

**Paths to Peace: A Comparative Analysis of
the Diplomatic History of the Bilateral
and Multilateral Middle East Peace
Negotiations from 2000 to 2017.**

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I, Jonathan Ghariani, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Abstract

The Arab-Israeli peace process has been the subject of much debate in the field of international politics. Most peace efforts in the Middle East have taken the form of bilateral negotiations and have led to breakthroughs on a number of issues, most notably the establishment of diplomatic relations between Israel and Egypt as a result of the Camp David Accord. However, while the bilateral approach has mainly been successful in solving territorial conflicts between sovereign states, it has proven much less successful in dealing with more intractable issues of the Israeli-Palestinian conflict, such as the status of Jerusalem, the refugee issue and questions relating to national identity. The role of third-party mediators, mainly the United States, is also heavily debated.

Historically, attempts to pursue the multilateral tract have been foiled by the refusal of the Arab states to recognize Israel, as well as Israel's fear that it would be outnumbered in any multilateral negotiations and so pressured by Arab states into making concessions on sensitive issues, such as the fate of the Palestinian refugees. The Madrid peace process was the first round of multilateral talks between Israel and the wider Arab world, excluding Syria and Lebanon. Despite initial success, these talks ended in failure and were terminated in January 2000.

In March 2002 the Arab League adopted the Arab Peace Initiative (API), which explicitly recognized Israel for the first time. However, some major points of contention remain between Israel and the Arab states, mainly on the issue of refugees, as the API insists on a settlement based on United Nations General Assembly Resolution 194. Nowadays, there is a convergence of interests between Israel and moderate Arab states – such as Jordan, Saudi Arabia and other Gulf states – related to the rise of Iranian influence in the Middle East. This convergence could pave the way for Arab regional involvement in the peace process.

This thesis will address the diplomatic history of the final status negotiations that took place between Israel and the Palestinian Authority from the second Camp David summit of July 2000 to the Kerry sponsored negotiations of 2013-2014. It will assess the various factors that led to the failure of these negotiations. Additionally, this thesis will address the regional dimension of the peace process, focusing on the API and the current regional context of rapprochement between Israel and most of the Gulf states. In particular, the escalation of tensions between Saudi Arabia and Iran has led to an unprecedented convergence of interest. Escalating tensions between Saudi Arabia and Iran has led to an alignment of interests between Israel and Riyadh. This new regional landscape could pave the way to a normalization of relations between Israel and moderate Arab states provided some progress is achieved in the Israeli Palestinian peace process.

In contrast to the bilateral Israeli-Palestinian negotiations, a limited amount of research has been conducted on the multilateral/regional aspect of the peace process and how such a framework could be more conducive to final status negotiations. This thesis will contribute to this body of knowledge on the Arab-Israeli conflict by thoroughly assessing the multilateral/regional proposals for achieving a lasting peace.

Impact Statement

The Israeli-Palestinian conflict has a significant impact on various areas and remains until today a highly sensitive topic of utmost importance. The knowledge that I have accumulated over the course of my research could help scholars specializing in the fields of political science and modern history to better grasp the complexity of the Arab-Israeli peace process; more particularly, it could help them better appreciate the multilateral dimension of the peace process, which has not been tackled in depth in the academic sphere. Israeli and Arab policymakers working on the peace process could also benefit from my research.

My thesis provides an in-depth analysis of all the Israeli-Palestinian final status negotiations that have taken place from July 2000 to 2014 and includes direct accounts from participants involved in these negotiations. It primarily relies on a diplomatic history approach, and it is also informed by elements of conflict resolution and current affairs. Scholars specializing in modern history, international relations, conflict resolution and Middle East studies will therefore have access to a substantive research paper on the Arab-Israel peace process, one that will provide scholars with new insights on the Israeli-Palestinian peace process. In contrast to the bilateral negotiations, the multilateral dimension of the peace process has not previously been covered in depth. My thesis will provide scholars with a comparative analysis of the bilateral Israeli-Palestinian negotiations and the proposed multilateral or regional framework.

In the arena of policymaking, my thesis could assist Arab and Israeli decisionmakers in their efforts to solve the conflict. The thesis is by no mean a blueprint for resolving the Israeli-Palestinian conflict but rather a substantive piece of research on the diplomatic history of all Israeli-Palestinian final status negotiations and the multilateral/regional aspect of the peace process. The thesis could help Arab and Israeli policymakers in advancing the peace process. Furthermore, third party mediators could potentially rely on my thesis, as my work offers an in-depth assessment of the failure of previous US administrations to mediate a resolution to the Israeli-Palestinian conflict during the three rounds of final status negotiations.

Finally, research institutions such as think tanks specializing on the Arab-Israeli affairs could draw on my thesis to find new avenues and recommendations for solving the Israeli-Palestinian conflict. It could help them produce policy and research papers on this subject. Additionally, the findings of my thesis could inform research institutions that are focused on other international conflicts.

Table of Contents

Acknowledgements	9
Introduction	10
Chapter 1 Assessing the Secondary Source Material on the Arab-Israeli Peace Process	42
1 Filling a Gap in the Existing Literature	42
2 Historical Analysis of the Arab-Israeli Conflict and the Peace Process	44
3 The Role of Third-Party Mediators in the Peace Process	62
4 Regional-Multilateral Approaches based on Madrid and the API	67
5 The Regional Balance of Power in the Middle East	75
6 Conclusion	78
Chapter 2 The Diplomatic History of the Bilateral Approach to the Peace Process: From Camp David to Taba, 2000-2001	81
1 Introduction	81
2 The Camp David Summit: Broken Taboo and Failure	83
(A) The Context and Atmosphere Surrounding the Summit	83
(B) The Issues of Security, Borders, and Settlements	94
(C) The Complexity and Sensitivity of the Refugee Issue	103
(D) The Status of Jerusalem: The Deal Killer	108
3 The Clinton Parameters and the Taba Summit	127
(A) The Clinton Parameters: A Belated US Plan for Peace	127
(B) The Taba Summit: Significant Progress but No Breakthrough	135
4 Conclusion	141
Chapter 3 The Arab Peace Initiative: A Non-Starter or a Missed Opportunity?	144
1 Introduction	144
2 Historical Background: The Evolution of the API, 2002-2013	147
(A) The birth of the API	147
(B) The US and Israeli Response to the Plan	152
3 The API in the Context of a New Regional Landscape, 2007-2013: A Missed Opportunity?	156

(A) The API Back on the Table	156
(B) Basis for Discussion vs Diktat: A Missed Opportunity?	158
4 Conclusion	187
Chapter 4 The Annapolis Final Status Negotiations:	
A Missed Opportunity for Greater Regional Involvement?	190
1 Introduction	190
2 The Annapolis Process: A Last Attempt to Broker Peace between Israelis and Palestinians	192
(A) The Context Preceding Annapolis	192
(B) The Rise of Hamas and the Islamist Ideology in the Palestinian Territories	195
(C) The Annapolis Conference: Resumption of Final Status Negotiations	196
3 Olmert's Final Status Peace Plan and the Palestinian Response	201
(A) The Resumption of Final Status Negotiations.	201
(B) The Annapolis Denouement: Olmert's Final Peace Plan and the Lack of a Palestinian Response	204
4 An Assessment of the Annapolis Process	208
(A) Another Futile Attempt or a Missed Opportunity?	208
(B) US Attempts at Mediation: An Important or Marginal Factor in the Negotiations?	228
(C) A Missed Opportunity for a Regional Peace Settlement to the Conflict?	232
5 Conclusion	236
Chapter 5 A Comparative Analysis of the US Mediator Role During the First and Second Camp David Summits.	239
1 Introduction	239
2 Camp David 1, September 1978: The Active Involvement of the Carter Administration	241
(A) The Historical Context Preceding the first Camp David Summit and the Subsequent Lack of Progress in the Israeli-Egyptian Bilateral Negotiations	241
(B) The Carter Administration's Active Mediation Approach at Camp David	244
(C) American Bridging Proposals on the Table	253
(D) A Missed Opportunity for a Regional Framework for Peace?	255
3 Camp David 2: The Clinton Administration's Facilitating Approach	256
(A) A Lack of Preparation Before the Summit	256
(B) Limited US Bridging Proposals on the Table	267

(C) Absence of Regional Involvement: A Missed Opportunity?	276
4 Conclusion	278
Chapter 6 John Kerry’s Peace Initiative, 2013-2014:	
An Audacious Attempt or an Unrealistic Endeavour?	280
1 Introduction	280
2 The Context Preceding the Kerry Sponsored Negotiations	282
3 The Resumption of Israeli-Palestinian Bilateral Negotiations: Kerry’s Negotiating Strategy	287
4 A Framework for Peace Document: A Belated US Plan	292
5 Attempts for Regional / Multilateral Involvement in the Peace Process: A Genuine Effort or a Missed Opportunity?	305
6 Post-2014 Events and the Trump Peace Plan	310
7 Conclusion	312
Chapter 7 The New Regional Landscape and the Emergence of Converging Interests Between Israel and the Arab States: An Opportunity for Regional Peace?	314
1 Introduction	314
2 Historical Context and the Role of Ideology in the Middle East	317
3 The New Strategic Landscape in the Middle East: A Convergence of Interests Between Israel and Arab States and a Favourable Context for Regional Peace, 2015 -2019	320
4 Assessments of Scholars and Former Diplomats on the Extent of the Ties Between Israel and the Arab states	324
5 The Regional Approach to the Peace Process: An Opportunity for a Comprehensive Arab-Israeli Peace?	339
6 Conclusion	360
Conclusion	363
Bibliography	380

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Introduction

(1) Methodology

The Arab-Israeli peace process has been the subject of many academic debates. Scholars and former negotiators involved in various Arab-Israeli negotiations – such as Camp David 2 of July 2000, the Taba Summit of January 2001, and, to a lesser extent, the Annapolis process of 2007-2008 – have written extensively on this subject and provided a range of assessments on why the peace process failed. This thesis focuses on the diplomatic history of all the Israeli-Palestinian final status negotiations that have taken place since Camp David 2 up until the sponsoring of peace talks by US Secretary of State John Kerry in 2013-2014. But most importantly, this thesis addresses a dimension of the peace process which has been scarcely touched upon in the literature. That is, the multilateral or regional aspect of the peace process, best demonstrated by the Madrid multilateral process, the Arab Peace Initiative (API), and the emergence of converging interests and tacit ties between Israel and Arab states.

The multilateral talks, also known as the regional peace process, mainly relate to negotiations that have taken place between Israel and Arab states where multiple actors are involved in the discussions. In contrast, bilateral negotiations, such as the Israeli-Egyptian peace negotiations, or the Israeli-Palestinian Oslo process, are limited to two actors only. A working hypothesis of this research is that the bilateral approach to solving the Israeli-Palestinian conflict and, to a broader extent, the Arab-Israeli conflict,

has not been conducive to a peaceful settlement. This has been demonstrated by the failures of successive rounds of Israeli-Palestinian final status negotiations. In the past, Arab states have been reluctant to get involved in the final status discussions. However, the situation on the ground substantially changed with the adoption of the API by the Arab League on March 28th 2002, and with the emergence of new circumstances which have allowed Israel and Arab states to cooperate at least covertly – namely, the common security threat posed to Israel and Arab states by the rise of Iranian belligerency and influence in the region.

With regards to the core issue of the conflict, the Palestinians have constantly stated that they cannot make any concessions on sensitive issues such as the status of Jerusalem, and, more specifically, the fate of its holy sites, without the backing of Arab states. As such, key regional players, such as Jordan and Saudi Arabia, have direct interests in some of the core issues of the conflict. The 1994 Israel-Jordan Peace Treaty demonstrates this clearly, as this formally granted the Hashemite Kingdom a special role in final status negotiation on the Muslim holy shrines in Jerusalem. In addition, the Palestinian refugee issue affects some of the Arab states, such as Jordan and Lebanon. Therefore, in order to reach a permanent peace settlement, it is critical that regional actors are involved in future negotiations.

A further working hypothesis of this project is that, given the sensitive and complex nature of the core issues of the Israeli-Palestinian and Arab-Israeli conflicts, the same format for negotiations is unlikely to be equally conducive for resolving each of these core issues. These issues can be divided into the following four categories: territorial,

identity and demographics, security, and religious issues. Some issues are strictly related to the Israel-Palestinian conflict. Yet, as noted above, various regional players have a direct interest in some of the core issues, such as the status of Jerusalem or the refugee issue. This project therefore attempts to provide a deeper understanding of why the bilateral approach to the peace process has failed to bring any tangible results. Moreover, it seeks to explicate why a regional process, running in parallel to an Israeli-Palestinian track, could be more conducive to reaching a lasting peace.

Since July 2000, there have been four rounds of final status negotiations between Israel and the Palestinians. On each occasion these bilateral talks failed to produce a permanent and enduring peace agreement. A multilateral track was never considered a viable option by previous Israeli governments, mainly due to their apprehension that Israel would be outnumbered by the Arab states in such a framework and consequently pressed into making unreasonable concessions. However, given the complexity of some of the core issues of the Israeli-Palestinian conflict, a multilateral peace process could have facilitated final status negotiations on these highly sensitive and intractable issues. Furthermore, the situation on the ground has changed substantially over the past five years due to the rapidly evolving circumstances on the ground and the converging interests of Israel and Arab states regarding the Iranian threat. As such, a multilateral format could be more conducive to ending the Israeli-Palestinian conflict and paving the way for a comprehensive Arab-Israeli peace.

This thesis relies on a diplomatic history approach to both assess the factors which have led to the failure of all Israeli-Palestinian negotiations, and to show why a regional

involvement could significantly improve the parties' chances of attaining a permanent peace agreement and indeed a broader Arab-Israeli peace. Given the fact that very little research has been conducted on the diplomatic history of regional, or multilateral, negotiations between Israel and Arab states, this thesis aims to redress this omission and so fill a gap in the literature.

(2) The Structure of the Thesis

(A) Existing Academic Literature on the Arab-Israeli Peace Process

The literature on the Arab Israeli peace process is abundant as many former participants and scholars have written extensively on this topic. Former Israeli chief negotiator, Gilead Sher, wrote a book detailing his first-hand experiences of the second Camp David summit and the follow up negotiations. Regarding the Palestinian perspective, former Palestinian negotiator and Prime Minister, Ahmed Qurie (Abu Ala), similarly wrote a first-person account of the second Camp David summit and the negotiations that immediately followed this. In addition, dozens of academic articles and books on the period covering Camp David, Taba and the Annapolis process have been written over the years. Ron Pundak, who was one of the main architects of the Oslo accords, or Declaration of Principles, wrote a lengthy and well-researched article entitled 'From Oslo to Taba: what went wrong?'. This addressed the factors which led to the failure of Oslo, Camp David and the Taba summit. Elie Podeh's book *Chances for Peace* provides the reader with a thorough and well research analysis of the failures and successes of each round of negotiations since the Faysal-Weitzman agreement. In *Israeli Peacemaking Since 1967: Factors Behind the Breakthroughs and Failures*, Gadia Golan examines the peace process up until the failure of the Annapolis process

in 2008. Golan analyses all the negotiations that took place in the aftermath of the Six Day War.¹

Many former US participants and diplomats have written extensively on the US' approach to mediating the Arab-Israeli peace process. Former US Ambassador to Israel Dan Kurtzer has collaborated with Scott Lasensky and Shibley Telhami to write several books on US policy towards the peace process. These books provide a critical assessment of the various US administrations' approaches to the Middle East peace process.² Aaron Miller and Dennis Ross have authored works detailing their direct involvement in the peace process, while William Quandt has provided a comprehensive account of the first Camp David summit, which took place in September 1978. There are some primary and secondary sources on the API. Marwan Muasher, a former Jordanian Foreign Minister and a former Jordanian Ambassador to Israel, authored *The Arab Center*, which examines the Arab states' perspective on the peace process and focuses in particular on the API. Muasher's perspective on the API is indeed significant as he is considered one of the main architects of this proposal.³

Despite the existence of a rich amount of academic material on the peace process, secondary sources on the Kerry-sponsored final status talks are extremely limited. This point also applies to material on regional dimensions of the peace process, such as the emerging ties between Israel and Arab states.

¹ Golan, G., *Israeli Peacemaking since 1967: Factors behind the Breakthroughs and Failures* (New York, New York: Routledge, 2015)

² Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and, Telhami, S. I., *Negotiating Arab-Israeli Peace: American Leadership in the Middle East* (Washington D.C.: United States Institute of Peace Press, 2008)

³ Muasher, M., *The Arab Center: The Promise of Moderation* (New Haven, London: Yale University Press, 2008)

(B) From Camp David to Taba: What Went Wrong?

The second Camp David summit was the first official round of final status negotiations taking place between Israel and the Palestinian Authority (PA). Despite its failure, Camp David saw both Israelis and Palestinians breaking taboos on the core issues of the conflict. For the first time in the history of the Arab-Israeli peace process, all the core issues of the conflict – borders, settlements, security, the status of Jerusalem, and the fate of the Palestinian refugees – were put on the table and discussed at the highest level. For the first time in the history of the Arab-Israeli conflict, an Israeli Prime Minister, Ehud Barak, was willing to partition Jerusalem – including the Old City where the holy sites are located – and share sovereignty over it with the Palestinians.⁴ Nevertheless, Barak rejected the Palestinian demand for sovereignty over the Dome of the Rock compound and put forward a proposal which included Palestinian custodianship over this Muslim holy shrine. For their part, the Palestinians, led by Yasir Arafat, tacitly endorsed the concept of land swaps at Camp David, provided that these were done on an equal basis. Yet, they fell short of producing an official counter-proposal at this summit.⁵ However, the main point of contention was the Temple Mount / Haram El Sharif compound, as according to participants, the Palestinians were not willing to accept any compromise short of full Palestinian sovereignty over the compound.⁶

⁴ Interview with Dan Meridor 28/03/19

⁵ Interview with Shaul Arieli 13/09/18

⁶ Interview with Shlomo Ben Ami 19/05/19

There are various factors which led to the failure of the second Camp David Summit. With regards to the timeframe and the structure of the summit, many former negotiators involved in the talks point out the lack of trust between the two sides, limited preparation made prior to the summit, and a lack of American active mediation.⁷ On the core issues of the conflict, a significant number of scholars argue that the status of Jerusalem – more specifically, the Temple Mount/ Dome of the Rock issue – was the main reason for the collapse of the summit, as Arafat was unwilling to show any flexibility regarding this matter.⁸ Other scholars and participants are of the opinion that the refugee issue was the main factor for the failure of the summit. Another issue which was addressed by many scholars and participants is the lack of Arab states involvement in the negotiations. Some participants and scholars are of the opinion that not involving Arab states was a missed opportunity and that their contribution could have led to a more positive outcome, as they could have influenced Arafat to show flexibility on some of the core issues, not least the fate of the holy sites in Jerusalem and the Palestinian refugees.⁹ Others refute this argument and believe that the Arab states have neither the will nor the power to pressure the Palestinian leadership into making concessions.¹⁰

After Camp David, violence erupted in both Israel and Palestine and, as a result, the peace process collapsed. President Clinton made a last attempt to bridge the gaps between the two parties and presented what is known today as the Clinton Parameters, which was a bridging proposal designed to fill the remaining gaps between the Israeli

⁷ Interview with Gershon Baskin 20/08/17

⁸ Interview with Shlomo Ben Ami 19/05/19

⁹ Interview with Nimrod Novik 13/03/18

¹⁰ Interview with Shlomo Ben Ami 19/05/19

and Palestinian positions. The Parameters proposed the establishment of a Palestinian state on the equivalent of 97 percent of the occupied territories. Israel was to annex 4 to 6 percent of the West Bank, absorbing 80 percent of settlers into Israel proper. The Palestinians were to be compensated with land swaps between 1 and 3 percent of the West Bank.¹¹ Some participants are of the view that Barak – though he had minor reservations – accepted the Clinton Parameters while Arafat rejected them.¹² In contrast, others argue that both Barak and Arafat rejected Clinton’s proposals.¹³

Nevertheless, both Israel and the PA decided to make one final attempt to reach a peace deal. As a result, the Israeli and Palestinian delegations, headed respectively by Shlomo Ben Ami and Yasser Abed Rabo, met at Taba in January 2001 and attempted to bridge the remaining gaps. Despite the substantial progress made during these talks, both parties failed to reach an agreement, given the limited timeframe and the weak position of the Barak government at home. Eventually Ariel Sharon was elected Prime Minister and he adopted a more hardline approach *vis-à-vis* the PA. For its part, the PA failed to tackle the violence and terrorism emanating from the occupied territories. As a consequence, the wave of violence and terrorism that engulfed both Israel and the occupied territories continued unhindered and intensified. The peace process that had started in 1993 effectively came to an end.

¹¹ Interview with Dennis Ross 11/03/19

¹² Ibid.

¹³ Interview with Dan Kutzer 11/08/17

(C) The Arab Peace Initiative: A Missed Opportunity for a Regional Peace?

Prior to 2002, the Arab states had never stated openly that they would recognize Israel's right to exist should the latter withdraw from the occupied territories. Such a radical position is best demonstrated by the 1967 Khartoum Summit of the Arab League, where the Arab states stated that they would not negotiate, not recognize and not make peace with Israel. This approach was reversed with the adoption of the API by the Arab League at the Beirut Summit in March 2002.¹⁴ Initially, this initiative was unveiled in February 2002 by then Saudi Crown Prince Abdallah during an interview with the journalist Thomas Friedman. At this time, the Crown Prince spoke of the Arab states committing themselves to fully normalizing ties with Israel provided the Jewish state fully withdrew from occupied territories. However, Abdallah omitted to mention the Palestinian refugees.

Subsequently, moderate Arab countries such as Jordan, Egypt and Morocco embraced the initiative, while Syria and Lebanon demanded that the Arab League amend the initiative to include the right of Palestinian refugees to return to Israel proper (a non-starter for Israel).¹⁵ Eventually, a compromise was made and the API was formally adopted. The understanding reached between the two camps included an ambiguous formula, which, on the one hand, endorsed UN Resolution 194, and, on the other, stipulated that any solution to the refugee issue would have to be agreed upon by the relevant parties. Such a formula gives both Israel and the Arabs states room to negotiate

¹⁴ Podeh, E., *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin, Texas: Texas University Press, 2015), p. 307

¹⁵ Muasher, M., *The Arab Center*, p. 126

on this very complex issue.¹⁶ However, given the tragic circumstances at the time and the API's appearance as a diktat, Israel failed to endorse the initiative.

Nevertheless, the Arab League re-endorsed the API at the Cairo Summit on March 27th 2007. Shortly after, the Arab League sent the Egyptian and Jordanian Foreign Ministers as special envoys to promote the API to Israeli officials and the Israeli public. In contrast to the situation in March 2002, when the API was first presented, the region at this time was witnessing the seeds of a tacit alliance between Israel and Sunni Arab states. The key factor behind this emerging, albeit covert, alliance was growing Iranian influence in the region, which itself was a consequence of the Second Iraq War of 2003 and the Second Lebanon War of 2006.¹⁷ Indeed, unlike previous circumstances, Arab states openly castigated Hezbollah's actions in the Second Lebanon War and tacitly supported Israel.¹⁸ Over the years, Israeli Prime Ministers such as Ehud Olmert and Benjamin Netanyahu have praised elements of the API, but they have always fallen short of endorsing it.¹⁹

Scholars and former participants are divided on the API. Some support it as a platform for a regional framework. As opposed to a bilateral agreement, they see the API as a comprehensive peace plan, consisting of an end of conflict, end of all claims, and the full normalization of ties between Israel and all of its Arab neighbours.²⁰ In addition, from this perspective, a regional platform such as the API is seen as being more

¹⁶ Interview with Dan Kurtzer 11/08/17

¹⁷ Podeh, E., *Chances for Peace*, p. 312

¹⁸ Ibid.

¹⁹ Interview with Nimrod Goren 20/08/17

²⁰ Interview with Gilead Sher 04/09/17

conducive for an Israeli-Palestinian peace accord, as Arab states might show more flexibility on the core issues than the Palestinians.²¹ Others, however, highlight the problematic language used in the API – particularly on the refugee issue – and dictate the nature of the plan as the Arab states initially were unwilling to amend any part of the API.²² Yet, despite its problematic language on the refugee issue and the lack of Arab states public engagement with Israel, the API remains a potential framework for a broader regional peace process.

(D) The Annapolis Process: A Missed Opportunity for a Regional Peace?

At the height of the Second *Intifada*, the United States attempted to put an end to the cycle of violence and terrorism that was engulfing Israel and Palestine by promoting a plan premised on both sides taking gradual steps towards peace. This Road Map for Peace, as it was called, was unveiled in April 2003 by the George W. Bush administration.²³ The plan required both Israelis and Palestinians to make concessions in an incremental manner, beginning with Israel freezing settlement activities in the occupied territories and the Palestinians dismantling all armed groups. Eventually both sides accepted the plan, but they nevertheless failed to implement it.²⁴

Following six years of deadlock, the Bush administration marked the official resumption of final status negotiations by convening a peace conference on November 27th 2007. This conference was held at the United States Naval Academy in Annapolis

²¹ Interview with Nimrod Novik 13/03/18

²² Interview with Dan Meridor 28/03/19

²³ Podeh, E., *Chances for Peace*, p.341

²⁴ *Ibid*, p. 342

and its aim was to restart the peace process frozen since the Taba summit. Many Arab countries, including states with no diplomatic relations with Israel – such as Syria, Saudi Arabia, Sudan and even Lebanon – attended the conference. Similar to the Madrid peace conference of October 1991, the Annapolis conference was not a round of negotiations in itself, but rather an opening summit marking the resumption of Israeli-Palestinian final status negotiations.²⁵ A peace process followed, which had two tracks.

One track was the Abu Ala-Tzipi Livni channel of negotiations. The other consisted of one-to-one discussions between Mahmoud Abbas (Abu Mazen), the PA President, and Ehud Olmert. As was the case in the Camp David and Taba negotiations, both sides discussed all the core issues of the conflict. In contrast to Camp David 2, it would appear that the Palestinians put forward a counter proposal to an Israeli offer. Israel presented two plans: one plan was put forward by Tzipi Livni and her team. It included a Palestinian state on 92 percent of the West Bank. That plan, however, did not address Jerusalem or refugees, nor did it offer land swaps.²⁶ The second and more significant plan was presented by Prime Minister Ehud Olmert, who proposed a Palestinian state on 93.5 percent of the West Bank with a roughly equal land swap of 5.8 percent. Olmert's plan also envisioned the partition of Jerusalem along the lines of the Clinton Parameters.²⁷ For the Holy Basin, which includes the Old City of Jerusalem, the Mount

²⁵ Arieli, S., *People and Borders: About the Israeli-Palestinian Conflict, Fifth Edition* (Israel: 2018), p. 235

²⁶ Interview with Bader Rock 13/02/19

²⁷ Interview with Udi Dekel 09/08/18

of Olives, and the City of David, Olmert advanced the idea of a special regime made up of five nations – Israel, Palestine, Jordan, Saudi Arabia, and the United States.²⁸

Most Scholars and participants believe that Olmert's offer was generous and unprecedented. They argue that Olmert's proposal met the Palestinian minimum requirements on all the core issues of the conflict.²⁹ Some participants point, in particular, to Olmert's decision to relinquish a longstanding Israeli demand for a permanent, or at least long-term, presence in the Jordan Rift Valley – an area considered strategically vital by all of Olmert's predecessors and successors as Prime Minister.³⁰ Nonetheless, others are of the opinion that Olmert failed to adopt a border formula that would see a Palestinian state established on the basis of the 1967 lines with mutually agreed and equal land swaps carried out on a ratio of 1:1.³¹

One of the main issues regarding the Annapolis negotiations was the lack of regional involvement. Indeed, Arab states attended the opening of the conference but failed to play any meaningful role in the negotiations. According to most Israeli participants, Abbas did not respond to Olmert's offer. Greater regional involvement could have potentially allowed the Palestinians to show some flexibility and so be responsive to Olmert's final offer. Furthermore, key Arab states, such as Jordan, whose interests in the Muslim holy shrines in Jerusalem are guaranteed by Article 9 of the Israel-Jordan Peace Treaty, or Saudi Arabia, which plays an important role in the Arab and Muslim

²⁸ Ibid.

²⁹ Interview with Udi Dekel 09/08/18

³⁰ Interview with Galia Golan 04/03/18

³¹ Interview with Menachem Klein 07/08/17

world, could have provided valuable assistance to Olmert. For instance, they could have thrown their weight behind his unprecedented proposal regarding the Holy Basin shrines, which are sacred for Judaism, Christianity, and Islam alike.

Some participants and scholars lament the lack of regional involvement in the discussions and believe this contributed to the failure of the Annapolis process.³² Such involvement was a real potential, moreover, as by the time the Annapolis process started, the Middle East was witnessing the emergence of converging interests between Israel and Arab states regarding the threat posed by Iranian belligerence. As noted, Sunni Arab states, such as Saudi Arabia, had by this time publicly condemned Hezbollah's hostilities which triggered the 2006 Second Lebanon War.³³

(E) A Comparative Analysis of the American Mediation Approach During the First and Second Camp David Summits.

Unlike the second Camp David Summit of July 2000 between Israel and the PA, the first Camp David Summit of September 1978 was between Israel and Egypt and resulted in a successful outcome. On November 19th 1977, Egyptian President Anwar Sadat made an historic visit to Jerusalem, breaking a taboo in the Arab world. However, despite Sadat's peace initiative, talks between Israel and Egypt collapsed. Then US President, Jimmy Carter, decided to intervene and mediate between the two sides. This

³² Interview with Nimrod Novik 13/03/18

³³ Podeh, E., *Chances for Peace*, p312

resulted in the Camp David Summit, and Carter's active mediation in the negotiations eventually resulted in two framework agreements.

The first agreement comprised an Israel-Egypt Peace Treaty. This committed Israel to withdraw all its forces and dismantle all its settlements from the Sinai, and committed Egypt to ending its state of war and establishing diplomatic relations with Israel. The second framework agreement dealt with the status of the occupied territories and provided the Palestinians with autonomy. The core issues of the Israeli-Palestinian conflict were not mentioned in this agreement and it stipulated that relevant parties included Jordan and local Palestinians from the West Bank and the Gaza Strip. That is to say, the Palestine Liberation Organization (PLO) was not part of the talks, and this was because Israel considered it a terrorist organization. At the same time, the PLO denounced Israel's existence.

Participants and scholars mostly concur that Camp David 1 was successful primarily due to the active mediation approach used by the United States during the negotiations. Before convening Camp David, the Carter administration prepared itself accordingly and presented several bridging proposals to the parties to close the gaps on outstanding issues.³⁴ Carter also resorted to a direct mediation approach where he heavily relied on so-called 'carrot and stick diplomacy' – meaning he threatened both sides with severe consequences should they walk away from the talks without an agreement.³⁵ In addition, the issues at stake at Camp David 1 were far less complex and much easier to

³⁴ Interview with Willian B Quandt 09/07/18

³⁵ Interview with Shibley Telhami 14/11/18

bridge than at the second Camp David Summit, as the negotiations focused on border settlements and security assurances.³⁶

With regards to the American facilitating attempt during the second Camp David Summit, most scholars and participants argue that the United States failed to make the necessary preparations prior to the summit and, consequently, no meaningful bridging proposals were put forward by Clinton's negotiating team. It took President Clinton almost six months to present his ideas for resolving the Israeli-Palestinian conflict in the form of the Clinton Parameters. These parameters are a mid-way point between the Israeli and Palestinian stances on the core issues of the conflict. But the main factor which contributed to the failure of the second Camp David Summit was President Clinton's lack of an active mediation approach.³⁷ In contrast to Carter, Clinton failed to coerce the parties into finalizing an agreement.³⁸

(F) The Kerry Sponsored Peace Talks, 2013 -2014

President Barak Obama attempted to resurrect the peace process by initiating proximity talks via his special envoy, Senator George Mitchell. These consisted of indirect talks between Israel and the PA. The talks failed to produce any tangible results and, as a consequence, were suspended. Unlike previous US administrations, which merely condemned Israeli settlement expansion, Obama went a step further and called for a total freeze of settlement activities as a precondition for the resumption of final status

³⁶ Interview with William B Quandt 09/07/18

³⁷ Interview with Dan Kurtzer 11/08/17

³⁸ Ibid.

negotiations. Some Israeli participants posit that this was a major mistake, as it hardened the Palestinian and the Arab states' stance on settlements.³⁹

In a further contrast to past American administrations, Obama laid out his vision for a two-state solution and for the first time stipulated that the border between Israel and Palestine would have to be based on the 1967 lines with mutually agreed land swaps. Although his predecessors endorsed a two-state solution, they never mentioned the 1967 line as the basis for the final border between Israel and Palestine.⁴⁰

In 2013, the then Secretary of State, John Kerry, managed to convince Israelis and Palestinians to resume final status negotiations. At the time of writing, these peace talks were the last time final status negotiations were held between Israel and the PA. In early 2013, Kerry put forward a framework agreement proposal which included many security components. These were meant to satisfy all Israel's security demands and they did not mention any right of return for Palestinian refugees to Israel. On borders, the plan stipulated that the settlement blocs would be annexed to Israel as a part of a mutually agreed land swap with the Palestinians. The security component of the plan allowed Israel to defend itself by itself by re-deploying its forces to the West Bank in the event of an emergency.⁴¹ Added to this, Kerry's proposals advanced the ideas of a US-led peacekeeping force in the Jordan Rift Valley and the creation of a technological border to thwart any potential security threats.⁴²

³⁹ Interview with Dan Meridor 28/03/19

⁴⁰ Interview with Shibley Telhami 14/11/18

⁴¹ Kerry, J., *Every Day is Extra*, (New York: Simon and Schuster, 2018), p. 463

⁴² Interview with Dan Shapiro 11/01/18

In early 2014, Kerry presented two different plans to the parties⁴³. At first, he presented the framework document to Israeli Prime Minister Netanyahu. This version of the plan was more tilted towards Israel. Afterwards, Kerry submitted a revised plan to the Palestinians which incorporated some their demands. According to many participants, Israel welcomed the Kerry peace plan but fell short of endorsing it.⁴⁴ For their part, the Palestinians did not provide an official answer to the plan.

Another issue stressed in this chapter is that the United States failed to consider the Israeli-Palestinian peace process as an American national interest. For instance, President Obama was not directly involved in the negotiations and relegated it to John Kerry. Had President Obama been involved in the discussions the outcome might have resulted in a more positive outcome.⁴⁵ It is also important to note that, in contrast to previous negotiations, Kerry attempted to get Arab leaders involved in the talks. Even still, their participation remained limited.⁴⁶ Kerry briefed Arab leaders about the progress of the talks, but failed to gain the substantive involvement of Arab states in the negotiations.⁴⁷

⁴³ Interview with Dan Shapiro 11/01/18

⁴⁴ Ibid.

⁴⁵ Interview with Shibley Telhami 14/11/18

⁴⁶ Interview with Scott Lansensky 07/11/18

⁴⁷ Ibid.

(G) The New Middle Eastern Landscape: An Opportunity for Regional Peace?

After the signing of the Joint Comprehensive Plan of Action (JCPOA) in July 2015, Israel and the Gulf states faced a common threat as Iran increased its influence in the region, as demonstrated by its active involvement in Syria, Lebanon, and Yemen. Israelis and Saudis began to see eye to eye on Iran and, as a result, tacit cooperation started between Israel and many of the Gulf states. Some small steps have been taken by Arab states, but so far, such tacit cooperation remains limited. According to unconfirmed reports, it is mostly confined to security cooperation between Israel and moderate Arab states, and that includes intelligence sharing, unconfirmed arms sales, and counter terrorism measures.⁴⁸ Some Gulf Cooperation Council (GCC) countries have taken cooperation with Israel a step further, as is best demonstrated by the Israeli Prime Minister's official visit to Muscat in 2018. The UAE has hosted the Israeli Minister of Sport, Miri Regev, and more recently the Israeli Foreign Minister, Israel Katz. Nevertheless, Arab states have repeated on numerous occasions that no normalization of ties will take place with Israel unless substantial progress is made in the Israeli-Palestinian peace process.

Given these converging interests between Israel and Arab states, an opportunity for a two-track peace process – one Israeli-Palestinian bilateral process, and one regional framework involving other regional players – can be envisaged. The majority of scholars and participants interviewed are of the opinion that a regional process could indeed be more effective than the traditional bilateral approach.⁴⁹ Indeed, such a format

⁴⁸ Interview with Nimrod Novik 13/03/18

⁴⁹ Interview with Koby Huberman 06/09/17

would be more conducive regarding complex core issues of the conflict, such as Jerusalem or refugees.⁵⁰ However, some caution that the current Netanyahu government would rather bypass Palestinians and negotiate directly with Arab states in the hope of normalizing ties with these countries without concluding a deal with the Palestinians.⁵¹ Not everyone is convinced by the regional approach, though, and a minority of scholars and participants argue against it, contending that only a bilateral process would yield results.⁵²

(3) Historical background: From Oslo to Camp David

(A) The Oslo Backchannel Negotiations and the Declaration of Principles

When the Palestine Liberation Organisation (PLO) was established in 1964, the Palestinian national movement was committed to replacing Israel with a Palestinian state. The PLO's position changed gradually over the years. But the turning point happened in 1988 at a summit in Algiers, where Arafat for the first time accepted the concept of a two-state solution and stated that he would renounce the use of violence and terrorism.⁵³ The Reagan administration decided to engage with the PLO diplomatically, while the Israeli premier Yitzhak Shamir refused to negotiate with the PLO, as he deemed it a terrorist organisation. Three years later Arafat and the PLO sided with Iraq's Saddam Hussein during the Gulf War, which resulted in the shunning of the PLO by the Gulf states. In October 1991, US Secretary of State James Baker convened an international peace conference at Madrid where all the Arab states – with

⁵⁰ Interview with Nimrod Novik 13/03/18

⁵¹ Interview with Bruce Maddy-Weitzman 02/08/17

⁵² Interview with Menachem Klein 07/08/17

⁵³ Morris, B., *One State, Two States: Resolving the Israel/Palestine Conflict* (New Haven; London: Yale University Press, 2009), p. 126

the notable exception of rejectionist states such as Libya and Iraq – were in attendance.⁵⁴

The Madrid talks included two tracks: a multilateral and a bilateral track. For the first time Syria, Lebanon, the Palestinians, and Saudi Arabia participated in this conference. The Madrid multilateral forum included four major topics: water, refugees, arms control, and economics.⁵⁵ The Multilateral talks started in January 1992 in Moscow and ended in January 2000 due to a lack of progress in the bilateral Israeli-Palestinian negotiations. The bulks of the Arab states, with the exception of Syria and Lebanon, participated in these talks.⁵⁶

In 1992, two Israeli academics – Yair Hirsfeld and Ron Pundak – met Ahmed Qurei (Abu Ala) in London to discuss how to move the peace process forward. At that time, meeting a member of the PLO was illegal under Israeli law. The talks continued in Oslo and Shimon Peres, then Foreign Minister in Yitzhak Rabin's government, instructed his deputy, Yossi Beilin, and then Director of the Israeli Foreign Ministry, Uri Savir, to become involved in the negotiations. The Oslo backchannel talks were not particularly high on the agenda in Israel, as Rabin wanted to strike a deal with Syria first.⁵⁷ Eventually, the Syrian talks resulted in failure and the Madrid peace talks with the Palestinians were getting nowhere. Consequently, Rabin took the decision to focus on

⁵⁴ Podeh, E., *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin, Texas: Texas University Press, 2015), p. 210

⁵⁵ Kurtzer, D. C., et al, *The Peace Puzzle*, p. 31

⁵⁶ Kaye, D. D., *Beyond the Handshake: Multilateral Cooperation in the Arab-Israeli Peace Process* (New York, New York: Columbia University Press, 2001), p.97

⁵⁷ Golan, G., *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement, Updated Edition* (Princeton, New Jersey: Markus Wiener Publishers, 2008), p.12

the Oslo channel, resulting in the signing of the Declaration of Principles (DOP). Rabin and Arafat exchanged letters, where the former recognized the PLO as the sole legitimate representative of the Palestinian people, and the latter recognized Israel, renounced terrorism and accepted UNSCRs 242 and 338. Shortly afterwards, the DOP was approved by the Knesset by a majority of 61 MKs to 50.⁵⁸

The DOP was not a permanent peace treaty but rather a blueprint for temporary accommodations regarding the administration of the Palestinian territories.⁵⁹ The main element of the subsequent Oslo process was graduality, which entailed an Israeli withdrawal from the bulk of the Gaza Strip and all of Jericho within six months. In later stages, there would be additional IDF redeployments from the West Bank and the holding of Palestinian presidential and legislative council elections. Negotiations on the core issues of the conflict were postponed, but were scheduled to begin no later than two years after the completion of Israel's forward redeployments (FRD).⁶⁰ The DOP closely resembled the Camp David framework for peace and the autonomy plan put forward by Menachem Begin.⁶¹ Despite its significance, the DOP lacked a clear end game vision, as the agreement failed to introduce clear parameters on the core issues of the conflict and omitted to mention the Palestinian right to self-determination.⁶²

The Israeli and Palestinian perspectives on Oslo were far apart. For the Palestinians, Oslo was merely an interim step before the establishment of a Palestinian state along

⁵⁸ Podeh, E., *Chances for Peace*, p. 215

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Golan, G., *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement*, p. 15

⁶² Ibid.

the 1967 border with East Jerusalem as its capital.⁶³ For the Israelis, the Oslo process would not lead to full return to the 1967 lines nor the establishment of a Palestinian state with East Jerusalem as its capital. The late Rabin elaborated on his vision for a final status agreement with the Palestinians when he stated that Israel would retain complete control of the Jordan Valley, annex the settlement blocs in the West Bank, and keep Jerusalem united under Israeli sovereignty. Indeed, at this stage, Rabin envisioned a Palestinian self-governing entity that would be less than a state.⁶⁴

Several months after the signing of the DOP, the Gaza-Jericho agreement was signed on May 4, 1994. This agreement entailed the transfer of the bulk of the Gaza Strip – minus the settlements – as well as the Palestinian city of Jericho and its surrounding district.⁶⁵ The agreement also allowed the establishment of the Palestinian Authority (PA) in part of the West Bank and most of the Gaza Strip.

(B) Oslo 2 and the Partition of the West Bank

The Oslo Accords were a major shift in Israeli-Palestinian relations. However, given the tragic circumstances on the ground – mainly suicide bombing attacks against Israeli civilians – public support for peace negotiations started to erode.⁶⁶ Nevertheless, the PA and Israel signed Oslo 2, which entailed the division of the West Bank into three

⁶³ Erekat, S., 'Who killed the Oslo Accords', *Al Jazeera*, (1 October 2015),

URL:<https://www.aljazeera.com/indepth/opinion/2015/10/killed-oslo-accords-151001072411049.html>

⁶⁴ Rabin, Y., 'Speech to the Knesset on the Ratification of Oslo Peace Accords', *Jewish Virtual Library* (5 October 1995), URL: <https://www.jewishvirtuallibrary.org/pm-rabin-speech-to-knesset-on-ratification-of-oslo-peace-accords>

⁶⁵ Golan, G., *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement*, p. 21

⁶⁶ Rabinovitch, I., *Waging Peace: Israel and the Arabs, 1948-2003* (Princeton, New Jersey: Princeton University Press, 2004), p. 68

zones: Zone A territories would fall under total Palestinian jurisdiction; Area B would fall under Palestinian civil administration but would remain under Israeli security control; and Area C, where all the settlements are located, would remain under full Israeli control.⁶⁷ Oslo 2 consisted of Palestinian control of roughly 27 percent of the West Bank and 90 percent of the Gaza Strip, while Israel retained 73 percent of the West Bank and 10 percent of the Gaza Strip where all the settlements were located.⁶⁸ The Oslo 2 agreement was barely passed in the Knesset, as public support for the peace process was in decline due to the increasing number of terrorist attacks against Israeli civilians.⁶⁹

(C) Israeli and Palestinian Extremists: Opposition to Oslo and the Impact of Rabin's Assassination on the Peace Process.

Further problems arose following the Oslo 2 agreement, as extremist groups were committed to toppling the peace process. By 1994, a series of suicide bombing terrorist attacks resulted in the deaths of dozens of Israeli civilians, while Baruch Goldstein, a radical extremist settler, committed a terrorist attack against 29 Palestinian civilians. The role of radical ideology and religious extremism clearly had a negative impact on the peace process and undermined both publics' support for the negotiations. But the tragic event that reshuffled the entire Middle East peace process was undoubtedly the assassination of Prime Minister Rabin. It is impossible to ascertain what Rabin's stance on the core issues of the conflict would have been had he survived. However, it is

⁶⁷ Podeh, E., *Chances for Peace*, p. 217

⁶⁸ Ibid.

⁶⁹ Rabinovitch, I., *Waging Peace: Israel and the Arabs*, p. 68

possible to assume that the Oslo process might have had a more propitious outcome had Rabin not been assassinated.⁷⁰

Another factor that led to the collapse of the peace process was the failure of the PA and Arafat to dismantle terrorist groups whose aim was to thwart any peace agreement between Israel and the Palestinians. A further factor was Israel's unwillingness to curb settlement expansion in the territories.⁷¹ Hamas, a radical Islamist Sunni organisation, was formed in 1988 as an offshoot of the Muslim Brotherhood. Since its establishment it has rejected Israel's right to exist and has remained opposed to any agreements signed between Israel and the PLO. Hamas, and its sister organisation, the Palestinian Islamic Jihad (PIJ), carried out waves of terrorist attacks during the Oslo years, highlighting their rejection of the peace process. The violence perpetrated by these extremist groups continued during the second *intifada*, which broke out in September 2000.⁷²

(D) The Oslo Process and the Netanyahu Era – the Hebron Accords

After the signing of the DOP in September 1993, the then leader of the opposition, Benjamin Netanyahu, took a firm stance against the Oslo Accords. Indeed, during the 1996 election campaign, Netanyahu stated that he would terminate the Oslo Accords if he won power. However, once elected, Prime Minister Netanyahu affirmed that he would honour the agreements and he met with PA Chairman Arafat at the Erez crossing at the Gaza border. Prior to Netanyahu's election, the interim Prime Minister, Shimon

⁷⁰ Podeh, E., *Chances for Peace*, p. 224

⁷¹ *Ibid.*, p. 229

⁷² Shindler, C., *A History of Modern Israel* (New York: Cambridge University Press, 2008), pp. 254-255

Peres, had agreed on the details for an Israeli withdrawal from the bulk of Hebron. Netanyahu's government signed the Hebron Protocol on January 17, 1994.

The Hebron Protocol entailed an Israeli withdrawal from 80 percent of the city, with the exception of a small enclave where the Cave of the Patriarch and all the settlers are located.⁷³ The Hebron Protocol also provided for international observers in the city, an arrangement known as the Temporary International Presence in Hebron (TIPH).⁷⁴ The withdrawal from Hebron was painful for Netanyahu, as Hebron is part of Israel's ancestral homeland, while according to Netanyahu, the Palestinian claim to this land is relatively new.⁷⁵ Nevertheless, Netanyahu stressed that he had not given up the Jewish sites of Hebron and stated that the Jewish Quarter of Hebron, along with the Cave of the Patriarch, remained under Israeli control.⁷⁶

(E) The Oslo Process and the Netanyahu Era – the Wye River Memorandum

As the deadline for reaching a final status agreement in accordance with the DOP was quickly approaching, President Clinton decided to convene a Camp David 1-style summit and invited both Arafat and Netanyahu to attend at the Wye River Plantation on October 15 1998. The negotiations at this summit centred around the third IDF redeployment and the establishment of a mechanism to help curb terrorism emanating from the Palestinian territories.⁷⁷ During the course of the negotiations, Netanyahu

⁷³ Podeh, E., *Chances for Peace*, p. 221

⁷⁴ Golan, G., *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement*, p.27

⁷⁵ Lochery, N., *The Resistible Rise of Benjamin Netanyahu* (London: Bloomsbury Continuum, 2016), p. 132

⁷⁶ Enderlin, C., *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995-2002* (New York, New York: Other Press LLC, 2003), p. 66

⁷⁷ Podeh, E., *Chances for Peace*, p. 222

proposed that Israel would withdraw from 13 percent of the West Bank, subject to full Palestinian cooperation in combating terrorism.⁷⁸

At this stage, Clinton was of the opinion that a more comprehensive agreement along the lines of the Good Friday Agreement, which ended violence in Northern Ireland, was within reach.⁷⁹ To boost the chances of a successful summit, President Clinton brought King Hussein of Jordan – who was at the time being treated for cancer in the US – to Wye River.⁸⁰ The Wye River Memorandum was concluded on October 23. The main point of this agreement was the transfer of 12 percent of Area C to Area B and 1 percent of Area B to Area A.⁸¹ During the closing ceremony, King Hussein gave a powerful speech where he stated that, despite the parties' quarrels and disagreements, they had no right to hinder their offspring's future by committing irresponsible actions. Like Sadat during his famous speech, the King stated that there had been "enough destruction, enough death" and that it was time for the descendants of Avraham to live in peace.⁸²

(F) The Election of Ehud Barak: A New Hope for Peace

In May 1999, Ehud Barak defeated Benjamin Netanyahu to become Israel's Prime Minister. Given his military credentials, there were high expectations that Barak would

⁷⁸ Lochery, N., *The Resistible Rise of Benjamin Netanyahu*, p. 146

⁷⁹ *Ibid.*, p. 148

⁸⁰ *Ibid.*, p. 149

⁸¹ Podeh, E., *Chances for Peace*, p. 222

⁸² Enderlin, C., *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995-2002*, p. 96

fulfil Rabin's legacy.⁸³ On July 2 1999, the newly elected Prime Minister made an official visit to Egypt and met President Mubarak in Alexandria. Mubarak, who was pleased with the defeat of Netanyahu, warmly welcomed Barak. Barak asked for Mubarak's assistance in the peace process. Mubarak promised to assist Barak in his peace endeavour and stated that the Israeli Prime Minister needed some time to move things forward.⁸⁴

The peace process, which had been slowed down under Netanyahu's government, was given a new momentum on September 4 with the signing of the Sharm El Sheikh Memorandum. This agreement required the parties to reach a framework agreement on final status issues within six months (that is, by February 13, 2000). Furthermore, Israel agreed to transfer 7 percent of Area C to Area B and to implement the release of 105 Palestinian prisoners.⁸⁵ On October 5, an agreement on a safe passage between the Gaza Strip and the West Bank was concluded, while 10 days later, in accordance with the Sharm El Sheikh Memorandum, 105 Palestinian prisoners were released by Israel.⁸⁶ However, in the end, Barak decided to skip the Third Forward Redeployment and instead focus on final status negotiations. At this moment in time, the PA expected Israel to fulfil the Third Redeployment from the West Bank as agreed upon in the Sharm El Sheikh Memorandum.⁸⁷

⁸³ Podeh, E., *Chances for Peace*, p. 223

⁸⁴ Enderlin, C., *Shattered Dreams: The Failure of the Peace Process in the Middle East*, p. 117

⁸⁵ *Ibid.*, pp. 115-119

⁸⁶ *Ibid.*, p. 122

⁸⁷ Pundak, R., 'From Oslo to Taba: What Went Wrong?', *Survival*, 43, 3 (2001), p. 7

(G) The Pre-Camp David Final Status Discussions

Despite the signing of the Sharm El Sheikh Memorandum, Barak decided to focus on the Syrian track. Negotiations with Syria started in Washington DC in December 1999. They ended in fiasco at Shepherdstown in February 2000 mainly due to the gaps between the two parties on the issue of the 1967 line. The Syrians demanded a return to the 1967 line with the exception of the north eastern shore of Lake Tiberias (Sea of Galilee), where they wanted the 1923 line to apply.⁸⁸ President Clinton made a last attempt for a peace deal with Syria and met President Hafez El Assad in Geneva. Assad backtracked from his previous overtures towards Israel and claimed that part of Lake Tiberias was Syrian. Indeed, he even stated that he remembers swimming in this lake in his youth.⁸⁹

After the collapse of the Israeli-Syrian talks, Barak fulfilled his election campaign promise and pulled Israeli forces out of south Lebanon; he did this without an agreement with Syria or the Lebanese government. This event would have a profound impact on Israeli-Palestinian relations, hindering Palestinian trust in the peace process. This is best highlighted by Abu Ala who told Uri Savir that, while the PA has negotiated faithfully with Israel and cooperated with it on security related issues (arresting and even killing Palestinian extremists), Israel has given it nothing in return. Hezbollah, by contrast, killed Israeli soldiers and was rewarded with a complete Israeli withdrawal from south Lebanon.⁹⁰

⁸⁸ Rabinovitch, I., *Waging Peace: Israel and the Arabs*, pp.132-133

⁸⁹ Enderlin, C., *Shattered Dreams*, p. 142

⁹⁰ *Ibid.*, p. 152

Despite the failure of the Israeli-Syrian track, preliminary negotiations on final status issues started on May 4, 2000 at the Eilat Red Sea resort. Oded Eran, the leading Israeli negotiator, presented a map which envisaged 66 percent of the West Bank going to the Palestinians, 20 percent of the territory being annexed to Israel, and the remaining 14 percent staying under Israeli control for an indefinite period of time. The Palestinians reacted angrily and threatened to leave the talks; they were stopped by Dennis Ross, who stated that they had the right to be angry with their Israeli counterparts, but could not walk out of the talks.⁹¹

After Eilat, Israelis and Palestinians engaged in a series of backchannel negotiations that took place near Stockholm in May 2000. The gaps on borders remained enormous, as Israel proposed a Palestinian state on 76.6 percent of the West Bank, 10.1 percent of the territory remaining under long-term Israeli control, and the annexation of 13.3 percent of the West Bank to Israel.⁹² Abu Ala rejected Israeli demands and stated that Israel needed security reassurances, not additional territories. Hassan Asfour also stated that the settlements made up less than two percent of the West Bank.⁹³ Eventually, both sides produced a non-paper framework agreement which included the establishment of a Palestinian state. The document acknowledged the suffering of the Palestinian refugees but stipulated a realistic solution to the refugee issue. Strong security guarantees were also included in the non-paper document, as demonstrated by Article 13, which banned the parties from forming hostile alliances. However, Abu Ala denied

⁹¹ Enderlin, C., *Shattered Dreams*, p. 146

⁹² Sher, G., *The Israeli-Palestinian Peace Negotiations*, p. 26

⁹³ *Ibid.*, p. 27

that this document was an Israeli-Palestinian draft and claimed instead that it was an Israeli paper.⁹⁴ Nevertheless, unlike previous backchannel negotiations, all the core issues of the conflict were on the table.⁹⁵ Official final status negotiations commenced at Camp David on July 11 2000 and these will be discussed thoroughly in the next chapter.

(H) The Oslo Process: Two Different Narratives

The parties negotiated under the Oslo process with totally different perspectives. From the Palestinian perspective, at the end of the Oslo process, Israel was supposed to withdraw from the bulk of the West Bank before final status negotiations would start. The Palestinians argued that they had made the ultimate concession by recognizing Israel on 78 percent of what they consider as historic Palestine.⁹⁶ Israel stopped further withdrawals from Palestinian territories because of the terrorist attacks that were taking place inside Israel. Since the signing of the DOP, Israel and the PA signed six agreements, all of which were ultimately breached by both sides.⁹⁷

A crucial element that was missing to prevent the collapse of the Oslo process was a mechanism that would have tackled breaches of the agreements. There was no monitoring mechanism to deter the two sides from undertaking unilateral measures, such as inciting violence, refusing to disarm extremist groups, and ruling out a complete

⁹⁴ Enderlin, C., *Shattered Dreams*, pp. 154-157

⁹⁵ *Ibid.*, p. 177

⁹⁶ 'A Conversation with Saeb Erekat', *Woodrow Wilson Center* (23 April 2013), URL: <https://www.youtube.com/watch?v=OCFct65ea0A&t=1230s>

⁹⁷ Interview with Gershon Baskin 20/08/17

freeze of settlement construction.⁹⁸ Other issues were Israel's unilateral withdrawal from south Lebanon and Ehud Barak's attempt to strike a deal with Syria ahead of the Palestinians.⁹⁹ The Palestinians argued that, while they had made concessions to Israel by cooperating with it on security related issues, they had received very little in terms of territorial withdrawals. Hezbollah, on the other hand, used violent means and got all its territory back.¹⁰⁰ In addition, Arafat was particularly upset that Israel negotiated with Syria first and was willing to give almost all of the Golan Heights to Hafez El Assad.¹⁰¹ It would appear that the lack of trust between the two sides, and the unilateral moves, were key factors that led to the collapse of the Oslo process.

Another major factor which hindered the negotiations was the lack of vision regarding the outcome of the final status negotiations. Although Egypt and, to a lesser extent, Jordan were involved as facilitators, these two Arab countries, along with other Arab states, should have been more actively involved in the negotiations to provide the Palestinians with a safety net and to reassure the Israeli side on security related issues.

⁹⁸ Ibid.

⁹⁹ Pundak, R., 'From Oslo to Taba: What Went Wrong?', *Survival*, 43, 3 (2001), p. 7

¹⁰⁰ Enderlin, C., *Shattered Dreams*, p. 152

¹⁰¹ Interview with Dennis Ross 11/03/19

Chapter 1

Assessing the Secondary Source Material on the Arab-Israeli Peace

Process

(1) Filling a Gap in the Existing Literature

The literature on the Arab-Israeli peace process has mainly focused on the bilateral track, with little attention paid to alternatives such as multilateral and regional approaches. Existing literature on such alternative approaches is largely confined to the Madrid framework and the API, and there is a limited amount of material on how a multilateral approach could be used to deal with the core issues.

In contrast to its bilateral counterpart, the multilateral approach was not often adopted by Israel and the Arab states, with the few notable exceptions being the Lausanne Conference of 1949, the Geneva Summit in 1973, and the Madrid multilateral process. Historically, multilateral talks were rejected by Israel due to its fear that it would be outnumbered and that the Arab states would pressure it to make concessions on sensitive issues such as the fate of the Palestinian refugees. In contrast, the Arab states preferred multilateral talks due to the fact that no Arab state was willing to break the Arab taboo of recognizing Israel's right to exist and negotiate bilaterally with the Jewish state.

Eventually, Egypt under President Anwar Sadat came to the conclusion that multilateral talks were futile due to the intransigence of Syria and decided to negotiate bilaterally with Israel.¹ This resulted in the Israeli-Egyptian Peace Treaty (1979), through which Egypt regained the Sinai Peninsula in its entirety. Jordan subsequently followed suit and signed a separate peace treaty with Israel in 1994, while Israel and the PLO signed the Declaration of Principles (DOP) – known as the Oslo Accords – in September 1993. Even Syria, which previously rejected direct talks with Israel, negotiated with Israel from 1991 to 2000.

Despite initial success, bilateral negotiations showed their limitation and ended in major failures, such as the breakdown of the Israeli-Syrian track and the historic failure of the Camp David II Summit. There were many factors behind the collapse of Camp David II, such as the mistrust between the two sides, lack of US active mediation as well as a lack of regional Arab support, which could have been crucial concerning sensitive issues such as Jerusalem. Given the convergence of interests between Israel and major Sunni Arab states such as Egypt, Jordan and Saudi Arabia, multilateral/regional talks in conjunction with an Israeli-Palestinian bilateral track could provide a more suitable alternative to the more conventional bilateral framework.

The working hypothesis of this thesis consists of the following points. Firstly, that the same format for negotiations is unlikely to be equally effective for dealing with the core issues of the conflict, given their varied nature. Secondly, that in contrast to previous

¹ Quandt, W. B., *Camp David: Peacemaking and Politics* (Washington DC: Brooking Institution, 1986), p. 132

circumstances, new conditions in the region provide an opportunity for a regional approach to the peace process; the API and the Madrid Multilateral framework could potentially form the basis for launching new rounds of regional discussions on the core issues of the conflict. Finally, these regional discussions could complement more traditional bilateral negotiations that have taken place between Israel and the Palestinians. This chapter will review the diplomatic history of both bilateral and multilateral negotiations using works written by Israeli, Arab, Palestinian, and American scholars and former diplomats.

(2) Historical Analysis of the Arab-Israeli Conflict and the Peace Process

The core issues of the Israeli-Palestinian conflict such as borders, settlements, Jerusalem, and refugees are considered the most complex issues in this dispute. Due to the large gaps which exist between the opposing sides, past negotiations on these critical issues have not led to any breakthroughs. Unlike the conflict with Egypt, Jordan or Syria, the Israeli-Palestinian conflict is not only about territory and security but also about religion, identity and demographics.

There has been considerable research on the peace process, the various peace proposals put forward during the negotiations, as well as the reasons for the failure of the negotiations. This section will mainly cover the final status talks between Israel and the PA from Camp David II until the Annapolis Summit. Many scholars have written on the history of the peace process and have analysed the successes and failures of the negotiations and the positive and negative aspects of the peace plans put forward. Some scholars present possible solutions to remedy the problems encountered in past

negotiations. Most of the literature, however, focuses on the Oslo process, Camp David II, and the Taba talks.

This thesis will analyse the core issues of the conflict in accordance with the accounts provided by active participants in the peace process as well as scholars writing on the subject. Scholarly articles and books, as well as texts written by Israeli, Palestinian and American officials previously involved in the negotiations, provide vital details of Arab-Israeli negotiations. These sources are of critical importance with regards to the first and second parts of the thesis, as they mainly touch upon the history of the peace process and the details of the talks, as well as the proposed agreements and why the peace process failed.

Itamar Rabinovitch categorizes scholars writing on the Arab-Israeli peace process into four schools of thoughts. The first category is the orthodox school of thought, which includes scholars such as Dennis Ross, Martin Indyk, and Shlomo Ben Ami, who adopt the official American and Israeli narrative of Camp David II and argue that then Israeli Prime Minister, Ehud Barak, made unprecedented and generous concessions, particularly on the Old City of Jerusalem. The second category is the revisionist school, which includes Robert Malley as well as Palestinian scholars. These scholars criticize the conventional narrative, which puts the blame squarely on the late Palestinian leader, Yasir Arafat. They argue that Barak was to blame for the failure of the talks, while Arafat made genuine concessions on some of the core issues of the conflict. The third category is the deterministic school, which mainly comes from the right of the political spectrum. They argue against the Oslo process and state that the collapse of the peace process was inevitable due to Palestinian rejection of a genuine peace with Israel.

Finally, there is the eclectic school of thought, which includes former senior officials such as Gilead Sher and Yossi Beilin, but also scholars such as Menachem Klein who provide a more nuanced analysis of the peace process and the final status negotiations. Those who belong to this school of thought do not put the blame solely on one party or another but argue that a number of factors contributed to the collapse of the peace process.²

In *Camp David Summit, What Went Wrong* (2004), Shimon Shamir, Israel's first Ambassador to Jordan, offers an analysis of the key participants at Camp David II, which included Israeli, Palestinian, and American negotiators and scholars. Other authors included in this book have different interpretations as to why the summit failed. Each of the core issues as they were negotiated at Camp David II are analysed in detail. Some scholars such as Reuven Mehrav (2004) argue that the Old City of Jerusalem and its immediate surroundings cannot be divided and therefore a special regime under international supervision should be taken into consideration as a potential outcome for final status negotiations.³ Danny Yatom argues that since the start of the summit, Israel has made generous offers to the Palestinians. Yatom blames Arafat and the Palestinians for the breakdown of the talks, as well as for the violence which followed. He also argues that the US should have put more pressure on Arafat and that Barak should have tried to reassure him and be more conciliatory towards him.

² Rabinovitch, I., *Waging Peace* (New Jersey, Princeton, 2004), pp. 160-176

³ Shamir, S., Maddy-Weitzman, B., *The Camp David Summit – What Went Wrong? Americans, Israelis, and Palestinians Analyze the Failure of the Boldest Attempt ever to Resolve the Palestinian-Israeli Conflict* (Brighton: Sussex Academic Press, 2005), p. 171

Yossi Ginossar argues, furthermore, that Israel failed to treat the Palestinians with the same respect they showed Hafez El Assad, former President of Syria. According to Ginossar, Israeli society failed to humanize the Palestinians. In contrast to what many Israelis believe, Ginossar argues that after meeting with Abu Mazen it was clear to him that the Palestinians demanded a lot more than what the Israeli military intelligence assessment said. Ginossar also criticized the American administration for not leading the negotiations as an active mediator, like former US President Jimmy Carter did during Camp David I. Others such as Amnon Lipkin Shahak, who was involved as an Israeli negotiator, argue that, due to the wide gap between Israelis and Palestinians on all the core issues, the summit was doomed to fail from the start. Shahak also argues that the Palestinians made major shifts in their stance on the core issues in agreeing to the concept of “land swap” and accepting that the Jewish neighbourhoods of East Jerusalem, including the Jewish Quarter and the Western Wall, would be under Israeli sovereignty.⁴

Asher Susser (2011), a research fellow at the Moshe Dayan Centre for Middle Eastern Studies, has written about the historical reasons for the failures of the peace process, thoroughly analysing the issues related to the Arab-Israeli conflict and the peace process from the 1947 partition plan up until the Annapolis Summit. In his book, Susser discusses the intractability of the conflict mainly due to the Palestinian refusal to give up their demand for the right of refugees to return to Israel. However, for him, the two-state solution is the only viable option for Israel. Susser argues that the one-state solution or the bi-national state concept is a non-starter due to the fact that both Israelis

⁴ Ibid., pp. 40-56

and Palestinians would probably not be able to coexist peacefully in such a state. He calls the concept of a single bi-national state from the river to the sea a utopian dream.⁵

Former Israeli Director of the Foreign Ministry and leading negotiator at Oslo, Uri Savir (2014), praises the Oslo process as a turning point in the Arab-Israeli conflict and makes recommendations on how to proceed with regards to future peace talks. According to Savir, the Oslo process terminated the one-state solution project (which continues to be advocated for by the Israeli Right).⁶ Savir posits that both Israeli and Palestinian leaders lacked political will and for that reason the peace process is now frozen. The former Israeli negotiator advocates active US mediation, as well as parameters which will include the establishment of a Palestinian state along the 1967 lines with mutually agreed land swaps, and a strong US security guarantee for Israel.⁷

In *World Order* (2014), Henry Kissinger argues that despite the Arab states' willingness to recognize Israel as a de facto reality along the 1967 lines, they still fall short of Israel's demand to be acknowledged as a Jewish state. Nonetheless, Kissinger argues that some Arab states – such as Saudi Arabia – and Israel have converging interests with regards to the Iranian threat to the region. However, the Saudis are unlikely to cooperate publicly with Israel due to the Palestinian issue and the widespread, negative public sentiment among Arabs concerning the normalization of ties with Israel. As such, the former Secretary of State argues that only an interim agreement between Israel

⁵ Susser, A., *Israel, Jordan, and Palestine: The Two-State Imperative* (Waltham, Massachusetts: Brandeis University Press, 2012), p. 215

⁶ Savir, U., 'Oslo: Twenty Years After', *Negotiation Journal*, 30, 1 (2014), pp. 115-123, p. 116

⁷ *Ibid.*, p. 121

and the PA can be reached at this stage. According to Kissinger, such an agreement would provide Palestinians with components of sovereignty in parts of the West Bank, while leaving the core issues for final status negotiations.⁸ Although an interim solution to the Israel–Palestinian conflict could benefit both parties and help rebuild trust between the two sides, it is very unlikely that the Palestinians would accept anything short of state based on the 1967 lines with minor land swaps. Moreover, although informal relations exist between Israel and Saudi Arabia, mainly concerning regional security issues, it is unlikely that the Arab states would agree to formally normalize relations with Israel unless there is an agreement between Israel and the PA.

Palestinian, as well as some American and Israeli, scholars and diplomats argue that Israel bears some, if not major, responsibility for the failure of the peace talks. In particular, Israel is seen from this point of view as failing to properly appreciate Palestinian concessions and red lines. Indeed, the Palestinians have shown some flexibility with regards to territorial issues and Jerusalem.

