



The Middle East Peace Process: Analysis from a Former Negotiator

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Chairman Deutch, Ranking Member Wilson, and distinguished members of the Committee, thank you for inviting me to testify on this timely and important topic. American mediation in the Middle East peace process has become a fixture of U.S. foreign policy, drawing in the direct involvement even of presidents who are initially skeptical. As a result, it is easy to simply take for granted that this is an issue of vital importance to the United States, rather than asking why our national security establishment devotes so much time to it. Were we to do so, however, we would find that the strategic foundation for American involvement in the peace process has deteriorated, which is in turn key to understanding how we find ourselves at the present juncture.

THE STRATEGIC FOUNDATION FOR U.S. INVOLVEMENT IN THE PEACE PROCESS

Historically, the strategic foundation for U.S. involvement in the peace process has been twofold. First, the peace process was a way for the United States to manage seemingly contradictory partnerships with Israel and the Arab states, few of which recognized Israel and several of which had waged war repeatedly against the Jewish state. As Egypt and Jordan relinquished their own claims to the West Bank and Gaza beginning in the 1970s, the Arab world largely threw its support behind the Palestinian national movement led by the Palestine Liberation Organization (PLO). The United States was both uniquely capable of brokering talks on the Palestinian issue, enjoying as we did close relations with Israel and the Arab states alike; and we had a strategic need to do so in order to placate the Arab states and maintain a Cold War alliance system designed to block Soviet inroads in the region. This was true at least as recently as 2001, when George W. Bush became the first American president to pledge U.S. support for Palestinian statehood in a letter to then-Saudi Crown Prince Abdullah, in order to head off what was a brewing crisis in U.S.-Saudi relations over the issue.

Second, the peace process was a means of ensuring Israel's security, which successive presidents have ranked among our key national security interests in the Middle East. Since the Oslo Accords, in which the United States was not involved but which marked the beginning of direct Israeli-Palestinian negotiations, formal separation between Israel and the Palestinians was first envisaged. This idea gained new momentum amid the second intifada from 2000 to roughly 2005. The Bush administration—after initially taking only modest interest in the Israeli-Palestinian issue—came to believe that a credible peace process leading to Palestinian statehood was necessary as an alternative to the “armed struggle” advocated by the likes of Yasser Arafat and Hamas, and that

Palestinian leaders dedicated to peaceful coexistence had to be strengthened through a process of internal reform and state-building. This idea of the peace process as an antidote to violence is related to a trilemma long debated by Israelis themselves—that Israel could not simultaneously be Jewish, democratic, and occupy the entire land of Israel. The United States has mostly—though not always—stayed out of this domestic Israeli debate, but U.S. policy has nevertheless been animated by the same underlying notion, that separating from the Palestinians is a matter of self-interest for Israel, and also serves U.S. interests.

In recent years, however, both of these strategic foundations for U.S. involvement in the peace process have crumbled. Israel and the Arab states, while not quite friends, are no longer enemies. Over the past two decades, they have slowly but surely found common cause in countering mutual threats, first and foremost those posed by Iran and its proxies on the one hand, and jihadist terrorism on the other. This strategic convergence was hastened by three factors—first, the Iraq War, which undermined our regional allies' confidence in the United States and, in their eyes, strengthened Iran; second, Iran's pursuit of a nuclear weapons capability, which is seen as an enormous threat by Israel and the Arab states alike; and third, the Arab uprisings of 2011, which destabilized the core of the Arab world and brought political Islamist movements to the fore in Egypt and elsewhere. Iran for its part could not have designed a strategy better suited to bring Israel and the Arab states together, as it supports both radical Sunni anti-Israel groups like Hamas and Palestinian Islamic Jihad, and Shia militias like Hezbollah and Iraq's Popular Mobilization Forces.

The strategic convergence of Israel and the Arab states has also been affected by wider geopolitical developments. In an ironic twist, Israel and the Arab states have not been brought together by American mediation, but rather have been pushed closer together by their mutual fears of U.S. disengagement from the region. With American leadership no longer taken for granted and Russian and Chinese intentions unclear at best, Arab states likely see Israel as the most reliable and capable partner in the region. For our part, the United States finds ourselves having to worry about great power rivals in the Middle East for the first time since the 1980s, as demonstrated vividly in Syria and less starkly but perhaps no less ominously in places like Libya and Turkey. However, Moscow and Beijing no longer use liberation movements like the PLO as vectors of influence; instead, they are seeking to cultivate strong ties with the same states that we ourselves count as partners.

