

POLICY BRIEF

**RECOMMENDATIONS
FOR THE NEW
ADMINISTRATION**

What the Next U.S. Administration Should Know When Considering an Approach to Resolving the Israel–Palestine Conflict

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Efforts to bring Israelis and Palestinians together to reach a comprehensive agreement on the issues that divide them were not successful during the Obama administration, despite the commitment shown by the president and Secretary of State John Kerry during talks launched in July 2013. Some of the causes for the failure of negotiations can be attributed to the political realities in both Israel and Palestine. However, other contributing factors ensured the negotiations would not be successful.

WHAT WENT WRONG?

Four principal factors worked together to undermine the negotiations between Israelis and Palestinians during the last round of U.S.–sponsored talks, in 2014. These included an undefined U.S. role; an underestimation of the distance that remained between the parties and what it would take to bridge that difference; a failure by the U.S. to obtain a common understanding and commitment to the package of assurances it offered to launch talks; and the perception that the secretary of state was without a clear mandate and that the president was not prepared to put his weight behind the negotiations when one of the parties failed to meet its commitment.

An Undefined U.S. Role

Neither the president nor the secretary of state was clear about the United States' role in the negotiations. Would it act as a convener, a facilitator, or a mediator, or would the U.S. special relationship with Israel cause it to take up Israeli interests as its own? It is essential to provide a clear definition of the U.S. role.

It may be necessary for the U.S. to present each side with a different package of assurances in order to address the interests of each party that reach beyond the Israel–Palestine relationship. Nevertheless, it is essential to adopt full transparency in regard to the assurances given to each side because they reflect upon the other party.

Underestimating the Distance Between the Parties

The U.S. seemed to underestimate the distance between the parties' positions and what remained to be decided between them. For example, it was obvious early on that Israel was not prepared to accept the pre–June 1967 border as a starting point for talks on territory. Had the U.S. better appreciated this fact, it could have identified the levers necessary to not only get the parties to the negotiating table but also keep them there for a determinate period until an agreement was reached.



At this point, it will be half the battle to get the parties to accept the risk of negotiations. The other half will be keeping them at the table for a set period of time until a resolution is reached.

This policy brief is part of a series of recommendations from the Baker Institute for the incoming president's administration.

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A Lack of Common Understanding About "the Package" to Launch Talks

The U.S. assured the Palestinian side that it had secured from Israel a commitment regarding the incentive package to launch the talks. This assurance turned out to be overly optimistic. Achieving this incentive package will be essential in preparing for negotiations. The U.S. will have to develop an incentive package for both sides in order to launch the talks. Understandings should include:

- Terms of reference for the territorial agreement will be based on the pre-June 1967 border with agreed land swaps.
- An understanding on a settlement freeze.
- Detailed understandings on Palestinian state-building based on a quid pro quo approach in support of reaching territorial understandings.
- Guidelines for achieving recognition of the state of Palestine and a Palestinian commitment to refrain from accessing international legal mechanisms during the course of negotiations.

No Political Weight Behind the U.S. Initiative

The White House was not prepared to put its full political weight behind the secretary of state for the talks. Secretary Kerry was left to navigate without a clear mandate and without either carrots (e.g., utilizing the size of future foreign assistance to Israel or the Palestinians as an inducement) or a possible backstop strategy to compel the parties to stay in compliance with commitments and see the process through until the end. While this shielded the president from direct blame for the failure of the talks, it also sent a signal to Israel that reaching an agreement with Palestine was not a top priority for the U.S.

WHAT WILL IT TAKE FOR TALKS TO BE RELAUNCHED AND SUCCESSFUL?

At this point in the history of negotiations between the two sides, it will be half the battle to get the parties to accept the risk of negotiations and take mutually supportive action on a combined top-down and bottom-up basis, enabling their respective

hardened constituencies to regain trust in the legitimacy of the negotiating process. The other half will be keeping them at the table for a set period of time until a resolution of the conflict is reached.

In this context, a U.S. public diplomacy strategy on the Israeli-Palestinian negotiations should identify U.S., Israeli, and Palestinian interests in resolving the conflict in an effort to obtain public support for negotiations.

In addition to pursuing a multilateral framework for relaunching negotiations, as has been proposed recently, five things are necessary for a successful relaunching of talks:

1. Achieve Palestinian and Israeli recognition of the territorial parameters for a resolution to the conflict, and define the ongoing process and identification of the end game so there is no misunderstanding and no possibility that the parties can reverse course or merely benefit from the package of incentives (see item #3) without paying into the process.
2. An initial agreement that negotiations will continue for a predetermined time with specific milestones in mind until the end game is reached.
3. A package of phased economic and/or political incentives that make it very difficult for either side to not return to and stay at the table.
4. Pre-prepared "sticks" from third-party states—most notably, the U.S.—to compel the parties to move forward and be true to their commitments, e.g., temporary suspension of aid.
5. A dispute resolution mechanism that does not give one side veto power over the process so that it is stalled indefinitely.

In sum, U.S. reengagement in the Israeli-Palestinian conflict would need to be designed to positively reshape the conditions on the ground, implement and build on successes in the negotiations, and engage a larger number of players invested in and committed to a lasting, comprehensive, and durable Israeli-Palestinian peace based on the two-state solution.