For instance, Jeremy Pressman (2003) offers a revisionist account of the talks at Camp David II and Taba, primarily blaming Israel for its failure to make genuine concessions on the core issues. Specifically, Pressman argues that, while Barak’s offer of withdrawing from up to 92 percent of the West Bank and dividing the Old City of Jerusalem was indeed unprecedented, Israel still sought to retain control of the Jordan Valley, which accounts for 10 percent of the West Bank.⁹ With regards to the

⁸ Kissinger, H., *World Order* (New York: Penguin Press, 2014), p. 133

⁹ Pressman, J., ‘Visions in Collision: What Happened at Camp David and Taba?’, *International Security*, 28, 2 (2003), pp. 5-43, pp. 16-19

contentious issue of refugees, Pressman points out that at the Taba Summit the Palestinians agreed to limit the return of Palestinian refugees to a mutually acceptable number. Nevertheless, he acknowledges the major gap between the two sides regarding the number of refugees which would be admitted in to Israel. Israel was willing to absorb a token number of refugees on the basis of family reunification as well as for humanitarian purposes, while the Palestinians wanted Israel to take a more significant number of refugees in accordance with UN Resolution 194.¹⁰

Similarly, Robert Malley (2001), one of the American mediators at Camp David II, argues that the US has on almost all occasions sided with Israel, while ignoring Palestinian concessions on the core issues for fear that Barak would suffer politically. Malley also argues that Barak's proposals at Camp David II were not generous enough, as initially the former Prime Minister agreed to withdraw from 80 percent of the West Bank. That offer was later raised to 92 percent. On the issue of Jerusalem, Malley argues that, despite Barak's willingness to concede Palestinian sovereignty over most of the Arab neighbourhoods of East Jerusalem, along with the Muslim Quarter of the Old City, he fell short of accepting Palestinian sovereignty over the Temple Mount/Dome of the Rock compound.¹¹ According to Malley, the Palestinians in contrast have agreed to make concessions by accepting Israeli sovereignty over the Jewish Quarter of the Old City as well as Jewish neighbourhoods.¹²

¹⁰ Ibid., pp. 31-33

¹¹ Malley, R., and Agha, H., 'Camp David: The Tragedy of Errors', *The New York Review of Books*, 48, 13 (2001), pp. 68-70

¹² Ibid., p. 70

In *Camp David Papers*, Akram Hanieh provides an analysis of the Palestinian delegation's positions during Camp David II. The Palestinians expected Clinton to be an honest broker as he managed to forge a special relationship with Arafat, confronted Benjamin Netanyahu publicly, and attended a Palestinian National Council (PNC) session in Gaza in 1999. However, according to Hanieh, the Palestinian assessment of the American mediation at Camp David was misguided; the American team adopted the Israeli narrative and their proposals were similar to those of the Israeli team. The US colluded with Israel on almost all issues – that is, it only consulted Israel, ignoring the Palestinian side.¹³ With regards to Israel's position during the Camp David negotiations, Hanieh argues that the Israelis were too concerned with their own domestic politics to put forward anything meaningful. Hanieh contends that Israel did not make any concessions capable of meeting the Palestinians' bottom line, such as the right of return, and a full withdrawal from East Jerusalem so that it could be the Palestinian capital. Such demands are not acceptable to Israel.

According to Hanieh, the Palestinians believe the summit failed due to Israel's refusal to accept all Palestinian demands. In this view, Barak wanted to end the conflict without paying the price for it, which would be a full withdrawal to the 1967 line and acceptance of the right of return. Hanieh also contends that the US did not act as an honest broker.¹⁴

¹³ Hanieh, A., 'The Camp David Paper', *Journal of Palestine Studies*, 30, 2 (2001), pp. 75- 97, pp. 78-81

¹⁴ *Ibid.*, pp. 82-92

Although the US was not engaged in active mediation during Camp David II, and Barak's proposals did not match the minimum demands of Palestinians, Hanieh fails to grasp the magnitude of the concessions made by the former Israeli Prime Minister, especially on the Old City of Jerusalem. For the first time in the history of the Arab-Israeli conflict, an Israeli Prime Minister agreed to divide the Old City of Jerusalem into two and presented a creative solution with regards to the holy sites. Hanieh also fails to mention that the Palestinians agreed in principle to the swap of territories and accepted Israeli sovereignty over the Jewish neighbourhoods of the eastern sector of Jerusalem as well as the Jewish Quarter of the Old City and its Western Wall. In addition, Hanieh downplays the domestic political constraints in Israel, which until today play a major part in the peace process. Finally, Hanieh highlights the Palestinian red lines in the talks on all the core issues of the conflict. However, he fails to consider Israel's bottom lines, mainly on the refugee issue, but also on Jerusalem.

In *Iron Cage* (2006), Rashid Khalidi, a Palestinian-American scholar at Columbia University, discusses the reasons for the failure of the Oslo process. According to Khalidi, this failure is due to the fact that Oslo only produced a set of interim agreements that strongly favoured Israel and the US. These not only postponed negotiations on the core issues, but also afforded Israel the time to increase settlement activity in the West Bank.¹⁵ Khalidi is also critical of the PLO on the grounds that it failed to discuss the core issues of the conflict until Camp David II, in July 2000.¹⁶

¹⁵ Khalidi, R., *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Boston, Massachusetts: Beacon Press, 2006), p. 162

¹⁶ Ibid.

Avi Shlaim puts the blame for the failure of the talks on American bias towards Israel. Shlaim argues that both Barak and Clinton colluded to say that Barak made a generous offer to Arafat, which the latter flatly refused. Shlaim also contends that Barak's offer at Camp David was not so generous given that he was willing to give up 97 percent of the West Bank when he accepted the Clinton Parameters of December 2000.¹⁷ With regards to the peace plan of Ehud Olmert, Shlaim acknowledges the unprecedented concessions made by the former Israeli Prime Minister, which according to Shlaim went well beyond what Barak had offered at Camp David. Nevertheless, Shlaim maintains that major gaps remained between the parties, particularly on the issues of borders and refugees. Shlaim also refutes Olmert's claim that Abbas never gave him a formal response to his proposals. He argues instead that the Palestinians indeed took Olmert's plan seriously, but asked for clarifications before moving any further.¹⁸

During the Oslo process major obstacles such as Israel's settlement expansion and the Palestinian failure to dismantle terrorist groups hindered trust between the two sides, which eventually led to the collapse of the peace process. On this topic, Zeev Maoz is equally critical of the PA and Israel for their role in the collapse of the peace process. Maoz argues that the PA failed to build the necessary economic infrastructure and political institutions that could have served as a basis for a viable Palestinian state. Maoz also criticizes Arafat for failing to prepare his people for peace with Israel and not doing enough to curb terrorism. However, Maoz is critical of Israel and argues that

¹⁷ Shlaim, A., *The Iron Wall: Israel and the Arab World* (New York, New York: W. W. Norton & Company, 2014), pp. 681-689

¹⁸ *Ibid.*, pp. 796-797

settlement expansion was the major obstacle to the Oslo process. The fact that settlements grew during the Oslo process under Labour and Likud governments alike undermined the Palestinians' confidence in Israel's willingness to withdraw to the 1967 borders. In addition, Maoz states that Israeli security related and economic restrictions imposed on the Palestinians hindered Palestinian economic development.¹⁹ According to Maoz, the delay of final status negotiations diminished Palestinian confidence in the peace process.

Furthermore, on the failure of Camp David II, Maoz argues that the concept of an 'all or nothing' summit was a mistake and that Barak and Clinton should not have presented this event as an outright failure. Maoz also acknowledges that Barak's weak position politically affected the peace process, as even prior to Camp David his coalition government was falling apart.²⁰ Although Maoz correctly identifies the causes of the collapse of the peace process, he fails to offer suggestions on how to move the peace process forward.

Other scholars have more nuanced views on the failure of the peace process. They argue that a multitude of factors explain the collapse of the negotiations, rather than putting the blame on one party or another. Those factors include: a lack of active US mediation; mistrust between the parties, especially between the leaders; major gaps on the core issues; and the identity-based nature of the conflict. After many years of hostility,

¹⁹ Maoz, Z., *Defending the Holy Land: A Critical Analysis of Israel's Security and Foreign Policy* (Ann Arbor: University of Michigan Press, 2009), pp. 471-476

²⁰ *Ibid.*, pp. 467-469

mistrust, and bitterness, it is very hard for Israelis and Palestinians to break the psychological barriers and understand the other's position. With regard to these issues, Galia Golan's *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement* (2007) is of great importance: it analyses the core issues of the conflict, examines the details of the peace proposals and seeks to explain why they have failed to bring a lasting solution. Golan provides a critical review of all the peace plans put forward by the parties, including track 2 initiatives such as the Geneva Initiative, in which she took an active part.

Golan discusses the factors which contributed to success or failure in the various negotiations and peace plans that took place from Oslo to the disengagement plan. Golan discusses the historical significance of the Oslo process, but also the drawbacks of this diplomatic framework – particularly the fact that it was an interim agreement similar to that put forward as part of the Palestinian track in Camp David I, rather than a fully-fledged peace agreement.²¹ She argues that the Oslo process contained many flaws as it did not stipulate what a final status agreement would amount to; nor did it provide a supervisory mechanism to monitor both sides and prevent them from taking counterproductive steps, such as expanding settlements or failing to disarm terrorists. It could be argued that the main reason for the failure of the implementation of the Oslo process was due to the political constraints faced in both Israel and the Palestinian territories. The fact that Israel never had a stable majority government, and every Prime Minister had to rely on other coalition parties in order for the government to function, made confidence-building measures very difficult. In such a situation, giving

²¹ Golan, G., *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement* (Princeton, New Jersey: Markus Wiener Publishers, 2008), p. 15

additional territories to the PA or freezing settlement construction could easily prove too costly politically.

With regards to Camp David II, Golan acknowledges that Barak went beyond any other Israeli leader in terms of concessions to the Palestinians. But even still, this fell short of meeting Arafat's minimum demands. Another obstacle was the way the parties saw the negotiations. On the one hand, the Palestinians believed that as a people under occupation they were entitled to their rights and had already made the necessary concessions in Oslo by renouncing 78 percent of what they refer to as Historic Palestine. On the other hand, the Israeli and the American teams acted as if the parties were of equal power and assumed that both sides would have to make concessions in order to reach a compromise.²²

In addition, Golan argues that, while most Israelis saw Barak's concessions as far too generous, the Palestinians saw them as a formula for truncated statehood and continued occupation; the Palestinians believed that they would give them a 'state' divided across three cantons in the West Bank, while allowing Israel to retain full sovereignty over airspace and borders. Although Golan analyses Palestinian domestic constraints with regards to the Camp David II negotiations and demonstrates why Barak's proposal was indeed unacceptable to Arafat and the Palestinian delegation, she fails to appreciate Barak's political constraints: by agreeing to divide the Old City of Jerusalem, he was putting his coalition government at risk since most of the right wing parties had already

²² Ibid., pp. 34-47

resigned before the Summit started. Golan also talks about the Clinton Parameters and the subsequent Taba negotiations, which led to major progress on the core issues and eventually led to the track 2 Geneva Initiative. She argues that this initiative is a model for a comprehensive Israel-Palestinian peace, as it includes a compromise on all the core issues of the conflict.²³

In Israeli Peacemaking Since 1967: Factors Behind the Breakthroughs and Failures, Golan further examines the peace process up until the failure of the Annapolis process in 2008. She analyses all the negotiations that took place in the aftermath of the Six Day War. She argues that there was a combination of factors which led to a shift in Israeli public opinion and emphasizes the significance of the Gulf War and a rapidly changing international environment. A sense of vulnerability due to the trauma of scud missile attacks on Israeli cities during the Gulf War, and international changes stemming from the end of the Cold War, convinced many Israelis to favour a peaceful settlement with the Arab states and the Palestinians based on territorial concessions. These factors contributed to the election of the late Yitzhak Rabin as Prime Minister, which in turn led to the signing of the DOP between Israel and the PLO in September 1993.²⁴ In addition, Golan discusses the reasons for the breakdown of the Israeli-Syrian talks as well as the breakthrough in Israeli-Jordanian talks, which ultimately resulted in the Israel-Jordanian Peace Treaty.²⁵

²³ Ibid., pp. 47-112

²⁴ Golan, G., *Israeli Peacemaking since 1967: Factors behind the Breakthroughs and Failures* (New York, New York: Routledge, 2015), p. 122

²⁵ Ibid., pp. 57-113

According to Golan, the Annapolis peace talks were by far the most productive negotiations that ever took place between Israel and the PA. Indeed, progress was made on all the core issues and the personal relations developed between Ehud Olmert and Abu Mazen helped the parties to make progress.²⁶ Unfortunately, all these elements, which would make bilateral negotiations successful, no longer exist today, as there is a total mistrust between the Israeli and Palestinian leaders and both publics seem to oppose peace talks and concessions. Moreover, both Prime Minister Netanyahu and President Abbas are constrained politically from advancing the now moribund peace process.

Ron Pundak, in his article entitled *From Taba to Oslo, What went wrong?* (2001), suggests mismanagement and the lack of ripeness between the parties as the reasons for the failure of Camp David II. Additionally, he argues that the Oslo Accords were not fully implemented by successive Israeli governments and blames Barak for not putting forward a proposal giving the Palestinians all the territories subject to equal land swaps, as was the case with the Israel-Jordanian Peace Treaty.²⁷ However, Pundak also blames the Palestinians for refusing to acknowledge a link between the Jews and the Temple Mount/Dome of the Rock. Moreover, instead of trying to break the psychological barrier as Sadat did in 1977 and convince the Israeli public that they are committed to peace, the Palestinians did the exact opposite by using the language of violence and terror.²⁸

²⁶ Ibid., pp. 173-217

²⁷ Pundak, R., 'From Oslo to Taba: What Went Wrong?', *Survival*, 43, 3 (2001), pp. 31-45, p. 40

²⁸ Ibid., pp. 31-45

In *Negotiating the Arab Israeli Peace*, Eisenberg and Caplan (2010) use historical case studies to analyse the various factors contributing to the success or failure of the peace process. This book is highly relevant in order to compare and contrast the success of Camp David I with the failure of Camp David II.²⁹ They argue that, in contrast to the final status talks between Israel and the Palestinians, Egypt and Israel had converging interests in reaching a peaceful settlement to the conflict. First, the late Prime Minister, Menachem Begin, wanted to remove Egypt from the Arab-Israeli conflict, rendering a conventional war between Israel and the Arab states impossible. The late Egyptian President Sadat's main priority was to recover the Sinai Peninsula and gain US military and economic assistance. Moreover, Egypt wanted to avoid being bogged down in Geneva multilateral talks, which, according to Sadat, would have resulted in failure.³⁰ Another reason for success was the active mediation shown by the US under the leadership of Jimmy Carter, who skilfully used carrot and stick techniques in order to persuade both sides to reach an agreement.

According to Eisenberg and Caplan, both sides attended the second Camp David Summit for different reasons. Barak's main objective was to reach a final status agreement on all the core issues of the conflict for domestic political considerations. Indeed, Barak faced a tremendous amount of pressure from the opposition and his coalition had already started to fall apart prior to the summit. Arafat, on the other hand, was very reluctant to convene an endgame summit and would have preferred Israel to

²⁹ Eisenberg, L., Zittrain, L., and, Caplan, N., *Negotiating Arab-Israeli Peace: Patterns, Problems, Possibilities* (Bloomington, Indiana: Indiana University Press, 2010), pp. 222-253

³⁰ *Ibid.*, pp. 37-38

first implement the third redeployment before moving to final status negotiations.³¹ In contrast to the Israeli-Egyptian negotiations at the first Camp David Summit, Barak and Arafat negotiated in a much more negative atmosphere with the possibility of violence and terror resuming should the talks end in failure. The gap between the parties was much wider in comparison to the previous Egyptian-Israeli and Israeli-Jordanian talks. The role of US mediation is also analysed in detail by the authors. While Jimmy Carter was willing to resort to the carrot and stick policy, Clinton decided to act as a facilitator rather than trying to impose his own parameters upon the parties. These authors consider that, from a Palestinian perspective, Clinton was too much inclined to support Israel's position at Camp David II, mainly due to his concern that Barak was taking a major political risk that could jeopardize his coalition government.³²

Eli Podeh's recent (2015) book *Chances for Peace* details all Arab-Israeli peacemaking efforts. This book explains missed opportunities, as well as opportunities taken which eventually led to breakthroughs in the peace process. He divides the levels of missed opportunities into four categories: high, medium, low, and non-existent.³³ Podeh assesses all the factors, such as the historical context, level of trust between the leaders, domestic support, and third party (mainly American) mediation, in each of the peace negotiations. He argues that some of these negotiations were partially successful, such as the Oslo Accords; others were missed opportunities, like the Israeli-Syrian negotiations, the Camp David II Summit, the Clinton Parameters, the Annapolis Process, and the API; and others were successful, such as the Israeli-Jordanian Peace

³¹ Ibid., pp. 224-225

³² Ibid., pp. 233-234

³³ Podeh, E., *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin, Texas: Texas University Press, 2015), p. 15

Treaty.³⁴ Poded's assessment is based on the analysis of Israeli, Arab, Palestinian, and American actors directly involved in the peace process, as well as academics and experts who have written substantially on the subject.

On the other side of the political spectrum are Israeli scholars who argue against any withdrawal based on the 1967 lines. In his article *U.S. Policy toward Israel in the Peace Process: Negating the 1967 Lines and Supporting Defensible Borders*, Dore Gold posits that a return to the 1967 lines, even in the context of land swaps, is unacceptable for Israel mainly for security reasons. Gold contrasts Ronald Reagan's and George W Bush's policy regarding the non-feasibility of Israel's return to the armistice line of 1949 with Clinton's and Obama's approach, which promotes a peace settlement approximating the borders of 1967 with mutually agreed land swaps. Gold argues that Obama's approach is a departure from Bush's commitment on the non-feasibility of Israel fully withdrawing to the 1967 lines. Gold believes that Bush's letter regarding the 'non-return' to the armistice line of 1949 should be the basis for US policy on the peace process, and that Israel should articulate its concept of defensible borders to the Obama administration. Gold posits that the Bush letter safeguards Israel's vital strategic interests even before negotiations begin.³⁵ Although a permanent peace agreement would in most likelihood not require Israel to fully withdraw to the 1967 border, any modification would however have to be agreed upon by the Palestinians and include land swaps.

³⁴ Ibid., pp. 208-340

³⁵ Gold, D., 'U.S. Policy toward Israel in the Peace Process: Negating the 1967 Lines and Supporting Defensible Borders', *Jewish Political Studies Review*, 24, 1/2 (2012), pp. 7-22, pp. 14-20

(3) The Role of Third Party Mediators in the Peace Process

Historically, the United States has been credited as the main, and to a certain extent sole credible, mediator between Israel and the Arab states. One of the major factors which led to the first breakthrough in the Arab-Israeli conflict was active US mediation between the parties. Most US mediation attempts have been in the form of facilitating talks between the two sides. However, in some cases, the US used the carrot and stick approach to coerce parties to reach a settlement. Generally, the results of US diplomatic involvement in the Middle East have been mixed. Peace talks have succeeded when Washington was actively involved in the talks and was able to pressure the parties into reaching an agreement. On the other hand, US attempts at mediation failed when the US took on a facilitator role, as was the case at Camp David II and during the Annapolis process.

With regards to American mediation attempts, Dennis Ross provides a detailed account of the talks starting from Madrid up until the Clinton Parameters. In *The Missing Peace (2005)*, Ross argues that Arafat is the reason for the failure of the peace process as he refused to put forward his ideas during Camp David II and de facto rejected the Clinton Parameters.³⁶ Ross' more recent book on US-Israeli relations (2015) from President Truman until today is relevant for understanding how the special relationship between Israel and the US has helped or hindered final status negotiations.

³⁶ Ross, D., *The Missing Peace: The Inside Story of the Fight for Middle East Peace* (New York: Farrar, Straus and Giroux, 2004), p. 767

In *Innocent Abroad* (2009), former US Ambassador to Israel, Martin Indyk, argues that Arafat and the Palestinian leadership are to blame for the failure of Camp David II. Indyk argues that the Clinton Parameters were the best offer Arafat could ever get but instead of taking that opportunity, Arafat effectively rejected them, while the Barak government was ready to accept them on the condition that the Palestinians do the same.³⁷ However, Indyk emphasizes that the US must continue to be involved in the peace process, arguing that it is a vital national interest for Washington to lead the negotiations. In the past, both the Clinton and the Bush administrations were involved in the Middle East peace process due to idealism and America's core liberal values. Indyk argues that the US should not completely discount this idealism, but nevertheless should adopt a more realistic approach to the peace process.³⁸

Daniel Kurtzer, the former US Ambassador to Egypt and Israel, focuses mainly on the role that the US administration played in the Arab-Israeli peace process. Kurtzer has three books which mainly focus on US involvement in the negotiating process. *Negotiating the Arab-Israeli Peace* includes recommendations on how future administrations should take part in the peace process. Such recommendations include providing incentives for the parties to take risks in peacemaking efforts. Indeed, the author argues that incentives and disincentives contributed greatly to peace treaties between Israel and Egypt and Israel and Jordan. In his view, US military and economic aid has been fundamental in order to convince Israel to take the necessary steps for

³⁷ Indyk, M., *Innocent Abroad: An Intimate Account of American Peace Diplomacy* (New York, New York: Simon and Schuster, 2009), pp. 366-368

³⁸ *Ibid.*, pp. 393-394

peace.³⁹ In addition, Kurtzer argues that memorandums of understanding (MOU) can have a positive impact on the peace process provided it does not change the course of US foreign policy. For instance, the letters of assurance provided by the Bush 41 administration were in line with US policy in the Middle East and did not change the status quo. In contrast, George W Bush's letters of assurance to late Israeli Prime Minister Ariel Sharon fundamentally changed US positions on the final status issues of refugees, settlements and borders, and as such would potentially hinder the US role as a fair and unbiased mediator in the Middle East peace process.⁴⁰

Kurtzer also discusses the positive impact of regional Arab support for the peace process, which materialized in the form of the API, adopted by the Arab League in early 2002. Kurtzer praised the Bush 41 administration for significant emphasis on the Madrid multilateral track, which eventually led to some regional economic projects. However, he lamented that the Clinton administration did not invest significant effort in the regional/multilateral framework, which in the end resulted in the death of the Madrid peace process.⁴¹ Furthermore, Kurtzer advocates that the United Nation Security Council (UNSC) adopt US parameters on the final status negotiations, so that Washington maintains a clear position on the core issues.

The Peace Puzzle: America's Quest for Arab-Israeli Peace, 1989–2011 reviews the history of past American mediations efforts in the Middle East since 1989 until the early

³⁹ Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and, Telhami, S. I., *Negotiating Arab-Israeli Peace: American Leadership in the Middle East* (Washington D.C.: United States Institute of Peace Press, 2008), p. 65

⁴⁰ *Ibid.*, p. 71

⁴¹ *Ibid.*, pp. 41-42

years of the Obama administration. In this book, Kurtzer argues that the Clinton administration took the side of Barak while putting all the blame for the failure of the talks on Arafat. According to Kurtzer, Clinton and his team omitted some concessions made by the Palestinians such as accepting that Jewish neighbourhoods in east Jerusalem along with the Jewish Quarter of the Old City and the Western Wall would be under Israeli sovereignty. In addition, he argued that the Special Middle East Coordinator (SMEC) failed to properly analyse the Palestinian mindset and, as a result, Dennis Ross was viewed by the Palestinian team as an Israeli lawyer instead of an unbiased mediator. According to Kurtzer, Barak's idea of an 'all or nothing' summit and the decision by President Clinton to support his stance was a major mistake. The former Ambassador argues that it would have been more productive to make Camp David II an opening round for the final status negotiations, which would have been followed by another summit where the Americans should have presented the Clinton Parameters.⁴²

Pathways to Peace: America and the Arab Israeli conflict includes the perspectives of American, Palestinian, and Israeli former decision makers on what policy the US should adopt in the peace process. Kurtzer argues that negotiations will be futile unless the US adopts a clear stance on the core issues of the conflict.⁴³ Kurtzer argues that the US needs to officially recognize the border between Israel and the future Palestinian state on the basis of the 1967 lines with mutually agreed land swaps, as stated by President

⁴² Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and, Telhami, S. I., *The Peace Puzzle: America's Quest for Arab-Israeli Peace, 1989–2011* (New York: Cornell University Press, 2013), p. 153

⁴³ Kurtzer, D. C., *Pathways to Peace: America and the Arab-Israeli Conflict* (New York, New York: Palgrave Macmillan, 2012), p. 201

Obama in May 2011.⁴⁴ Aaron David Miller argues that the US cannot tackle the peace process on its own and other players such as the Quartet members, as well as the Arab states, must be included in the negotiations. However, he argues that the US will continue to be the main mediator in the peace process due to its special relationship with Israel.⁴⁵

Written by William Quandt, *Peace Process American Diplomacy and the Arab-Israeli Conflict* describes in detail the history of American involvement in the Middle East peace process since the aftermath of the Six Day War. This book explains the reasons for American failures and successes in the peace process. Most importantly, it contrasts the policies of various administrations in the Middle East and explains in detail the different administrations' approach towards Arab-Israeli diplomacy since the late 1960s. This book will be very important in order to analyse the reasons why the Clinton administration initially succeeded with the Oslo process and failed to broker a peace agreement between Israel and the Palestinians at Camp David II.⁴⁶ In addition, Quandt's *Camp David Peace Making and Politics* will be critical in order to analyse the success of American mediation at Camp David I.⁴⁷ These books will be highly relevant when it comes to the role of third party mediators. Indeed, unlike other third parties, the US has the leverage to help the parties reach a final settlement.

⁴⁴ Ibid., pp. 197-198

⁴⁵ Ibid., p. 150

⁴⁶ Quandt, W. B., *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967* (Washington, D.C., Berkeley, London: Brookings Institution Press, University of California Press, 2005), pp. 365-377

⁴⁷ Quandt, W. B., *Camp David : Peacemaking and Politics*, pp. 206-339

Much too Promised Land, written by Miller, is a comprehensive analysis of American peacemaking efforts in the Middle East from the Nixon administration up until the Bush 43 administration. In his book, Miller argues that the US made tactical mistakes when Barak came to power by agreeing that there should be an Israeli-Syrian deal at the expense of the Palestinians.⁴⁸ He argues that Barak's minimal requirements would not meet Arafat's bottom line. In contrast to Camp David I, when the US put forward bridging proposals, the Clinton administration came unprepared, lacking bridging documents to be submitted to all sides. Miller also laments that the US did not try to bring more Arab support, which could have been crucial with regards to Barak's surprising proposal to divide the Old City of Jerusalem. According to Miller, Arafat could not make any move on the issue of Jerusalem without some Arab backing.⁴⁹ What is more, Miller criticizes the US for being automatically biased in favour of Israel on the grounds of Israel's domestic political constraints.⁵⁰

(4) Regional-Multilateral Approach based on Madrid and the API

Although the bilateral approach to the peace process has been more thoroughly researched than its multilateral counterpart, a number of academic scholars as well as former diplomats recently put forward a new regional approach to the peace process. The concept of multilateral talks between Israel and the Arab states started at the Madrid Peace Conference. The multilateral talks were officially started in Moscow on

⁴⁸ Miller, A. D., *The Much Too Promised Land: America's Elusive Search for Arab-Israeli Peace* (New York, New York: Bantam Dell, 2008), p. 289

⁴⁹ *Ibid.*, pp. 302-306

⁵⁰ Miller, A. D., 'The Long Dance: Searching for Arab-Israeli Peace', *The Wilson Quarterly*, 32, 2 (2008), pp. 38-44, p. 40

January 28, 1992.⁵¹ Unlike the bilateral approach, these talks focused exclusively on broad regional subjects, such as water, arms control, environment, and refugees.⁵² In order to de-politicize the multilateral talks, working groups were mainly led by experts rather than politicians or diplomats.⁵³

Even though the talks were terminated in January 2000, as a result of the breakdown of the Oslo process, progress in several areas had been made, such as on the issue of water desalination.⁵⁴ Despite the collapse of the multilateral framework, as well as the collapse of the bilateral Israeli-Palestinian track, regional cooperation between Israel and Jordan on non-political issues such as desalination thrives.⁵⁵ After the signing of the Oslo Accords between Israel and the PLO and the Israel-Jordanian Peace Treaty, several North African and Gulf countries, including Morocco, Tunisia, Oman and Qatar, opened limited diplomatic and trade relations with Israel.⁵⁶ However, despite initial success, the collapse of the peace process and the eruption of violence and terrorism in October 2000 resulted in a deterioration of relations between those countries and Israel: Morocco, Tunisia, and Oman decided to freeze relations with

⁵¹ Kaye, D. D, 'Madrid's forgotten forum: The Middle East multilaterals' *The Washington Quarterly*, 20, 1 (1997), pp. 167-186, p. 171; Teitelbaum, J., 'The Arab Peace Initiative: A Primer and Future Prospects', *Jerusalem Center for Public Affairs*, 2009, p. 4

⁵² Kaye, D. D., *Beyond the Handshake: Multilateral Cooperation in the Arab-Israeli Peace Process* (New York, New York: Columbia University Press, 2001), p. 52

⁵³ Eisenberg, L., Zittrain, L., and, Caplan, N., *Negotiating Arab-Israeli Peace: Patterns, Problems, Possibilities*, p. 110

⁵⁴ Kaye, D. D, 'Madrid's forgotten forum: The Middle East multilaterals' *The Washington Quarterly*, 20, 1 (1997), pp. 167-186, p. 177

⁵⁵ Al-Khalidi, S., 'Jordan, Israel agree \$900 million Red Sea-Dead Sea project', *Reuters* (26 February 2015), URL: <https://www.reuters.com/article/us-mideast-economy-water/jordan-israel-agree-900-million-red-sea-dead-sea-project-idUSKBN0LU23Z20150226>

⁵⁶ Kaye, D. D, 'Madrid's forgotten forum: The Middle East multilaterals' *The Washington Quarterly*, 20, 1 (1997), pp. 167-186, p. 180

Israel, while Qatar severed ties in the aftermath of Operation Cast Lead during late 2008, early 2009.⁵⁷

Dalia Dassa Kaye advocates Arab-Israeli cooperation based on the Madrid multilateral framework talks and provides the most comprehensive account of the Madrid process to date. Kaye is of the view that the multilateral talks must be separated from the bilateral process. Kaye argues that such multilateral forums can help produce a robust regional framework agreement not linked to the political process. She also believes that track II diplomatic initiatives among the regional actors were effective with regards to arms control issues.⁵⁸

Joshua Teitelbaum, a researcher at the Jerusalem Centre for Public Affairs, published an article explaining the achievements of the multilateral track of the Madrid peace process. He recommends restarting the multilateral framework as this might improve ties between Israel and moderate Arab states and potentially start a process of democratization within the Arab world.

Although multilateral talks on the basis of the Madrid framework could certainly increase the likelihood of normalizing ties between Israel and the Arab states, it is unlikely that such talks would have any impact on the democratization of the Arab

⁵⁷ 'Israel Among the Nations', *Israel Ministry Of Foreign Affairs*, URL: <http://www.mfa.gov.il/mfa/aboutisrael/nations/pages/israel%20among%20the%20nations-%20middle%20east%20-%20north%20afri.aspx> [last accessed 27 May 2016]

⁵⁸ Kaye, D. D., *Beyond the Handshake: Multilateral Cooperation in the Arab-Israeli Peace Process*, pp. 195-196

states. Additionally, Israel made peace with both Egypt and Jordan, which unlike Israel are not liberal democracies. Moreover, the democratic process which took place in Egypt and Palestine resulted in the victory of the Muslim Brotherhood and Hamas – organizations hostile to Israel’s existence – and did not transform the countries into liberal democracies. As such, democratization in the Arab world is not a prerequisite for peace and could even hinder prospective peace talks should radical Islamist parties gain power through democratic elections.

The cornerstone of the regional approach is the API, adopted by the Arab League at the Beirut Summit in March 2002. Indeed, it reflects a major shift in the collective Arab position, which previously rejected negotiations with or recognition of Israel. However, given the reference to Resolution 194 as well as Israel’s requirement to withdraw from all the territories, Israel has always argued that the API is a non-starter. Despite Israeli opposition to the plan, many Israeli scholars and former diplomats and decision-makers are now supporting the initiative as a basis for a regional approach to the peace process.

Alon Ben Meir (2014) argues that previous negotiation attempts were futile due to the deep mistrust that exists between Israelis and Palestinians, whereas the API offers a broad solution to the Arab-Israeli conflict.⁵⁹ He posits that Israel should not fear the API despite the fact that Resolution 194 is mentioned in the proposal and contends that

⁵⁹ Ben-Meir, A., The Arab Peace Initiative: Now or Never *Digest of Middle East Studies*, 19, 2 (2010), pp. 228-233, p. 228

the language of the initiative is ambiguous and that a fair solution to the refugee problem would only be found through negotiations.⁶⁰

Eli Podeh (2014) points to the opportunity the API provides for Israel to forge an alliance with moderate Arab states. He suggests that, due to domestic political constraints, Israel missed a historic occasion to negotiate on the basis of the API and create a comprehensive regional peace treaty; specifically, the late Prime Minister Sharon did not accept the initiative primarily on ideological grounds, but also, the timing could not have been worse, as the publication of the API coincided with a suicide terrorist attack on the eve of Passover at the Park Hotel.⁶¹ In 2007, the Arab League reaffirmed the Arab states' commitment to the API and, in contrast to 2002, the conditions at this time were more suitable for a multilateral dialogue between Israel and the Arab states. Podeh provides an understanding of the significance of regional talks and the possibility to forge a new alliance with moderate Arab states given the new circumstances in the region. This author believes that the API offered Israel the incentives of full normalization with the Arab and Muslim world in exchange for a full Israeli withdrawal from all the territories and an agreed upon solution to the refugee issue.⁶²

The API is indeed a revolutionary concept in Arab thinking. For the first time since Israel's independence, the Arab states committed to recognizing Israel's right to exist

⁶⁰ Ben-Meir, A., 'Israel and the Arab Peace Initiative', *American Foreign Policy Interests*, 31, 3 (2009), pp. 206-221, p. 208

⁶¹ Podeh, E., (2016), p. 308.

⁶² *Ibid.*, p. 318

and normalizing ties with the Jewish state on the conditions that, Israel withdraw from all the territories and accepts an agreed upon solution to the refugee issue.⁶³ Nevertheless, Israel rejects the API mainly due to the inclusion of Resolution 194, which refers to the right of return. Some scholars, however, are of the opinion that Resolution 194 should not be seen as a major obstacle by Israel. Indeed, according to Galia Golan, because Resolution 194 is a UN General Assembly Resolution, its status in international law is non-binding. Moreover, the Israel Foreign Ministry stipulates that the language used in the resolution (‘should’ instead of the more affirmative ‘shall’) does not impose the right of the refugees to return to Israel. Hence, according to Golan, Israel and the Arab states should have been able to agree a formula on the basis of the API, which stipulates that a just solution to the refugee problem should be “agreed upon”.⁶⁴

Other scholars acknowledge the positive aspects of the API, but fall short of endorsing it due to the Arab states’ unwillingness to amend the plan, as well as the ambiguity on sensitive issues such as the refugees. In an article entitled the *Arab peace initiative: A primer and future prospects*, Joshua Teitelbaum talks in depth about the API as well as the evolution of the US and Israeli positions towards it. Teitelbaum praises some aspects of the API arguing that this peace plan represents a revolution in the Arab states’ policy towards Israel. However, due to unacceptable language, particularly on the refugee issue, the author argues that Israel cannot accept it as a basis for negotiations. The Arab states should instead abandon the concept of the so-called right of return to

⁶³ Teitelbaum, J., ‘The Arab Peace Initiative: A Primer and Future Prospects’, *Jerusalem Center for Public Affairs*, 2009, p. 29

⁶⁴ Golan, G., *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement*, p. 71

Israel proper and instead adopt the approach of refugees returning to a Palestinian state. Furthermore, the API can be interpreted in many ways as non-amendable and as such the initiative is more of a collective Arab diktat than a genuine peace proposal subject to negotiations.

Teitelbaum recommends that Israel should put forward a diplomatic offensive and present its own peace plan, which acknowledges the importance of the API and stresses its positive aspects, but rejects the Arab states' diktat as "a take it or leave offer". Teitelbaum argues that the process of normalization, which started in the Madrid multilateral talks, should move forward. He also urges moderate Arab states to use their influence in order to convince the Palestinians to adopt a more realistic position on the peace process.⁶⁵

Joseph Kotsiner argues that, historically, Saudi Arabia changed its foreign policy with regards to the Arab-Israeli conflict through establishing a consensus among Arab states. According to Kotsiner, when the Saudis presented the API in 2002 it wanted to achieve a total consensus among the Arab states and as such the Lebanese and Syria tracks were added to the Palestinian issue. Kotsiner recognizes Riyadh's ability to mediate between conflicting parties and argues that the Saudis play the role of "regional coordinator", helping solve disputes and so contributing to regional stability.⁶⁶ However, given the new circumstances, Saudi Arabia's foreign policy is no longer based on a general Arab

⁶⁵ Ibid., pp. 27-31.

⁶⁶ Kostiner, J., 'Saudi Arabia and the Arab-Israeli Peace Process: The Fluctuation of Regional Coordination', *British Journal of Middle Eastern Studies*, 36, 3 (2009), pp. 417-429, pp. 422-425

consensus, but rather focuses on external threats such as the projection of Iranian power in the region.

The API emerged as a consensus among Arab states after intensive internal Arab debates over the issues of normalization and the fate of the Palestinian refugees.⁶⁷ The more moderate states such as Egypt and Jordan were in favour of including the full normalization formulation and were against including Resolution 194 and the right of return. On the other side of the political spectrum, Syria opposed the full normalization of ties and insisted instead on normal relations. Both Lebanon and Syria insisted on Resolution 194 and the right of return.⁶⁸ Although the API has problematic aspects, it is a major evolution in Arab policy towards Israel. It stands in sharp contrast to the Arab states' historic rejection of Israel's right to exist and the 'three noes' of the Khartoum Summit in the aftermath of the Six Day War.

Regional challenges in the form of Iran's growing power, as well as the threat of radical Islamist terrorism, might serve as an incentive for moderate Arab states such as Saudi Arabia, the rest of the GCC countries, Egypt, and Jordan, to agree to compromise on the API. Israel too would probably look favourably on the prospect of negotiating directly with moderate Arab states, whose approach towards the peace process and the core issues of the conflict might be more pragmatic than the demands adopted by the PA during past negotiations. However, it could be argued that it is inconceivable for

⁶⁷ Muasher, M., *The Arab Center: The Promise of Moderation* (New Haven, London: Yale University Press, 2008), p. 126

⁶⁸ *Ibid.*

Israel to accept such a plan as a take it or leave it offer, but nevertheless it could (as it has done on many occasions) acknowledge some of the positive elements of the plan and agree that part of it could be the basis for a regional peace process.

(5) The Regional Balance of Power in the Middle East.

In the aftermath of the Iranian nuclear deal as well as Tehran's rising influence in the region, moderate Sunni Arab states are keener to reach out to Israel in the hope of counterbalancing Iran. As a result of the signing of the nuclear deal, as well as the fight against ISIS, the US initiated a détente policy towards Iran. Such rapprochement between Tehran and Washington was of major concern for Saudi Arabia and Israel.⁶⁹

On this topic, scholars such as Yoel Guzansky emphasize one component of the core issues of the Arab-Israeli conflict: security. Indeed, given the threat of radical Islamist terrorism in the region as well as the rising influence of Iran, many Arab states, especially the GCC countries, Egypt, and Jordan, see eye to eye with Israel with regards to those threats.⁷⁰ The threat of Iran's military capabilities and rising influence has triggered an unprecedented arms race in the Persian Gulf region. Washington agreed to provide Saudi Arabia as well as other GCC states with a significant quantity of advanced military hardware, which has the potential to significantly challenge Israel's qualitative military edge. However, unlike previous US arms sales to the region, Jerusalem did not oppose the transfer of sophisticated weapon systems to Saudi Arabia

⁶⁹ Rabinovitch, I., (2015), p. 10.

⁷⁰ Guzansky, Y., 'Israel and the Arab Gulf states: From tacit cooperation to reconciliation?', *Israel Affairs*, 21, 1 (2015), pp. 131-147, p. 132

due to Washington's commitment to maintain Israel's military superiority in the form of selling the most advanced fighter aircraft, the F35, to Israel. However, the other reason why Jerusalem did not react negatively to the sale, was the assessment that Saudi Arabia and the Gulf states could play a major role in deterring Iran's aggressive behaviour. Guzansky went further by suggesting that considering the gravity of the situation, a regional defence treaty could become a reality should the US disengage further from the Middle East.⁷¹

Efraim Inbar also considers that a US withdrawal from the Middle East will likely result in the rise of Iranian influence, which eventually might lead to an implicit cooperation between Israel and Sunni Arab states.⁷² Benjamin Miller analyses the threat of great power competition in the Middle East. He discusses the problems emanating from the US decision to disengage from the Middle East and the repercussions of this for multilateral talks, as well as the reluctance of other Middle East actors to participate in the diplomatic process. Miller posits that should the US choose to pull out from the Middle East, this would ultimately affect any prospective regional peace process. According to Miller, only the US has the necessary carrots and sticks to convince Arabs and Israelis to negotiate a peaceful settlement to the conflict.⁷³

Past Arab-Israeli peace agreements have been facilitated by major US incentives on foreign aid to both sides of the conflict, which encouraged the conflicting parties to

⁷¹ Ibid., pp. 139-140

⁷² Inbar, E., 'Implications of US Disengagement from the Middle East', *The Begin-Sadat Center for Strategic Studies Bar-Ilan University*, 122 (2016), pp. 7-25, pp. 18-19

⁷³ Miller, B., 'The effects of changes in the international environment on the future of the Middle East', *Israel Affairs*, 10, 1-2 (2004), pp. 105-120, pp. 111-112

make the necessary concessions for peace. However, the situation is no longer the same as Iranian influence in the region is rising. Although Miller is probably correct in assessing that a US withdrawal from the Middle East might have severe repercussions for both the Arab states and Israel, it might nevertheless bring the Sunni Arab countries closer to Israel as a counterweight alliance against the Iranian axis.

Itamar Rabinovitch, recently wrote an article on the opportunity Israel has to start a regional process with moderate Arab states. The current situation in the region allows moderate Arab states to reach out to Israel due to the rising regional threat in the form of Iran and its radical axis, as well radical Sunni Islamist terror groups such as ISIS.⁷⁴ Another point stressed by Rabinovitch is the trust Israel has for moderate Arab states, due to the fact that they would offer more flexibility and pragmatism during the negotiations than non-state actors such as the PA. Rabinovitch suggests that, moderate Arab states would probably adopt a more pragmatic position on the core issues of the Israeli-Palestinian conflict than the dogmatic approach adopted by the PLO and the PA in past negotiations.⁷⁵ Given the volatile situation in the Middle East, a regional peace process on the basis of the API could drastically increase Israel's role in the region and improve Jerusalem's international image.⁷⁶ A comprehensive regional agreement, or a multilateral process in parallel to an Israeli-Palestinian bilateral track, are concepts worth exploring. As Rabinovitch suggests, it is important to improve the bilateral track with the Palestinians, which can be then supported by a regional diplomatic process.⁷⁷

⁷⁴ Rabinovitch, I. (2015) p.3

⁷⁵ Ibid., p11

⁷⁶ Ibid.

⁷⁷ Ibid.

Israel's impact on the region is changing; it is no longer regarded solely as a problem, but is increasingly looked upon as a part and partner of the solutions. Nonetheless, it is unlikely that full normalization of ties between Israel and the Arab states would be forged without a major breakthrough on the Israeli-Palestinian track. All these combined elements could radically change the situation on the ground and open the door to a broad regional framework agreement, which would eventually benefit all states of the Middle East.

(6) Conclusion

The literature on the peace process is rich and diverse. There has been a considerable amount of research analysing the various factors for why the peace process failed, as well as the role of the US as the main mediator or facilitator in the diplomatic process. The various reasons put forward for the breakdown of the diplomatic process include the absence of trust and active US mediation during most of the negotiations.

Some scholars such as Asher Susser and Danny Yatom place blame on the Palestinians, arguing that they have rejected every peace proposal: Barak's offer at Camp David II, Arafat's rejection of the Clinton Parameters, and Abbas' lack of response to Olmert's peace proposal at the end of the Annapolis process. Other scholars like Robert Malley argue the opposite: that Israel has failed to make genuine concessions to the Palestinians, while the Palestinians have already made the ultimate concession by giving up 78 percent of what they consider to be Historic Palestine. From this perspective, furthermore, the Palestinians are credited with being ready to discuss some

minor amendments to the 1967 line on the basis of equal land swaps. Additionally, there are some scholars such as Golan, Eisenberg and Caplan who prefer to avoid the “blame game” altogether and posit that multiple factors have led to the collapse of the peace process.

With regards to multilateral talks, a significant amount of research has been made on the history of the Madrid multilateral framework as well as the content and significance of the API. Some scholars such as Eli Podeh argue that the API represents a turning point in the Arab states’ policy towards Israel and that such an opportunity should not be wasted. Other academics like Joshua Teitelbaum acknowledge the significance of the API, but offer a more cautious analysis of the Arab peace plan, arguing that the language is problematic for Israel, particularly on the refugee issue and as result should not be accepted in its current form. Past experiences have demonstrated that multilateral negotiations were futile; mainly due to the fact that the context was far less fruitful for cooperation between Israel and the Arab states than it is now. Israel rejected such talks for fear of being pressurized and outnumbered by the Arab states, which would have likely made radical demands on sensitive topics such as the refugee issue or the status of Jerusalem.

In 2002 the Arab League endorsed the API, which was a product of an Arab consensus after a lengthy debate between moderate and more radical Arab states. Syria and Lebanon, which were always less keen to make concessions to Israel, were not prepared to endorse an offer on full normalization of relations, but agreed to a normal relations formula, should Israel agree to fully withdraw from all the territories. As such, in this

context, a regional peace process on the basis of the API was doomed to fail from the start.

Today, however, the situation has changed given the fact that Syria is no longer a major player in the Arab world and that both Israel and Sunni Arab states have a converging interest to counter the rising Iranian influence in the region. There is a possibility that Israel and the Arab states will eventually agree to start negotiations within the framework of a regional peace process. A renewal of bilateral Israeli-Palestinian negotiations supported by a regional process is an avenue worth exploring and could potentially open the door for a comprehensive peace between Israel and its Arab neighbours.

Chapter 2

The Diplomatic History of the Bilateral Approach to the Peace

Process: From Camp David to Taba, 2000-2001

(1) Introduction

Israel and the PA started official final status negotiations in May 2000 in Eilat and Stockholm. These talks began as preliminary backchannel negotiations and only involved the negotiators under American supervision. The first major final status negotiation summit commenced two months later, in July 2000, at the US presidential retreat of Camp David.

At the Camp David Summit, all the core issues of the Israel-Palestinian conflict – i.e. Jerusalem, refugees, borders, and settlements – were on the table for the first time in history. This differed markedly from previous rounds of negotiations, which mainly covered interim agreements and mechanisms for implementing the Oslo Accords. Still, significant gaps remained between the two parties, especially regarding the status of Jerusalem. The summit resulted in a failure due to a combination of factors, including mistrust, gaps on all the core issues, lack of active American mediation, and the negative atmosphere which preceded Camp David.

However, despite the negative outcome of the summit, both sides broke a taboo and discussed complex and sensitive issues, such as refugees and the status of the holy sites

in Jerusalem. According to most scholars, the main reason for the collapse of the summit was the question of sovereignty over the holy sites in Jerusalem and particularly the status of the Temple Mount / Dome of the Rock. Given the complexity and sensitivity of Jerusalem, some argue that US President Bill Clinton should have pressed harder to get other Arab leaders involved in the discussions over the status of Jerusalem. Others, however, are of the opinion that negotiations should have remained strictly bilateral. In the aftermath of the Camp David Summit violence erupted in Israel and the territories which marked the start of four years of violence, terrorism and reprisals known as the Second *Intifada*.

At the very end of his presidency Clinton presented his ideas for a final status agreement famously known as the Clinton Parameters. The Clinton Parameters is a bridging document which was supposed to help the parties narrow the gaps on all the core issues. Despite the renewed violence, both parties attempted a final round of negotiations on the basis of the Clinton Parameters. These resulted in significant progress, but nevertheless no breakthrough was made.

The main argument of this Chapter is that Camp David II ended in failure largely because no Arab states were involved in the summit. Specifically, they were not party to the discussions on highly sensitive and intractable issues, such as the fate of the Palestinian refugees and the status of the holy sites in Jerusalem – the Haram El Sharif / Temple Mount. A multilateral summit involving key Arab states, such as Egypt and Jordan, could have facilitated a permanent status between Israel and the PA, eventually paving the way for a comprehensive Arab-Israeli peace. This chapter will analyse the

various factors which led to the collapse of the Camp David Summit. It will explore the various accounts provided by scholars and former diplomats involved in the negotiations and discuss their assessment regarding final status negotiations on the core issues of the conflict.

(2) The Camp David Summit: Broken Taboo and Failure.

(A) The Context and Atmosphere Surrounding the Summit.

On September 13 1993 Yitzhak Rabin and Yasser Arafat signed the Declaration of Principles (DOP), also known as the Oslo Accords. Under this agreement, Arafat renounced terrorism and violence, recognized Israel's right to exist, and accepted UNSC resolutions 242 and 338, while Rabin undertook to recognize the PLO as the sole representative of the Palestinian people and start negotiations with it. The Oslo Accords were the opening of a series of interim agreements known as the Oslo process. Under the terms of the DOP, final status negotiations on the core issues of the conflict (i.e. borders, settlements, Jerusalem, refugees, and security) were scheduled to take place in 1996 and be completed by 1999. However, after initial success, the Oslo process suffered major setbacks as opponents of the peace process attempted to derail any potential rapprochement between Israel and the Palestinians. Indeed, terrorist attacks against Israeli civilians and (continued) settlement expansion eroded the confidence that both Israelis and Palestinians had with regards to the peace process.¹

¹ Interview with Gershon Baskin 20/08/17

In addition, prior to the Camp David Summit, Prime Minister Barak decided to negotiate first with Syrian President, Hafez al-Assad. In these negotiations, Barak was willing to give the entire Golan Heights to Syria except for a 100-metre strip of territory around the north-eastern shore of the Sea of Galilee. In the aftermath of the collapse of the Israeli-Syrian talks, Barak turned to Lebanon and fulfilled his electoral promise to unilaterally withdraw all IDF forces from the south of the country. After these events, the trust that the Palestinians had concerning their Israeli counterparts was shattered and the first seeds of what would become the Second *Intifada* started to erupt. Danny Yatom, a former head of Mossad and Israeli negotiator at Camp David, refutes this argument, stating that Israel needed to pursue both the Palestinian and Syrian track, as the late Prime Minister Rabin did.² Conversely, Aaron David Miller is of the opinion that Israel's decision to focus on the Syrian track created more mistrust between the Israelis and Palestinians prior to the Camp David Summit.³ Although Barak's Syria-first approach was not the main reason for the collapse of the summit, it nevertheless added to the already existing mistrust between the two sides. Arafat wanted to receive what Barak was willing to offer Hafez El Assad, which is an Israeli withdrawal on the basis of the '67 lines. Therefore, Israel's decision to prioritize the Syrian track, as well as the concessions Barak was willing to make to Syria, led the Palestinians to harden their stance on the core issues of the conflict.

Negotiations at Camp David II contrasted sharply with the first Camp David Summit of 1978. Indeed, Camp David I was conducted between two regional powers: Israel and

² Shamir, S., and Maddy-Weitzman, B., *The Camp David Summit – What Went Wrong? Americans, Israelis, and Palestinians Analyze the Failure of the Boldest Attempt ever to Resolve the Palestinian-Israeli Conflict* (Brighton: Sussex Academic Press, 2005), p. 41

³ *Ibid.*, p96

Egypt; and the issues at stake were not as sensitive as the core issues of the Israel-Palestinian conflict. Egyptian President Sadat's main objectives were to regain the Sinai Peninsula and secure US economic and military assistance, while Israeli Prime Minister Begin's major aim was to remove Egypt from the Arab-Israeli conflict, thus rendering a conventional war between Israel and the Arab states impossible.⁴ Both Barak and Arafat had different motives for going to Camp David.

On the one hand, Barak was eager to conclude a final status agreement as his coalition was falling apart and only a permanent peace agreement with the Palestinians could save him. Arafat, on the other hand, was reluctant to go to Camp David as he mistrusted Barak and would have preferred Israel to first carry out the third forward redeployment in the West Bank before moving to an endgame summit⁵ According to Gershon Baskin, one the main reasons for the collapse of the peace process was that there was no endgame in sight. Both sides breached the agreement; the Palestinians failed to curb terrorism, dismantle terrorist groups and prevent terrorist attacks; and the Israelis continued settlement expansion and failed to implement the third redeployment which would have eventually led to their withdrawal from 90 percent of the West Bank. In addition, according to Baskin, there was a lack of checks and balances which contributed to a blame game between the two sides.⁶

⁴ Eisenberg, L., Zittrain L., and, Caplan, N., *Negotiating Arab-Israeli Peace: Patterns, Problems, Possibilities* (Bloomington: Indiana University Press, 2010, 2nd edition), pp. 37-39

⁵ *Ibid.*, pp. 224-226

⁶ Interview with Gershon Baskin 20/08/17

Yossi Ginossar similarly argues that the Palestinians were reluctant to go to the summit and would have preferred that Israel implement the third forward redeployment and other interim agreements. Ginossar also posits that Israel's unilateral withdrawal from Lebanon was one of the factors which led to the collapse of the summit. Hezbollah received all the territories by using violence and terror, while the Palestinians would have to settle for much less despite the fact that they had cooperated with Israel on security issues in order to prevent terror attacks against Israelis.⁷

Aaron David Miller, who is now the director of the Woodrow Wilson Centre, argues that Barak during the summit reached the limit of the concessions he was willing to make, considering Arafat's stance on the core issues. The gaps between Israelis and the Palestinians on all the core issues were enormous, and the level of trust between the two sides was extremely low. These are the main reasons for the collapse of the summit.⁸ Shibley Telhami argues that the personal relationship between Barak and Arafat contributed to this negative atmosphere. Arafat resented Barak for his past actions against the PLO and the fact that he conducted the Syrian track first in order to hinder Palestinian leverage.⁹

Aharon Klieman argues that Camp David should not have been convened since the timing and the preparation were not adequate. Arafat was reluctant to attend the summit and was dragged to it by the Americans.¹⁰ According to Menachem Klein, the

⁷ Shamir, S., and Maddy-Weitzman, B., *The Camp David Summit*, pp. 53-55

⁸ Interview with Aaron David Miller 19/12/17

⁹ Interview with Shibley Telhami 14/11/18

¹⁰ Interview with Aharon Klieman 05/09/17

Palestinians made their position clear to Israel before Camp David. They wanted a series of summits, rather than one endgame summit.¹¹ In contrast, Galia Golan argues that, in contrast to what was previously assumed, Barak's main objectives at Camp David were to reach a final status agreement and get an 'end of all claims' statement from his Palestinian counterpart, Arafat.¹² All factors indicate that the lack of preparation prior to the summit indeed contributed to the failure of the talks. Nevertheless, a decision by Clinton to include key regional actors such as Egypt and Jordan would have helped remedy this problem. Both of these states have experience of negotiating and concluding peace treaties with Israel and therefore could have compensated for the dearth of American preparation prior to Camp David II.

Another issue addressed by Klein was the composition of the Israeli team. This was made up of less experienced people, which was not the case with regard to the Israeli delegation which took part in the first Camp David summit. The Israeli delegation which accompanied Begin in September 1978 was composed of well experienced members, such as Aaron Barak, Moshe Dayan, and Ezer Weitzman, all of whom had the political and security credentials needed for the success of the talks. The members of the Israeli team during the second Camp David summit were not as charismatic and lacked experience.¹³ Gershon Baskin adds that had the original Oslo negotiators been in the negotiating team at the second Camp David Summit, the negotiations would have resulted in a more successful outcome.¹⁴ Although the composition of the Israeli negotiating team is a significant factor, it did not determine the outcome of the

¹¹ Interview with Menachem Klein 07/08/17

¹² Interview with Galia Golan 04/03/18

¹³ Interview with Menachem Klein 07/08/17

¹⁴ Interview with Gershon Baskin 20/08/17

negotiations; indeed, the Israeli negotiators at Camp David II were just as professional as those who took part in Camp David I and the Oslo Accords. This peace summit collapsed due to a combination of factors, including the lack of regional involvement in discussions on highly sensitive matters.

Regarding the core issues of the conflict, Yair Hirschfeld states that, during Camp David II, the gaps between Israelis and Palestinians were simply not bridgeable. The Palestinians could not meet the Israeli minimum requirements on any of the four core issues. Hirschfeld states that Arafat told him not to go for permanent status negotiations. Instead, Arafat proposed that Israelis and Palestinians should move gradually towards a final status agreement. According to Hirschfeld, the summit collapsed due to the gaps on all the four issues and not solely due to the status of Jerusalem. As such, Hirschfeld's think tank prepared a document setting out how progress could be made on these four issues, but this was rejected by Barak.¹⁵

Nimrod Novik, who is on the board of directors of the Economic Cooperation Foundation (ECF), argues that the issues of personality and negotiating-style were key factors resulting in the collapse of the Camp David Summit. Novik argues that Barak wanted to be in control of the negotiations and would not rely on his aides or advisors. Arafat, on the other hand, delegated all negotiation-related issues to his negotiating team. In contrast to Barak, who worked extensively on every detail of the core issues of the conflict, Arafat had very little patience for details and paid more attention to principles.¹⁶ Another issue was the dynamic inside the Palestinian negotiating team

¹⁵ Interview with Yair Hirschfeld 20/09/18

¹⁶ Interview with Nimrod Novik 13/03/18

mainly between the two generations of Palestinian negotiators known as the Abu's, who were the elder generation, and the Mohammeds, who were the younger generation.¹⁷ The older generation felt that the younger one would take advantage of them and take credit for any potential deal signed with Israel. Prior to the summit, there were also some tensions between Mahmoud Abbas and Ahmed Qurei, but the two Palestinian negotiators managed to solve their differences before proceedings at Camp David commenced.¹⁸

Dennis Ross states that the main reason for the failure of the Camp David Summit was Arafat's unwillingness to reach an agreement. Arafat was reluctant to come to Camp David. Ross refutes what he calls the revisionist history, which stipulates that there was not enough time for the parties to reach an agreement. According to Ross, Arafat did not allow his negotiators to negotiate for six weeks prior to the start of the summit. Before they made final decision to go to Camp David, the Clinton team convened several different meetings where both Israeli and Palestinian negotiators were present. During these meetings, Ross posed hypothetical questions to the parties and asked each side to imagine what the other side would be willing to do. Ross acknowledges that it was hard for Arafat's negotiators to lay out what concessions the Palestinian leader would be willing to make.¹⁹ As a result, Ross asked the Palestinian team to tell him what they think the Israelis could do as a way of indirectly signalling what the Palestinians would be able to live with. That way, no one in the Palestinian team could be caught out and asked about the concessions they had proposed making. Moreover,

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Interview with Dennis Ross 11/03/19

as this process of indirect signalling continued, a more comprehensive picture of the concessions Palestinians might be open to making could be built up. Ross states that, although the Israelis did spell out in detail what concessions they might be willing to make, the Palestinians failed to do the same.²⁰

Ross told Arafat in between the rounds of negotiations that, the US would not be able to bridge the gaps, unless they got a sense of what the two sides could and could not commit to in terms of making concessions. The US needed to know the red lines, or minimum requirements, of the two sides. Ross asked Arafat to empower his negotiators, so that they would be allowed to speak openly, but Arafat never granted his negotiators more power. Arafat was angry over the Israeli pull-out from Lebanon, since this unliteral withdrawal made him look terrible. Indeed, Ross states that Arafat was at this time thinking about triggering a second *intifada* using armed struggle.²¹ Ross suggests that Arafat wanted to show that he too could use violent resistance against Israel and change the status quo. According to Ross, Arafat never made a counter proposal during the fifteen days of the summit. Although his negotiators occasionally hinted about possible Palestinian concessions, Arafat kept repeating that, if he made any moves towards the Israeli side, they would have to attend his funeral.²² Ross believes that Arafat was unwilling to go for end of conflict and end of claims agreement.²³

²⁰ Ibid

²¹ Ibid

²² Ibid

²³ Ibid

Thus, unlike the Israeli negotiating team, whose stance on the core issues of the conflict was flexible and evolved during the course of the negotiations, the Palestinian negotiators maintained a similar position on all the core issues of the conflict throughout the talks, making little to no concessions. The Arab states, on the other hand, could have provided the parties with what they needed in order for them to make the ultimate concessions. For Israel, the Arab states could have softened Arafat's stance on the Temple Mount / Haram El Sharif, while for the Palestinians, the Arab states could have endorsed the softening of their stance and so provided Arafat with a 'safety net'.

Regarding the Palestinian perspective Mohamed Dajani, a prominent Palestinian scholar, argues that it is wrong to blame any side for the failure of the talks. In addition, negotiators should deal with the core issues objectively and avoid the personalization of the conflict.²⁴ Dajani further contends that both Israelis and Palestinians should avoid mentioning their own narratives and grievances during negotiations, as this might hinder talks, as was indeed the case at Camp David.²⁵ Shimon Shamir states that no adequate preparations were undertaken before the summit despite the gaps between the two parties.²⁶ Going against Dajani's assessment, Palestinian negotiator Ahmed Qurei, also known as "Abu Ala", forefronts the Palestinian narrative and stresses that Israel needs to accept Resolution 194 and the principle of the right of return of all Palestinian refugees.²⁷

²⁴ Shamir, S., and Maddy-Weitzman, B., *The Camp David Summit*, p. 88

²⁵ Ibid

²⁶ Interview with Shimon Shamir 14/09/18

²⁷ Qurei, A., *Beyond Oslo, The Struggle for Palestine: Inside the Middle East Peace Process from Rabin's Death to Camp David* (London, New York: I. B. Tauris, 2008), p. 238

The refugee issue remains a significant obstacle in the path of an Israeli-Palestinian peace agreement. The Palestinian leadership sticks to its old mantra, which stipulates that the right of return is a sacred right which, consequently, cannot be compromised on. From the Palestinian leadership's perspective, Israel must accept moral responsibility for the refugee exodus, and accept the right of return under the fabric of UN Resolution 194, before any discussions on the number of refugees to be admitted to Israel can take place.²⁸ The Palestinians' lack of flexibility hindered the negotiations, as the return of a large number of refugees is practically impossible given Israel's objection to it. Nevertheless, it would appear that the majority Palestinian refugees would choose not to exercise the right of return should they be given the option.

In 2003, Khalil Shikaki, a Palestinian academic, conducted a survey among Palestinian refugees in Lebanon, Jordan, the West bank, and the Gaza Strip. They were given several options which included: return to Israel under an annual quota agreed upon with the Israeli government; return to a Palestinian state; return to areas inside Israel that would be swapped with Palestine; receive compensation and remain in their host country; or receive compensation and immigrate to a third country either in Europe or North America. The survey results show that only 10 percent of Palestinian refugees living in Lebanon, Jordan, and the Palestinian territories would choose to exercise their right of return to what is now Israel.²⁹ This survey demonstrates that the Palestinian diaspora might be keener to compromise on the right of return than the Palestinian leadership. Indeed, the Palestinian population's stance is not monolithic and many

²⁸ 'Palestinian Reports on Taba', *MEMRI* (7 February 2001), URL: https://www.memri.org/reports/palestinian-reports-taba-negotiations#_edn4

²⁹ 'PSR polls among Palestinian refugees', *Policy and Survey Research* (June-July 2003), URL: <https://www.pcpsr.org/en/node/493>

would support a realistic resolution to this thorny issue, one which would not entail the full right of return.³⁰

The narrative dilemma on refugees was mainly semantic and symbolic and could have been bridged. In particular, a Jordanian involvement in the negotiations on this issue could have eventually led to a more conducive outcome. Jordan has a direct stake in the refugee issue, given that 65% of its population is of Palestinian origin. It thus has an interest in facilitating negotiations on this matter. Moreover, while the Palestinians have adopted a dogmatic approach to this issue, the Jordanians have been more sensitive to Israel's demographic concerns. This point is backed up by the inter-Arab discussions on the drafting of the API. During these talks, former Jordanian Foreign Minister and one of the main architects of the API, Marwan Muasher, warned against using a dogmatic formula that would entail the right of return for Palestinian refugees and prevent them from being repatriated in their host Arab countries.³¹ Jordan's involvement in the talks, then, could have had a moderating effect and helped overcome the narrative dilemma regarding the refugee issue.

Indeed, all accounts indicate that the tensions preceding Camp David, as well as the lack of preparation by the Clinton team, played a major part in the collapse of the summit. The fact that Barak initially neglected the Palestinian track while focusing

³⁰ Younes, A., 'Palestinian diaspora divided over right to return', *Al Jazeera* (16 March 2017), URL: <https://www.aljazeera.com/indepth/features/2017/03/palestinian-diaspora-world-return-170313090704251.html>

³¹ Muasher, M. *The Arab Center: The Promise of Moderation* (New Haven, London: Yale University Press, 2008), pp.121-128

almost exclusively on negotiations with Syria, hindered the trust that the Palestinians had for their Israeli counterparts. Moreover, the price that Israel was willing to pay for an agreement with Syria was much higher than what Israel was willing to concede to the Palestinians for peace. The lack of US preparation before the summit, as well as a lack of coordination with other Arab states, were also factors which contributed to the failure of the Camp David Summit.

(B) The Issues of Security, Borders, and Settlements.

From the start of the discussions, the parties had significant disagreements concerning the issues of borders and settlements. Arafat and the Palestinian delegation insisted that the border between Israel and Palestine should be the 1967 lines with only minor swaps of territory. Israel wanted to annex roughly 13 percent of the West Bank – a figure later reduced to 9 percent with a symbolic swap of territory – and maintain permanent military control of the Jordan Rift Valley.³² For the Palestinians, the ultimate territorial concession has been already made when in 1993 they signed the Oslo Accords and renounced 78 percent of what they consider Historic Palestine. As such, from their perspective, any border modifications would have to be made on the basis of the 1967 lines and would have to be equal in both size and quality.³³ At some point in the talks, the Palestinians put forward a map demonstrating that they accepted that Israel would annex 2.5 % of the West Bank with an equal swap of land from within Israeli territory. Israel rejected that proposal and was willing to concede only 87 percent of the West

³² Qurei, A., *Beyond Oslo, The Struggle for Palestine: Inside the Middle East Peace Process from Rabin's Death to Camp David* (London, New York: I. B. Tauris, 2008), pp.192-196

³³ *Ibid.*, p. 271

Bank to the Palestinians.³⁴ In other instances, the Palestinians were willing to accept an Israeli annexation of 3-4% percent of the West Bank with equal land swaps.³⁵

The two sides do not see the territorial issue through the same prism. As mentioned above, the Palestinians argue that they have made the ultimate concession when they signed the DOP in 1993 and accepted UNSC resolutions 242 and 338. Therefore, they believe they cannot be expected to make any additional concessions.³⁶ Yet, the Israelis believe that they are making a major concession by giving up part of the Land of Israel. Hence, when the two sides negotiated at Camp David, their diverging perspectives concerning the ownership of the land, as well as what constitutes a contiguous Palestinian state, inhibited any potential for progress during the talks. The Palestinian delegation insisted that the border that is to be demarcated between Israel and the future state of Palestine would have to be on the basis of the 1967 border with equal land swaps. The Israelis responded and effectively rejected the Palestinian demand for a return to the 1967 line as a basis for discussions as it would leave Israel with no bargaining leverage.³⁷

The Israeli position on borders and settlements evolved during the summit. Israel's opening position was that it would withdraw from 76 percent of the West Bank almost immediately after the signing of a peace agreement, with a further 10 percent being transferred to the Palestinians over a certain period of time. Therefore, Israel's opening

³⁴ Sher, G., *The Israeli-Palestinian Peace Negotiations, 1999-2001* (London: Routledge, 2001), p. 95

³⁵ Enderlin, C., *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995-2002* (New York: Other Press LLC, 2003), p. 213

³⁶ Qurei, A., *Beyond Oslo*, p. 164

³⁷ Enderlin, C., *Shattered Dreams*, pp. 193-195

position was that it would annex 14 percent of the West Bank. Later Barak amended the position on the territories, proposing that the Palestinian would get 91 percent of the West Bank with an additional 1 percent land swap.³⁸ Israel's bottom line was to get 80 percent of the settlers into blocs falling within Israeli sovereignty.³⁹ Menachem Klein argues that the proposal put forward by Israel late in the summit, which would have provided 91 percent of the West Bank with a 1 percent land swap on a 9:1 basis, was unacceptable to the Palestinians.

