

Chapter 5

The Peace Process



AIPAC strongly supports a negotiated two-state solution – a Jewish state of Israel living in peace and security with a demilitarized Palestinian state – as the clear path to resolving the Israeli-Palestinian conflict. Time and again, the Jewish state has demonstrated its willingness to make tough sacrifices for peace. Israel remains fully committed to reaching a fair and lasting solution to the Israeli-Palestinian conflict.

Key Points

- *Two-State Solution:* A two-state solution achieved at the negotiating table that effectively ends all claims is the clear path to resolving this generations-old conflict.
- *Direct Bilateral Talks:* Only direct talks between the parties can lead to a real and lasting peace. Unilateral measures undermine peace. Palestinian attempts to pressure Israel and impose terms through international organizations such as the United Nations (U.N.) constitute harmful diversions from direct negotiations with Israel and should be opposed.
- *End Incitement to Violence:* The Palestinian leadership must refrain from incitements to violence which have exacerbated tensions between Palestinians and Israelis. Palestinian Authority (PA) President Mahmoud Abbas' language and leadership must show that he is committed to peace and seek to instill values of tolerance.
- *Take Proactive Steps Toward Peace:* The Arab states must play a constructive role in negotiations by taking concrete steps to support the peace process.
- *Isolate Hamas:* America should continue efforts to sanction and marginalize Hamas, which controls the Gaza Strip, and those providing it with support, until it meets three conditions: recognize Israel, renounce violence and accept previous Israeli-Palestinian agreements.
- *Prevent Hamas' Rearmament:* Reconstruction efforts in Gaza should be linked to preventing remilitarization of the territory. The U.S. should support international mechanisms to prevent Hamas from diverting building materials to reconstituting its terrorist infrastructure and to reassert PA control in Gaza.

The Important Role That Congress Can Play

Congress should support the following key elements that have guided previous negotiations:

- Insist that talks must be direct and bilateral. As President Barack Obama said during his March 2013 trip to Israel, “There is no question that the only path to peace is through negotiations – which is why . . . the United States will oppose unilateral efforts to bypass negotiations through the United Nations. It has to be done by the parties.”
 - Back Palestinian leaders committed to peace with Israel and opposed to violence. Congress has provided more than \$4 billion in assistance to the PA since 1993, the beginning of the Oslo peace process. Since 2012, Congress has broadened the restrictions on PA aid to include a prohibition of funds “to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.”
 - Refrain from attempts to impose a solution on the parties. Congress has repeatedly sent a strong message mandating the suspension of aid to the Palestinians and the closure of the PLO mission in Washington, D.C. if they achieve statehood status or pursue unilateral measures against Israel at the U.N. or specialized agencies such as the International Criminal Court (ICC). Also, Congress should continue its support for current law that would cut off U.S. funding to any U.N. agency that admits “Palestine” as a member state.
 - Encourage Arab nations to play a supporting role. Arab nations should be encouraged to support efforts for a two-state solution and incentivized to normalize relations with Israel.
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The Collapse of the 2013-2014 Peace Talks

Secretary of State John Kerry helped initiate a round of direct negotiations between Israel and the Palestinians on July 29, 2013. Israel agreed to the painful step of releasing 104 Palestinian prisoners, many of whom had murdered Israelis, in four tranches. Over two months before the negotiating deadline, President Abbas had “checked out” according to Martin Indyk, the U.S. Special Envoy to these talks. When the Palestinians refused to extend the negotiations a month before their expiration, Israel did not release the final tranche of Palestinian prisoners.

Instead of extending the talks, Abbas chose to internationalize the conflict and consort with terrorists. Abbas signed 15 international conventions a month before the deadline in an attempt to exert pressure on Israel. The peace talks conclusively dissolved after Fatah signed a unity deal with Hamas. The trajectory of events spurred by Palestinian intransigence led to further enmity between Israelis and Palestinians, avoidable hostilities and tragic deaths.

Palestinian Unilateralism Harms Prospects for Peace

PA President Mahmoud Abbas submitted applications to 15 international organizations and treaties on April 2, 2014, a harbinger for future unilateral Palestinian actions. On Sept. 26, 2014, Abbas delivered a slanderous address to the U.N. in which he accused Israel of genocide, marking another significant step backwards for Israeli-Palestinian peace. The Palestinian U.N. delegation put forward an extreme, one-sided resolution to the U.N. Security Council on Dec. 11, 2014 that sought to predetermine an outcome while ignoring key Israeli concerns. The resolution, which was ultimately put to a vote on Dec. 30, 2014, demanded that Israel withdraw from the West Bank and parts of Jerusalem by the end of 2017 – irrespective of the security situation or Israeli claims. The deleterious resolution failed, leading to a flurry of Palestinian unilateral actions.

