

Background

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The Quest for Arab–Israeli Peace: The Bush Administration Should Avoid a Rush to Failure

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The Bush Administration in its final days will be sorely tempted to create a “legacy” by rushing to broker an Israeli–Palestinian peace accord, the holy grail of the American Presidency. Secretary of State Condoleezza Rice traveled to Israel earlier this week as part of her seventh trip to the region since the peace negotiations were re-launched last November at the Annapolis conference, which set the ambitious goal of reaching a final agreement by the end of the Bush Administration. But a realistic assessment suggests that the best that can be achieved in the limited time remaining is an interim agreement, not a final settlement of the many thorny issues in the complex Israeli–Palestinian conflict. In the process, the Bush Administration should not press for concessions that would sacrifice Israel’s security or undermine the broader war against terrorism.

The cease-fire between Israel and Hamas forces in Gaza has raised expectations for a breakthrough in peace talks, but the shaky cease-fire brokered by Egypt on June 19 is unlikely to last long. Moreover, the international environment is not favorable for rapidly concluding an Israeli–Palestinian peace treaty before President George W. Bush leaves office. The Israeli and Palestinian leaderships are too weak and divided, the Palestinian extremist Hamas movement adamantly rejects and is well positioned to derail any U.S.-backed peace plan, and there is simply not enough time to overcome the difficult problems and reach a comprehensive settlement in the next five months.

Talking Points

- The Arab–Israeli problem is too complex to resolve during the waning days of the Bush Administration.
- Neither Israeli Prime Minister Ehud Olmert nor Palestinian Authority President Mahmoud Abbas has the necessary domestic political support to fulfill their commitments on key controversial issues, and Hamas is determined and prepared to torpedo any agreement.
- The best outcome that the Bush Administration can achieve in its last months is to pass on a viable negotiating framework to the next Administration.
- In its efforts to promote a peace settlement, the Bush Administration should avoid damaging its legacy of fighting terrorism and should rule out the creation of a terrorist Palestinian state.
- The U.S. should adopt a patient, incremental approach to peace negotiations, not force a rush to failure on final settlement issues. A flawed agreement would be worse than no agreement at all.

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Instead of rushing the pace of negotiations to meet an arbitrary deadline, which will increase the chances for failure, the Bush Administration should:

- Rule out the creation of a terrorist Palestinian state,
- Maintain international pressure on Hamas,
- Strengthen Palestinians opposed to terrorism,
- Press Egypt to do more to halt arms smuggling into Gaza, and
- Adopt a patient, incremental approach to peace negotiations, not force a rush to failure on final settlement issues.

Formidable Obstacles to a Final Settlement

There is little reason for optimism that the Bush Administration can resolve the Israeli–Palestinian issue, a conflict that has been festering for six decades, in the next five months. In recent years, many peace initiatives have been proposed and failed. The “new Middle East” predicted by dovish Israeli leader Shimon Peres failed to materialize after the 1993 signing of the Oslo Accords on the White House lawn. The agreement cleared the way for Palestinian self-government and the creation of a Palestinian state in return for the halt of Palestinian terrorism and incitement to violence against Israelis, but the Oslo process broke down, primarily due to continued Palestinian terrorism.¹ Yasser Arafat, leader of the Palestine Liberation Organization (PLO), regrettably remained wedded to his slogan of “revolution until victory” and squandered a chance to negotiate a genuine peace as a means of attaining a Palestinian state.²

The death of the Oslo peace process after the failed 2000 Camp David summit and the bloody Second Intifada, which began in September 2000, have amplified distrust and undermined the willingness of Israeli leaders to make concrete conces-

sions on security and territorial issues in exchange for Palestinian promises that have too often gone unfulfilled. Neither side trusts the other to deliver on its promises. Nor does Israeli Prime Minister Ehud Olmert or Palestinian Authority President Mahmoud Abbas have enough domestic political support to fulfill the terms of a final status agreement, even if one could be reached.

Prime Minister Olmert has become an irrelevant lame duck. A series of investigations into allegations of corruption led him to announce on July 30 that he will step down as prime minister following the election of a new leader of his Kadima Party in mid-September. Olmert’s successor will initially be preoccupied with consolidating party leadership and preserving the fragile coalition government that the Kadima Party dominates. This means that peace negotiations will likely be put on the back burner because the governing coalition would not survive the political backlash if it agreed to the deep and risky concessions that would be necessary to reach a final settlement. Even if Olmert or a successor could strike a quick deal with the Palestinians, the weak coalition government would likely implode and be replaced if it sacrificed continued Israeli control over Jerusalem. The Shas Party, one of Kadima’s major coalition partners, has threatened to bring down the government if it makes any concessions on the status of Jerusalem, which Israel’s parliament enshrined in a 1980 law: “Jerusalem, complete and united, is the capital of Israel.”³

