

# Annapolis: Does It Bear Scrutiny?

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“Leap *before* you look” best epitomizes one remarkable facet of our national decision-making approach to Middle East conflict resolution. The drafters of the 1993 Oslo agreement took the plunge in the “safe passage” proviso of the Declaration of Principles when they committed Israel to the concept of “territorial contiguity” between the Gaza Strip and the West Bank, without having first sought the advice of experts or pausing to consider fully the practical implications. These include the segmenting of Israel from north to south in a possible future scenario by means of a Palestinian corridor or corridors. No less egregious is former prime minister Ehud Barak’s personal consent at the Camp David summit in 2000, pledging Israel to the principle of dividing Jerusalem. Now, further confirming the pattern suggested by these disturbing precedents, we find Israel’s rushed assent to, arguably, what may prove to be the sole enduring tangible witness to Annapolis: the surprise last-minute Joint Declaration triumphantly read out by President George Bush on behalf of the Israeli and Palestinian signatories in the dramatic opening minutes of an otherwise perfunctory and predictable Annapolis Conference convened on November 27, 2007.

Throwing caution and convention to the wind in sudden bursts of enthusiasm is all the more extraordinary for Israel, in that it is diverging from customarily well-entrenched defensive positions which have earned the country a reputation for intransigence and for not being particularly forthcoming. Hazarding diplomatic stabs in the dark might conceivably be the political equivalent of the Israeli military ethos once drilled into us by the doctrine of *fait accompli*—calling for the attack to be pressed forward and only then pausing to survey the terrain, review the logic, or illogic, of our actions, and redeploy along new defense lines. No less plausible is our plea of inexperience in world affairs after *only* sixty years of sovereign independence. Or maybe “leaping before we look” is the cultural derivative of Hebrew reading in reverse, from right to left.

Then again, this precipitous fly-by-the-seat-of-your-pants approach of taking the plunge without first thinking things through, or assessing their deeper ramifications, is altogether consistent with Israeli foreign policy in general. For Israeli diplomacy

is often depicted as centralized rather than consensual, personalized rather than institutional, more intuitive and impulsive than contemplative or rational, and, above all, ad hoc — situational rather than strategic.

### **The Ties that Bind**

Upon returning to Jerusalem from Annapolis, Foreign Minister Tzipi Livni reported to the nation on the positive achievements that she confidently attributed to the astute statecraft of Prime Minister Ehud Olmert, as head of the delegation, and to her other team members. Negotiations were underway with pragmatic elements in the Palestinian Authority, using the 2002 Road Map as the foundational reference point informing all future dialogue, even as the IDF retains operational freedom to combat terror throughout the course of the negotiating process. This led her to enthuse how “this past week was better than ever for the State of Israel and its security interests” and to conclude her summary by assuring: “Matters were conducted without putting ourselves in a bind.”

Yet these intended words of encouragement — “without putting ourselves in a bind” — heighten concern instead of alleviating it. In the first instance, if Annapolis is, in fact, a signal success for the Olmert government’s peace strategy, why this defensiveness? Why the palpable need to offer such public reassurances? In the second instance, there are justifiable grounds for unease. Israel may, indeed, have put itself in a bind by lending its hand to the final clause of the Joint Declaration. Nor does the official communiqué of December 2 serve to boost confidence. That document reported laconically on the Cabinet’s taking “due note” of the Understanding without any apparent serious discussion, or any discussion at all. The fact that in the flurry of post-Annapolis commentary, the short, one-page accord and, in particular, its closing words have not received the closer analysis they warrant only adds to this concern.

To grasp the document’s unprecedented nature and true import, the operative paragraph needs to be quoted in its entirety. After announcing agreement to form an American, Palestinian and Israeli “mechanism” — undefined — for following up on implementation of the Road Map, it reads:

The parties further commit to continue the implementation of the ongoing obligations of the Road Map until they reach a peace treaty. The United States will *monitor* and *judge* the fulfillment of the commitment of both sides of the Road Map. Unless otherwise agreed by the parties, implementation of the future peace treaty will be subject to the implementation of the Road Map *as judged by the United States*.

Once stripped of its legalistic terminology, what stands out is that the United States is installed hereafter as the undisputed, indeed acknowledged, ultimate authority and final arbiter in evaluating the behavior of Israel, as well as of the Palestinians.

This, I submit, is a new and unprecedented benchmark in the lengthy search for a compromise settlement of the longstanding Israeli–Arab conflict, whereby extraordinary discretionary powers are voluntarily conferred upon an outside, third-party intermediary.

