9 | Banging Square Pegs into Round Holes

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It has become almost axiomatic in U.S. and European foreign policy circles that Israel and the Palestinians were on the verge of reaching a two-state peace agreement at the end of the Clinton administration, but that it was not finalized because of political circumstances in the United States, Israel, and the Palestinian Authority (PA). President Bill Clinton's term was coming to an end, Prime Minister Ehud Barak had lost his parliamentary majority, and Yasser Arafat preferred to resort to violence through a second intifada, instead of taking an offer that had been based partly on back-channel contacts with his key lieutenants.

As a result, a powerful political myth emerged: that with a little more time in early 2001, the parties could have reached an agreement and ushered in Middle East peace. This idea—that the broad outlines of a two state solution had been reached—gained currency, especially in Europe, among Arab diplomats, and even among some American observers.[1] The notion had many sources, including remarks by Israeli officials. For example, when the Taba talks came to a close, Foreign Minister Shlomo Ben Ami told Israeli radio that never before had the Israeli and Palestinian sides been so close to an agreement—a position that was not shared by the Palestinian negotiators.[2] For many of those who had been involved in the process for nearly a decade, it was extremely difficult to admit that their endeavor had failed, even amid the waves of Palestinian suicide bombings that Arafat's intifada soon generated in Israeli cities, which left more than a thousand civilians dead and many more permanently disabled. Countless articles were written and international seminars held in order to prove that the deal should be revisited. Looking back on the 2000–2001 period, *Washington Post* columnist Jackson Diehl concluded that "failures of leadership, not irreconcilable agendas," had prevented the parties from reaching peace.[3]

In early 2001, the Bush administration informed the incoming Israeli government of Ariel Sharon that the negotiating record from Camp David to Taba would not bind Israeli negotiators in the future, since no signed agreement had been reached. Nevertheless, the ideas raised during this period—particularly the last-minute U.S. proposals, known as the "Clinton Parameters"—continued to hover over most discussions in Washington policymaking circles about a future solution to the Israeli-Palestinian conflict. Indeed, the common phraseology used in discussions

[1] David Makovsky, "Taba Mythchief, " *National Interest* no. 70 (Spring 2003).

[2] Muhammad Dahlan, Fatah's strongman in the Gaza Strip, offered the following Arabic response to Ben Ami's assertion: *"kharta barta,"* which loosely translated means "nonsense." Both Ben Ami and Dahlan appeared at the end of the Taba talks on Israel Radio, January 27, 2001.

[3] Jackson Diehl, "The Deal on the Table," *Washington Post*, October 22, 2007.

in Washington research institutes and media circles was, "We all know what the shape of the final settlement will look like." Typifying this trend were remarks by Samuel Berger, President Clinton's former national security advisor, in June 2003: "I believe that the contours that we were talking about at Camp David and that later were put out in the Clinton plan in December and then later [were] even further developed in Taba are ultimately the contours that we will embrace."[4]

More recently, some of the most senior members of the Bush administration seemed to adopt this line of thinking, as Washington sought to advance the two state solution after the November 2007 Annapolis peace conference. And yet, despite all the mythology that Israeli and Palestinian diplomatic positions were bridgeable, and that a historic agreement was within reach, Secretary of State Condoleezza Rice would be as confounded as her predecessors in getting the parties to agree to a final accord. Throughout 2008, U.S. mediation on the outlines of a settlement were once again the equivalent of banging a square peg into a round hole: the territorial demands of the Palestinian leadership did not fit into the territorial space Israel could afford to vacate without compromising its minimal security needs as well as its most important historical rights, especially in Jerusalem. Indeed, at the time of the Annapolis summit, a strong consensus still prevailed among Israelis for keeping Jerusalem united, according to public opinion polls.[5]

How the Two-State Solution Has Confounded U.S. Negotiators

Among some analysts, it became accepted wisdom that the parties had been able to resolve their differences over most of the critical points, and that Jerusalem was the main issue preventing them from reaching an agreement. Yet a careful examination of the negotiations in 2000–2001 reveals that significant gaps remained between the most conciliatory Israeli proposals and the position of the Palestinian leadership on *all* of the main issues on the agenda: borders, Jerusalem, refugees, security arrangements, settlements, and water. This fact emerged from the official notes of the Taba talks prepared by Miguel Moratinos, the European Union's special representative to the Middle East peace process, which were published in *Haaretz* on February 17, 2002. In other words, it is completely incorrect to assume that the broad outlines of an Israeli-Palestinian peace settlement were reached in 2000–2001 but that circumstances made their formal conclusion impossible at the time.