Nor are Israelis any longer convinced that the peace process—and especially the land-for-peace formula at its core—will advance their security. For example, according to a Tel Aviv University poll in November 2015¹ amid a wave of Palestinian terrorist attacks against Israel, over seventy percent of Israeli respondents did not believe a peace agreement would stop the violence. Such pessimism likely reflects the bitter experience of Israeli withdrawals from southern Lebanon and Gaza, when territories evacuated by Israelis quickly became launching points for Hezbollah and Hamas rockets. These experiences stand in stark contrast to the relative calm and prosperity that Israel has been able to achieve since the end of the second intifada without further territorial concessions, relying instead on physical barricades, diligent security operations, and security coordination with the Palestinian Authority security forces. As a result, the status quo must strike Israelis as relatively safe and comfortable, and concessions—especially territorial or security concessions—must seem to hold great risk and little benefit.

While Palestinians do not share the Israeli satisfaction with the status quo, they appear to share pessimism regarding a negotiated two-state solution. A poll from December 2019², for example, suggested that a majority of Palestinians oppose a two-state solution, and a plurality view armed struggle, not peace negotiations, as the most effective means of escaping the status quo. In my view, the actions of Palestinian leaders have contributed to such views. Their reluctance to relinquish maximalist aims has given rise to a self-defeating cycle wherein, as

¹ http://www.peaceindex.org/files/Peace_Index_Data_November_2015-Eng.pdf

² <https://www.pcpsr.org/en/node/788>

Israeli settlements expand, each offer they receive seems less generous than those that came before. This, in turn, makes the alternatives to a negotiated deal appear more attractive in comparison.

THE U.S. ROLE IN THE PEACE PROCESS

In order for any peace deal—whether put forward by the United States or designed by the parties themselves—to gain traction, it must be viewed by both parties as superior to the available alternatives when viewed through the lens of their interests, as they see them. It is only when a deal or range of deals exist that both parties deem better than the alternatives that what negotiators call a “zone of possible agreement,” or ZOPA, prevails and negotiations become possible in earnest, though pre-talks can and generally must be held to verify the existence of a ZOPA. If there is no ZOPA—that is to say, no overlap in what the two sides deem at least minimally acceptable—then the only path to a deal is to wait for circumstances to change, or take active steps to change them. For the United States, this would mean one of two things: 1) sweetening the deal on the table so that it appears more attractive, relative to the alternatives, to one side or another; and/or 2) worsening the parties’ alternatives to a deal so that again, the deal appears more attractive relative to the alternatives.

Many past U.S. actions have fallen into one of these two categories—the United States has, at various times, sought to penalize Israel for settlement construction, devise creative proposals to bridge differences between the two sides’ positions while nevertheless satisfying the interests of both, stake out positions such as those contained in the 2004 Bush-Sharon letters to eliminate sticking points in the talks when the parties themselves could not, penalize the Palestinians for pursuing violence, internationalization, or other alternatives to negotiating with Israel, and so forth.

While such steps have experienced varying degrees of success, they ultimately face limits. The first of these is that the United States is not an indifferent mediator who desires a peace agreement for its own sake, but rather we have our own interests at stake in the outcome. And as I have noted above, how those interests intersect with the peace process has changed over time. It would make little sense, for example, for the United States to threaten Israel’s security for the sake of advancing peace talks, when in fact one central American purpose in pursuing those talks is to enhance Israel’s security. Nor should we wish to tie Arab-Israeli cooperation to the successful conclusion of a peace accord—a remote prospect in the best of circumstances—when it is unnecessary to do so.

We must also take into account that neither Israel nor the Palestinians are monoliths, but rather they have their own internal dynamics that affect their leaders’ view of the national interest. This is true in Israel’s highly factionalized political system, where forming a governing coalition usually requires difficult horse-trading that gives small parties outsized influence over national platforms. It is arguably even more the case in the Palestinian Authority’s authoritarian system in which there is little meaningful public accountability for leaders and in which extremist groups like Hamas seize upon any opportunity to discredit—or worse—peace-minded officials. Frustrated U.S. negotiators have tried on occasion to convince the parties that Washington understood their national interests better than Israeli and Palestinian leaders did themselves, but I would argue that this is inevitably a losing game—not only does it not work, it often engenders resentment that makes subsequent diplomacy harder.

The U.S. role in the peace process can therefore, to the extent it is compatible with our interests, take a number of forms—convening talks between the parties; offering incentives and disincentives to open a wider ZOPA between them; and helping them devise bridging proposals when we deem their interests compatible even though their stated positions may not be. What we cannot do, however, is take the place of the parties themselves or simply promulgate a deal—no peace agreement can succeed unless it has minimally sufficient political and popular support on both sides.