This raises two questions: Why this glaring oversight on the part of Israeli leaders and the shapers of Israeli public opinion? Secondly, what is the problem with placing the process of finally ending Israeli–Palestinian strife in the able and trustworthy hands of the world’s leading power and Israel’s most dependable ally?

In the first instance, a number of factors combine to account for the equanimity in which the Joint Understanding has been accepted by Israel. First, pre-Annapolis expectations had plummeted so low that the opening announcement of Israeli–Palestinian agreement came as a stunning, and, in many quarters, welcome surprise. Second, as so often happens in an era combining media and summit diplomacy, the remarks by President Bush were then promptly overshadowed by saturation coverage of the brief deliberations themselves and discussion of the motives of those in attendance, as well as speculation over the immediate short-term consequences in the direct follow-up to Annapolis.

A third explanation is that most Israelis, cynical or pragmatic, tend to dismiss declarations of principle and peace-related statements of intent like the Joint Declaration as just so much verbiage adding to the pile of inoperative documentation soon bound to be outpaced by events on the ground. Deeds matter, not words; actions are what count, not intentions. Yet what, if not the historical Palestine question, teaches the cautionary lesson that words do have meaning, do bear directly on the political process, and do represent a form of binding commitment? Recall the Balfour Declaration and UN Resolution 242. In the Arab–Israeli conflict, even non-paper and informal proposals tend to become part of the record and, like the Clinton parameters, are never really “off the table.”

Still, few Israelis take the time to actually read and study the text of documents like the latest Joint Understanding. Most, including seasoned negotiators, may still be enamored of the Kissinger notion of “constructive ambiguity” in the wording of agreements, and may have difficulty seeing this document as a double-edged sword. But surely the prime minister and his most proximate advisers ought to be

held accountable for not understanding by now how and why a vaguely worded understanding like “as judged by the United States,” however momentarily convenient, when left undefined, must invariably produce misunderstandings between Jerusalem and Washington and ultimately be more destructive than constructive for genuine peacemaking.

**“Who Made Thee Ruler and Judge over Us?” (Exodus, 2:14)**

Regarding the problem of placing the process in US hands, let there be no mistaking the larger significance of the Annapolis Conference and the Joint Declaration. Together they mark a new level of international intervention in the peace process. They have profound, far-reaching implications both for direct, bilateral Israeli–Palestinian reconciliation and coexistence, and for Israel’s own sovereign ability to steer an independent course.

Leave Palestinian motivations aside for the moment. The fact that a government of Israel has willfully, knowingly and voluntarily consented to bestow upon an outsider, even one as predisposed and ostensibly well-meaning as the United States, sweeping authority to supervise the process defies logic. Allowing Washington a free hand in judging, and especially in rejecting, actions or policies regarded as consistent with Israel’s national interests violates the fundamental dictates of political realism and prudence, while at the same time breaking with long-standing, bedrock policies in Jerusalem. So, too, does it endanger the current relationship between the two countries, which most Israelis take such pride and comfort in defining as both special and strategic.

An augury of the friction we can anticipate from the mischievous clause surfaced within weeks of Annapolis when Bush, rated the most consistently friendly US president toward Israel since 1948, openly acted on the Annapolis invitation to be judgmental by voicing outspoken criticism of the Israeli government. He warned, “We expect them to honor their commitments.” In this instance, he was referring to the dismantling of West Bank settlement outposts he regarded as an “impediment.” Discomforting as this public chastisement may have been, what makes it doubly ominous is that it contradicted an earlier promise by a senior US official that Washington would restrict itself to confidential assessments of whether Israel and the Palestinian Authority were meeting their peacemaking commitments, and to sharing the results privately. The option of going public was to be exercised only if the need should arise.

Given the divergent American and Israeli sets of interests, the different perspectives and the known fact that both sides do not necessarily see eye-to-eye on a range of peace-related agenda items — both procedural and substantive — the way is now open

for either of two prospects: One is public acrimony, highlighting US displeasure at Israel's purported bad faith and lack of cooperation, and broadcasting friction between patron and client. The other is submission by Jerusalem to various means of influence available to Washington—here the 1975 “reassessment” comes to mind — compromising Israeli positions so as not to alienate American administrations and not to expose a rift weakening Israel's overall deterrent capability vis-à-vis its neighbors.