Moreover, if the parties reengaged on the basis of those past negotiations, there is strong reason to believe that they would not reach a deal this time, either. First, while Arafat's successor, Mahmoud

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[4] "U.S. Grand Strategy in the Middle East," meeting held at the Council on Foreign Relations, June 5, 2003. Transcript available online (www.cfr.org/publication/6046/us_grand_strategy_in_the_middle_east.htm l?breadcrumb=%2Fbios%2Fbio%3Fgroupby%3D3%26hide %3D1%26id%3D276%26 filter%3D2003).

[5] For example, the Dahaf Institute, headed by Mina Tzemach, found that 63 percent of all Israelis rejected any compromise on Jerusalem. When asked about relinquishing Arab neighborhoods in the city, 68 percent were opposed.

See YNET, "Two Out of Five Israelis Are Ready to Compromise on Sovereignty at the Western Wall," October 9, 2007; available online http://www.ynet.co.il/articles/0,7340,L-3457815,00.html). Similarly, an October 22–23, 2007, survey by the Midgam Institute found that 67 percent of the Israeli population (Jews and Arabs) opposed dividing Jerusalem in exchange for a permanent-status agreement and a declaration of "end of conflict" with the Arab world. This year, the Institute for Policy and Strategy at the Herzliya Inter-Disciplinary Center found that 85 percent of Israelis opposed dividing Jerusalem for peace with the Palestinians. See Andrew Tobin, "Poll: Israelis Remain Proud and Patriotic," *Jerusalem Post Online Edition*, October 5, 2008; available online (http://www.jpost.com/servlet/Satellite?cid=12 22017456921&pagename=JPost%2FJPArticle%2FShowFull) .

Abbas, disagrees with his predecessor about the utility of violence as a political instrument, when it comes to the main issues of the peace process, he has been no more flexible than Arafat. For example, he views the "right of return" as the right of Palestinian refugees to resettle in Israel proper, not just in a Palestinian state.[6] This has been the position of chief Palestinian negotiator Ahmed Qurei (a.k.a. Abu Ala) as well. During his talks with Israel in 2008, Abu Ala appeared to reject Israel's minimal security requirement—Palestinian demilitarization— arguing instead for the creation of a Palestinian army.[7]

More broadly, Fatah is now competing with a far more powerful Hamas on the Palestinian street, so its freedom of political maneuver is even more constrained than it was in the time of Arafat. In short, to assume that the Palestinian position is becoming more flexible in the post-Arafat era is simply untrue. Abbas's assessment of the 2008 negotiations with Israeli prime minister Ehud Olmert was not much different than what Moratinos had observed eight years earlier at the end of Taba:

 There are various proposals regarding borders and the refugee issue, but they have remained proposals only, and all six central issues of the final status agreement have

remained open. I cannot say there has been agreement on a single issue. The gap between the sides is very large.[8]

Despite the unprecedented concessions that Olmert was prepared to offer the Palestinians—to which he confessed in a parting interview on September 29, 2008, in *Yediot Ahronot*—it was not possible to clinch an Israeli-Palestinian agreement during his term in office. Second, many international observers do not fully understand the Israeli position, especially in the area of security, which would determine Israeli public opinion regarding any peace proposal put on the table. In December 2000, when Israel received the first details of the Clinton Parameters, Israel Defense Forces (IDF) chief of staff Lt. Gen. Shaul Mofaz told the Israeli cabinet that the U.S. proposals, if implemented, would endanger the state's future security.[9] Mofaz was not just voicing his own individual opinion, but rather the view of the entire IDF general staff at the time. And today, Israel continues to argue that it needs to control the airspace over the West Bank as well as deploy early warning and other military positions on West Bank hilltops in order to adequately defend itself. Given that the Clinton Parameters were rejected by Arafat and have been viewed as extremely problematic by Israel's military leadership, it is difficult to imagine how the United States could use these ideas as a point of reference for reaching a peace deal today.

