.

Now is the time for the U.S. to lay down updated parameters as a statement of U.S. policy that, in Washington’s view, would serve as the terms of reference for future negotiations. There is no way the parties would “accept” the parameters now—in fact, if they are crafted wisely, both sides will find plenty to like and plenty to dislike but

not enough to “accept” them as a basis for talks. And there is no reason to try to pre-negotiate them with the parties; indeed, if they could be pre-negotiated, there would be no reason not to restart substantive negotiations immediately. Rather, the parameters will stand as a statement of U.S. policy, and our diplomats will have a substantive agenda to argue for in dealing with the parties.

II. Once the parameters have been issued as U.S. policy, the United States should present them to the United Nations with a view toward their adoption as a Security Council resolution. Since 1967, UNSC Resolution 242 has served as a foundation stone or basis for the peace process. It is time to update the internationally-agreed basis for a peace settlement, and the parameters would serve that purpose. It is unlikely that, even in the form of a UNSC resolution, the parameters would be accepted by the parties. But they would be there, enshrined as a statement of international legality and will for whenever peace negotiations resume. Patience here will be a virtue: it took many years before Resolution 242 was universally accepted.

III. The United States should take the lead in developing and empowering an international support mechanism for the peace process. An international Quartet (the United States, Russia, the European Union, and the United Nations) already exists, but it has never been very effective. There is an Arab quartet (Saudi Arabia, Jordan, Egypt, and the United Arab Emirates) created to follow up the Arab Peace Initiative, but this too has not been very effective. The point is to engage with others to develop a mechanism or a series of mechanisms that could play effective roles in advancing the prospects for peace.

IV. The United States should establish a mechanism to monitor behavior by the parties that is detrimental to the peace process, should hold the parties accountable for their actions, and, if necessary, should exact consequences for bad behavior that continues. The United States should, at the same time, establish a menu of positive incentives to induce the parties to change their behaviors. Inducements and pressures are a natural and logical part of effective diplomacy, and should become an integral part of America’s approach to the peace process.

V. The United States, in conjunction with others, should advocate steps that will begin to deconstruct the occupation in order to correct the economic imbalances it has brought about. These steps would have to be considered and implemented carefully by the parties so as not to create an economic crisis that could result from separating economic activities that have grown organically over time. But such steps, drawing for

example on the work of the Aix Group, could be extremely important in helping the Palestinians develop the economic capacity to support independent statehood.³

VI. The United States, in conjunction with others, should advance and support steps that accelerate Palestinian institution-building. Former Palestinian Prime Minister Salam Fayyad undertook an expedited program of institutional development in 2009–2011 that earned high marks from international institutions.⁴ More needs to be done, and whatever is achieved now will help ensure that the future Palestinian state will be successful.

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VII. The United States should announce its non-opposition to internal Palestinian reconciliation, with conditions. The existence of Palestinian disunity between traditionally secular Fatah and the Islamist Hamas has been used by some as a reason not to engage in peace talks. Let the Palestinians figure out how to deal with their internal political division. The position of the United States should be that it will continue to see Fatah and the government that results from reconciliation as a peace partner provided the PLO and the Palestinian Authority adhere to past commitments and agreements, especially relating to recognition of Israel and renunciation of terrorism. The presence of Hamas in such a government should not be a cause for the United States to stand in opposition, provided the government's guidelines adhere to the historical conditions of the peace process. If Hamas, as a political party, does not adhere to those conditions, the United States would continue to refuse to deal with or engage in dialogue with Hamas.

VIII. The United States should encourage and work with Arab states to begin to operationalize the Arab Peace Initiative, as a helpmate to the peace process, and not just as a prize for when the process results in peace. I speak from experience in noting how exciting it was in the 1990s to see Israelis and Arabs start talking about a range of issues that should not have been expected to await a peace settlement. These issues—health,

water, the environment, education, and the like—are of direct benefit to everyone, and talking about them now would send a positive signal to the Israeli and Arab publics that peace can bring tangible benefits.

IX. The United States should adopt policies that address and help resolve two issues that are at the heart of the Palestinian and Israeli narratives. The United States should extend diplomatic recognition to the State of Palestine and welcome its inclusion in international fora. And the United States should insist on universal acceptance of Israel as the national home of the Jewish people and of all its citizens. These actions by the United States would impact directly some of the deepest concerns and aspirations of the two parties.

X. The United States should oppose strongly efforts by any party in any forum to use “lawfare” or other means to advance the delegitimization of Israel or Palestine.

In conjunction with these actions, the United States should also push for significant and impactful changes on the ground, so as to demonstrate tangible improvements to the two populations. This could include the transfer of parts of Area C to Area B, and of Area B to Area A, even before a final agreement is reached—in both cases enhancing Palestinian authority and the reach of Palestinian jurisdiction and responsibility. These moves would be further enhanced by Arab investment in Palestinian economic projects that create jobs. In so doing, the United States would be offering proof of the viability of an integrated approach that combines top-down, bottom-up, and outside-in measures. Indeed, these steps would not only reassert American leadership in the search for peace and re-establish American credibility as an honest broker for peace, but they would also constitute a vision of peace for the publics in the Middle East to contemplate.

The United States has demonstrated in the past that strong, determined, and fair leadership can advance the prospects of peace—witness the U.S. role in the disengagement agreements in the 1970s, the Camp David Accords and the Egyptian-Israeli peace treaty, and the Madrid conference in 1991. The assertion of renewed American diplomatic power, based on a strong, sensible, and coherent set of principles and tactics, will not only move the peace process forward, but it will also strengthen American capabilities of dealing with the broader problems affecting the Middle East. Now is the time for the United States to act with boldness and smart diplomacy.

1 See, for example, Daniel Kurtzer, Scott Lasensky, William Quandt, Steven Spiegel and Shibley Telhami, *The Peace Puzzle: America's Quest for Arab-Israeli Peace, 1989-2011* (Cornell University

Press, 2013) and Ilan Goldenberg, “Lessons from the 2013-2014 Israeli-Palestinian Final Status Negotiations,” Center for a New American Security, March 2015. https://s3.amazonaws.com/files.cnas.org/documents/CNAS_Final_Status_Negotiation_web.pdf

- 2 An early version of such parameters can be found in Daniel Kurtzer, ed., *Pathways to Peace: America and the Arab-Israeli Conflict* (Palgrave Macmillan, 2012).
- 3 See a menu of ideas developed by Israelis and Palestinians, along with international experts, at <http://aix-group.org/>
- 4 “A Palestinian State in Two Years: Interview with Salam Fayyad,” *Journal of Palestine Studies*, Vol. 39, No. 1 (Autumn 2009), pp. 58–74. <http://www.jstor.org/stable/10.1525/jps.2010.xxxix.1.58>