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# Palestine and Israel: Time for Plan B

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## SUMMARY

- The international effort to achieve a two-state solution to the Israeli–Palestinian conflict has come to a dead end, at least for the present.
- Things can—and might well—get worse unless the United States and other outside actors couple a realistic view of the present with a serious effort to push for a more promising future.
- The first step in a new diplomatic approach must be to establish a cease-fire that builds on the common interest of both Israel and Hamas to avoid fighting in the short term.
- A new cease-fire should be clear and perhaps even written; mediators (whether Arab or European) must be willing to make an agreement more attractive to both sides to sustain (Hamas can be enticed by some opening of the border with Egypt; Israel will demand serious efforts against the supply of arms to Hamas).
- The second step must be an armistice that would offer each side what they crave for the present—Israel would get quiet and a limit on arms to Hamas; Palestinians would get open borders, a freeze on settlements, and an opportunity to rebuild their shattered institutions. Such an armistice must go beyond a one-year cease-fire to become something sustainable for at least five to ten years.
- Finally, the calm provided by the armistice must be used to rebuild Palestinian institutions and force Palestinians and Israelis to confront rather than avoid the choices before them.

The new Obama administration has already found that its ability to inspire optimism at home and abroad is colliding with bitter realities in the Middle East. Honeymoon feelings cannot overcome the growing realization that the international effort to achieve a two-state solution to the Israeli–Palestinian conflict has come to a dead end. The problem is not the solution itself—it still holds some attraction for many of those involved—but the realities on the ground and the utter collapse of a diplomatic process that ignored those realities. The obstacles are all too well known: leaders who lack the ability or the willingness (or both) to coax their societies toward the necessary compromises; deep (and often quite justified) mutual mistrust; political disarray on both sides; deliberate actions to impose realities that would make a two-state solution impossible; and disillusionment stemming from the fecklessness of past U.S. efforts.

Although the Obama administration has inherited a nearly spent diplomatic process, some tools are still available. Israel and Hamas refuse to acknowledge each other's legitimacy and reject negotiations over a settlement, but they do negotiate (however indirectly) over short-term arrangements. Both have shown an

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interest in some kind of a cease-fire—Israelis to prevent rocket fire on a widening swath of the country and Hamas as a way to resume the construction of its party-state in Gaza.

Acknowledging and working with existing realities must not, however, mean accepting them as permanent. The existing situation is not only short on security and justice; it is also unstable. Things can—and might well—get worse unless the United States and other outside actors couple a realistic view of the present with a serious effort to push for a more promising future.

But for the present, they should stop banging their heads against the obstacles to an immediate and comprehensive solution of the Israeli–Palestinian conflict. Instead, it is time for Plan B.

## Step One: Properly Negotiate a Cease-fire

The first step in a new diplomatic approach must be to establish a cease-fire that builds on the common interest of both Israel and Hamas to avoid fighting in the short term.

If Israel and Hamas both desire a cease-fire, why did the last one, which began last June, collapse so spectacularly in December? The June cease-fire was indirectly negotiated and unwritten; the two sides had different interpretations of what were essential and what were incidental and conditional elements. Hamas wished it to hold for a defined period, include the West Bank, and lead to an open border with Egypt. Israel rejected the first two conditions and gave unwritten (and only barely spoken) hints on the third. In effect, the two sides vaguely codified rather than resolved critical issues. And both fretted that the cease-fire offered short-term quiet in return for a high long-term cost. Israel worried that Hamas would only grow stronger, while Hamas worried that the blockade of Gaza would become a permanent state of siege.

The cease-fire that ended the fighting in January—actually the two unilateral cease-fires, since Israel and Hamas declared separately that they would stop fighting—is even more skeletal and undefined than the one it replaced.

A new cease-fire should aim to correct some of these defects. First, it should be clear and perhaps even written. Second, mediators (whether Arab or European) must be willing to make it more attractive to both sides to maintain (Hamas can be enticed by some opening of the border with Egypt; Israel will demand serious efforts to halt the supply of arms to Hamas).