Dan Meridor argues that both the Israeli and American approach was to solve the Israeli-Palestinian conflict on the basis of the outcome of the 1967 War, which indicates that Israel was willing to support a Palestinian state on the bulk of the West Bank. The question of borders was not the most problematic issue and was not the reason for the collapse of the summit, as Israel was willing to cede 90 percent of the West Bank with swaps of territory. Meridor states that the committee that dealt with security reached an agreement and the remaining outstanding issues were resolved thanks to Clinton's intervention during the nightly meetings.⁴⁰

According to the former Israeli Foreign Minister Shlomo Ben Ami, who also led the Israeli delegation at Camp David 2, a major factor contributing to the collapse of this summit was the divergent expectations of the parties and the way the parties understood the Oslo process. The two sides negotiated from different perspectives.⁴¹ From the

³⁸ Golan, G., *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement* (Princeton, New Jersey: Markus Wiener Publishers, 2008 Updated ed.), p. 39

³⁹ Qurei, A., *Beyond Oslo*, p. 191

⁴⁰ Interview with Dan Meridor 28/03/19

⁴¹ Interview with Shlomo Ben Ami 19/05/19

Palestinian perspective, the expectation was that they would gain statehood on 22% of Historic Palestine as a result of the Oslo process. From the Israeli point of view, the issue of Palestinian statehood was to be negotiated during final status discussions and was considered open-ended. Oslo in fact did not say that there would be a Palestinian state, but rather framed this issue as something to be negotiated along with other core issues of the conflict. Nevertheless, for the Palestinians, the view was that they had already made the historic compromise. In addition, Israel understood that, among the other core issues to be negotiated, there would only be a symbolic return of Palestinian refugees. On Jerusalem, Prime Minister Barak was not truly ready and strong enough to tackle the questions concerning this issue.⁴²

Corroborating Ben Ami's assessment, Oslo failed mainly due to the lack of clarity on what would be the outcome of final status negotiations. In addition, there were no monitoring mechanisms which could have prevented both sides from taking actions – such as Israel's unrestricted settlement activities in the territories and the Palestinians' failure to tackle terrorist groups – that ultimately hindered the Oslo process. Another factor that was never brought up was the lack of Arab involvement in these negotiations. The Arab states could have acted as guarantors, ensuring that no parties would hinder the Oslo process. That Arab states could have played this sort of role is evidenced by the Sharm El Sheikh summit that took place between Israel, the Arab states, the USA, and key EU states in 1996. The concluding statement of this summit stipulated that the

⁴² Ibid.

participants commit to combatting terrorism and promoting regional security to safeguard the peace process.⁴³

Ron Pundak argued that Barak's starting point in the negotiations was a non-starter for the Palestinians and was the main reason behind the non-flexible approach they took during the negotiations. Pundak posits that had Menachem Begin adopted Barak's approach during the first Camp David Summit, then these negotiations would have ended in failure and there would be no peace between Israel and Egypt.⁴⁴ According to Baskin, the Palestinian perspective is that they have made the ultimate concession when they agreed to give up 78 percent of what they regard as Historic Palestine. They have been consistent in their positions and are unlikely to change their stance on the core issues.⁴⁵ Danny Yatom argues that Israel made enormous concessions during the negotiations, especially on the territorial issue. According to Yatom, the opening Israeli position was that it must retain 15 percent of the West Bank. But at the end of the summit, the Israeli position became more flexible and Barak was willing to cede 95 percent of the territories.⁴⁶

Contrary to most scholars, Shaul Arieli, who is currently a Senior Researcher at the Economic Cooperation Foundation (ECF), argues that the main obstacle in negotiations was the territorial issue, while Jerusalem came second. The differences between the

⁴³ 'Text of the Final Statement issued at the conclusion of the Summit of Peacemakers Sharm el-Sheikh', Egypt, (13 March 1996), URL: https://content.ecf.org.il/files/M00319_SharmAntiTerrorismConferenceMarch1996English.pdf

⁴⁴ Shamir, S., and Maddy-Weitzman, B., *The Camp David Summit*, p. 158

⁴⁵ Interview with Gershon Baskin 20/08/17

⁴⁶ Shamir, S., and Maddy-Weitzman, B., *The Camp David Summit*, p. 40

two sides on the territorial issue were substantial, as the Palestinians insisted that they were entitled to all the territories captured by Israel during the Six Day War, including the West Bank, Gaza Strip and East Jerusalem. The Palestinians were willing to agree to a swap of territories provided that the land swap would be equal in size and quality. Barak rejected any return to the 1967 lines, and wanted to annex more territories in the West Bank in order to accommodate the large settlement blocs. In addition to Barak's territorial demands, the former Israeli Prime Minister requested a long-term Israeli presence in the Jordan Rift Valley.⁴⁷

Like many Americans and Israelis who were involved in Camp David, Nimrod Novik is very critical of Yasser Arafat for not having put forward a counter proposal to Barak's offer. However, Novik argues that, despite Palestinian mistakes, Israel bears greater responsibility given the fact that it is the strongest party and therefore is expected to do more.⁴⁸ Novik argues that Barak's main mistake was related to the fact that he failed to prepare a contingency plan in case the summit ended in failure, insisting instead on an 'all or nothing' summit.⁴⁹ As a result, Yossi Beilin and Nimrod Novik prepared a contingency plan in case the summit collapsed. Novik told Barak that in the absence of a plan B, violence might erupt in Israel and the Palestinian territories. Barak rejected the proposal, arguing that Arafat would use it as a tool against him and gave back the sealed envelope to Beilin without opening it.⁵⁰

⁴⁷ Interview with Shaul Arieli 13/09/18

⁴⁸ Interview with Nimrod Novik 13/03/18

⁴⁹ Ibid.

⁵⁰ Ibid.

Galia Golan acknowledges that Barak's proposal was unprecedented and went beyond what previous Israeli Prime Ministers had been willing to offer. Nevertheless, Barak's proposal fell short of providing the Palestinians a viable and contiguous state, since his plan would have divided the West Bank into cantons. Golan further states that Barak backtracked from his proposal during the negotiations and was either unwilling to make concessions, or failed to appreciate what concessions Israel would be required to make to meet the Palestinians' minimum demands, which are a state on the equivalent of 100 percent of the territories with minimal and equal land swaps.⁵¹

Prior to Camp David, when Israelis and Palestinians met in Stockholm in May 2000, the two sides had agreed that the Palestinians would receive the equivalent of a 100 percent of the West Bank territories, although Israel would annex large settlement blocs near the green line and compensate the Palestinians with land swaps. However, at Camp David, Barak's offer was less than what the two sides had agreed in Stockholm.⁵² As a consequence, the Palestinians hardened their stance after Israel reneged on what it had agreed to during the preliminary talks in Stockholm.⁵³

On security related issues, Israel wanted to retain a long-term military presence in the Jordan Rift Valley, as well as keeping early warning stations in several locations in the West Bank. The Palestinian delegation rejected any form of Israeli presence in the Jordan Valley on the grounds that it would undermine their sovereignty over the West

⁵¹ Interview with Galia Golan 04/03/18

⁵² Ibid.

⁵³ Ibid.

Bank. In addition, the Palestinians rejected Israel's demand to control Palestinian airspace, but were open to the idea of a non-militarized Palestinian state.⁵⁴ Mohamed Dahlan rejected any form of Israeli military control over the future Palestinian state, including the Israeli Air Force's (IAF) control over airspace, any military control over the Jordan Valley, and early warning stations in the West Bank. President Clinton understood Israeli security concerns but nevertheless asked Israel if they would consent to an international force on the Jordan Valley. General Yanai argued that Israel could reduce the number of troops to be deployed in the Jordan Valley and added that the IDF presence in the Rift Valley would be temporary. Moreover, he proposed a regional defence pact including Egypt and Jordan.⁵⁵ Dahlan proposed that the United States should deploy troops to assist Palestinian security forces. However, President Clinton was reluctant to send peacekeepers abroad as they could potentially be exposed to violence.⁵⁶ According to Menachem Klein, there were disagreements on sovereignty, and the security arrangements Israel proposed went against Palestinian sovereignty.⁵⁷

On the issue of security, Golan recognizes that Barak was willing to cap IDF presence in the Jordan Rift Valley to 10 years, which was a major advance on the previous Israeli stance, which had demanded permanent military control over that area. Nevertheless, Golan posits that the Palestinians considered any long-term Israeli military presence in the Jordan Valley as an obstacle to their sovereignty as Israel would *de facto* maintain too much control over their territory.⁵⁸ Although Golan is correct that the Palestinians

⁵⁴ Sher, G., *The Israeli-Palestinian Peace Negotiations*, p.109

⁵⁵ Enderlin, C., *Shattered Dreams*, pp. 244-249

⁵⁶ Sher, G., *The Israeli-Palestinian Peace Negotiations*, p. 109

⁵⁷ Interview with Menachem Klein 07/08/17

⁵⁸ Interview with Galia Golan 04/03/18

would never accept any form of long-term IDF presence in the Jordan Rift Valley, it was not a major issue during the discussions and subsequent negotiations pointed to a full Israeli withdrawal from this strategic territory. The gaps on issues related to security were significant but still bridgeable and could be resolved with a US- or NATO-led task force patrolling the Jordan Valley in lieu of a long-term Israeli military presence.

Regarding the Palestinian perspective, Bader Rock, a former legal adviser to the PLO and a PLO negotiator during the Annapolis talks, argues that, although Barak presented his proposal as a generous offer, supposedly granted the Palestinians a state on 90 percent of the West Bank, this was not the case. If one analyses Barak's peace plan carefully, Rock says, it includes less than 90 percent of the West Bank. Rock adds that Barak's proposal would effectively cut the Palestinian state into three territorial units – a northern area, a central area and a southern area – with two corridors connecting Israel to the Jordan Valley separating the Palestinian areas.⁵⁹

Despite being a primary issue, the 'safe passage' or link between the West Bank and Gaza was barely discussed at Camp David. Aharon Klieman posits that the question of a safe passage should have been a priority issue at Camp David, since this issue is sensitive to both sides. This issue presents a major dilemma for Israel, as if it consented to a corridor link between the West Bank and the Gaza Strip, it would be splitting itself into two separate geographical units. For the Palestinians, if Gaza and the West Bank are not connected via a safe passage, then their future state would lack contiguity.⁶⁰

⁵⁹ Interview with Bader Rock 12/02/19

⁶⁰ Interview with Aharon Klieman 05/09/17

Although the issue of a safe passage between the West Bank and Gaza is not as complex and sensitive as the status of the holy sites in Jerusalem, it is nevertheless a critical issue that should have been tackled during the summit. A safe passage could also be part of a land swap between Israel and the Palestinians, as was suggested by Ehud Olmert. But the main complexity lies with creating contiguity between the West Bank and Gaza while not cutting Israel into two geographical parts. Involving the Arab states on this issue, especially when it comes to providing funds to finance a safe passage, will be critical.

It is obvious that security is one of Israel's major concerns, but the issue of sovereignty is equally important for the Palestinians. As such, a regional approach to security issues would potentially enhance the chance of success. However, a solution concerning the delineation of the border between Israel and Palestine is not the most complex issue and could probably be resolved through direct bilateral negotiations between the two parties without the involvement of regional actors.

(C) The Complexity and Sensitivity of the Refugee Issue

Unlike borders and Jerusalem, the refugee issue was barely discussed during the summit – only 6 hours were devoted to the refugee issue during the whole two weeks of negotiations.⁶¹ Nevertheless, on the refugee issue, the gaps between the two sides were even wider than they were for the issues of borders, settlements and security. Israel made it clear that it was only willing to absorb a token number of refugees under the

⁶¹ Interview with Gershon Baskin 20/08/17

framework of family reunification and on a humanitarian basis. The Palestinians insisted that discussion on the mechanisms of return and the number of refugees involved could only take place after the principle of the right of return included in UNGA Resolution 194 was recognised. According to Gilead Sher, the Palestinians started with a hard-line position on the refugee issue so that it could be used as leverage to obtain Israeli concessions on other core issues of the conflict.⁶² However, for the Palestinians the refugee issue is not merely symbolic. Ahmed Qurei, one of the most prominent members of the Palestinian delegation at Camp David, argued that the Palestinian position was emphatic: Israel shall accept the right of return under Resolution 194, accept the return of a substantial number of refugees (approximately 250,000) from Lebanon, and allow Palestinians who held property inside what became Israel in 1948 to purchase land there.⁶³ It is clear that the Palestinians expected much more than a symbolic number of refugees being allowed to settle in Israel. They not only demanded that the right of return be acknowledged, but also that Israel absorb a substantial portion of the refugees regardless of its concerns about demography. For Israel, by contrast, the figure it put on the token number of refugees it was willing to absorb ranged from 20,000 to 100,000.⁶⁴

The fate of the refugees is substantially more than a symbolic issue as it includes matters of justice and responsibility. Although the Palestinians have acknowledged that the bulk of the refugees will not return to Israel, the issue for them remains primarily a principle of justice. That is why they insist that any accommodation must include the

⁶² Sher, G., *The Israeli-Palestinian Peace Negotiations*, p.103

⁶³ Qurei, A., *Beyond Oslo*, pp. 252-254

⁶⁴ Enderlin, C., *Shattered Dreams*, p.199

right of return and that Israel is obliged to acknowledge moral and legal responsibility for the refugee exodus that took place during the War of Independence in 1948.⁶⁵ Israel, of course, sees the refugee issue from a totally different perspective. For Israel, accepting the right of return or UNGA Resolution 194 would be tantamount to national suicide, which precludes it accepting exclusive responsibility for the Palestinian exodus. Therefore, the issue is complex and any compromise on it would be hard to achieve.

However, while difficult, there does appear to be some scope for progress on the refugee issue. After all, Israel signalled during the Camp David talks that it would be willing to absorb a small number of refugees for humanitarian purposes and on the grounds of family reunification.⁶⁶ Furthermore, in contrast to most Palestinian negotiators, the refugee issue was not the main concern for Arafat. In an op-ed article he wrote in the *New York Times* in February 2002 he said that, any resolution of the refugee issue would have to take into account Israel's demographic concerns, while still insisting that an agreement would have to refer to Resolution 194 and the right of return.⁶⁷ In addition, former negotiator Gilead Sher states that the refugee issue was never the main cause for the collapse of Camp David II and that prior to the summit both parties agreed to a formula regarding the refugee issue which would have included a mechanism to gather international funds. The refugees would also have the option of choosing between repatriation in third countries, remaining in their present country of

⁶⁵ Haniyah, A., The Camp David Paper, *Journal of Palestine Studies*, 30, 2 (2001), p. 82

⁶⁶ Podeh, E., *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin, Texas: Texas University Press, 2015), p. 254

⁶⁷ Arafat, Y., 'The Palestinian Vision for Peace', *New York Times*, February 2002, URL:<http://www.nytimes.com/2002/02/03/opinion/the-palestinian-vision-of-peace.html>

residence, or returning to a Palestinian state.⁶⁸ During the course of the negotiations, Barak was willing to absorb a token number of refugees, varying from 7000 to 20,000, but only within the framework of family reunification. On the other hand, Dan Meridor argues that the Palestinians will not accept anything short of the right of return.⁶⁹ Dan Kurtzer also believes that the refugee issue was the most important of all the core issues for Yasser Arafat as the late Rais represented the Palestinian diaspora refugee community.⁷⁰

Likewise, Dan Meridor, who was a senior member of the Israeli delegation at Camp David, states that the main reason for the failure of the summit was Arafat's insistence on the Palestinian refugees' right of return. Arafat and the Palestinian leadership never intended to solve the conflict on the basis of the 1967 lines but on the terms of 1948. Arafat never stated that he was willing to terminate the conflict and end all claims. Meridor corroborates his argument by stating that the PLO was established in 1964 prior to the Six Days War, when Israel did not have control over the territories. Barak, on the other hand, was willing to make concessions on the land captured in 1967 and agreed to a Palestinian state roughly based on the 1967 lines with land swaps. On refugees, in contrast to Arafat, who demanded nothing short of the right of return, Barak was willing to absorb a token number of refugees – capped at 10,000 under the rubric of family reunification and for humanitarian purposes.⁷¹

⁶⁸ Shamir, S., and Maddy-Weitzman, B., *The Camp David Summit*, p. 67

⁶⁹ Sher, G., *The Israeli-Palestinian Peace Negotiations*, p. 99

⁷⁰ Interview with Dan Kurtzer 04/08/17

⁷¹ Interview with Dan Meridor 28/03/19

Meridor has heard of Americans and Israelis blaming Barak and Clinton for not bringing Egypt in the negotiations. Meridor refutes their assessment and posits that the Arab states would not have been able to convince Arafat to show some flexibility on the refugee issue, given the symbolic and emotional nature of that issue in the Arab world. No Arab state would have been able to convince the Palestinians to change their stance on the refugee issue.⁷² However, if Arafat had changed his stance on the refugee issue and agreed to a compromise acceptable to both Israelis and Palestinians, then Arab states such as Jordan and Egypt could have eventually played a role in the negotiations and helped support an agreement. But given Arafat's rigid stance on the refugee issue, Arab states involvement in Camp David was unrealistic. Given the Arab public's hostile opinion towards Israel, it would not have been realistic for Egypt to force the Palestinians to make any meaningful concessions on the question of refugees.⁷³ Although Arafat's stance on refugees, as well as the Israeli and Palestinian narratives on this issue, were significant obstacles, they were not the main factors that led to the collapse of the talks as only six hours of negotiations were devoted to the refugee issue. Moreover, contrary to what Meridor states, the API, unveiled only two years after Camp David II, shows that Arab states are willing to be flexible on the refugee issue and as such could have had a moderating influence on Arafat's position.

Although the refugee issue is indeed a major point of contention between the two sides, it was nevertheless barely discussed at Camp David. In contrast, Jerusalem was discussed in greater details and Arafat was not willing to compromise on the issue of the Dome of the Rock/Temple Mount, while he signalled that he would be more flexible

⁷² Ibid.

⁷³ Ibid.

regarding other issues such as borders and refugees. While other factors have to be taken into account, all the historical facts, as well as the accounts provided by former Israeli and Palestinians participants at Camp David, point towards the Temple Mount/Dome the Rock issue being the main obstacle preventing an historical Israeli-Palestinian agreement.

Still, although not the main reason for the collapse of the Camp David summit, it is clear that the refugee issue is extremely difficult due to the different narratives held by both sides concerning responsibility for the refugee exodus. In terms of technicalities, this issue might eventually be resolved should the parties agree to a formula which takes into account Israel's legitimate demographic concerns while providing a just solution to the refugees' ordeal. Therefore, an involvement of other Arab countries, particularly the GCC countries, could help the parties bridge the remaining gaps and provide financial incentives to the refugees. In addition, multilateral solutions should address the plight of the Jewish refugees from Arab countries.

(D) The Status of Jerusalem: The Deal Killer

The refugee issue was a major source of disagreement between the two sides, yet it was not the main reason for the collapse of the negotiations. According Gilead Sher, and as noted above, Arafat in particular did not appear concerned with the refugee issue; indeed, not once did he explicitly mention the right of return during Camp David.⁷⁴ The major reason for the failure of the summit was Jerusalem, and, more precisely, the fate

⁷⁴ Sher, G., *The Israeli-Palestinian Peace Negotiations*, p. 102

of the holy sites in the Old City. Martin Indyk argues that the refugee issue was barely discussed during Camp David and that the issue of Jerusalem was the main reason for the failure of the summit. According to Indyk, the United States could not bridge the gaps between the parties on the issue of sovereignty over the Temple Mount/Dome of the Rock.⁷⁵ In contrast, Sami Al Abed rejects Israel's claim that it made an unprecedented generous offer on Jerusalem and argues that the Israelis have been unclear about their proposal on Jerusalem. Al Abed argues that Israel's position regarding the boundaries of Jerusalem was never well defined and that the Israelis were willing to grant Palestinian sovereignty over the outer neighbourhoods of East Jerusalem, while the inner Arab neighbourhoods would be under Palestinian administration but not sovereignty.⁷⁶ Robert Malley argues that the Palestinians made significant concessions on Jerusalem when they acquiesced to Israeli sovereignty on the Jewish neighbourhoods in East Jerusalem, including the Jewish Quarter of the Old City and its Western Wall.⁷⁷ The Clinton Parameters formula regarding the Temple Mount/Dome of the Rock proves that Martin Indyk's assessment that the US could not bridge the gaps on this issue is wrong. However, given the fact that Arafat and to a lesser extent Barak had some major reservations regarding the Clinton plan, it is not clear whether the American team could have successfully bridged the gaps between Israelis and Palestinians.

While Arafat was willing to show some flexibility on other core issues, such as borders, the late Palestinian Chairman remained intransigent with regard to the issue of

⁷⁵ Shamir, S., and Maddy-Weitzman, B., *The Camp David Summit*, p. 104

⁷⁶ *Ibid.*, p. 77

⁷⁷ *Ibid.*, p. 113

Jerusalem. He insisted that the Palestinians have full sovereignty over the Temple Mount/Dome of the Rock plaza. Barak initially was willing to give the outer neighbourhoods of East Jerusalem to the Palestinians, while retaining the entire Old City and providing the Palestinians with autonomy over the inner Arab neighbourhoods.⁷⁸ Oded Eran, one of the Israeli negotiators, argues that there are several Arab neighbourhoods with a population of 130,000 Palestinians which were never historically part of Jerusalem and therefore should not remain under Israeli sovereignty. However, other Israelis, such as Yossi Ginosar, argue that the Palestinians would necessarily want some form of sovereignty in the Old City of Jerusalem.⁷⁹

Indeed, according to Dan Meridor, Arafat had no interest in the old outer suburbs of East Jerusalem, but in fact wanted sovereignty over the Old City and the Temple Mount/Dome of the Rock, and that by conceding too much on the outer suburbs of East Jerusalem, Israel was risking giving away potential bargaining chips for future negotiations.⁸⁰ At some point, Shlomo Ben Ami was open to the concept of a special regime for the Old City and its surroundings without providing any details about the technicalities.⁸¹ Yisrael Hasson suggested that the Palestinians could have some degree of sovereignty over the Muslim Quarter of the Old City, which would include a limited Palestinian police presence under the umbrella of a special regime.⁸² On July 18, Barak accepted an American bridging proposal concerning the Old City of Jerusalem. This proposal included the division of the Old City into two, as well as Palestinian

⁷⁸ Enderlin, C., *Shattered Dreams*, p. 207

⁷⁹ Sher, G., *The Israeli-Palestinian Peace Negotiations*, pp.76-77

⁸⁰ Enderlin, C., *Shattered Dreams*, p. 221

⁸¹ Sher, G., *The Israeli-Palestinian Peace Negotiations*, p.83

⁸² Enderlin, C., *Shattered Dreams*, p. 224

guardianship over the Temple Mount/Dome of the Rock. Although Indyk understood why Arafat could not accept Barak's offer, he criticized the late Palestinian Chairman for failing to accept the Clinton Parameters 6 months later.⁸³

The Palestinian position was that they are entitled to all East Jerusalem with the exception of the Wailing Wall and the Jewish Quarter. Arafat insisted that he must have sovereignty over the Temple Mount/Dome of the Rock area, but was willing to acknowledge Israeli sovereignty over the Western Wall.⁸⁴ Erekat added that for the first time the Palestinians were willing to accept Israeli sovereignty over the Jewish Quarter and the Western Wall in addition to the Jewish neighbourhoods in East Jerusalem, which would come under Israeli sovereignty within the context of land swaps.⁸⁵ For Israel, the Western Wall and the Temple Mount are both national and religious symbols. Equally, the Haram al Sharif and the al Aqsa Mosque are both nationally and religiously symbolic to Palestinians. Both Israel and the United States put forward formulas which would grant some degree of autonomy and administration over the Dome of the Rock site to the Palestinians. Arafat was adamant and rejected any proposal which would not include complete Palestinian sovereignty over the Temple Mount/Dome of The Rock compound. Equally, Barak rejected Palestinian sovereignty over the site, only accepting Palestinian guardianship. Yossi Ginossar argued that the Palestinians failed to understand the historical and religious significance of the Temple Mount for the Jewish

⁸³ Indyk, M., *Innocent Abroad: An Intimate Account of American Peace Diplomacy* (New York, NY: Simon and Schuster, 2009) p. 323

⁸⁴ Enderlin, C., *Shattered Dreams*, p. 234

⁸⁵ *Ibid.*, p. 258

people and Ben Ami claims that the issue of the Dome of the Rock/Temple Mount has become the deal maker or, rather, deal killer.⁸⁶

Moshe Amirav, a participant in the Camp David Summit, argues that Jerusalem, and in particular the Haram El Sharif / Temple Mount, was most important to Arafat, while the other core issues were less significant to him. Amirav emphasizes that the gaps were not that wide on the other core issues, but significant differences remained with respect to Jerusalem.⁸⁷ Both Barak and Arafat did not take the courageous steps necessary to solve the Jerusalem issue. In this view, both parties were very close to reaching an agreement, but Arafat and Barak were afraid to make the necessary concessions for peace. Amirav suggests Barak should have gone the extra mile.⁸⁸ He also suggests that Arafat was reluctant to close the deal and always strove for more. Amirav's assessment is interesting since he is equally critical of Barak and Arafat for not meeting half way with the other side. Indeed, Barak should have been more appreciative of the significance of the Dome of the Rock for the Palestinians and for the Muslim world. Arafat, on the other hand, should have avoided hurting Israeli sensitivities regarding the Temple Mount issue. During the talks on Jerusalem, Arafat attempted to challenge Israeli beliefs and argued that the Temple Mount was not located in Jerusalem but in Nablus. Such statements hindered the trust between the two sides.⁸⁹

⁸⁶ Sher, G., *The Israeli-Palestinian Peace Negotiations*, p. 99

⁸⁷ Interview with Moshe Amirav 16/10/17

⁸⁸ Ibid.

⁸⁹ Ibid.

Amirav's assessment regarding Arafat's intransigence regarding the Temple Mount is confirmed by Abu Ala. In his book, the former Palestinian Foreign Minister recalls how Arafat stated to Clinton that, beside the Western Wall and the Jewish Quarter, he was not willing to concede one inch of the Old City of Jerusalem. Arafat insisted that the entire Temple Mount compound, as well as the Christian holy sites, be under full Palestinian sovereignty.⁹⁰ Israelis and Palestinians failed to grasp the significance of the holy shrines in Jerusalem to the other side. Such a lack of sensitivity for the other side was best demonstrated by Arafat's statement that the Temple Mount never existed in Jerusalem. Barak's refusal to appreciate the importance of the Haram El Sharif to the Palestinians was similarly misguided. This sort of insensitivity further hindered trust between the two sides. In this situation, the involvement of Jordan in discussions over the status of Jerusalem could have been propitious. Israel would have trusted the Hashemite Kingdom more than Arafat and the Palestinian delegation. Furthermore, Article 9 of the Israel-Jordan Peace Treaty stipulates that Jordan has a special role to play in negotiations on Jerusalem.

The main reason for the uncompromising stance of both parties on this issue lies with their political weakness. Barak's governing coalition was already falling apart and he thought he would not have a majority for any concessions on the Temple Mount/Haram El Sharif. The former Israeli PM was of the opinion that he had already conceded too much whilst receiving little in return from Arafat. Similarly, Arafat argued that he had no authority to compromise on Jerusalem and that he might be assassinated should he agree to make the slightest concession over the Dome of the Rock/Temple Mount.

⁹⁰ Qurei, A., *Beyond Oslo*, pp. 241-242

Years later, Prime Minister Olmert tried to overcome the differences between the two sides by advocating an international trusteeship involving Israel, Palestine, Jordan, Saudi Arabia and the United States that would administer the Old City and its immediate surroundings. A regional involvement would have probably helped the parties bridge their differences. The issue of the Temple Mount /Haram El Sharif is indeed the most complex issue of the Arab-Israeli conflict. It appears that trying to solve this issue bilaterally between Israelis and Palestinians was doomed to fail, as it involves the issues of identity, security and national narratives. Other actors such as Jordan and Morocco have a stake in the issue of Jerusalem and more specifically the Temple Mount/Haram El Sharif. In addition, given the political difficulties both sides encountered, it was clear that a regional involvement was critical during Camp David. Arafat had no authority to negotiate the status of the holy sites alone. Regional cover would have been helpful in bridging the gap between the two sides by removing the issue of sovereignty over the Temple Mount/Dome of the Rock and replacing it instead with a regional /international mechanism.

Concerning the US/Israeli narrative, many Israeli and some American scholars have argued that Barak was willing to take a great political risk when he agreed to partition the Old City. They state that Arafat failed to produce any counter proposal, or failed to appreciate Jewish sensitivities concerning the Temple Mount. Martin Indyk even argued that Barak went too far when he proposed to divide the Old City and should have first prepared the Israeli public for such a monumental decision.⁹¹ President Clinton blamed the Palestinians for not making any counter proposal, while Barak

⁹¹ Indyk, M., *Innocent abroad: an intimate account of American peace diplomacy* p. 322

significantly changed his stance on the core issues and particularly Jerusalem. The former US President argued that Arafat rejected a compromise which would have granted him sovereignty over the Muslim and Christian Quarters of the Old City and jurisdiction over the Haram al Sharif. Clinton pointed out that Barak accepted these ideas.⁹² For Akhram Hanieh, an exponent of the Palestinian narrative, the Palestinians are entitled to all of East Jerusalem and therefore any compromise falling short of full Palestinian sovereignty over the Temple Mount/Dome of the Rock is unacceptable. He also argued that the US and Israel coordinated their moves on Jerusalem and that any ‘US-Israeli’ proposal on the status of Jerusalem is not genuine.⁹³ According to Gershon Baskin, the American idea of vertical and horizontal sovereignty to try to bridge the gap between the two parties was devoid of all sense and made the Palestinians think that Israel and the US were plotting against them to take over the entire Dome of the Rock plaza.⁹⁴ Realizing that there may be no breakthrough on Jerusalem, the American team proposed – as part of three alternatives – to postpone the Jerusalem issue, or at least the negotiations over the holy sites.⁹⁵

Shimon Shamir argues that other Arab countries such as Jordan, Egypt and Morocco should have been invited to assist in the talks on the Temple Mount/Dome of the Rock issue. Shamir asserts that Egypt and Jordan should have been involved in the negotiations on the status of the sites. He argues that given its historical record on the Israeli-Palestinian peace process, Egypt should have been involved in the

⁹² Enderlin, C., *Shattered Dreams*, p. 255

⁹³ Hanieh, A., The Camp David Paper, *Journal of Palestine Studies*, 30, 2 (2001), pp. 83-84

⁹⁴ Interview with Gershon Baskin 20/08/17

⁹⁵ Sher, G., *The Israeli-Palestinian Peace Negotiations*, p. 114

negotiations.⁹⁶ Jordan should have played a role in the negotiations regarding the Dome of the Rock/Temple Mount due to the Hashemite's historical and religious links to the site.⁹⁷ In contrast, Menachem Klein states that it would have been a mistake to involve other regional actors at the summit, as Egypt, Jordan and Saudi Arabia cannot replace the Palestinians.⁹⁸ Although Egypt, Jordan and other Arab states cannot be a substitute for the Palestinians in the negotiations with Israel, they can nevertheless provide assistance to the Palestinians and provide them with legitimacy they require in order to be more flexible on the core issues. Negotiating with key regional Arab states would have reassured Israel and provided it with a sense of normalization which in turn would have allowed Israel to be more flexible on some of the core issues as well.

Regarding the status of Jerusalem, Ehud Barak was the first Israeli Prime Minister to break the taboo of putting Jerusalem on the table and proposing the partition of the city. Although progress was made on Jerusalem each side did not meet the other sides red lines.⁹⁹ An involvement by the Arab states on the issue of Jerusalem would have contributed to the talks and that it was a mistake not to involve them during the summit. On this particular matter, former Egyptian Ambassador to the United States, Nabil Fahmi, talked about the lack of Arab involvement and that it was a mistake that Saudi Arabia was not involved on the Jerusalem issue.¹⁰⁰

⁹⁶ Interview with Shimon Shamir 14/09/2017

⁹⁷ Ibid.

⁹⁸ Interview with Menachem Klein 07/08/17

⁹⁹ Interview with Elie Podeh 07/01/18

¹⁰⁰ Ibid.

Regarding the Palestinian narrative, Bader Rock argues that Jerusalem was not only a Palestinian related issue but a Muslim one as well. Rock argues that Arafat had coordinated very closely with King Abdallah II of Jordan and Egyptian President Hosni Mubarak.¹⁰¹ Even before Clinton presented his parameters in December 2000, both parties understood that Jerusalem would be partitioned demographically along the lines of the Clinton Parameters. What this means is that, the Arab neighbourhoods of East Jerusalem would come under Palestinian sovereignty, while the Jewish neighbourhoods would remain under Israeli sovereignty. The main obstacle was the status of the holy sites in the Old City of Jerusalem, as well as the historical basin around the city.¹⁰² The Palestinians were willing to consider a special regime for the holy basin, given the fact that the status of Jerusalem is not solely a Palestinian issue but a Pan-Arab and Pan-Islamic one as well. That is why Arafat coordinated very closely with Arab leaders, particularly King Abdallah II of Jordan and Egyptian President Hosni Mubarak.¹⁰³

Thus, the partition of East Jerusalem along existing demographic lines – the urban division between Arab and Jewish neighbourhoods of the city – could be resolved within the framework of land swaps. It appears that after Camp David the two sides made significant progress towards that end, which demonstrates that bilateral negotiations on the status of East Jerusalem would be sufficient. Nevertheless, the gaps between Israel and the Palestinians on the holy sites in the holy basin of Jerusalem could not be bridged during bilateral negotiations. Therefore, the full involvement of King

¹⁰¹ Interview with Bader Rock 12/02/19

¹⁰² Ibid.

¹⁰³ Ibid.

Abdallah II of Jordan and then Egyptian President Hosni Mubarak was necessary to facilitate a compromise between Arafat and Barak.

However, Bader Rock states that, although it was considered an important issue, Jerusalem was not the main reason why the negotiations failed. Rock points to Israel's insistence on keeping the Jordan Valley under its military control as a key reason for the failure of negotiations, as it hindered Palestinian aspirations to have a fully sovereign Palestinian state.¹⁰⁴ While there were significant gaps between the Israeli and Palestinian teams on the issues of settlements and borders, these were nevertheless not that substantial and would have been eventually bridged with a mutually agreed land swap. Rock's assessment is therefore inaccurate, and most accounts from direct participants in the talks point to the fate of the Temple Mount/Haram El Sharif and, to a lesser extent, the refugee issue as the main factors contributing to the failure of Camp David II.

After Camp David, negotiations on the status of Jerusalem continued and at some point the US came up with a formula which would grant Palestinian sovereignty over the mosques and the Dome of the Rock/Temple Mount, while Israel would maintain a purely symbolic sovereignty over the Holy of Holies, which is supposed to be located underneath the Temple Mount. Former French President Jacques Chirac, who was known to be close to Arafat, tried to press Arafat to accept Clinton's formula on the Dome of the Rock/Temple Mount. Arafat, however, rejected Chirac's argument and

¹⁰⁴ Ibid

again claimed that the Temple Mount was never built in the Old City of Jerusalem – an argument refuted by Chirac.¹⁰⁵ According to Dan Kurtzer, it was only after Camp David that serious negotiations took place on all the core issues and particularly Jerusalem.

In *Much Too Promised Land*, Aaron David Miller, claims that major Arab states such as Jordan and Saudi Arabia should have been involved in the discussions on the status of Jerusalem.¹⁰⁶ However, nowadays, involving other Arab states would not be useful since they do not understand, nor are willing to be flexible on, this issue. In addition, Jordan remains too weak politically to play a major role in the negotiations.¹⁰⁷ Miller contradicts himself as in the past he supported the argument that it was a mistake not to involve other Arab countries, while nowadays he refutes his argument by saying that including Arab states would not have been useful.¹⁰⁸

According to former negotiator Yossi Beilin, there are two camps regarding the issue of the Dome of the Rock/Temple Mount. The first group include Mubarak and the Palestinians who believe that the solution should be a political and not a religious one. The second group, which includes Saudi Arabia and Jordan, believe that this issue is not solely a Palestinian one but rather pan-Islamic. These countries argue that they have a stake in this issue. According to Beilin, former Egyptian President Mubarak warned him about a religious solution and argued that Israel should try first to solve this issue with the Palestinians. However, a month later during a visit to Saudi Arabia where he

¹⁰⁵ Enderlin, C., *Shattered Dreams*, p. 281

¹⁰⁶ Miller, A. D., *The Much Too Promised Land: America's elusive search for Arab-Israeli Peace* (New York: Bantam Dell, 2008), pp. 305-307

¹⁰⁷ Interview with Aaron David Miller 19/12/17

¹⁰⁸ Ibid.

met then Crown Prince Abdallah, Mubarak retracted from his previous stance and instead supported the Saudi stance that the Jerusalem issue is a pan-Islamic one.¹⁰⁹ Beilin's account is highly significant as it highlights that Jerusalem is not solely an Israel-Palestinian issue and that other Arab states are directly connected to this matter. Beilin's account substantiates the notion of a missed opportunity at Camp David for direct Arab involvement in the peace process. It also suggests that the US should have convened a second summit with the full participation of Arab states and that this could have produced more tangible results.

Moshe Amirav suggested bringing then Egyptian President Hosni Mubarak to Camp David. Barak rejected this suggestion as he was fully confident that Israel and the United States alone would have enough power to push Arafat into making concessions. But Amirav warned that Arafat would not accept anything less than complete sovereignty over the Haram El Sharif / Temple Mount compound. In addition, Amirav is critical of Yitzhak Rabin's decision to give Jordan high priority on the issue of the Haram El Sharif / Temple Mount as this hindered Palestinian trust in Israel.¹¹⁰ While Amirav's assessment of Arafat's resolute objection to any compromise falling short of full and complete Palestinian sovereignty over the Haram El Shairf/Temple Mount is accurate, he is erroneous in stating that the late Israeli Prime Minister Yitzhak Rabin made a mistake in granting Jordan a special role in final status negotiations on the holy shrines in Jerusalem. Jordan could have potentially facilitated (and could still facilitate) a resolution of the disputes over the status of these shrines.

¹⁰⁹ Interview with Yossi Beilin 14/08/17

¹¹⁰ Interview with Moshe Amirav 16/10/17

Dennis Ross said that he attempted to involve other Arab states so as to encourage Arafat to show some flexibility on the status of Jerusalem. He did this, he says, because Arafat kept repeating that Jerusalem is a Muslim issue and not solely a Palestinian one. However, the Arab states were reluctant to provide any assistance in the negotiations over the status of Jerusalem. Ross does not know whether or not Arafat spoke to Arab leaders and conveyed to them that he was not going to agree to anything proposed by Israel and the United States.¹¹¹ Ross was indeed correct to attempt to get Arab state involvement in the negotiations. Nevertheless, more efforts should have been made to incentivize Egypt and Jordan to participate in the talks in the form of additional economic assistance. As Ross maintains, the Arab states might have encouraged Arafat to adopt a more flexible stance on the core issues of the conflict, particularly Jerusalem.

Dan Meridor asserts that the issue of Jerusalem has not been resolved, but Israel and the Palestinians have unofficially agreed how it would be divided. The areas where there is a Jewish majority in East Jerusalem would be part of Israel, while the Arab neighbourhoods of East Jerusalem would fall under Palestinian sovereignty. With regards to the Old City of Jerusalem, Barak offered, through Clinton's mediation, a compromise that would see a partition based on the Quarters of the Old City. Specifically, Barak proposed that the Armenian and Jewish Quarters would remain under Israel sovereignty, while the Muslim and Christian Quarters would be transferred to the Palestinians.¹¹²

¹¹¹ Interview with Dennis Ross 11/03/19

¹¹² Interview with Dan Meridor 28/03/19

The status of the holy sites in the Temple Mount / Haram El Sharif has not been resolved mainly due to disagreement on who will be granted sovereignty over the compound. In an attempt to resolve this issue, all sorts of compromises were put on the table by Barak, such as leaving sovereignty to God, or shared sovereignty over two layers, meaning that the Palestinian state would have jurisdiction over the mosque plaza, while Israel would retain sovereignty over the underground part of the Temple Mount plaza where the Holy of Holies is located. Arafat in the end focused almost exclusively on the Temple Mount, since for him it was an opportunity to rally the Muslim world behind his cause.¹¹³ It appears that Arafat was striving to get Arab support on Haram El Sharif/Temple Mount so that he could make a move during the discussions. However, it is unclear how the Arab states could have played a role in these talks, since according to some accounts, they were reluctant to participate. Nevertheless, it is possible to assume that the involvement of Arab states in the Camp David summit would have provided Arafat with the necessary legitimacy to make the ultimate concessions on the holy sites and accept a compromise which would take both Israeli and Palestinian interests into account.

Shlomo Ben Ami argues that, while Arafat showed little interest in most of the core issues of the conflict, he was largely inflexible when it came to the issue of Jerusalem and more specifically the status of the Haram El Sharif / Temple Mount. On issues such as borders, Arafat was willing to accept an Israeli proposal which would give the Palestinians 91 percent of the West Bank with a swap of territories amounting to a

¹¹³ Ibid.

further 1 percent. Arafat knew he would not get a deal at Camp David II and was looking for ways to extricate himself from what he perceived as a US / Israeli plot. Arafat was willing to accept a 9 percent annexation by Israel on the condition he received the Haram al Sharif. Arafat was willing to be flexible on all issues, except the Haram El Sharif / Temple Mount. Arafat reportedly told Clinton that even if he was offered a state with Jaffa and Haifa, he would not accept it unless it included the Haram compound.¹¹⁴

Corroborating Ben Ami's assessment, Ehud Barak claimed that Arafat never engaged in substantial discussions on the issue of Palestinian refugees but was solely focused on getting Palestinian sovereignty over the Haram El Sharif / Temple Mount. For Barak, no Israeli Prime Minister could ever concede Israeli sovereignty on the Temple Mount to the Palestinians.¹¹⁵ Arafat was willing to be flexible on territory and hinted that he would accept a solution of around 92 percent with symbolic land swaps. He was willing to be flexible on the Jordan Valley issue, provided that the Palestinians would ultimately get sovereignty over the entire area. However, Arafat's flexibility on these issues was contingent upon reaching an acceptable outcome on Jerusalem.¹¹⁶

To resolve the issue of the Haram el Sharif / Temple Mount, Ben Ami proposed to the Palestinians that they would receive guardianship over the holy sites, emphasizing that the King of Saudi Arabia is the guardian of Mecca and Medina. The phrase "qualified

¹¹⁴ Interview with Shlomo Ben Ami 19/05/19

¹¹⁵ Ehud Barak, *My Country, My Life* (London: Macmillan, 2018), p. 382

¹¹⁶ *Ibid.*, p. 373

sovereignty” over the compound was included in this proposal. Arafat rejected Ben Ami’s offer, demanding nothing short of full Palestinian sovereignty.¹¹⁷ Shortly before receiving the Clinton Parameters, Ben Ami met with Palestinian negotiators in Bolling air base on the outskirts of Washington. At this meeting, he proposed that the Palestinians have full sovereignty over the Haram El Sharif, but also asked that the Palestinians agree to mention Jewish sensitivities to the site as the reason for forbidding excavation on the compound. The reason given by Ben Ami for this request was that the Israeli team and Barak needed to be shielded politically, as many in Israel would aggressively oppose this proposal. The Palestinians replied that they accepted that there would not be any excavations, but rejected the exclusive link between Judaism and the Temple Mount plaza. However, they said that they were willing to cite the sensitivities of all religions as the reason for preventing excavations. This formula was endorsed literally by the Geneva Initiative. Ahead of the Israeli delegation trip to Washington, Israel proposed a withdrawal of at least 95 % of the West Bank, or 5% annexations, and the maintenance of an intimate link to the site but not sovereignty.¹¹⁸

Ben Ami’s assessment of Arafat’s intransigence on the issue of the Haram El Sharif / Temple Mount is confirmed by Saeb Erekat’s account of the event. Arafat was asked by President Clinton to acknowledge that the ruins of Solomon’s Temple are located underneath the Haram El Sharif. Arafat rejected Clinton’s request and went further, claiming that no Jewish Temple ever existed underneath the Haram El Sharif.¹¹⁹

¹¹⁷ Interview with Shlomo Ben Ami 19/05/19

¹¹⁸ Ibid.

¹¹⁹ ‘Chief Palestinian Negotiator Saeb Erekat: Abu Mazen Rejected the Israeli Proposal in Annapolis Like Arafat Rejected the Camp David 2000 Proposal’, *MEMRI* (27 March 2009) URL:

Most scholars and participants in the negotiations support Ben Ami's assessment and point to the Haram El Sharif/ Temple Mount as the reason for the collapse of the Camp David Summit. More specifically, they point to Arafat's unwillingness to show any flexibility regarding the status of the holy shrines and his rejection of every possible compromise put forward by the Israeli and American negotiating teams. Involving another party such as Jordan, which could have presented bridging proposals or softened Arafat's stance, could have made a crucial difference, enabling a more successful outcome to the negotiations. Indeed, given that Jordan and Egypt are at peace with Israel, they could have facilitated peacemaking between Israelis and Palestinians, helping them bridge emotional issues such as the status of Jerusalem and the fate of Palestinian refugees.

Nimrod Novik states that Clinton phoned President Mubarak to get the Saudi King's endorsement for a final status agreement. Mubarak went to Riyadh but came back with a negative response for Clinton. Novik laments the fact that the regional component was badly missing at Camp David and argues that a regional involvement would have made some difference to the negotiations, although he cautions that it would not necessarily have resulted in an agreement.¹²⁰ Given the gaps between the two parties, Clinton should have convened additional summits after Camp David with the involvement of all key regional actors. They could have provided a safety net to the

<https://www.memri.org/tv/chief-palestinian-negotiator-saeb-erekat-abu-mazen-rejected-israeli-proposal-annapolis-arafat>

¹²⁰ Interview with Nimrod Novik 13/03/18

Palestinians, who are too weak politically to make the required decisions on the core issues of the conflict and so need the endorsement of key Arab states to make any concessions on complex issues, such as Jerusalem or refugees.¹²¹ Novik's assessment on the lack of regional involvement at Camp David II has substance. A regional component was clearly missing at this summit, and it could have proved critical to facilitating peacemaking. On the issue of the holy shrines in Jerusalem, the involvement of Arab states, particularly Egypt and Jordan, could have precipitated agreement between Arafat and Barak. Indeed, Arafat's intransigence on Jerusalem indicates that he could not move on this issue unless he had the support of the Arab states.

As pointed out by many former diplomats and scholars, the reason for the collapse of the Camp David summit was the status of the holy sites in Jerusalem. Although Barak made unprecedented concessions to the Palestinians when it came to the Old City of Jerusalem, he failed to appreciate the importance of the Dome of the Rock for Arafat and feared that he lacked the domestic majority needed to go any further than the concessions he made at Camp David. Arafat too feared that he might be murdered should he make the slightest concessions over the Dome of the Rock / Temple Mount. This is why a regional involvement could have helped the parties politically. It would have provided elements of normalization for Israel and a political cover for the Palestinians which would have then enabled the parties to make the necessary concessions for peace.

¹²¹ Ibid.

The issue of the Dome of the Rock/Temple Mount is not only complex and sensitive for Israelis and Palestinians, but also for the world Jewish community and the Muslim world. Given that many parties have an interest when it comes to the status of the holy sites in Jerusalem, an involvement of some Arab countries such as Jordan, Morocco or even Saudi Arabia could have led to a more successful outcome at the end of the Camp David Summit. Indeed, Article 9 of the Jordanian-Israel Peace Treaty stipulates that the Hashemite Kingdom would be given high priority in the negotiations over the holy sites in Jerusalem.¹²² In addition, Morocco was also designated by the Organization of Islamic Cooperation countries as the guardian of the Muslim shrines in Jerusalem.

(3) The Clinton Parameters and the Taba Summit

(A) The Clinton Parameters: A Belated US Plan for Peace

After three months of intensive violence, President Clinton decided to make another attempt to try to bridge the gaps between Israelis and Palestinians and reach a final status agreement, producing what many argued should have been put forward at the Camp David Summit: the Clinton Parameters. These parameters include a Palestinian state on 94-96 percent of the West Bank with a 1-3 percent land swap. Jerusalem was to be partitioned, with Arab neighbourhoods of East Jerusalem falling under Palestinian sovereignty, and Jewish neighbourhoods under Israel sovereignty. The Western Wall and what is underneath the Temple Mount would remain under Israeli sovereignty, while the Dome of the Rock plaza would fall under Palestinian jurisdiction. On the

¹²² Full text of the Israeli-Jordanian Peace Treaty <http://www.kinghussein.gov.jo/peacetreaty.html>

refugee issue, refugees were to be given 5 options: returning to the Palestinian state; remaining in their host countries; returning to an area in Israel which is to be swapped; resettlement in a third country; or returning to Israel proper in accordance with Israel's sovereign discretion.

According to most scholars, Israel accepted the Clinton Parameters with reservations all inside the parameters.¹²³ The Israeli cabinet voted in favour of the Clinton Parameters provided the Palestinians would also accept them.¹²⁴ Arafat in contrast accepted the plan with reservations outside the parameters. The most important reservation Arafat had was regarding the formula on the Temple Mount/Haram Al Sharif. He also rejected the term Western Wall and only accepted the term Wailing Wall, as it is the smaller, visible portion of the entire wall.¹²⁵ However, Menachem Klein and Dan Kurtzer refute this argument and argue that both sides rejected the parameters. Kurtzer said that Barak called Clinton and told the American President that he cannot accept the parameters.¹²⁶

It is stipulated in the Clinton Parameters that the Dome of the Rock and the Aqsa mosques shall be under Palestinian sovereignty. Israel shall keep the Western Wall and its tunnel, as well as what is underneath the Second Temple, which is known as the Holy of Holies. Arafat de facto rejected that proposal and refused anything short of full sovereignty over the entire compound. It is also important to point out that major Arab

¹²³ Podeh, E., *Chance for Peace*, p. 289

¹²⁴ Indyk, M., *Innocent abroad: an intimate account of American peace diplomacy* p. 368

¹²⁵ Sher, G., *The Israeli-Palestinian Peace Negotiations*, p. 216

¹²⁶ Interview with Dan Kurtzer 04/08/17

states such as Egypt and Saudi Arabia fully endorsed the parameters and urged Arafat to accept them. The former Saudi ambassador to Washington, Prince Bandar Bin Sultan, even argued that Arafat's rejection of the parameters was a crime against all the Arabs.¹²⁷

Even concerning the border issue, the Palestinians were reluctant to accept the Clinton formula. Abu Ala in his memoirs argued that the Palestinians cannot accept Israel's annexation of between 4 and 6 percent of the West Bank as it would hinder the Palestinian interest. Qurei argued that, if the Palestinians accepted the Clinton Parameters, they would only get approximately what the Americans offered them at Camp David. He also questioned the quality of the territories offered to the Palestinians in the context of land swaps. In fact, the former Palestinian Prime Minister argued that the Palestinians were willing to accept an Israeli annexation of 1.8 percent of the West Bank with equal land swaps, a position the Palestinians still hold until today. On the refugee issue too, Qurei insists that the Palestinians expect Israel to accept the right of return and UNGA Resolution 194, which was the official Palestinian position on this issue during Camp David.¹²⁸ At the end of December 2000, Dennis Ross pleaded with Abu Ala to accept the Clinton Parameters as it would grant the Palestinians 97 percent of the land, while the alternative to no agreement would be a victory for Ariel Sharon in the upcoming Israeli election, a result that would mean the Palestinians getting no more than 45% of the land. Abu Ala responded by saying that it might take another 50 years to solve the conflict.¹²⁹ Although Israel had some reservations regarding the

¹²⁷ Podeh, E., *Chances for Peace*, pp. 289-290

¹²⁸ Qurei, A., *Beyond Oslo*, pp. 286-288

¹²⁹ Ross, D., *The Missing Peace: The Inside Story of the Fight for Middle East Peace*. (New York: Farrar, Straus and Giroux, 2004), p.755

parameters, they all fell within the limits of Clinton's formula. Arafat officially accepted the Clinton plan but with reservations which were all outside the parameters and as such de facto rejected the Clinton ideas. Had the Palestinian clearly accepted the Clinton plan with reservations within the parameters the chances for a successful outcome at the Taba summit could have been greater.

Many scholars have argued that the main problem was the timing of the Clinton Parameters. Should these parameters have been introduced earlier, possibly at Camp David as an American bridging proposal, an agreement might have been feasible. Dan Kurtzer argues that Clinton should have introduced his parameters during the summit. Kurtzer states that he does not know whether the outcome would have been different had Clinton put his parameters on the table during the summit, but the summit would have certainly concluded in a better atmosphere.¹³⁰ Shimon Shamir comments that it was a mistake for Clinton to introduce his parameters at this late stage of the negotiations. Shamir argues that had Clinton introduced his parameters early in the summit it would have clarified many questions. According to Shamir, the Clinton Parameters is a comprehensive plan and would have compelled both sides to refer to this proposal.¹³¹ It is clear that had Clinton introduced his parameters much earlier on, or perhaps convened another summit where he would have presented his parameters to both sides as a bridging proposal, the talks would have eventually resulted in a more positive outcome.

¹³⁰ Interview with Dan Kurtzer 04/08/17

¹³¹ Interview with Shimon Shamir 14/09/17

Shlomo Ben Ami argues that Arafat de facto rejected the Clinton Parameters since most of his reservations effectively nullified the parameters. However, Barak's demand for reservations, even though these were mostly of a technical nature (but not all of them – for instance, they included the demand for 8% of the West Bank), were equally regrettable. Asking the US to give clarifications and, in so doing, making the Palestinians even less certain, was a mistake as it gave Arafat a pretext to draw up his own list of reservations concerning the Clinton Parameters. Ben Ami also criticizes Barak for sending Sher to talk with Mubarak and demand 8 percent of the West Bank. Sending a message to Mubarak was tantamount to sending a message to Arafat, and Mubarak himself would not accept such reservations. Barak acknowledged that he was mistaken as his approach gave Arafat what he wanted: it allowed him to say that, Barak had reservations, therefore he was entitled to have reservations too. The demand for reservations was redundant, unnecessary and was a tactical mistake.¹³²

The Clinton Parameters provided the parties with a 'middle of the road' document that took each sides' red lines into account. As such, both Arafat and Barak were erroneous in putting forward a series of reservations that rendered an agreement on the basis of the Clinton Parameters extremely difficult to reach. The involvement of Arab states could have provided the Palestinians with the cover they needed to make the necessary compromises and could have convinced Arafat to accept the Clinton Parameters devoid of any reservations. If the Trump administration, or any future administrations, decide to put forward a framework document based on the Clinton Parameters, they must consult with and get an official (not tacit) approval from the Arab states, the PA, and

¹³² Interview with Shlomo Ben Ami 19/05/19

Israel before officially announcing such a plan. Additionally, the United States should remain firm and incentivize the parties into endorsing any peace plan America presents, while preventing the parties from adding any amendments or reservations to the plan. Failure to do this would repeat the mistakes made by previous administrations and any efforts to put forward a framework document under such circumstances would be doomed to fail.

Dennis Ross argues that the Clinton Parameters met most of the Palestinians' minimum requirements. It offered the Palestinians sovereignty over the Haram Al Sharif compound, while allowing Israel to retain sovereignty over the Western Wall. Ross originally planned to include the Haram El Sharif / Temple Mount compound under God's sovereignty. Under the Clinton plan, the Arab neighbourhoods of East Jerusalem would have formed the Palestinian capital while Israel would have retained sovereignty over the Jewish neighbourhoods. On borders, the parameters provided the Palestinians with an opportunity to establish a state on the equivalent of 97 percent of the West Bank and all of the Gaza Strip with a land swap on a 1:3 ratio.¹³³ Arafat's reservation basically meant a redefinition of the parameters, as he objected to the plan's proposals on refugees and the Haram El Sharif/Temple Mount compound. Arafat accepted the concessions Israel was going to make but objected to the concessions the Palestinians were called upon to make. Arafat rejected the Clinton formula on refugees as well as Israeli sovereignty over the Western Wall.¹³⁴ Contradicting Ross' claim that Arafat rejected the Clinton Parameters, Saeb Erekat stated that Arafat appreciated Clinton's offer but demanded some clarifications. In addition, Erekat laments that every US

¹³³ Interview with Dennis Ross 11/03/19

¹³⁴ Ibid.

president has used the last days of their tenure to try and help finalize an Israeli-Palestinian peace deal.¹³⁵

As Ross points out, the Palestinians might have missed an opportunity to reach a lasting peace with their Israeli neighbour. Nevertheless, Ross omits to mention that both Barak and Arafat had a series of reservations which effectively emptied the Clinton Parameters of substance. Another component that was missing was the lack of Arab involvement during the discussions on the Clinton Parameters. Although the Arab states were consulted, they were not included when President Clinton presented his parameters to the Israeli and Palestinian delegations. Had key regional players such as Saudi Arabia, Egypt and Jordan been present and involved in the subsequent discussions the outcome might have been more favourable. While the United States could have exercised some influence over Israel to accept the Clinton Parameters, the Arab states could have incentivized the Palestinians to do the same.

Ahmed Qurei confirms that the Palestinians had major reservations on a number of issues regarding the Clinton Parameters.¹³⁶ On territory and settlements, he writes that the Palestinians could not accept an Israeli annexation of between 4 and 6 percent of the West Bank as it would reward Israeli settlements policy and would hindered the contiguity of a Palestinian state.¹³⁷ On the status of Jerusalem's holy sites, the Palestinians rejected the formula that grants Israel sovereignty over the area beneath

¹³⁵ 'A Conversation with Saeb Erekat', *Woodrow Wilson Center* (23 April 2013), URL: <https://www.youtube.com/watch?v=OCFct65ea0A&t=1230s>

¹³⁶ Qurei, A., *Beyond Oslo*, pp.286-290

¹³⁷ Ibid.

the Temple Mount, which was considered a non-starter by the Palestinians. On refugees, the Palestinians opposed the American formula which required that Israel acknowledge the Palestinians' moral suffering, but failed to demand that Israel endorse total responsibility for the refugee ordeal. In addition, the Palestinians were also critical of the formula on the refugee resettlement options, as Israel was not obliged to absorb any refugees.¹³⁸

One argument put forward is that, had President Clinton introduced his parameters during Camp David, the summit would still have resulted in a failure. However, Israelis and Palestinians would have had six months to negotiate on the basis of the Clinton plan. Until today, the Clinton Parameters is the most advanced and detailed peace plan ever produced and a final status agreement will probably be along similar lines.¹³⁹ The Clinton Parameters bridges the remaining gaps between Israelis and Palestinians on all the core issues. However, given Barak's precarious political position, as well as the timing of the Clinton Parameters, this plan cannot be considered a high level missed opportunity.¹⁴⁰ Aaron David Miller doubts the effectiveness of introducing the Clinton Parameters during the summit, since it went beyond what Barak was willing to concede at Camp David, and Arafat too would have been reluctant to accept them.¹⁴¹

By the time Clinton presented his parameters in December 2000, the situation had severely deteriorated on the ground and as such the possibility for reaching an Israeli-

¹³⁸ Ibid.

¹³⁹ Interview with Elie Podeh 07/01/18

¹⁴⁰ Podeh, E., *Chances for Peace*, p. 300

¹⁴¹ Interview with Aaron David Miller 19/12/17

Palestinian agreement was almost nil. On the other hand, Clinton should have made it clear that his parameters were not to be null and void when he leaves office, but that they will form the cornerstone of American policy towards the Israeli-Palestinian conflict. Another element missing from the Clinton plan was regional involvement, which could have been critical for preventing further escalations and helping both sides to return to the negotiating table. If Clinton had convened another summit involving Israel and the PA, as well as key Arab states such as Jordan, Egypt, Morocco, and perhaps Saudi Arabia, and imposed his parameters as a binding document, a comprehensive regional framework agreement along the lines of the Arab Peace Initiative (API) might have been reached.

(B) The Taba Summit: Significant Progress but No Breakthrough

On January 21 2001, Israelis and Palestinians decided to make a final attempt at reaching a permanent status agreement. In contrast to Camp David, no American representative was present, while Miguel Moratinos, the EU representative, observed the discussion but did not take any active part in it.¹⁴²

In contrast to Camp David, both sides accepted the 1967 line as the basis for discussions and agreed that any border amendments would be done in accordance with that baseline.¹⁴³ At the start of the Taba Summit, Shlomo Ben Ami, the head of the Israeli delegation, requested that the negotiations would be on the basis of the Clinton Parameters. In addition, Israel demanded that it annex 6 percent of the West Bank under

¹⁴² Enderlin, C., *Shattered Dreams*, p. 348

¹⁴³ *Ibid.*, p. 351

conditions of a land swap, while another two percent would be leased to the Palestinians.¹⁴⁴ Palestinian negotiator Ahmed Qurei rejected the Israeli demand and said that the settlers should all be relocated within the green line.¹⁴⁵ The Palestinians put forward a counter proposal in which they accepted an Israeli annexation of 3.1 percent of the West Bank with an equal exchange of territories.¹⁴⁶ On Jerusalem, both sides agreed that it should be an open city and accepted the formula set out in the Clinton Parameters – i.e. that Jewish neighbourhoods in East Jerusalem, as well as the Jewish Quarter and Western Wall, would be under Israeli sovereignty, while Arab neighbourhoods would fall under Palestinian sovereignty. However, major points of contention remained, as the two sides disagreed over the fate of the holy basin and the status of the Dome of the Rock/Temple Mount site.¹⁴⁷ The Palestinians also rejected Israeli annexation of Ma’aleh Adumim and Givat Zeev and also asked for clarification about Israel’s demand to annex Gush Etzion.¹⁴⁸

Although the United States did not participate in the Taba discussions, Dennis Ross states that the negotiations were based on the Clinton Parameters. However, Ross emphasized that Yossi Beilin went beyond the Clinton Parameters on refugees. Ross laments that Arafat and the Palestinian team rejected Beilin proposal.¹⁴⁹

¹⁴⁴ Ibid., p. 352

¹⁴⁵ Qurei, A., *Beyond Oslo*, p. 301

¹⁴⁶ Enderlin, C., *Shattered Dreams*, p. 352

¹⁴⁷ Ibid., p. 354

¹⁴⁸ Sher, G., *The Israeli-Palestinians Peace Negotiations*, p. 226

¹⁴⁹ Interview with Dennis Ross 11/03/19

Shlomo Ben Ami suggests that it is difficult to assess the progress made during the Taba summit. By this stage, Arafat was not willing to make a deal. The Palestinian leader may have gone beyond the Clinton Parameters at Taba and registered Israeli concessions, but this was done in the hope of depositing these with the Bush and Sharon administrations. Barak established two parallel tracks, one led by Gilead Sher and the other by Ben Ami. Ben Ami spoke with Abu Ala and asked him not to write down Israeli concessions. Abu Ala told Sher that Arafat was not interested in an agreement. Arafat thought that Bush would adopt his father's approach to the Middle East, but it turned out that Bush 43's policy was closer to Reagan than his late father. Ben Ami advised the Palestinians to write down their peace plan. But the Palestinians were reluctant to spell out in detail what concessions they were willing to make for fear that Palestinian public opinion would be against them.¹⁵⁰

On the refugee issue, some progress was made at that the Taba Summit. Yossi Beilin, who was in charge of the negotiations on the refugee issue, said that he and his Palestinian counterpart came up with a formula concerning the narratives. They both agreed that they will write two separate narratives which would not hurt the sensitives of both sides. On numbers, substantial differences remained, as the Palestinians asked Israel to absorb 100,000 refugees within the framework of Resolution 194, while Israel was willing to absorb a token number of refugees amounting to 25,000 in total.¹⁵¹ In an interview given to the Palestinian publication *Al Quds* in January 2001, shortly after the Taba Summit, then Palestinian Foreign Minister, Nabil Shath, denied Beilin's claim that a compromise on the refugee issue had been reached and instead asserted that the

¹⁵⁰ Interview with Shlomo Ben Ami 19/05/19

¹⁵¹ Interview with Yossi Beilin 14/08/2017

Palestinians would not accept anything less than the implementation of the right of return.¹⁵² Abu Ala elaborated on this point by stating that the gap between the two sides on the refugee issue remains enormous. The Palestinians expect Israel to accept moral responsibility for the Palestinian refugee exodus and accept the right of return as stipulated under UN Resolution 194. Only once Israel accepts the Palestinian terms, would the latter be willing to discuss a mechanism to cap the return of Palestinian refugees.¹⁵³

Elie Podeh claims that the draft document produced on the refugee issue at Taba is until today the most advanced document on this complex and highly contentious matter. He also argues that the Palestinian team accepted the draft agreement.¹⁵⁴ Although Podeh's assessment is indeed accurate, major gaps remain regarding the narrative and the issue of right of return versus family reunification. The intractable nature of the refugee problem is due to its highly sensitive and emotional nature. Had the Arab states been involved at Taba, they could eventually have helped the parties reach a lasting solution to this issue by convincing the Palestinians to be more flexible and realistic, while providing the necessary financial compensation for the refugees.

Shaul Arieli argues that the gaps on all the core issues narrowed considerably during the negotiations in Taba. Regarding the territorial issue, the gap was smaller than it was

¹⁵² 'Palestinian Reports on Taba', *MEMRI* (7 February 2001), URL: https://www.memri.org/reports/palestinian-reports-tab-a-negotiations#_edn4

¹⁵³ Ibid.

¹⁵⁴ Interview with Elie Podeh 07/01/18

at the Camp David Summit. Israel reduced its annexation demand to 6 percent of the West Bank but this did not include land swaps. In contrast, the Palestinians were willing to acquiesce in Israel's annexation of 3.1 percent of the West Bank but with an equal land swap. On refugees, significant progress was made and both parties talked about the return of a token number of refugees, amounting to approximately 50,000. On Jerusalem, both sides accepted the Clinton Parameters as the basis for discussion and agreed to partition the city in accordance with its demographic lines. Nevertheless, some differences remained on the Old City of Jerusalem.¹⁵⁵

Concerning the Palestinian narrative, Bader Rock argues that the Israeli position on the core issues evolved during the Taba negotiations. However, Bader laments the fact that the parties were running out of time to conclude an agreement. In addition, Bader posits that the violence which erupted as a consequence of the Second *Intifada*, and the change of government in Israel, hindered any prospect for the conclusion of a final status agreement between Israelis and Palestinians.¹⁵⁶ Nevertheless, despite the significant gaps still existing between the two sides, substantial progress was indeed made during the negotiations. In fact, the main problem of the Taba negotiations was not related to the core issues of the conflict, but rather the lack of time, the fact that Barak was politically weak and on his way out, and the negative atmosphere in both Israel and the Palestinian territories.

