



المركز العربي للأبحاث ودراسة السياسات  
Arab Center for Research & Policy Studies

ASSESSMENT REPORT

# Palestinian–Israeli Negotiations: A Story of Inevitable Failure

Policy Analysis Unit - ACRPS | April 2014

## Palestinian-Israeli Negotiations: A Story of Inevitable Failure

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# Table of Contents

Introduction	1
The Israeli Position	1
The Palestinian Position	2
Signing International Treaties	2
Active Reconciliation	3
The Arab League	4
The US Position	4
Likely Scenarios	5
Continued Negotiations	5
Failed Negotiations	5

## Introduction

With the ongoing faltering of Palestinian-Israeli negotiations, US Secretary of State John Kerry has continued to lower the ceiling of expectations. Following the Palestinian Authority's agreement to resume talks at the end of July 2013, the initial goal was to reach a comprehensive agreement within nine months. Kerry then replaced this aim with an attempt to reach a "framework agreement," and once this initiative also failed, his main concern was to extend the talks. The original timeframe for negotiations ended after Israel broke its commitment to the PA's three core demands that formed the basis for President Mahmoud Abbas's agreement to resume negotiations.

Israel reneged on its commitment to release the fourth batch of Palestinian prisoners, and blackmailed the Palestinian side by making the prisoner release a condition of the PA's acceptance to extend talks for a year. As soon as the PA rejected this, Israel announced plans to build 700 new housing units in occupied East Jerusalem. In response, the PA officially requested accession to 15 international conventions and charters. Ultimately, these actions imply that the negotiations will fail, an unsurprising outcome due to Israeli intransigence, divisions among the Palestinians, and the US's hesitancy to take a strong position to pressure Israel.

## The Israeli Position

For Israel, the essence of the conflict concerns the future of the occupied territories in the West Bank and East Jerusalem. These areas form the strategic axis for Netanyahu's government as it seeks to rapidly increase and intensify settlement in a bid to make them Jewish; when regional and international conditions are ready, it will annex them. Israel's disinterest in actually reaching a peace agreement is clear, as is its use of the negotiations as a means to avoid international isolation, boycott, and sanctions. Throughout the talks, Israel has maintained its positions on each of the negotiation's core, contested issues, with the US administration failing to affect their position.

Israel's infamous negotiating style has been the same across negotiations: they pressure and threaten the PA into accepting Israeli-proposed alternatives. The first such threat occurred when Benjamin Netanyahu instructed his ministers to cease dealing with the PA regarding civil and economic affairs, but to maintain security coordination and the peace negotiations. This means, in effect, that Israel would withhold the PA's local public

revenues, and impose a siege on all sectors of the economy, and the Palestinian government would, consequently, undergo a major financial crisis.

Netanyahu's policies towards the PA, the negotiations, and settlements are supported by all right-wing parties in the coalition, including Likud, Israel Beitanu, and Jewish Home. Yesh Atid, led by Yaer Lapid, and Kadima, led by Tzipi Livni, continue to have reservations over his approach, though these reservations are not expected to make a difference in the immediate governing coalition.

## The Palestinian Position

The Palestinian response to the Israeli derailment of the negotiations after the refusal to release the fourth batch of prisoners took three main forms:

### Signing International Treaties

President Mahmoud Abbas has signed 15 international conventions, taking advantage of Palestine's status as a non-member-state in the UN. It seems he took this step in an effort to put pressure on Israel to release the prisoners, which would then have provided the justification for his acceptance of continued negotiations. His motives became clear after he avoided signing a request to accede to the most significant international body, the International Criminal Court (ICC), which could expose Israeli officials to charges of having committed war crimes or crimes against humanity. Most of the charters and conventions presently signed by the PA primarily address human rights, international humanitarian law, and diplomatic protocol, and, therefore, cause Israel little worry.

Even if the PA were serious in its intentions to join these conventions, such actions would represent little more than a step toward exercising and implementing these rights as a UN non-member state. Additionally, the Palestinian leadership lacks an integrated strategy to achieve the interests and goals of the Palestinian people since negotiations are just one instrument and not the only option. All the steps taken by the PA, therefore, present little more than political maneuvers, and the PA's will to use the available possibilities as a means to strengthen their negotiating position remains absent. From the outset, the PA has adopted a policy of partial solutions: it accepted the resumption of talks while settlement was still ongoing, without any binding guarantees from Israel, which, in the end, created the predicament the PA is currently experiencing.

### Active Reconciliation

President Abbas formed a five-member committee from the PLO factions to visit the Gaza Strip to explore ways to end the split and achieve national reconciliation. Despite its doubts that the step was a maneuver to improve the conditions for talks with Israel, Hamas welcomed the reconciliation, though one Hamas leader, Mahmoud al-Zahar, rejected the idea of Hamas being a pawn in negotiations to extend negotiations. The PA still needs to prove it is serious in its desire to reconcile, particularly as doing so is indispensable for the achievement of Palestinian demands.

