

THE PROXIMITY TALKS: NO SPECIAL REASON FOR CELEBRATION

Amira Schiff, PhD.

Faculty in the Program on Conflict Management and Negotiation in Bar-Ilan University and a Research Associate at The York Center for International and Security Studies (YCISS), York University.

Once again, the Israelis and the Palestinians are about to engage in negotiations, this time in the format of 'proximity talks' mediated by the United States. Will these talks finally lead to the resolution of the intractable Israeli-Palestinian conflict? There is a good reason to doubt that they will. After all, nothing has really changed in the parties' positions or in their ability to deliver an agreement since the Annapolis peace talks reached a dead end in December 2008.

In the talks that continued throughout 2008, following the Annapolis Conference, the Israelis led by PM Olmert reached understandings with the representatives of the Abbas-led Palestinian Authority (PA) which rules the West Bank. Three main points marked these negotiations: First, the situation was not ripe for resolution. The parties had been driven to the negotiation process under pressure by a third party, motivated by their own aspirations to improve their political situation. Despite the shared hope for a better future, there was little evidence to support the hopes that progress could be achieved. Second, from the onset, neither party was confident in the other party's ability to deliver any agreement achieved at the negotiating table. The Israelis realized that Abbas's rule over PA territory in the West Bank was weak, and that he had no mandate from Hamas to represent the Palestinians in making concessions. PA representatives in the negotiations were concerned that Olmert would not be able to deliver an agreement in light of his fragile coalition and the legal allegations he was facing. Third, missing from these negotiations was a mutual recognition of the parties' national identities — a fundamental condition for the resolution of 'identity conflicts' that are motivated by existential fears, such as the Israeli-Palestinian conflict. Although Israel agreed to recognize the future Palestinian state, the Palestinians rejected Israel's basic condition that the Palestinians recognize Israel as a Jewish state: The Palestinians accepted the two-states formula yet rejected the two-states for two people principle (which Israel and the U.S. endorsed).

These negotiations finally reached a dead end when Abbas failed to respond to Olmert's December 2008 proposal of what Olmert defined the maximal concession any Israeli PM could ever make. Olmert proposed a declaration of principles including Israeli withdrawal from 94% of the West Bank, and an exchange of territories involving the remaining 6%, Israel's token acceptance of 5,000 Palestinian refugees, the division of Jerusalem, and a special international regime in the 'Holy Basin'. Abbas never responded to Olmert's offer: Apparently, the best the Israelis could offer to the Palestinians was far from what Abbas could accept.

There is good reason to believe that the upcoming round of talks will be plagued by similar factors, which may severely undermine the talks' chance of delivering meaningful results. Since early 2009, President Obama, through his personal emissary to the Middle East George Mitchell, has put tremendous pressure on the Israelis, led by the PM Netanyahu (newly elected in March 2009) and the Palestinians, led by Abbas, to resume negotiations on a final-status agreement. Since then, the Obama administration has consistently refused to not take "no" from either party, and it seemed that the third party wants an agreement more than the parties themselves do. Despite these third parties' efforts, the relationship between the Israelis and the Palestinians continues to be tainted by deep misgivings about (a) the other's incapability to sign an acceptable agreement, (b) Israel's settlement policy, and (c) Abbas' validity as a Palestinian leader able to commit on behalf of the Palestinian people, in view of the fact that his effective control is limited to the West Bank, while the Hamas government controlling the Gaza Strip explicitly denounces not only the negotiations with Israel but Israel's very existence.

Under such U.S. pressure, in June 2009 Netanyahu declared his support for a two-states-for-two-people solution, expressing Israel's willingness for painful and reciprocated compromises. This was received with skepticism by the Palestinians, who doubted that Netanyahu was genuinely willing to pursue peace agreement with the PA on this foundation.

Encouraged by Netanyahu's statement, the United States renewed its efforts to bring the two parties to the negotiating table. In February 2010, Netanyahu accepted the U.S. plan for proximity talks, and agreed to a 10-months halt in construction in the settlements. The Palestinians resented the temporary nature of this concession and demanded that Israel declare a permanent suspension of construction in Jewish settlements as a precondition for the talks. The Palestinians also refused to resume negotiations before the United States elucidated what would happen if the talks failed. The Palestinians reluctantly agreed to participate in the proximity talks only after intense pressure was put to bear both on the Palestinians and the Arab League. The Palestinians cautioned that, in any case, they would re-assess the situation in four months. The United States continued to urge the parties to begin talks, and in response to the US-Israeli diplomatic crisis over Israeli construction in East Jerusalem in March 2010, put extra pressure on Netanyahu to implement confidence-building measures before the negotiations started.

The gap between the parties is, however, more than just a matter of mistrust. It is also a matter of substance. The future of Jerusalem, the main bone of contention that has undermined all attempts so far to resolve the core issues in the Israeli-Palestinian conflict, seems to be more relevant than ever as tensions between Muslims and Jews in East Jerusalem increase, fanned by Palestinian incitement and Israel's unwillingness to stop construction in Jerusalem as a precondition for negotiations. The parties' basic positions on this issue have not changed: Abbas declares he will never relinquish his demand to declare Jerusalem as the capital of Palestine, while Netanyahu and his right-wing coalition partners are fully committed to preserve the unity of

Jerusalem under Israeli sovereignty. Another issue that divides the parties concerns the asymmetry in their respective approaches to the two-states-for-two-people formula: Netanyahu is prepared to recognize the Palestinian state in return for Palestinian recognition of Israel as a Jewish state. This condition is viewed by the Israelis as an indication of the end of Palestinian claims to Israeli territory, and the end of the conflict. Abbas, however, refuses to recognize Israel as a Jewish state. On top of this, it is still not clear to Israel whether Abbas is able to sign and deliver an agreement which includes what the Palestinians view as major concessions involving the core issues as Jerusalem and right of return. On Israel's part, Netanyahu is encircled by a right-wing government, which rules out any further flexibility than the proposal already offered by Olmert and rejected by Abbas. Finally, Palestinian threats also color the upcoming talks: The Palestinians have threatened to take unilateral steps if negotiations fail, such as a unilateral declaration of their independent state in summer 2011 (which has already received signs of support in the EU and the Quartet) and have also threatened to abandon the two-state solution formula and switching to support for a one-state-for-two nations solution.

Were this not enough to forestall any constructive talks, the Israelis, the Palestinians, and the United States are also divided on procedural issues, specifically the structure and foundation of the talks. The proximity talks are less of a step forward than the Israelis sought: They prefer to conduct direct discussions with the Palestinians, as they have had since the Oslo process in 1993. In terms of content, the United States has determined that the talks will be based on Obama's declaration of Jewish and Palestinian states, and all core issues will be discussed. While the Palestinians wish to start the talks from Olmert's December 2008 offer, which they initially rejected, the United States has clarified that the understandings reached in the Annapolis process would not be binding, and that discussions would be based on previous agreements signed by Israel and the PA and the Road Map. Finally, contrary to Palestinian and Arab League demands, the negotiations will not be limited in time.

Today, the parties find themselves propelled into negotiations despite their mutual mistrust, and their inability and unwillingness to improve on previously offered concessions. Both are unhappy with the format of the planned talks and the pressure put on them to express flexibility. In such circumstances, it is difficult to imagine that the talks will be successful in ending this protracted conflict.