Changing Security Conditions Today

During the peace process of the 1990s, the entire Israeli approach to security

[6] Abbas was asked by Akiva Eldar of *Haaretz*: "Is it clear that on the issue of the right of return, the refugees will return only to the Palestinian state?" Abbas answered: "Not at all, the issue is not at all clear. There are today five million Palestinian refugees whose forefathers were expelled from the area of Israel, not from the West Bank and Gaza." While Abbas would compromise as far as the numbers coming to Israel, he would not give up this demand. Akiva Eldar, "Abbas to Ha'aretz: We Will Compromise on Refugees," *Haaretz* (Tel Aviv), September 14, 2008. See also remarks of Abbas in Arabic on Fatah website from May 20, 2008; available online (http://www.palvoice.com/index.php?id=10870).

[7] Roni Sofer, "Palestinians Demand Regular Army for New State," YNetNews.com, May 19, 2008; available online (www.ynetnews.com/articles/0,7340,L-3544954,00.html). See also "A Militarized Palestinian State," Reut Institute, September 12, 2005; available online (http://reut-institute.org/en/Publication.aspx?PublicationId=341).

[8] Akiva Eldar, "Abbas to *Haaretz*."

[9] *YNET*, "Mofaz: Clinton's Proposal Endangers the Security of the States," December 28, 2000; available online http://www.ynet.co.il/articles/1,7340,L-384128,00.html).

questions was strongly influenced by the relatively benign strategic environment that existed in the Middle East at the time. The Soviet Union had collapsed, forcing its former clients to come to terms with Washington. The defeat of Saddam Hussein's armies in Iraq during the 1991 Gulf War appeared to remove the immediacy of the traditional threat of Iraqi expeditionary forces joining an eastern offensive against Israel. And Iran's full strategic weight had not yet been felt outside its support of Hizballah in Lebanon, and of international terrorism more generally.

Today, however, Israel's security calculations regarding the future of the West Bank are heavily influenced by its experience with the August 2005 Gaza disengagement. It is now clear how vital Israel's control of Gaza's border areas had been, especially the Philadelphia Corridor separating the territory from Egyptian Sinai. True, Israel was unable to seal this area prior to disengagement. Yet after the Israeli pullout, the scale of cross-border smuggling into Gaza expanded, allowing marked growth in both the quantity of rockets launched against Israel (an increase of 500 percent between 2005 and 2006) and their quality (as longer range Grad-Katyusha rockets began to see regular use against more distant targets like Ashkelon).[10] Mortar fire increased as well. In addition, with the Gaza border under Palestinian control, hundreds of Hamas operatives could leave through Egypt and fly to Tehran to receive training with Iran's Islamic Revolutionary Guard Corps, and then return to Gaza. There have even been reported cases of Iranian military personnel entering

Gaza.[11] Rather than denying Tehran a Palestinian "card" to play with Arab publics, as some had hoped, the security errors of the Gaza disengagement gave Iran a foothold in the eastern Mediterranean.

On the basis of its recent experiences, Israel would be making a fundamental error if it conceded the Philadelphia Corridor's equivalent in the West Bank, namely, the Jordan Valley.[12] In the aftermath of such a pullout, efforts to smuggle advanced weaponry into the West Bank would undoubtedly increase. This would include weapons that have never been used in the West Bank, such as shoulder-fired antiaircraft missiles that have been used elsewhere by al-Qaeda affiliates. Indeed, al-Qaeda in Iraq has already sought such access: in 2005–2006, it conducted operations in Jordan and sought to recruit West Bank Palestinians using a forward position in the Jordanian town of Irbid.[13]

To be sure, Jordan would do its best to neutralize any effort to turn the Hashemite Kingdom into a springboard for jihadist groups seeking to enter the West Bank with weaponry and volunteers. But with the Jordan Valley open, the numbers of such groups attempting to converge on Israel would increase vastly, posing a threat to

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[10] *Rocket Threat from the Gaza Strip, 2000–2007* (Intelligence and Terrorism Information Center, Israel Intelligence Heritage and Commemoration Center (IICC), December 2007); available online (www.terrorism-info.org.il/malam_multimedia/English/eng_n/html/rocket_threat_e.htm). See also Reut Institute, "A Militarized Palestinian State."