President Abbas also is in a weak political position. As a protégé of Yasser Arafat who broke with the Palestinian leader in the final years of his corrupt and thuggish rule, Abbas lacks strong popular support, personal charisma, and decisive leadership. He has been undermined by the PLO’s defeat in the January 2006 elections and its violent ejection from the Gaza Strip by a Hamas coup in June 2007. Abbas is not in a position to fight effectively

1. See James Phillips, “The Floundering Oslo Peace Process,” Heritage Foundation *Executive Memorandum* No. 528, May 28, 1998, at <http://www.heritage.org/Research/MiddleEast/EM528.cfm>.
2. See James Phillips, “Detoxifying Yasser Arafat’s Disastrous Legacy,” Heritage Foundation *Executive Memorandum* No. 950, November 19, 2004, at <http://www.heritage.org/Research/HomelandSecurity/em950.cfm>.
3. Israeli Ministry of Foreign Affairs, “Basic Law: Jerusalem, Capital of Israel,” July 30, 1980, at http://www.mfa.gov.il/MFA/MFAArchive/1980_1989/Basic%20Law-%20Jerusalem-%20Capital%20of%20Israel (August 12, 2008).

against terrorism, which is the chief obstacle to peace. If Israeli forces withdraw from the West Bank, Abbas and his PLO supporters would be at considerable risk of being defeated by Hamas, as they were in Gaza.

President Abbas not only faces a potent challenge from Hamas, but he cannot depend on the Palestinian Authority's security services, which would be called upon to enforce any new agreement with Israel. In the summer of 2007, Israeli intelligence foiled a Palestinian assassination plot against Prime Minister Olmert that included members of the Palestinian Authority's security services. The plotters were arrested by the Palestinian Authority but subsequently released from jail, apparently without the knowledge of President Abbas. This extension of Arafat's "revolving door" detention policy for Palestinians plotting to kill Israelis was one more reminder that Israeli negotiators cannot count on their Palestinian counterparts to fulfill all of their commitments under previous peace agreements, much less to implement new ones.

Hamas: The Spoiler

Hamas, the Islamic Resistance Movement, is opposed not only to peace with Israel, but also to Israel's very existence. Hamas, an offshoot of the Muslim Brotherhood created in 1987 at the beginning of the First Intifada, rejects any permanent compromise with the Jewish state. According to its charter, "There is no solution for the Palestinian question except through Jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavors."⁴ Hamas is well positioned to explode any chances for a genuine peace. It has developed an elaborate terrorist infrastructure that has perpetrated scores of suicide bombings, thousands of rocket attacks, and many other attacks that have killed hundreds of Israelis.

Backed by Iran and Syria, Hamas is fortifying its Gaza stronghold and preparing for war, bolstered by tons of weapons smuggled across the border with

Egypt. It appears to be copying Hezbollah's strategy in Lebanon by building extensive underground fortifications, stockpiling missiles and other arms, and seeking to bog Israel down in a bloody asymmetric war of attrition. To buy time to consolidate its hold on Gaza and to facilitate its military buildup, Hamas agreed to a six-month cease-fire brokered by Egypt, which began on June 19. On June 24, Palestinian Islamic Jihad, an Islamist terrorist group that enjoys even stronger Iranian support, violated the precarious truce by launching rockets from Gaza.

The cease-fire has been violated repeatedly since then and is unlikely to last much longer. Hamas is using the cease-fire to recoup its losses inflicted by Israeli counterattacks, replenish its stocks of rockets, and reorganize and rearm its fighters. Eventually, Israel will be compelled to defend itself by invading Gaza, which will further dim the prospects for peace negotiations. As long as Hamas retains its stranglehold over Gaza, no stable peace is possible.

A Border with Iran. Hamas's ability to disrupt peace negotiations has been increased by the strong backing from Iran. The radical Ahmadinejad regime seeks to keep Israeli-Palestinian tensions boiling to divert attention from its nuclear program, embarrass and undermine moderate Arab governments, and cultivate the support of Arab hardliners and Islamist extremists by pursuing a confrontational policy regarding Israel. Tehran has exploited the breakdown of border security between Gaza and Egypt to increase the supply of arms, including Iranian *Grad* rockets smuggled through Egypt's Sinai Peninsula to Hamas and Palestinian Islamic Jihad in Gaza. Egyptian President Hosni Mubarak has complained about Iran's rising influence in Gaza, telling a senior European diplomat earlier this year, "The situation that has developed in the Gaza Strip in recent months has led to Egypt in practice having a border with Iran."⁵

Syrian Support. Syria has also given strong support to Hamas and given sanctuary to its exiled leader Khaled Meshal. Damascus continues to sup-

4. Islamic Resistance Movement, "The Covenant of the Islamic Resistance Movement," Avalon Project at Yale Law School, August 18, 1988, at <http://www.yale.edu/lawweb/avalon/mideast/hamas.htm> (August 12, 2008).