This is not to say that the United States cannot stake out positions in a manner that moves the talks forward. This is precisely what President George W. Bush did, for example, in 2004 when he asserted that there could be no return to the 1967 lines, and no return of Palestinian refugees to Israel proper, and that there should be a Palestinian state. It is arguably also what President Trump did when he recognized Jerusalem as the capital of Israel. What distinguished these pronouncements was that they reflected reality rather than seeking to alter it—they were positions that the parties could accept privately, but that one or the other was reluctant to embrace publicly due to the political cost of doing so. In asserting these positions unilaterally, the United States aimed to reduce that political cost by creating a *fait accompli*.

Finally, it is imperative that U.S. negotiators bear in mind two risks. First, just as U.S. actions can help to widen a zone of possible agreement between Israel and the Palestinians, they can also narrow it or contribute to its narrowing. At present, for example, it would be an error to support Israeli annexation of territories in the West Bank. Doing so could inadvertently persuade Palestinians that little room remains for negotiation, and strengthen those making the case for the resumption of armed struggle or terrorism. It could also increase the political cost for any future Israeli leader who, in light of the circumstances at the time, deemed it necessary to return to peace negotiations with the Palestinians but was left by his or her predecessors with little room for maneuver to make a deal. Even the seemingly benign act of pursuing a peace deal is not without costs—anecdotal evidence suggests that every failed attempt at peace feeds the pervasive sense of pessimism, even cynicism, on both sides that a negotiated peace is possible.

Second, U.S. officials must bear in mind that we possess tools other than peace talks to advance our interests in the Israeli-Palestinian theater, and avoid subordinating those tools to a peace negotiation that is unlikely to bear fruit. The most important of these is U.S. security assistance, which has proven vital over the past two decades in professionalizing the Palestinian Authority security forces, preventing extremism from taking root among Palestinian security organs, and promoting security cooperation between Israel and the PA that has been vital for keeping terrorist groups at bay and providing stability in the West Bank. That security cooperation has weathered many crises, which demonstrates that both the PA and Israel are willing to act in their self-interest even when their ties are strained. Furthermore, we should not be remising in working with Israel, the Palestinian Authority, and other regional partners to counter spoilers like Hamas, Hezbollah, and Palestinian Islamic Jihad—and, vitally, their common patron, Iran—which aim to obstruct any possibility of peace, and of our efforts to enhance Israel's ability to meet these threats.

Other important tools include the projects that had until recently been carried out by the State Department and the U.S. Agency for International Development, like people-to-people exchanges and development projects. These should be resumed regardless of the state of the peace process, as they help improve future conditions for peace and coexistence between Israelis and Palestinians. One of our most important tools along these lines is the provision of economic assistance to the Palestinians, the lion's share of which has gone directly to recipients rather than to the PA. That assistance can be used as leverage to encourage good governance and to combat corruption, which the recent history of this issue demonstrates is vital for limiting the appeal of extremist groups. This sort of bottom-up institution-building work has too often been neglected by U.S. policymakers—if the peace process is the Hail Mary pass, institution-building is the blocking and tackling. Without it, however, no peace negotiation can truly succeed—an accountable, viable Palestinian state cannot be drawn on a map, but must be built in the real world.

Security, economic, and other assistance to the Palestinians also helps to preserve and extend U.S. influence with Palestinian leadership at all levels; this will be of vital importance when the Palestinian Authority undergoes a leadership transition that will prove the success of any future peace efforts. Together, these efforts can both help to build a firmer foundation for a future peace agreement and provide benefits in the absence of such an agreement. I have argued it is an error, therefore, to withhold such efforts in an effort to compel one or another

of the parties to the negotiating table—it deprives us of a useful tool while seemingly doing little to influence the calculus of either side's leadership. If we squander the important security and economic relationships that we have built over the past several decades as a bargaining chip in any negotiating process, we will end up cutting off our nose to spite our face.

For all the energy American presidents expend on the Israeli-Palestinian peace process, their attention inevitably wavers, because U.S. initiatives are increasingly disconnected from any clear strategic imperative, and, even more so, because the parties themselves seem reluctant to pursue peace talks in earnest. The resulting truth is one that veterans of Israeli-Palestinian negotiations have long preached—peace depends on the parties themselves, and will prevail only when leaders on both sides determine that the benefits of pursuing it outweigh the risks, and trump the alternatives.