¹⁵⁵ Interview with Shaul Arieli 13/09/18

¹⁵⁶ Interview with Bader Rock 12/01/19

According to professor Shimon Shamir, it was not realistic to expect a major breakthrough in Taba since the Israeli negotiators had no mandate to negotiate. However, the talks demonstrate the feasibility of reaching an agreement between Israel and the Palestinians.¹⁵⁷ Elie Podeh argues that although it came too late, the Taba Summit produced tangible gains. During the negotiations Israelis and Palestinians achieved breakthroughs and made substantial progress on all the core issues of the conflict.¹⁵⁸

The Taba summit took place under extremely dramatic circumstances and as such the feasibility for both Israelis and Palestinians to reach a final status agreement, or a framework agreement for a peace treaty, was almost non-existent. When the summit took place, the situation in both Israel and Palestine was extremely tense with waves of violence. Barak was politically weak and on his way out and the mood in both Israel and Palestine was not one for negotiations. However, the Taba summit demonstrate that both sides could potentially reach an agreement and that the gaps between the sides on the core issues narrowed over time. It also demonstrates that, given the division within the Palestinian camp, as well as the precarious political position that most Israeli Prime Ministers find themselves in (mainly due to the complexity of the Israeli political system and the coalition government mechanism), the bilateral approach alone will not be enough to help the parties overcome their remaining differences. To help them do this, other Arab actors should to be actively involved in the negotiations.

¹⁵⁷ Interview with Shimon Shamir 14 /09/17

¹⁵⁸ Interview with Elie Podeh 07/01/18

(4) Conclusion

The Camp David Summit was a cornerstone in the history of the Israel-Palestinian peace process. For the first time, all the core issues of the conflict were tackled and Jerusalem, previously considered an Israeli taboo, was indeed on the table. However, despite both parties' efforts to reach a lasting solution to the decades old conflict, Israelis and Palestinians failed to bridge the gaps between them on all the core issues, but more specifically on Jerusalem.

The reasons for the failure of the Camp David Summit are numerous according to scholars and former negotiators. Most believe that not enough preparations were made before the summit and many argue that the negative climate which preceded Camp David – such as lack of implementation of the Oslo interim phases agreements, as well as Barak's decision to negotiate with Syria first – contributed to the collapse of the talks. The role of the Clinton administration in contributing to the failure of Camp David is also emphasised as well.

Regarding the core issues, the vast majority of former participants and scholars concur that the Old City of Jerusalem, and particularly the status of the Dome of the Rock/Temple Mount plaza, was the main reason for the collapse of the talks. Indeed, Arafat showed flexibility when it came to other, less intractable, core issues, while rejecting any form of compromise on the Haram El Sharif / Temple Mount issue. Barak, for his part, broke an Israeli taboo, since for the first time an Israeli Prime Minister was willing to discuss the status of Jerusalem and was even willing to partition the Old City, while falling short of transferring Israeli sovereignty over the Temple

Mount. However, there is a division among scholars whether there should have been regional involvement or not. Itamar Rabinovitch, Dan Kurtzer and Shimon Shamir are of the opinion that other Arab actors should have been involved the talks, especially when it comes to the issue of Jerusalem. Others such as Menachem Klein and Aharon Klieman believe that the solution is purely bilateral and involving other actors would have been counterproductive.

Regarding the Clinton Parameters, all scholars and former participants are of the opinion that it should have been put forward much sooner and should have been used as an American bridging proposal during the summit. Menachem Klein and Dan Kurtzer argue that both Barak and Arafat rejected the Clinton Parameters.¹⁵⁹¹⁶⁰ Conversely, Martin Indyk and Dennis Ross claim that Barak accepted the parameters while Arafat effectively rejected them.¹⁶¹

On Taba, all scholars and participants acknowledge that the feasibility of reaching a final status agreement was close to zero. However, they all converge on the view that both sides were closer than ever to reaching an agreement. Nevertheless, the wave of violence which was engulfing Israel and Palestine at the time, and the fact that Barak was a caretaker Prime Minister on his way out, doomed these negotiations to failure from the start.

¹⁵⁹ Interview with Menachem Klein 07/08/17

¹⁶⁰ Interview with Dan Kurtzer 11/08/17

¹⁶¹ Indyk, M., *Innocent abroad: an intimate account of American peace diplomacy* p. 368

There are numerous reasons for the collapse of the Camp David Summit and subsequent final status negotiations. All the factors indicate that the reasons for the collapse of final status negotiations was indeed a lack of preparation before the summit, as well as no Arab involvement in the talks on extremely sensitive and complex issue such as the status of the holy sites in Jerusalem.

Chapter 3

The Arab Peace Initiative: A Non-Starter or a Missed Opportunity?

(1) Introduction

Saudi Arabia's diplomatic efforts in the Arab-Israeli conflict date back to 1981 with the Fahd Plan, which was never endorsed by the Arab League. At the time, moderate Arab countries such as Egypt, Jordan and Morocco supported the plan, while the radical camp consisting of Iraq, Libya, Syria and the PLO rejected it.¹ However, the major shift in the Arab stance towards Israel started with the launch of the Arab Peace Initiative (API) in March 2002. Although initiated by Saudi Crown Prince Abdallah, the API emerged as a collective Arab peace plan; it was eventually endorsed by the bulk of Arab states, following an intensive internal debate over the issues of normalization with Israel and the fate of the Palestinian refugees.²

Specifically, the more moderate states, such as Egypt and Jordan, were in favour of including a full normalization formula and were against including reference to what the Palestinians call the right of return in the plan. On the other side of the political spectrum, Syria opposed the full normalization of ties with Israel and insisted instead on the formula of normal relations. Both Lebanon and Syria insisted on Resolution 194 and the right of return.³ At the Beirut Summit in March 28 2002, the Arab League

¹ Podeh, E., "From Fahd to Abdallah: The Origins of the Saudi Peace Initiatives and their Impact on the Arab System and Israel", *The Harry S Truman Institute for Advancement of Peace*, July 2003, pp. 3-7.

² Muasher, M. *The Arab Center: The Promise of Moderation*, (New Haven, London: Yale University Press, 2008), p. 126

³ Ibid.

adopted a peace plan which granted Israel recognition and normalization in exchange for a full Israeli withdrawal to the 1967 lines and the establishment of a Palestinian state in the West Bank and Gaza with East Jerusalem as its capital. Furthermore, the plan called for an agreed upon solution to the refugee issue based on Resolution 194. The API was, then, a compromise of the various Arab positions.

The adoption of the API marks a significant shift in Arab policy. Prior to the initiative, the Arab states never openly stated that they would normalize ties and make peace with Israel in exchange for an Israeli withdrawal from the territories. The API is a complete reversal of the ‘three-noes’ adopted by the Arab states at the Khartoum Summit of August 1967.⁴ For the first time, all the Arab states were willing to normalise relations with Israel should the later withdraw from the territories. In addition, the API included one of Israel’s key demands during final status negotiations – that an end of conflict agreement would mark an end to all claims.⁵ Unfortunately, this initiative was presented by the Arab states on the very same day in which a suicide bombing terrorist attack was carried out by Hamas in Netanya.⁶ Given the tragic circumstances that occurred at the time, the initiative was ignored by both Israel and the United States. However, on March 29 2007 the API was re-endorsed by the Arab League. By this time, the landscape in the Middle East was radically different, as converging strategic interests between Israel and moderate Arab states had started to emerge.⁷

⁴ Ibid., p. 320

⁵ Ibid., p. 128

⁶ Podeh, E., *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin, Texas: Texas University Press, 2015), p. 308

⁷ Ibid., p. 314

Over the years, successive Israeli Prime Ministers have praised the Saudi Peace Initiative as a step in the right direction, but all have fallen short of embracing it. The stance of successive US administrations has been similar. Both the Bush and Obama administrations praised the API as a milestone in Arab policy towards peace, but nevertheless chose not to endorse it. One of the main reasons Israel and the US have failed to accept – or even be responsive to – the API is that they perceive it as a ‘take it or leave it’ offer, rather than a basis for negotiations. Whether the API is a diktat or basis for discussions is an issue which continues to divide both American and Israeli scholars. Nevertheless, all concur that the initiative is a welcome shift in the Arab stance regarding Israel.

The previous chapter pointed to a lack of regional involvement as one of the key reasons for the failure of the Camp David Summit. The API could rectify the drawbacks of the bilateral negotiations and provide Israelis and Palestinians with a much more suitable framework, enabling them to narrow their differences on the most complex issues of the conflict, such as the status of Jerusalem and the fate of Palestinian refugees. The API is indeed a turning point in the policy of Arab states towards Israel and the peace process. Despite its ambiguous language on the refugee issue, the API calls for the normalization of ties with Israel, provided that a Palestinian state is established on the basis of the 1967 line. Up to this day, this plan remains the official collective Arab policy with regards to the peace process. As such, a multilateral process under the umbrella of the API, involving key Arab actors such as Jordan, Egypt and Saudi Arabia, could have been a viable alternative to the bilateral Annapolis process and the Kerry-sponsored peace talks. Such a format could have facilitated the resolution of highly sensitive issues, such as the fate of the holy sites in Jerusalem, and ultimately could

lead to a more fruitful outcome. Given the new regional landscape and the unprecedented rapprochement between Israel and Arab states, the API remains *a fortiori* the optimal option for facilitating a comprehensive peace between Israel and all its Arab neighbours.

(2) Historical Background: The Evolution of the API, 2002-2013

(A) The birth of the API

The roots of the API can be traced back to a February 2002 interview given by *New York Times* journalist Thomas Friedman to Crown Prince Abdallah. During the interview, the Saudi Crown Prince argued that, in return for a full Israeli withdrawal to the 1967 lines, the 22 Arab states would be willing to enter into a state of peace with Israel, recognizing it and establishing full diplomatic relations.⁸ Abdallah's plan is a significant shift in Arab thinking, as besides Egypt and Jordan no other Arab state has been willing to establish diplomatic relations with Israel, should the later fully withdraw from all the territories. In 1981, King Fahd put forward a peace plan, but this was far less ambitious than the API.⁹ The Fahd Plan did not include a formal recognition of Israel, and merely offered an end to the state of belligerency in exchange for Israel's full withdrawal to the 1967 lines. It also insisted that Israel accept the right of return, rendering the plan totally unacceptable to Israel.¹⁰ However, at the Arab League summit in Fez, the more radical Arab states of Syria, Libya and Iraq rejected the plan.¹¹

⁸ Teitelbaum, J., "The Arab Peace Initiative: A Premier and Future Prospects", *Jerusalem Center for Public Affairs*, 2009, p. 7

⁹ Kostiner, J., 'Saudi Arabia and the Arab-Israeli Peace Process: The Fluctuation of Regional Coordination', *British Journal of Middle Eastern Studies*, 36, 3, 2009, p4

¹⁰ Podeh, E., *Chances for Peace*, p. 159

¹¹ *Ibid.*, p. 160

Although the Fahd Plan was unacceptable for Israel, it was nevertheless the first demonstration of Saudi Arabia's willingness to be involved in negotiations.

There are several explanations as to why Crown Prince Abdallah put forward this unprecedented proposal. One reason pointed out by some scholars is the fact that Saudi Arabia's reputation abroad had been significantly damaged after it was revealed that 15 of the 19 9/11 terrorists were Saudi citizens. As a result, Riyadh was eager to repair the country's image, improve relations with the west, and demonstrate its commitment to peace.¹² The second possibility was due to the fact that Egypt's withdrawal from the Arab-Israeli conflict left a vacuum in terms of leadership in the Arab world and Saudi Arabia probably wanted to fill this vacuum.¹³ The Jordanian Foreign Minister, Marwan Muasher, fully supported the Abdallah peace initiative and tried to persuade other Arab states to endorse the Crown Prince's proposal.¹⁴ According to Muasher, King Hussein already envisaged such an initiative back in 1998, but believed that only Egypt had the necessary leadership status in the Arab world to promote the API.¹⁵ However, Syria and Lebanon objected to the language used in the Crown Prince's initiative – particularly the issue of full normalization – and insisted that the right of return and Resolution 194 be included in the plan.¹⁶

¹² Podeh, E., "From Fahd to Abdallah: The Origins of the Saudi Peace Initiatives and their Impact on the Arab System and Israel", *The Harry S Truman Institute for Advancement of Peace*, July 2003, p. 19

¹³ Ibid.

¹⁴ Muasher, M., *The Arab Center*, p. 116

¹⁵ Ibid., p. 106

¹⁶ Ibid., p. 119

Over the years, the Arab-Israeli conflict has witnessed the emergence of two axes in the Arab world, with two radically different approaches regarding the peace process. The first camp, which is composed of the Gulf states, Jordan, and Egypt, argues that the Arab states will need to reach a political settlement with Israel. On the other side of the spectrum, the countries of Iraq, Libya, Syria and Lebanon are convinced that there is no diplomatic solution to the Arab-Israeli conflict and they therefore take a much more hard-line approach towards Israel and the peace process.¹⁷ Over time, some countries have shifted from one camp to the other. The most well-known case is that of Egypt, which used to be part of the more radical axis during President Gamal Abdel Nasser's rule. However, Egypt eventually shifted to the moderate camp when Nasser's successor, President Sadat, moved the country from the Soviet sphere of influence to the American camp, and when, more importantly, Sadat made his historic visit to Israel on November 19 1977, which eventually culminated in the signing of the Israeli-Egyptian Peace Treaty on March 26 1979.¹⁸

Muasher concurs that the Arab states are divided into two camps. On the one hand, there is the moderate camp, which consists of Jordan, Egypt, Morocco, Tunisia and the Gulf states. On the other hand, there is the rejectionist camp, which includes Syria, Lebanon, Iraq and Libya; members of this group either rejected the Saudi initiative or wanted to modify it in a way that would render it unacceptable to Israel, therefore effectively killing it. Muasher also believes that the initiative should have been written

¹⁷ Podeh, E., "Israel and the Arab Peace Initiative, 2002–2014: A Plausible Missed Opportunity", *The Middle East Journal*, 68, 4 (2014), 584-603, p. 592

¹⁸ Podeh, E., *Chances for Peace*, pp. 142-149

in English rather than in Arabic, since English is much simpler than the complex Arabic language.¹⁹

Prior to the Arab summit both Bashar El Assad and Emile Lahoud – the then Lebanese President – agreed that all UN Resolutions, including Resolution 194, should be included in the plan and insisted on the full implementation of the right of return.²⁰ Muasher emphasises that the API is not merely about ending the state of belligerency, but rather is concerned with establishing relations between Israel and the Arab states. However, the then Syrian Foreign Minister, Farouk Al Sharaa, took a radical stance and insisted that the term normal relations be used instead of full normalization, or full peace. Al Sharaa also insisted that the so-called right of return be implemented in full, within the framework of UNGA Resolution 194. Lebanon, furthermore, insisted that their demand to reject repatriation or the granting of citizenship to Palestinian refugees be included in the initiative. Muasher strongly argued against these measures, as they would make it seem that the Arab states were still insisting on the full implementation of the right of return, which would certainly be unacceptable to Israel.²¹ Indeed, Muasher protested that Israel would interpret the proposals precisely as a collective Arab demand to fully implement the right of return.²²

Eventually, Saudi Arabia accepted Syrian demands and replaced the formulation of full normalization to full peace and normal relations with Israel. UNGA Resolution 194

¹⁹ Muasher, M., *The Arab Center*, pp 121-126

²⁰ Teitelbaum, J., “The Arab Peace Initiative: A Premier and Future Prospects”, *Jerusalem Center for Public Affairs*, 2009, p. 10

²¹ *Ibid.*, p. 12

²² Muasher, M., *The Arab Center*, pp. 121-123

was also added to the text. At the request of Lebanon, another clause which technically prohibits the repatriation of Palestinian refugees by Arab countries was added. Muasher acknowledges that this clause would make it very difficult for Israel to accept the API.²³ Nevertheless, the API was unanimously endorsed by the Arab League on March 28 2002. Despite all its flaws, particularly on the refugee issue, the API represents a major shift from the ‘three noes’ adopted at the Khartoum Summit of 1967.²⁴ In addition, Muasher argues that the initiative gives room for minor land swaps, provided that they are mutually agreed upon and equal.²⁵ Further, Muasher says that the API refers to an agreed upon solution, and that the Palestinians and the bulk of the Arab states expect a symbolic return of refugees only, rather than the full implementation of the so-called right of return. When it was first presented in 2002, the API was seen by many in Israel as a diktat. However, as the years have passed, it has become evident that the API is actually an Arab opening position rather than a ‘take it or leave it’ offer. Muasher’s statements on the feasibility of minor border modifications within the context of land swaps, and an ‘agreed upon solution’ to the refugee issue, confirms this assessment.

Joshua Teitelbaum of the Begin Sadat Centre for Strategic Studies states that the API does include parameters which are unacceptable to Israel, such as the inclusion of Resolution 194 and the clause which forbids repatriation of refugees to Arab countries. He also believes that the API’s request for a full Israeli withdrawal from the territories captured in 1967 is unacceptable, as this would include the Golan Height.²⁶

²³ Teitelbaum, J., “The Arab Peace Initiative: A Premier and Future Prospects”, *Jerusalem Center for Public Affairs*, 2009, p. 16

²⁴ Podeh, E., *Chances for Peace*, p. 318

²⁵ Muasher, M., *The Arab Center*, p.127

²⁶ Teitelbaum, J., “The Arab Peace Initiative: A Premier and Future Prospects”, *Jerusalem Center for Public Affairs*, 2009, pp.14-16

Nevertheless, according to Teitelbaum there were reports of secret meetings between Israeli and Saudi diplomats in which the Saudis agreed to modify the API in a way which would make it more acceptable to Israel.²⁷

Due to the tragic circumstances which occurred on the day the API was adopted by the Arab League, it was not accepted by Israel or the United States. Nevertheless, Crown Prince Abdallah visited the United States on April 25 2002. During his visit he presented the then Secretary of State, Colin Powell, with a softer version of the API, which was far more favourable to Israel. This version neither mentioned a full Israeli withdrawal to the 1967 lines nor the refugee issue. However, Israel dismissed the plan and argued that no innovative ideas had been added to it.²⁸ Despite the negative reaction from Israel, as well as its ambiguous language on the most complex issue of the Israeli-Palestinian conflict, the API remains a turning point in the Arab-Israeli conflict. For the first time in the history of the Arab-Israeli conflict, the Arab states openly stated that they would be willing to recognize Israel, make peace and normalize relations with it.

(B) The US and Israeli Response to the Plan

Due to the highly tense context in which the API was adopted in 2002, as well as the language used on all the core issues of the conflict, neither the US nor Israel accepted the API. Overtime, Israel has welcomed the shift in Arab policy, but so far has fallen short of endorsing the API. Israel under Prime Minister Sharon never endorsed the plan

²⁷ Ibid., p. 21

²⁸ Podeh, E., *Chances for Peace*, p. 310

nor responded to the API. Some in the Israeli government, however, such as Defence Minister Benjamin Ben Eliezer or Shimon Peres, were more enthusiastic about the plan. Ariel Sharon himself said that the API is a positive development but rejected it on the basis of the Arab position on the core issues of the conflict.²⁹

President Moshes Katsav offered to meet Crown Prince Abdallah, but his request was turned down. The Saudis said they would not start normalizing relations with Israel until it had accepted the API.³⁰ Other opposition figures such as Yossi Sarid fully endorsed the API and supported convening a regional peace conference along the lines of the API.³¹ Over the years, the Israeli position with regards to the API and more generally the original Saudi Peace Initiative have evolved. Former Prime Minister, Ehud Olmert, praised the Saudi Peace Initiative as a major step forward by the Arab states, but still rejected the API on the basis that it contained unacceptable components for Israel, specifically on the refugee issue.³² According to some reports, Olmert met with the Saudi Ambassador to the US, Bandar Bin Sultan, in Amman. The two discussed the possibility of Saudi involvement in the peace process.³³

Other Israeli decision makers and politicians welcomed the API as a turning point in the policy of Arab states towards Israel. Former Israeli President Shimon Peres praised the API as a rejection of the “three noes” adopted by the Arab League at the Khartoum

²⁹ Podeh, E., "From Fahd to Abdallah: The Origins of the Saudi Peace Initiatives and their Impact on the Arab System and Israel", *The Harry S Truman Institute for Advancement of Peace*, July 2003, p. 26

³⁰ *Ibid.*, pp. 24-25

³¹ *Ibid.*, p. 27

³² Teitelbaum, J., "The Arab Peace Initiative: A Premier and Future Prospects", *Jerusalem Center for Public Affairs*, 2009, p. 21

³³ Podeh, E., *Chances for Peace*, p. 312

Summit in August 1967. Furthermore, Peres invited Arab leaders to visit Jerusalem to discuss the API. The then Saudi Foreign Minister, Saud Al Faysal, welcomed Peres' statement on the API and hoped Prime Minister Olmert would follow suit. The then Israeli Defence Minister, Ehud Barak, and Internal Affairs Minister, Meir Shetrit, also praised the API.³⁴ Indeed, Shetrit has been the most ardent supporter of the API and argued in 2008 that the bilateral track with the Palestinians is dead, and that Israel should aim for negotiations at the regional level.³⁵

More recently, current Israeli Prime Minister, Netanyahu, has praised some elements of the API. Yet he too has fallen short of endorsing it.³⁶ Even more moderate Israeli politicians, such as Tzipi Livni, fall short of endorsing the API. According to Livni, the API is tantamount to accepting the right of return.³⁷ Other prominent Israeli figures have responded to the API positively. For instance, Yuval Rabin (son of the late Prime Minister Yitzhak Rabin), Koby Huberman and Amnon Lipkin Shahak (a former Chief of Staff), have established Circles of Peace, an organization which promotes regional dialogue, including on the basis of the API.³⁸

³⁴ Podeh, E., "Israel and the Arab Peace Initiative, 2002–2014: A Plausible Missed Opportunity", *The Middle East Journal*, 68, 4 (2014), 584-603, p. 596

³⁵ Fisher-Ilan, A., 'Israeli minister urges backing for Arab peace plan', *Reuters* (24 November 2008), URL: <https://www.reuters.com/article/us-israel-palestinians-arab/israeli-minister-urges-backing-for-arab-peace-plan-idUSTRE4AN4FJ20081124>

³⁶ Aren, R., 'Netanyahu backs 'general idea' behind Arab Peace Initiative', *The Times of Israel* (May 28 2015), URL: <https://www.timesofisrael.com/netanyahu-endorses-general-idea-behind-arab-peace-initiative/>

³⁷ Interview with Elie Podeh 07/02/18

³⁸ Podeh, E., *Chances for Peace*, p. 313

The United States praised the Saudi initiative, whilst similarly falling short of endorsing it. In her memoir, Condoleezza Rice lauds the proposal as an audacious move, but argues that the timing was extremely unpropitious, as the security situation in Israel and the territories had deteriorated significantly.³⁹ At this time, the Bush administration preferred to stick to the George Tenet plan and Mitchell report, both of which sought to address immediate issues, such as stopping the wave of violence, rather than focus on final status negotiations.⁴⁰ Bush eventually praised the Saudi Peace Initiative in late February 2002, but argued that there had to be a complete cessation of terrorist attacks against Israeli citizens before it could be considered.⁴¹ Later on, in March 2007, then Secretary of State, Condoleezza Rice, tried to convince Arab leaders to bring about a change in the API, specifically to make it more appealing to the Israelis. She also argued that the Arab states needed to do more to promote their initiative.⁴² A few years later, the Obama administration adopted a position regarding the API somewhat similar to that of the Israelis. That is to say, the Obama administration praised the constructive aspects of the initiative but chose not to endorse it.⁴³ Nevertheless, Obama's Secretary of State, John Kerry, did manage to convince the Qatari Foreign Minister to publicly declare that the Arab states endorse the concept of minor and mutually agreed land swaps.⁴⁴

³⁹ Rice, C., *No Higher Honor: A Memoir of my Years in Washington*, (New York: Crown Publishers, 2011), p. 36

⁴⁰ Podeh, E., *Chances for Peace*, p. 309

⁴¹ *Ibid.*

⁴² Teitelbaum, J., "The Arab Peace Initiative: A Premier and Future Prospects", *Jerusalem Center for Public Affairs*, 2009, p. 20

⁴³ *Ibid.*, p. 28

⁴⁴ Interview with Dan Shapiro 11/01/18

(3) The API in the Context of a New Regional Landscape, 2007-2013: A Missed Opportunity?

(A) The API Back on the Table

Despite the Israeli and American rejection of the plan, the API remains the official policy of the Arab states. In March 2007, the Arab League convened a summit in Cairo where the Arab states unanimously re-endorsed the API and agreed to form an Arab Quartet with the task of promoting the Arab peace plan.⁴⁵ In contrast to the Beirut Summit of 2002, when the API was first presented, the Cairo Summit took place in a much more conducive environment.

In sharp contrast to 2002, when the Arab states' policy towards Israel was very hostile – due mainly to the waves of violence and terrorism afflicting Israel and the Palestinian territories – the year 2006 saw the first seeds of converging interests between Israel and the Arab states over the growing Iranian influence in the region. For the first-time key Arab states, such as Saudi Arabia, condemned the kidnapping of two IDF soldiers at the Israeli border with Lebanon.⁴⁶ On March 29 2007, the Arab League unanimously re-endorsed the API. However, prior to the Cairo Summit, at which this re-endorsement occurred, Osama El Baz, President Mubarak's advisor, proposed an initiative to bring Olmert to speak to the Arab League. The plan was for the Israeli Prime Minister to endorse the API. Mubarak obtained the consent of all key Arab states, such as Jordan,

⁴⁵ Podeh, E., "Israel and the Arab Peace Initiative, 2002–2014: A Plausible Missed Opportunity", *The Middle East Journal*, 68, 4 (2014), 584-603, p. 595

⁴⁶ Podeh, E., *Chances for Peace*, p. 312

Morocco, and Egypt. Such a bold move would have probably led to the breaking of the psychological barrier between Israel and the Arab states.⁴⁷

Eventually, the Jordanian and Egyptian Foreign Ministers made an official visit to Israel on behalf of the Arab League, in order to promote the API to the Israeli public. Although this visit was historic it nevertheless failed to produce any tangible results.⁴⁸ Had the Arab League sent the Saudi Foreign Minister as well, this move would have perhaps had a greater impact, possibly even influencing the Israeli public to accept the Arab peace plan. Indeed, one of the issues regarding regional peace is the lack of a gesture towards Israel by the Arab world. For instance, during the Annapolis Summit, the Saudi Foreign Minister refused to shake hands with Israel's representatives, arguing that normalization of relations would occur only after a peace treaty is signed.⁴⁹

The fact that officials from Arab countries refuse to shake hands with their Israeli counterparts creates more mistrust. It leads the Israeli public and their representatives to think that the Arab states will never change their policy towards them, which in turn discourages Israelis from making any concessions for peace. History has proven that breaking the psychological barrier can eventually lead to peace. On the other hand, Prime Minister Olmert should have done more regarding the API. Although Olmert praised the Saudi initiative he nevertheless chose to negotiate bilaterally with Abu Mazen, ignoring the opportunity to negotiate at a more multilateral level with other

⁴⁷ Podeh, E., "Israel and the Arab Peace Initiative, 2002–2014: A Plausible Missed Opportunity", *The Middle East Journal*, 68, 4 (2014), 584-603, p. 594

⁴⁸ *Ibid.*, p. 316

⁴⁹ Teitelbaum, J., "The Arab Peace Initiative: A Premier and Future Prospects", *Jerusalem Center for Public Affairs*, 2009, p. 24

Arab states. Eventually the bilateral track ended in failure, since, like Camp David, Olmert's final peace proposal, though far reaching, could not meet the Palestinians' red lines.⁵⁰ Had Olmert put forward his final offer as a counter proposal to the API, rather than limiting it to the bilateral track, the outcome might have been more positive. Indeed, as many scholars have argued, the Arab states could have shown greater flexibility on all the core issues and perhaps provided a safety net to the Palestinian, as well as giving them a taste of normalization and comprehensive peace with Israel.

Regarding possible amendments to the plan, the Qatari Foreign Minister told Secretary Kerry that the Arab states will accept mutually agreed, minor and equal land swaps of territory.⁵¹ While the API was presented as a 'take it or leave it offer', it has evolved into an Arab opening position. It does indeed omit some of Israel's vital interests. Nonetheless, it represents a major shift from the 'three noes' of the Khartoum Summit.

(B) Basis for Discussion vs Diktat: A Missed Opportunity?

Although the API is a turning point in the history of the Arab-Israeli conflict, it nevertheless contains language that is considered unacceptable by the Israeli side. The main point of contention, already highlighted by Marwan Muasher, is the language used on the refugee issue. Indeed, the clause on the refugee issue stipulates that a solution will have to be "agreed upon". But it also states that this agreement will be based on

⁵⁰ Podeh, E., *Chances for Peace*, pp. 314-316

⁵¹ Interview with Dan Shapiro 11/01/18

UNGA Resolution 194, which refers to the right of return of the refugees, and therefore is a non-starter for Israel.⁵²

There is a debate among Israeli and American scholars, as well as former officials involved in previous negotiations, on whether the API should form the basis for a regional dialogue involving Israel and the Arab states. The first group within this debate posits that the API is valid, and while it does not expect Israel to fully embrace the document, it nevertheless believes that it could provide a framework for conducting a regional peace process. Former US Ambassador to Israel, Dan Kurtzer, has argued since 2002 that, the API represents a major step in terms of Arab policy towards Israel. Kurtzer understands why Israel rejected the plan back in 2002, due the wave of terrorism it was facing at the time. But even if it did not fully embrace it, Israel should have done more later on to acknowledge the proposal. Indeed, Kurtzer argues that Israel was never expected to embrace the API as a whole, but rather was meant to reference or recognize it as a shift in Arab policy.⁵³

There was little expectation that Israel would accept the API when it was first presented in 2002, given the tragic circumstances in which it was unveiled. Nevertheless, it should have been more responsive when it was re-endorsed by the Arab League on March 29th 2007, particularly as the first seeds of a tacit alliance between Sunni Arab states and Israel had emerged during the Second Lebanon War of July-August 2006.⁵⁴

⁵² Muasher, M., *The Arab Center*, pp. 132-133

⁵³ Interview with Dan Kurtzer 04/08/17

⁵⁴ Podeh, E., *Chances for Peace*, p318

Given the new regional landscape and the growing convergence of interests between Israel and Arab states, the API should indeed be taken into consideration by Israeli leaders and it could form the basis for regional peace talks.

Koby Huberman, who is co-author of the Israel Peace Initiative, contends that the API has significantly evolved since 2002. Since 2007, the API has been no longer presented by the Arab states as a diktat, but rather as an Arab opening position. The Arab states expect Israel to accept it in principle in order to move the discussions forward. He also emphasizes the fact that the Arab League in 2013 accepted the principle of minor border modifications to the armistice line of 1949, within the context of a land swap. With regards to the refugee clause, the Arab states have made it clear that the solution should be agreed upon and that UNGA Resolution 194 is only a term of reference.⁵⁵ Huberman argues that Israel should present its own peace initiative as a response to the API; the framework for a peace process should be based on both Arab and Israeli peace initiatives.

Huberman claims that the API brings a new rationale: solving the Arab-Israeli conflict shall be rewarded by an end of conflict with the broader Arab and Islamic world, and therefore the Arab offer is strategically more significant to Israel than trying to solve the Israeli-Palestinian conflict bilaterally. Huberman adds that the spirit of the API should be part and parcel of any regional peace process.⁵⁶ Bilateral negotiations between Israel and the Palestinians have consistently failed to produce a permanent

⁵⁵ Interview with Koby Huberman 06/09/17

⁵⁶ Ibid.

status accord. The gaps on the most complex issues, such as the status of Jerusalem and refugees, are significant and are becoming more gaping as time passes. Therefore, a regional peace process that includes key actors, such as Saudi Arabia, Jordan and Egypt, is a prerequisite for reaching a comprehensive and lasting peace in the region.

Gershon Baskin emphasizes that Resolution 194 is a UNGA resolution as opposed to a UNSC resolution, which would be binding. In his view, therefore, Resolution 194 does not grant the right of return. Baskin also refers back to Marwan Muasher, who told him that the Arab states included the term “agreed upon solution” to convince the Israelis that the API is a basis for negotiations and not a diktat. In addition, Baskin laments the fact that there was not a proper Israeli response to it, as the API provides a significant incentive for Israel, including Israel’s recognition by the Arab world.⁵⁷ Elie Podeh argues the API is a draft and that Israel is not expected to agree to every detail of the initiative, but rather acknowledge it as a good starting point for discussion. Furthermore, the language used in Clause 7, which deals with the refugee issue, is ambiguous. However, Podeh regrets that Israeli leaders, including politicians from the centre left, such as Tzipi Livni, rejected the API on the grounds that it includes UNGA Resolution 194, which is tantamount to the right of return.⁵⁸ Yossi Beilin similarly argues that the inclusion of Resolution 194 is not an issue. For instance, the Geneva Initiative, which is an unofficial peace plan drafted by former Israeli and Palestinian officials, also refers to Resolution 194 due to its significance for the Palestinians. As such, the inclusion of this resolution in the API does not constitute an issue.⁵⁹

⁵⁷ Interview with Gershon Baskin 20/08/17

⁵⁸ Interview with Elie Podeh 07/01/18

⁵⁹ Interview with Yossi Beilin 14/08/17

Resolution 194 is a General Assembly Resolution and therefore is non-binding. Consequently, the inclusion of Resolution 194 should not prevent Israel from endorsing the API as a basis for discussion. As pointed out by these scholars, the API stipulates that the parties must find an agreed upon solution to the refugee issue, which indicates that this proposal leaves room for interpretation and flexibility.

In contrast to the more classic bilateral Israeli-Palestinian track, the API entails a comprehensive peace between Israel and all the Arab states, including normalization of relations. Thus, the API could provide a model for renewing the peace process within a multilateral framework. On this topic, Gilead Sher argues that the API is valid as a general framework for resolving the Arab-Israeli conflict and could serve as a platform for multilateral discussions with Arab states. However, Israel has several reservations concerning the API that need to be taken into account before such a process could start. The API offers a valid approach for the resolution of the Israeli-Palestinian conflict, which is key to any normalization of ties between Israel and the Arab states. Sher argues that the API was not drafted as a ‘take it or leave it’ offer and that it holds out the prospect at the final stage of the negotiations of normalized diplomatic and economic relations between Israel and its Arab neighbours. Sher also emphasizes that the API has been re-endorsed since 2002 almost on a yearly basis and it stands in total contradiction to the ‘three noes’ adopted by the Arab League at the Khartoum Summit.⁶⁰

⁶⁰ Interview with Gilead Sher 06/09/17

Dennis Ross, who, to reiterate, was the American Chief Negotiator during the Oslo process and at Camp David, argues that the main issue regarding the API is its high level of generality. Nevertheless, the API is indeed a basis for discussion and could help flesh out principles guiding Arab-Israeli peace. Ross asked Marwan Muasher, who is considered the main architect of the API, to elaborate and clearly define the security assurances that are to be offered to Israel within the context of the API. Muasher responded that at this point the Arab states are unable to provide an elaborate answer regarding the mechanism for implementing these security arrangements and that this would have to be negotiated between Israelis, Palestinians and the Arab states. Ross then suggested to Muasher that the Arab states and the Palestinians should engage in discussions with Israel on how to implement these security arrangements given the fact that these security measures are meant to benefit both sides of the conflict. Ross argues that although the API can form a basis for discussion it nevertheless cannot represent a blueprint for a final status agreement, as the Arab states have failed to provide a clear stance on all the core issues.⁶¹

However, Ross states that the API is not a diktat and corroborates his argument by pointing to the meeting between John Kerry and the Qatari Foreign Minister, where the latter stated that the Arab states endorsed the concept of small and equal land swaps and a slight border modification to the 1967 lines. Ross insists that the API is not a 'holy text' but merely a departure point for negotiations. The API could form a basis for talks where each side will explain their opening stance on the core issues of the conflict, but nevertheless, it cannot be the main basis for discussions given its high level

⁶¹ Interview with Dennis Ross 11/03/19

of generality.⁶² The vagueness of the API, which Ross highlights, constitutes a major weakness of the Arab peace plan. Still, it is important to emphasize that the Arab states have accepted the concept of land swaps, making it clear that the API is not a diktat but a flexible terms of reference. Nevertheless, Arab leaders and decision-makers have failed to elaborate a blueprint for normalization with Israel and to specify security mechanisms that would address Israeli concerns. As a result, Arab states must work to rectify these omissions, showing what a normalization of ties with Israel would entail and how a security regime would be established to prevent extremists from spoiling any progress towards peace.

Yair Hirschfeld argues that the regional component of the Israel-Arab peace process is very important and that the API is a significant framework. Hirschfeld was told by some Arab actors that these are principles for negotiations and not a diktat. However, Hirschfeld is disappointed that the Arab states failed to market their peace initiative to the Israeli public. Hirschfeld points out that Sadat managed to convince the Israeli public that Egypt was ready for peace and he urges the Arab states to do the same.⁶³

Shaul Arieli argues that the API is the best proposal Israel can get from the Arab states and that it can form the basis for a comprehensive peace with all Arab states. The API can form the basis for discussions, given the fact that it is founded on UNSCR 242, the 1967 lines with land swaps, and an agreed upon solution to the refugee issue. Arieli states that, if the sides show good will, they will be able to overcome the outstanding

⁶² Interview with Dennis Ross 11/03/19

⁶³ Interview with Yair Hirschfeld 20/09/18

issues that separate them. The contours of a permanent status agreement are well known, and the API only endorses these principles.⁶⁴ In an article published in *Haaretz*, Arieli emphasized that the Arab states endorsed the concept of land swaps when John Kerry met with Arab League leaders in 2013.⁶⁵

Nimrod Goren, director of the Mitvim think tank in Israel, argues that the goal of the API is to show Israel what the Arab states have to offer should it solve the conflict with the Palestinians. Therefore, the initiative is not necessarily a detailed stance on the core issues, but rather a statement of general principles.⁶⁶ The refugee issue is not the central part of the API, as demonstrated by the vague stance the Arab states have taken on this issue.⁶⁷ The main problems with regards to the API are the Arab demand for Israel to withdraw from the Golan Heights, and the fact that many Arab states which are part of the API are not functioning properly nowadays.⁶⁸

Goren's assessment is on the right lines. The Arab states' demand that Israel fully withdraw from the Golan Heights is unrealistic and impractical. However, during a forum with the head of the Institute for National Security, former head of Saudi intelligence, Turki Al Faisal, stated that given the new tragic circumstances in Syria, the Arab states would no longer request Israel to withdraw from the Golan Heights

⁶⁴ Interview with Shaul Arieli 13/09/18

⁶⁵ Arieli, S., *People and Borders: About the Israeli-Palestinian Conflict, Fifth Edition* (Israel: 2018), p. 235

⁶⁶ Interview with Nimrod Goren 22/08/17

⁶⁷ Ibid.

⁶⁸ Ibid.

since there is no Syrian interlocutor to negotiate with.⁶⁹ The current turmoil in the Middle East bolsters moderate states, while rejectionist Arab countries such as Syria, Libya, Iraq, and, to a certain degree, Lebanon, no longer play a major role in the Arab world. In the past, these rejectionist states attempted to put obstacles in the way of peacemaking by demanding unrealistic concessions from Israel. Marwan Muasher argues that Syria's attempt to change the substance of then Crown Prince Abdallah's peace initiative by adding demands on the refugee issue that would be totally unacceptable to Israel.⁷⁰ These changed circumstances increase the likelihood of a comprehensive Arab-Israeli peace on the basis of the API and the establishment of normal relations between Israel and its Arab neighbours.

Michal Yaari, who is a researcher at the Mitvim think tank and is a specialist on Saudi Arabia, argues that the importance of the API is mostly symbolic. It sets standards acceptable to the entire Arab-Muslim world to resolve the Israeli-Arab conflict. At the same time, it demands that Israel makes concessions that Israeli governments have so far not been willing to make, especially regarding Jerusalem and the right of return.⁷¹ The API never was and never will be a recipe for ending the conflict, but it can certainly outline the contours of the political process.⁷²

As a result of the tectonic changes in the Middle East since 2011, there is a growing understanding among Arab leaders, especially in the Gulf states, that changes must be

⁶⁹ 'Saudi and Israeli former Intelligence Heads', *German Marshall Fund, Brussels*, (May 2014), URL: <https://www.youtube.com/watch?v=TOHmgzbh7XA>

⁷⁰ Muasher, M., *The Arab Center*, p. 119

⁷¹ Interview with Michal Yaari 06/02/19

⁷² Ibid.

made in the API in order to adapt it to the new reality. Contrary to this pragmatic approach, the Palestinian leadership continues to hold dogmatic views and rejects concessions on core issues. Despite the pragmatic approach of the Gulf leaders, it does not necessarily mean that they are willing to make changes to the API, mostly due to their concern about hostile responses from the Arab public.⁷³ The API does not represent a fully detailed Arab-Israeli peace agreement in which the parties commit to abide by every single clause, but rather a basis for discussion. Although the Arab states are unlikely to substantially modify the API, they have nevertheless officially endorsed minor land swaps between Israel and Palestine, which demonstrates that the API is a flexible terms of reference and that amendments can be made as Arab-Israeli negotiations progress.

Moran Zaga, who is a researcher at Mitvim and a specialist on the Gulf states, argues that for the last sixteen years the API has been the most constant and stable regional peace offer on the table. She contrasts it with other peace initiatives, which have been discounted.⁷⁴ In the last couple years, a number of Israeli politicians, mainly from the left, have attempted to raise public awareness about the API and have promoted it. These politicians have realized the potential advantages the API presents and, as a result, many Israeli politicians from across the political spectrum have come to the conclusion that, given the gravity of the Iranian threat, Arab states are not expecting Israel to implement all the clauses of the API immediately and that such a process could

⁷³ Ibid.

⁷⁴ Interview with Moran Zaga 29/01/19

be sequential. Finally, Zaga states that, as long as the API continues to be a consensus among the Arab states, more Israeli politicians will try to promote this initiative.⁷⁵

Zaga highlights that the API has been re-endorsed up to this day by the Arab League and that it will most likely remain the cornerstone of Arab policy towards Israel for the foreseeable future. That some politicians in Israel are promoting the API is good start, but this still falls far short of shifting the balance of public opinion in favour of the API. Most of these politicians are not well known to the Israeli public and belong to only one side of the political spectrum. Most Israeli politicians from the right and, to lesser extent, from centrist parties remain opposed to the API. In order to shift public opinion in Israel in favour of the API, there should be broader endorsement of the API by other Israeli political parties, including the centrist Blue White party and a substantial portion of the Likud party. A survey has been conducted in Israel regarding public support for the API, as Amos Yadlin points out. According to this survey, 74 percent of the Israeli public have no knowledge of the API. However, that same poll revealed that if Prime Minister Netanyahu endorsed the API, the Israel public would follow suit and overwhelmingly support it (65% of the Israeli public).⁷⁶

Former PLO legal adviser Bader Rock argues that the API is an important initiative and a cornerstone for any meaningful peace process between Israel and the Palestinians. The API is constructive enough to allow room for manoeuvring and that there was some

⁷⁵ Ibid.

⁷⁶ 'Saudi and Israeli former Intelligence Heads', *German Marshall Fund, Brussels*, (May 2014), URL: <https://www.youtube.com/watch?v=TOHmgzbh7XA>

level of coordination between Saudi Arabia and the Bush administration with regards to the API. Rock further states that Washington attempted to influence other Arab states to endorse the peace plan.⁷⁷ The main issue related to the API is the sequencing path for normalizing Arab-Israeli relations. The Palestinians and some Arab states strongly believe that normalization with Israel and the rewards of peace should only occur after the signing of a permanent status agreement between Israelis and Palestinians. In contrast, other Arab states believe that this normalization can happen in parallel – that is, there will be an Arab-Israeli track in parallel to a bilateral Israeli-Palestinian negotiating track.⁷⁸ Since 2002, when the Arab League first endorsed the API, major events have changed the entire landscape of the Middle East. Some influential Arab countries, such as Syria, have crumbled and as a consequence have lost their influence. As a result of the rising Iranian influence in the region, the Arab states increasingly manage their relations with Israel based on their strategic and security interests.⁷⁹

Shimon Shamir, who was the first Israeli Ambassador to Jordan, believes that the API provides a more moderate stance on the core issues than the Palestinian position and that it could serve as an umbrella to endorse an Israeli-Palestinian agreement. Nevertheless, the Arab states' direct involvement in the negotiations would be counterproductive given that the Arab states might harden their stance on Israel and on the core issues of the conflict. Shamir posits that the API should form the starting point for the negotiations and that the Arab states' endorsement of an Israel-Palestinian peace agreement would be a great advantage for these negotiations. The Arab states' support,

⁷⁷ Interview with Bader Rock 12/02/19

⁷⁸ Ibid.

⁷⁹ Ibid.

in the form of the API, could help revive the Israeli-Palestinian track and they can assist the two parties should there be a stalemate during the negotiations. Shamir posits that a multilateral conference along the lines of the Peres-Hussein London agreement of 1987, which would include all the actors of the conflict, can jump start final status negotiations.⁸⁰ However, negotiations that would entail an Israeli-Palestinian peace settlement in a multilateral framework, involving all Arab states, would be doomed to fail.⁸¹

Regarding the Israeli response to the API, Shamir believes that Israel should accept the API in principle but nevertheless not the details of the Arab peace plan. However, given that the API includes normalization of relations, end of conflict, and the termination of all claims, Shamir posits that Israel cannot afford to reject it. According to the former Israeli Ambassador to Jordan, Israel should accept the API without committing itself to every detail of the plan. On the refugee issue, which is the main reason Israel opposes the plan, Shamir highlights that the API mentions an agreed upon solution, which means that a resolution of the refugee issue is subject to negotiations. Shamir refutes the Israeli claim that the API was presented as a diktat by stating that the Egyptian and Jordanian Foreign Ministers, who visited Israel as representatives of the Arab League, stated that the details of the API are subject to negotiations.⁸² Israel's two main objections relate to the inclusion of UNGAR 194 and Clause 4 on the repatriation of refugees. Shamir argues that these two elements are not a source for concern, since the Arab states rejected Resolution 194 in 1948 and the Resolution stipulates that only refugees willing

⁸⁰ Interview with Shimon Shamir 14/09/17

⁸¹ Ibid.

⁸² Ibid.

to live in peace with Israel should be able to return to their homes. This will make it impossible to implement the return of such refugees since only Israel will be able to determine who should be allowed to enter Israel. Moreover, Shamir contends that this Resolution can be interpreted in various ways and therefore is subject to negotiations. As long as the Arab states commit to an agreed upon solution to the refugee issue there is no reason to be concerned.⁸³

Regarding Clause 4 on the repatriation of refugees – which was added at the request of Lebanon and Syria, which feared that many of the Palestinian refugees would be resettled in their respective countries – Shamir argues that this issue is an insignificant part of the API and, as result, should not be considered an obstacle. Finally, Shamir argues that Israel should also put forward a counterproposal to the API rather than just express its reservations regarding the details of the plan.⁸⁴ Indeed, the clause which prohibits the repatriation of Palestinian refugees in their Arab host countries is a nonstarter for Israel. However, this clause is marginal and is not the main point of the API. Additionally, this issue can be addressed during multilateral talks between Israel and the Arab states, as the API proposes an agreed upon solution to the refugee problem.

Yossi Alpher, who is co-editor of the *Bitterlemons* website, argues that the API does not mention the right of return specifically, since Resolution 194 does not grant the Palestinian refugees the right of return to Israel. Another issue is the lack of efforts on the parts of both Israel and the Arab states to promote the API to the Israeli public. In

⁸³ Ibid.

⁸⁴ Ibid.

addition, Alpher states that Israel should acknowledge that the permanent border between Israel and the future Palestinian state will be based on the 1967 lines with minor and agreed upon land swaps.⁸⁵ However, Alpher is also critical of the Arab states' lack of engagement with the Israeli public, and the fact that the API talks about efforts to gain international support, but nevertheless omits to mention the need to gain public support in Israel.⁸⁶

Since November 1967, UN Security Council Resolution 242 has provided the basic terms of reference for any peace agreement between Israel and the Arab states. All previous Arab-Israeli peace agreements, such as the Israeli-Egyptian and Israeli-Jordanian peace treaties, as well as the Oslo Accords, are based on Resolutions 242 and 338. However, the main issue lies with the interpretation of 242. The English version, drafted by Britain's Ambassador to the UN, Lord Caradon, stipulates that Israel is expected to withdraw from territories without specifying the depth of the withdrawal or determining the exact boundaries.⁸⁷ In contrast, the French version of the text is more specific and requires Israel to pull out from "the territories". Israel interprets Resolution 242 in a manner which does not compel it to fully withdraw from all the territories. In sharp contrast, the Arab states insist that 242 indeed requires Israel to return all the territories captured in June 1967.⁸⁸ Bruce Maddy Weitzman of Tel Aviv University argues that the API is an evolution of UNSCR 242, and the main issue lies with the interpretation of it. Maddy-Weitzman argues that ambiguity can be resolved

⁸⁵ Alpher, Y., Khatib, G., and Seitz, C. (Eds.), *The Bitterlemons Guide to the Arab Peace Initiative: New Thinking on a Key Middle East Proposal*, (Jerusalem: Bitterlemons, 2011), pp. 9-163, pp. 143-144

⁸⁶ *Ibid.*, p.45

⁸⁷ Rosen, Meir. "Understanding UN Security Council Resolution 242." *Jerusalem Center for Public Affairs*, (2014), URL: jepa.org/security_council_resolution_242/ [last accessed 28 April 2018]

⁸⁸ *Ibid.*

through creative diplomacy.⁸⁹ Maddy-Weitzman acknowledges that the API contains problematic elements for both sides, but nevertheless argues that elements of the API could be used as terms of reference for regional discussions. Maddy-Weitzman is also pessimistic regarding the prospect of reaching a regional agreement on the basis of the API. He states that, new facts on the ground, established by both sides, will make it harder now to achieve an agreement on the basis of the API than it was 15 years ago, since separating the two conflicting parties would be significantly harder due to political circumstances.⁹⁰

Nimrod Novik, who was involved in track 2 negotiations with the Palestinians, argues that there are two school of thoughts concerning the API. One school argues that the API is unacceptable due to the fact that it is a legally binding document, the ambiguous language on the refugee issue, and its presentation as a diktat. The other group, to which Novik belongs, argues that it is a political document rather than a legal text and that it was a compromise between all the Arab states. Novik argues that the Arab states cannot adopt the Israeli narrative and that the Israelis who are opposed to the peace process will find a pretext for not considering the API. However, Novik argues that there are others who are not opposed to a regional process but rather have a more rigid approach to it.

Novik also notes the need to, and the possibility of, extending support for the API in Israel. For instance, Yaakov Amidror, a former National Security Advisor to Prime

⁸⁹ Interview with Bruce Maddy Weitzman 31/07/17

⁹⁰ Ibid.

Minister Netanyahu, was initially sceptical about the regional perspective and the API. However, Amidror's approach changed when he met with the former Saudi Ambassador to Washington, Prince Turki Al Faisal, who reminded him that, when the Arab League adopted the concept of land swaps, it tried to convey a message to the Israeli leaders and public that the API is not a 'take it or leave it' offer. Al Faisal told Amidror that the Arab states would accept to negotiate Israeli reservations on the API, provided Israel accept the Arab peace plan. After the meeting Amidror changed his perspective on the regional approach and now openly supports a regional peace process, as well as a two-state solution, due to the new environment being more conducive to this agenda.⁹¹ Novik highlights an important point, which is to try to extend political support for the API to the more conservative and right leaning politicians in Israel. At present, only a handful of Israeli politicians, mainly from the centre left and left leaning parties, are actively promoting the API. This is, however, insufficient, as only a broader consensus on the API could turn the tide and shift Israeli public opinion in favour of this proposal. It would be equally critical to get support from the Israeli leadership and the Knesset. Without a broad endorsement from the Israeli executive and legislature, as well as the Israeli public, no regional peace process under the API could occur.

Galia Golan, of the Interdisciplinary Centre in Herzliya, argues that the Israeli Foreign Ministry's interpretation of Resolution 194 is that it does not grant the right of return to Palestinian refugees, but rather stipulates that it should be permitted, indicating that Israel would have sovereign discretion over who is allowed or not allowed to return. Additionally, Golan points out that Resolution 194 is a United Nations General

⁹¹ Interview with Nimord Novik 13/03/18

Assembly Resolution and therefore is non-binding. Furthermore, the differences in interpretation with regards to Resolution 194 will eventually be tackled during regional discussions on the basis of the API.⁹² Golan says that the introduction of the words “in accordance with” allows Israel to interpret Resolution 194 along the lines of the Clinton Parameters, with the four options it gave to the refugees. In addition, theoretically, the official Israeli position is that Resolution 194 does not constitute the right of return. Golan states that, if an Israeli government would like to start a regional process, it could say that Israel is willing to come to a conference on the basis of the API, as well as Resolutions 242 and 338.⁹³

On the Arab side, former Palestinian Foreign Minister, Nabil Shaath, argues that the API talks about an agreed upon solution, a formula already accepted during previous final status negotiations.⁹⁴ Nevertheless, Shaath is very critical of the Israeli stance *vis-a-vis* the API. He argues that Israel did everything to deconstruct the API by creating new facts on the grounds, such as building additional settlements rendering the two-state solution unworkable.⁹⁵

Concerning the regional dimension of the plan, Marwan Muasher argues that such a plan offers the safety net that the parties need in order to strike a deal. Moreover, it offers an alternative to a purely bilateral approach, that is, the opportunity for Israel to

⁹² Golan, G., *Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement* (Princeton, New Jersey: Markus Wiener Publishers, 2008 Updated ed.), p. 71

⁹³ Interview with Galia Golan 04/03/18

⁹⁴ Alpher, Y., Khatib, G., and Seitz, C. (Eds.), *The Bitterlemons Guide to the Arab Peace Initiative*, p. 18

⁹⁵ *Ibid.*, p. 19

negotiate a comprehensive peace with every single country in the region.⁹⁶ On the other hand, Muasher acknowledges the dilemma with regards to the interpretation of UNGAR 194 and the rift between the more radical camp, which wants nothing less than the full interpretation of the right of return, and the moderate camp, which is willing to show some degree of flexibility regarding this issue. For instance, Lebanon insists that every refugee should leave Lebanon even if they choose compensation. Muasher comments that such a demand goes beyond Israel's obligation in the API and therefore would render the initiative a non-starter for Israel.⁹⁷

Hassan Barari, a Jordanian scholar who specializes in Jordanian-Israeli relations, argues that the API does not include the right of return and that the initiative grants Israel a veto over any final outcome on the refugee issue. According to Barari, the API sends a clear message to the Israelis, which is that an agreement on the refugee issue would have to gain Israel's approval before it could be reached.⁹⁸

Others take a more cautious approach towards the API, praising the shift in Arab policy towards Israel, but nevertheless cautioning about the problematic language which is included, particularly regarding the refugee issue. Former Israeli Ambassador to the US, Itamar Rabinovitch, argues that the API was initially presented as a diktat and not as a basis for negotiations. However, Rabinovitch regrets that Israel never responded to it and that it should have instead welcomed the initiative, while asking for clarifications

⁹⁶ Ibid., p. 20

⁹⁷ Ibid., p. 21

⁹⁸ Ibid.

on highly contentious issues, such as the Arab demand for an Israeli withdraw from the Golan Heights and the inclusion of Resolution 194. Furthermore, the API does not include the possibility of a land swap, or at least this option is not explicitly written in the text. As such, Israel should ask the Arab states to make some amendments to the original Arab peace plan.⁹⁹

Former US Ambassador to Israel, Dan Shapiro, says that, although the API is a welcome change in Arab policy, it remains unacceptable for Israel, mainly due to the language of full withdrawal without land swaps, and the vague language on the refugee issue, which makes the plan highly difficult for any Israeli leaders to accept. However, Israel should have responded to the initiative. Shapiro emphasizes that former Secretary of State Kerry asked the Arab states to provide greater detail regarding their vision for normalization with Israel, but that the Arab countries did not respond. He argues that if the Arab states had laid out their vision for normalization of relations with Israel it would have served as an inducement for the Israeli public to put pressure on their leadership. The Israeli public would see the fruits of normalization, such as mass tourism and economic cooperation. Moreover, the main issues regarding the API are the language on the Golan Heights and the disputed territories between Israel and Lebanon. He contends that, if normalization can only occur after an Israeli withdrawal from the Golan Height, then there is practically no chance that Israel would accept the API. Shapiro mourns that his administration did not ask the Arab states to cancel their

⁹⁹ Interview with Itamar Rabinovitch 13/08/17

demand for an Israeli withdrawal from the Golan Heights and only applied the initiative to the Palestinian track.¹⁰⁰

Shapiro points out some of the weaknesses of the API, its inclusion of the Golan Heights and its lack of detail on what normalization between Israel and the Arab states would entail. It is clear that the Arab states should be able to put forward a blueprint specifying the mechanics of a normalization process with Israel. Such a process should include tourism, economic and scientific cooperation, water sharing, and security cooperation. So far, Arab states have declined to comment on how normalization would work, since there has been no progress in the peace process. Arab leaders fear that, if they draft a blueprint on normalization of ties with Israel before any substantial progress is made in the peace process, this would be tantamount to starting the normalization process without any reciprocal moves by Israel. However, a detailed plan on what normalization would look like would convey a message to the Israeli public that the Arab states are serious and are willing to open a new chapter in Arab-Israeli relations should the Israeli leadership choose the path of peace.

Another issue pointed out by Yossi Beilin is the lack of Saudi involvement in promoting the API. The former Minister of Justice states that the Saudis always acted behind the scenes while letting the Egyptians and Jordanians, which already have peace treaties with Israel, promote the API.¹⁰¹ Additionally, the API does not allow the Arab states to assist Israelis and Palestinians in reaching a final status agreement, nor does it allow

¹⁰⁰ Interview with Dan Shapiro 11/01/18

¹⁰¹ Interview with Yossi Beilin 14/08/17

the possibility of an interim agreement which would eventually lead to a Palestinian state with provisional borders, as stipulated in the Road Map.¹⁰² The API cannot be regarded as a blueprint for negotiations since the exact details on the core issues are too vague. He argues that the Arab states are not bringing anything new to the table. However, Beilin criticizes the lack of an Israeli response to the API and adds that the Arab peace plan constitutes a major change in Arab policy towards Israel, since it is the first time that the Arab states have openly stated that they are willing to normalize ties with Israel. Israel should have acknowledged this plan as an important step towards a comprehensive peace.¹⁰³

The API is not a detailed blueprint for a comprehensive Arab-Israel peace, but rather a general statement of the Arab stance on the core issues of the conflict and a terms of reference for a regional peace process. On the issue of promoting the API to the Israeli public, Saudi Arabia and other GCC states have not been proactive. However, Bahraini Foreign Minister Al Khalifa recently gave an interview to an Israeli TV channel in which he supported Israel's right to defend itself against Iranian aggression and practically begged Israel to accept the API.¹⁰⁴ Former director of Saudi intelligence, Turki Al Faysal, also gave a similar interview in which he urged Israelis to support peace on the basis of the API.¹⁰⁵

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Sheikh Khalid bin Ahmad bin Mohammad Al Khalifa, 'Interview', *Israel Channel 13* (June 2019), URL: <https://www.youtube.com/watch?v=NBqO7CAPUe8>

¹⁰⁵ Turki Al Faysal, 'Interview', *Israel Channel 13* (February 2019), URL: <https://www.youtube.com/watch?v=gWV-6MprsHw>

Although Nimrod Novik strongly argues in favour of the API, he nevertheless deplors the lack of Arab effort to promote the API. According to Novik, the API was designed for the Israeli public; it tells the Israelis to reach peace with the Palestinians, as well as with the Syrians and the Lebanese, and that they will be rewarded at the end of the process. The problem is that very few Israelis are familiar with the content of the API, mainly due to the fact that the Arab states have failed to ‘market it’ by talking directly to the Israeli public. Novik held negotiations with senior Saudi officials and their answers were very rigid – that they have done their part and “the ball is now in Israel’s court”. Novik replied by telling them that, if they were businessmen trying to sell a product they really believed in, and 10 years later there were no buyers, then they should start wondering what went wrong. Indeed, the Arab states failed to market the API to the Israeli public. The Arab states should have explained in detail the prize the Israelis would get if they reached a final status peace agreement with the Palestinians. For instance, they should have emphasised a regional security structure, which would do more to enhance Israeli security than a strictly bilateral security arrangement with the Palestinians. They should also have talked about how regional peace would provide economic tourism opportunities for all states in the region. Some former officials, such as Prince Turki al Faisal, tried to promote the API to the Israeli public by meeting with former Israeli officials, meetings organized by Novik.¹⁰⁶ Although such meetings are indeed helpful, most Israeli citizens are unaware of them and, as a result, only few Israelis are knowledgeable with regards to the content of the API.

¹⁰⁶ Interview with Nimrod Novik 13/03/18

Although Gilead Sher believes that the API could form the framework for a regional peace process, he nevertheless expresses some criticisms of the details of the plan and the way it was presented to the Israeli public. Firstly, the weaknesses of the API are linked to the Arab League's flaws, since when the API was first presented in 2002, the Arab League was very much different from what it is today. The turmoil in the Arab world over the past eight years has had a significant impact on the composition of the potential interlocutors with Israel and so has raised the prospect of both normalization and progress being made on the Israeli-Palestinian track. In addition, many non-state actors are affecting developments in the Middle East and thus are becoming more significant than state actors. Secondly, when the API was first presented in 2002, it was seen by many as a diktat, especially regarding the process of normalization and the termination of the Israeli-Palestinian conflict. Furthermore, it refers to all the territories occupied since the Six Day War, including the Golan Heights, which is a non-starter for Israel; in light of the development of non-state actors that Sher alludes to, Israel's withdrawal from the Golan Heights is out of the question.¹⁰⁷

Thirdly, outlining the parameters for a final status agreement without setting out the process for reaching this outcome was a mistake of the API. That is because, when talking about the contours of an Israel-Palestinian agreement, one inevitably bypasses the main stumbling blocks, which are the lack of trust between the two parties, the widening gaps on all the core issues of the conflict, and the deficiency of past attempts at settling this conflict. Focusing only on ends rather than means results in all these issues not being taken into account. That is, there is the need for a transition period and

¹⁰⁷ Interview with Gilead Sher 06/09/17

an interim agreement, the need to put layer over layer in a gradual manner and not just depict the final vision for a peace agreement.¹⁰⁸

When the API was endorsed by the Arab League on March 28th 2002, tragic circumstances in Israel made a regional peace process unfeasible. The API is not a detailed blueprint for solving the Arab-Israeli conflict, but instead a terms of reference conveying the Arab states' consensus on the core issues of the conflict. Indeed, more needs to be done by the Arab states to elaborate a blueprint for a regional peace process that will incorporate the API – and potentially an Israeli counter proposal to the Arab peace plan – as the basis for discussions. As part of this gradual approach, both sides would be expected to take confidence building measures – Israel could provide more Area C territories to the Palestinians, while Arab states could establish partial diplomatic relations and upgrade these as progress is made on the Israeli-Palestinian track. On the most sensitive issues of the conflict, such as refugees and Jerusalem, the involvement of Arab states is crucial for the success of any final status negotiations.

The original Saudi Peace Initiative, first introduced by then Crown Prince Abdallah, is certainly more favourable to Israel than the API, as it omits the refugee issue and proposes full normalization rather than API's vague formula of normal relations. The API is, though, an amended version of the Abdallah peace initiative which represents the Arab consensus regarding the core issues of the conflict. As previously mentioned,

¹⁰⁸ Ibid.

the API clause on refugees is the main reason why Israel has failed to respond positively to the API.

On this topic, Dan Meridor, who was a senior member of the Israeli delegation at Camp David, highlights the differences between the Abdallah Peace Initiative and the API. Meridor points out that Crown Prince Abdallah's peace initiative talks about normalization in exchange for an Israeli withdrawal to the 1967 lines without any reference to the refugee issue. Meridor adds that the Saudi peace plan is until today the most advanced Arab peace plan that could form the basis for discussions. That does not mean that Israel will have to accept everything written in this initiative, but it nevertheless could be a departure point for discussions.¹⁰⁹

When the API was brought to the Arab League summit in Beirut, Nabil Shaath, who was the Palestinian Foreign Minister at that time, sent Arafat to modify the Saudi initiative and add Resolution 194.¹¹⁰ The main issue with the API is that the Arab states show very little flexibility regarding their stance on the core issues of the conflict, while Israel is requested to make all the concessions with very little in return. This is highlighted by the Arab demand for a complete Israeli withdrawal from the territories, including East Jerusalem, while the Arab states leave the issue of refugees open for discussions. Meridor regrets that the Arab states have not left all the core issues open for discussion, so that both sides would be able to express their position on these and then negotiate in order to reach a compromise. Meridor further laments the Arab states'

¹⁰⁹ Interview with Dan Meridor 28/03/19

¹¹⁰ Ibid.

negotiation tactics, which have consisted of them trying to impose their own terms on Israel.¹¹¹ Meridor would prefer a discussion based on the Saudi Peace Initiative, where both sides would be able to express their opinions on the core issues and Israel and the Arab states would be able to address their own red lines.¹¹² Although the Saudi Peace Initiative is slightly more favourable to Israel, Meridor omits to mention that the Arab League formally endorsed the concept of land swaps between Israel and Palestine during the Qatari Foreign Minister's meeting with John Kerry in July 2013. This formal endorsement of minor border modifications to the 1967 lines by the Arab states contradicts Meridor's statement and demonstrates that the API is not a diktat but rather a basis for discussion.

Robbie Sabel, a former advisor to the Israeli Foreign Ministry, argues that the API is not an agreed framework for regional negotiations but rather an opening Arab stance on the core issues of the conflict.¹¹³ The API is an Arab opening position, which is indeed a welcome shift in the Arab states policy towards Israel, but it nevertheless contains unacceptable demands on all the core issues.¹¹⁴ Sabel believes that the API in its current form cannot be the basis for negotiations, as it can be interpreted as a diktat and, as discussed above, its ambiguous language renders the initiative a non-starter for talks.¹¹⁵ Sabel's view is inaccurate since, as mentioned above, the Arab League's endorsement of land swaps is undeniable evidence that the API is a basis for discussion that can be amended as negotiations progress. During a forum with Amos Yadlin, who

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Interview with Robbie Sabel 23/08/17

¹¹⁴ Ibid.

¹¹⁵ Ibid.

was the former head of Israeli military intelligence, Turki al Faisal, formerly head of Saudi intelligence, confirmed that Israeli reservations would be taken into account if Israel accept the API in principle.¹¹⁶

Joshua Teitelbaum of the Begin Sadat Centre at Bar Ilan University, argues that Israel cannot accept the API as a basis for discussion, but nevertheless acknowledges that it contains positive points and that it is a major shift away from the Fahd plan. Teitelbaum argues that Israel, while falling short of embracing the API, should nevertheless be responsive to it and praise its positive aspects. Israel could add reservations to the API in a similar manner it did with the Road Map for Peace, when Israel accepted the plan but added fourteen reservations to the Quartet-backed peace plan. In addition, Teitelbaum advises the Israeli government to put forward its own initiative which should be modelled on some existing initiatives presented by private Israeli citizens.¹¹⁷ However, Teitelbaum argues that the most problematic issue concerning the API is the clause on repatriation. This is by far the most important issue, according to Teitelbaum, and renders the plan unacceptable as a starting point for negotiations.¹¹⁸

Given the turmoil in the Middle East and the weakening – or even crumbling – of major Arab states, it is highly unlikely that Arab states would ever modify the API and so Israel should strive to convince Arab states to negotiate partially on the basis of the acceptable aspects of their plan.¹¹⁹ Teitelbaum is accurate in his assessment, as it is

¹¹⁶ ‘Saudi and Israeli former Intelligence Heads’, *German Marshall Fund, Brussels*, (May 2014), URL: <https://www.youtube.com/watch?v=TOHmgzbh7XA>

¹¹⁷ Interview with Joshua Teitelbaum 16/08/17

¹¹⁸ Ibid.