5. Barak Ravid, Yoav Stern, and Avi Issacharoff, "Mubarak: Gaza Tension Brings Iran Threat Closer," *Haaretz*, March 27, 2008, at <http://www.haaretz.com/hasen/spages/968460.html> (August 12, 2008).

port Hamas and other radical Palestinian groups that reject peace with Israel, although Syria has recently conducted three rounds of indirect talks with Israel, brokered by Turkey. These talks are probably intended more to deflect international pressure from Damascus because of Syria's suspected role in the assassination of Lebanese Prime Minister Rafiq Hariri and to reduce tensions with Israel after its nuclear project with North Korea was discovered and bombed than to reach a final settlement. Even if President Bashar Assad is serious about ramping up negotiations with Israel, he will proceed cautiously to reduce his regime's vulnerability to charges from Sunni Islamist extremists that it has betrayed the jihad against Israel. In the meantime, Syria will likely continue to obstruct negotiating progress on the Palestinian track to maximize its bargaining leverage regarding the return of the Golan Heights, occupied by Israel since 1967.

U.S. Policy: Time for Patient Realism

There are no easy shortcuts on the difficult road to resolving the bitter Israeli–Palestinian conflict. The thorny and convoluted core issues—territorial boundaries, Jerusalem, security arrangements, the status of Israeli settlements, and the status of Palestinian refugees—will require protracted and grueling negotiations that offer no guarantee of success. The Bush Administration should take care not to attempt to do too much too fast in its remaining months in office. This would only feed unrealistic expectations that could boil over into another explosion of violence, such as happened after the Clinton Administration's failed Camp David summit in 2000. The Arab–Israeli problem is too complex to resolve during the waning days of the Bush Administration. The best outcome that the Administration can achieve in its last months is to pass on a viable negotiating framework to the next Administration.

Even if Israel and the Palestinian Authority miraculously reach an agreement before the end of President Bush's term, they could not implement that agreement. Neither side has the necessary political support to fulfill its commitments on key controversial issues and Hamas is determined and prepared to torpedo any agreement. As long as Hamas remains a potent threat to a sustainable

peace, only conflict mitigation and management, not conflict resolution, are possible. Therefore, the Bush Administration should not seek to force the pace of negotiations in search of an illusory legacy.

Not only is any effort to create a Middle East peace legacy likely to fail, but such an effort will undermine Bush's existing legacy in the war on terrorism. His Administration ousted al-Qaeda from its sanctuary in Afghanistan; toppled the Taliban regime, which supported bin Laden; toppled Saddam Hussein's regime, which supported a wide variety of terrorist groups; and induced Libya to surrender its weapons of mass destruction and disavow terrorism. A premature push for a final settlement of the Israeli–Palestinian conflict could create a Palestinian state that would quickly become a base for terrorism against Israel and the United States and an enabler of other Middle Eastern terrorist groups. Such a terrorist state would pose significant threats to Egypt and Jordan, in addition to Israel, and could ignite another Arab–Israeli war.

Instead of mounting a desperate and doomed attempt to reach a final settlement by the end of its term, the Bush Administration should undertake the following strategy.

Rule Out the Creation of a Terrorist Palestinian State. The chief threat to peace is terrorism, and the Bush Administration should not pressure Israel to accept the creation of a Palestinian state unless the leaders of the proposed state have an ironclad commitment, the means, and a record of fighting terrorism. Placing statehood ahead of a demonstrated crackdown on terrorism would be putting the cart before the horse. Prematurely creating a Palestinian state that could slide back toward terrorism would disrupt the regional balance of power and create an unstable situation that would advance the interests of Iran, Hezbollah, and other radical forces in the Middle East.

President Bush should maintain his moral clarity and adhere to the position that he articulated against terrorism in his 2002 speech. Before midwifing the birth of a Palestinian state, the United States must abide by the maxim "first, do no harm." The failed Oslo Process exposed the risks of negotiating an agreement that is based on easily revoked Pales-

tinian promises to halt terrorism in exchange for concrete Israeli security and territorial concessions that would increase its vulnerability to terrorist attacks. President Bush was the first American President to call for the establishment of a Palestinian state, but he carefully placed conditions on that state “living side by side in peace with Israel.”⁶

Maintain International Pressure on Hamas.