If, for Israel, the Declaration represents the formal acceptance of a heavy constraint on policymaking and, therefore, serious abnegation of responsibility, inviting censure and even sanctions, for the United States the Declaration constitutes a qualitative upgrading of its status and role in the peace process. It has moved far beyond concerned party, sponsor and conference-convener, incrementally ratcheting up on the scale of indispensability to honest broker, facilitator, mediator, arbitrator, energizer, bridge and visionary, until its multiple roles today are redefined as nothing less than sole “monitor” and “judge” with prospective powers of enforcement. If seized upon by the Bush administration in its final months in office, or by his successors, the Joint Declaration, for all intents and purposes, gives America a free hand in determining the final contours of any definitive peace arrangement, with or without Israel's advisement and willing consent.

### **The Mix of Motives**

What prompted Prime Minister Olmert and Israel to endorse the document? In the absence of any official account or the actual minutes of what transpired in the final countdown to Annapolis, any of several explanations arise, all of them equally plausible, and all of them equally worrisome for Israel's future staying power. First, an explanation could be that approval was penned to an American draft without, indeed, giving full weight to the deeper, longer-term implications. Second, at least some of the implications may have been grasped and set aside in the rush to find favor in American eyes and to present to the delegations gathering in plenum at Annapolis a tangible, albeit paper, signal of Israeli–Palestinian mutuality. In short, according to this explanation, it was all for the sake of achieving a positive political and media spin. Third, last-minute pressure from Secretary of State Condoleezza Rice and others might have become so intense that Israeli leaders, in their vulnerability, really had no choice but to go along with this last-ditch effort at producing some sort of accord, lest Israel be cast in the role of spoiler. Fourth, Washington's projection of America into the position of referee might just as conceivably have been comprehended and nonetheless dismissed by Olmert, Livni and Defense Minister Ehud Barak out of a familiar Israeli leadership mindset of self-confidence. In the annals of US–Israel relations, there is precedent for resorting to personal confidences in a one-on-one “charm

offensive” with an American chief executive in order to finesse hostile moves by Washington’s policy establishment to isolate Israel. If the desired result is not achieved, then the objective is pursued through appeals to Congress, to the pro-Israel lobby or to American public opinion.

Another possibility needs to be borne in mind. This was given credence by the editor of the influential Israeli daily newspaper *Ha’aretz* who, at a closed parlor meeting with Secretary Rice in the wake of Annapolis, admitted to having invited the US to politically “rape” Israel by forcing it into adopting a more conciliatory policy. Rather than absentmindedness or a rash, foolhardy move, appointing America as the court of last appeal needs to be understood as deliberate and intentional, in which case, seduction by mutually consenting parties may be sufficient.

Peace now, at almost any price, and prodding American presidents into saving Israelis and Palestinians in spite of themselves—by twisting Israel’s arm, by coercing it to be concessionary and by imposing peace terms—have been goals of the Israeli peace camp for several decades. What gives immediacy of late to this school of thought is growing alarm at the country’s aggravated security situation plus mounting frustration at the lack of progress in ending the conflict through normal, open-ended bargaining procedures. Signing the Declaration and then conveniently downplaying its infringement upon Israel’s right of refusal mirrors, to some extent, the air of resignation in Israeli intellectual and political circles. Desperate for round-the-clock negotiations conducted under America’s aegis, they find the strategy of breaking the diplomatic impasse by appealing to the United States over the heads of domestic opponents, well...appealing.

Whether this supreme confidence in the United States is misplaced is, of course, an entirely separate issue. Just how fair-minded and clear-headed, how well-intentioned and unbiased, how resolute and trustworthy, how goal-oriented and undistracted, how feared and respected is the US by the Arab and Palestinian side, or sides, are but some of the questions raised, but left unanswered, in a binding international document that is now part of the public record. This is a document that officials in Washington wishing to lean on Israel can be counted upon not to forget, and which their counterparts in Jerusalem may have ample cause to regret.

### **Spirit of Oslo: The Final Betrayal**

Even for a supporter of the 1993 opening to Oslo, there are additional grounds for viewing the Annapolis Joint Declaration as an inglorious Israeli retreat from defensible positions.

What was Oslo's contribution, if not an overdue realization that just as the Palestine problem had begun as a territorial dispute between the resident Arab and Jewish communities, so, too, could it only terminate in some framework for coexistence, however imperfect, when agreed to by the two directly concerned parties? From this standpoint, fifteen years later Annapolis must be regarded as a regression from the principle that in the end, a peaceful accommodation (assuming one is obtainable) must be reached through Israeli–Palestinian dialogue, no matter how acrimonious, and irrespective of how laborious, frustrating and costly. Instead, when regarded conceptually, Annapolis subordinates, or, at best, pays lip-service to, the formula of direct bilateral (Track I) negotiations.