¹¹⁹ Ibid.

safe to assume that the Arab states would not significantly amend the API. As mentioned above, Turki Al Faysal has confirmed that, should Israel accept the API as a basis for discussions, it would be entitled to add reservations to the plan, while the exact details of a final peace agreement would be worked out during the actual Arab-Israeli negotiations.¹²⁰ Thus, Israel is expected not to embrace the API in its entirety but to be responsive to it and negotiate on that basis while rejecting problematic clauses of the plan. Alternatively, Israel could produce a plan of its own that would match the API and, potentially, a compromise between these two initiatives could be reached.

Although the Arab states and Israel disagree on the content of the API, it nevertheless can be regarded as a starting point for a regional process. After analysing the historical context in which the API was born, as well as how it was presented by the Arab states, it is clear that the issues regarding the API are not so much the content, which would ultimately be resolved during negotiations, but rather how the Arab states have promoted the API. Indeed, very few Arab countries have done enough to promote the API, or at the very least to appeal to the Israeli public. One of the main reasons for this, as argued by scholars such as Yossi Beilin, is the Arab leadership's fear of how their publics would react to such steps towards normalization.¹²¹ Indeed, no Arab leaders would be willing to make a bold move similar to Sadat and visit Jerusalem, as they fear that they might be criticized by their own people.

¹²⁰ 'Saudi and Israeli former Intelligence Heads', *German Marshall Fund, Brussels*, (May 2014), URL: <https://www.youtube.com/watch?v=TOHmgzbh7XA>

¹²¹ Interview with Yossi Beilin 14/08/18

Many Israelis, including moderate politicians, are still suspicious that the API is a recipe for ending Israel as a Jewish state by demanding that it accept Resolution 194 and therefore the right of return. Nevertheless, many scholars and analysts point out that the API does not ask Israel to accept the right of return, but in fact takes into account Israel's vital interests, which is demonstrated by the "agreed upon solution" formula. In addition, the API is an opening Arab position and Israel has never given a formal response to the API, nor presented a peace plan of its own to match the Arab peace plan.

(4) Conclusion

The Abdallah peace initiative, which was shortly afterwards modified and rebranded as the Arab Peace Initiative, was a turning point in the history of the Arab-Israeli conflict. For the first time, the Arab states are willing to recognize Israel's right to exist should the later withdraw from all the territories. Israel, as well as the United States, have never responded to the API or put forward a counter proposal to it. Indeed, the API was presented on the eve of a terrorist attack in Israel resulting in the death of dozens of innocent civilians. Under those tragic circumstances, it was very difficult for the Jewish state to respond to the initiative. However, when the Arab League re-endorsed the API in March 2007, the context was far more suitable for regional talks on the basis of the API.

Regarding the content, as well as the framework, of the API, there is a division among scholars over how these should be interpreted. Some scholars and former officials are of the opinion that the API is indeed a missed opportunity and that Israel should have

been at the very least responsive to it or presented its own initiative. On the other hand, others are more prudent and although welcoming the shift in the Arab states' stance towards Israel, they nevertheless argue that the API in its current form cannot form the basis of negotiations.

It is clear that the API contains problematic elements for Israel, particularly on the refugee issue. Given the chaotic situation in Syria, the demand that Israel withdraw from the Golan Heights is also highly problematic. Nevertheless, Israel probably missed an opportunity by not responding to it when the Arab League re-endorsed the API in March 2007. At that time, the context was much more favourable to Israel given the emerging convergence of interests between Israel and Sunni Arab states, such as Saudi Arabia, Egypt and Jordan. This favourable historical context provided Israel with an opportunity to negotiate with the Arab states by putting forward their own peace initiative. This could have then led to a regional peace process on the basis of the API and the Israeli Peace Initiative, as suggested by Koby Huberman.¹²²

Another issue, which is probably the main reason why the API is not well known in Israel or rejected by many, is the lack of engagement from Saudi Arabia and other Arab states with Israeli society. Indeed, the Arab states should have done more to promote the API to the Israeli public and officials. They should have talked directly to Israelis, either in a third country or by visiting Israel itself to promote the API. The fact that the Saudis publicly shun Israeli officials and have not engaged in confidence building

¹²² Interview with Koby Huberman 06/09/17

measures to promote the API, creates the impression that the Arab states – even the more moderate ones – are not willing to come to terms with Israel’s existence.

Chapter 4

The Annapolis Final Status Negotiations: A Missed Opportunity for Greater Regional Involvement?

(1) Introduction

In the aftermath of the Camp David Summit a wave of violence erupted in Israel and Palestine, effectively putting an end to the peace process, which started with the signing of the Declaration of Principles in 1993. There was a final attempt made by President Clinton to save the peace process when he introduced his parameters for a final status accord. This led to the Taba negotiations, but ultimately ended without an Israeli-Palestinian peace agreement.

Despite American attempts to revive the peace process, no meaningful negotiations took place between Israel and the PA until late 2007 with the convening of the Annapolis Conference. This led to the Annapolis Peace Process, final status negotiations comprising a series of talks on all the core issues of the conflict between Israeli Prime Minister, Ehud Olmert, and the PA President, Mahmoud Abbas (Abu Mazen).

In May 2008, Olmert conveyed the details of his peace plan to US Secretary of State Condoleezza Rice. Rice was astonished to hear the Prime Minister's stance on the core issues of the conflict, which until today goes beyond what all other Israeli Prime

Ministers were willing to concede to the Palestinians. Olmert's plan included the 1967 lines as the basis for the border, a partition of Jerusalem (including a special regime for the holy basin), and finally the absorption of a token number of refugees by Israel over a number of years. Although Abbas acknowledged the seriousness of Olmert's peace efforts, he neither endorsed his plan nor produce a counter proposal to match Olmert's offer.

As was the case in Camp David II, no Arab states were involved during the final status negotiations. Then Israeli Prime Minister, Ehud Olmert, decided to negotiate all outstanding issues bilaterally with Mahmoud Abbas. Despite Olmert's unprecedented proposals, and the narrowing of the gaps on all the core issues of the conflict, the talks still ended without an agreement. Around the same time, the Arab states reiterated their commitment to the API, and Olmert may have missed an opportunity to negotiate his peace plan at a regional level. It is highly likely that a regional process could have facilitated Arab-Israeli peacemaking and helped Israelis and Palestinians bridge the remaining gaps between them on the most sensitive issues of the conflict. Similar to Camp David II, the Annapolis process highlights the limits of bilateral negotiations for resolving the Israeli-Palestinian conflict. As pointed out in the previous chapters, the core issues of the conflict are not solely related to the Israeli-Palestinian conflict. Key Arab states, such as Jordan, Morocco, and Saudi Arabia, have a direct interest in taking part in the negotiations on the most sensitive issues of the conflict, such as the status of the holy sites in Jerusalem and the refugee issue. As such, Olmert and Abbas might have missed an opportunity to broaden the negotiations to other actors and involve Jordan and Saudi Arabia in the final status discussions.

Despite the high level of trust between Abbas and Olmert, significant gaps remained between the two sides. This chapter will assess the circumstances which led to the Annapolis process and the significance of Olmert's peace plan and the Palestinian response. In addition, it will assess the explanations provided by scholars and former officials involved in the negotiations on why Annapolis failed. Furthermore, the chapter will examine the role of US mediation. Finally, it will consider whether the Annapolis process was a missed opportunity for a wider regional peace process, involving not only Israel and the Palestinians, but also key Arab states such as Saudi Arabia, Egypt and Jordan. Indeed, a multilateral track involving Arab actors on highly sensitive and intractable issues – such as the status of the holy sites in Jerusalem, security, and the fate of the Palestinian refugees – might have provided the parties with a propitious framework for negotiations.

(2) The Annapolis Process: A Last Attempt to Broker Peace between Israelis and Palestinians

(A) The Context Preceding Annapolis

After the failure of the Camp David Summit, a wave of violence engulfed both Israel and the PA territories. Although negotiations between Israel and the Palestinians had broken down, under President Bush 43's administration, the US decided to revive the peace process and for the first time officially announced its support for a two-state solution. Nevertheless, the US administration decided to boycott Chairman Arafat due to his alleged involvement in terrorist activities and publicly asked the Palestinian people to elect new leaders and reform the Palestinian institutions.

The first peace plan drafted by the Bush administration – called the Road Map for Peace – was officially unveiled on April 30 2003.¹ Like the Oslo Accords, the Road Map does not prejudge the outcome of the final status negotiations. However, in contrast to the Oslo process, the Road Map included the goal of a two-state solution and the establishment of a Palestinian state, first with temporary borders and then, following final status negotiations between the principal parties, with a permanent border. In terms of content, the Road Map does not prejudge final status issues but nevertheless includes three phases.

The first phase demanded a complete cessation of violence, including the dismantling of all Palestinian armed groups, a freeze of Israeli settlements activities, and a withdrawal by the IDF to the pre-September 28 2000 line. Phase two includes the restoration of all pre-Second *Intifada* ties that existed between Israel and the Arab states, the resumption of the Madrid multilateral process, as well as the establishment of a Palestinian state with provisional borders. Finally, the third phase mainly deals with issues related to final status negotiations and calls for the convening of an international conference.² Both the Israeli government and the PA accepted the Road Map, although Israel had 14 reservations. The reservations were mainly related to the PA's recognition of Israel as a Jewish state, the waiving of the right of return, the

¹ Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and Telhami, S. I., *The Peace Puzzle: America's Quest for Arab-Israeli Peace, 1989–2011*, (Ithaca: New York Cornell University Press, 2013), p.177

² *Ibid.*, p. 176

renunciation of terrorism and violence by the Palestinian side, and the need for monitoring mechanisms to be under the authority of America rather than the Quartet.³⁴

However, given the political circumstances in Israel and the Palestinian territories the Road Map was never fully implemented by both sides and the then Israeli Prime Minister, Ariel Sharon, decided to carry out his unilateral disengagement plan from the Gaza Strip. Despite the election of Abbas in the aftermath of the death of Arafat, Sharon decided to carry out his disengagement plan from the Gaza strip and refused to negotiate this measure with Abbas. In the aftermath of the disengagement plan, Sharon, who just created a new centrist party called Kadima, suffered a massive stroke and as a result became incapacitated. Olmert replaced him as the interim Prime Minister and eventually won the election and was appointed Prime Minister under the banner of Kadima.

Around the same time in the Palestinian territories, Hamas won the legislative election and as a result, Ismael Haniyeh, a prominent member of the Islamist group, was appointed Prime Minister by Abbas.⁵ Israel, the US, and the EU declared a boycott of the new Palestinian government unless it abided by three conditions stipulated by the Quartet: renunciation of terror and violence; recognition of Israel and acceptance of Resolutions 242 and 338; and the upholding of previous agreements signed by Israel and the PLO. There were some attempts to establish a national unity government. The

³ Ibid.

⁴ Podeh, E., *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin, Texas: Texas University Press, 2015), p. 331

⁵ Kurtzer, D. C., et al, *The Peace Puzzle*, p197

Saudi government mediated between Fatah and Hamas and eventually Fatah and Hamas signed the Mecca Accords in March 2007, which led to a non-partisan technocratic government under the leadership of Salam Fayyad, who previously held an important position at the World Bank. Nevertheless, both the US and Israel refused to deal with the newly formed Palestinian government, since it was supported by Hamas.⁶

(B) The Rise of Hamas and the Islamist Ideology in the Palestinian Territories

Since the signing the DOP by Israel and the PLO in 1993, Hamas has violently rejected the Accords and stated its fundamental objection to any political accommodation with Israel. Hamas' rejection of the Oslo process was translated into waves of suicide bombing attacks against Israeli civilians. The PA failed to tackle the rising threat of radical Islamist groups emerging in the territories, as Arafat was reluctant to confront Hamas and the smaller PIJ and instead sought to incorporate these two groups in the political process.⁷ Initially, Hamas refused to participate in the political process as they assumed that such a move would be tantamount to accepting the Oslo Accords. As such, Hamas did not participate in the 1996 Palestinian presidential and legislative elections. After the collapse of the Camp David Summit, Hamas resumed its campaign of suicide bombing terrorism, which led to a massive military response from Israel against Hamas operatives in the West Bank. Under pressure from the Bush administration, Hamas eventually decided to participate in the political process and won the legislative election that took place in January 2006.⁸ Israel, the US, and the EU boycotted the new Hamas-

⁶ Ibid., p. 215

⁷ Berti, B., and, Gleis, J. L., *Hezbollah and Hamas: A Comparative Study* (Baltimore: Johns Hopkins University Press 2012), pp. 123-124

⁸ Ibid., p. 125

led government and the International Quartet set out three conditions for including Hamas in the peace process. These conditions entailed that Hamas: renounce terrorism; recognise Israel's right to exist; and accept all agreements reached between Israel and the PLO since 1993.⁹

While the Bush administration boycotted the Hamas government, it continued to support Mahmoud Abbas and efforts were made to initiate negotiations between the latter and Israeli Prime Minister Ehud Olmert.¹⁰ In February 2007, Hamas and Fatah reached an agreement brokered by Saudi Arabia to establish a national unity government, but this lasted less than four months.¹¹ Regarding the core issues of the conflict, Hamas was willing to accept a Palestinian state within the 1967 line as a temporary measure and proposed a *Hudna*, or long-term cease fire, to Israel should the latter withdraw from all the territories and grant the Palestinians the full right of return to their pre-1948 homes.¹² When the national unity agreement (known as the Mecca Agreement) collapsed, Hamas took over the Gaza Strip, while the Fatah-led PA took control of the Palestinian territories in the West Bank.

(C) The Annapolis Conference: Resumption of Final Status Negotiations

In June 2007, Hamas took over the Gaza Strip, while Fatah took control of the West Bank. The Hamas take over in the Gaza Strip, and the subsequent response by Abbas

⁹ Ibid., p. 127

¹⁰ Kurtzer, D. C., et al, *The Peace Puzzle* p.214

¹¹ Ibid., p. 215

¹² Berti, B., and, Gleis, J. L., *Hezbollah and Hamas: A Comparative Study*, p. 141

and Fatah to take firm control of the Palestinian cities in the West Bank, created a rift between Fatah and Hamas and changed the momentum with regards to the peace process. When Hamas won the election in January 2006, Israel severed all ties with the PA, though Prime Minister Olmert remained in contact with President Abbas. This turn of events eventually led to the resumption of negotiations between Israel and the PA. Olmert promised Abbas that Israel would initiate confidence building measures towards the Palestinians and implement the Road Map. Secretary Rice raised the prospect of an international conference, which would officially mark the resumption of the Israeli-Palestinian peace process. Rice's main goal was to form a coalition of moderate Arab countries willing to go along with a broad definition regarding the terms of a final settlement between Israel and the PA – a definition that would only refer to the *need* for a two-state solution, making it a matter of pragmatism as opposed to justice.¹³

Initially, Olmert was unwilling to go beyond the general statements made during the Annapolis process for fear that any public stance on the core issues would damage him politically. In contrast, the Palestinians requested that Israel provide more details with regards to its stance on all the core issues of the conflict. The Americans were now satisfied with the quality of the Palestinians leadership. Indeed, prior to the election of Abbas as President of the PA, the Bush administration had always made the change of Palestinian leadership a precondition for the renewal of the peace process and the establishment of a Palestinian state. However, Rice made it clear to the Arab states and the Europeans that Washington was committed to bilateral negotiations between

¹³ Kurtzer, D. C., et al, *The Peace Puzzle*, p. 217

Israel and the Palestinians. Rice knew that Olmert would most likely oppose a large international forum.¹⁴

Rice wanted to focus the conference on three tracks: the first track was the implementation of the first phase of the Road Map; the second track would consist of bilateral Israeli-Palestinian negotiations on the core issues of the conflict; and the third track would concentrate on the implementation mechanisms of the Road Map.¹⁵ According to Elliott Abrams, Abbas wanted to address all the core issues of the conflict and try to reach some understanding on all of these issues during the Annapolis Conference. In addition, Abbas asked president Bush not to refer to Israel as a Jewish state.¹⁶ Stephan Hadley requested that Israel implement some confidence building measures, such as a settlement freeze, or a release of Palestinian prisoners.¹⁷

Tzipi Livni rejected Rice's request on the grounds that they needed to save concessions to the Palestinians for during actual negotiations. In addition, Rice asked Israel to release Palestinian prisoners, particularly those serving the longest sentences, but the Israeli side rejected her request on the basis that Israel could not free convicted murderers. That episode worsened relations between the Israeli team and Secretary Rice.¹⁸ Olmert said that he was willing to implement phases two and three of the Road Map, but he refused to disclose Israel's stance on any of the core issues at this time, out

¹⁴ Rice, C., *No Higher Honor: A Memoir of my Years in Washington*, (New York: Crown Publishers, 2011), p. 601

¹⁵ *Ibid.*, p. 602

¹⁶ Abrams, E., *Tested by Zion: The Bush administration and the Israeli Palestinian Conflict*, (New York: Cambridge University Press, 2013), pp. 250-255

¹⁷ *Ibid.*, p. 250

¹⁸ *Ibid.*, p. 252

of fear that the Palestinians would use whatever he put on the table against him in later stages of the negotiations, as was the case during Camp David II.¹⁹

Olmert also insisted that the EU, or any other international actors, should not take part in the negotiations. Rice assured Olmert that the summit would inaugurate bilateral negotiations between Israel and the PA.²⁰ The Arab states too were not too keen on the idea of an international summit and did not want to commit themselves to attending the conference.²¹ In contrast, the other three members of the Quartet – Russia, the EU and the UN – all were highly enthusiastic about the prospect of an international conference.²² Rice also promised the Saudi Foreign Minister, Saud Al Faysal, that he would not be forced to shake hands with his Israeli counterpart.²³ Perhaps a handshake between the Israeli and the Saudi Foreign Ministers could have had a psychological impact on the Israel-Arab psyche and therefore boosted chances for a successful outcome during the summit. Rice therefore might have missed an opportunity to change the negotiation landscape and move towards a more regional framework, as opposed to the purely bilateral track.

According to Elliott Abrams, President Bush told Olmert that, although he believed that a permanent status agreement and the establishment of a Palestinian state would enhance Israel's security situation, he would not force Israel into an agreement with the

¹⁹ Ibid., p. 250

²⁰ Rice, C., *No Higher Honor*, p.602

²¹ Ibid., pp. 602-603

²² Ibid.

²³ Ibid., p. 614

Palestinians.²⁴ In addition, Bush expressed the opinion that the Arab states must be involved in the process and criticized his predecessor for not involving regional actors in the Camp David negotiations.²⁵ However, in the joint declaration, the parties committed to conducting negotiations on a bilateral basis, indicating that the Arab states would not be involved in the negotiations regarding the core issues of the conflict.²⁶ Although bringing Arab states to the Annapolis Conference was bold and indeed unprecedented, the Bush administration nevertheless might have gone further. It perhaps missed an opportunity to include Arab states in the negotiations under the umbrella of the API.

In the end, the Israelis and Palestinians agreed on a compromise for a joint opening declaration at the Annapolis Conference. The joint statement mentions the resumption of final status negotiations, with December 2008 as the deadline for reaching an agreement. The statement mentions the need to achieve a two-state solution and to resolve all outstanding issues by the end of 2008. The joint declaration also mentioned the Road Map and the requirement for its implementation.²⁷ The Annapolis conference was not designed to add additional ingredients to the negotiations but rather was an attempt to resume and rejuvenate final status negotiations.²⁸ In contrast to Camp David, the two parties established twelve committees that would tackle all outstanding issues,

²⁴ Abrams, E., *Tested by Zion*, p.256

²⁵ *Ibid.*, p. 254

²⁶ *Ibid.*, p. 255

²⁷ *Ibid.*, p. 256

²⁸ Arieli, S., *People and Borders: About the Israeli-Palestinian Conflict, Fifth Edition* (Israel: 2018), p. 235

including the core issues of the conflict and non-political matters such as water, the environment, and economics.²⁹

(3) Olmert's Final Status Peace Plan and the Palestinian Response.

(A) The Resumption of Final Status Negotiations

The final status discussions were divided into two levels. First, there was the Livni-Abu Ala (Ahmed Qurei) track, which was based on various teams having extensive discussions on many issues; this track did not agree to anything. Second, there was the Olmert-Abu Mazen track, which eventually led to Olmert's peace offer.³⁰

Abu Mazen and Ehud Olmert met to discuss final status issues, core issues of the conflict, in February 2008. At the time, the Palestinians accepted a very limited land swap of 1.2 percent (later increased to 2 percent) and demanded that Israel absorb 100,000 refugees over a period of 10 years. Olmert rejected Abbas' stance on the core issues and said that he was willing to accept 8 percent of the West Bank being annexed to Israel and suggested that Tzipi Livni and Abu Ala narrowed the gaps between the two parties.³¹ As talks progressed, Olmert made a proposal to Abbas for the Palestinians to receive 93 percent of the West Bank with a further 5 percent of territory from a land swap. As the negotiations continued to move forward, the Israeli position on all the core issues evolved and the gaps between the two sides narrowed, although

²⁹ Interview with Bader Rock 13/02/19

³⁰ Interview with Dennis Ross 11/03/19

³¹ Abrams, E., *Tested by Zion*, p. 268

significant differences remained.³² Livni was critical of the Palestinians' inflexibility on borders and security and argued that Israel could not make concessions on borders while the Palestinians ignored Israel's security demands.³³

On March 21st, Olmert and Abbas held further talks, but failed to make substantial progress as the gaps remained significant on all the core issues. Elliott Abrams argues in his book *Tested by Zion* that Olmert rejected Abbas' opening stance on the issues of border and refugees, as Abbas demanded the return of 100,000 refugees – to be absorbed by Israel over a 10 year timeframe – and the limiting of a land swap to a maximum of 1.9 percent.³⁴ Indeed, the Palestinian negotiating team has always claimed that the bulk of the settlers are located in 1.2 percent of the West Bank and therefore, from their perspective, 1.9 percent of the West Bank is a generous offer. Abu Ala, who was the PA Prime Minister, as well as the main Palestinian negotiator, suggested that the Palestinians would never endorse the concept of settlement blocs and would only accept a small land swap of equal size and value.³⁵ Yasser Abed Rabo, one of the main architects of the Geneva Initiative, told Rice and the American team that the Geneva Accords include a 2.3 percent land swap on a 1:1 basis.³⁶

By contrast, the Israeli team insisted that Israel needs to annex at least 7.3 percent of the entire West Bank territory in order to create maximum contiguity between the

³² Ibid., p. 276

³³ Ibid., p. 277

³⁴ Ibid., p. 269

³⁵ Switcher, C. E., *The Palestine Papers: The End of the Road?*, (Chatham: Hesperus Press Limited, 2011), p. 133

³⁶ Abrams, E., *Tested by Zion*, p. 271

settlements that would be annexed to Israel. They were, however, willing to compensate the Palestinians with the equivalent of 5% of territory from inside Israel.³⁷ The Palestinians rejected this proposal, arguing that it would cantonize the Palestinian state and hinder its contiguity. In addition, the Palestinians pointed out the historical significance of their proposal for a land swap, as it entailed their acceptance of Israeli sovereignty over the Jewish neighbourhoods in East Jerusalem, such as Pisgat Ze'ev.³⁸ According to Elliott Abrams, Olmert reportedly told Abu Mazen that the Palestinian proposal for a 2% land swap is a nonstarter and he instead proposed that Israel annex 8% of the West Bank.³⁹

However, a turning point occurred in May 2008 when, during a private dinner, Olmert informed Secretary Rice about the details of his final peace plan. Olmert acknowledged that the Livni-Abu Ala track had reached a stalemate and therefore direct negotiations between himself and Abbas would be more fruitful.⁴⁰ Olmert told Rice that he was aware that Abbas needed some form of concessions from the Israeli side on Jerusalem and the refugee issue and that he was willing to cede around 94 percent of the West Bank to the Palestinians.

On Jerusalem, Olmert stipulated that there would be two capitals: West Jerusalem would remain Israel's capital, while East Jerusalem would form the capital of the Palestinian state; there would also be joint governance mechanisms to administer the

³⁷ Switcher, C. E., *The Palestine Papers: The End of the Road?*, (Chatham: Hesperus Press Limited, 2011), p. 197

³⁸ *Ibid.*, p. 196

³⁹ Abrams, E., *Tested by Zion*, p. 272

⁴⁰ Rice, C., *No Higher Honor*, p. 651

city. With regards to the Old City of Jerusalem, Olmert said he was willing to renege Israeli sovereignty. He proposed instead that the Old City, with its Jewish, Muslim, and Christian holy sites, would be governed by a consortium of five nations, which would include Israel, Palestine, Jordan, Saudi Arabia, and the United States.⁴¹ Rice was astonished to hear what Olmert just told her. She could not imagine an Israeli Prime Minister willing to put Jerusalem's holy sites under the guardianship of an international body. Rice started to take notes, but Olmert requested that she stop, fearing that his plan could be leaked. Rice reassured him, saying what he had just told her would stay between them.⁴²

(B) The Annapolis Denouement: Olmert's Final Peace Plan and the Lack of a Palestinian Response

On September 16 2008 Olmert made his final offer to Abbas. It was an unprecedented offer, including: a Palestinian state based on the 1967 border with a roughly equal land swap; a token absorption by Israel of thousands of refugees; and the partition of Jerusalem, with a special regime to administer the Old City and its surrounding area, commonly known as the holy basin.

Regarding the issues of borders and settlements, Olmert offered Abbas a Palestinian state which would comprise 93.5 percent of the West Bank along with compensation of a further 5.8 percent of territory from Israel.⁴³ In addition, Olmert proposed to divide

⁴¹ Ibid.

⁴² Ibid., p. 652

⁴³ Podeh, E., *Chances for Peace*, p. 347

Jerusalem along the lines of the Clinton Parameters. Olmert was willing to accept a Palestinian state in the Arab neighbourhoods of East Jerusalem, but wanted to retain all the existing Jewish neighbourhoods, such as the French hill, Ramot, Ramat Eshkol, Gilo Har Homa, and Pisgat Ze'ev.⁴⁴ However, the most significant move made by the Israeli Prime Minister was on the Old City. Olmert was the first, and up until today only, Israeli Prime Minister who has been willing to give up Israeli sovereignty over the Old City of Jerusalem, instead proposing that it be administered by an international consortium of five nations – Israel, Palestine, Jordan, Saudi Arabia, and Israel.⁴⁵

Regarding security, Olmert was also the first Israeli Prime Minister to relinquish the demand that Israel retain a security presence in the Jordan Rift Valley, instead supporting the idea of an international force being stationed there under the command of NATO.⁴⁶ Abbas said during an interview in 2011 that he and Olmert were on the verge of finalizing an agreement on security.⁴⁷ With regards to the refugee issue, Olmert was willing to agree on a token number of refugees for Israel to absorb within a timeframe of five years. In private, Olmert was willing to increase the number of Palestinian refugees to be absorbed by Israel to 15,000.⁴⁸

Throughout the negotiations, the Palestinian stance on borders remained constant. The Palestinians proposed a return to the 1967 line with minor modifications and an equal

⁴⁴ Ibid

⁴⁵ Ibid.

⁴⁶ Abrams, E., *Tested by Zion*, p. 290

⁴⁷ Kurtzer, D. C., et al, *The Peace Puzzle*, p. 229

⁴⁸ Golan, G., *Israeli Peacemaking since 1967: Factors Behind Breakthroughs and Failures*, (New York, Routledge, 2015), p. 182

land swap not exceeding 1.9 percent of the West Bank, a partition of Jerusalem, and the return of a more substantial number of refugees. On borders and settlements, Abbas' position was a limited land swap of roughly two percent of the West Bank territory in exchange for an equal amount of land from inside Israel. The main point of contention between Abbas and Olmert concerned the fate of the settlements of Ariel and Ma'aleh Adumim, which Abbas excluded from his map. The Palestinians argued that they could under no condition acquiesce to Israeli sovereignty over the settlement of Ariel due to its problematic location deep into the West Bank territory.⁴⁹ Indeed, the Palestinian stance on borders and a land swap has not evolved since the start of the negotiations and remains until today the official Palestinian position.⁵⁰

On Jerusalem, both Olmert and Abbas agreed that the Jewish neighbourhoods of Jerusalem would remain under Israeli sovereignty, although Abbas refused to include the Har Homa neighbourhood. In contrast to Olmert's special regime plan for the holy basin, Abbas' proposal included the partition of the Old City; his idea was for the Old City to fall under Palestinian sovereignty, except for the Jewish Quarter and the Wailing Wall.

On the refugee issue, the Palestinians were prepared to accept a cap on the number of refugees returning to Israel. However, Abbas rejected Olmert's proposal to absorb only 5000 refugees, arguing that there are 5 million Palestinian refugees in total. Nonetheless, Abbas made it clear that he was not aspiring to change Israel's

⁴⁹ Kurtzer, D. C., et al, *The Peace Puzzle*, p. 229

⁵⁰ Podeh, E., *Chances for Peace*, p. 347

demographic nature and that he was not asking for the return of all refugees.⁵¹ Saeb Erekat argues that Abbas demanded the return of 150,000 refugees within 10 years. Other sources say that Abbas was willing to compromise on a total of 60,000 refugees being admitted, and reportedly told Olmert that he understands how sensitive the refugee issue is to Israel, reiterating that he had no scheme to transform Israel's demographic nature.⁵² On security, as noted, an agreement was almost finalized and Olmert was the first Israeli Prime Minister to give up the demand for security control of the Jordan Rift Valley.⁵³

Secretary Rice was the main initiator of the Annapolis Conference and helped prepare for its eventual success. However, during the meeting she held with both Olmert and Abbas she failed to bridge the gaps between the two sides. Rice said in her memoir that she contemplated the idea of having NATO stationed in the Jordan rift valley.⁵⁴ In contrast to Rice's assessment, Elliott Abrams recounts Olmert's associates Shalom Tourgeman and Yoram Turbovitz saying that Israel never consented to having NATO stationed in the Jordan Rift Valley and that there was no initial understanding between Abbas and Olmert on security.⁵⁵

According to the *Palestine Papers*, documents stolen from Saeb Erekat's office and leaked by *Al Jazeera*, Abbas asked detailed questions regarding Olmert's proposal. Abbas asked Olmert for clarifications on the extent of the land swap, specifically for

⁵¹ Golan, G., *Israeli Peacemaking since 1967*, p. 182

⁵² Ibid.

⁵³ Interview with Galia Golan 04/03/18

⁵⁴ Rice, C., *No Higher Honor*, p. 653

⁵⁵ Abrams, E., *Tested by Zion*, p. 290

details on the width of the territories Israel wanted to annex. He also demanded confirmation from Olmert that he had agreed to divide the 'no man's land' evenly. On the issue of the safe passage, or corridor linking Israel and the Palestinian state, Abbas asked whether it would be under Israeli or Palestinian sovereignty. On refugees, Abbas asked Olmert why he still fell short of acknowledging Israeli responsibility for the exodus of Palestinian refugees in 1948 and rejected the former Prime Minister's proposal to absorb 5000 refugees over a period of five years. Abu Mazen again inquired about the identity of the parties who would negotiate the trusteeship of the holy basin proposed by Olmert. Indeed, he demanded to know which parties would be included in the negotiations and asked Olmert for clarifications on what he meant by the 'holy basin'.⁵⁶

After the September 2008 meeting, Abbas and Olmert never met again, as violence erupted in the Gaza Strip, resulting in a halt of discussions. Eventually, Benjamin Netanyahu managed to form a coalition government and became Prime Minister. Due to the deep disagreement between Israel and the Palestinians on the core issues, the peace process effectively came to an abrupt end.

(4) An Assessment of the Annapolis Process

(A) Another Futile Attempt or a Missed Opportunity?

In contrast to the Camp David Summit, where both Prime Minister Barak and Arafat mistrusted each other, there was a high level of trust between Abbas and Olmert during

⁵⁶ Switcher, C. E., *The Palestine Papers*, p.216

the Annapolis negotiations. Bader Rock, who participated in the Annapolis negotiations as a legal adviser to the PLO, confirms that the relationship between Abbas and Olmert was good, something that was absent between Barak and Arafat.⁵⁷ In contrast to Camp David, the parties established a working structure for the negotiations which included twelve committees. These met several times during the negotiations both in Israel and in Palestine. During these negotiations, experts from both sides negotiated a plethora of issues, not just the core issues of the conflict. Given the level of trust between the two leaders and the seriousness of the US and European engagement with the talks, the Annapolis process could have eventually resulted in a final status agreement if the negotiations had continued.⁵⁸

Rock argues that two sides did not negotiate from scratch and instead built on the experience accumulated during the previous negotiations. Both sides had matured since the second Camp David Summit, he suggests. Rock highlights that before coming to office, Abbas was in charge of the negotiations with Israel and therefore is well acquainted with all the details of the negotiations and knew the boundaries of what was achievable. On the Israeli side, Rock argues that, given that both Olmert and Livni came from the right-wing Likud party, they too understood the limits of what was realistic to achieve at this stage. Rock insists that Olmert put forward a very detailed and realistic plan that tackled all the core issues of the conflict, though gaps remained between Olmert and Abbas, particularly over the status of Ariel and Ma'aleh Adumim. Indeed,

⁵⁷ Interview with Bader Rock 13/02/19

⁵⁸ Ibid.

Rock points out that the West Bank is a small area and the annexation of the settlement of Ariel would hinder the contiguity of a future Palestinian state.⁵⁹

On the issue of Jerusalem, Rock states that it was impossible to discuss this issue publicly given that the ultra-orthodox Shas party was a member of Olmert's coalition government and was opposed to any discussion on the status of Jerusalem. As a consequence, the two parties decided to hold negotiations on Jerusalem away from the public eye.⁶⁰ Despite the remaining gaps between the two sides, Rock nevertheless strongly believes that both leaders would have eventually reached a compromise on all the outstanding issues.⁶¹

Despite the high level of trust and mutual respect that Abbas and Olmert had for each other, Rock's assessment that these two leaders could have bridged the gaps on issues such as the status of the holy basin in Jerusalem is erroneous. Olmert's plan entailed that five nations, including Israel, Jordan, Palestine, Saudi Arabia and the United States, would administer the holy basin area. As such, had these Arab states been involved during the negotiations on Jerusalem, they could have acted as a guarantor for the Palestinians and provided assurances to Israel, so helping promote a solution on the basis of Olmert's proposal. In addition, it would have been critical to involve these two Arab states to discuss the mechanism for administering the special regime in the holy basin. Therefore, in pursuing a special regime for the holy basin, Olmert was mistaken

⁵⁹ Ibid.

⁶⁰ Ibid

⁶¹ Ibid

to choose a bilateral format for negotiations over a multilateral approach. Such a thorny issue could not have been resolved without the direct participation of key Arab states.

Elliot Abrams argues that the Palestinians failed to put forward any counter proposal to the Olmert plan. In his view, they could have negotiated for a better proposal and obtained more land to fully compensate for Israel's annexation of 6.5 % of the West Bank. Further, they could have asked for a greater number of refugees to be absorbed by Israel. The Palestinians did not think that Olmert had the legitimacy to sign an agreement and that the Israeli proposal, despite its significance, still fell short of meeting their bottom-line requirements. Erekat argued that Abbas could not accept the number of refugees proposed by Israel as he would have been seen as a traitor.⁶² The Palestinians consented to a more modest land swap, which amounted to 1.9 percent of the West Bank, insisting that most of the settlers are located in no more than 1.2 percent of the West Bank. As such, the Palestinian side claims that their proposal on borders and settlements was more than a generous offer.⁶³

On the refugee issue, Abrams claims that the Palestinians were ready to cap the return of refugees to a limited number. However, Abbas rejected Olmert's proposal to absorb 5000 refugees and reportedly told Olmert that there are 5 million refugees in total and therefore he could not accept no refugees being allowed to return to Israel. Abbas nevertheless assured Olmert that he had no intention of changing Israel's demographic

⁶² Abrams, E., *Tested by Zion*, p 290.

⁶³ Rabinovitch, I., *The Lingering Conflict: Israel, the Arabs and the Middle East, 1948-2012*, (Washington D.C., Brooking Institution Press, 2012), p. 178

nature. There are contradictory statements concerning the number of Palestinian refugees put forward. Erekat argues that the Palestinians insisted that Israel absorb a total of 150,000 refugees over a period of 10 years, while an anonymous American official claimed that Abbas was willing to lower the total number of refugees returning to Israel to 60,000.⁶⁴ Udi Dekel, who was Israel's lead negotiator during the Annapolis negotiations, says that the Palestinians demanded that Israel accept the right of return but were willing to compromise on the number of refugees that should return to Israel. According to Dekel, the Palestinians demanded that Israel absorb a total of 80,000 refugees.⁶⁵

Bader Rock states that, as Palestinian refugees were driven out of their homes in 1948, they are entitled to a just and fair solution. Even still, the Palestinian negotiators acknowledged that the return of millions of refugees to Israel is not a realistic option and therefore an alternative solution to the refugee issues should be found, which would entail Israel recognizing its responsibility for the Palestinian exodus in 1948, while excluding an unlimited return of refugees to Israel.⁶⁶ Rock added that Abbas denied that he had agreed to a fixed number of refugees being absorbed into Israel. A significant number of sources, however, stipulate that Abbas was willing to cap the number of refugees being absorbed into Israel over many years to a range of 80,000 to 150,000.⁶⁷ The refugee issue remains a highly sensitive topic both in Israel and in Palestine. The Palestinians have constantly demanded that Israel take full responsibility for the Palestinian refugee exodus. In contrast, Israel rejects any responsibility and has

⁶⁴ Golan, G., *Israeli Peacemaking since 1967*, p. 181

⁶⁵ Interview with Udi Dekel 09/08/18

⁶⁶ Interview with Bader Rock 13/02/19

⁶⁷ Interview with Udi Dekel 09/08/18

been willing to absorb only a small and symbolic number of refugees. It is clear that a resolution to this problem would require the proactive participation of major Arab donors, such as the UAE, Qatar, and Saudi Arabia. Furthermore, since it is at peace with Israel and has a major refugee population, Jordan could facilitate a just and agreed upon solution to this issue that would safeguard Israel's character as a democratic and Jewish state, while restoring dignity and prosperity to the refugees.

While gaps remain on the refugee issue, differences have narrowed down significantly and the main issue lies with the mechanism to rehabilitate the refugees. The GCC states could have contributed and facilitated an agreement on this matter by providing funds to compensate the Palestinian refugees. As Jordan and Lebanon both host a significant number of Palestinian refugees, they too should have been part of discussions to find a mechanism that would help the refugees. Once more, this mechanism would have to mitigate Israel's fear by ruling out an unlimited return of refugees; Israel would simply not accept any proposal that risks placing its demographic balance in jeopardy.

On Jerusalem, Abbas accepted most of the parameters proposed by Olmert. However, he rejected Israel's annexation of the Jewish neighbourhood of Har Homa.⁶⁸ The Palestinians also asked about the mechanism of Olmert's proposal for a special regime for the holy basin and asked if other actors would be involved in the negotiations.⁶⁹ On this topic, Bader Rock states that the Palestinians objected to Israel's proposed boundaries for the holy basin given that they would have encompassed the village of

⁶⁸ Golan, G., *Israeli Peacemaking since.*, p.180

⁶⁹ Switcher, C. E., *The Palestine Papers*, p. 216

Silwan. Israel has an interest in creating a special regime in this area since important Jewish holy sites, such as the Mount of Olives and the City of David, are located within it.⁷⁰ Rock adds that the most important talks on this complex issue were the one-to-one discussions between Abbas and Olmert and that both sides avoided the leaking of any details of the discussions to the media. Rock states the negotiations were successful due to the mutual trust between the two leaders and the avoidance of any leaks to the media on the content of the negotiations.⁷¹ Rock confirms that Abbas presented Olmert with a map in which the Palestinians accepted Israel's annexation of between 1.9 to 3 percent of the West Bank with an equal land swap of territory from inside Israel that would be transferred to the Palestinian state.⁷² Rock believes that the two leaders would have reached a compromise along the lines of the land lease model in the Israel-Jordanian Peace Treaty. This arrangement would allow Israel to administer the land without formally annexing it.⁷³ Saeb Erekat confirmed that Abu Mazen presented to Olmert a map outlining a land swap of 1.9 percent of the West Bank. In addition, Abu Mazen proposed formulas to tackle the remaining core issues of the conflict, such as refugees, Jerusalem, security, and water. Erekat regrets that Olmert never acknowledged Abu Mazen's counter proposal.⁷⁴

So, it appears that on borders and settlements, the two sides made substantial progress. For the first time Israel accepted the 1967 lines as the basis for discussions with land

⁷⁰ Interview with Bader Rock 13/02/19

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ 'A Conversation with Saeb Erekat', *Woodrow Wilson Center* (23 April 2013), URL: <https://www.youtube.com/watch?v=OCFct65ea0A&t=1230s>

swaps occurring on a 1:1 ratio. However, despite the high levels of trust between Abbas and Olmert, significant differences remained on more complex issues, such as the status of the holy sites in Jerusalem. The failure of these two leaders to reach a permanent peace agreement demonstrates the need for the involvement of Arab states in the peace process. Had Arab states been involved in the Annapolis talks, particularly on the thorny issue of Jerusalem, they could have made a difference by encouraging Abbas to make the necessary concessions for peace. This in turn would have increased the likelihood of reciprocal concessions from Israel.

Udi Dekel argues that the concept of a special regime for the holy basin put forward by Olmert in September 2008 came from a track 2 diplomacy initiative. The concept is premised on the idea that, since the parties are not mature enough to agree on the sovereignty of the holy basin, a third party will oversee the management of the Old City.⁷⁵ The Palestinians rejected this concept but were willing to accept Israeli sovereignty over the Jewish Quarter of the Old City of Jerusalem and the Wailing Wall.⁷⁶ Dekel's account shows that, even during the time when Olmert presented his peace plan to Abbas, significant disagreement remained over the issue of the holy basin in Jerusalem. That Olmert and Abbas, two leaders who trusted one another, failed to reach an understanding on this issue further demonstrates the structural weakness of bilateralism and suggests that Jordan and Saudi Arabia might have been able to make a difference by convincing Abbas to be more flexible.

⁷⁵ Interview with Udi Dekel 09/08/18

⁷⁶ Ibid.

Scholars and participants are divided as to whether Abbas was responsive or not to Olmert's peace plan. Some have suggested that Abbas did put forward a counter-proposal to the Olmert initiative. Yet, others suggest that Abbas made a mistake of historic proportions by not responding to the peace offer that Olmert put on the table. Olmert does not claim that Abbas rejected his offer, but that the Palestinian leader was unresponsive to his plan. In addition, Olmert has argued that Abbas assured him that he understood Israel's concern regarding the refugee issue and that he was not aspiring to change Israel's demographic nature.⁷⁷ Despite his resignation, Olmert attempted to strike a deal with Abu Mazen until his last day in office and contemplated the idea of gaining support for an Israeli-Palestinian deal from the UN Security Council, the General Assembly, the US Congress, and the EU Parliament. Olmert even toyed with the idea of convening two ceremonies, one in the White House and the other in the former seamline that divided West and East Jerusalem prior to the Six Day War.⁷⁸

Other scholars, such as Menachem Klein, reject the claim that Olmert's offer was far reaching and generous. Unlike the Israeli and American narrative, Olmert's peace plan was not on the basis of the 1967 lines and that the land swap proposed by Olmert was not on an equal basis and included the corridor, or safe passage, between Gaza and the West Bank as part of the territorial exchange.⁷⁹ Klein also believes it is a myth that Abbas rejected or was unresponsive to Olmert's offer, and argues instead that the Palestinian leader asked for clarifications on certain points, particularly on the international regime for the holy basin in Jerusalem. He acknowledges, though, that

⁷⁷ Golan, G., *Israeli Peacemaking since 1967*, p.182.

⁷⁸ Podeh, E., *Chances for Peace*, p. 353

⁷⁹ Interview with Menachem Klein 07/08/17

Olmert was in a precarious political position and that Abbas received messages from Ehud Barak and Tzipi Livni telling him to reject Olmert's offer. They informed Abbas that he would get a better deal once they had won the upcoming election.⁸⁰

Yossi Beilin argues that Olmert's peace plan was a significant offer, but he is nevertheless critical of Olmert's stance regarding the issues of borders and settlements. The amount of territory that was to be annexed was too extensive and the Palestinians would never acquiesce to Israel's annexation of the settlement of Ariel, which is located deep into the West Bank. Olmert thought that Israel needed to retain Ariel in any final status agreement and believed that Abbas would eventually accept Israel's sovereignty over it.⁸¹ Furthermore, Beilin highlights the poor circumstances, the fact that Olmert was on his way out, facing indictment, and as a result the atmosphere was not conducive for negotiations. At the same time, Beilin is critical of the Palestinian camp for failing to be responsive to the Olmert peace plan. He argues that the Palestinians were not expected to agree with the Olmert proposal but to be responsive to it and put forward their own counter-proposal.⁸²

Beilin's assessment illustrates the limits of bilateral talks between Israeli and Palestinian leaders. Olmert was too weak politically to win the Knesset's approval for any agreement he might have reached with Abbas, while the Palestinian leader could not make the necessary compromises without the political cover of the Arab states. Had

⁸⁰ Ibid.

⁸¹ Interview with Yossi Beilin 14/08/17

⁸² Ibid.

Olmert put forward his peace plan under the umbrella of the API in a multilateral set of negotiations with key Arab leaders, the outcome might have been more favourable. Under such a framework, both sides would have presented their ideas for a final status agreement and could have eventually found a compromise on the basis of the API and an Israeli peace initiative.

While Abu Mazen and Ehud Olmert failed to reach a permanent status agreement, Gershon Baskin argues that both sides made significant progress on all the core issues, including the issue of equal land swaps (although the parties disagreed regarding the fate of Ariel). What differences there were on the core issues were in fact minor, and the two leaders reached a basic agreement on refugees and the status of Jerusalem – including the Old City. Both Abu Mazen and Olmert have argued that, if they had had an additional few months, they would have probably reached a final status agreement on all the core issues of the conflict. However, Baskin points out that Condoleezza Rice told Abu Mazen to wait for Tzipi Livni to become Prime Minister.⁸³ In their respective memoirs, Olmert and Rice corroborate Baskin's claim. Rice states that Livni told her, and possibly Abbas, to wait until she had replaced Olmert as Prime Minister before concluding any agreement, since Olmert was in a very precarious position.⁸⁴

The gaps on all the core issues of the conflict narrowed during the Annapolis talks and there was mutual respect between Abbas and Olmert. Nevertheless, the two parties yet again failed to reach a permanent peace agreement. Differences regarding the status of

⁸³ Interview with Gershon Baskin 20/08/17

⁸⁴ Olmert, E., *First Person* (Rishon Letzion: Yedihot Aharonot, 2018), p. 820

the holy basin in Jerusalem could only be solved by involving Jordan and Saudi Arabia in the negotiations. Given that Olmert's plan entailed an active role for Saudi Arabia and Jordan in administering the holy shrines in the Old City of Jerusalem, the involvement of these two regional players in the discussions was critical. It would have provided Abbas with much needed cover for Palestinian concessions, while establishing official diplomatic ties between Israel and Saudi Arabia, so increasing the prospect of a permanent and comprehensive peace deal.

Regarding the Palestinian response to Olmert's offer, Baskin argues that the Palestinians presented a counter-proposal which accepted Israel's annexation of 1.9 percent of the West Bank and the demand for 150,000 refugees to be permitted to return to Israel. However, Baskin states that, it is difficult to know what a permanent status agreement would have looked like at this time, since the parties failed to sign any preliminary agreements or draft a blueprint for an end of conflict settlement.⁸⁵

In his memoir, Olmert states that he was willing to compromise a little on the total number of refugees to be absorbed by Israel. Olmert told Abu Mazen that he would reject any reference to Resolution 194. He also refused to endorse any reference to family reunification, on the grounds that many Palestinian refugees have extended families and, consequently, agreeing to such terminology could result in hundreds of thousands of Palestinians returning to Israel. Such a potentiality was totally unacceptable for Olmert.⁸⁶ Nevertheless, Olmert was certainly willing to accept a token

⁸⁵ Interview with Gershon Baskin 20/08/17

⁸⁶ Olmert, E., *First Person*, p. 839

number of refugees, amounting to 5000 in total. He has even suggested that he would have been open to raising the number to 15,000, but no more than that.⁸⁷ Furthermore, Olmert claims that President Bush was willing to absorb 100,000 Palestinian refugees.⁸⁸ Elliot Abrams, however, disputes Olmert's claim, pointing out that the US Congress would have undoubtedly opposed such a decision.⁸⁹ Saeb Erekat, in an interview he gave to *Al Jazeera*, claims that Olmert went even further and proposed to Abu Mazen that, while the right of return would only apply to Palestine, Israel would be willing to absorb 150,000 Palestinian refugees over 10 years under a humanitarian rubric.⁹⁰ Such a claim is not backed up by Olmert, nor by Israeli participants in the negotiations who claim that Olmert was willing to absorb a total of 15,000 refugees.

On territory, Olmert says that he presented a map to Abu Mazen in which it was proposed that the Palestinians would get 93.5% of the West Bank with a land swap of 5.8%. Within this land swap would be included a corridor connecting the West Bank to the Gaza Strip. This corridor would comprise 0.5% of the total land to be included in the proposed swap of territories. Olmert, however, has argued that he was ready to concede ground on this proposal and instead accept an arrangement in which Israel annexed 4.5% of the West Bank in the context of an equal land swap.⁹¹ Olmert corroborates the assessment of many scholars, which is that: the main point of contention between Israel and the Palestinians on the issue of borders and settlements

⁸⁷ Ibid., p. 842

⁸⁸ Ibid., p. 820

⁸⁹ Abrams, E., *Tested by Zion*, p.288

⁹⁰ Marcus, I., and, Zilberdik, N. J., 'Erekat: Olmert offered Abbas more than the entire West Bank', *The Jewish News Syndicate* (17 April 2019), URL: <https://www.jns.org/erekat-olmert-offered-abbas-more-than-the-entire-west-bank/>

⁹¹ Olmert, E., *First Person*, p. 842

concerns the fate of Ariel, a settlement in the West Bank. According to Olmert, Abu Mazen told him that he could not accept Israeli sovereignty over Ariel, since it would allow Israel to control a major West Bank aquifer. Although Olmert rejected Abu Mazen's demand to relinquish Ariel, he nevertheless provided the Palestinian leader with a written guarantee stipulating that this aquifer would not be used by Israel.⁹²

Udi Dekel argues that Olmert put forward a far-reaching proposal which included the establishment of a Palestinian state on 93.5% of the West Bank, with the Palestinians being compensated with a further 5.8% of territory via an equal land swap. A corridor linking the West bank and Gaza would compensate the remaining 0.7 percent of the West Bank not included in the territorial exchange.⁹³ Dekel argues that the Palestinians failed to be responsive to Olmert's offer and never came back to the negotiating table. The Palestinians, unlike Israel, failed to compromise and adopted an 'all or nothing' approach during the negotiations.⁹⁴ Concerning the issue of air space, the Palestinians rejected the concept proposed by Israel of each side holding joint sovereignty over the air space of the West Bank. Indeed, they rejected anything that would fall short of full Palestinian sovereignty over it.⁹⁵ Dennis Ross corroborates Dekel's assessment of Olmert's plan as a far-reaching offer that went beyond the Clinton Parameters on the issue of borders. Olmert proposed that Israel annex 6.3% of the West Bank and he was willing to accept a land swap of 5.8% almost on a 1:1 ratio. The remaining 0.5% would

⁹² Ibid., p. 826

⁹³ Interview with Udi Dekel 09/08/18

⁹⁴ Ibid.

⁹⁵ Ibid.

be compensated to the Palestinians by the envisaged safe passage between the West Bank and Gaza.⁹⁶

Regarding the Palestinian response to Olmert's plan, Dekel asserts that the Palestinians rejected Israeli sovereignty over Ariel and Ma'aleh Adumim. They were, however, willing to accept Israeli jurisdiction over the Jewish neighbourhoods in East Jerusalem – with the notable exceptions of Har Homa, Gush Etzion and all settlements adjacent to the Green Line – within the framework of an equal land swap. The Palestinians were prepared accept a 4% annexation by Israel within the context of a territorial exchange on a 1:1 ratio. Dekel argues that the Palestinians never attempted to move towards the Israeli position and failed to be responsive to some of Israel's key interests. In contrast, Israel since Camp David and up until the Annapolis process, has moved significantly towards the Palestinian position, edging closer to the Palestinians' minimum requirements on the core issues of the conflict.⁹⁷

Unlike at Camp David II, gaps on security, borders, and settlements narrowed significantly as the Israeli side accepted the 1967 line as the basis for discussions and agreed to an equal land swap roughly on a 1:1 ratio. The Palestinians, too, accepted slight border modifications to the 1967 line, including, on the basis of land swaps, the incorporation of large Jewish settlement blocs into Israel. Nevertheless, a significant gap persisted over the fate of the settlement of Ariel and the cluster of settlements surrounding it. This could have been overcome with an American bridging document

⁹⁶ Interview with Dennis Ross 11/03/19

⁹⁷ Ibid.

that narrowed the gap over the fate of the settlement of Ariel. On security, however, involving Jordan would have been crucial, as any regional security mechanism in the Jordan Rift Valley would have to entail Amman's active involvement.

On security, Olmert states that he was willing to relinquish Israel's long-standing demand to maintain military control over the Jordan Rift Valley. As an alternative, he was open to the idea of having an international peacekeeping force gradually replace the IDF in this location. However, Olmert insists that this plan requires that a future Palestinian state be demilitarised and Israel retain full control over the airspace and electromagnetic spectrum of the West Bank. It is Olmert's view that, in the age of ballistic missiles, Israel's security presence in the Jordan Rift Valley has been rendered somewhat obsolete. The former Prime Minister has also added that the chances of a conventional war between Israel and one of its Arab neighbours is almost nil.⁹⁸

Despite Abbas' and Olmert's claims that they were on the verge of finalizing an agreement regarding the Jordan Rift Valley, more substantial efforts should have been made to involve other actors in the negotiations. Any security arrangement in the Jordan Valley would have to entail complex regional security mechanisms and would have to involve a Jordanian military presence in the area alongside a NATO-led peacekeeping force. Therefore, by negotiating with the Palestinian side only, Olmert might have missed an opportunity to discuss his security plan for the Jordan Rift Valley with key regional partners such as Jordan and Egypt.

⁹⁸ Olmert, E., *First Person*, p. 840

Shaul Arieli argues that during the Annapolis process both sides, for the first time, negotiated on the basis of the 1967 lines with land swaps on a 1:1 basis. Regarding the issues of borders and settlements, the Israeli proposal entailed the annexation of 6.5% of the West Bank – roughly 380 square kilometres – and the retaining of 85% of the settler population within Israel. The Palestinian plan included a land swap of 1.9% of the territories, which encompassed 63% of the settlers. The real gap was mainly related to how many settlers would be incorporated into Israel. The main issue was the fate of Ariel, an Israeli settlement located deep inside the West Bank, which Olmert wanted to retain while the Palestinians demanded its dismantling. Arieli suggests that former Secretary of State Condoleezza Rice told the Israeli and Palestinian negotiating teams that, while the Palestinians would have to accept Israel's annexation of Ma'aleh Adumin and Givat Zeev, which are settlements located on the outskirts of Jerusalem, Israel would have to renounce annexing Ariel.⁹⁹

Arieli believes that the Palestinians would support a deal based on the Geneva Initiative, and even during the formal negotiations, the Palestinians were ready to double their offer and accept an Israeli annexation of 3.8% of the West Bank with equal land swaps. Abbas confirmed his offer to Senator Mitchell, who at the time was the US Special Envoy to the Middle East, saying that he would accept an Israeli annexation of 3.8%, which means that the Palestinians were prepared to accept that Israel would retain Ma'aleh Adumin and Givat Zeev. Arieli is of the opinion that the two sides would have eventually bridged the remaining gaps and reached a permanent status agreement. This

⁹⁹ Interview with Shaul Arieli 13/09/18

could have occurred within a two-to-three-month timeframe, he contends. Regarding Olmert's willingness to amend his peace proposal, Arieli believes that Olmert was willing to give up on Ariel but failed to do so due to the military, which would have most likely opposed such a move.¹⁰⁰ In line with Arieli's argument, the territorial/settlements issue was not the main obstacle that prevented Abbas and Olmert reaching a lasting peace agreement. In contrast to the issues of Jerusalem, refugees and security, where the involvement of Arab states was imperative, the border issue could have been solved bilaterally as the gaps between the two sides were significantly reduced.

On the refugee issue, Arieli acknowledges that there were some differences between the two sides' positions on the number of Palestinian refugees that Israel would commit to absorb. The Israelis side was willing to accept a token number of refugees, amounting to 5000. In contrast, the Palestinians demanded that Israel absorb a larger number of refugees, amounting to 100,000. Nevertheless, Arieli asserts that the gaps on the numbers of refugees were bridgeable and strongly believes that both parties would have eventually reached a compromise in which 40,000 refugees would be admitted into Israel on a humanitarian basis.¹⁰¹ Unlike the border/settlements issue, significant gaps remain on the Palestinian refugee issue. While the territorial issue could have been resolved bilaterally, the refugee issue, due to its complexity and sensitivity for both sides, could only be solved under multilateral negotiations involving key Arab actors, such as Jordan and the GCC states. Jordan could have incentivized the Palestinians to

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

adopt a more flexible stance on the refugee issue, and the GCC states could have created a compensating mechanism for the Palestinian refugees.

Yair Hirshfeld states that he and Ron Pundak were asked by Olmert and Haim Ramon to prepare a set of guidelines for negotiations in collaboration with Hussein Agha and PLO official Ahmed Khalidi. In July 2007, Hussein Agha drafted four pages of guidelines. Subsequently, Hirschfeld and Pundak gave the document to Olmert, Tzipi Livni and Ramon, who all rejected it. Hirschfeld and Pundak were then fired by Olmert, who decided to hold direct talks with Abu Mazen. A year later in September 2008, Olmert put forward his plan, which according to Hirschfeld was very similar to the guidelines produced by Hussein Agha.¹⁰²

Moshe Amirav, who was involved in the negotiations on Jerusalem during the second Camp David Summit in July 2000, claims that Olmert was willing to be practical on Jerusalem and give up more on this issue than any of his predecessors. Unlike the situation at the Second Camp David Summit, Jerusalem is no longer the main obstacle to reaching a permanent settlement to the conflict.¹⁰³

Avi Shlaim, a professor at Oxford University, claims that, despite the significance of Olmert's peace proposal, the gaps between the two sides on all the core issues remained significant. Like Beilin, Shlaim is of the opinion that the Palestinians would

¹⁰² Interview with Yair Hirschfeld 20/09/18

¹⁰³ Interview with Moshe Amirav 16/09/17

never accept Israel's annexation of Ariel, which extends halfway through the West Bank.¹⁰⁴ Shlaim also highlights Abbas' political difficulties, resulting in particular from Hamas' expected rejection of any Israeli-Palestinian peace agreement.¹⁰⁵

Scott Lasensky argues that Olmert made a significant effort to try to reach an agreement with the Palestinians, while Abbas failed to make any significant moves.¹⁰⁶ Indeed, Olmert's peace plan was a milestone in the history of the peace process and Abbas failed to respond or make a counter-proposal to Olmert's offer. Nevertheless, the US administration bears some responsibility for the failure of the talks. It did not even attempt to close the remaining gaps by presenting bridging proposals detailing possible compromises on all the core issues of the conflict.

Galia Golan argues that both Olmert and Abbas privately and publicly claim that they were very close to reaching an agreement and that the only thing that was finalized was the security issue. Indeed, Olmert was willing to give up the Israeli demand to have a military presence in the Jordan Rift Valley. Erekat officially demanded the return of 150,000 refugees over a period of 10 years. On Jerusalem, Golan argues that Ron Pundak was critical of the trusteeship concept since the details for such a concept were not worked out. Nevertheless, Golan sees it as a permanent solution to the issue of the holy sites in Jerusalem. The idea of an international regime was first put forward by Menachem Begin in 1977. While this means that it is not a new idea, the fact that it was

¹⁰⁴ Shlaim, A., *The Iron Wall: Israel and the Arab World*, (Updated and expanded edition), p. 797

¹⁰⁵ *Ibid.*, p. 799

¹⁰⁶ Interview with Scott Lasensky 27/02/18

accepted by a conservative Prime Minister also means that it could be broadly acceptable to Israel. Golan argues that Abbas would have accepted Olmert's proposal since Arafat had accepted this concept at Camp David. Golan posits that the Arab states should have been involved in the negotiations on the status of the holy basin.¹⁰⁷

Nimrod Novik argues that Mahmoud Abbas has no intention of changing Israel's demographic nature and thus would compromise on a symbolic number of refugees. Novik posits that the very fact that it was a numerical gap between them means that this intractable issue is bridgeable. However, Novik laments that Abu Mazen failed to respond to Olmert's offer.¹⁰⁸ Olmert confirms Novik's main point, as he states that Abbas told him explicitly that he has no aspiration to change the demographic nature of Israel by insisting on a massive inflow of Palestinian refugees to the country.¹⁰⁹

(B) US Attempts at Mediation: An Important or Marginal Factor in the Negotiations?

With the notable exception of the first Camp David Summit in 1978 between Israel and Egypt, the US has typically adopted the posture of a facilitator as opposed to an active mediator in the Arab-Israeli conflict. This has been particularly the case in negotiations between Israel and the PA. In a similar fashion to previous Israeli-Palestinian peace talks, the Bush administration chose the facilitating option as opposed to active mediation in the Annapolis process. However, unlike the second Camp David Summit

¹⁰⁷ Interview with Galia Golan 04/03/18

¹⁰⁸ Interview with Nimrod Novik 13/03/18

¹⁰⁹ Olmert, E., *First Person*, p. 795

of July 2000, US involvement in these talks was especially restrained and less significant, with no US bridging proposals or strategy to narrow the differences between Israelis and Palestinians.

Ambassador Dan Shapiro argues that the Bush administration created the framework for the Annapolis process but chose to facilitate the talks rather than play the role of an active mediator. The main reason was related to the fact that both Olmert and Abbas met directly, while Livni and Abu Ala conducted parallel talks without any meaningful US participation.¹¹⁰ Similar to the Clinton administration's facilitation model at Camp David 2, the Bush administration adopted a facilitation approach to the Annapolis negotiations. Given Abbas' and Olmert's level of leadership and commitment to the peace process, both leaders met directly without any significant American involvement. Tzipi Livni and Abu Ala conducted negotiations without any significant American involvement and managed to produce a very detailed draft of agreements, though these were not finalized. The Bush administration decided to use facilitation model in which it created the framework and then the parties negotiated directly. Given Olmert and Abbas' level of trust, there was less need for an active US role in the negotiations since both sides were committed to achieving a permanent settlement to the conflict.¹¹¹

Although there was a high level of trust between Olmert and Abbas, the gaps between the sides remained substantial and so an American bridging proposal at this stage might have been helpful. Shapiro adds that, although it would have been helpful had the

¹¹⁰ Interview with Dan Shapiro 11/01/18

¹¹¹ Ibid.

United States presented a bridging proposal, he remains sceptical that such a move would have resulted in a better outcome. Olmert's political situation was untenable and there were time constraints due to the impending Israeli election.¹¹² Another issue was the short timetable, as the negotiations took place during the last months of Bush's administration. Therefore, it was unlikely that the Bush administration would have been able to fully capitalize on a bridging proposal. What is more, Abbas was unwilling to reach an agreement since he would have had to face the Palestinian narrative question at home. Abbas was also reluctant to engage in meaningful negotiations with Olmert given the former Israeli Prime Minister's legal troubles back in Israel. Therefore, similar to when Clinton presented his parameters late on in his presidency, putting a bridging proposal on the table at a late stage in in the Bush presidency would not have been helpful.¹¹³

Dan Kurtzer laments that there were no substantial American mediation efforts during the Annapolis process. He argues that Rice, although willing to help the parties reach an agreement, failed to make any significant attempts in this respect. Rice travelled very often but usually came up with no new ideas. According to Kurtzer, Rice was most likely constrained by the neoconservative elements of the Bush administration, who opposed her involvement in the process.¹¹⁴ In his book *The Peace Puzzle*, Kurtzer adds that Rice pressed the two sides to reach an initial agreement, or basic principles, on the border issue.¹¹⁵ Contrasting Kurtzer's argument, Gershon Baskin strongly believes that the United States should only become involved at the very end of negotiations, when the

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Interview with Dan Kurtzer 11/08/17

¹¹⁵ Kurtzer, D. C., et al, *The Peace Puzzle*, p. 227

parties have agreed on most of the details of the plan and a third-party is required to close the remaining gaps by putting the final incentives on the table. The main issue with regards to American mediation lies with the fact that the United States has constantly sided with Israel during the negotiations and, in so doing, has further complicated the situation.¹¹⁶ If the United States put forward a balanced bridging proposal – which takes into account the interests and red lines of both sides – from the start of the negotiations, then it would be effective. However, the United States has never acted as an impartial mediator since the first Camp David summit.¹¹⁷

Elie Podeh assesses that President Bush's mediation attempts were very limited, while Condoleezza Rice was more involved in the negotiations. Podeh contrasts Bush's lack of engagement in the peace process with Bill Clinton's active involvement.¹¹⁸ Shaul Arieli adds that the United States should have put on the table a bridging proposal – especially concerning the territorial issue – and should have presented it as a compromise between the Israeli and the Palestinian positions.¹¹⁹ Contradicting Arieli and Podeh's argument, Nimrod Novik argues that a third-party mediation was not necessary since the two leaders were willing and able to reach a compromise. A United States third party mediation could have nevertheless been helpful as a pretext to sell the agreement to the Israeli cabinet, the Knesset and the Israeli public at a later stage. Had Olmert found it difficult to get his cabinet, the Knesset, and the Israeli public to support an Israeli-Palestinian peace agreement, he could have argued that the United States had put a significant amount of pressure on him to ratify the peace accord, therefore leaving

¹¹⁶ Interview with Gershon Baskin 20/08/17

¹¹⁷ Ibid.

¹¹⁸ Podeh, E., *Chances for Peace*, p. 319

¹¹⁹ Interview with Shaul Arieli 13/09/18

his cabinet and Knesset members with no option but to endorse the agreement.¹²⁰

Novik, however, stresses that such a scenario was highly unlikely and that, in any case, it was not a major issue.¹²¹

Bader Rock states that the American negotiating team did not play a significant mediating role during these negotiations, but nevertheless the US Ambassador was heavily involved in the discussions.¹²² Bader argues that, in parallel to the Annapolis process, General Keith Dayton played a major role in improving Palestinian security forces.¹²³ Notwithstanding the American role, Bader argues that mediation at this stage of the negotiations was not required given that there was mutual trust between Abbas and Olmert. As a result, both leaders could tackle the core issues of the conflict without any third party involvement in the discussion.¹²⁴

(C) A Missed Opportunity for a Regional Peace Settlement to the Conflict?

Like Camp David, no Arab states were actively involved in the Annapolis negotiations on the most complex core issues of the conflict: Jerusalem, security, and refugees. It is therefore legitimate to ask the following question: had key regional players, such as Saudi Arabia and Jordan, been actively involved in the Annapolis process, would the outcome have been different? On this issue, most scholars and former officials argue

¹²⁰ Interview with Nimrod Novik 13/03/18

¹²¹ Ibid.

¹²² Interview with Bader Rock 13/02/19

¹²³ Ibid.

¹²⁴ Ibid.

that it would have been more appropriate to include the Arab states at some point, most probably when Olmert presented his ideas for a trusteeship in the Old City of Jerusalem.