Such a cease-fire would be more difficult to conclude than the last one. Both sides have dug themselves into strong public positions on what it must include. Israel wants a prisoner exchange; Hamas wants an open border. The increasing difficulty of negotiating arrangements reflects an important general lesson: everywhere it turns, the United States must struggle merely to recover things that it could have had earlier for a much lower cost and much less effort.

## Step Two: Broaden the Cease-fire to an Armistice

Even if diplomatic efforts could address some of the shortcomings of the earlier cease-fire, leaders of both sides would still view another clash as inevitable. Both sides will continue to argue among themselves over whether they are paying a high long-term cost for a short period of peace and quiet. Consequently, it is critical that any short-term cease-fire be accompanied by intensive efforts to turn this into a workable medium-term armistice. The Bush administration squandered the quiet provided by the last cease-fire on meaningless and futile diplomacy among weak and lame-duck leaders on the Palestinian and Israeli side.

There is a precedent for such an arrangement—the armistice agreements negotiated between Israel and its Arab neighbors at the close of the 1948 war. An armistice between Israelis and Palestinians would recognize that the conflict is not resolved but would build a series of arrangements that both sides could live with for an interim period. Each side would get what it craves now—Israel would win quiet and a limit on arms to Hamas; Palestinians would earn open borders, a settlement freeze, and an opportunity to rebuild their shattered institutions.

Despite the existential nature of the conflict, there is reason to believe that both sides might actually embrace such a medium-term arrangement. But here we come to an odd feature of the idea of an armistice. One might expect it would

be radical Hamas that would have to be convinced to freeze a situation it abhors and Israel that would not mind entrenching a situation in which it clearly has the upper hand. But the positions are actually reversed. Hamas has called for a version of an armistice and Israel rejects it. The reason is clear: Hamas insists an armistice be limited in time, and Israel fears that the lifespan of the armistice might be exploited to change the situation for the worse. A workable armistice would have to assure Palestinians that it is not permanent and Israelis that their position will not deteriorate while it holds.

## FINDING THE BOTTOM LINE

Hamas has indicated its willingness to negotiate a "hudna," or armistice, for years. But its terms have been vague and unrealistic, fueling Israeli suspicions. Whenever Hamas has spelled out what a hudna means, its demands have been high—most notably including full Israeli withdrawal to the boundaries prevailing before the 1967 war. Further, Hamas's hudna is explicitly temporary (though its proposed length varies with the speaker). In short, the idea sounds to Israeli ears less like a generous offer of a modus vivendi and more of an ill-disguised and ominous tactical pause. Hamas's proposals require concessions that Israel would not award Fatah and offer less in return—an armistice with a sunset clause instead of a full peace.

Clearly, Hamas's current hudna proposal does not meet Israeli needs. But the bottom line of Hamas's negotiating position has never been tested. In all likelihood, its leaders themselves do not know precisely what they would accept. In fact, they would probably argue vociferously among themselves. A short-term cease-fire would allow international diplomatic muscle to put Hamas to the test and devise an armistice that would be more realistic.

Such an armistice must go beyond a one-year cease-fire to become something sustainable for at least five to ten years. To work for that period, it must credibly offer something to both sides that they desperately want—for Hamas, the ability to operate freely in Palestinian areas, and for Israel, the ability to live free from fear of attack. Since the only possible sets of demarcated borders between Israeli- and Palestinian-controlled areas are hardly politically neutral, this armistice will be difficult to arrange. Hamas proposes the 1967 lines, which Israel rejects. Israel might offer the security zones sketched out in the Oslo Accords, but those zones were supposed to be both temporary and steadily expanding, even within the context of those interim agreements; moreover, Hamas rejects the accords.

But there are deeper problems than geography for an armistice. Both Israel and Hamas will have problems convincing the other of honest intentions, though for different reasons.