[11] Amos Harel, "Senior IDF Officer Confirms Iran Training Militants in Gaza," *Haaretz* (Tel Aviv), April 22, 2007

[12] As former Israeli chief of staff Lt. Gen. (Ret.) Moshe Yaalon concluded, "The failed experiment of the Gaza disengagement has tremendous implications for the future of the West Bank, particularly the Jordan Rift Valley and the hills overlooking the greater Tel Aviv area and Ben Gurion Airport." See Yaalon's essay "Forward: Iran's Race for Regional Supremacy," in Daniel Diker (ed.), *Iran's Race for Regional Supremacy: Strategic Implications for the Middle East* (Jerusalem: Jerusalem Center for Public Affairs, 2008), p. 12.

[13] "A Terrorist Was Exposed in Nablus Which Was Handled by Global Jihad Operatives in Jordan" (Intelligence and Terrorism Information Center, Israel Intelligence Heritage and Commemoration Center (IICC), March 22, 2006).

Jordanian stability as well. Proposals to substitute international forces for the IDF in the Jordan Valley would not be particularly appealing either; Israelis have become rightfully jaded due to their poor experience with the UN Interim Force in Lebanon and its failure to halt the smuggling of Iranian and Syrian weaponry to Hizballah.

A second lesson from the Gaza disengagement lies in the fact that while Qassam rockets have been launched regularly from Gaza, no similar threat to Israeli cities has emerged in the West Bank. The IDF has been able to thwart this threat because, with control on the ground, it can gather intelligence on rocket production efforts and neutralize their effectiveness with timely intervention. If Israel were to relinquish control of strategic areas in the West Bank that topographically dominate key Israeli sites (e.g., Ben Gurion International Airport), Palestinian groups would most likely exploit these vulnerabilities with rocket and mortar attacks, just as they did in Gaza. The idea that Israel could deter this threat with airpower and punishing retaliation was disproven by the results of the 2006 Lebanon war and Israel's experience with Gaza following the disengagement. Speaking candidly in early 2008, Maj. Gen. Ido Nehushtan, head of the IDF Planning Branch, admitted: "Professionally speaking, if Israel wants to prevent any high trajectory rocket or mortar fire, it must establish good control on the ground."[14] Nehushtan was in a strong position to critique the limits of airpower—within months he became commander of the Israeli air force.

One must also keep in mind that Israel began to face this threat of rockets and mortars from Hamas, Palestinian Islamic Jihad, and other groups prior to 2007,

when the PA was still in power in Gaza. Mahmoud Abbas refused to confront the Islamist opposition militarily in order to halt the attacks. Thus, even if Israel were to reach a permanent-status arrangement with Palestinian moderates in the West Bank, it could not rely on Palestinian security forces to impose the terms of the treaty on other factions, especially those receiving support from Iran or Sunni Arab extremists in the Persian Gulf. Israel would need to protect its vital installations by itself.

Historically, the architects of Israel's national security strategy—from Yitzhak Rabin to Ariel Sharon— understood these requirements in the West Bank. Addressing the Knesset one month before his November 1995 assassination, Rabin insisted that Israel retain the Jordan Valley "in the widest sense of that term." He also stated that Israel would hold onto its settlement blocs, especially around Jerusalem, which Rabin said he was determined to keep united. He reiterated that Israel would not withdraw to the vulnerable pre-1967 lines. Later, Sharon formalized many of these positions on borders through the negotiations over the letter he received from President George W. Bush on April 14, 2004, which also received the backing of both houses of Congress.[15] Moreover, both Rabin's and Sharon's positions on Israel's right to "defensible borders" were fully consistent with UN Security Council Resolution -242 of November 1967, which has served as the cornerstone of all peacemaking efforts. That resolution did not envision Israel withdrawing from all the territories it had captured in the Six Day War.

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[14] Amos Harel, "Next IAF Chief: Ground Forces Needed to Stop Rocket Attacks," *Haaretz* (Tel Aviv), March 17, 2008.

[15] Dore Gold, "Introduction," *Defensible Borders for a Lasting Peace* (Jerusalem: Jerusalem Center for Public Affairs, 2008).