During the Annapolis discussions, Tzipi Livni raised the issue of a parallel multilateral track which would involve the international community on the refugee issue. Abu Ala in turn stated that key Arab states, such as Jordan, Egypt, Lebanon, and Saudi Arabia, should be involved in the negotiations on the refugee issue. Abu Ala did not rule out a Madrid based multilateral track but nevertheless hinted that only the Quartet for Peace has the authority to convene such a large scale multilateral parley.¹²⁵ On the regional perspective, Bader Rock states that Israel-Jordan Peace Treaty confirmed Jordan's historical role with regards to the holy sites in Jerusalem. On this basis, Jordan should have been involved in the discussions on the status of the holy sites.¹²⁶

Dan Kurtzer argues that Olmert's proposal was an interesting idea and argues that the origin of it was the track 2 diplomacy Old City initiative. Olmert changed what the Canadians had proposed, which was a bilateral agreement to disagree on the status of Jerusalem, followed by an agreement for the Old City to be administered by an international entity, possibly as a board of overseers or a board of governors. Olmert's significant change was the idea of giving up on sovereignty over the Old City.¹²⁷ Olmert's decision to negotiate bilaterally with the Palestinians on the status of the holy basin in Jerusalem was erroneous from the start. The issue of the holy sites in Jerusalem

¹²⁵ Switcher, C. E., *The Palestine Papers*, p. 103

¹²⁶ Interview with Bader Rock 13/02/19

¹²⁷ Interview with Dan Kurtzer 11/08/17

is not solely tied to the Israeli-Palestinian conflict, but rather is a broader issue where other actors such as Jordan have interests. The negotiations would have been more conducive to a peaceful settlement had Jordan and Saudi Arabia been included in these discussions.

Elie Podeh argues that Olmert's proposal was very significant but cautions that had the Arab states been involved in the negotiations, the risk of leakages to the press would have been substantial.¹²⁸ Indeed, Rice in her memoirs states that she was reluctant to share any information regarding Olmert's peace plan to the Egyptian Foreign Minister since, according to the former US Secretary of State, the Egyptians have a tendency to leak everything to the press.¹²⁹ Nevertheless in his book *Chances for Peace*, Podeh argues that a regional process, under the umbrella of the API, was indeed a missed opportunity.¹³⁰

Nimrod Novik regrets that Abbas never responded to Olmert's final peace offer, which was a serious proposal. Abbas' commitment to the peace process and to a two-state solution was unquestionable, but he failed to seize the opportunity to reach an historic compromise. Abbas should have pocketed Olmert's concessions by making it public that he accepted Olmert's offer.¹³¹ Abbas' response to Olmert's offer might have been different, though, if he had the backing of the Arab states. The support of the Arab states

¹²⁸ Interview with Elie Podeh 07/01/18

¹²⁹ Rice, C., *No Higher Honor*, p. 654

¹³⁰ Podeh, E., *Chances for Peace*, p. 318

¹³¹ Interview with Nimrod Novik 13/03/18

could help create a balance between the weaker Palestinian side and the stronger Israeli side.¹³²

Despite the narrowing of the gaps, the Palestinians remained too weak to make the necessary concessions on core issues, such as the status of Jerusalem and the fate of the refugees. A multilateral framework under the umbrella of the API could have facilitated peacemaking between Israelis and Palestinians and increased the plausibility of an agreement along the lines of the Olmert plan being reached. Itamar Rabinovitch argues that Olmert was willing to make far reaching concessions and, as such, missed an opportunity by not seeking to negotiate on a regional level. Rabinovitch contends that Olmert could have responded to the API and this would have improved Israel's negotiating stance. Rabinovitch claims that Olmert put forward a far-reaching peace proposal and Abbas did not take this offer seriously. He nevertheless suggests that this was due to Abu Mazen lacking the authority to reach a final status peace agreement.¹³³

It certainly would have been helpful to include the Arab states in talks regarding Olmert's proposal for a special regime in Jerusalem's holy basin, especially given the fact that, in Olmert's plan, three Arab states would be involved in the administering of this special regime. Involving Arab states in the negotiations over Olmert's Jerusalem proposal should have been a priority, since this proposal would involve a complex mechanism for administering the Old City and its surrounding area.¹³⁴

¹³² Ibid.

¹³³ Interview with Itamar Rabinovitch 13/08/17

¹³⁴ Interview with Shaul Arieli 13/09/18

In her memoirs, Rice recalls that she conducted talks with the then Saudi Ambassador to the US, Adel Juber, regarding Olmert's proposal on the Old City of Jerusalem. She presented Olmert's ideas as her own, however, so as to protect the former Israeli Prime Minister. The Saudi Ambassador shared this information only with the Saudi King and Foreign Minister.¹³⁵ Rice additionally discussed the plan with Egyptian intelligence chief, Omar Suleiman. Egyptian President Mubarak, who mistrusted Rice, posited that the idea was doomed to fail, but regardless, Rice thought that it was critical to involve Egypt at this stage.¹³⁶ With respect to security, Rice contemplated the idea of creating a regional security framework involving Jordanian troops alongside Israeli and NATO troops stationed in the Jordan Rift Valley.¹³⁷

(5) Conclusion

The Annapolis process was launched in the aftermath of a bloody wave of violence in both Israel and the Palestinian territories. After the death of Yasser Arafat and the election of Mahmoud Abbas, Ariel Sharon carried out his unilateral disengagement from the Gaza Strip and removed all the settlements and troops from the Palestinian enclave. Nevertheless, despite that move, the peace process remained frozen. After Hamas won the election and formed a government, Israel, the US and the EU boycotted the new Palestinian administration, stipulating that this would only be lifted if the Islamist group renounced terrorism, recognized Israel, and agreed to uphold all previous

¹³⁵ Rice, C., *No Higher Honor*, p. 654

¹³⁶ Ibid.

¹³⁷ Ibid. p. 653

agreements signed by Israel and the PLO. Nevertheless, Hamas took over the Gaza Strip by violent coup and Abbas retained control of the West Bank's Zone A and Zone B territories. As a result, a rift was created between the two Palestinian factions, which allowed the resumption of final status negotiations between Israelis and Palestinians. Although Olmert and Abbas managed to build a relationship based on trust and mutual respect, they failed to achieve a breakthrough in the negotiations. This was the case despite the narrowing of the gaps on almost all the core issues, particularly security and, to a lesser extent, borders.

Some scholars and former officials, such as Dan Shapiro, Scott Lasensky, and Elie Podeh, believe that Olmert went further than any other Israeli Prime Minister and made a genuine effort to solve the conflict with the Palestinians.¹³⁸¹³⁹ Other scholars, such as Menachem Klein, argue that Olmert's offer fell short of meeting Palestinian red lines, particularly on borders and, to a lesser extent, Jerusalem.¹⁴⁰ Moreover, some scholars, for example Yossi Beilin and Gershon Baskin, acknowledge Olmert's efforts to reach an agreement but remain critical of both sides for failing to arrive at an understanding on final status issues.¹⁴¹¹⁴² However, one hypothesis regarding the failure of the Annapolis negotiations lies with the lack of a regional framework. Galia Golan states that, had Saudi Arabia and, more importantly, Jordan been involved in discussions

¹³⁸ Interview with Scott Lasensky 27/02/18

¹³⁹ Interview with Elie Podeh 07/01/18

¹⁴⁰ Interview with Menachem Klein 07/08/17

¹⁴¹ Interview with Yossi Beilin 14/08/17

¹⁴² Interview with Gershon Baskin 20/08/17

regarding Olmert's international trusteeship proposal for the holy basin, the talks might have resulted in a more positive outcome.¹⁴³

¹⁴³ Interview with Galia Golan 04/03/18

Chapter 5

A Comparative Analysis of the US Mediator Role During the First and Second Camp David Summits.

(1) Introduction

US President Jimmy Carter's active mediation approach during the first Camp David Summit is considered by most scholars as a model for successful mediation. In contrast, President Clinton's performance during the second Camp David Summit is widely accepted as a model for failure. The first Camp David Summit between Egypt and Israel resulted in a successful outcome. The second Camp David Summit between Israel and the PA resulted in a failure; indeed, the Summit's collapse was followed by a wave of violence between the two sides.

After Sadat's historic visit to Jerusalem on November 19th 1977, the Israeli-Egyptian talks were on the verge of collapse. In order to save the peace process, the US decided to become an active broker in the negotiations. President Carter believed that an agreement between Israel and Egypt could be reached, and therefore he decided to focus most of his attention on this issue. Although there was a great deal of mistrust between Begin and Sadat, the gaps regarding the Egyptian-Israeli dispute were narrow and bridgeable. The main point of contention was the so-called linkage of the Palestinian track. Sadat stipulated that, in addition to a full Israeli withdrawal from Sinai, he needed to get some symbolic gestures from Israel towards improving the situation of the Palestinians. Begin, on the other hand, would only consent to a symbolic linkage to the

Palestinian issue but rejected any prospect of withdrawal from the West Bank. Prior to the summit, the United States produced working papers that would serve as American bridging proposals. Subsequently, Carter put forward twenty-one bridging proposals to help the parties fill the gaps between them.¹

Eventually, thanks to Carter's active participation, these two courageous leaders made history and reached the Camp David Framework for Peace agreement. The Camp David Accords, as this agreement is known, are in fact squarely based on an American bridging proposal. This agreement contained two frameworks. The first agreement dealt with the Israeli-Egyptian Peace Treaty, while the second focused on Palestinian autonomy in the West bank and Gaza without dealing with the core issues of the conflict.

At the second Camp David Summit, the situation was much more complex, due to the lack of trust between the two sides and also the major gaps between Israel and Palestinians on all the core issues of the conflict – borders, settlements, Jerusalem, refugee, water, and security. In contrast to the first Camp David Summit, the US mediation approach at the second Camp David Summit failed. This was due to a combination of elements: lack of preparation; the Americans' adoption of a facilitation rather than an active mediation approach; the Americans' presentation of only a very limited bridging proposal; and finally, the lack of a multilateral track, illustrated by the non-inclusion of other Arab states in the negotiations.

¹ Interview with William B. Quandt 09/07/18

Unlike Camp David II, the first Camp David Summit involved two regional powers with roughly equal military strength. Additionally, the issues addressed were far less complex than the intractable Israeli-Palestinian core issues. Therefore, bridging the gaps between the two parties was comparatively straightforward and the negotiations could be conducted bilaterally with the assistance of a strong US active mediation. The second Camp David Summit included highly sensitive issues that affected the interests of multiple parties. In addition, the negotiations involved two unequal actors, as Israel is a regional power with the strongest military in the region, while the PA was (and still is) not a state but a much weaker self-governing authority with no military power. The involvement of Arab states would therefore have offset the power imbalance between Israel and the PA. Furthermore, it would have provided the Palestinians with the safety net they needed to make the necessary concessions, while reassuring Israel by enabling a more moderate stance to emerge on issues such as refugees and Jerusalem.

(2) Camp David 1, September 1978: The Active Involvement of the Carter Administration.

(A) The Historical Context Preceding the first Camp David Summit and the Subsequent Lack of Progress in the Israeli-Egyptian Bilateral Negotiations.

When Jimmy Carter became US President in 1977, he decided to adopt a different approach to the Middle East peace process than his predecessor. While Kissinger adopted a step by step approach, which resulted in two disengagement agreements between Israel and Egypt and one between Israel and Syria, the Carter administration decided to go for a comprehensive agreement between Israel and all its Arab

neighbours, including the Palestinians (although the PLO was to remain excluded).² The US planned to convene another Geneva Summit, which the US and the Soviet Union would co-chair. The idea was that the summit would include talks between Israel and an Arab delegation that included Palestinians (some of whom had ties to the PLO). Sadat, on the other hand, was highly sceptical about the prospect of a successful outcome to the summit. For their part, the Syrians adopted a radical stance and demanded a veto on any potential Israeli-Egyptian bilateral agreement.³

Despite all these obstacles, the Carter administration was committed to a multilateral summit and prepared a joint statement with the Soviet Union. Israel for its part was highly suspicious of any negotiations that could potentially involve the PLO. Sadat was highly sceptical of the usefulness of such a parley, since the Syrians were likely to obstruct any progress made on the bilateral level between Israel and Egypt. Nevertheless, Carter tried to alleviate Israeli concerns and met with Moshe Dayan, who was Israel's Foreign Minister at that time. Dayan did not oppose bringing the Palestinians into the negotiations and was flexible, implying that Israel was willing to make concessions to Egypt and potentially Syria in return for formal US security guarantees in the form of a defence treaty between Israel and the United States and the establishment of permanent American bases in Israel.⁴ This led to the drafting of a joint

² Quandt, W. B., *Camp David: Peacemaking and Politics* (Washington D.C.: The Brooking Institution, 1986), p. 150

³ *Ibid.*, p. 177

⁴ *Ibid.*, p. 128

Israeli-American working paper, which contradicted the joint US-Soviet Geneva communique.⁵

The Carter administration contemplated the idea that the PLO would accept UN Resolution 242 and in exchange receive US recognition and the opening of a dialogue. However, for Begin the prospect of talking to the PLO was anathema, and the Carter administration misjudged Begin's animosity towards the PLO and its leader Yasser Arafat.⁶ Sadat too was highly critical of Carter's approach and was utterly against any Soviet involvement in the Middle East peace process. In addition, Syria and the PLO rejected the US-Soviet working paper.⁷ Carter misjudged Sadat's antagonism towards other Arab states, particularly Syria, which would hinder his position at a multilateral summit such as Geneva.⁸ As a result, Sadat decided to change course and make a bold move to push the process forward. In November, Sadat addressed the Egyptian parliament and announced that he would be willing to go the end of the world for peace, including Israel and the Knesset to negotiate with the Israelis. Four days later Begin issued a formal invitation to Sadat to come to Israel.⁹

After Sadat's historic visit to Jerusalem, US Secretary of State, Cyrus Vance, argued that the role of the US as mediator was less central, but nevertheless he felt that it was important to prevent Syria from joining the rejectionist camp. At this stage the US was

⁵ Ross, D., *Doomed to Succeed: the US-Israeli Relationship from Truman to Obama* (New York: Farrar, Straus, and Giroux, 2015), p. 157

⁶ *Ibid.*, p.86

⁷ Shlaim, A., *The Iron Wall: Israel and the Arabs* (updated and expanded edition) (2014), p. 367

⁸ Quandt, W. B., *Camp David: Peacemaking and Politics*, p. 132

⁹ Shlaim, A., *The Iron Wall*, p. 367

unwilling to support a bilateral Israeli-Egyptian agreement, favouring instead a comprehensive peace.¹⁰ Quandt argues that, after Sadat's visit to Jerusalem, Begin became convinced that peace with Egypt was possible. However, he was not sure about Sadat's demands on the Palestinian front. Sadat, on the other hand, gave very little details and focused on demanding a return of territory in Sinai.¹¹

On January 20 1978, Sadat was invited to Camp David for talks with President Carter. For the first time the US National Security Advisor, Zbigniew Brzezinski, put forward the idea of a summit between Begin and Sadat at Camp David. During July, the US administration drafted a plan under the supervision of Vance. At this stage, Carter believed that the main focus should be an Israeli-Egyptian agreement and thought that it was premature to try resolving the Palestinian issue.¹²

(B) The Carter Administration's Active Mediation Approach at Camp David

According to William Quandt, his and President Carter's assessment was that Israel would probably agree to a full withdrawal from Sinai in exchange for a formal peace treaty with Egypt. The main question was whether Begin would agree to a certain linkage between the Egyptian and the Palestinian track. Quandt also argues that Begin and his Foreign Minister Dayan were initially reluctant to withdraw from all of the Sinai

¹⁰ Quandt, W. B., *Camp David: Peacemaking and Politics*, p. 149

¹¹ Interview with William Quandt, 09/07/18

¹² Quandt, W. B., *Camp David: Peacemaking and Politics*, p. 177

Peninsula and the Americans failed to grasp whether it was a genuine statement or a bargaining chip used by the Israelis.¹³

When Sadat made his historic visit to Jerusalem in November 1977, it had a large impact on Begin and, as a result, he concluded that peace was a possibility. However, Begin wondered if Sadat would need to get something from Israel on the Palestinian issue, or would he be willing to sign a separate peace with Israel? Begin could agree to a symbolic linkage, which would include Palestinian self-rule and autonomy, but would never acquiesce to any withdrawal from the West Bank. Sadat made it clear that he was expecting to get some concessions from Israel on the Palestinian issue, but nevertheless failed to specify the nature of these concessions.¹⁴ During much of late 1977 and early 1978, the Carter administration tried to assess what Sadat was ready to concede in terms of security and diplomatic relations in exchange for an Israeli withdrawal from Sinai. The American team failed to grasp Sadat's stance on the core issues of the conflict since he never made detailed statements about his vision for a permanent peace agreement. Instead, he made big and vague statements about his positions on the conflict.¹⁵

In July 1978, the Egyptian and Israeli Foreign Ministers met at Leeds Castle. Cyrus Vance met with both the Egyptian and Israeli Foreign Ministers separately. Moshe Dayan elaborated the Israeli positions on the issue of the West Bank and Gaza, making

¹³ Interview with William Quandt, 09/07/18

¹⁴ Ibid.

¹⁵ Ibid.

it clear that Israel would not accept any withdrawal to the 1967 borders. Dayan, however, said that Israel was willing to consider any territorial compromise put forward by the Arab states. Sadat's advisor, Usama Al Baz, and the Egyptian Foreign Minister, Mohamed Ibrahim Kamil, warned that Egypt would not make any concessions when it came to sovereignty, but would be flexible when it comes to security issues. Both Al Baz and Kamil wanted to broaden the number of Arab states involved in the peace process and were suggesting that negotiations with Jordan should take place on the status of the West Bank.¹⁶ No agreement was reached by the two sides at Leeds Castle, but nevertheless new ideas were put forward.¹⁷

While there was a lot of discussion and progress made during the talks at Leeds Castle, only the key decision-makers could make a substantive breakthrough. Al-Baz, who was then Sadat's advisor, understood how far Sadat would go. Al Baz came from a nationalist background. Leeds was conclusive and some progress was made but no breakthrough was achieved.¹⁸ However, former US ambassador to Israel, Dan Kurtzer, argues that the US had produced the blueprint for what would become the Camp David framework for peace at Leeds Castle. Thus, when the Israelis and Egyptians went to Camp David, they did not have to negotiate from scratch since considerable work had already been undertaken.¹⁹ Quant argues that, despite the progress that had been made at Leeds Castle, Carter concluded that the talks would eventually reach a dead end and that time was running out. The only way to get a breakthrough in the peace process

¹⁶ Ibid.

¹⁷ Interview with William Quandt, 09/07/18

¹⁸ Ibid.

¹⁹ Interview with Dan Kurtzer, 11/08/17

was to try bring Begin and Sadat together at the same table under Carter's mediation. That was his reason for the decision to call the summit.²⁰

On July 30 1978, President Carter took the decision to hold a summit with Sadat and Begin in attendance. Carter sent Vance to Egypt and Israel to issue the invitations. The Americans were making all the necessary preparations before the summit and profiled the personality of both Sadat and Begin, as well as other members of the Egyptian and Israeli teams. The Americans were trying to understand what both Begin and Sadat would look for during the negotiations.²¹ At this point in time, Begin believed that Sadat was willing to make peace with Israel and that the Israeli Prime Minister would agree to a symbolic linkage on the Palestinian issue. For instance, Begin signalled that the Palestinians could have autonomy or self-rule or participate at some stage in the negotiations. Nevertheless, Begin remained steadfast in opposing any withdrawal from the West Bank. The questions were how much linkage would Sadat demand and how much could the Americans get from Begin. Begin's objection to withdrawal was mainly related to the issue of the status of the West Bank. For Begin, the West Bank was Judea and Samaria, integral parts of Greater Israel. Israel's withdrawal from the West Bank and East Jerusalem was therefore unthinkable from his perspective.²²

With regards to his position, Sadat often emphasized that he could not be seen as making a separate peace with Israel and that he was not willing to establish diplomatic

²⁰ Interview with William Quandt, 09/07/18

²¹ Ibid.

²² Ibid.

relations until Israel withdrew from a substantial portion of Sinai.²³ In the first two days of the summit, Sadat and Begin did not get along and did not talk to each other in the meetings that were held. After two days, the Carter team decided that these meetings were counterproductive and they eventually tried another approach.²⁴ During the last evening of the summit, Begin agreed to withdraw from all of Sinai and dismantle the settlements there. However, when it came to the issue of a settlement freeze, Begin was reluctant to act and eventually gave his answer to Carter the next day. Begin in fact agreed to a three months settlements freeze, which was not what Carter expected. Carter went back to Sadat and told the Egyptian President that this proposal was the best he could get from Begin. Although Sadat reluctantly agreed, he was displeased with Begin's intransigence on this issue.²⁵

Elie Podeh, a researcher at the Mitvim Centre, argues that Carter's mediation approach played a significant role in the successful outcome of the first Camp David Summit. Carter was committed to helping the parties reach an agreement. Podeh corroborates Quandt when he argues that Carter used his personal friendship with Sadat as leverage to extract concessions from the Egyptian President.²⁶ Quandt contends that the US had the necessary leverage to coerce the parties into reaching a compromise. In 1975, Kissinger and then US President Gerald Ford resorted to the carrot and stick approach. They temporarily froze arms shipments to Israel in order to coerce then Israeli Prime Minister Yitzhak Rabin into adopting a more flexible approach on the interim

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Podeh, E., *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin, Texas: Texas University Press, 2015), pp.153-54

agreement with Egypt. Unlike Kissinger, Carter was reluctant to use threats of cutting aid for fear that he would create a backlash in the US Congress. He could not use this leverage politically. However, in terms of inducements, the Carter administration pledged to provide additional security guarantees and make a commitment to provide Israel with oil if the peace treaty was ever cancelled by Egypt.²⁷ Furthermore, prior to the signing of the Israeli-Egyptian peace treaty, the US offered material incentives to both parties that collectively amounted to \$5 billion. Israel was to receive \$3 billion in economic and military assistance,²⁸ while Egypt was to receive \$2 billion in aid.²⁹

In terms of military assistance, the United States was willing to assist in the construction of three airbases in Israel to compensate for the Israeli military's loss of airfields in Sinai. Quandt states that Carter never agreed to provide grants but instead proposed loans to assist Israel in building its airbases. Begin, on the other hand, interpreted US assistance as grants. Quandt adds that it was unlikely that additional inducements would have allowed Begin to make any further concessions on the Palestinian front. Conversely, Quandt argues that, had Rabin been Prime Minister during the first Camp David Summit, he would have acquiesced to more concessions on this front in exchange for a robust American security commitment, such as a defence treaty.³⁰

Regarding the prospect of US inducements to Egypt, little military assistance was offered prior to Camp David and Carter was unwilling to upgrade relations with Egypt

²⁷ Interview with William Quandt, 09/07/18

²⁸ Quandt, W. B., *Camp David: Peacemaking and Politics*, p. 335

²⁹ Ross, D., *Doomed to Succeed*, p.169

³⁰ Interview with William Quandt 09/07/18

unless the latter signed a full peace treaty with Israel. Once that did happen, the Carter administration was willing to upgrade US-Egypt relations to the level of US-Israel relations, with full economic and military assistance and intelligence partnership.³¹ At this point in the negotiations, Sadat was not looking for aid but rather to establish a relationship with Washington similar to that of the US and Israel. He hoped to attain this once an Egyptian-Israeli peace was concluded. However, Carter was willing to use the threat of sticks on Sadat when the latter spoke of walking out of the talks after Dayan said Israel would not fully withdraw from the Sinai. Indeed, Sadat was threatening to leave the negotiations and Carter had to convince him to remain. He did this by telling Sadat that, if he walked out, it would put an end to the blossoming ties between Egypt and the US; specifically, Carter stressed to the Egyptian President that he would not be able to explain his walk out to Congress and so the Egyptian-US relationship would be jeopardised. Eventually, Sadat agreed to stay at Camp David. Nevertheless, he demanded from Carter that he extract the best deal possible from Begin, which would include the return of all the Sinai.³² In contrast to Sadat and Carter, Begin could afford to go back empty handed and tell the Israeli public that he saved Israel from a Carter-Sadat plot to force the Jewish state into a dangerous agreement.³³ However, Kurtzer argues that more pressure was put on Israel to convince the latter to dismantle the settlements in Sinai.

In *Too Much Promised Land*, Aaron David Miller stipulates that, without Jimmy Carter, no summit would have been convened. Miller adds that most of Carter's political

³¹ Ibid.

³² Ibid.

³³ Ibid.

advisors opposed convening a summit at this stage. It was Carter who was committed to bringing Sadat and Begin to the negotiating table.³⁴ Galia Golan similarly argues that Israel and Egypt would not have signed the Camp David Accords of 1978 and the Peace Treaty of 1979 without the intervention of Jimmy Carter. Golan argues that Begin was initially inflexible and the subsequent adoption of the American proposals was related to the wording of the agreements rather than their content.³⁵

Shibley Telhami argues that, unlike Ehud Barak and Yasser Arafat, who resented each other for personal reasons linked to Barak's military role against the PLO, Menachem Begin and Anwar El Sadat respected each other during the first Camp David summit. However, they were not negotiating directly and Carter had to mediate between the two.³⁶ In contrast to Camp David 2, where Clinton had an intimate relationship with Barak, Carter was much closer to Sadat than Begin given that the late Egyptian President was willing to take risks, unlike Begin. Carter also maintained that the United States' national interest lay closer with Egypt; the negotiations took place during the Cold War and the US priority was to contain Soviet influence in the Middle East. Furthermore, Carter was willing to use leverage on both sides and threaten both Begin and Sadat with consequences should they spoil the negotiations. For instance, when Begin was not willing to evacuate the Sinai settlements, Carter threatened to tell Congress and the American public that the Israeli Prime Minister was responsible for the collapse of the negotiations. Begin understood that his actions might jeopardize

³⁴ Miller, A. D., *The Much Too Promised Land: America's Elusive Search for Arab-Israeli Peace* (New York: Bantam Dell, 2008), p. 177

³⁵ Interview with Galia Golan, 04/03/18

³⁶ Interview with Shibley Telhami 14/11/18

Israel's relationship with the United States and therefore he backed down.³⁷ Similarly, when Sadat threatened to leave Camp David, Carter told Sadat that he would be blamed for the collapse of the negotiations and that it would be the end of the blossoming relationship between the US and Egypt. In addition, Telhami argues that the fact that Begin empowered his team members to conduct negotiations made it easier for Carter, since the former American President enjoyed working with the Israeli delegation members as opposed to negotiating with Begin.³⁸

Yair Hirschfeld argues that the success of the first Camp David summit was mainly due to the roles of Anwar El Sadat and, to a lesser extent, Jimmy Carter. Hirschfeld points out that Carter was initially opposed to bilateral peace negotiations between Israel and Egypt and was originally planning to convene a multilateral summit in Geneva involving the Soviet Union, Israel and its Arab neighbours. Hirschfeld adds that such a move was opposed by Rabin, Begin and President Sadat.³⁹ With regards to the structure of the negotiations, Hirschfeld posits that Camp David was a model for a comprehensive agreement between Israel and all the Arab states, as well as the Palestinians. He laments that the Israeli government at the time spoiled the negotiations. Hirschfeld points out that Oslo was modelled on the Camp David Accords and filled the remaining gaps.⁴⁰

³⁷ Ibid.

³⁸ Ibid.

³⁹ Interview with Yair Hirschfeld 20/09/18

⁴⁰ Ibid.

(C) American Bridging Proposals on the Table.

Carter outlined the first version of the framework agreement and put most of his efforts into the Egyptian-Israeli framework for a peace treaty. Carter tried to work out with Al-Baz and with Aharon Barak the outline for what became the Egyptian-Israeli framework agreement. Carter outlined the first draft version of the framework agreement proposal. Carter assessed that the most strategic part of the agreement was the Egyptian-Israeli framework. The other part – that Quandt, along with Harold Saunders and Vance, took a lot of time on – was the more general and overall framework for peace in the Middle East, which was largely focused on how to get the Palestinian issue started rather than finalized at this stage.⁴¹ The plan Quandt, Saunders, and Vance came up with was based on Begin's autonomy proposal. They gave it a different name, however, calling it the self-rule proposal, and saw it as a five years transition arrangement, to be concluded by final status negotiations involving Jordan, the Palestinians, and Israel. The final status issues were to be based vaguely on UN Resolution 242.⁴²

There was an effort to get the Palestinian track started by freezing settlements activities. Begin was committed to his project of Greater Israel. He was opposed to any form of withdrawal from Judea and Samaria. The Carter team members were working on two tracks. The main dilemma was how closely related these two tracks should be, and whether progress must be made on the first track before moving onto the second track, or if the two tracks could proceed separately. This issue was not resolved until the end

⁴¹ Interview with William Quandt 09/07/18

⁴² Ibid.

of the summit and Begin was concerned and opposed to any linkage with the Palestinian issue. In his very last meeting with Carter on the last day of the summit, Begin agreed to a full withdrawal from Sinai, dismantling all the settlements, in return for full peace with Egypt. On the next day Begin said that he was willing to implement a freeze in the West Bank, albeit for a much shorter period of time.⁴³

According to Quandt, Sadat was opposed to a normalization of relations and an ending of the state of war with Israel before the latter completed the withdrawal from Sinai. The Carter administration managed to bridge the gaps by putting forward some proposals. Eventually Sadat caved in and agreed that full diplomatic relations would be established before the completing of the Israeli withdrawal from Sinai.⁴⁴ Shibley Telhami argues that, in contrast to the second Camp David Summit, the Carter administration produced a serious draft for a framework for peace proposal, which the parties could comment on or make some amendments to, but could not redraft.⁴⁵ Corroborating this argument, Aaron David Miller highlights that the Carter negotiating team managed to produce twenty-two drafts for a framework agreement. Carter controlled the mediation, unlike Clinton's facilitation attempt during the second Camp David Summit.⁴⁶ Gershon Baskin, who was involved in the negotiations with the Palestinians, contrasts Camp David 1 with Camp David 2 and argues that the Carter team understood that Begin and Sadat did not trust each other and as a result drafted twenty-two proposals during the summit.⁴⁷

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Interview with Shibley Telhami 14/11/18

⁴⁶ Interview with Aaron David Miller, 19/12/17

⁴⁷ Interview with Gershon Baskin, 20/08/17

(D) A Missed Opportunity for a Regional Framework for Peace?

According to William Quandt, it would have been very difficult to bring additional Arab actors such as Saudi Arabia or even Jordan into this process, since Sadat was highly critical and even condescending towards other Arab states. In addition, Sadat was aware that the Arab states were unwilling to negotiate with Israel at this stage without the Palestinians being involved. Begin would also most likely have opposed any kind of Arab involvement in the negotiations. The Arab states were almost certain that Egypt would eventually sign a bilateral peace treaty with Israel and did not want to give any kind of endorsement to a separate Israeli-Egyptian peace.⁴⁸ There was no real substance for a Palestinian-Jordanian agreement and Quandt posits that it should have been exclusively an Egyptian-Israeli framework, with the Palestinian-Jordanian framework being dropped. In this context, it was hard to bring the Saudis into the picture. In addition, the Jordanians were vulnerable since a large portion of their population was (and is) Palestinian and so they would have needed Israeli concessions on the Palestinian issue.⁴⁹

Quandt adds that it would have been helpful to inform King Hussein about the progress of the talks. The Carter administration sent emissaries to find out if King Hussein had answers to the questions it had posed. Jordan resented the Camp David Accords since they were not consulted and not included much on the Palestinian track. The Saudis were unwilling to negotiate on the Palestinian core issues, as they were not familiar

⁴⁸ Interview with William Quandt, 09/07/18

⁴⁹ Ibid.

with the core issues of the conflict. Quandt believes that the framework on the Palestinian issue was useless. He argues that it would have been more productive to tell the Arab states that the Camp David framework would focus on the Egyptian-Israeli track only, and that, once the Israeli-Egyptian Peace Treaty was concluded, talks with other Arab countries would be welcome under the framework of UN Resolutions 242 and 338.⁵⁰ With regards to Saudi Arabia, Quandt argues that, despite their ideological support for the Palestinians, the Saudis were unwilling to be involved in the negotiations. According to Quandt, the Saudis were not familiar with the core issues of the Israeli-Palestinian conflict and as such their role in the negotiations would be limited and ineffective.⁵¹

(3) Camp David 2: The Clinton Administration's Facilitating Approach.

(A) A Lack of Preparation Before the Summit.

Many scholars and former diplomats highlight that there was a lack of preparation prior to the convening of the second Camp David Summit, which ultimately led to the failure of the negotiations. Other factors, such as lack of trust and gaps between the two sides, hindered an effective American mediation.⁵²

Aaron David Miller, who is the director of the Woodrow Wilson Centre, states that the summit was ill-prepared, ill-timed and ill-advised, and that Clinton was unable to mediate. The gaps between Israelis and Palestinians were simply too significant to be

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Interview with Aaron David Miller, 19/12/17

bridged. Barak was bold, Arafat reserved, and Clinton unable to mediate since the lack of trust between Arafat and Barak was insurmountable.⁵³ If one compares Camp David 1 to Camp David 2, one may come to understand what is needed to achieve a successful summit. Camp David 1 had three elements that Camp David 2 did not have. The first component is leaders willing and able to make decisions; the second is a mediator who is able to make decisions and control the mediation; and the third is the availability of a feasible deal. These conditions did not exist during Camp David 2 and remain non-existent at the moment.⁵⁴

During the second Camp David Summit, the leaders had the possibility to reach an agreement. However, afterwards, given the violence that engulfed both Israel and Palestine, it would have been impossible for the parties to reach an agreement. The three components mentioned above could be elaborated further: leaders who are in control and not dependent on their political constituencies; a degree of ownership, which means that the parties are more interested in reaching an agreement than the Americans; and a mediator who is willing to use incentives and disincentives to enable an agreement between the principal parties in dispute.⁵⁵ Indeed, while Barak was eager to conclude a final status agreement, Arafat was risk averse and reluctant to go for a high level summit without the completion of Israel's third redeployment, which was never implemented.⁵⁶

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

Miller argues that both the Israeli and Palestinian stances rendered active mediation impossible, given the mistrust between the two sides. The gaps were too large to be filled by active mediation from the US. Clinton was unwilling to adopt Carter's intimidation approach and put pressure on Barak, since Clinton was of the opinion that Barak was willing to take enormous risks for peace. Therefore, he was committed to protecting him from any potential political fallout. Miller argued that imposing a bridging proposal similar to what Carter did at the first Camp David Summit was not feasible in the context of the Israeli-Palestinian negotiations.⁵⁷

Convening a high-risk summit set up high expectations and, as a result, failure in the negotiations produced serious problems in the peace process and eventually led to a violent outcome. As such, the Clinton administration should have used its last six to avoid the resumption of violence. This would have allowed the next administration to continue to facilitate the process of negotiations, in the way that the Bush 41 administration had handed the highly functional Madrid process to Clinton when he assumed office in 1993.⁵⁸ Despite the enormous gaps between Israelis and Palestinians on all the core issues of the conflict, a bridging proposal might have helped the parties narrow their differences. However, a bridging proposal alone would not have been sufficient for Israelis and Palestinians to reach a permanent deal at Camp David. This outcome did not materialize because three elements were missing. Firstly, as Miller states, there was no active American mediation to control the negotiations and prevent the parties from spoiling the talks. Secondly, there was no American plan on the table to enable the parties to narrow the gaps between them on all the core issues. Thirdly,

⁵⁷ Ibid.

⁵⁸ Ibid.

the United States did not bring the Arab states to the summit to convince the Palestinians to accept the peace deal before them.

Dan Kurtzer argues that the United States did not act as an unbiased broker in the negotiations. He in fact quotes Aaron David Miller by saying that the US acted as an Israeli lawyer and so failed to exercise American influence and leverage to come up with a middle ground proposal acceptable to both parties. However, Kurtzer still praises Clinton's commitment and determination in the negotiations.⁵⁹ Kurtzer argues that the US should have put forward its own parameters during the summit on the basis of the Clinton Parameters. In addition, the US should adopt a more balanced mediation approach, along the lines of the Bush-Baker approach, as opposed to the classic mediation approach adopted at the first Camp David Summit. Kurtzer posits that the US should include both inducements and forms of pressure similar to the 1991 Bush-Baker decision to freeze loan guarantees to Israel for the absorption of Soviet immigrants. Indeed, prior to the convening of the Madrid peace conference, President Bush 41 and Secretary of State James Baker demanded that Israel freeze settlement activities in the West Bank and threatened to slash loan guarantees for Soviet immigrants should Israel fail to comply with the American request. The Israeli Prime Minister Yitzhak Shamir rejected the American demand and eventually the Bush 41 administration froze the loan guarantees.⁶⁰

⁵⁹ Interview with Dan Kurtzer, 11/08/17

⁶⁰ Kurtzer, D. C., et al, *The Peace Puzzle*, p. 27

In terms of inducements, Kurtzer refers back to the letter of assurance President Ford sent to Prime Minister Rabin. In this, the US pledged to provide robust security guarantees to Israel in the form of military assistance and not to negotiate with the PLO until the latter accepted UNSC Resolutions 242 and 338. In addition, Kurtzer highlights the need to acknowledge the national interest of both sides as opposed to one party. For instance, in the Madrid process, both the Israeli and Palestinian delegations were given political assurances in the form of letters from the US. Kurtzer contrasts the Madrid letters of assurance with the more far-reaching letter of assurance that Bush 43 sent to Israel only. The problem with Bush 43's letter was not that it was far-reaching, but rather that there was a lack of reciprocity in that the Palestinians did not receive similar political guarantees.⁶¹

William Quandt argues that Clinton adopted a facilitating-type model that pushed the parties along and effectively signalled his renouncement of active mediation. Clinton knew, though, that he was running out time. He was also concerned that he would be seen as not having done enough, despite the fact that he devoted a significant amount of time to the peace process. Indeed, the reason Clinton convened the second Camp David Summit was to show that he had done his best to help the parties reach a lasting peace.⁶²

Furthermore, Quandt contrasts the core issues of the first Camp David Summit with those of the Second. In comparison to the issues at stake during the Israeli-Egyptian

⁶¹ Interview with Dan Kurtzer, 11/08/17

⁶² Interview with William Quandt, 09/07/18

negotiations, the core issues of the Israeli-Palestinian conflict were far more complex. This was not helped by the fact that little preparation was made prior to the second summit. The notion of going to a summit with little understanding reached beforehand between Arafat and Barak on highly complex issues such as Jerusalem, refugees, borders, and security, was very ambitious, to say the least. If the parties were to attend a summit of that magnitude, the US should have attempted to bridge the gap via an American bridging proposal, since the gaps between Israelis and Palestinians were substantial. Clinton should have consulted the parties to let them know what the US was prepared to do in the summit. The other possibility was to offer inducements to the parties to help them make unprecedented concessions.⁶³

On the personality level, Clinton was overconfident and was under the impression that he could use his charm to convince the parties to reach a peace settlement. Quandt regrets that Clinton left the summit for three days to attend the G8 summit in Okinawa and left the parties to negotiate by themselves. Clinton's lack of personal involvement during these three days at the summit contributed significantly to its failure, as the parties were incapable of narrowing their differences. Quandt contrasts this episode to Carter's attitude during the first Camp David Summit. Carter would have never left in the middle of the summit, since he knew that, without his personal involvement, the summit was doomed to fail.⁶⁴

⁶³ Ibid.

⁶⁴ Ibid.

While Clinton did learn about the US mediation approach during the first Camp David Summit, he nevertheless failed to grasp the reason for its successful outcome.⁶⁵ Quandt point outs that Clinton would say that it was up to the principal parties to determine whether or not the summit would be successful, and that the US could not want peace more than Israelis and Palestinians. Quandt states that Carter would never have said such things and that he would have told the parties that the US wanted to facilitate an Israeli-Palestinian peace agreement because it was in America's strategic interest. Clinton never grasped that the US had an independent strategic interest in this context, one that was not necessarily antagonistic to either Israel or the Palestinians, but which was nevertheless distinct from their interests.⁶⁶

Gershon Baskin argues that the US failed to act as an honest broker and instead acted as a lawyer for Israel. In addition, Baskin bemoans that no Arab world / Middle East expert was included in the Clinton team. Baskin adds that Barak strongly opposed the including of an American note taker; the Israeli Prime Minister even threatened to call off the summit if one was present. According to Baskin, the Americans lost all their credibility and he stresses that the best negotiations ever produced were those taking place without any significant American involvement.⁶⁷

Yossi Beilin comments that the Clinton team should have used active mediation rather than facilitation, since there was deep mistrust between Arafat and Barak. However, it

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Interview with Gershon Baskin, 20/08/17

was highly unlikely that Barak would have accepted active mediation as opposed to facilitation. The United States acted as an Israeli lawyer and had to consult with the Israeli team and get an Israeli approval for all the decisions they made. The Palestinian negotiating team saw the American mediators as colluding with Israel, and therefore, anytime the Americans presented an idea, the Palestinians argued that it was an Israeli proposal.⁶⁸

Menachem Klein argues that the US should have been tougher on Israel and resorted to the first Camp David approach adopted by Carter. Klein said that all successful agreements have been the result of a tough American approach, for example, when Carter threatened both Begin and Sadat of the consequences should the parties walk out of the negotiations without an agreement.⁶⁹ Corroborating Klein's assessment, Shaul Arieli argues that the US consulted too much with Israel and that it should have used more leverage on the parties and put forward bridging proposals to help the parties narrow their differences.⁷⁰

Former Israeli ambassador to the United States, Itamar Rabinovitch, argues that President Clinton lacked Carter's personality for coercing the parties into agreement. Carter was manipulative, forceful, and deceptive and he played a major role in convincing Begin and Sadat, who mistrusted each other deeply, to eventually reach a compromise. Clinton wanted the parties to reach an agreement, but nevertheless he

⁶⁸ Interview with Yossi Beilin, 14/08/17

⁶⁹ Interview with Menachem Klein, 07/08/17

⁷⁰ Interview with Shaul Arieli, 13/09/18

failed to bring one about due to his personality.⁷¹ Another point, highlighted by Robert Malley, a member of the American team at the second Camp David Summit, is that the Palestinians mistrusted the US as a credible mediator. Malley argues that the Palestinians perceived any American stance or bridging proposal as an Israeli plot. Nevertheless, Malley stresses that third-party mediation is of utmost importance, given the mistrust between the two sides, as is the need to provide reassurances to both sides.⁷²

Shibley Telhami points to Bill Clinton's special relationship with Ehud Barak as one of the major reasons for the failure of American mediation efforts at the second Camp David Summit. When Netanyahu was Prime Minister from 1996 to 1999, Clinton's relationship with him was extremely tense and the American President enjoyed better personal ties with Arafat than with Netanyahu. However, when Barak came to power in May 1999, Clinton's main priority was to protect Barak from any potential political pitfalls. Clinton's personal relationship with Barak was historically unprecedented and both leaders would bypass their aides or staff at the State Department and communicate directly. Telhami contends that Clinton's personal relationship with the Israeli Prime Minister prevented him from seeing the bigger picture. The 42nd American President believed that he had a grasp of Israeli politics and had been highly sensitive to Barak's political survival. As a result of that, Arafat was suspicious that the Americans might impose a peace deal upon him and would blame him for the collapse of the talks should he fail to accept it. To provide Arafat with reassurances, Clinton told the Palestinian leader that no matter the outcome of the negotiations, he would not be blame him should

⁷¹ Interview with Itamar Rabinovitch, 13/08/17

⁷² Shamir, S., Maddy-Weitzman, B., *The Camp David Summit – What Went Wrong? Americans, Israelis, and Palestinians analyze the Failure of the Boldest Attempt Ever to Resolve the Palestinian-Israeli conflict* (Brighton: Sussex Academic Press, 2005), pp. 110-112

the summit fail. Clinton broke his promise to Arafat and as a consequence Clinton lost Arafat's trust.⁷³

Regarding the structure of the negotiations, the circumstances were markedly different to those which pertained at the first Camp David Summit, as the timing and the structure of Camp David 2 were driven more by politics rather than substance. Given their bad personal relationship, Arafat and Barak were not negotiating directly but through Clinton. Clinton talked to both leaders and put forward ideas to help bridge the gaps. Nevertheless, the ideas presented by Clinton never became official documents. Since the parties were at this stage not ready for a final status negotiation, the summit might have resulted in a more successful outcome had it been set up as a first round for negotiations as opposed to an end game summit. The parties made substantive progress on all of the core issues, including Jerusalem, and, had Clinton configured the second Camp David Summit as a first round for negotiations to be followed up by another summit, they could have claimed that Camp David was a success. However, Telhami regrets that Clinton, even if he had pursued this approach, would probably have backtracked, given that Barak would have most likely rejected such a process.⁷⁴ Given the negative atmosphere that preceded Camp David 2, a different American strategy that was better designed for effective negotiations would not have necessarily led to a positive outcome.⁷⁵

⁷³ Interview with Shibley Telhami 14/11/18

⁷⁴ Ibid.

⁷⁵ Ibid.

Telhami also laments that no American President has ever considered the Israeli-Palestinian conflict a national priority, which he contrasts with Carter's approach at the first Camp David Summit. Telhami points out that during Camp David 1, Carter concluded that an Israeli-Egyptian peace treaty was a strategic priority for the United States and, as a result, the former American President put all his weight into the discussions.⁷⁶ Scott Lasensky argues that successive US administrations have been reluctant to adopt a more active mediation approach due mainly to Israel's objection to such an endeavour. Consistent with Telhami's argument, Lasensky comments that Israel was opposed to US bridging proposals, which made it difficult for the Americans to take a more active role in the negotiations.⁷⁷

Former Israeli Foreign Minister, Shlomo Ben Ami, states that, in contrast to Madrid, the US was a weaker power at Camp David 2, unable to coerce the two sides into reaching an agreement. Ben Ami argues that the American team failed to have the summit under their control and adapted their strategy out of concern for the political constraints of the parties. To illustrate his point, Ben Ami contrasts Kissinger's manipulation, Carter's intimidation, and the Bush-Baker "arm twisting" tactics to Clinton's lack of performance during the second Camp David Summit.⁷⁸ In addition, Yair Hirschfeld argues that the American mediation role is critical for the success of the negotiations. However, he stresses that the US can only be involved in the discussions after the Israelis and the Palestinians reach an understanding and put a coalition in place to make it work. Hirschfeld states that America has failed to

⁷⁶ Ibid.

⁷⁷ Interview with Scott Lasensky, 25/02/18

⁷⁸ Ben Ami, S., *Scars of Peace, Wounds of War: the Israel-Arab Tragedy* (London, UK: Weidenfeld and Nicholson, 2005), p. 263

appreciate both Israeli and Palestinian politics and is tied down with their own domestic politics.⁷⁹

Furthermore, regarding the substance of the discussions, Hirschfeld argues that the ‘all or nothing’ approach adopted by President Clinton, who was influenced by Prime Minister Barak, was a major mistake. Hirschfeld says that it was clear from a meeting held between Clinton and Arafat in April 2000 that the Palestinians were not ready to go for a permanent status agreement. According to Hirschfeld, Clinton stated that, once he left office, nobody would care about the Israeli-Palestinian peace process. Clinton believed that a final status agreement had to be achieved or the negotiations would collapse. From the point of view of Hirschfeld, Clinton’s approach led to disaster, as it would have been better to move gradually towards a final status agreement.⁸⁰

(B) Limited US Bridging Proposals on the Table.

Given Arafat’s and Barak’s mistrust of one another and the enormous gaps that existed between Israelis and Palestinians on all the core issues of the conflict, many American and Israeli scholars and former diplomats regret that Clinton failed to put forward bridging proposals along the lines of the Clinton Parameters. Some contrast it to the Carter team putting forward dozens of bridging proposals which eventually helped Begin and Sadat to close the gaps between them.

⁷⁹ Interview with Yair Hirschfeld 20/09/18

⁸⁰ Ibid.

According to Dan Shapiro, had Clinton put his parameters to the Palestinians, they would most likely have said yes, albeit with reservations. Even still, this would have allowed the parties to continue negotiations. If Israelis and Palestinians were presented with the parameters, it would have provided them with enough time to negotiate after Camp David and helped them in reaching a framework agreement.⁸¹ Dan Kurtzer similarly expresses disappointment that the US withdrew its draft working paper for a final status agreement immediately after putting forward the plan, and then delayed in putting another plan on the table until December 2000. Kurtzer does not know if the Palestinians and the Israelis would have accepted the Clinton Parameters. However, the chances of reaching an agreement would have been much greater.⁸²

Kurtzer also highlights that the parties negotiated during the Taba Summit on the basis of the Clinton Parameters, which perhaps shows that, had Clinton presented his parameters during Camp David 2, they would have had several months to reach an agreement under much more favourable circumstances. Kurtzer adds that the US should propose an initiative on the basis of the Clinton Parameters in any negotiations as they reflect the narrowing of differences between the two sides.⁸³ Quandt, who, as mentioned, took part in the first Camp David Summit, argues that Clinton was mulling over whether to put forward a proposal along the lines of the Clinton Parameters at the second Camp David Summit. Quandt states that Israel requested that Clinton did not

⁸¹ Interview with Dan Shapiro, 11/01/18

⁸² Interview with Dan Kurtzer, 11/08/17

⁸³ Ibid.

put forward his own plan, arguing that, should he put his peace proposal on the table, Israel would be forced to reject it.⁸⁴

Shibley Telhami argues that the Clinton administration struggled to craft a document which would put all the core issues of the conflict, including Jerusalem, on the table. Telhami requested that the State Department draft a memorandum on the issue of Jerusalem. Telhami consulted with members of the Clinton team, such as Robert Malley, and told them that Jerusalem was the most important issue for Arafat and that Barak's assessment that Arafat would relinquish his claim on East Jerusalem in exchange for a Palestinian state on 80 percent of the West Bank was wrong. In addition, Telhami argues that Clinton put forward a written document but this only suggested ideas to the parties.⁸⁵

Telhami argues that, had Clinton put forward his parameters during the summit, Barak would have probably rejected them. Furthermore, the Clinton negotiating team could not draft a set of parameters at this stage of the negotiations. However, it would have been possible to introduce parameters or a working paper prior to the summit, so long as this was not made public. If the Clinton administration had put on the table such a plan without consulting with Barak first, the Israeli Prime Minister would have most likely explained to Clinton that he could not accept the President's parameters given his precarious political position at home. As a result, Clinton would have most likely rejected his advisors' assessment and gone along with Barak. Again, Telhami argues

⁸⁴ Interview with William Quandt, 09/07/18

⁸⁵ Interview with Shibley Telhami 14/11/18

that the personal relationship between Clinton and Barak made it impossible for the US to take an unbiased approach and submit their parameters to both sides.⁸⁶

Dennis Ross suggested to Clinton that he put forward an American document that bridged the gaps between the parties. Ross asked Clinton to tell both Barak and Arafat about the bridging proposal. However, Clinton talked to Barak first and the Israeli Prime Minister was reluctant to accept this idea. As a result, Clinton backtracked from it and justified this by arguing that Barak would pay a heavy political price for making concessions. Consequently, the Americans never put forward any counter proposal during the discussions.⁸⁷ Ross states that the gaps between the parties on all the core issues were too large to bridge at this point. While Barak was ready to make major concessions on almost all the core issues, Arafat failed to make any gestures towards the Israeli side. Therefore, Ross argues that it was a mistake to convene an end game summit at Camp David and that he should have told both the Israelis and the Palestinians that, at this stage, the United States would be unable to bridge the gaps between the parties. As a consequence, in lieu of trying to solve the core issues of the conflict, the Clinton administration should have instead focused on peacebuilding.⁸⁸ Ross argues that these gaps were the reason behind Arafat's de facto rejection of the Clinton Parameters, given that the Clinton negotiating team had moved significantly towards the Palestinian position.⁸⁹

⁸⁶ Ibid.

⁸⁷ Interview with Dennis Ross 11/03/19

⁸⁸ Ibid.

⁸⁹ Ibid.

Although the gaps might not have been bridgeable at this stage, an American plan on the table might have aided subsequent negotiations following the second Camp David Summit. Additionally, had Jordan and Egypt been invited to the negotiations, they might have been in a position to pressure Arafat to accept such proposals. Both Jordan and Egypt are more sensitive to Israel's red lines on the core issues of the conflict. As such, they might have been able to incentivize Arafat to bend a little and adopt a more flexible stance on issues such as the status of the Temple Mount/Haram El Sharif and the fate of Palestinian refugees. Concerning Barak's precarious political position at home, Clinton should not have taken Israeli domestic politics into account and should have been more forthright in pressing Israel to accept the plan.

Gershon Baskin argues that the Americans should have put forward bridging proposals but not necessarily the Clinton Parameters at the start of the summit. Baskin posits that Clinton put forward Barak's proposal regarding the Temple Mount, which would have allowed Jews to pray on the Temple Mount. This was seen as a joint Israeli-American plot by the Palestinians.⁹⁰ Contradicting Dennis Ross' account, Baskin regrets that Ross persuaded Clinton not to put forward bridging proposals. Ross argued that such a move would damage Barak politically. Baskin states that had Clinton introduced bridging proposals at the summit, the negotiations would have resulted in a much more favourable outcome. Baskin argues that by the time Clinton introduced his parameters it was too late.⁹¹

⁹⁰ Interview with Gershon Baskin, 20/08/17

⁹¹ Ibid.

Bader Rock, who, as mentioned, was a PLO legal advisor during the Annapolis process, argues that introducing the Clinton Parameters during the Camp David Summit would not have changed the outcome of the negotiations. Rock argues that Arafat would have accepted the compromise formula put forward by Clinton. In addition, the gaps between the Israelis and the Palestinians were substantial on most of the core issues and, as a result, the Clinton Parameters would not have bridged the gaps between the two sides at this point in time.⁹² Given that Arafat added major reservations to the Clinton Parameters when the US President presented them to him, it is highly doubtful that the late Palestinian Rais would have accepted the same parameters at Camp David. At this stage of the negotiations, the gaps between the two parties on all the core issues were practically unbridgeable. So, had the Clinton team prepared a document along the lines of the Clinton Parameters for Camp David II, the talks would probably still have failed. Yet, the parties would then have had six months before Clinton left office to narrow the gaps between them and reach a framework agreement on the basis of the American document. Consequently, President Clinton should have indeed imposed his Parameters on the parties at Camp David and threatened both with costs should either of them reject his bridging proposal.

Nimrod Novick argues that Clinton should have introduced his parameters at the start of the summit. In addition, although Clinton argued his parameters would be null and void once he left office, they nevertheless still form the terms of reference for any US bridging proposal and therefore are resilient. Novik argues that there were three ways to introduce the Clinton parameters. The first strategy was to introduce them at the end,

⁹² Interview with Bader Rock 13/02/19

which was not helpful. The second approach would have been to introduce them during the negotiations, which might have helped.⁹³ The third strategy, which Novick believes Clinton should have adopted, would have been for the parameters to be introduced as an official American proposal. This would have allowed the US to state clearly to the parties that it was navigating the negotiations on the basis of the parameters. Both parties would therefore come with their positions, but they would also have the knowledge that an American proposal was on the table. This strategy would have prevented the parties from adopting a maximalist approach on the core issues and indeed would have allowed the parties room to negotiate.⁹⁴

Former Foreign Minister Shlomo Ben Ami, who participated in the second Camp David Summit, argues that the Clinton administration never put forward a serious document which would have served as a bridging proposal. During the second day of the summit, the Clinton team put forward a working paper, but both the Israelis and the Palestinians rejected it. As a result, the Clinton team took it off the table and the summit was left to run without any guidelines. The Clinton administration failed to navigate the summit towards preconceived objective goals. Working papers were critical for the success of the summit, and so it is lamentable that the United States proved incapable of effectively introducing any. In the first Camp David Summit between Israel and Egypt, the Americans put forward twenty-two working papers. Each working paper was the basis for further negotiations which led to progress. In contrast, at the second Camp David Summit the United States failed to produce any meaningful bridging proposals, which

⁹³ Interview with Nimrod Novik, 13/03/18

⁹⁴ Ibid.

was a major mistake, according to Ben Ami.⁹⁵ In support of Ben Ami's argument, former Israeli ambassador to Jordan, Shimon Shamir argues that, if the parameters had been presented at the early stages of the negotiations, it would have clarified many questions and compelled the two sides to negotiate on the basis of the parameters. Shamir is not certain, though, that the summit would have resulted in a successful outcome, only that the parameters would have clarified the situation.⁹⁶

President Clinton's failure to put forward a bridging document while the gaps between Israelis and Palestinians on all the core issues of the conflict remained large, was a strategic mistake which had dire consequences for the peace process. In contrast, President Carter's team presented twenty-two bridging documents to Egypt and Israel, even though the gaps between these parties were never as wide as those between Israel and the Palestinians. Eventually, Egypt and Israel signed the Camp David Accords on the basis of the American proposals.⁹⁷ Had President Clinton presented his parameters during Camp David II, or soon after it, the parties might have been able to bridge the remaining gaps between them and reach an agreement on the basis of the Clinton plan.

Aaron David Miller refutes Shlomo Ben Ami's and Shimon Shamir's arguments and contends that had Clinton introduced his parameters during the Camp David Summit, it would have been a mistake. Miller states that the summit would have still resulted in a failure, even if Clinton introduced his parameters. That is because, according to Miller,

⁹⁵ Interview with Shlomo Ben Ami 19/05/19

⁹⁶ Interview with Shimon Shamir, 14/09/17

⁹⁷ Interview with William B. Quandt 09/07/18

the Clinton Parameters would have been rejected by both Barak and Arafat, due to the enormous gaps between them on the core issues of the conflict. Miller wonders how the parties would have behaved had Clinton introduced his parameters? Miller argues that the Clinton Parameters were more favourable to the Palestinians. Barak at this stage would most likely have rejected the Clinton Parameters and would have demanded that the Palestinians first show some degree of flexibility before considering an American bridging proposal of that magnitude. Miller argues that Arafat would have most likely responded favourably to the Clinton Parameters but nevertheless would still have fell short of accepting them.⁹⁸ Contrary to Miller, Shaul Arieli argues that Clinton should have put forward his parameters before the summit started. By publishing his parameters, Clinton would have been in a position to bridge the gaps between the parties.⁹⁹

Although introducing the Clinton Parameters at this stage might not have changed the outcome of the negotiations, the parties would have had several months to negotiate on that basis of Clinton's plan before the US President left office. In line with this argument, Scott Lasensky contends that, had Clinton introduced his parameters at the onset of the summit, it would have provided the parties with six months to negotiate under these terms. Lasensky adds that this would have allowed the Americans time to gather the necessary Arab support for a deal.¹⁰⁰ In addition to the lack of an American bridging proposal, Lasensky stresses that Arab support for a deal was an important missing ingredient from these talks.

⁹⁸ Interview with Aaron David Miller, 19/12/17

⁹⁹ Interview with Shaul Arieli, 13/09/18

¹⁰⁰ Interview with Scott Lasensky, 02/18

(C) Absence of Regional Involvement: A Missed Opportunity?

The lack of involvement of Arab states at the Camp David Summit, and the failure of the Clinton administration to bring other Arab states into the negotiations, is considered by some former American diplomats as a missed opportunity. Other diplomats and scholars are of the opinion that the US should have pressed harder to bring other Arab states into the diplomatic process.

According to Dan Shapiro, the lack of regional involvement was an issue during the Camp David Summit of July 2000, most specifically, on issues related to the narratives of Israelis and Palestinians, particularly concerning the holy sites in Jerusalem. Arafat kept repeating that he was unwilling to make concessions since he could be assassinated and needed Arab support. As such, there was a need for Egyptian and Saudi support in the talks.¹⁰¹ The US tried to bring these Arab countries, as well as Jordan, into the negotiations. However, the Arab states were reluctant to be involved in the negotiations given their domestic political positions. The efforts to bring the Arab states into the fold were insufficient. Shapiro contrasts this with John Kerry's attempt to get Arab support during the Israeli-Palestinian bilateral negotiations which took place in 2013.¹⁰²

Nimrod Novik argues that Clinton should have convened a second summit which would have included Arab states, since the Palestinians were too weak politically to negotiate

¹⁰¹ Interview with Dan Shapiro, 11/01/18

¹⁰² Interview with Dan Shapiro, 11/01/18

on an equal basis with Israel. Novik posits that bringing regional actors into Camp David would have been very helpful when the parties were negotiating complex issues, such as refugees and Jerusalem.¹⁰³

In *Negotiating the Arab-Israeli Peace*, Dan Kurtzer and Scott B. Lasensky argue that the US should build a web of regional actors to support an Israeli-Palestinian peace deal. Both Kurtzer and Lasensky contrast Bush and Baker's multilateral track, established during the Madrid peace process, with the lack of regional support during Camp David 2. Kurtzer and Lasensky argue that, while Clinton managed to bring Arab states into the negotiations during Oslo, the former US President nevertheless failed to bring other Arab actors at a critical juncture. Furthermore, both bemoan that Clinton failed to brief other Arab states about the negotiations.¹⁰⁴

However, some American diplomats and Israeli scholars are of the opinion that involving other regional actors would have been futile. Aaron David Miller states that regional involvement in the negotiations on Jerusalem would not have been helpful. Miller argues that Arab states are either unwilling to be involved, or, as in the case of Jordan, too weak to play any significant role in negotiations over the status of the holy sites in Jerusalem.¹⁰⁵ Menachem Klein similarly argues that bringing in regional actors would have been futile and would not have led to a more conducive outcome. Klein contends that the Arab States were not familiar enough with the core issues of the

¹⁰³ Interview with Nimrod Novik, 13/03/18

¹⁰⁴ Kurtzer, D. C, Lasensky, S. B, Quandt, W. B, Spiegel, S. L, and Telhami, S. I., *Negotiating Arab-Israeli peace*, p. 42

¹⁰⁵ Ibid.

conflict, and therefore granting them any mediation role on these issues would not have been productive.¹⁰⁶

(4) Conclusion

The first Camp David Summit resulted in a successful outcome due to a combination of factors. First, both Begin and Sadat were willing to make the necessary concessions in order to achieve a peace treaty. Second, the issues which were on the table were relatively easy to resolve (at least compared to the core issues of the Israeli-Palestinian conflict) and the gaps between Egypt and Israel on the issue of Sinai were minimal. Third, there was the commitment and determination of Jimmy Carter, who devoted all his energy and took many risks in order to secure a peace agreement between Israel and Egypt. Carter was willing to grant significant rewards to the parties should they reach an agreement. Carter was also willing to resort to intimidation and threats, at least against the Egyptian President, in order to ensure a successful outcome at the end of the summit.

In sharp contrast, during the second Camp David Summit both Arafat and Barak mistrusted each other and the issues at stake were far more complex and intractable. The other reason for the failure of Camp David 2 is related to the American mediation approach. The Clinton team failed to prepare adequately prior to the summit, and failed to produce bridging proposals which could have, at the very least, assisted the parties in reaching an agreement. In addition, given the fact that some of the core issues

¹⁰⁶ Interview with Menachem Klein, 07/08/17

involved affected the interests of other states, such as Jordan, Morocco, and Saudi Arabia, the Clinton administration failed to bring these regional players into the negotiations in order to assist Israelis and Palestinians in overcoming their differences.

During subsequent negotiations, the US relied on the same facilitating approach, as opposed to engaging in active mediation, and failed to bring other regional actors into the negotiations. Therefore, any breakthrough in the peace process, would probably require active American mediation, coupled with multilateral or regional involvement on the core issues of the conflict. Given the complex nature of the core issues of the conflict, particularly Jerusalem and the refugees, the involvement of Arab states would be critical should final status negotiations resume.

Chapter 6

John Kerry's Peace Initiative, 2013-2014: An Audacious Attempt or an Unrealistic Endeavour?

(1) Introduction

When Barack Obama was sworn into office on January 20th 2009, one of his main foreign policy priorities was the resumption of the Israeli-Palestinian final status negotiations. Obama's stance on the core issues of the conflict were different to previous administrations, particularly on borders and settlements, as he was the first American president to endorse the 1967 lines as the basis for discussions with mutually agreed land swaps.¹ However, it was only during Obama's second term that Israeli-Palestinians final status negotiations eventually resumed under Secretary of State John Kerry's supervision. The negotiations started as bilateral discussions between Israel and the Palestinians but eventually led to two separate discussions: one between Israel and the US, and a subsequent dialogue between America and the Palestinians.² During these discussions, the US presented their parameters, known as the Framework for Peace. This was never endorsed by the parties. Eventually, the talks broke down and they remain frozen until today.³

¹ Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and Telhami, S. I., *The Peace Puzzle: America's Quest for Arab-Israeli Peace, 1989–2011*, (New York: Cornell University Press, 2013) p. 263

² Interview with Dan Shapiro 11/01/18

³ Ibid.

There are many explanations as to why the talks resulted in a failure. Some former diplomats, such as Dan Shapiro, praise Kerry's attempt to facilitate an agreement. They also laud his achievement in convincing Arab states to change the API's stance on borders as unprecedented.⁴ On the other hand, several scholars and actors, such as Yair Hirschfeld and Nimrod Novik, provide a more critical assessment of Kerry's mediation strategy. They both argue that, although his intentions were good, his approach towards the negotiations was highly flawed.⁵

Unlike previous negotiations, key Arab states were consulted prior to the talks and, as noted, Kerry convinced the Arab states to demonstrate some flexibility regarding the API.⁶ However, the degree of their involvement and its effectiveness during the negotiations remains up for debate. Similar to previous final status negotiations, the Obama administration adopted the bilateral Israeli-Palestinian model. The then Secretary of State, John Kerry, missed an opportunity to include Arab states directly in the discussions. Around the same time, the Arab states signalled that the API is not a diktat, but rather a flexible basis for negotiations. Given the chasm between Israelis and Palestinians on all five core issues, as well as the lack of trust between Mahmoud Abbas and Benjamin Netanyahu, a regional dialogue could have helped create a more conducive atmosphere, enabling the parties to bridge the gaps on the most sensitive issues, such as refugees and the status of Jerusalem.

⁴ Ibid.

⁵ Interview with Yair Hirschfeld 05/11/18

⁶ Interview with Dan Shapiro 11/01/18

(2) The Context Preceding the Kerry Sponsored Negotiations.

In 2009, the PA announced that it would end final status negotiations with Israel, unless the latter accepted the 1967 lines as a term of reference for the negotiations, or implemented a complete freeze of all settlement construction in the territories. In response, Netanyahu rejected the Palestinian terms for negotiations and in turn demanded that Abbas recognize Israel as a Jewish state.⁷ As a result of the lack of talks between Israel and the PA, the Obama administration's special envoy to the Middle East, George Mitchell, launched proximity talks, which were a series of indirect talks between the two parties. During these talks, Mitchell demanded that both sides spell out in detail their stance on the core issues of the conflict. The Palestinians insisted, however, that, before the talks could continue, the Americans must accept the 1967 line as a basis for discussions and that all the core issues would be discussed within a two-year timeframe.⁸

During his June 2009 speech in Cairo, President Obama endorsed the Palestinian demand for a settlement freeze and stated that the US does not accept continued settlement activities. In addition, the American President referred to the API and argued that it was an important shift in Arab policy towards Israel, and urged the Arab states to remain involved in the peace process. A few months later, Israeli Prime Minister Benjamin Netanyahu officially endorsed a two-state solution to the Israeli-Palestinian conflict in his Bar Ilan speech:⁹

⁷ Rabinovitch, I., *The Lingering Conflict: Israel, the Arabs and the Middle East, 1948-2012*, (Washington D.C., Brooking Institution Press, 2012), p. 193

⁸ Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and Telhami, S. I., *The Peace Puzzle*, p. 255

⁹ *Ibid.*, pp. 250-251

*I told President Obama in Washington, if we get a guarantee of demilitarization, and if the Palestinians recognize Israel as the Jewish state, we are ready to agree to a real peace agreement, a demilitarized Palestinian state side by side with the Jewish state.*¹⁰

In November 2009, a few months after Netanyahu's endorsement of a two-state solution, the Israeli cabinet reluctantly took the decision to freeze settlement activities, with the exception of the Jewish neighbourhoods in East Jerusalem. The Israeli government agreed to this partial freeze of settlements mainly due to American pressure.¹¹

Nimrod Novik, who is the chairman of the board of the Economic Cooperation Foundation and a research fellow at the Israeli Policy Forum, is critical of Obama's approach towards the settlement issue. Obama's demand for a complete cessation of all settlement activities was not sustainable. Novik told Rahm Emanuel – who was at the time President Obama's Chief of Staff and the architect of the settlement freeze policy – that his Democratic party and members of Congress will most certainly be opposed to the administration's policy on settlement activities in the occupied territories.¹² Novik told Emanuel that his 'not a brick' for settlements policy is flawed and instead advocated a more realistic approach. This would consist of building only in existing

¹⁰ Haaretz, Full Text of Netanyahu's Foreign Policy Speech at Bar Ilan 14/06/09

¹¹ Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and Telhami, S. I., *The Peace Puzzle*, p. 253

¹² Interview with Nimrod Novik 13/03/18

settlements, while agreeing that Israel shall not expand these nor build additional settlements. However, Emanuel ignored Novick's recommendations and was of the opinion that Israel would comply with the Obama administration's demand for a complete freeze of all settlement activities in the territories.