Abbas signed 20 international treaties on Dec. 31, 2014, including the Rome Statute which governs the ICC. The PA formally presented a request to the United Nations on Jan. 2, 2015 to join the ICC. The Palestinians indicated to the ICC that they would go after Israelis for alleged war crimes on two separate tracks. Such unilateral Palestinian attempts to impose solutions on Israel only create more hostility between the parties and prevent prospects for peace. On April 1, 2015, the “state of Palestine” officially became a member of the ICC.

Hamas is an Obstacle to Peace

Hamas, an offshoot of the Muslim Brotherhood, is an Iranian-backed terrorist organization that is responsible for hundreds of deaths, including more than two dozen Americans. Hamas’ charter, published in 1988, is laced with anti-Israel and anti-Semitic statements and calls for Israel’s destruction.

Hamas instigated major conflicts against Israel in 2006, 2008, 2012 and 2014. In June 2014, Hamas operatives orchestrated the kidnapping and murder of three Israeli teenagers. This attack, followed by increased Hamas rocket fire, led to a major Israeli conflict with Hamas over the summer.

Terrorists fired over 4,500 rockets at Israel from the Hamas-controlled Gaza Strip during Operation Protective Edge. During the conflict, Israel discovered that Hamas had built and operated at least 32 attack tunnels leading to Israel from Gaza. Hamas diverted millions of dollars in humanitarian aid and construction materials – meant to improve the lives of Palestinian civilians – to build this vast network.

Hamas’ avowed commitment to Israel’s destruction underscores the need for the PA to renounce the unity government and for Gaza to be demilitarized. Hamas must be disarmed and prevented from reconstituting its terrorist infrastructure, or the group will be able to plunge the region back into conflict at a time of its choosing. The PA must be enabled

to reassert its authority over the Strip to oversee reconstruction and prevent Hamas' rearmament. The United States should support the dissolution of the Palestinian unity government and the return to direct bilateral negotiations. Congress should continue to support Palestinian leaders committed to peace and sanction those who oppose peace.

The PA Must Refrain from Incitement

The PA has incited the Palestinian populace to violence on numerous occasions this past year. Following the kidnapping of the three Israeli teenagers on June 12, 2014, official PA newspapers and cartoons lauded the murder of the Israeli youths. Abbas incited the Palestinian populace to violence, including by calling on them to defend the Temple Mount by all means necessary. Abbas must cease all inflammatory language against Israel which has the effect of provoking violence. He must also condemn terror and make it clear that terrorism undermines prospects for a better future for Israelis and Palestinians.

Guidelines for Promoting a Successful Peace Process

If Israeli-Palestinian peace talks resume, the Obama administration must remember a number of key principles that are vital to supporting successful negotiations.

The United States and Israel Must Work Together: The chief guiding principle is that the United States and Israel must always work together, even if they are not in full agreement on every issue. The more Israel completely trusts American negotiators, the more flexible it can be in negotiations. Efforts to circumvent Israel's decisions or pressure the state on issues relating to its security are destined to backfire.

Strong U.S. Support Allows Israel to Pursue Peace: The United States should continue to promote the need for secure, recognized and defensible borders with the understanding that Israel must determine its own security requirements. Negotiations should also be premised on the belief that a final-status agreement between Israel and a Palestinian state would entail the end of all claims between the parties.

America Should Hold the Palestinians Accountable: With respect to the Palestinians, America can support moderate leaders without abandoning its insistence that the PA decisively act to halt violence, incitement and terror.

The U.S.-Israel Relationship Transcends the Peace Process: Beyond the peace process, the United States and Israel have a deep alliance, based on common values, that benefits both countries. The two allies share intelligence, cooperate extensively on defense measures and work to counter the mutual threats of terrorism and proliferation. Irrespective of the daily ups and downs of Israel's negotiations, it is critical that this vital cooperation be maintained.

Direct Talks – Not Imposed Solutions – Offer the Key to Success: An enduring solution to the Israeli-Palestinian conflict must arise from the parties themselves and cannot be imposed by the United States or other outside parties. A deal can only work if both parties enter into it willingly, feel vested in it, and intend to implement it. Without buy-in from the two parties and the publics they represent, no accord will be viable.

Unilateral Steps are Not Helpful: Rather than seeking to resolve the conflict through negotiations with Israel, the PA leadership has embarked on a counterproductive strategy of unilaterally seeking recognition and pressuring Israel in international fora. The Palestinians sought an upgrade to non-member state status at the U.N. General Assembly in 2012. Since then, they have sought to impose terms on Israel by proposing counterproductive U.N. Security Council resolutions and applying for membership in international bodies, including the ICC. Such moves outside the context of talks with Israel are highly destabilizing, undermine trust and fail to advance the goal of a negotiated peace agreement. International recognition of Palestine without an agreement with Israel only encourages Palestinian obstinacy and refusal to return to the negotiating table.