An Alternative Peace Strategy: Building from the Bottom Up

For much of the past decade, the terms of reference for peace process diplomacy have focused on the requirements of Palestinian statehood. Yet there is an equally compelling argument—which unfortunately has been set aside too often—that peacemaking also needs to address the fundamental requirements of Israeli security. The people of Israel have been part of several diplomatic experiments that have not worked, and they have paid a steep price. The Oslo agreements degenerated into suicide bombings, and the Gaza disengagement empowered Hamas while leading to a dramatic increase in rocket fire on Sderot and other population centers in southern Israel.

If Israel's legitimate security needs are taken into account, it becomes more difficult to work out the contours of a Palestinian state that would meet current expectations in the Middle East. It is noteworthy that a growing number of serious observers have proposed that Jordan be reincorporated into the peace process and granted federal or confederal ties with the Palestinian leadership in the West Bank.[16] After all, Jordan was part of the original Mandatory Palestine and was in possession of the West Bank from 1948 through 1967. Moreover, the majority of Jordanians are Palestinians, and West Bank Palestinians still have Jordanian passports. In 1985, King Hussein and Yasser Arafat reportedly agreed to the idea of a Jordanian-Palestinian confederation.[17]

The confederation concept could ease some of the security dimensions of an Israeli-Palestinian accord, especially in the area of demilitarization and force limitations. One of the reasons why these limitations were relatively easy to implement in the 1979 Egyptian-Israeli peace treaty was that they were instituted in a peripheral area—the Sinai Peninsula—and not in the heart of the Egyptian state. Clearly, demilitarizing part of a country is easier than demilitarizing an entire country. If a Jordanian-Palestinian confederation were established, Israel's demilitarization demands would affect only part of the larger unified state that would emerge.

In recent years, Jordanians appear to have conflicting interests when it comes to the question of reengaging with the West Bank. Consequently, observers have picked up mixed signals from Jordan on this matter. On the one hand, the traditional East Bank leadership has no interest in the further "Palestinization" of the Hashemite Kingdom, and some spokesmen have vociferously opposed any new Jordanian option. On the other hand, Jordanian officials have privately sent very different messages in recent years. Moreover, on the ground, Jordan has been willing to make tangible contributions to West Bank security. In the past, it offered to dispatch the Palestinian Liberation Army's "Badr Force," under Jordanian command; more recently it has been training Palestinian security forces within Jordan itself. Finally, the Jordanian Ministry of Religious Endowments has been quietly

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16 For example, see the American Enterprise Institute's May 2006 panel discussion "A West Bank–Jordan Alliance?" (which included former Jordanian and PA officials); transcript available online (www.aei.org/events/filter.,eventID.1343/transcript.asp). See also Giora Eiland, *Rethinking the Two-State Solution* (Policy Focus no. 88) (Washington, D.C.: Washington Institute for Near East Policy, 2008); available online (www.washingtoninstitute.org/templateC04.php?CID=299).

17 David Pollock, "Jordan: Option or Optical Illusion," *Middle East Insight* 4, no. 1 (March–April 1985), pp. 19–26; Shimon Shamir, "Israeli Views of Egypt and the Peace Process: The Duality of Vision," in William Quandt (ed.), *The Middle East: Ten Years after Camp David* (Washington, D.C.: Brookings Institution, 1988), p. 211.

resuming its role as caretaker of the Muslim shrines on the Temple Mount in Jerusalem. Amman might therefore be interested in participating in future West Bank security arrangements in order to stave off a radical Islamic takeover of the PA, as long as it did not have to grant the territory representation in the Jordanian parliament.

Palestinians in the West Bank, meanwhile, increasingly look to Amman as their effective metropolitan center as well as a meeting place for Palestinians of all political stripes. For moderate Palestinians, Jordan has been emerging as a third alternative to the Islamist extremism of Hamas and the corruption of the old Fatah leadership. Moreover, Jordan is a reliable state whose institutions work in contrast to the Mogadishu-like conditions that have prevailed for some years now in many West Bank cities ruled by local warlords. Whatever progress has been made in imposing public order by the newly trained Palestinian gendarme, the PA still lacks adequate courts, prisons, and other institutions to secure internal stability for the West Bank at this time.