Novik further argues that the US' abstention during the UN Security Council vote on Resolution 2334 was a mistake. Novik praises current President Donald Trump's approach to settlements, which incorporates his recommendations on building only within existing settlements, while Israel is expected not to build additional settlements beyond the built-up area.¹³ Had President Obama adopted this method and made the Israeli-Palestinian conflict a national priority, the odds for a successful outcome during the negotiations would have greatly improved.¹⁴

Corroborating Novik's argument, Dan Meridor, who led the Israeli delegation during the proximity talks with Senator Mitchell, laments that the Obama administration took a radical approach regarding the Israeli-Palestinian peace process by demanding from Israel a complete freeze to settlement construction over the 1967 lines. Meridor argues that such approach was a significant mistake, since the United States would not be able to backtrack from its commitment. In addition, the Arab states have not previously adopted such a harsh stance on settlements and Obama's move would ultimately force them to adopt a more radical stance on the issue of settlement building. Meridor suggested to Mitchell to adopt a more realistic approach and proposed that Israel would

¹³ Ibid.

¹⁴ Ibid.

refrain from building beyond the security fence. Meridor deplored the fact that Mitchell and the US delegation turned down all of his proposals. According to Meridor, such a flawed approach only hardened the Arab positions, as they could not be seen to be softer than the Americans regarding Israel.¹⁵

Conversely, Shibley Telhami, who is currently a Professor at Princeton University and was a senior advisor to Senator Mitchell, argues that President Obama initially took the right approach by pushing for a two-state solution, renouncing the Bush commitments to Israel, and announcing publicly that Israel should freeze settlement activities. Telhami argues that, at first glance, it looked like Obama put the Israeli-Palestinian conflict as a top priority. However, Telhami acknowledges that this view was wrong, as Obama did not fully grasp that this issue was a strategic priority, although it was a diplomatic issue that he pursued.¹⁶

Regarding the core issues of the Israeli-Palestinian conflict, the US under Obama adopted a different approach to previous administrations. That shift in policy was demonstrated by the then Secretary of State Hilary Clinton, who on November 25th 2009 outlined the US stance on the core issues of the conflict. Clinton stated that the US' policy was to support a two-state solution on the basis of the 1967 lines with agreed land swaps.¹⁷ Departing from previous American administrations' policies on final status issues, Obama became the first, and so far, the only, American president to

¹⁵ Interview with Dan Meridor 28/03/19

¹⁶ Interview with Shibley Telhami 14/11/18

¹⁷ Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and Telhami, S. I., *The Peace Puzzle*, p. 253

officially endorse the concept of a two-state solution based on the 1967 lines with mutually agreed land swaps. However, Obama insisted that the parties would negotiate a final border which would be different from the original 1967 lines, in order to take into account Israeli population centres in the West Bank:¹⁸

I said that the United States believes that negotiations should result in two states, with permanent Palestinian borders with Israel, Jordan, and Egypt, and permanent Israeli borders with Palestine. The borders of Israel and Palestine should be based on the 1967 lines with mutually agreed swaps.¹⁹

In addition, the American president endorsed the notion of Israel as a Jewish and democratic state.²⁰ In contrast, Netanyahu was willing to accept that some isolated settlements would eventually have to be removed and in principle accepted the concept of land swaps. Nevertheless, the Israeli PM rejected any return to the 1967 lines. Netanyahu was equally critical of Obama's failure to reiterate Bush's commitment on the refugee issue, which stipulated that a solution to the refugee problem should include a right of return only to a Palestinian state and not Israel.²¹ The Palestinians welcomed Obama's speech on borders and security, but nevertheless insisted that a full freeze of

¹⁸ Ibid., pp.263-264

¹⁹ 'Remarks by US President Obama at the AIPAC Policy Conference 2011', *Economic Cooperation Foundation*, URL: http://ecf.org.il/media_items/1004

²⁰ Ibid.

²¹ Rabinovitch, I., *The Lingering Conflict*, p. 203

all settlement activities in the territories had to be implemented before discussions could resume.²²

Dan Kurtzer argues that, during his speech at the annual AIPAC conference in 2011, Obama took into account Palestinian interests by stipulating that a two-state solution should be based on the 1967 line with mutually agreed land swaps. According to Kurtzer, the notion of mutually agreed land swaps accommodates the Palestinians' minimum demands and cancels out the one-sided commitments Bush made to Ariel Sharon regarding settlement blocs and refugees in 2004. However, Kurtzer acknowledges that the reference to the 1967 line was an issue for Netanyahu.²³ This was confirmed by Saeb Erekat, who claims that, when he and the Palestinians met at the Israeli Prime Minister's residence in West Jerusalem, Netanyahu could not utter the words '1967 border'. Erekat was equally critical of President Obama's lack of pressure on the Israeli Prime Minister.²⁴

(3) The Resumption of Israeli-Palestinian Bilateral Negotiations: Kerry's Negotiating Strategy.

As soon as he came to office, Kerry's main priority was to resume the moribund Israeli-Palestinian peace process. However, the Palestinians requested that certain preconditions be met before final status negotiations with Israel could resume. The first

²² Kurtzer, D. C., Lasensky, S. B., Quandt, W. B., Spiegel, S. L., and Telhami, S. I., *The Peace Puzzle*, p. 265

²³ Interview with Dan Kurtzer 11/08/17

²⁴ Rose, C., 'Saeb Erekat Interview' (22 September 2011), URL:<https://www.youtube.com/watch?v=Jl2u2Eu6Mfc>

precondition was the freezing of all settlement activities, the second was that Israel accept the 1967 line as the basis for discussion, and the third was the release of all Palestinian pre-Oslo security prisoners. The Palestinians insisted that Israel meet at least one of these preconditions for peace talks to restart. Prime Minister Netanyahu initially rejected all of Abbas' demands, but eventually caved in under US pressure and accepted the release of all pre-Oslo security prisoners.²⁵

Scott Lasensky, who was part of the Kerry negotiating team, argues that Kerry used more than one approach during the negotiations. Lasensky differentiates between mediation and crisis management, the latter being used to prevent violence, as was the case during the war in Gaza.²⁶ Lasensky argues that the negotiations started as proactive facilitation, since prior to the resumption of the talks in 2013, there were no Israeli-Palestinian peace talks to speak of. At mid-point during the negotiations, Kerry's approach shifted into active mediation, prompted by the fact that the US started to draft framework documents and share these with the parties.²⁷

Former US Ambassador to Israel, Dan Shapiro stated that prior to the negotiations, Kerry has spent a couple of weeks shuttling back and forth between Israel and the Palestinian territories. Once the talks started, the negotiations were mainly conducted on a bilateral basis without any significant US involvement. The parties conducted around twenty meetings and would inform the US administration about the details of

²⁵ Kerry, J., *Every Day is Extra*, (New York: Simon and Schuster, 2018) p. 459

²⁶ Interview with Scott Lasensky 7/11/18

²⁷ Ibid.

their discussions. Occasionally, former US Envoy Martin Indyk would attend some of these meeting to summarize the stances of both parties.²⁸

At some point, the conversations broke down and, as a result, the US negotiating teams were left with two separate bilateral negotiations: one in the form of a US-Israeli dialogue, and the other in the form of an American-Palestinian dialogue. Both were conducted in order to produce a framework for peace document. The US-Israeli conversations reached an advanced level, and both parties requested that the US reach a set of understandings with Israel first and then see if it would be possible to adjust these to accommodate the Palestinians. Between November 2013 and February 2014, a US-Israeli discussion took place to try to come up with a framework. Then, between February and March 2014, an American-Palestinian dialogue took place. This tried to adapt the draft framework document that had been agreed with the Israeli side to incorporate Palestinian needs. In March 2014, Obama met with Abbas in the White House and asked the Palestinian leader to provide him with a response to the US framework proposal. Abbas never gave Obama a formal response and as a result the situation deteriorated.²⁹

In the ninth months of negotiations, Israel took the decision to halt the release of the fourth trench of pre-Oslo security prisoners, while the leadership of the PA in the West Bank took the decision to form a unity government with Hamas. These decisions led

²⁸ Interview with Dan Shapiro 11/01/18

²⁹ Ibid.

to the collapse of the peace talks.³⁰ However, Kerry tried to salvage the talks by exploring the possibility of releasing the convicted spy Jonathan Pollard in exchange for Israel's release of the fourth trench of Palestinian prisoners and a partial settlement freeze. But these efforts came to naught.³¹ President Obama in any case rejected the option of releasing Pollard, since the CIA would most likely oppose it as they have done so in the past. Indeed, in the eyes of the US intelligence community, Pollard represented a potential security threat.³²

Yair Hirschfeld was initially optimistic regarding the possibility of a successful outcome to the Kerry mediated Israeli-Palestinian negotiations. At some point during the discussions, Hirschfeld made some recommendations to Kerry's team, which were ignored. Attempting to reach terms of reference on final status issues at this point was a mistake, and Washington should have instead adopted a gradual approach.³³ When the negotiations started in 2013, it was clear that a final status agreement on all the core issues of the conflict was unachievable. However, it appears that Kerry overestimated his capacities to mediate, disregarded other opinions, and failed to learn from past administrations' mistakes. Hirschfeld is of the view that Kerry thought he could impose peace on the two parties. Hirschfeld nevertheless acknowledges Kerry's honourable intentions to be a peacemaker between Israelis and Palestinians, but he nevertheless regards the Secretary of State as having spoiled the entire process.

³⁰ Interview with Scott Lasensky 07/11/18

³¹ Ibid.

³² Ben Birnbaum and Amir Tibon, 'The explosive, inside story of how John Kerry built an Israel-Palestine peace plan and watched it crumble', *New Republic*, 21 July 2014, pp. 18-19

³³ Interview with Yair Hirschfeld 05/11/18

In fact, Hirschfeld is critical of Obama's Middle East policy in general, especially with respect to Iran and Turkey. From an Israeli point of view, Obama was committed to Israel security, as demonstrated by the Memorandum of Understanding on military aid that was signed by the President before he left office. Nevertheless, his strategy was flawed. Hirschfeld argues that the concept of 'nothing is agreed until everything is agreed' is flawed and should be replaced with a 'whatever is agreed upon should be implemented' formula. In order to implement that formula, Hirschfeld suggests that two tracks should be set up. One fast track, which will include fewer complex issues and mainly focus on conflict transformation activities, such as state building and cooperation efforts that tackle the basic needs of the people. The second track of the negotiations would continue over a long period of time and tackle the core issues of the Israeli-Palestinian conflict, such as the status of Jerusalem, borders, and refugees. Hirschfeld put forward these suggestions to the Americans negotiating team in 2013, but they rejected it.³⁴

Shibley Telhami contrasts Barack Obama's successful approach during the negotiations on the Iran nuclear deal with his failed attempt in the Israeli-Palestinian peace talks. In the case of the Iranian deal, Obama was willing to take political risks and confront the US Congress, which was held by his Republican opponents. He was willing to do this since he assessed that an agreement with Iran was in the national interest and a strategic priority for the US. None of the senior officials who were involved in the negotiations – whether Martin Indyk, Hilary Clinton, John Kerry, or George Mitchell – could have succeeded without the full involvement of the American President. For Telhami, it was

³⁴ Ibid.

obvious that Obama prioritized the Iranian nuclear issue over the Israeli-Palestinian conflict. Consequently, Kerry was never in a position to conduct a successful mediation, as he was without the full backing of the President, who was unwilling to take political risks and confront Congress in order to achieve a successful outcome in the negotiations.³⁵ Telhami argues that no breakthrough can be expected on the Israeli-Palestinian peace process as long as this issue is not treated as a national security priority by the American President and members of his administration.³⁶

(4) A Framework for Peace Document: A Belated US Plan.

The United States produced two draft versions of the Kerry framework proposal that was presented to both Israelis and Palestinians. The first version of the framework document, which was entitled “Working Draft Framework Agreement”, was presented to the parties in February 2014. The document mainly includes elements of the US-Israeli discussions that took place as well as many Israeli reservations regarding all the core issues of the conflict.³⁷

According to former US ambassador to Israel Dan Kurtzer, the Palestinians rejected the first document as it was considered by them as too favourable towards Israel. Kurtzer argues that the first draft made the Palestinians think that the Obama administration was negotiating with Israel only. Hence, when it was presented to the Palestinians, they rejected it. Kurtzer adds that the second draft was more suitable for the Palestinians,

³⁵ Interview with Shibley Telhami 14/11/18

³⁶ Ibid.

³⁷ Amir Tibon, ‘Exclusive: Obama’s detailed plan and how everything fell apart’, *Haaretz*, 8 June 2017, p. 4

since the American team made some changes to accommodate Palestinians' minimum requirements. The document, however, was presented too late.³⁸

Dan Shapiro argues that the Kerry framework document is essentially an updated version of the Clinton Parameters. It provided principles that were to guide negotiations on all the core issues, and so it showed the contours of a comprehensive agreement. In fact, with regard to some issues it went further, providing a substantive definition of the outcome of final status negotiations, such as with regard to the final dispensation of borders, as these were described as being based on the 1967 lines with mutually agreed swaps of territory. However, Shapiro argues that the exact border location between Israel and a future Palestinian state remains to be negotiated.³⁹ On refugees, the document stipulates that Palestinian refugees shall only return to a Palestinian state with a token number of refugees being admitted to Israel in accordance with Israel's sovereign discretion.⁴⁰ In addition, the document includes rehabilitation and compensation for the Palestinian refugees and for the first time mentions the plight of Jewish refugees from the Arab states – which were expelled after the 1948 Arab-Israeli War – and the need to find a solution regarding this issue as well.⁴¹

The framework document included a significant amount of detail on the security parameters, which guarantees the ability of Israel to defend itself. The Allen Plan – so named because it was drafted by US General John Allen – specified the extent of

³⁸ Interview with Dan Kurtzer 11/08/17

³⁹ Interview with Dan Shapiro 11/01/18

⁴⁰ Ibid.

⁴¹ Amir Tibon, 'Exclusive: Obama's detailed plan and how everything fell apart', *Haaretz*, 8 June 2017, p. 7

cooperation between Israeli and Palestinian security services, as well as security cooperation with Jordan and technological solutions. Kerry elaborates on the security plan in his memoir and mentions long-term security cooperation between all Israeli and Palestinian security services, and counter-terrorism coordination between Egypt, Jordan and the USA. A security buffer zone would be established in the West Bank between Israel and Palestine.⁴² The plan would include a technological solution, which included new generations of early warning systems and a non-physical Israeli presence at the border via technologically advanced cameras.⁴³

In his memoir, Kerry provides a substantial amount of detail on other aspects of the security plan drafted by General Allen. The plan included Egyptian and Jordanian forces stationed in the West Bank, as well as the deployment of American troops in Jordan and potentially in the West Bank to deter any potential security threat. The plan also specified that Israel would not withdraw immediately from the West Bank, but rather gradually, with it having the possibility to deploy its troops should the Palestinians fail to meet their security obligations. Kerry claims that the Palestinians acquiesced with the phased Israeli withdrawal proposed in the plan.⁴⁴ Netanyahu's initial reaction to the Allen Plan was positive and he told Kerry that, if the talks broke down, it would not be due to the security plan. Kerry also made it clear that any Israeli withdrawal from the Jordan Rift Valley would be in accordance with Israel's sovereign discretion.⁴⁵ However, the next day, Netanyahu retracted his previous stance and told

⁴² Kerry, J., *Every Day is Extra*, p. 463

⁴³ Ben Birnbaum and Amir Tibon, 'The explosive, inside story of how John Kerry built an Israel-Palestine peace plan and watched it crumble', *New Republic*, 21 July 2014, p. 13

⁴⁴ Kerry, J., *Every Day is Extra*, pp. 463-464

⁴⁵ *Ibid.*, p. 459

Kerry that Israel would only leave the Jordan Rift Valley when it deemed it to be safe, which meant that Israel would have a long-term presence in the area. In effect, Netanyahu argued that the IDF would never withdraw from the Jordan Rift Valley.⁴⁶

According to the then Israeli Defence Minister, General Moshe ‘Bogie’ Yaalon, Israel raised some questions regarding the Allen Plan, including how it would meet Israeli security concerns. Yaalon contends that, under the Allen Plan, Israel would be unable to defend itself by itself against threats emanating from Iran, ISIS, or Palestinian extremist groups using the Jordan Valley to smuggle weapons that could be used in terror attacks against strategic sites, such as Ben Gurion airport. For this reason, Yaalon states that Israel must retain full security control over the Jordan Valley, as well as the border crossing with Jordan. This is to ensure that it can control everything that enters and exits Israel and the Palestinian territories. Yaalon points to the late Prime Minister Yitzhak Rabin’s last speech in the Knesset. Rabin stated that, in any final status agreement with the Palestinians, Israel would retain sovereignty over the Jordan Valley, while the Jordanian King would prefer to have the IDF at its border rather than the Palestinians.⁴⁷

Kerry’s assessment that both parties would be willing to conduct final status negotiations is also questionable, and it is possible that he overestimated his ability to mediate between the parties and help the two sides reach a final status deal. In addition, the gaps between Abbas and Netanyahu on all the core issues of the conflict remained

⁴⁶ Ibid.

⁴⁷ Yaalon, M. B., *The Longer, Shorter Path* (Jerusalem: Gefen Publishing House, 2020), p. 377

considerable, and it was impossible for Kerry to bridge these gaps in a very limited timeframe without active mediation from the American President.

Dennis Ross asserts that the Kerry framework proposal is based on a back channel working paper that he and other negotiators have been working on. This document spells out ways to think about the core issues. The 1967 line with mutually agreed land swaps was the basis for discussions regarding border issues. The security arrangements proposed in the document would allow Israel to defend itself by itself. Specifically, the proposal would allow Israel to maintain a security presence in the Jordan Valley for an extended period of time, although this would end at some point. On the refugee issue, the plan stipulated that the Palestinian refugees would have to be resettled in a manner that preserved Israel's Jewish character. On Jerusalem, the plan remained vague and only mentioned the two capitals for two states formula without specifying the details of the future status of the city.⁴⁸

Ross states that the plan presented to Netanyahu did not include Jerusalem. In contrast, the proposal presented to Abu Mazen did mention the status of Jerusalem. Netanyahu responded more favourably and stated that he was willing to accept the plan but feared that while he would be making significant concessions to Abu Mazen, the Palestinian leaders would likely reject the plan. Netanyahu feared that there would be a 'salami slice' approach where United States would demand more concessions from Israel. Therefore, Obama made the decision to get an understanding from Abu Mazen and then

⁴⁸ Interview with Dennis Ross 11/03/19

come back to Netanyahu; this process was to discount Jerusalem for the time being and was to be based on how much could be agreed on the other issues. Although no understanding was reached between the Obama administration and Netanyahu on Jerusalem, the two sides reached an understanding on everything else.⁴⁹

On this issue, Nimrod Novik told Kerry that his approach was flawed, since he assumed that Netanyahu would be willing to provide him with a clear commitment on borders so long as Israel received strong security guarantees. Therefore, Kerry hired General Allen from the Pentagon, along with a huge staff, who did a tremendous amount of work in presenting a conception of security for a two-state reality. Novik argues that this was a mistake, as it avoided the two most complex core issues of the conflict, which are Jerusalem and the fate of the Palestinian refugees. He states that both sides will be required to make trade-offs among all of the four core issues. At this stage of the negotiations, Novik advised Kerry not to go for a final status agreement, due to the fact that Netanyahu will most likely not agree to a permanent border between Israel and a Palestinian state. Novik met with General Allen's team and told its members that they will be compelled to scrap their security plan due to it being rejected by Netanyahu and Moshe Yaalon, Israel's then Defence Minister.⁵⁰ Indeed, Yaalon emphatically rejected the Allen plan, arguing that Israel had no lessons to learn from the Americans when it came to technology. He also referred to Kerry's facilitation efforts as "obsessive and Messianic".⁵¹

⁴⁹ Ibid.

⁵⁰ Interview with Nimrod Novik 13/03/18

⁵¹ Ben Birnbaum and Amir Tibon, 'The explosive, inside story of how John Kerry built an Israel-Palestine peace plan and watched it crumble', *New Republic*, 21 July 2014, p. 13

According to Yair Hirschfeld, the most intractable issue is not security but settlements. There are more than 60,000 settlers living beyond the security fence/wall and it would be impossible to relocate them inside the Green Line. Netanyahu allegedly agreed to limit the timeframe for Israel's military presence in the Jordan Rift Valley to seven years, and Abu Mazen apparently accepted Netanyahu's proposal. However, Hirschfeld argues that Netanyahu backtracked from his previous offer and he regrets that both sides reneged on the concessions they made during the talks.⁵²

Shaul Arieli, who is a Reserve Colonel in the Israeli army and participated in previous peace talks, corroborates Novik's assessment and argues that the main issue regarding the Kerry initiative lies in its lack of reference to Jerusalem. President Obama only mentioned Jerusalem during his meeting with Abbas in March 2014, which was far too late. The security aspect of the plan, also known as the Allen Plan, was effectively rejected by Israel on the grounds that it would be required to give up control of the Jordan Valley. Finally, Arieli argues that if the US wishes to revive the negotiations, it needs to get the parties to agree on the terms of reference and then discuss the details of the plan.⁵³ According to some unconfirmed reports, Netanyahu demanded that two additional blocs of settlements - encompassing the settlements of Ofra and Beit El – be added to the ones that would be annexed by Israel under the Olmert peace plan. It would appear, moreover, that Netanyahu and his Foreign Minister, Avigdor Liberman,

⁵² Interview with Yair Hirschfeld 05/11/18

⁵³ Interview with Shaul Arieli 13/09/18

proposed to swap areas to the Palestinians that had a large Israeli Arab population – known as the Little Triangle.⁵⁴

Regarding the Israeli-American discussions on the core issues of the conflict, Shapiro points out that the US and Israel never reached any form of understanding on Jerusalem. This was an area where the US and Israel struggled to find an agreed formula. In addition to Jerusalem, no understanding was reached between the Obama administration and Israel on isolated settlements, which would not be included in the land swap and, as a result, would have their status determined by future Israeli-Palestinian final status negotiations. Israel was not willing at this stage to discuss the possibility of dismantling any settlements and wanted to leave this issue as a natural process, letting people make their own decisions at the appropriate time.⁵⁵

Shapiro states that large gaps remained on all the final status issues during the US - Israeli discussions. The gaps were even wider during the discussions with the Palestinians, since the proposals did not meet their minimum demands. Nevertheless, Israel had stated that should the Palestinians accept the American document, it would reciprocate. Israel wanted to be in a position to say yes, but no agreement was finalized. Even still, Israel did not agree with all the details of the document. Israel was unwilling to discuss Jerusalem or the settlements and as a result gaps remained. The framework did not contain any detailed language on Jerusalem.⁵⁶ Moreover, any changes made to

⁵⁴ Arieli, S., *People and Borders: About the Israeli-Palestinian Conflict*, p. 247

⁵⁵ Interview with Dan Shapiro 11/01/18

⁵⁶ Ibid.

the framework document that would accommodate some Palestinian demands would probably render the text unacceptable to Israel.⁵⁷

The Israeli attitude was more positive, but the process gave them plenty of room to walk away if it was not evolving to their satisfaction. In contrast, the Palestinian response to the Kerry initiative was more negative. Although the Palestinians never gave an official response to the US proposal, it was clear that they were dissatisfied with many elements of it. The main Palestinian objections were the inclusion in the document of the recognition of Israel as a Jewish state, and the clause which ruled out any reference to a right of return for Palestinian refugees to Israel. The Palestinians also rejected some of the security measures as they would compromise their sovereignty. The Palestinians demanded guarantees for the evacuation of Israel settlements and a specific date for the departure of all Israeli soldiers from the West Bank, as well as assurances that the settlements would be dismantled. The security plan – which would require a benchmark of progress to move from one stage to the next – would be unacceptable for them if Israel was the sole determiner of whether or not the criteria had been met to proceed to the next stage of withdrawal. However, the Palestinians could compromise on timetabling so long as they had a specific date for the end of the occupation and the departure of the last Israeli soldier. Israel was not prepared to relinquish that degree of control and wanted to be the only party which would decide when it would leave the territories. As such, there were many areas where Palestinians were dissatisfied.⁵⁸

⁵⁷ Ibid.

⁵⁸ Ibid.

Shapiro points out that the substantive gaps between Israelis and Palestinians on all core issues were very wide. The Obama administration felt that the secret track that was set up in London would eventually narrow the gaps considerably, and many components of the London track were indeed included in the framework. However, Shapiro was sceptical that these gaps were genuinely narrowing and questions the credentials of Hussein Agha – the Palestinian representative in the secret track – to speak on behalf of Abbas. Shapiro added that the Palestinian President would most likely reject what was discussed in London.⁵⁹ Corroborating Shapiro’s assessment, Moshe Yaalon claims that Israel accepted Kerry’s terms of reference plan, but added some reservations to it – though it indicated that it would be willing to discuss these reservations at the negotiating table. The Palestinians adopted a more negative attitude towards the Kerry plan. When Mahmoud Abbas met with President Obama, he delayed his response and later on, after he had returned to Ramallah from Washington, he denounced the plan.⁶⁰

Shapiro argues that the lack of trust between Abbas and Netanyahu are the main reasons for the collapse of the talks. They completely mistrusted each other, regarded each other as not serious and as not willing to make the necessary concessions. As a result, rather than investing in each other as partners, they consistently set up obstacles. From day one they were preparing for the collapse of the talks and were positioning themselves in anticipation of the blame game.⁶¹

⁵⁹ Ibid.

⁶⁰ Yaalon, M. B., *The Longer, Shorter Path*, p. 379

⁶¹ Interview with Dan Shapiro 11/01/18

Kerry is highly critical of Abbas and the Palestinian leadership for not responding to what he considers to be the best offer the Palestinians could ever get from an American President. However, Kerry blames both sides for the failure of the talks and argues that both Abbas and Netanyahu were reluctant to make the necessary concessions for peace out of fear of paying the political price. The former Secretary of State argues that, in contrast to Rabin, who was willing to pay the political price for peace, Netanyahu preferred to remain at the head of the Likud party with a comfortable majority. Kerry also highlights the mistrust between Abbas and Netanyahu and the gaps with regards to their respective national narratives, which according to the former Secretary of State, hindered any prospects for a successful outcome in the negotiations.⁶²

In contrast to Shapiro and Kerry's perspective, Yaalon believes that the Obama administration was wrong not to blame Abbas for the failure of the talks and should have taken a public stance against him. Indeed, Yaalon negatively compares Obama's neutral stance towards Abbas with Clinton's decision to blame Arafat for the failure of the second Camp David Summit. Regarding the Palestinian stance on the core issues of the conflict, Abbas was not interested in concluding a permanent status peace agreement with Israel. Rather, his aim was to extract concessions from Israel in the form of receiving additional land and securing the release of Palestinian prisoners without conceding anything to Israel. Yaalon adds that Obama concluded that an

⁶² Kerry, J., *Every Day is Extra*, p. 470

Israeli-Palestinian peace agreement was unfeasible and Yaalon claims that Trump will come to the same conclusion as well.⁶³

Yair Hirschfeld argues that Netanyahu was willing to make significant concessions and Agha wrote all the details on paper only for Abu Mazen to turn his back on these. However, very few details are known about the content of the document. According to Hirschfeld, if the parties worked out a compromise, and then a bridging proposal is submitted by the US, this would lead to a disastrous outcome. This certainly was the case with Kerry's framework document.⁶⁴

One of the main issues brought up by Israeli and Palestinian negotiators is Washington's lack of understanding of Middle East history and culture. According to this assessment, Washington failed to appreciate religious and historical symbolism. Bader Rock states that John Kerry's shuttle diplomacy took place in the aftermath of George Mitchell's aborted mediation attempt. Mitchell was successful in Northern Ireland partly because he stayed in the country for a long period and studied its religious, national, and societal components. Rock points out that early in his presidency, Obama adopted an aggressive approach to the Middle East peace process between the Israelis and Palestinians, demonstrated by his demand for a total settlement freeze. Obama's approach failed and George Mitchell's shuttle diplomacy resulted in a failure. Kerry came during a tense period of time and his peace proposal mainly focused on economic issues in the West Bank and Gaza, and was supposed to change the face

⁶³ Yaalon, M. B., *The Longer, Shorter Path*, p. 379

⁶⁴ Interview with Yair Hirschfeld 05/11/18

of the Palestinian economy. Rock regrets that Kerry's plan did little to address the political aspects of the peace process, which are related to the core issues of the conflict.⁶⁵ Rock criticizes Kerry for putting too much emphasis on the economic and financial aspects of the conflict, thinking that improving the Palestinian economy alone would bring peace, while omitting to tackle the important issues of the conflict such as Jerusalem, refugees, borders, security, and water. Rock strongly believes that only by solving the core issues of the conflict can Israelis and Palestinians reach a lasting peace.

Rock adds that a third party mediation which fails to grasp the history of the people of the region – whether Israeli or Palestinian – or does not recognize the symbols of the conflict – such as the settlements of Kiryat Arba, Ofra Bet El, and Bet Aryeh, or Haram El Sharif Silwan – will not succeed. Rock argues that both Mitchell and Kerry failed to understand the mentality and history of both parties. Rock also suggests that Obama's negative image in Israel hindered the negotiations, as this deprived Kerry of the authority to adequately mediate between the parties. Rock argues that Kerry lacked the necessary leverage to convince the parties to reach a lasting agreement. Regarding Kerry's peace proposal for a final status agreement, Rock states that, though Kerry worked hard on a framework for a permanent status agreement, his attempt was futile given that the Israeli government showed no interest in reviving the peace process.⁶⁶

Scott Lasensky argues that the factors which resulted in the failure of the peace talks are open for discussion and that every commentator and decisionmaker has made their

⁶⁵ Interview with Bader Rock 13/02/19

⁶⁶ Ibid.

own assessment regarding who is to blame for the collapse of the peace talks. However, Lasensky blames both Israeli and Palestinian leaders for the failure of the negotiations rather than the US. However, Lasensky questions whether the US should have used a different formula to negotiate a renewal of the talks before they utterly collapsed in April 2014. Kerry mulled over the prospect of releasing the convicted spy Jonathan Pollard in exchange for Israel's renewal of a settlement freeze, in the hope that it would enable the peace talks to continue. But ultimately Lasensky puts most of the blame on the lack of trust between Netanyahu and Abbas, as well as the fact that both remained dependent on their political constituencies.⁶⁷

(5) Attempts for Regional / Multilateral Involvement in the Peace Process: A Genuine Effort or a Missed Opportunity?

Unlike previous bilateral negotiations, the Obama administration consulted with the Arab states prior and during these talks. Indeed, the Arab Quartet, which consists of Egypt, Jordan, the UAE and Saudi Arabia, were consulted during the discussions.⁶⁸ Shapiro points out that Kerry understood that former US administrations had failed to get Arab support for previous negotiations. As a result, in the run-up to, and during the talks, he worked hard to include Arab states and make sure that they were well-informed about his strategy, what he was telling the parties, and what would be expected from them during the negotiations.⁶⁹

⁶⁷ Interview with Scott Lasensky 07/11/18

⁶⁸ Ibid.

⁶⁹ Interview with Dan Shapiro 11/01/18

Although the Arab states did not wish to see the talks collapse, they were nevertheless not involved in the negotiations. They did not exercise any form of pressure, nor did they offer any kind of inducements to Abbas to convince the Palestinians to show some flexibility on the core issues of the conflict. As a consequence, Abbas escaped a lot of Arab League pressure. In the earlier stage, Kerry was able to get the Arab League leader to endorse the notion of land swaps within the context of the API.⁷⁰ Shapiro argues that Kerry's success in getting Arab support for the eventuality of a land swap between Israel and Palestine was a smart initiative from the former Secretary of State. However, given that the Israeli-Palestinian bilateral negotiations did not go well, the US could not assess whether the regional involvement would benefit the peace process.⁷¹

According to Dan Shapiro, the Arab states did try to exercise some pressure on Abbas when the talks started to collapse after nine months. The former US Ambassador to Israel argues that, had the bilateral negotiations been more successful, the US would have been able to have moderate Sunni Arab states pressure Abbas into making the necessary concessions on certain core issues of the conflict. They would have been thus able to help finalize an agreement. Nevertheless, because momentum in the bilateral talks was moribund, it was impossible to assess whether regional involvement would have contributed to the negotiations.⁷² In addition, Shapiro points out that Kerry attempted to inaugurate a regional process in 2016, which would have included a summit involving key regional actors. But it never materialized, due to the negative atmosphere that prevailed after the collapse of the peace talks, and the failure of

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

Netanyahu to bring moderate parties into his government coalition. However, Shapiro argues that Kerry acknowledged that the bilateral track could only be resumed through a regional framework.⁷³

According to Kerry, Saudi Arabia and other Arab countries were willing to start a normalization process with Israel as stipulated in the API. The former Secretary of State confirmed in his memoir that he convened a secret meeting in Aqaba in order to start a regional peace process that would include a step-by-step normalization with Israel.⁷⁴ According to Gershon Baskin, Kerry went further than his predecessors in attempting to convince the Arab states to start normalizing relations with Israel. Baskin states that Kerry requested that Saudi Arabia allow El Al planes to fly over Saudi territory. However, the Saudis responded by saying that such a thing could only happen once a Palestinian state has been established.⁷⁵

In his memoir, Kerry argues that Israel was eager to reach a comprehensive peace agreement with the Arab world and acknowledges the converging interests between Israel and Arab states. Kerry emphasizes the need to integrate Israeli security within a regional framework, which would include moderate Arab states, such as Egypt and Jordan and other Arab countries as well.⁷⁶ In addition, Shapiro stresses Kerry's role in convincing the Arab League leaders to endorse the concept of land swaps within the 1967 lines in 2013. Shapiro argues that the endorsement of the land swap concept by

⁷³ Ibid.

⁷⁴ Kerry, J., *Every Day is Extra*, location p478

⁷⁵ Interview with Gershon Baskin 20/08/17

⁷⁶ Kerry, J., *Every day is Extra*, location p478

the Arab League was helpful, and would provide Abbas and the Palestinian leadership with some degree of flexibility. Had the bilateral negotiations gone well, this aspect would have been included in any final status agreement. Shapiro argues that future American administrations should build on what Kerry achieved in 2013, when he managed to convince the Arab states to endorse the notion of territorial swaps. Furthermore, this was consistent with President Obama's stance on the issue of mutually agreed land swaps.⁷⁷

Moreover, as previously mentioned in the chapter on the API, Shapiro highlights Kerry's role in encouraging the Arab states to provide more detail on their vision for a normalisation of relations between themselves and Israel. However, Shapiro is disappointed that this did not go further, as the Arab states failed to give any significant details on what normal relations with Israel would look like.⁷⁸

Corroborating Shapiro's statement, Scott Lasensky comments that Kerry made significant efforts to gain Arab state support for the negotiations. Lasensky points to the meeting between US Vice-President Joe Biden and the Arab Quartet of Egypt, Jordan, the UAE, and Saudi Arabia. Kerry tried to create regional support via this *ad hoc* parallel process with Arab states. Lasensky argues that, although Kerry did not try to bring the Arab states into the negotiations, he nevertheless tried to secure their involvement in the broader process. Lasensky stresses that these efforts were made in parallel to the bilateral Israeli-Palestinian negotiations and that the Arab states were not

⁷⁷ Interview with Dan Shapiro 11/01/18

⁷⁸ *Ibid.*

directly involved in the final status discussions.⁷⁹ Dennis Ross also asserts that Kerry tried to involve Arab states at various points during the negotiations. Officially, the Arab states remained committed to the US peacemaking efforts and stated that they would back whatever the Obama administration put on the table. However, Kerry dealt with Arab Foreign Ministers who could not commit to anything; only the leaders of Arab states could make a decision.⁸⁰

Hirschfeld argues that Kerry should have done more to encourage Arab state engagement and support for the negotiations. Hirschfeld emphasises that regional involvement on security and state building is critical. He argues that it would be critical to see how the Arab states can contribute to the peace process and provide political incentives to both parties to move the process forward. Hirschfeld regrets that Arab states failed to market the API; they made it look like a diktat and they seemed to only expect Israel to make concessions, while they would reward Israel only at the end of the process. According to Hirschfeld, Kerry never attempted to push the Arab states to market their initiative to the Israeli public.⁸¹

⁷⁹ Interview with Scott Lasensky 07/11/18

⁸⁰ Interview with Dennis Ross 11/03/19

⁸¹ Interview with Yair Hirschfeld 05/11/18

(6) Post-2014 Events and the Trump Peace Plan

After the collapse the Kerry-led peace talks, Resolution 2334 was adopted by the UN Security Council, which triggered an angry response from the Netanyahu government. For the first time, the Obama administration did not veto a resolution which condemned settlement activities in the territories. Shortly before the inauguration of President Trump, Kerry publicly unveiled the parameters of his peace plan (discussed above). This event created a massive rift between the Obama administration and the Netanyahu government.

In January 2017, Donald Trump became the 45th President of the United States and his policy regarding the peace process reshuffled all the cards in the region. His stance on the Israeli-Palestinian peace process contrasted markedly with the approach of previous administrations. Indeed, Trump adopted a much more pro-Israeli stance, highlighted by his recognition of Jerusalem as the capital of Israel and the transfer of the US Embassy from Tel Aviv to Jerusalem. The Jerusalem Embassy Act had been previously passed by the US Congress, but all past US Presidents, under the advice of their officials and regardless of their political affiliation, vetoed the transfer of the US Embassy from Tel Aviv to Jerusalem, so Trump's decision represented a significant departure from existing policy.

However, an even greater shift in US Middle East policy was marked by Trump's peace plan, also known as 'Vision for Peace'. In January 2020, with Prime Minister Netanyahu as the guest of honour, and UAE, Omani, and Bahraini Ambassadors in

attendance, Trump unveiled his vision for peace and prosperity.⁸² Unlike prior US peace plans, the Trump plan does not entail a Palestinian state based on the '67 lines with mutually agreed land swaps. Nor does it include East Jerusalem as the capital of a Palestinian state. Rather, it proposes a 'Palestinian state minus', to be established on 70 percent of the West Bank, all of the Gaza Strip, and land swaps between the Negev and Judean Deserts.⁸³ Again, unlike previous US peace plans, which envisioned equal territorial exchanges, the land swaps ratio under Trump's proposal would not be one-to-one, but instead would clearly favour Israel, providing the Palestinians with roughly 85 percent of the territories as opposed to the equivalent of 100 percent. The plan also envisaged massive aid to the Palestinians as well as the involvement of other Arab actors in the peace process.

The international reaction to the Trump peace plan was mixed. The Gulf states and Egypt welcomed Trump's involvement in the peace process, but fell short of endorsing the plan. As expected, the Palestinians rejected the plan outright, as they considered it totally biased and unjust. In an interview with *Russia Today Arabic*, Saeb Erekat added that, the people who designed the plan are aligned with Israeli rightwing parties and are ignorant of the Middle East and the Israeli-Palestinian conflict.⁸⁴

⁸² Harkov, L., 'Bahrain, UAE, Oman envoys at White House unveiling of Trump peace deal', *The Jerusalem Post* (29 January 2020), URL: <https://www.jpost.com/breaking-news/bahrain-uae-envoys-come-to-white-house-for-trump-deal-of-the-century-615706>

⁸³ Bahbah, B., 'A Palestinian Perspective on President Trump's Peace Plan', *The Institute for National Security Studies* (21 May 2020), URL: <https://www.inss.org.il/publication/trump-peace-plan-and-the-palestinians/>

⁸⁴ 'Palestinian Chief Negotiator Saeb Erekat: Our Only Option is to Reject the Deal of the Century; Jared Kushner is Ignorant and Arrogant', *MEMRI* (30 May 2020), URL: <https://www.memri.org/tv/senior-palestinian-diplomat-saeb-erekat-only-option-reject-deal-century-kushner-greenblatt-friedman>

(7) Conclusion

John Kerry's initiation of bilateral negotiations between Israelis and Palestinians was the last attempt by the US to mediate a final status peace agreement to this conflict. During the negotiations, the American team drafted two versions of a framework for a final status agreement. The first version of the document included mainly Israeli demands, while the second draft included some Palestinians reservations and was regarded as more balanced.

There are many explanations as to why the US failed yet again to help Israelis and Palestinians reach a final status peace agreement. Some diplomats who took part in the negotiations, such as former Ambassador Dan Shapiro, praise Kerry's efforts while putting the blame for the failure of the talks on the lack of trust between Netanyahu and Abu Mazen. Other specialists, such as Nimrod Novik and Yair Hirschfeld, are critical of Obama's and Kerry's approach towards the peace process. They argue that the objectives that were set from the beginning were unrealistic and instead efforts should have been made to manage the peace process, rather than aiming for a final status agreement at this stage. It is clear that Kerry genuinely attempted to help Israelis and Palestinians reach a lasting peace agreement. The main issue is the strategy that Kerry used during the negotiations, as well as the lack of involvement of President Obama. As Shibley Telhami points out, all American Presidents to this day have never considered the Israeli-Palestinian conflict a national priority. Therefore, they have been unwilling to pay the political price for its resolution. In contrast, Jimmy Carter considered the prospect of an Egyptian-Israeli peace treaty as a strategic interest and a

national priority for the US and threw all his weight behind the Israel-Egyptian negotiations, which eventually concluded with a peace treaty.⁸⁵

Concerning the regional level, John Kerry's attempt to get regional actors to support the negotiations was indeed more substantial than the efforts made by previous administrations. Nonetheless, it remained insufficient. Although the Arab states were informed about the progress of the talks, Kerry failed to include them directly in the negotiations, or even, at the very least, establish a parallel multilateral track along the lines of the Madrid peace process. This could have included a modified version of the API as a basis for discussions.

⁸⁵ Interview with Shibley Telhami 14/11/18

Chapter 7

The New Regional Landscape and the Emergence of Converging Interests Between Israel and the Arab States: An Opportunity for Regional Peace?

(1) Introduction

As previous chapters demonstrated, Israeli-Palestinian final status negotiations at Camp David in 2000, at Taba in 2001, during the Annapolis process in 2007 and 2008, and during the Kerry-sponsored peace talks in 2013 and 2014, all ended in failure due to a combination of factors. What these chapters also demonstrated was the significance of the regional dimension. The lack of Arab states involvement in these negotiations, especially with regard to complex issues such as the status of the holy sites in Jerusalem or the fate of Palestinian refugees, was a crucial reason for why final status talks did not bear fruit. Importantly, new circumstances have emerged since 2015 that make the prospect of Arab involvement in negotiations much greater than in the past.

The Joint Comprehensive Plan of Action (JCPOA) was signed between Iran and the 5+1 powers – the five permanent members of the UN Security Council and Germany – on July 14 2015.¹ In the aftermath of this agreement, Israel and Sunni Arab states started to develop a converging interest in combatting Iran’s malignant activities in the Middle East. This has continued to deepen over the years. The emerging ties between Israel

¹ ‘Full text of the Joint Comprehensive Plan of Action’, (July 2015), URL: <https://2009-2017.state.gov/documents/organization/245317.pdf>

and Sunni Arab countries, particularly the Gulf states, is an opportunity for Israel to resume the peace process with the Palestinians within a regional framework. The previous chapters of this thesis have demonstrated that the lack of Arab states involvement in final status negotiations was one of the major factors contributing to the failure of the talks.²

On the ground, many Arab countries have started to open up to Israel, and security cooperation, although tacit, has grown significantly. Such cooperation is demonstrated by the sale of 16 AH1 Cobra gunship helicopters by Israel to Jordan in 2015.³ More recent examples of upgraded security ties between Israel and Arab states include intelligence sharing and the joint participation of the UAE and Israeli air forces in an air combat exercise in Greece in 2019. In addition, there are unconfirmed rumours that Bahrain has recently purchased an Iron Dome air defence system from Israel. Such a move would indeed be unprecedented as it would be the first time Israel has sold an advanced weapon system to an Arab country.

On the issue of normalization of ties between Israel and Arab countries, Arab states have in the past stated that any progress towards normalization will only occur once a final status agreement is reached between Israel and the PA. However, given the new circumstances on the ground, many Arab states have hinted that they would be willing to start a process of normalization with Israel provided that Israel make some progress

² Interview with Dan Kurtzer 11/08/17

³ Gross, J. A., 'Jordan gets Israeli choppers to fend off Islamic State', *Times of Israel* (23 July, 2015), URL: <https://www.timesofisrael.com/jordan-gets-israeli-choppers-to-fend-off-islamic-state/>

or gestures on the Palestinian track. Thus, Arab states are now willing to move forward on normalization prior to a final status agreement, provided there is progress in the peace process.⁴

Although US Secretary of State John Kerry made greater effort to consult Arab states, and even managed to convince the Arab League (AL) to accept the concept of land swaps in 2013, he failed to involve the Arab states in final status discussions and instead squarely focused on the bilateral, Israeli-Palestinian, track.⁵ Indeed, many scholars state that, although a regional track cannot replace the bilateral Israeli-Palestinian discussion, it nevertheless can and should complement it. One argument put forward by some former participants is that, the most complex core issues of the conflict, such as the status of the holy sites in Jerusalem and the refugee issue, should be negotiated on a multilateral level, while less intractable core issues, such as borders, could be left for the classical Israeli-Palestinian bilateral talks. On the other hand, a minority of scholars are of the opinion that the Israeli-Palestinian conflict can only be resolved via bilateral negotiations.⁶

At present, the major gaps between Israelis and Palestinians on all five core issues, and the lack of trust between the two leaders, render bilateral negotiations unfeasible. Nevertheless, current regional circumstances in the form of an Arab-Israeli rapprochement are more conducive to the emergence of a multilateral framework. Such

⁴ Interview with Koby Huberman 06/09/17

⁵ Interview with Dan Shapiro 11/01/18

⁶ Interview with Menachem Klein 07/08/17

a structure would facilitate Arab-Israeli peacemaking by tackling the most sensitive issues of the Israeli-Palestinian conflict and could ultimately pave the way for a comprehensive and enduring Arab-Israeli peace.

(2) Historical Context and the Role of Ideology in the Middle East

Since the signing of the Armistice agreements between Israel and the Arab states at the end of the First Arab-Israeli War (1948-1949), all subsequent military and political agreements were negotiated bilaterally between Israel and individual Arab states. One of the main reasons for a lack of regional or multilateral negotiations was inter-Arab states disputes over ideology and leadership of the Arab world. Ideological cleavages between the Arab conservative monarchies, like Saudi Arabia and Jordan, and pan-Arabist regimes, such as Egypt under Nasser and Syria under the Ba'ath party, as well as Arab nationalist regimes' hostility towards Israel, hindered the possibility for multilateral Arab-Israeli negotiations. Saudi Arabia and Egypt event fought indirectly in Yemen, where Riyadh supported the north Yemen regime.⁷ The Syrian and Iraqi branches of the Ba'ath party competed over the leadership of the Arab world. Both Syria and Libya broke the Arab states' consensus by supporting Iran against Iraq during the Iran-Iraq War (1980-1988). The former Libyan leader, Muhamar Qadafi, likewise claimed the leadership of the Arab world, even while he was shunned by the other Arab states.⁸

⁷ Ross, D., *Doomed to Succeed: The US-Israeli Relationship from Truman to Obama* (New York, New York: Farrar, Straus and Giroux, 2015), p. 62

⁸ Rubin, B., *The Tragedy of the Middle East* (Cambridge: Cambridge University Press, 2002), p. 42

Another factor which prevented comprehensive Arab-Israeli negotiations was the fact that the Middle East was an important battleground of the Cold War. The conservative monarchies were considered US client states, while pan-Arabist and Arab nationalist regimes were supported militarily and financially by the Soviet Union and Warsaw Pact countries. The zero-sum game of the Cold War also prevented multilateral negotiations because the United States' priority was to weaken Soviet influence in the Middle East. This was demonstrated by the US' mediation between Israel and Egypt after the Yom Kippur War, which led to two disengagement agreements between Israel and Egypt, and one disengagement agreement between Israel and Syria. In turn, these helped pave the way for the Camp David Accords of 1978, which culminated in the Israeli-Egyptian Peace Treaty of 1979.⁹

On November 19 1977, Egyptian President Anwar El Sadat broke a taboo and made an official visit to Jerusalem and addressed the Knesset, a move that eventually led to the signing of the first peace treaty between Israel and an Arab state. After the signing of the Israeli-Egyptian Peace Treaty, other Arab states severed ties with Egypt and froze all economic aid to Cairo, creating a further rift in the Arab world.¹⁰ In time, Egypt, under Hosni Mubarak, would be readmitted into the Arab League and would rebuild its ties with all the Arab regimes. In fact, it came to be looked upon by all sides as a mediator in the Arab-Israeli conflict.¹¹ Additionally, the end of the Cold War and the outbreak of the First Gulf War (1990-1991) helped reignite the multilateral format for negotiations in the form of the Madrid Peace Conference, which produced the

⁹ Podeh, E., *Chances for Peace*, pp. 125-147

¹⁰ Hinnebusch, R., and, Ehteshami, A., *The Foreign Policies of Middle East States* (Boulder, Colorado: Lynne Rienner Publishers, 2014), p. 90

¹¹ *Ibid.*, pp. 91-93

multilateral track consisting of negotiations between Israel and Arab states on a broad set of regional issues – water, the environment, refugees, arms control, and economics.¹² Saddam Hussein’s aggression against Kuwait, along with the growing threat of Iran, brought the Gulf states closer to Washington and by extension Israel.¹³ Since the 2003 Iraq War and the inability of Iraq to play a balancing role against Iran, Saudi Arabia has perceived Iran to be its primary conventional military threat and its main ideological rival in the Middle East.¹⁴

In the past, Israel could have been a natural ally to Saudi Arabia against Nasser’s pan-Arabist agenda, and could have acted as a deterrent to Saddam Hussein both during the First Gulf War and in its aftermath. However, overt ties between Israel and Saudi Arabia were not feasible given the strong regional and domestic opposition to such a development.¹⁵ In today’s context, the situation on the ground has significantly changed, given that inter-Arab rivalries have been replaced by conflict with Iran and, to a lesser extent, with Turkey. Given the common threat of Iranian belligerency, Israel and the GCC upgraded their relations – albeit under the radar – particularly in the security arena. The animosity between Israel and the Gulf states is rapidly fading away, as demonstrated by the signing of the UAE-Israeli peace deal, which opens the door for a wider regional peace between Israel and its Arab neighbours.¹⁶

¹² Rubin, B., *The Tragedy of the Middle East*, p. 38

¹³ *Ibid.*, p. 40

¹⁴ Hinnebusch, R., and, Ehteshami, A., *The Foreign Policies of Middle East States*, p. 191

¹⁵ *Ibid.*

¹⁶ Associated Press, ‘Telephone service begins between UAE and Israel as relations normalize after accord’, *NBC News* (16 August 2020), URL : <https://www.nbcnews.com/news/world/telephone-service-begins-between-uae-israel-relations-normalize-after-accord-n1236885>

(3) The New Strategic Landscape in the Middle East: A Convergence of Interests Between Israel and Arab States and a Favourable Context for Regional Peace, 2015 -2019

The core concept of realism is the “balance of power”, which defines how power is distributed between states in the international system. This is how states strive to prevent the hegemony of other states in the international order. For realists, the purpose of the balance of power is to maintain security rather than peace and is measured by the military strength of each nation-state. With regards to the state of peace, the balance of power theory results in a more peaceful international order. However, it is not viewed as genuine peace but rather as a state of non-belligerency.¹⁷ In the context of the new situation in the Middle East, Israel and the Gulf states are striving to contain Iran’s hegemonic ambitions. Although Israel and Saudi Arabia have no formal diplomatic relations, they nevertheless cooperate behind the scenes to deter Iran.

On this topic, former US Secretary of State, Henry Kissinger, states that the Palestinian issue is not considered a priority in the Arab world. Kissinger argues that the peace process diverted a significant amount of attention from more pressing issues, such as Iran. Despite the Arab states low interest in the Palestinian issue, their involvement in the peace process would deepen as a result of their converging interests with Israel. Kissinger adds that the conclusion of an Israeli-Palestinian agreement with the backing of the Arab states would be possible, as Arab states could act as guarantors.¹⁸

¹⁷ Steans, J. (2010). P. 61

¹⁸ Kissinger, H., *World Order*, (New York: Penguin Press, 2014), pp. 131-132

In the aftermath of the Iran nuclear deal, Israel and Sunni Arab states shared the concern that Iran's active involvement in the region is a threat to their security. Saudi Arabia's new Crown Prince, Mohamed Bin Salman, is known for his hawkish views on Iran, which could indeed facilitate a process of normalization in Arab states' relations with Israel.¹⁹ However, any steps towards normalization could only occur as a result of some progress on the Israeli-Palestinian front. Time and again, officials from the Gulf Cooperation Council (GCC) countries maintain that their countries will not establish diplomatic relations with Israel as long as there is no progress in the peace process. However, the head of the Arab League, Ahmed Abul Al-Gheith, stated that the significance of the Palestinian issue in the Arab world has diminished.²⁰

Security cooperation between Israel and some of its Arab neighbours is higher than ever before. One example which demonstrates the extent of this new situation is Israel's sale of AH1 Cobra gunship helicopters to Jordan, which is an unprecedented move and shows that moderate Arab states, such as Jordan, consider Israel an ally when it comes to their security.²¹ Some media have reported that Bahrain and Saudi Arabia are considering purchasing Iron Dome batteries to defend themselves against possible Iranian missile attacks.^{22,23} More recently, the Israeli and UAE air forces participated

¹⁹ Goldberg, J., 'Saudi Crown Prince: Iran's Supreme Leader 'Makes Hitler Look Good'', *The Atlantic* (2 April, 2018), URL: <https://www.theatlantic.com/international/archive/2018/04/mohammed-bin-salman-iran-israel/557036/>

²⁰ Abumaria, D., 'Arab League: Palestinian issue has 'reduced' importance', *Jerusalem Post* (18 January, 2019), URL: <https://www.jpost.com/Arab-Israeli-Conflict/Arab-League-Palestinian-issue-has-reduced-importance-but-still-pressing-577852>

²¹ Gross, J. A., 'Jordan gets Israeli choppers to fend off Islamic State', *Times of Israel* (23 July, 2015), URL: <https://www.timesofisrael.com/jordan-gets-israeli-choppers-to-fend-off-islamic-state/>

²² 'Report: Gulf states to purchase Israel's Iron Dome system', *Haaretz* (14 October, 2015), URL: <https://www.haaretz.com/report-gulf-states-want-israel-s-iron-dome-1.5408711>

²³ 'Saudi Arabia reportedly purchases Iron Dome system, Israel denies', *Jerusalem Post* (13 September, 2018), URL: <https://www.jpost.com/Middle-East/Saudia-Arabia-purchases-the-Iron-Dome-missile-system-from-Israel-567101>

for the first time in the Red Flag, the US Air Force's main air-to-air combat training exercise. The recent visit made by Prime Minister Netanyahu to Oman, and Minister Miri Regev's visit to the UAE, demonstrate a rapprochement between Israel and the Gulf countries.²⁴

Given Oman's historical role as a mediator in the region, Muscat could potentially play a role as a facilitator between Israel and the PA. Indeed, Muscat was an important player during the Madrid multilateral talks between Israel and the Arab states, which started in Moscow in 1992. Israel and Muscat cooperated on water desalinization in the mid-1990s, during the peak of the peace process. In addition, Israel's tacit ties with Oman date back to the 1970s and have culminated in the visit of three Israeli prime ministers to the country: Yitzhak Rabin visited in 1994, Shimon Peres in 1996, and finally Prime Minister Netanyahu made an unannounced official visit in October 2018.²⁵

All these developments demonstrate that the Arab states do not see Israel as the enemy, and are more willing than ever before to engage with Israel, primarily on security and intelligence matters. A defence treaty along the lines of NATO could take shape and help Israel and the Arab states cooperate on security issues. As such, Israel could provide the Arab states with a missile umbrella or provide a missile defence umbrella (extended deterrence) to Jordan and the GCC countries. The Gulf states have to take

²⁴ Guzansky, Y., Michael, K., & Shalom, Z., 'The Prime Minister's visit to Oman', *INSS Insight*, No. 1106 (15 November, 2018), URL: <http://www.inss.org.il/publication/prime-ministers-visit-oman/>

²⁵ Ibid.

public opinion into account and so no bold move can be made as long as there is no substantial progress in Israeli-Palestinian negotiations.²⁶

However, security and intelligence cooperation between Saudi Arabia and Israel remains tacit at this stage, and it has not been acknowledged by the Saudi government. There is still a lack of diplomatic relations between Saudi Arabia and Israel. Former Israeli and Saudi decision makers often discuss the Middle East and the peace process in forums. Recently Prince Turki Al Faisal debated with the former head of Mossad, Efraim Halevy, and urged him to accept the API, which would enable normalization of relations between Israel and the Arab states.²⁷ An important step towards a rapprochement between Israel and Saudi Arabia occurred when the former Director of Saudi Intelligence, General Anwar Eshki, made an unprecedented visit to Israel and visited the Knesset. Eshki argues that Israel should accept the API in order to enable the Arab states and Israel to collaborate in containing Iranian influence in the region.²⁸ However, despite the historical significance of the visit, Eshki again emphasised that Saudi Arabia will not establish diplomatic relations with Israel unless the later reach a peace agreement with the Palestinians.²⁹ All these positive new developments demonstrate that the Saudis are increasingly willing to engage with Israel publicly.

²⁶ Guzansky, Y., 'Mohammed bin Salman as Crown Prince: Ramifications for Riyadh and Beyond', *INSS* (June, 2017)

²⁷ 'Shared Security Challenges and Opportunities [Online video]', *Israel Policy Forum* (23 October, 2017), URL: <https://www.youtube.com/watch?v=RXM-atXcQkA>

²⁸ Pileggi, T., 'In Israel, ex-Saudi general says Palestinian state would curb Iran aggression', *Times of Israel* (24 July, 2016), URL: <https://www.timesofisrael.com/in-israel-ex-saudi-general-says-palestinian-state-would-curb-iran-aggression/>

²⁹ Ibid.

(4) Assessments of Scholars and Former Diplomats on the Extent of the Ties Between Israel and the Arab states

Regarding the issue of normalization, the Saudis are not likely to take any significant steps towards Israel unless the latter agrees to make some tangible progress on the core issues of the Israeli-Palestinian conflict. On security cooperation, Baskin states that the military/intelligence cooperation between Israel and the Saudis has existed for many years, but has deepened significantly as a result of the rising Iranian influence in the region. Baskin adds that the Saudi and Israeli intelligence apparatus cooperate to tackle common security threats, such as Iran and Al Qaeda related terrorism. In addition, Baskin argues that Prince Bandar bin Sultan maintains close ties with Israeli intelligence.³⁰

The GCC states are taking small steps on the ground, best demonstrated by the opening of Saudi airspace to Air India flights to Israel. One argument put forward is that the Arab states should declare that they will keep the most dramatic moves, such as exchanging ambassadors and a formal security structure, for the end of the normalization process. Nimrod Novik highlights that he arranged the recent meetings between former Israeli officials and the former Saudi Ambassador to the US, Turki Al Faisal. He specifically points to the meeting between Netanyahu's former security advisor, Yaakov Amidror, who is considered hawkish on the Palestinian issue, and Turki Al Faisal. Prior to the meeting, Amidror was reluctant to support a two-state solution to the conflict. Yet, after the meeting, the former Israeli National Security

³⁰ Interview with Gershon Basin 20/08/17

Advisor changed his approach to the situation and wrote an article supporting a two-state solution within the context of a regional peace initiative.³¹

With regards to the security arena, the military cooperation between Israel and Arab states is going on in a limited / *ad hoc* manner, and is mostly one way. Israel is providing intelligence to Arab states while getting nothing in return. Most of the cooperation is done via a third party – that is, the United States. The Israeli defence establishment is not happy about this arrangement and is expecting to get more from Arab states. However, they know that any tangible improvements in security cooperation with Arab states will only occur if significant progress is made in the Israeli-Palestinian peace process. Novik is pleased that the improvement in ties between Israel and Arab states is not dependent on the signing of a permanent status agreement. Nevertheless, Israel needs to make it clear that it is committed to a two state solution and restore its credibility on this matter.³²

There are security related matters that Israel and Arab states can cooperate on without progress in the peace process having to be made. Most of this cooperation occurs already on an *ad hoc* basis, and mostly behind the scenes.³³ A genuine breakthrough in the peace process, as well as an Israeli commitment to a two state solution on the basis of the 1967 lines with land swaps, could potentially lead many Arab countries to make some gesture towards normalization with Israel. Such an opening was demonstrated

³¹ Interview with Nimrod Novik 13/03/18

³² Ibid.

³³ Interview with Nimrod Goren 22/08/17

when some North African and Gulf states established trade offices and partial diplomatic relation with Israel during the Oslo process, which were derailed by the outbreak of the Second *Intifada* in 2000. According to Nimrod Goren, relations that were established between Israel and some Arab states during the 1990s will eventually be restored even before a permanent status agreement is signed.³⁴ Goren foresees more security cooperation under the radar, but believes that it will not be acknowledged publicly at this stage. Given the hostility of Arab public opinion towards a normalization process with Israel, it is highly unlikely that the Arab states will make any significant steps towards normalization before any significant progress is made on the peace process.³⁵

With regards to Egypt and Jordan, which have both signed a peace treaty with Israel, Goren foresees growing cooperation on security related matters to tackle common threats, such as ISIS or Iranian interference. More recently, President Abdel Fatah Al Sisi has publicly acknowledged Egyptian-Israeli security cooperation to thwart ISIS and other radical Islamist terror groups operating in the Sinai.³⁶ This event is a landmark in terms of Arab-Israeli security cooperation, since Egypt, which had previously adopted a cold peace towards Israel, shifted its strategic and security doctrine to allow Israel to conduct airstrikes against ISIS terrorists on Egyptian soil. Strategic cooperation of this magnitude would have been unimaginable only a few years ago.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Deane, Y. J., 'Sisi confirms Egypt is working with Israel to fight ISIS in Sinai', *Jerusalem Post* (4 January, 2019), URL: <https://www.jpost.com/Middle-East/Sisi-confirms-Egypt-is-working-with-Israel-to-fight-ISIS-in-Sinai-576321>

Despite its political tensions with Jordan, Israel has an interest in stabilizing the regime and not enabling ISIS or Iran to get closer to the border.³⁷ Hence, the security cooperation between the Hashemite Kingdom and Israel can be expected to continue for the foreseeable future.³⁸ To corroborate this point on the extent of Israeli-Jordanian security ties, security cooperation between the two countries has grown stronger over the years, particularly with the respect to the common threat of ISIS in the region. As mentioned earlier, it was reported that Jordan received 16 US built AH1 combat helicopter gunships from Israel, which demonstrates the extent of the current Jordanian-Israeli cooperation.³⁹ In addition, both the Israeli and Jordanian air forces participated jointly in the Red Flag air combat exercise. Both militaries and intelligence apparatus cooperate on a daily basis, but it remains hidden from the public eye.⁴⁰

It is important to note that, when it comes to the Gulf states' motives for upgrading relations with Israel, the GCC countries' national interests are not exclusively related to the Iranian threat. These motives are tied to the Israeli-Palestinian conflict as well.⁴¹ Although it is obvious that the Iranian threat is a significant factor in the rapprochement between Israel and the GCC countries, the Gulf states nevertheless have an interest in being involved in the Israeli-Palestinian peace process in order to increase their influence in the region. They aspire to become regional powers in the Middle East and their involvement in the Israeli-Palestinian peace process provides them with an

³⁷ Interview with Nimrod Goren 22/08/17

³⁸ Ibid.

³⁹ Gross, J. A., 'Jordan gets Israeli choppers to fend off Islamic State', *Times of Israel*

⁴⁰ Sher, G., and, Ben-Khalifa, M., 'Challenge to the Israeli-Jordanian Peace Treaty', *INSS Insight*, No. 1102 (29 October, 2018), URL: <http://www.inss.org.il/wp-content/uploads/2018/10/No.-1102.pdf>

⁴¹ Interview with Moran Zaga 29/01/19

opportunity to advance this goal.⁴² On the issue of common threats such as Iran, there is a correlation between joint threats and common interests for security purposes between Israel and the GCC states, which is culminating into a positive approach by the Gulf states' citizens and leaders towards Israel.⁴³

Dan Meridor, who was the Strategic and Intelligence Affairs Minister under the second Netanyahu government, argues that, as Arab states are willing to work with Israel tacitly on security related issues, such as intelligence sharing, they might pay less attention to the Palestinian issue and therefore force the Palestinians to adopt a more flexible approach in the peace process. Arab states will likely continue, and probably strengthen, their tacit cooperation with Israel. For example, Gulf states may purchase military hardware from Israel or the Saudis may allow more airliners to fly over Saudi airspace on their way to Israel. However, according Meridor, the prospect for full normalization between Israel and Arab states in the foreseeable future is highly unlikely, since the Arab regimes fear that radical Islamist groups will use the issue normalization with Israel as a pretext to destabilize them.⁴⁴

In addition, the GCC states' pragmatism in terms of improving relations with Israel is not limited to the security arena, as was demonstrated when the UAE authorities agreed to allow Israel athletes to compete in the UAE and also display the Israeli flag and sing the national anthem. The main reason leading the UAE government to make these

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Interview with Dan Meridor 28/03/19

gestures towards Israel mainly relates to Abu Dhabi's desire to continue hosting international sports events.⁴⁵ However, despite the unprecedented thaw in GCC-Israel relations, it is unlikely that the ties will expand to additional fields other than security given the lack of trust between the different parties.⁴⁶ The recent agreement signed by Israel and the UAE on their normalization of relations contradicts previous arguments stating that Gulf states will only normalize ties with Israel after an Israeli-Palestinian agreement.⁴⁷ The agreement, however, required Israel to permanently discard its plan to annex parts of the West Bank in exchange for full normalization with Abu Dhabi. Nevertheless, the major shift is the fact that the absence of a permanent status agreement between Israel and the Palestinians is no longer seen as an obstacle to a normalization of relations between Israel and some Arab states. The main reason for this development is undoubtedly the Iranian threat in the region, as well Turkey's bellicose approach to the eastern Mediterranean.⁴⁸

There is no doubt that Saudi Crown Prince Mohammad Bin Salman (MBS) is a key player in the rapprochement between Riyadh and Jerusalem. MBS is intensely focused on the Iranian threat and is very much aware of Israel's military capabilities. Moreover, the Saudi Crown Prince is putting a lot of effort into reshaping the Saudi economy. Israel, in that sense, is perceived as a worthy role model. Having said that, the Israeli

⁴⁵ Interview with Moran Zaga 29/01/19

⁴⁶ Ibid.