## SHORT-TERM CREDIBILITY

Over the short term, Israel's credibility problems stem from its past insistence on retaining the ability to act unilaterally in accordance with its own interpretation of agreements. This pattern has been consistent since the founding of the state—Israel has been hostile to outside monitoring, especially if it is accompanied by any muscle. Its negotiators worked successfully to exclude any meaningful dispute-resolution provisions from the Oslo Accords, avoided the anemic ones that were included, blocked any robust third-party monitoring since that time, and unilaterally ended past cease-fires when it believed they were violated (such as in 2003). Given its overwhelming military edge and existential concerns, Israel's unilateralism is understandable but it will lead its adversary to look for external guarantees.

Hamas's short-term credibility problem is actually less severe than Israel's. Even those Israelis most skeptical of Hamas admit that it has kept its commitments more faithfully than Fatah ever did. The major question over the short term is whether Hamas would enforce any agreement on the shadowy world of armed groups and factions in the Gaza strip. It was a similar problem that led most Israeli leaders to turn against Yasser Arafat. Hamas, by contrast, resisted any pledge to enforce its understandings on others for a considerable period, but when it finally relented, it actually showed a willingness to prevent cease-fire violations.

## LONG-TERM ISSUES

The problem for the long term is that the intentions of the two sides appear to be all too clear

and clash fundamentally. Here Hamas may be the more difficult party. The movement's own words suggest that the purpose of a hudna would not only be to get the Palestinian house in order in domestic terms but also to redress the imbalance of power with Israel. Thus, any armistice would have to address the issue of arms to be attractive to Israel.

Similarly, Hamas would need to be convinced that Israel was not using the armistice to impose long-term changes. The chief long-term concern for Palestinians has traditionally been Israel's burgeoning settler population. Surprisingly, settlements sometimes seem less an issue for Hamas than they were for Fatah, since Hamas views the 1967 lines as temporary. But Hamas leaders probably still need a genuine freeze on settlements to convince Palestinians that they are not selling out the national cause in order to retain political power.

International diplomacy does have cards to play in addressing these issues. It can, of course, sweeten the pot for both sides. But it must also be tough on two critical issues that have the potential to make the armistice seem like a strategic mistake—Israeli settlements and Hamas arms. Here international actors would have to go beyond negotiating an agreement to participating in enforcement mechanisms (such as monitoring settlements, inspections of goods going into Gaza, and efforts against smuggling). Hamas would need assurance that the armistice would not be used as an opportunity for some of those same international actors to arm Fatah to the teeth.

In some areas the United States can be most useful by offering encouragement from the sidelines. This is especially true with regard to mediation. There are strong signs of willingness by many actors in Europe and the Arab world to play the role most U.S. leaders would prefer to avoid. Until the last months of the Bush administration, the United States either discouraged or grudgingly stood aside as such offers were made. The Obama administration could easily correct this mistake by strongly endorsing such efforts.

## OVERCOMING THE TABOO

Of course, endorsing such mediation would run against the long-standing taboo on negotiating with Hamas. In its opening days, the Obama

## MOVING TOWARD AN ARMISTICE

| | June 2008 cease-fire | Proposed new cease-fire | Proposed armistice |
|---|---|---|---|
| *Status* | Unwritten | Perhaps written | Written |
| *Negotiation* | Coordinated, unilateral | Openly mediated | Openly mediated; perhaps directly negotiated |
| *Duration* | 6 months (Hamas); indefinite (Israel) | 1–2 years; renewable | 5–10 years; renewable |
| *Prisoners* | No prisoner exchange | Limited prisoner exchange | Release of remaining Palestinian prisoners if international monitors agree Palestinian obligations have been fulfilled |
| *Geographical scope* | Gaza only | Gaza only | Gaza and West Bank |
| *Borders and crossings* | Gradual lifting (Hamas); no commitment (Israel) | Open for basic supplies | Full movement but transfer of weapons banned |
| *Monitoring of crossings* | Unilateral by Egypt and Israel | Involvement of Ramallah government and EU | Internationally monitored |
| *Israeli settlements* | Building increased | No formal restrictions | Full freeze; internationally monitored |
| *Palestinian governance* | Two Palestinian governments, one in Gaza and one in West Bank | Two Palestinian governments, one in Gaza and one in West Bank | Reconciliation of the two governments; elections within three to five years |