Washington must prevent backsliding or weakening of the international boycott against Hamas to punish its continued terrorism and human rights violations.

Hamas remains committed to destroying Israel, and as long as Hamas remains a potent force, no durable peace is possible. Hamas should not be rewarded with diplomatic engagement until it has disavowed terrorism, agreed to abide by previous peace agreements, and agreed to recognize and negotiate with Israel.

Further, the United States should press Arab allies to isolate Hamas while strengthening their support for negotiations with Israel led by the Palestinian Authority. It should also press Saudi Arabia and Egypt to halt their efforts to broker a rapprochement between Hamas and the Palestinian Authority, which would abort any chances of a genuine peace settlement. Ultimately, peace will become attainable only after Hamas’s strategy of violence is defeated, discredited, and perceived by Palestinians as hurting their own interests.

Strengthen Palestinians Opposed to Terrorism.

The Palestinian Authority must be purged and reformed to provide an institutional base for Palestinians opposed to terrorism.

Contrary to the conventional wisdom, a rapid Israeli withdrawal from the West Bank would weaken, rather than strengthen, Palestinian moderates because it would leave them at the mercy of hard-line groups that reject peace with Israel. Unilateral Israeli withdrawals from Lebanon in 2000

and Gaza in 2005 only strengthened hardliners who claimed that the liberation of territory was accomplished exclusively through “military” (i.e., terrorist) actions.

The United States and its allies should assist Prime Minister Salam Fayyad in reforming and rebuilding Palestinian Authority institutions to create a transparent, responsive, and democratic alternative to Hamas repression. The United States and its allies should channel growing amounts of aid to the West Bank to build institutions, encourage good governance, and demonstrate the concrete benefits of negotiations,

Press Egypt to Crack Down on Arms Smuggling.

Washington must prod Egypt to systematically and permanently crack down on the cross-border smuggling of arms, militants, and money into Gaza and urge Cairo to stop using the smuggling issue as leverage to gain Israeli concessions on allowing Egypt to boost its military presence along the border, which is restricted under the terms of the 1979 Egypt–Israel peace treaty.

Egypt has not been sufficiently vigilant in sealing the border. An estimated 40 tunnels cross the eight-mile Egypt–Gaza border and are being used to smuggle small arms, heavy weapons, and increasingly long-range rockets into Gaza.⁷ After using homemade Qassam rockets, which have an estimated range of six miles, to rain down death indiscriminately on Israeli civilians, Hamas is now stockpiling Iranian *Grad* missiles, which have an estimated range of 10 miles and carry a bigger warhead. Israel will be forced to intervene in Gaza to halt cross-border support unless Egypt stifles the flow of arms to Hamas.

Adopt a Patient, Incremental Approach to Peace Negotiations, Not Force a Rush to Failure on Final Settlement Issues.

The Israeli–Palestinian conflict is not ripe for a resolution. Israel and the Palestinians are not ready to make the necessary concessions to reach a final status accord.

6. George W. Bush, “President Bush Calls for New Palestinian Leadership,” The White House, June 24, 2002, at <http://www.whitehouse.gov/news/releases/2002/06/20020624-3.html> (August 19, 2008).

7. David Makovsky, “The U.S.–Israel–Egypt Trilateral Relationship: Shoring Up the Foundation of Regional Peace,” testimony before the Subcommittee on the Middle East and South Asia, Committee on Foreign Affairs, U.S. House of Representatives, May 21, 2008, p. 2, at <http://www.washingtoninstitute.org/templateC07.php?CID=396> (August 21, 2008).

Washington should patiently follow an incremental strategy that takes into account the lessons of the failed Oslo Peace Process in the 1990s. That experience showed that the chief barrier to peace is Palestinian terrorism, which understandably erodes Israeli willingness to make concessions that entail considerable security risks. Proceeding step by step, with strict monitoring of performance-based compliance before the next step is undertaken, would build confidence on both sides over time and improve the prospects for a final settlement.

Conclusion

Expecting to resolve a 60-year-old deep-rooted conflict in five months is unrealistic. The best that the Bush Administration can hope to achieve in its limited time remaining is to broker a framework

agreement that sketches out how the negotiations should proceed in the future. This goal proved elusive at the Annapolis conference in November 2007.

The Bush Administration should adopt a more realistic position, tone down its overambitious rhetoric, and pursue step-by-step diplomacy to forge an interim agreement that can keep the negotiations alive for the next Administration, not rush for a final settlement that will be dead on arrival. A flawed agreement would be worse than no agreement at all.

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