Over the years, peacemakers have experimented, unsuccessfully, with at least six different modes or tracks:

- The Gaza Disengagement (2005) stands for “unilateralism,” when Israelis or Palestinians act alone to create facts on the ground, without consultation and in defiance of each other;
- Begin-Sadat (1977) and Oslo (1993) represent “bilateralism,” featuring direct, face-to-face negotiation;
- Camp David I (1978) and Camp David II (2000) both typify “trilateralism,” distinguished by the insertion of a third-party intermediary;
- The London Round Table Conference (1939) and Lausanne (1949) were early forms of “multilateralism,” permitting or even encouraging the involvement of any number of participants greater than three.

Multilateralism, in turn, takes two variant forms:

- Regionalization, as in the commonplace “Middle East conflict” (the 2002 Arab Peace Initiative); and
- Internationalization (1973: Geneva; 1993: Madrid).

Not entirely satisfied with any solitary procedural mode, what the architects of Annapolis have done in this context is really quite extraordinary. They have incorporated all six of the tracks, but have not integrated them.

At heart, they purport to reinforce bilateralism, while in reality circumventing it and taking the diplomatic process in two opposite directions. On the one hand, mistrusting the ability of Israelis and Palestinians to rise above their partisan

differences, they agreed to expand the deliberative framework to include all willing Middle East countries and, in addition, a host of extra-regional countries and international organizations. From two—many. On the other hand, and at the very same time, they demonstrated their basic distrust of multilateral conference diplomacy by agreeing in the Joint Declaration to constrict the framework until the really pivotal actor and determining agent becomes the United States. From two, and from many—one.

Supervising parallel tracks—bilateral, trilateral, multilateral and unilateral—is for the peace processor like keeping bowling pins in the air for a juggler. Add to this the high probability of clashes between so many conflicting egos, interests and agendas, and one suspects Annapolis, hastily convened by the US, Israel and the Palestinians each for its own political reasons, will have blurred rather than illuminated the pathway to peace.

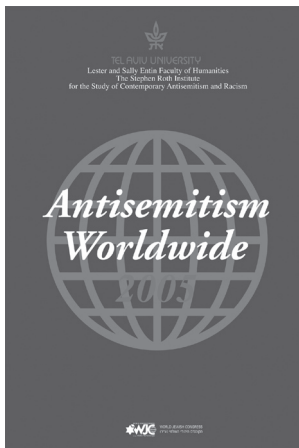
That is all the more lamentable, therefore, should the effect on Israel's bargaining position by subscribing to the Joint Declaration and its contents prove damaging, and the damage irreversible. For the moment, two traditional pillars dating back to the pre-State period—both of them procedural—have been shaken. First, the country's leaders have always opposed undue interference from outside and fought against any attempt at imposing a *diktat*; thus Menachem Begin's teaming up with Egyptian President Anwar al-Sadat in order to preempt the Soviet-American initiative of October 1, 1977, with its implied threat of an imposed superpower settlement.

The second pillar, also procedural and secured in place from the state's very inception, is the clear preference for separate, bilateral and businesslike negotiations with individual Arab adversaries instead of the multilateral, comprehensive or "round table" format. In direct contrast, the Arab–Palestinian side has just as steadfastly favored multilateralism. Underlying its thinking are the dynamics of more inclusive regionalization and internationalization. As a rule, widening the scope of the conflict will serve to isolate Israel, placing the Jewish state on the defensive and inviting international political pressure. At the same time, it will work to present a united Arab front, generally led by the more extreme voices. Logic and experience, however, are on Israel's side. Bilateralism has proven itself with Arab partners like Sadat, the late King Hussein, and even Yasir Arafat in 1993. As early as the 1948 Rhodes armistice talks and agreements, and as recently as the peace treaties with Egypt and Jordan, as well as the initial Oslo accord, the virtues of bilateralism were made clear.

In spite of the transparency of Arab calculations, and taking into account the mix of prudence and expediency in Israel's established negotiations doctrine, an Israeli

government has now summoned upon itself the worst evils of both trilateralism and internationalization. Even wishing to give the Olmert-Livni-Barak triumvirate every benefit of the doubt, it is difficult, if not impossible, to fathom what prompted them so readily to enter into the Joint Declaration, inviting greater UN, EU and Arab League interference from one direction, while from the opposite direction mortgaging Israel's prospects for peace and security to the vagaries of American politics and foreign affairs. What a sad reflection on both Israeli idealism and Israeli realism as we commemorate the sixtieth anniversary of independent statehood.

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