administration has already reaffirmed the policy. Like many taboos, this one obscures thinking more than it clarifies it. It leads to confusion in three ways.

First, the original rationale for refusing to negotiate with Hamas is that doing so would encourage terrorism. That argument has long been overtaken by events. Negotiations with Hamas are countenanced primarily when it attacks civilian targets—it was only Hamas rocket fire on Israeli towns that induced Israel to negotiate a cease-fire. Strangely, Hamas is treated as a full pariah now only in those cases when it tries to practice regular diplomacy rather than blackmail against civilians.

Second, the newer rationale for diplomatic isolation of Hamas is to avoid legitimating the movement. Here we are flattering ourselves. Hamas would likely show ambivalence toward direct contact with Washington. Its leaders' desire for international dialogue is real but not desperate. An international opening would force Hamas to work hard to assure its followers that it had not sold its soul for international recognition (as it charges Fatah did). In any case, Hamas's real source of strength is its domestic support, not its diplomacy.

Third and most significant, the argument against "engaging Hamas" completely misses the point of what is necessary. The important question is not whether the United States enters into formal discussions with Hamas, but what the United States says and does when other countries attempt to speak with Hamas. On this point, the Bush administration itself quietly shifted last year when it endorsed Egyptian mediation between Fatah and Hamas.

An even more important question involves the American attitude toward negotiations between Israel and Hamas. Or rather, that *was* a more important question. It has already been answered. Those negotiations, while indirect, are well underway. It is too late to close that barn door. The question is whether to make a virtue out of the necessity of declaring it open.

## Step Three: Use the Respite

If the Obama administration—along with its partners in Europe and the Middle East—finds a way to have Israelis and Palestinians live without hurting each other for five to ten years, it must then turn its attention to longer-term efforts. The problem with a modus vivendi is that whatever stability it might achieve in the medium term would be unsustainable in the long term. Although the arrangements would be tolerable indefinitely for one side (Israel), they would not be for the other. Hamas's leaders—supported by virtually all Palestinians—would not allow such a situation to become permanent. Sooner or later, they would work to shatter the arrangements and resume the conflict.

For that reason, the Obama administration must also start paying attention now to some of the key long-term issues. It is pointless to attempt to negotiate a two-state solution as if there were a viable Palestinian leadership, no Hamas, no Palestinian civil war, and no ongoing settlement activity. But there is still every reason to keep an eye on the long-term goal of such a long-term settlement and act on its behalf by following two general guidelines:

### 1. REBUILD THE PALESTINIAN AUTHORITY, TAKING PALESTINIAN INSTITUTIONS AND PALESTINIAN DEMOCRACY MORE SERIOUSLY

No long-term solution is possible without a viable Palestinian leadership able to make authoritative decisions for all Palestinians. An armistice would provide an opportunity to rebuild the Palestinian Authority. The problem is that past efforts in this regard have focused on two issues that are ultimately secondary—technical competence and strengthened security services. These reforms will be ephemeral unless supported by the right political conditions.

The real first step in reviving the Palestinian Authority will have to be Hamas–Fatah reconciliation, difficult as this may be. In 2006, Hamas was eager for a unity government. In 2007, the movement was coaxed into one. In 2008, Hamas pulled out of talks that were leading in that direction. In 2009, its leaders allege that Fatah betrayed them in the fighting in Gaza. And their contempt is no longer limited to Fatah as a party. Hamas no longer recognizes Mahmoud Abbas as Palestinian president and increasingly hints that it will build an alternative to the PLO, the last fig leaf of Palestinian unity.