⁴⁷ US Embassy in Israel, 'Joint Statement of the United States, the State of Israel, and the United Arab Emirates', (13 August 2020), URL: <https://il.usembassy.gov/joint-statement-of-the-united-states-the-state-of-israel-and-the-united-arab-emirates/>

⁴⁸ Guzansky, Y., and, Tzoreff, Y., 'How Gulf Arab "exasperation" with Endless Conflict Led to UAE-Israel Normalization', *The Washington Institute* (20 August 2020), URL: <https://www.washingtoninstitute.org/fikraforum/view/how-gulf-arab-exasperation-with-endless-conflict-led-to-uae-israel-normaliz>

government needs to understand the boundaries limiting MBS and therefore itself must put a lot of effort into convincing the Saudi public of the benefits of such a rapprochement. Changing the Saudi people's perception of Israel would help promote normalization between the two countries.⁴⁹

The Iranian threat is undoubtedly the major reason for the new era of Gulf-Israeli relations. As a result, there is a great interest in building strategic cooperation with Israel. Moreover, there is great disappointment over the conduct of the Palestinian leadership regarding the peace process. That is the reason for a growing willingness among the Gulf states to tone down the Arab demands made on Israel. However, there has been no official declaration reflecting a willingness to make changes in the API.⁵⁰

In contrast to the Omanis and the Emiratis, the Saudis have historically been reluctant to make any friendly gestures towards Israel. However, Riyadh's approach towards Israel has changed significantly in recent years, which was demonstrated by the Saudis decision to allow Air India flights to fly over Saudi territory on their way to Israel. According to some media reports, the Saudis have adopted other token gestures, such as allowing Israeli businessmen to travel to Saudi Arabia using special travel documents, in lieu of their Israeli passports.⁵¹ Although it appears that the Palestinian issue is no longer considered a priority in the Arab world, the establishment of normal

⁴⁹ Interview with Michal Yaari 10/09/19

⁵⁰ Ibid.

⁵¹ Mekelberg, Y., and, Shapland, G., 'Israeli-Palestinian peacemaking: the role of the Arab states', *Chatham House* (30 January, 2019), URL: <https://www.chathamhouse.org/sites/default/files/publications/research/2019-01-24-MekelbergShapland.pdf>, p. 7

relations between Israel and Saudi Arabia is unlikely to occur unless significant progress is made on the peace process.⁵²

Given the many factors, such as the establishment of new facts on the ground, the Palestinians' weakness will make it harder to reach an agreement and separating the two sides will become more difficult. Arab and Israeli leaders attempting peacemaking will have to generate political support from their own respective domestic publics, which will require leadership and creativity to bypass the obstacles and change the negative dynamics to move the process forward. Most scholars and analysts argue that, no matter how much the Saudis would like to set up a regional deterrence alliance mechanism against Iran, and translate these converging interests into deeds, they are not willing to cross a certain line in public unless the Israeli side shows its willingness to make some progress on the Palestinian track. In other words, the Palestinian still have some degree of veto power concerning the normalization process with Israel.⁵³

The idea that the Palestinian issue can be bypassed, ignored, put aside, or managed dates back to the 1990s, when some people argued that Israel could take things slowly and watch the Palestinians change their stance over time.⁵⁴ In other words, there is enough converging interest to allow the relationship between Israel and Arab states to develop. Moreover, the Israeli government has consistently hinted that there is an unprecedented opportunity for this to take place, and indeed there is already cooperation

⁵² Ibid.

⁵³ Interview with Bruce Maddy-Weitzman 02/08/17

⁵⁴ Ibid.

occurring behind the scenes. However, in order to achieve a breakthrough and translate this opportunity into a strategic alliance, there has to be tangible progress on the Israeli-Palestinian track. This is the necessary component to build public legitimacy for deeper regional ties.⁵⁵ Corroborating this argument, Dan Shapiro states that there is a tendency in Israel to believe that the Palestinian issue is no longer the most important item in the Arab world, and that Arab states will normalize ties with Israel without progress being made in the Israeli-Palestinian peace process. Shapiro is of the opinion that this assessment is incorrect, given the domestic political criticism Arab leaders could face, as well as the ability of Iran to use normalization of relations with Israel as a propaganda weapon against Arab states.⁵⁶

Given the lack of progress in the peace process, it is unlikely that North African states will restore their pre-Intifada ties with Israel. There are no compelling reasons for these states to go beyond the current relationship which exists. This consists of tourism, some economic trade, and behind the scenes military cooperation. Furthermore, the Moroccan monarchy has promoted a multicultural image of Morocco in which the Jewish community features as an integral part of the Moroccan nation and cultural heritage.⁵⁷ However, there are no compelling reasons for King Mohamed VI to establish a process of normalization with Israel, and he has resisted previous attempts to do so, as demonstrated by his refusal to attend the African Union summit in 2017, due to Prime Minister Netanyahu's attendance.⁵⁸

⁵⁵ Ibid.

⁵⁶ Interview with Dan Shapiro 11/01/18

⁵⁷ Interview with Bruce Maddy Weitzman 02/08/17

⁵⁸ Ibid.

With regards to the deepening of Israeli-Egyptian security ties, there are significant strategic reasons for Cairo to strengthen its ongoing and unprecedented military and intelligence cooperation with Israel. However, these military ties are kept separate from the diplomatic, cultural, and economic arenas, and operate above the political sphere.⁵⁹ Although no thaw in cultural ties between the two countries is expected in the foreseeable future, Egypt recently took the decision to purchase Israeli natural gas and the Israeli Energy Minister, Yuval Steinitz, made an official visit to Cairo to attend an energy summit. Steinitz was subsequently invited to Cairo in May 2018 in order to attend the inauguration of the Natural Gas Organization, featuring Egypt, Israel, the PA, Greece, Italy and Cyprus.⁶⁰ Such a remarkable development in Israeli-Egyptian relations is unprecedented and was indeed unthinkable a few years ago given Cairo's historical reluctance to further normalize ties with Israel without there being progress in the peace process.

In terms of the GCC states' ties with Israel, the more Israel can provide *vis-à-vis* Iran the more satisfied these states will be. But neither Saudi Arabia nor the UAE are likely to officialise their links with Israel as long as there is no substantial progress on the peace process. The Jordanian-Israeli ties remain vulnerable and emotionally charged. As a result, Israel needs to ensure that Jordan remains a stable regime and therefore is required to provide the Hashemite Kingdom with all kinds assistance – whether

⁵⁹ Ibid.

⁶⁰ Einhorn, A., 'Steinitz visits Egypt, first Israeli Minister to visit Egypt since Arab Spring', *Jerusalem Post* (14 January, 2019), URL: <https://www.jpost.com/Israel-News/Steinitz-visits-Egypt-first-Israeli-Minister-since-Arab-Spring-577319>

economic or military – and keep any potential disputes such as the incident which took place in July 2017 away from the public eye. To sum up, although it is important for Israeli policymakers to cultivate these emerging ties between Israel and Arab states, this development cannot be a substitute for any concessions Israel has to make on the Palestinian track. Israel should not expect ties with Arab states to move to the next level without any significant headway on the peace process.⁶¹ That is, the current level of ties between Israel and Sunni Arab states is likely to continue, but any upgrading of this relationship requires some progress to be made in the bilateral Israeli-Palestinian track.⁶²

While Netanyahu and Avigdor Liberman praised some elements of the API, they nevertheless fell short of making any tangible concessions. Teitelbaum very much doubts that the Saudis will make any significant steps towards normalizing relations with Israel without concrete progress in the peace process.⁶³ Nevertheless, given that there are common interests, mainly related to the Iranian threat and the ‘Arab Spring’, Israel’s image in the Arab world is changing in a positive direction. This argument is backed up by articles published in the Saudi and other GCC press saying that Israel is not the enemy and criticizing the Palestinians for having rejected peace proposals put forward by previous Israeli Prime Ministers.⁶⁴ However, despite these changes in the Arab approach towards Israel, Teitelbaum remains sceptical about the prospect of a major change in the Gulf states’ relations with Israel. Teitelbaum questions what the Saudis would get in exchange for normalizing ties with Israel, given that the Saudis

⁶¹ Ibid.

⁶² Interview with Itamar Rabinovitch 13/08/17

⁶³ Interview with Joshua Teitelbaum 16/08/17

⁶⁴ Ibid.

already receive what they need from Israel in terms of intelligence cooperation without having to pay the price of normalizing relations with Israel. Although MBS seems keener to cooperate with Israel, Teitelbaum questions why the Saudis would pay the political price and normalize ties with Israel considering the volatile situation in the Middle East.⁶⁵

Both Israel and the GCC states maintain an interest in keeping their current relationship tacit. The current Israeli government is unlikely to change its stance on the Palestinian issue, while the Saudis, after the murder of the Saudi journalist Jamal Khashoggi, would find it hard to justify any step towards normalization with Israel. Moreover, the glass ceiling is eroding regarding the linkage between normalization and progress on the peace progress, given the fact that the Saudis and much of the GCC states do not consider the Palestinian issue a priority.⁶⁶ In addition, a growing number of private Saudi citizens are now demanding that their government establish ties with Israel, as they do not consider Israel but Iran as the main enemy. Regarding the recent thaw of ties between Israel and Oman, which materialized in the form of Netanyahu's visit to Muscat, it is important to highlight that the Omanis are neither Shia nor Sunni. This allows them to maintain good ties with both Israel and Iran, which is a unique position in the Arab world.⁶⁷

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Interview with Yoel Guzansky 10/01/19

Koby Huberman, who is the co-founder of the Israeli Peace Initiative, argues that, although the API stipulates that normal relations will only occur once Israel withdraws from the territories, it does not rule out constructive steps towards normalization being taken by Arab states should the parties manage to build up trust during the negotiations. However, Huberman contends that, in contrast to the situation after the signing of the Oslo Accords, which saw a number of GCC and North African states develop partial diplomatic ties with Israel, Arab states will not now start any normalization process without first receiving some concessions on the Palestinian track. Huberman's approach states that whatever is agreed between Israel and the Arab states shall be implemented subject to progress on the Israel-Palestinian track.⁶⁸ With respect to the issue of security, a mutual defence pact – or an Arab-Israeli NATO-like alliance – to thwart Iran's rising influence in the region would only materialize as a result of a breakthrough in the Israel-Palestinian peace process. Huberman adds that the Arab states have not yet put forward their price list with regards to future security cooperation with Israel, nor have they indicated whether these steps would occur covertly or overtly. These issues will have to be negotiated between Israel and Arab states.⁶⁹

The Saudis are most likely to continue their security cooperation with Israel irrespective of progress on the peace process, given that having access to Israeli intelligence is critical for Arab states. It is assumed that the Saudis are cooperating with Israeli intelligence, since it is a critical matter for Saudi national security.⁷⁰ If there was a government in Israel that appreciated the strategic implication of this shift in Arab

⁶⁸ Interview with Koby Huberman 06/09/17

⁶⁹ Ibid.

⁷⁰ Interview with Dan Kurtzer 11/08/17

policy, it would understand that this is the moment to reach an agreement with the Palestinians. Putting the Syrian civil war and the ‘Arab Spring’ aside, one suggestion put forward is the establishment of a condominium of Sunni Arab states aligned against Iran, which is exactly what Israel has been striving for. The Palestinian issue therefore remains the only obstacle to a comprehensive Arab-Israeli peace.⁷¹

These emerging regional threats were the strategic basis for the policy conducted by the late Israeli Prime Minister, Yitzhak Rabin. Rabin understood that Iran would be the main threat to Israel and that the Palestinian issue was an obstacle to dealing with this threat and therefore must be resolved. It is also the same strategic basis which led Saudi Crown Prince Abdallah to adopt the Saudi Peace Initiative back in 2002. Like Rabin, the then Crown Prince understood that the most important issue was Iran and that the Palestinian issue was the only hurdle in the way of a normalization of ties between Israel and the Arab states. Kurtzer adds that the main obstacle lies with the Netanyahu government’s determination to control the territories, which is occurring at the expense of it assessing the significance of this new strategic landscape for Israel. The Netanyahu-led government believes it can control the territories and at the same time build strategic relations with Sunni Arab states, and Kurtzer argues that Israel cannot have both.⁷²

Concerning the issue of normalization, former United States Ambassador to Israel, Dan Shapiro, claims that, given the broader converging of interests between Israel and the

⁷¹ Ibid.

⁷² Ibid.

Sunni Arab states, particularly concerning the shared threats of Iran and ISIS, it is possible to envisage a regional process dealing with less sensitive issues, such as water, the environment, economic issues, and refugees.⁷³ Shapiro adds that these ties are no longer unknown to the broader public and that both Israel and Arab states consider each other as strategic partners.⁷⁴

With regards to the issue of normalization of relations between Israel and Arab countries, such a process is taking place in the form of Israelis and Arabs talking and meeting with one another. This has the effect of establishing personal ties and credibility among the people who are participating in the discussions, as well as making the intentions of those involved clear. Such rapprochement was demonstrated by Egyptian and Israeli cooperation against ISIS in the Sinai.⁷⁵ To corroborate this argument, Egyptian President Abdel Fattah Al Sisi has publicly acknowledged the ongoing and deepening security ties between Israeli and Egyptian security services.⁷⁶

It is valid to assume that Arab states are engaging with Israel, but it is difficult to assert the extent of such cooperation. The Saudis and other GCC countries are probing via secret meetings. For a number of years there has been commercial trade between Israel and Gulf countries. This has mainly transpired via Jordan and has entailed the shipping of Israeli goods – with Israeli labels removed – to Gulf states. On issues related to

⁷³ Interview with Dan Shapiro 11/01/18

⁷⁴ Ibid.

⁷⁵ Interview with Aharon Klieman 05/09/17

⁷⁶ Deane, Y. J., ‘Sisi confirms Egypt is working with Israel to fight ISIS in Sinai’, *Jerusalem Post*, URL: <https://www.jpost.com/Middle-East/Sisi-confirms-Egypt-is-working-with-Israel-to-fight-ISIS-in-Sinai-576321>

security, Turkey is considered a cornerstone for a regional security apparatus, since Ankara is fearful of Iran's intentions and considers itself the leader of the Sunni Muslim world.⁷⁷ Turkey has an interest in a rapprochement between Israel and the Gulf states, since they share the same concerns. However, given his records, Turkish President Recep Tayyip Erdogan's policy is an obstacle to any formal alliance involving Ankara. Erdogan jeopardized Turkey's strategic ties with the United States and Israel by aligning with Russia and focusing solely on the Kurds. According to Klieman, Turkey is both a key factor and a major liability, since it has the potential to greatly contribute to an alliance of Israel and Sunni Arab states to contain Iran belligerency.⁷⁸

(5) The Regional Approach to the Peace Process: An Opportunity for a Comprehensive Arab-Israeli Peace?

On the issue of a mechanism for merging the bilateral and multilateral tracks, there are differences between multilateral and regional approaches to the peace process. Huberman states that the multilateral approach includes mainly non-political issues, which were covered in the Madrid multilateral peace process, such as water, the environment, refugees, and arms control. Huberman suggests a parallel regional approach should be established that will be tightly linked to the Israeli-Palestinian issue. The framework that Huberman suggests is a bilateral approach versus a regional approach.⁷⁹

⁷⁷ Interview with Aharon Klieman 05/09/17

⁷⁸ Ibid.

⁷⁹ Interview with Koby Huberman 06/09/17

There should be a parallel track on the basis of the Saudi Peace Initiative which should be implemented in gradual steps. He suggests that, based on the progress achieved during the peace process, the Madrid multilateral model could be resurrected. His proposal also includes establishing a two-state solution that will be implemented in stages and which would entail Israel and the UN recognizing a Palestinian state prior to the conclusion of a permanent status peace agreement. Huberman argues that such a move will make it easier for the parties to conduct and eventually conclude the negotiations.⁸⁰

Any diplomatic framework that addresses the regional track will have to take into account several issues and tackle them in parallel. This framework should first and foremost address the core issues of the Israeli-Palestinian conflict, which are the most intractable. The second set of issues, which Huberman refers to as “tactical ticking bombs”, includes the problem of Gaza and ways to improve the day-to-day quality of life for the Palestinian population in the West Bank, which operationally will need to be solved before anything else. In addition, Huberman suggests that the regional track should aid the Palestinians on state-building related matters.⁸¹

On the matter of the peace process mechanism, Gilead Sher argues that Israel needs to put forward a multidimensional process that would incorporate both a regional dialogue and an Israeli-Palestinian track, and offer independent constructive steps that would facilitate a two-states for two peoples reality even in the absence of a permanent status

⁸⁰ Ibid.

⁸¹ Ibid.

agreement. Sher believes that the combination of these three tracks would help preserve the conditions for a two-state solution even if the parties fail to reach a permanent status agreement in the foreseeable future. Sher posits that Israel should engage in a bilateral dialogue, a multilateral dialogue, and take constructive steps on the ground that are in line with a two-state solution, such as delineating provisional boundaries around the settlement bloc areas that would remain an integral part of Israel in any final status discussions.⁸² Israel should lay out a national plan for relocating settlers which are located beyond the wall/security fence, and a security plan for a gradual withdrawal of the IDF from the territories (though he insists that the IDF would have to maintain a specific and designated presence for several years).⁸³ Finally, Sher suggests that the International Quartet – which is comprised of the USA, Russia, the EU, and the UN – should propose a process, but not a solution, to Israel, the PA, and the Arab states, and argues that such a proposal would be valuable for the region.⁸⁴

Concerning the issue of normalization, a regional framework should encompass a process of trust-building between Israel and some Arab states, primarily the Arab Quartet, which is comprised of Egypt, Jordan, Saudi Arabia, and the UAE.⁸⁵ Huberman adds that the logic of the API and the regional process entails that any strategic concessions made by Israel to the Palestinians should be rewarded strategically by the Arab Quartet, while any tactical concessions, or a change of atmosphere *vis-à-vis* the Palestinians, should be rewarded by tactical steps undertaken by the Arab states towards Israel. From an Israeli perspective, there is an expectation that Israel will know what

⁸² Interview with Gilead Sher 04/09/17

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Interview with Koby Huberman 06/09/17

Arab states are willing to offer before it undertakes any concessions with respect to the Palestinian track.⁸⁶ This means that there shall be one negotiation track between Israel and the Palestinians, and another track which will include Israel and regional actors.⁸⁷ Huberman points to the statements made by the White House Special Envoys to the Middle East, Jared Kushner and Jason Greenblatt, who have incorporated many of his ideas with regards to their approach to the issue of regional peace.⁸⁸

Although a multilateral process would be very beneficial for the Middle East, such a framework is doomed to fail if substantial progress is not made on the Israeli-Palestinian track. Since the Middle East is dealing with urgent issues that go beyond the Israeli-Palestinian conflict – such as the rise of fundamentalist groups, other security-related matters, and environmental challenges – the Palestinian issue is not necessarily a priority, but it remains highly important.⁸⁹ A regional quartet of core countries, namely Israel, Palestine, Jordan, and Egypt, should be established to deal with the final status issues of the conflict. This regional core could be extended to other Arab countries, such as Bahrain, Saudi Arabia, Morocco, and Tunisia. These countries could eventually support the regional core countries along the lines of the Madrid multilateral framework. However, if no progress is made on the core issues of the Israeli-Palestinian conflict, then the outer rim of countries will not be able to provide adequate support for the process. The Madrid multilateral process included five issues – water, the environment, arms control, refugees, and economics. Although progress

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Interview with Gershon Baskin 20/08/17

was made on most of these issues, the Madrid multilateral process could not be sustained given that the bilateral Oslo process collapsed.⁹⁰

Some issues will have to be discussed on a bilateral basis, while others will fall within a regional framework. Hence, there is a need to differentiate between issues which are to be negotiated regionally between Israel and Arab states and the core issues of the Israeli-Palestinian conflict, which, in itself, will require a certain degree of involvement by Arab states. For instance, issues to be negotiated regionally might refer to negotiations between Israel and Saudi Arabia in the context of normalization, as well as security arrangements, and economic development.⁹¹ On the core issues of the Israeli-Palestinian conflict, the territorial/border issue would require the participation of Egypt and Jordan in the negotiations, while the refugee issue would require the involvement of Jordan and the Gulf states. Negotiations on the status of the holy sites in Jerusalem would require the participation of Saudi Arabia, Jordan and Morocco. A clear difference needs to be made between when Israel will need the involvement of Arab states in solving the Israeli-Palestinian core issues, and where agreement is being negotiated or formed between Israel and Arab states on the rewards the former will receive from the latter under the framework of the API.⁹²

Dan Meridor says that Arab states cannot be a substitute for the Palestinian leadership. Although Meridor argues that it is up to the Palestinian leadership to make these decisions, Arab countries, and more particularly the GCC states, can play a role in terms of financial support and in providing the Palestinians with political cover to make

⁹⁰ Ibid.

⁹¹ Interview with Koby Huberman 06/09/17

⁹² Ibid.

concessions. However, Meridor strongly emphasizes that, unless there is a shift in the Palestinian leadership's policy towards Israel, it is unlikely that Arab states would be able to exercise any sort of influence on the Palestinian leadership.⁹³

According to Meridor, in the aftermath of the 'Arab Spring', Arab regimes became unstable and, as a result, the Palestinian issue remained a common denominator in the Arab world. Consequently, the Arab states are less likely to influence the Palestinians to adopt a more moderate position on the core issues of the conflict. The Palestinian leadership itself has to adopt a more moderate stance and follow the path of the late President Sadat. Meridor laments that populism is on the rise everywhere in the world, which makes the prospect of an Israeli-Palestinian peace agreement less likely. Furthermore, the Palestinian leadership is now split between Fatah in the West Bank and Hamas in Gaza, which was not the case during the second Camp David Summit. Meridor states that these two entities have two entirely different approaches with regards to the conflict. Unlike Fatah and the PLO, which are secular and nationalist, Hamas is a religious fundamentalist movement which rejects the very existence of Israel. This therefore nullifies any prospect of a compromise between Israelis and Palestinians.⁹⁴

Concerning the Arab positions on the core issues of the conflict, Huberman suggests that negotiations over the fate of the holy sites in Jerusalem will have to include Jordan,

⁹³ Interview with Dan Meridor 28/03/19

⁹⁴ Ibid.

Saudi Arabia and Morocco.⁹⁵ Huberman argues that Arab states would offer a significant degree of flexibility and have already demonstrated their willingness to play a constructive role in the negotiations by agreeing to reframe the API as a document to be negotiated. He also points to the fact that, in 2013, they endorsed the concept of land swaps as an option in final status negotiations.⁹⁶

On the issue of third-party mediation, Huberman proposes that the process should be regionally led and supported by international actors. Huberman suggests that an American-led mediation is only suitable during the preliminary phases of discussions. During later stages of the negotiations, the parties need to negotiate by themselves with the support of the United States and the other international actors. Huberman, moreover, insists that the United States and other third-party facilitators should support discussions from the outside. Huberman contends that the gaps between Israelis and Palestinians will never be bridged without any significant Arab involvement in the talks.⁹⁷

The Arab states have recently endorsed the concept of parallel talks, which were to include the small steps that the Arab states had committed to adopt on the issue of normalization, in exchange for a sincere Israeli commitment to move the diplomatic process with the Palestinians forward. This means that any steps taken by the Arab states on normalization is contingent on progress being made on Israeli-Palestinian

⁹⁵ Ibid.

⁹⁶ Interview with Koby Huberman 06/09/17

⁹⁷ Ibid.

track.⁹⁸ As such, the peace process would have to include a regional dimension, given that the Palestinians are too weak to negotiate with Israel without the support of Arab states. Involving Arab states in the peace process would provide the Palestinians with a safety net when they are required to make important decisions on final status issues, such as Jerusalem or refugees.⁹⁹

On this topic, Nimrod Novik has presented a plan to the US Special Envoy Jason Greenblatt, which includes three ‘menus’ of independent steps articulating what the Israelis, the Palestinians, and the Arab Quartet would be required to implement. However, given the mistrust between Israel and Arab states, this approach must be conducted in a step-by-step process and he proposed that Washington lead the negotiations. Such a process would allow all parties to know in advance what the other will do, and given this reciprocity, will ensure that neither one of them ‘ends up a sucker’. Novik says that Greenblatt considered the plan, while the US Ambassador to Israel, David Freedman, and Special Envoy Jared Kushner ignored his plan.¹⁰⁰

A regional track, such as the API, should not replace the bilateral track, but rather complement it. The Arab states should not supplement but support the Israeli-Palestinian bilateral track. Although a final status agreement should be negotiated bilaterally between Israelis and Palestinians, some of the core issues would ultimately have to involve Arab countries; this would apply in particular to the status of the holy

⁹⁸ Ibid.

⁹⁹ Interview with Nimrod Novik 13/03/18

¹⁰⁰ Ibid.

sites in Jerusalem – specifically regarding questions of sovereignty and custodianship – and the refugee issue, which of course affects some Arab countries. Even still, Israelis and Palestinians must first negotiate the contours of a permanent status agreement. Once the parameters for a permanent status agreement are settled between the two sides, it should then be discussed with the international community, for example, the Arab Quartet, the Arab League, and countries such as Morocco, which is relevant to the status of Jerusalem.¹⁰¹

The concept of a regional initiative based on the API could potentially be presented by the Trump administration as a package deal. The plan would offer a fully sovereign Palestinian state with East Jerusalem as its capital.¹⁰² The Madrid multilateral framework should be revived in order to create the conditions for a warm peace between Arabs and Israelis. The Arab states would be encouraged to deepen their involvement in the Multilateral working groups.¹⁰³ With regards to the core issues of the conflict, the Arab states involvement would be necessary in order to provide the Palestinians with the cover they need to show flexibility on some of the sensitive issues, such as the status of Jerusalem, which was lacking at Camp David 2. Indeed, Morocco, as the head of the Al Quds Committee of the Organisation of Islamic Cooperation (OIC) is active in encouraging the Palestinians to show some flexibility in relation to Jerusalem.¹⁰⁴

¹⁰¹ Interview with Nimrod Goren 22/08/17

¹⁰² Mekelberg, Y., and, Shapland, G. 'Israeli-Palestinian peacemaking: the role of the Arab states', *Chatham House*, pp. 7-8

¹⁰³ Ibid.

¹⁰⁴ Ibid.

Gilead Sher, who led the Israeli negotiating team during the second Camp David negotiations, suggests that some of the core issues of the conflict, such as Jerusalem, could be negotiated on a multilateral basis. First the sides need to tackle territory, sovereignty, borders, and security. In the second and third phases of negotiations, the sides will need to tackle Jerusalem and the refugee issue.¹⁰⁵ According to Sher, negotiations on the status of Jerusalem should be included in a broader framework given that this issue is not exclusively a Palestinian issue. Sher is of the opinion that some Arab states should be involved in final status negotiations on the issue of the holy sites in Jerusalem. He has in mind Saudi Arabia and more explicitly Jordan, since Article 9 of the Israeli-Jordanian Peace Treaty gives the Hashemite Kingdom a special role in the final status negotiations on this issue; Sher also thinks Morocco should be involved, as it has been allocated this type of role by the OIC.¹⁰⁶ With regards to the urban division of the city, Sher suggests that Jerusalem would be divided according to its demographic lines. When it comes to the holy basin, however, he contends that this would be administered by a special regime, which would be neither exclusively Israeli nor exclusively Palestinian. Rather, it would be administered by a consortium of several nations, including Israel, Palestine, Jordan, Saudi Arabia and Morocco, along the lines of the Olmert proposal.¹⁰⁷

¹⁰⁵ Interview with Gilead Sher 04/09/17

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

Many scholars and analysts are of the opinion that the Arab states would be willing to test the water by engaging in track 2 diplomacy with Israel.¹⁰⁸ However, the possibility for full normalization at this stage or even the opening of Israeli representation in Jeddah is nil.¹⁰⁹ Nevertheless, it is important to highlight that the Saudis would be willing to make small steps, such as opening their air space to Israeli airlines or international flights bound to Israel.¹¹⁰ This assessment is corroborated by the fact that the Saudi authorities have recently allowed Air India flights to Israel to use Saudi air space.¹¹¹ Even still, it is crucial to emphasize that the Saudis did send an observer to the Madrid multilateral talks, but withdrew soon after in light of the lack of progress on the bilateral Israeli-Palestinian track. In addition, Tunisia, Morocco, Oman, and Qatar have shut down trade offices that were established during the Oslo era.¹¹²

Prime Minister Netanyahu always praises the blossoming ties between Israel and Arab states, but in reality, such ties remain tacit and confined to the common threat that both Israel and Arab states face in the form of Iran's growing influence in the region.¹¹³ Although there is an undeniable rapprochement between Israel and Arab states, mainly over security related issues, this cannot be considered at this stage as a normalization of relations. Rather, it is a development of joint interests between Israel and Arab states, which is something that has occurred in the past.¹¹⁴ For instance, despite being in a state

¹⁰⁸ Interview with Joshua Teitelbaum 16/08/17

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Surkes, S., 'Air India confirms its Israel flights over Saudi Arabia will start next week', *Times of Israel* (16 March, 2019), URL: <https://www.timesofisrael.com/air-india-confirms-its-israel-flights-over-saudi-arabia-will-start-next-week/>

¹¹² Interview with Joshua Teitelbaum 16/08/17

¹¹³ Interview with Bader Rock 13/02/19

¹¹⁴ Ibid.

of war until 1994, Israel and Jordan cooperated on security related issues and intelligence sharing. The main difference today is that Israeli politicians are more eager to speak openly about it than their counterparts during 1960s and 1970s, who did not discuss covert ties with Arab states publicly.¹¹⁵

In light of Israel's rapprochement with many of the Gulf states, there is some wisdom in trying to resume the Madrid multilateral track and President Trump is mulling a regional peace plan. Former US Ambassador to Israel, Dan Shapiro, contrasts this to Kerry's approach, which focused on the bilateral track and gave less consideration to multilateral negotiations.¹¹⁶ Former Secretary of State Kerry posits that regional negotiations involving Israel and Arab states would come at a later stage. Shapiro adds that it is conceivable that Israel and Arab states could reach partial agreements on less sensitive topics, such as the environment, water, and some economic issues. However, such a regional track would not produce any tangible results unless some progress is made on the Israeli-Palestinian track. Shapiro states that the multilateral and the bilateral tracks can complement and strengthen each other, but they have to be conducted in parallel, not in sequence.¹¹⁷

Concerning the core issues of the Israeli-Palestinian conflict, Arab states would eventually have to play a role over the status of the holy sites in Jerusalem. Shapiro argues that the United States, Israel, Palestine, Jordan, and Saudi Arabia could

¹¹⁵ Ibid.

¹¹⁶ Interview with Dan Shapiro 11/01/18

¹¹⁷ Ibid.

administer the holy sites in order to guarantee free access and ensure the status quo. The former ambassador also highlights the fact that the Israeli-Jordanian Peace Treaty gave Jordan high priority regarding the negotiations over the status of Jerusalem. The participation of Arab states in the negotiations can help ensure a successful outcome.¹¹⁸ Nevertheless, Shapiro acknowledges that most Israelis are opposed to any transfer of sovereignty over the holy sites in Jerusalem, and at the moment favour full Israeli sovereignty over all parts of the city. Nevertheless, this attitude may change if Saudi Arabia participates in multilateral governance structures and Israel is able to point to a full normalization of ties with Saudi Arabia, such as public diplomatic meetings, travel, and partnership.¹¹⁹

The United States is a key player and the driving force behind the peace process. Yet, the current American administration's leverage on Israel and Saudi Arabia is limited. Although there seems to be a growing alignment between the American perception and the Saudi perception on how the Israeli-Palestinian conflict should be ended, Saudi fear of a hostile reaction by Arab and Muslim publics will prevent it from going the extra mile required for a complete solution. Therefore, so long as there is no willingness among the disputing parties to rethink their position on settling this conflict, American mediation can only have a limited effect on the peace process.¹²⁰

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Interview with Michal Yaari 10/02/19

On the issue of financial assistance to support the resumption of the peace process, the Gulf states can provide the finance to sustain a final status agreement.¹²¹ A combination of Egyptian political influence in the region, combined with the Gulf states' financial assistance, can help Israelis and Palestinians reach a final status agreement. With regards to third-party mediation, Sabel argues that the United States should provide financial assistance to the parties as they did with Egypt in 1979.¹²² However, the current Trump administration's stance on the Israeli-Palestinian peace process is vague. In terms of a model for negotiations, Kissinger's shuttle diplomacy, which resulted in the Egyptian-Israeli interim agreement, is presented as a positive historical example to follow. Kissinger used military aid to Israel and economic aid to Egypt as incentives for the parties to make concessions during the negotiations.¹²³

Under the circumstances of the current Israeli government's policy regarding the occupied territories, time is not ripe for a final status agreement and therefore the Arab states, the PA, and Israel must negotiate an interim agreement in lieu of a permanent status accord. Rabinovitch suggests that Arab states could potentially be instrumental in softening the Palestinian stance on an interim agreement. Indeed, the Palestinians have time and again rejected the possibility of reaching a long-term interim agreement with Israel. A long-term interim agreement is the only realistic option available at the moment, given the gaps between the parties on all the core issues of the conflict. Rabinovitch also points out that progress on the multilateral track is contingent with some headway on the bilateral track.¹²⁴ On the core issues of the conflict, Rabinovitch

¹²¹ Interview with Robbie Sabel 25/08/17

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Interview with Itamar Rabinovitch 13/08/17

is of the opinion that Palestinian leaders would need the consent of the Arab states with regards to the status of Jerusalem, given that the issue is not solely a Palestinian one. Rabinovitch further states that the lack of regional involvement at Camp David 2 provided Arafat with the pretext that he cannot make any concessions on Jerusalem given the lack of Arab support.¹²⁵

According to some reports, MBS has stated that he made some concessions to Washington and that his stance on the core issues of the conflict is much closer to the current US administration. Indeed, it seems that he has agreed to things which are much closer to the Israeli and US positions on the core issues of the conflict. According to the report, the Jordanians and the Egyptians criticized the Saudi Crown Prince's new approach on the core issues and told MBS that Riyadh cannot sell out the Palestinians. Adel Al-Juber, the Saudi Foreign Minister, responded by saying that Saudi Arabia cannot pressure the Palestinians, but emphasized that the Saudis would support whatever decision they eventually make regarding a final status agreement with Israel.¹²⁶

The Madrid multilateral framework provides a win-win solution for all sides as the Middle East is becoming increasingly desperate. Issues such as water, energy, and the environment are of vital importance to all Middle Eastern countries.¹²⁷ The Middle East is regressing and therefore would require a regional cooperation mechanism in order to

¹²⁵ Ibid.

¹²⁶ Interview with Yoel Guzansky 10/01/19

¹²⁷ Interview with Aharon Klieman 05/09/17

compete with other regions, such as Asia, South America, and Africa. Over the years, the United States, including the Obama and current Trump administrations, never took the multilateral track seriously and constantly focused on the Israeli-Palestinians track with America as a third-party intermediary and as a consequence very little progress has been made on this issue.¹²⁸ Israel, the PA, and Arab states could cooperate on issues of vital importance for their respective populations, such as water and the environment. Current US negotiators, headed by Jason Greenblatt and Jared Kushner, understand that there is little chance for a permanent status agreement and as such are at this stage focused instead on improving the situation on the ground, rather than resolving the Israeli-Palestinian conflict.¹²⁹

Concerning Arab states' policy on the core issues of the conflict, former Justice Minister and peace negotiator, Yossi Beilin, argues that neither territorial and security issues nor the fate of the Palestinian refugees are the main concern of Arab states. Rather, the status of Jerusalem is the most important issue on the Arab states' agenda, since it is pan-Arab and pan-Islamic matter. With regards to the status of Jerusalem, the parties should find a creative solution to this issue. However, given the turmoil and the divisions within the Arab world, Beilin remains sceptical about Arab states' ability to be involved in any form of negotiations over this very complex issue. Nevertheless, Beilin argues that there is room for the involvement of Arab states on the status of the holy sites in Jerusalem.¹³⁰

¹²⁸ Ibid.

¹²⁹ Interview with Gerson Baskin 20/08/17

¹³⁰ Interview with Yossi Beilin 14/08/17

On the issue of the multilateral track, should there be a resumption of the peace process, the Madrid multilateral track would most likely be revived and Israel and Arab states could cooperate on less sensitive issues, such as water and the environment. In addition, Beilin argues that, theoretically, the new regional landscape should provide Israel with more opportunities to revive the peace process. The main obstacle, he says, lies with Netanyahu's attempt to bypass the Palestinian track and reach an agreement with the Arab states first, in the belief that he would then be able to turn to the Palestinians and dictate his own terms.¹³¹

Former Israeli Ambassador to Egypt and Jordan, Shimon Shamir, laments that the current Israeli government is committed to the concept of Greater Israel and is de facto opposed to a two-state solution. This commitment hinders the prospect for a renewal of the peace process.¹³² On the Palestinian side, Mahmoud Abbas is too weak and challenged in the West Bank, and the Palestinians are too divided, to make any significant compromise. Shamir objects to the idea put forward by the Netanyahu government, which stipulates that normalization of relations between Israel and Arab states prior to any significant progress on the peace process will lead to a more favourable context. Shamir is of the opinion that the Netanyahu government is wrong in assuming that Israel will be able to cement ties with the Arab world without any substantial withdrawal from the West Bank. However, some progress on normalization could bring about some changes to the day-to-day reality in the West Bank. For

¹³¹ Ibid.

¹³² Interview with Shimon Shamir 14/09/17

instance, such efforts could include joint economic, water, and environmental projects, as well as security cooperation and efforts made at improving the living conditions of Palestinians in the West Bank.¹³³

Concerning the possibility of Arab states making a bold move, which would help move the peace process forward, Shamir praises Sadat's historic visit to Jerusalem as a brilliant step and highlights the fact that prior to Sadat's visit, 80 percent of Israelis were opposed to withdrawing from the Sinai. In the aftermath of Sadat's visit, public opinion shifted in favour of a full withdrawal from the Sinai in exchange for peace. Shamir argues that a similar bold move would change the climate in Israel and that public opinion might, as a result, endorse significant territorial concessions in exchange for peace.¹³⁴

With regards to the status of Jerusalem, Saudi Arabia, Jordan, and Morocco – which has been designated by the OCI as head of the Jerusalem committee – could provide assistance in terms of consultations. Their mere involvement in the final status negotiations adds legitimacy, since they are looking at having a role. This applies especially to Jordan and Morocco, and to a lesser extent to Saudi Arabia. The fact that Israel enjoys good relations with Morocco would facilitate the negotiations. There was some progress made during the Madrid multilateral track and subsequently four economic forums were held, one in Casablanca, one in Doha, one in Amman, and one in Cairo. Progress was also made on a desalinization project in Oman. Therefore,

¹³³ Ibid.

¹³⁴ Ibid.

reigniting the multilateral track is a possibility, but some progress would have to be achieved on the bilateral track for it to bear any real fruit.¹³⁵

Despite the benefits of a multilateral track along the lines of the Madrid peace process, this approach was nevertheless used in the past as a pretext to bypass the Israeli-Palestinian bilateral track. It is wrong to assume that Israel can mend ties with the Arab states since they would be unwilling to cooperate without progress for the Palestinians. In terms of third-party involvement, Washington's potential role in the peace process is unclear and most of the ideas so far put forward by the current Washington administration are non-starters.¹³⁶ On the issue of the Arab states' influence on the Palestinians, the Saudis can certainly put pressure on the Palestinian leadership and maybe even force them to come to the negotiation table, but no Saudi leader is capable of making the Palestinians leadership sign any kind of agreement that would result in them giving up their historic core demands on Israel. Therefore, it seems that as long as the Palestinian leadership is not willing to make any kind of concession, especially regarding Jerusalem, the Saudi involvement in the negotiation will have a very limited effect on the final results of the peace talks.¹³⁷

With regards to the core issues of the Israeli-Palestinian conflict, it appears that the bulk of these, with the exception of the territorial dimension, are subject to multilateral discussions.¹³⁸ For instance, the status of the holy sites in Jerusalem will have to be

¹³⁵ Interview with Eli Podeh 07/01/18

¹³⁶ Ibid.

¹³⁷ Interview with Michal Yaari 10/02/19

¹³⁸ Interview with Galia Golan 04/03/18

negotiated on a multilateral basis given the fact that previous negotiations in Annapolis resulted in an international trusteeship proposal for the holy basin.¹³⁹ However, Golan warns that the main issue is the wording, since most Israelis would object to the term internationalisation, while the term ‘special regime’ would be acceptable to the Israeli public. Golan points out that Menachem Begin in 1977 was apparently willing to accept a special regime for the Old City of Jerusalem, which, given the former Prime Minister’s ideology on Greater Israel and the concept of eternal united Jerusalem, is indeed remarkable.¹⁴⁰

Some former participants adopt a more sceptical view, to say the least, about the multilateral or regional framework, and argue that the solution to the Israeli-Palestinian conflict is purely bilateral. On this issue, Menachem Klein believes that negotiations should solely be conducted bilaterally between Israel and the Palestinians.¹⁴¹ Klein argues that many Israelis are mistaken in assuming that the Arab states will assist Israel in pressuring the Palestinians to make concessions on the core issues of the conflict.¹⁴² Peace negotiations should be first and foremost conducted bilaterally since the core issues directly concern Israel and Palestine and only indirectly concern the Arab world. According to Klein, Israel has never desired to have a peace treaty with Saudi Arabia and therefore the solution is to get an agreement with Israel’s immediate neighbours. On the core issues, Klein doubts Arab states can mediate between the two sides and contends that Israel will probably not agree to let other Arab countries mediate between

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Interview with Menachem Klein 07/08/17

¹⁴² Ibid.

itself and the Palestinians. He further adds that Israel would prefer the United States to be the sole mediator of the Israeli-Palestinian peace process.¹⁴³

Although Shlomo Ben Ami is not opposed to a regional framework, he nevertheless doubts its effectiveness. According to Ben Ami, no Middle Eastern country has a culture of conflict resolution. Today key Arab states need the US and Israel so much and, as a result, would be ineffective since they would not be able to put pressure on Israel and would feel awkward about pressuring the Palestinians as, after all, they are expected to support the latter. A peace deal can be implemented if it contains mutually acceptable parameters to both parties. Ben Ami supports a process under an international framework led, but not dominated by, the United States.¹⁴⁴ Such an approach would give neither the Israelis nor the Palestinians one hundred percent of their demands, but it would provide both sides with a compromise along the lines of the Clinton Parameters.¹⁴⁵

In line with Ben Ami's assessment, Shaul Arieli supports a UN Security Council endorsement of a framework document for a permanent status agreement between Israel and the Arab states. Such a package deal would include all the core issues of the conflict. Its parameters would also endorse the 1967 lines as a basis for discussion with the possibility for equal and mutually agreed land swaps. On security, the Palestinians would commit themselves to be demilitarized with no heavy weapons. On refugees,

¹⁴³ Ibid.

¹⁴⁴ Interview with Shlomo Ben Ami 19/05/19

¹⁴⁵ Ibid.

Palestinians would have the right to return to a Palestinian state but not to Israel. Finally, on Jerusalem, the parameters would endorse two capitals for two states, while the Holy Basin would be administered by a special regime.¹⁴⁶ Most importantly, on the issue of regional involvement, Arieli strongly supports the involvement of key Arab states in the negotiations on the core issues of the conflict. The Palestinians need the support of Arab states on sensitive issues such as Jerusalem and refugees. Indeed, the status of the holy sites in Jerusalem will most likely require the involvement of Morocco, Jordan, and Saudi Arabia. Israel, on the other hand, needs recognition from and full normalization with the Arab states.¹⁴⁷

(6) Conclusion

Historically, Israel has been reluctant to attend multilateral parleys, for fear that it would be outnumbered by the Arab states and forced into making concessions. As a result, most of the Arab-Israeli negotiations have been conducted bilaterally. Some of these bilateral negotiations resulted in a successful outcome, such as the Israeli-Egyptian and Israeli-Jordanian Peace Treaties. Bilateral talks enabled the PLO and Israel to agree the Declaration of Principles (DOP), better known as the Oslo Accords, which eventually led to the Oslo process. However, the Israeli-Palestinian bilateral discussions collapsed when the two sides negotiated on the core issues of the conflict. There have been four attempts made by Israel and the PA to reach a final status agreement, all of which have resulted in failure.

¹⁴⁶ Shaul Arieli ,people and border, (fifth edition Israel 2018)p250

¹⁴⁷ Ibid.

In sharp contrast to the past, the emergence of converging interests between Israel and Arab states has allowed Arab states to shift their policies towards Israel. Indeed, both Israel and Sunni Arab states see eye-to-eye with regards to common threats, such as the rise of Islamist terrorist groups and Iran's belligerent actions in Syria and other parts of the Middle East. As a result of these new circumstances, covert ties have developed between Israel and Arab states, particularly security issues.¹⁴⁸¹⁴⁹ However, most Israeli analysts and scholars insist that an overt normalization between Israel and Arab states would only occur if substantial progress is made on the Israeli-Palestinian track. Indeed, the Palestinian issue is no longer at the centre of the Arab states' agenda, given the chaotic situation in other parts of the Middle East. Nevertheless, it is highly unlikely that Arab states would embark in any significant normalization process with Israel as long as no progress is made in the Israeli-Palestinian peace process.¹⁵⁰

Therefore, given the complexities and the intractability of the core issues of the Israeli-Palestinian conflict, particularly the fate of the Palestinian refugees and the status of Jerusalem, the involvement of Arab states in final status negotiations could potentially lead to a more positive outcome. Although most scholars are of the opinion that the bilateral track should not be completely replaced by multilateral negotiations, they nevertheless believe that a regional framework can support and complement the more conventional bilateral Israeli-Palestinian talks.¹⁵¹ Indeed, some of the more complex issues, such as the status of the holy sites in Jerusalem and the refugee issue, could eventually be negotiated on a multilateral basis, leaving the more tractable areas, such

¹⁴⁸ Interview with Gershon Baskin 20/08/17

¹⁴⁹ Interview with Nimrod Goren 22/08/17

¹⁵⁰ Interview with Bruce Maddy-Weitzman 02/08/17

¹⁵¹ Interview with Dan Shapiro 11/01/18

as borders and the fate of Israeli settlements in the West Bank, for the more conventional Israeli-Palestinian bilateral discussions.¹⁵²

¹⁵² Interview with Gilead Sher 04/09/17

Conclusion

To sum up, this thesis provides a comprehensive research on the diplomatic history of final status negotiations. It probed the various factors which led to the breakdown of all final status negotiations. But this thesis specifically highlighted the lack of regional – that is, Arab states – involvement in Israeli-Palestinian final status negotiations, starting from the second Camp David Summit of July 2000, as one of the main reasons for the failure of the negotiations. This thesis analyses the reasons for the collapse of all Israeli-Palestinian final status talks that took place from 2000 to 2014. The research focused on the parties' stance on the core issues of the conflict – which are Jerusalem, refugees, borders / settlements, security, and water – and how their positions evolved over the course of the peace process. The thesis also focuses more specifically on how the involvement of regional actors, such as Jordan, Egypt and Saudi Arabia, on intractable issues, such as Jerusalem, refugees, and security, could have contributed to a more positive outcome to the negotiations.

Regarding the Arab stance on the Israeli-Palestinian conflict, this thesis provides a comprehensive assessment of the shift in Arab foreign policy towards Israel and the growing willingness of Arab states to publicly engage with the Jewish state. The turning point of this major shift in Arab thinking towards Israel is the API, which was endorsed by the Arab League on March 28th 2002. The new regional landscape that has emerged as a result of the rising Iranian influence in the region provides unprecedented opportunities for Israel, the PA, and Arab states to reach a comprehensive peace within the framework of the API.

Finally, the role of the United States as the main mediator during all final status negotiations has been addressed. The thesis analyses the approaches to the peace process of various US administration approaches and the reasons preventing Washington from brokering an agreement between Israel and the Palestinians. This was contrasted with the first Camp David Summit, which saw former President Jimmy Carter successfully mediate between Sadat and Begin, leading to the Camp David Accords and the Israel-Egyptian Peace Treaty.

(1) Camp David

The Camp David Summit was a turning point in the history of the Israeli-Palestinian peace process. For the first time, all the core issues of the conflict, including Jerusalem, which was previously considered an Israeli taboo, were addressed. However, despite both parties' efforts to reach a lasting solution to the decades old conflict, Israelis and Palestinians failed to bridge the gaps between them on all the core issues, but more specifically on Jerusalem.

The reasons for the failure of the Camp David Summit are numerous, according to both scholars and former negotiators. Most believe that not enough preparations were made before the summit and many argue that the negative climate which preceded Camp David – such as lack of implementation of the Oslo interim phases agreements, as well as Barak's decision to negotiate with Syria first – contributed to the collapse of the talks. The issue of the different narratives also highlights the complexity of each sides' national identity. For Israel, the most important elements were to get the Palestinians

to renounce their demand for a right of return of refugees and to get them to agree to the end of all claims and the termination of the conflict. In sharp contrast, the Palestinian narrative is based on what they refer to as the *Nakba*, or catastrophe, and their demand for a right of return of Palestinian refugees, at least in principle within the framework of UN Resolution 194, makes any resolution of the refugee issue particularly difficult. Some former decision makers and participants argue that an Arab role in the negotiations on the refugee issue would have softened Palestinian demands as Arab states would have provided Arafat with a safety net. Others, such as Dan Meridor, refute that claim and posit that Arab states would have been unable to convince Arafat to show some flexibility on the refugee issue.¹

Regarding the core issues, many scholars and former participants in the negotiations concur that the Old City of Jerusalem, and particularly the status of the Dome of the Rock / Temple Mount plaza, were the main reasons for the collapse of the talks. Indeed, Arafat showed flexibility when it came to other, less intractable, core issues, while rejecting any form of compromise on the Haram El Sharif / Temple Mount issue. Barak, for his part, broke an Israeli taboo, since for the first time an Israeli Prime Minister was willing to discuss the status of Jerusalem and was even willing to partition the Old City, while falling short of transferring Israeli sovereignty over the Temple Mount. This thesis points out the benefits that a regional involvement would have provided to the negotiations, given the gaps between the two parties, as well as the historical, religious, and emotional components attached to the Jerusalem issue.

¹ Interview with Dan Meridor 28/03/19

However, there is a division among scholars as to whether or not there should have been regional involvement. Itamar Rabinovitch, Dan Kurtzer and Shimon Shamir are of the opinion that other Arab actors should have been involved in the talks, especially when it comes to the issue of Jerusalem. Others such as Menachem Klein and Aharon Klieman believe that the solution is purely bilateral and involving other actors would have been counterproductive.

Regarding the Clinton Parameters, many scholars and former participants are of the view that it should have been put forward much sooner and should have been used as an American bridging proposal during the Camp David Summit. Menachem Klein and Dan Kurtzer argue that both Barak and Arafat rejected the Clinton Parameters.²³ In contrast, Martin Indyk and Dennis Ross claim that Barak accepted the parameters, while Arafat's interpretation of them amounted to a de facto redefinition of the parameters.⁴

On Taba, all scholars and participants acknowledge that the feasibility of reaching a final status agreement was close to zero. They all also converge on the view that both sides were closer than ever to reaching an agreement. Nevertheless, the wave of violence which was engulfing Israel and Palestine at the time, and the fact that Barak

² Interview with Menachem Klein 07/08/17

³ Interview with Dan Kurtzer 11/08/17

⁴ Interview with Dennis Ross 11/03/19

was a caretaker Prime Minister who was on his way out, doomed these negotiations to failure from the start.

There are various reasons for the collapse of the second Camp David Summit and subsequent final status negotiations. All the factors indicate that the reasons for the collapse of final status negotiations were indeed a lack of preparation before the summit, as well as the absence of Arab involvement in the talks on extremely sensitive and complex issues, such as the status of the holy sites in Jerusalem.

(2) The Arab Peace Initiative

In February 2002, during an interview with *New York Times* journalist Thomas Friedman, Crown Prince Abdallah unveiled his peace initiative, known as the Saudi Peace Initiative. This stipulated that the Arab states should engage in full normalization with Israel should the latter withdraw to the 1967 lines. Shortly afterwards the Saudi Peace Initiative was modified and rebranded as the API and endorsed at the Arab League summit in Beirut on March 28th 2002.

Although the API is extremely vague with regards to the details on the core issues of the conflict and was initially interpreted by many decision makers in Israel and the United States as a diktat, the Arab peace plan nevertheless represents a turning point in the history of the Arab-Israeli conflict. The API was a major shift from the August 1967 Khartoum Summit's 'three noes' (no negotiations with, no recognition of, and no peace with Israel). For the first time in the history of the Arab-Israeli conflict, the Arab

states declared publicly their willingness to recognize Israel's right to exist on the condition that the latter withdraw from all the territories. Israel, as well as the United States, have never responded to the API or put forward a counter proposal to it. Indeed, the API was presented on the eve of a terrorist attack in Israel resulting in the death of dozens of innocent civilians. Under those tragic circumstances, it was very difficult for the Jewish state to respond to the initiative. However, when the Arab League re-endorsed the API in March 2007, the context was far more suitable for regional talks on the basis of the API.

Regarding the content of the API, scholars are divided over how this should be interpreted. Some scholars and former officials are of the opinion that the API is indeed a missed opportunity and that Israel should have been at the very least responsive to it or presented its own initiative. On the other hand, others are more prudent and although welcoming the shift in the Arab states' stance towards Israel, they nevertheless argue that the API in its current form cannot form the basis of negotiations.

It is clear that the API contains problematic elements for Israel, particularly on the refugee issue. Given the chaotic situation in Syria, the demand that Israel withdraw from the Golan Heights is also highly problematic. Nevertheless, Israel probably missed an opportunity by not responding to it when the Arab League re-endorsed the API in March 2007. At that time, the context was much more favourable to Israel given the emerging convergence of interests between Israel and Sunni Arab states, such as Saudi Arabia, Egypt and Jordan. This favourable historical context provided Israel with an opportunity to negotiate with the Arab states by putting forward their own peace

initiative. This could have then led to a regional peace process on the basis of the API and the Israeli Peace Initiative.⁵

Another issue, which is probably the main reason why the API is not known to the Israeli public at large and has been rejected by many Israeli decisionmakers, is the failure of Saudi Arabia and other Arab states to engage with Israeli society. Indeed, the Arab states should have probably done more to promote the API to the Israeli public and officials. They should have talked directly to Israelis, either in a third country or by visiting Israel itself to promote the API. The fact that the Saudis publicly shun Israeli officials and have not engaged in confidence building measures to promote the API creates the impression that the Arab states – even the more moderate ones – are not willing to come to terms with Israel’s existence.

(3) The Annapolis Process

The Annapolis process was launched in the aftermath of a bloody wave of violence in both Israel and the Palestinian territories. After the death of Yasser Arafat and the election of Mahmoud Abbas, Ariel Sharon carried out his unilateral disengagement from the Gaza Strip and removed all the settlements and troops from the Palestinian enclave. Nevertheless, despite that move, the peace process remained frozen. After Hamas won the election and formed a government, Israel, the US and the EU boycotted the new Palestinian administration, stipulating that this would only be lifted if the Islamist group renounced terrorism, recognized Israel, and agreed to uphold all previous

⁵ Interview with Koby Huberman 06/09/17

agreements signed by Israel and the PLO. Nevertheless, Hamas took over the Gaza Strip by a violent coup and Abbas retained control of the West Bank's Zone A and Zone B territories. As a result, a rift was created between the two Palestinian factions, which allowed the resumption of final status negotiations between Israelis and Palestinians. Although Olmert and Abbas managed to build a relationship based on trust and mutual respect, they failed to achieve a breakthrough in the negotiations. This was the case despite the narrowing of the gaps on almost all the core issues, particularly security and, to a lesser extent, borders.

Regarding Olmert's final status peace plan, some scholars and former officials, such as Dennis Ross, Udi Dekel, Dan Shapiro, and Scott Lasensky, claim that Olmert went further than any other Israeli Prime Minister and made a genuine effort to solve the conflict with the Palestinians.⁶⁷ Other scholars, such as Menachem Klein, are more cautious and state that Olmert's offer fell short of meeting Palestinian red lines, particularly on borders and, to a lesser extent, Jerusalem.⁸ Others still, such as Yossi Beilin and Gershon Baskin, acknowledge Olmert's efforts to reach an agreement but remain critical of both sides for failing to arrive at an understanding on final status issues⁹¹⁰ However, one hypothesis regarding the failure of the Annapolis negotiations lies with the lack of a regional framework. Galia Golan comments that had Saudi Arabia and, more importantly, Jordan been involved in discussions regarding Olmert's

⁶ Interview with Scott Lasensky 27/02/18

⁷ Interview with Elie Podeh 07/01/18

⁸ Interview with Menachem Klein 07/08/17

⁹ Interview with Yossi Beilin 14/08/17

¹⁰ Interview with Gershon Baskin 20/08/17

international trusteeship proposal for the Holy Basin, the talks might have resulted in a more positive outcome.¹¹

(4) Different US Mediation Approaches at Camp David 1 and Camp David 2

The first Camp David Summit resulted in a successful outcome due to a combination of factors. First, both Begin and Sadat were willing to make the necessary concessions in order to achieve a peace treaty. Second, the issues which were on the table were relatively easy to resolve and the gaps between Egypt and Israel on the issue of Sinai were minimal. Third, was the commitment and determination of Jimmy Carter, who devoted all his energy and took many risks in order to secure a peace agreement between Israel and Egypt. Carter was willing to grant significant rewards to the parties should they reach an agreement. Carter was also willing to resort to intimidation and threat, at least against the Egyptian president, in order to ensure a successful outcome at the end of the summit.

In sharp contrast, during the second Camp David Summit both Arafat and Barak mistrusted each other and the issues at stake were far more complex and intractable. The other reason for the failure of Camp David 2 is related to the American mediation approach. The Clinton team failed to prepare adequately for the summit, and failed to produce bridging proposals which could have, at the very least, assisted the parties in reaching an agreement. In addition, the Clinton administration failed to bring regional

¹¹ Interview with Galia Golan 04/03/18

players, such as Jordan, Saudi Arabia, and Morocco, into the negotiations in order to assist Israelis and Palestinians in overcoming their differences.

During the negotiations that followed Camp David 2, the United States relied on the same facilitating approach, as opposed to engaging in active mediation, and failed to bring other regional actors into the negotiations. Therefore, any breakthrough in the peace process would probably require active American mediation coupled with multilateral or regional involvement in the core issues of the conflict. Given the complex nature of the core issues of the conflict, particularly Jerusalem and the refugees, the involvement of Arab states would be critical should final status negotiations resume.

(5) The John Kerry-Initiated Peace Talks

The resumption of bilateral negotiations between Israelis and Palestinians under the sponsorship of the then Secretary of State John Kerry was the last attempt by the United States to mediate a final status peace agreement to this conflict. However, some problems and inconstancies occurred during the negotiations. The Kerry team produced a framework for peace proposal. However, two versions of the American peace plan were drafted. The first version of the document included mainly Israeli demands, mainly regarding the non-inclusion of Jerusalem, and was presented to the Israeli Prime Minister, Benjamin Netanyahu, first. Shortly afterwards, the US negotiating team

presented the second draft, which included some Palestinian reservations and the issue of Jerusalem in the document, to Mahmoud Abbas.¹²

There are many explanations as to why the US failed yet again to help Israelis and Palestinians reach a final status peace agreement. Some diplomats who took part in the negotiations, such as former ambassador Dan Shapiro, praise Kerry's efforts while putting the blame for the failure of the talks on the lack of trust between Netanyahu and Abu Mazen. Other specialists, such as Nimrod Novik, Dan Meridor and Yair Hirschfeld, are critical of Obama's and Kerry's approach towards the peace process. They argue that the objectives that were set from the beginning were unrealistic and instead efforts should have been made to manage the peace process, rather than aiming for a final status agreement at that stage. Another issue pointed out is the strategy that Kerry used during the negotiations, as well as the lack of involvement of President Obama. Shibley Telhami states that all American Presidents to this day have never considered the Israeli-Palestinian conflict a national priority. Therefore, they have been unwilling to pay the political price for its resolution. In contrast, Jimmy Carter considered the prospect of an Egyptian-Israeli peace treaty as a strategic interest and a national priority for the US and threw all his weight behind the Israel-Egyptian negotiations, which eventually concluded with a peace treaty.¹³

On the regional level, John Kerry's attempt to get regional actors to support the negotiations was indeed more substantial than the efforts made by previous

¹² Interview with Dennis Ross 11/03/19

¹³ Interview with Shibley Telhami 14/11/18

administrations. Nonetheless, it remained insufficient. Although the Arab states were informed about the progress of the talks, Kerry failed to include them directly in the negotiations, or even, at the very least, establish a parallel multilateral track along the lines of the Madrid peace process. Kerry consulted with Arab Foreign Ministers as opposed to Arab leaders who make the decisions.¹⁴This could have included a modified version of the API as a basis for discussions.

(6) The New Regional Landscape and Converging Interests between Israel and Arab States

Although the Israeli-Palestinian conflict remains important in the Arab world, the emergence of converging interests between Israel and Arab states has allowed Arab states to shift their policies towards Israel. Indeed, both Israel and Sunni Arab states see eye-to-eye with regards to common threats, such as the rise of Islamist terrorist groups and Iran's belligerent actions in Syria and other parts of the Middle East. As a result of these new circumstances, covert ties have developed between Israel and Arab states, particularly security issues.¹⁵¹⁶

However, most Israeli analysts and scholars insist that an overt normalization between Israel and Arab states would only occur if substantial progress is made on the Israeli-Palestinian track. Indeed, the Palestinian issue is no longer at the centre of the Arab states' agenda, given the chaotic situation in other parts of the Middle East.

¹⁴ Interview with Dennis Ross 11/03/19

¹⁵ Interview with Gershon Baskin 20/08/17

¹⁶ Interview with Nimrod Goren 22/08/17

Nevertheless, it is highly unlikely that Arab states would embark in any significant normalization process with Israel as long as no progress is made in the Israeli-Palestinian peace process.¹⁷

Therefore, given the complexities and the intractability of the core issues of the Israeli-Palestinian conflict, particularly the fate of the Palestinian refugees and the status of Jerusalem, the involvement of Arab states in final status negotiations could potentially lead to a more positive outcome. Although most scholars are of the opinion that the bilateral track should not be completely replaced by multilateral negotiations, they nevertheless posit that a regional framework can support and complement the more conventional bilateral Israeli-Palestinian talks.¹⁸ Indeed, some of the more complex issues, such as the status of the holy sites in Jerusalem and the refugee issue, could eventually be negotiated on a multilateral basis, leaving the more tractable areas, such as borders and the fate of Israeli settlements in the West Bank, for the more conventional Israeli-Palestinian bilateral discussions.¹⁹

(7) Summary and Prospects for Future Research

This thesis has demonstrated that Israeli-Palestinian bilateral negotiations alone, without any significant Arab involvement, were doomed to fail. There are different reasons as to why final status negotiations broke down but the research undertaken in this thesis points to the lack of regional involvement as the main factor. At Camp

¹⁷ Interview with Bruce Maddy-Weitzman 02/08/17

¹⁸ Interview with Dan Shapiro 11/01/18

¹⁹ Interview with Gilead Sher 04/09/17

David, an Arab involvement might have been unlikely given the reluctance of Arab states to play any substantial role in final status negotiations between Israelis and Palestinians. As Dennis Ross points out, efforts were made by the Clinton administration to bring other Arab actors into the negotiations but nevertheless they declined the offer to participate in the talks.²⁰ Although mutual trust existed between Olmert and Abu Mazen during Annapolis process, the two leaders failed to reach a lasting peace agreement. Again, while Arab states attended the opening conference in Annapolis, they were not involved in the process in any meaningful way.

With regards to the evolution of the Arab states' policy towards Israel, the thesis demonstrates that this has shifted dramatically with the Arab League's endorsement of the API. Moreover, as a result of the 2003 Iraq War and the 2006 Lebanon War, Arab states have become anxious with regards to Iran's meddling in Middle Eastern affairs. Consequently, joint interests and the seeds of a tacit alliance started to emerge between Israel and Arab states.²¹ After the signing of the Joint Comprehensive Plan of Action, or the Iranian Nuclear Deal, as this is otherwise known, these emerging ties between Israel and Arab states grew stronger. Israel and Arab states have begun to tacitly cooperate with one another, particularly on security related issues. Some of the Gulf states have started to publicly engage with Israel, as demonstrated by Saudi Arabia allowing Air India airliners to fly over Saudi territory on their way to Tel Aviv, or by Prime Minister Netanyahu making an historic official visit to Oman.

²⁰ Interview with Dennis Ross 11/03/19

²¹ Podeh, E., *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin, Texas: Texas University Press, 2015), p. 312

However, the emerging joint interests between Arab states and Israel and the formers growing willingness to engage with Israel on number of issues, particularly security, makes a regional or multilateral peace process more likely. The core issues of the conflict are highly complex and include a multitude of issues that touch on the interests of many parties. For instance, Article 9 of the Israeli-Jordanian Peace Treaty stipulates that Jordan will be given high priority during final status negotiations over the status of Jerusalem. The fate of the Palestinian refugees is also a very complex issues, which Israelis and Palestinians have been unable to solve. Some Arab countries, such as Jordan, which host a significant number of Palestinian refugees, along with the Gulf states, which can assist the refugees financially, could potentially play a role in the negotiations. While any breakthrough in the peace process and the prospect for full normalization between Israel and the Arab states are unlikely in the foreseeable future, the Arab states rapprochement with Israel could eventually lead to a new diplomatic process. This could potentially involve Israel, Palestine and the Arab states in the resolution of the core issues of the conflict. The purpose of this research is not to suggest a new solution to the conflict. Rather, it is to use diplomatic history and the current circumstances existing in the Middle East to illustrate how the present situation in the region offers an opportunity to rejuvenate the now defunct peace process.

Although the Israeli-Palestinian peace process has been frozen for years, significant developments have been taking place in the Middle East. There is a de facto rapprochement between some of the Gulf states and Israel, akin to a tacit alliance. As such, there is a huge potential for additional research on the issue of the proposed

multilateral peace process; more Arab countries are willing to open up to Israel, but they are falling short of normalizing ties with Israel due to the absence of significant progress on the peace process. Given the limited timeframe and the lack of Palestinian and Arab participants' perspective on the Arab-Israeli peace process, this thesis remains limited in both goals and scope. However, this issue can be remedied with additional research being made on this topic and with a greater emphasis on the Arab states and Palestinian perspective on these highly complex issues. Ongoing developments in the region will probably allow for producing more material on this subject. Hopefully, with the potential for positive developments in the region, Palestinian and other Arab participants and diplomats will be more willing to share their views and assessments on the Arab-Israeli peace process. Such perspectives would not only be highly significant in their own right, but critical to any follow up research seeking to extend the approach adopted in this thesis.

A Note on Sources

This thesis relies on a diplomatic history of all the final status negotiations that have taken place between Israel and the PA from Camp David 2 to the Kerry sponsored peace talks. More importantly, however, the core of this research is focused on the multilateral aspects of the negotiations, demonstrated by the API as well as the new regional dynamics that have emerged between Israel and Arab states.

The use of state archives was not a feasible option for carrying out this research. This is due to the fact that, for the period of July 2000 to 2014, state archives in Israel, the PA, and the United States are not yet open to the public. As a consequence of this, the

use of semi-structured interviews with former participants in the peace process and relevant scholars was deemed the most suitable methodology to produce primary source material covering the period in question.

Some of these participants held senior positions in the Israeli government and in the state department and played important roles in final status negotiations. Other interviewees were scholars who have been involved either directly or indirectly in the peace process. This category of interviewee offered a more academic perspective on the matters at hand. The political orientations of both the participants and scholars who were interviewed for this study were wide-ranging, meaning that they offered diverse assessments as to why the peace process collapsed. Indeed, some of the interviewees come from the right side of the political spectrum, while others come from the peace camp, which is mostly associated in Israel with the centre left bloc.

The use of semi-structured interviews provides more flexibility and allows the interviewer to probe deeper into particular issues or expand the focus of the questions to incorporate a broader range of issues. In contrast, fully-structured interviews are a more rigid approach; this method does not provide for flexibility as the interviewer has to scrupulously rely on a set of predetermined questions with no possibility of probing particular issues or expanding the range of topics covered. As a consequence, this method would have been less appropriate for gathering important insights from scholars and former participants concerning their assessments of the peace process.

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Shaul Arieli: former head of the peace administration in the Ehud Barak government; interview conducted in Tel Aviv 13/09/18.

Gesrhon Baskin: an advisor to both Israeli and Palestinian leaders and an Israeli negotiator; interview conducted in Jerusalem, 20/08/17.

Yossi Beilin: former Deputy Foreign Minister, Minister of Justice, and senior member of the Israeli delegation at the Taba Summit; interview conducted in Tel Aviv, 14/08/17

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