The absence of Arab mediation also raises questions over whether reconciliation efforts, even if successful, would lead to tangible results. The presence of the coup authority in Egypt in the midst of an atmosphere of incitement against Hamas causes the group and its authority in Gaza to fear official Egyptian-Fatah cooperation against it after any reconciliation. Since the beginning of March 2014, Egypt, which has long taken on the role of mediator in Palestinian reconciliation efforts, has banned Hamas from its territory and dubbed it a hostile movement, thereby ceasing all contact between the two sides. During the latest assault on Gaza, tensions between the two became apparent when Egypt ignored Hamas, and communicated instead with the Islamic Jihad movement in Palestine in an effort to restore truce.

In this atmosphere, and following demands in the Jordanian parliament that the government act to bring about a reconciliation between Fatah and Hamas, there has been talk of Jordan stepping in as a mediator for a Palestinian-Palestinian reconciliation. However, some question Jordan's willingness to undertake such a role, given that Hamas, which has been banned in Jordan since 1999, has not voiced objections. Hossam Badran, Hamas's spokesman in Qatar, affirmed that, in principle, the group has no objection to Jordan's role as mediator, but denied that Hamas had received an official invitation.<sup>1</sup> Fatah, however, insists that Egypt should continue to mediate, which they have made clear most recently at a meeting between President Abbas and interim Egyptian President Adli Mansour during the Arab foreign ministers' meeting in Cairo.

It is likely that Jordan's willingness is no more than a tactical move to float the idea of a Jordanian role on the Palestinian scene. Jordan's enthusiasm for the Kerry initiative and

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<sup>1</sup> Adnan Abu Amer, "Injecting warmth into the relationship between Hamas and Jordan," *Al-Zaytouna Centre for Studies and Consultations*, April 4, 2014, <http://www.alzaytouna.net/permalink/64475.html>.

the continuation of talks, in spite of everything, does not help any mediation between the Palestinian factions.

### The Arab League

By turning to the Arab League, President Abbas has managed to secure political and financial cover for the PA's position should Israel carry out its threats. At their recent meeting in Cairo, Arab foreign ministers affirmed their support for Palestinian efforts in obtaining membership in all international agencies and signing any international conventions and treaties, viewing this as an inherent right under international law. In addition, the Arab states are due to launch a diplomatic push on the international level in support of Palestine, and provide a financial safety net, especially after the Arab Summit in Kuwait promised to donate USD 100 million per month. The ministers also confirmed the continued and outright Arab rejection of the Jewish nature of the state of Israel.<sup>2</sup>

Despite this, there is considerable doubt as to the extent of the Arabs' commitment to these decisions, particularly regarding any financial support. Theoretically, the Arab safety net has been in place since 2010, but this has not translated into practice. If anything, the Arab states have reduced their aid to the PA, which was forced to borrow from banks and international financial institutions to cover its budget deficit. It was then forced to issue government bonds in order to raise funds to restructure part of the government—debt that it must repay the Palestinian banking system.

### The US Position

In light of the above developments, it seems that Kerry's goal is currently limited to saving the talks and extending their timeframe, even though he stated that his endeavors in this regard risk being short-lived due to the lack of serious commitment from both sides and the presence of other challenges elsewhere in the world. He also hinted that the major share of responsibility for the collapse of the negotiations fell on Israel, particularly since the breakdown occurred because Netanyahu's government refused to release the final batch of prisoners and announced its decision to build 700 additional housing units in the settlements.

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<sup>2</sup> "Arab foreign ministers call on the US to continue its efforts for the resumption of negotiations in a way that obliges Israel to implement its undertakings and the terms of reference for peace," *Al-Quds*, April 9, 2014, <http://www.alquds.com/news/article/view/id/498530>.

## Likely Scenarios

In light of the above, the Palestinian-Israeli negotiations are now facing one of the following scenarios:

### Continued Negotiations

Bilateral negotiations will continue on the basis of two possibilities. The first is Israeli acquiescence under US pressure to release the fourth batch of Palestinian prisoners in exchange for the PA's suspension of any steps to join the 15 international conventions, or not signing up to others, most importantly the ICC. The second possibility is the PA's submission to US and Israeli diktats, and the continuation of talks without any tangible developments on the ground, except for unenforceable US guarantees, such as a settlement freeze for the duration of negotiations, which was the case with the 2010 talks. Should that happen, the PA would lose the little credibility it has left, and Palestinian divisions will worsen.

### Failed Negotiations

If the talks fail, the likely consequence will be sanctions against the PA and a US move to show solidarity with Israel, even though it is well-known that the Netanyahu government has withheld Palestinian tax revenues amounting to USD 1.5 billion annually, representing more than one-third of the Palestinian government's budget, compared with US aid of around USD 500 million. This scenario will inevitably lead to the collapse of the PA, something neither the US nor the EU desires. For this reason, the PA must use this option to threaten Israel with having to take responsibility for occupying Palestinian lands, particularly in terms of security, and bear the costs of this in many other arenas.