To turn back the clock, the international community—perhaps most importantly, the United States and Egypt—must apply carrots and sticks, showing both generosity and a heavy hand. Again, tough diplomats will discover that they have many cards to play. The Palestinian Authority desperately depends on international support to pay salaries and stay solvent; Egypt and Israel control every single point of entry and exit for goods and people; and both Hamas and Fatah still compete against each other to show Palestinians that they can govern effectively—something neither can do without international help.

But reconciliation is a first step, not a final one. The eventual goal should not be power sharing; that would only be a recipe for paralysis.

**Given its overwhelming military edge and existential concerns, Israel's unilateralism is understandable, but it carries the cost that its agreement to a set of interim arrangements is unattractive to an adversary unless there are some external guarantees.**

Instead, power sharing should give way to the possibility of alternating in power. In other words, Palestinian democracy must be revived. Right now, neither Hamas nor Fatah wants an election without an assurance of the result. Fatah–Hamas reconciliation must be based on an eventual return to constitutional rule and routinely free elections. It is difficult to imagine such a development without heavy international support and a pledge that there will be no attempt (as there was in 2006) to overturn the result. International actors will have to regard Palestinian political institutions—municipal governments, the judiciary, independent bodies, the electoral commission, and perhaps even important civil society groups—as bodies to assist, support, and professionalize. Past efforts have too often been anemic and aimed at a particular partisan and short-term political result (such as undermining Arafat or ousting Hamas).

And there is no point in starting this international effort by focusing primarily on the security services. That effort—well underway at present—is aimed not at reform but at ensuring that Hamas cannot outgun its opponents. But this deepens the split without resolving it. To expect such forces—even if they answer to Abbas—to defeat Hamas is to ignore the lesson of Lebanon of what professionalized military and security forces can and cannot do in a deeply divided polity. They cannot singlehandedly sustain a government whose legitimacy is so widely questioned simply through a broader sweep of arrests or a brief showdown in the streets. Worse, the effort to arm Abbas alone would certainly make Hamas strive desperately to obtain its own weapons, undermining the armistice.

The goal must be to force Palestinian leaders to present their people with real long-term political choices, not merely to have unity for unity's sake. Indeed, this point can be made more generally as a guideline for diplomacy.

### 2. FORCE ALL PARTIES TO BEGIN MAKING CHOICES

Faced with options, both Israelis and Palestinians have a habit of selecting "all of the above." International diplomacy should be aimed at forcing the parties to make choices rather than avoid them.

After deliberating for a decade over whether to emphasize politics or "resistance," Hamas finally decided when it entered the 2006 elections that it could choose both. International diplomacy has allowed them to continue on this path. To be sure, there have been fairly clumsy international efforts to exclude Hamas as a political actor in internal Palestinian affairs unless it met certain conditions. But the means used were either dubious and weak (such as manipulating the electoral law) or draconian (extreme fiscal pressure and arming opponents). The requirements that the Middle East Quartet asked Hamas to meet were so drastic—and so far beyond what had been demanded of other parties—that Hamas came under no pressure from its various constituencies to make a choice.

Rather than ask Hamas to capitulate immediately, a wiser path is to make it feel that it can avoid compromise only at great cost. More sustained and steady pressure—though more moderate in means and ends—would be far more likely to succeed. International diplomacy can shift toward intermediate benchmarks; it can

emphasize Hamas's actions rather than its ideology; and it can insist that Hamas not obstruct diplomacy rather than require the movement to enthusiastically participate in it. The effort must be to squeeze Hamas slowly into weighing its options rather than quixotically demanding immediate submission—and to expose the movement to popular repudiation if it fails to decide.