Whether Jordan and the Palestinians reengage is ultimately their decision, and Israel should not play an active role in this question. Realistically, it will only happen if several conditions are met:

1. The Palestinians would have to request the involvement of Jordan, which would never agree to enter this arena on its own initiative.

2. Any association between the West Bank and Jordan must not undermine the continuing rule of the Hashemite leadership; indeed Hashemite rule would have to be seen as being strengthened.

3. Jordan, which has absorbed multiple waves of refugees already, must not be made to wait for an Israeli-Palestinian agreement before it can receive international assistance for Palestinians already living there.

4. The United States and its regional Sunni allies would have to fully support the idea, which serves their regional interests (especially the containment of Iran; with a confederation, Jordan would presumably have more strategic weight to contend with a Shiite Iraq under Iranian influence).

The problem facing future negotiators is providing definitions up front for Israeli security needs, the territorial parameters of Palestinian rule, and a possible Jordanian role that would not alienate one of the parties and kill a diplomatic initiative right from the start. The Bush administration incorrectly advanced the idea of a "shelf agreement," which was intended to lay out the contours of a future peace settlement but sit on the shelf until conditions changed on the ground. Both Israeli and Palestinian leaders have had reservations about this approach because it outlines future concessions without the two publics sensing the benefits of a final peace—in short, it could undermine their political standing and leave them vulnerable to their critics. Moreover, how can Israel make concessions now that could affect its future security, when it has no idea what security environment it will face in the Middle East in 2012 or 2014, when the "shelf agreement" might be taken down and implemented? A more productive path to reconciliation might be called a "bottom-up" approach, a phrase coined by General Yaalon. The Israeli-Palestinian conflict no longer has the characteristics of a territorial dispute, given the influence of Iran and Islamist groups such as Hamas

that seek Israel's outright destruction rather than a compromise. Beyond Gaza, Hamas's influence on political sentiment in the West Bank should not be underestimated, given the fact that it won the 2006 parliamentary elections there as well. Changing this situation will require transformational diplomacy, not the conventional diplomacy used in the past. Instead
of imposing a solution from above based on overarching political definitions that the parties cannot accept, it would be more productive to see where the parties can actually cooperate on the ground to improve Israeli security and Palestinian welfare, while identifying the areas where Jordan seeks to be helpful in fostering stability. Indeed, much more work must be done to stimulate Palestinian economic growth and to re-create the foundations of Palestinian civil society, steps that should not be put on hold until a political agreement is reached. The point of the bottom-up approach is to create a new reality from which new political possibilities might emerge in the future. In Iraq, for example, the United States spent precious years trying to hammer out a more perfect constitution that would appeal to all factions, an approach that only exacerbated the situation. Yet when the situation on the ground changed fundamentally—especially with improved security in al-Anbar province—a new political reality began to emerge in Baghdad. Diplomats and lawyers could be far more productive by giving that new reality a name and putting it down on paper after it emerges, rather than trying to impose it from the start.

Conclusion

Whether or not Jordan and the Palestinians reengage politically, Israel clearly has serious West Bank security requirements that are not always

appreciated fully in discussions of the peace process. It might be tempting for Western negotiators to make Israel's "square pegs" fit the "round hole" of a Palestinian state by "shaving off" Israeli security needs. Although this kind of diplomatic exercise might make a deal appear reachable, it would magnify considerably the risks that the people of Israel would have to assume. Given the geographic realities, one way to work effectively within the territorial limitations of Palestinian statehood would be for Jordan to become more actively involved in the future architecture of a peace settlement, even if it does not get involved in the detailed negotiations on final borders in lieu of the Palestinians.

Realistically, there is no implementable agreement on the contours of a two-state solution on the horizon. Nevertheless, Israel and the next U.S. administration must work to influence the political environment in a manner that prepares the ground for any diplomatic engagement in the future. The question is which strategic direction for peacemaking is likely to be most fruitful. If Washington simply returns to proposals that failed in 2001 and 2008, it will fail yet again.

In the meantime, as already noted, much more effort needs to be devoted to Palestinian economic development and institution building. And to help prepare the Palestinian public for the eventual compromises it will have to make with Israel, a determined effort must be made to detoxify Palestinian schools and other educational bodies from years of incitement. In the longer term, however, new diplomatic approaches will need to be considered and pursued in order to reach a final agreement.