Israel as well has preferred an "all of the above" approach. Its leaders pursue negotiations while they expand settlements. They parry domestic criticisms by hard-line statements and actions, while hinting at forthcoming compromises to international interlocutors. They weaken the same Palestinian leaders they call partners. The United States has avoided confrontation with its close ally on such matters (especially settlements), calculating that there is little reason to force the issue and risk undercutting an Israeli government that might be forthcoming in other areas.

The failure to decide makes sense on a day-to-day basis. Most leaders prefer to defer divisive actions. Over the short term, Israeli leaders (like their Palestinian counterparts) have been adept at simultaneously pursuing war, peace, negotiations, and violence. They create facts while insisting that everything is negotiable.

Over the long term, however, the choice of "all of the above" undermines some options and closes others off altogether. Once again, sustained moderate pressure may be the key: communicating unequivocally to Israelis that they will incur a price by undercutting international efforts and to Palestinians that "resistance" is an alternative to other forms of politics.

## Conclusion: Is This a Realistic Proposal?

The path described here purports to be based on reality, but is it realistic? Can the United States reverse course in such a dramatic way—focusing initially on bare-bones short-term arrangements and looking then to a medium-term armistice rather than hewing to an approach centered on a two-state solution in the near term? Can Washington endorse Palestinian reconciliation and try to bend Hamas rather than break it?

In fact this is precisely where the Bush administration was moving, however fitfully and incompletely, in its closing months. The most dramatic—if little noticed—evidence of this was the U.S. endorsement of Egyptian mediation efforts between Hamas and Fatah.

So the Obama administration can move toward the policy outlined here without making a U-turn. But such movement may be slow and difficult, and so may encounter three serious obstacles.

**International diplomacy should be aimed at forcing the parties to face choices rather than avoid them.**

First, the United States, like all actors in this conflict, has a disastrous habit of accepting offers only after they have been taken off the table. Many of the ideas proposed here (e.g., Hamas–Fatah reconciliation and elections) no longer hold the same attraction for the parties that they did earlier.

Second, the policies proposed not only collide with political sensitivities but also with legal restrictions. The Obama administration is limited in its ability to deal with any parts of the Palestinian Authority that answer to officials from Hamas. A 2006 law bars using funds for diplomatic contact with the organization and ends all assistance to any ministry controlled by Hamas.

Third, and perhaps most significant, for all the problems in their strategic visions, the leaders of the two sides can sometimes be tactically adept. For most on the Israeli right, and for most of Hamas's leadership as well as its rank and file, the policies advocated here will be regarded—with some justification—as a set of traps designed to force them to change their preferences and goals. Neither Palestinian nor Israeli leaders are likely to stand still while they are maneuvered into positions they seek to avoid.

But the argument for this policy reorientation is not that it is certain to deliver peace. It is only that it is likely to allow Israelis and Palestinians to live together for a time, during which—with significant international effort—the conflict can be led to evolve into more tractable forms. ■

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## RESOURCES

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**Can Cairo Reassemble Palestine?** Nathan J. Brown, Carnegie Endowment for International Peace, Web Commentary, November 4, 2008, http://www.carnegieendowment.org/files/cairo_palestine.pdf.

**President Obama and Middle East Expectations,** Amr Hamzawy, Marina Ottaway, Gamal al-Ghitany, Salah ad-Din al-Jourchi, Khaled al-Hroub, Mustapha al-Khalfi, Carnegie Endowment for International Peace, Policy Brief no. 74, January 2009, http://www.carnegieendowment.org/files/obama_middle_east.pdf.

**Gaza After the War: Egypt's Equities and Limitations,** Michele Dunne, Testimony Before the House Committee on Foreign Affairs, February 12, 2009, http://www.carnegieendowment.org/files/0212_dunne_egypt.pdf.

**Pointers for the Obama Administration in the Middle East: Avoiding Myths and Vain Hopes,** Nathan J. Brown, Web Commentary, January 23, 2009, http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=22662&prog=zgp&proj=zme.

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