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FAKULTA SOCIÁLNÍCH VĚD

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**The US Mediation of the Israeli-Palestinian
Conflict during the Obama Presidency: the
Case of Unfulfilled Ambitions**

Diplomová práce

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Anotace (abstrakt)

Tato práce se snaží najít příčiny neúspěchu amerického zprostředkování izraelsko-palestinského konfliktu během Obamova prezidentství. Spojené státy americké měly vzhledem ke svým schopnostem a prostředkům značný potenciál dovést strany konfliktu ke společné dohodě. Práce se zaměřuje na vnitřní dynamiku chování Spojených států amerických a předkládá analýzu mediačních aktivit, užití vlivu během vyjednávání a postoje Kongresu Spojených států amerických k řešení izraelsko-palestinského konfliktu.

Práce odpovídá na několik výzkumných otázek. Jaké mediační aktivity byly použity Spojenými státy během Obamova prezidentství? Byl užit vliv? Pokud ano, jaké typy vlivu byly užity? Jaká témata byla v jádru užití vlivu? Vycházejíc z těchto otázek, ověřuje práce tři navazující hypotézy. Za prvé, Spojené státy americké jednaly především jako facilitátor komunikace, spíše než jako formulátor a manipulátor. Za druhé ověřuje, jestli platí, že Spojené státy americké nebyly ve zprostředkování úspěšné kvůli relativně omezenému užití vlivu během zprostředkování. A konečně si všímá vztahu mezi exekutivou a Kongresem, předvídajíc, že legislativa nereagovala vstřícně na dynamiku zahraniční politiky ve vztahu ke zprostředkování v izraelsko-palestinském konfliktu.

Abstract

This thesis aims to explain the lack of success in US mediation of the Israeli-Palestinian conflict during the Obama presidency. The US had a considerable potential due to its capacity and resources available to bring the conflict parties to a settlement. The thesis focuses on the US internal dynamics and not external influences. Thus, the work analyzes the mediation procedure applied by the US, the exercise of leverage during the negotiations and the stance of the US Congress towards the Israeli-Palestinian conflict resolution.

The thesis answers subsequent questions. What mediating procedures were applied by the United States during the Obama presidency? Was leverage used? If yes, what forms of leverage were utilized? What were the issues at the core of the leverage exercise? Based on these questions, the thesis analyzes three hypotheses. Firstly, that the US acted primarily as facilitator of communication rather than formulator or manipulator. Secondly, it assumes that the US was not successful in the resolution of the Israeli-Palestinian conflict due to a relatively scarce exercise of its leverage in the process of mediation. Lastly, it claims that the US Congress did not respond flexibly to the dynamics of the US foreign policy in the mediation of the Israeli-Palestinian conflict.

Klíčová slova

Obamova administrativa, izraelsko-palestinský konflikt, řešení konfliktu, mediace, vliv, Kongres Spojených států amerických, zahraniční politika

Keywords

Obama administration, Israeli-Palestinian conflict, conflict resolution, mediation, leverage, US Congress, foreign policy

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Prohlášení

1. Prohlašuji, že jsem předkládanou práci zpracovala samostatně a použila jen uvedené prameny a literaturu.
2. Souhlasím s tím, aby práce byla zpřístupněna pro studijní a výzkumné účely.
3. Prohlašuji, že práce nebyla využita k získání jiného titulu.

V Praze dne 11. 5. 2017

Markéta Čurdová

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Abbreviations

EU	European Union
FMF	Foreign Military Financing
IDF	Israel Defense Forces
MOU	Memorandum of Understanding
PA	Palestinian Authority
PLO	Palestinian Liberation Organization
QME	qualitative military edge
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UN	United Nations Organization
US	United States of America

Introduction

The Israeli-Palestinian conflict represents one of the most pressing issues on the international scene since 1948 when the State of Israel was established on a part of the British mandate in Palestine. The relationship between the Israelis and the Palestinians has been affected by several wars and countless skirmishes since that moment. The conflict has turned intractable and complex with mutual recognition of the states not a sole obstacle to peaceful co-existence. Material as well as non-material matters have played considerable role: definition of borders, security concerns, Israeli settlement, control of Jerusalem, right of return for the Palestinian refugees, Palestinian freedom of movement, access to water resources as well as problems related to a lack of trust among the conflict actors have complicated a successful resolution of the conflict. Furthermore, an ambiguous approach of the international community does not ease the relationship of both states. The State of Israel alongside with a majority of the Western states have not recognized the State of Palestine and, conversely, the Arabs, except for Egypt and Jordan, have not recognized the State of Israel.

Several attempts to resolve the conflict through mediation procedure have been undertaken since 1980s. The Oslo peace process between 1993 and 1995 represented the most advanced attempt to come to an agreement, but unfortunately no final settlement was delivered. The other peace efforts were thwarted due to various conditions and demands required by both parties.

The United States preserves a close relationship with the State of Israel, especially since the Six Day War in 1967. Political, military, and economic support for the state has been based on shared democratic values, interest in the protection of the Jewish state, as well as the broader US security and economic interests in the region of the Middle East. Since that time the United States has been involved several times in the Israeli-Palestinian, resp. Israeli-Arab mediation. When Barack Obama became the US President in 2009, resolution of the conflict was declared one of the priorities of the US foreign policy. Although the US has a closer relationship with the Israeli side, this was not necessarily an obstacle as a mediator does not necessarily have to be neutral. Quite to the contrary, in such a situation it has a greater potential to push the closer side to greater concessions. The US thus had a considerable potential to bring the parties to a

settlement. Unfortunately, an ambition to end a conflict, no matter how strong, is not a sufficient condition for success.

The aim of this thesis is to explain why the US was not successful in the process of conflict resolution, despite the obvious effort invested in it. The emphasis will be placed on the mediation procedure, on US inability to push parties to an agreement, and on the responsiveness of US Congress to dynamics of US foreign policy in the mediation of the Israeli-Palestinian conflict. The thesis works on two assumptions why the US was not successful in mediation. Firstly, the US – a powerful country with privileged position on the international scene – could have utilized its vast capacity and resources available in order to bring the parties to a settlement. Secondly, the US Congress did not reflect the foreign policy objectives and did not support the conflict resolution effort.

In order to achieve the aforementioned objectives, the thesis seeks answers to several questions related to the mediation procedure and the exercise of leverage. What mediating procedures were applied by the United States during the Obama presidency? Was leverage used? If yes, what forms of leverage were utilized? What were the issues at the core of the leverage exercise? Based on the questions and relevant theoretical framework, following hypotheses have been formulated. Firstly, the US acted primarily as facilitator of communication rather than formulator or manipulator. Secondly, the US was not successful in the resolution of the Israeli-Palestinian conflict due to a relatively scarce exercise of its leverage in the process of mediation. Lastly, the US Congress did not respond flexibly to the dynamics of US foreign policy in the mediation of the Israeli-Palestinian conflict.

The thesis is a case study analyzing mediation procedure and the stance of the US Congress towards the resolution of the Israeli-Palestinian conflict between the years 2009 and 2016 thus, during the Obama presidency. In order to answer the research questions and hypotheses, the thesis identifies the mediation activities, what forms were applied, and assesses them with a special focus on the nature of negotiations – whether leverage was exercised, in what form and what issues were at core, or not. Additionally, the responsiveness of the US legislature to the dynamics of US executive projected on the legislative action taken in the US Congress come under scrutiny. The focus is placed on the legislative action related to the Israeli-Palestinian conflict.

The text is divided into three main chapters. The first chapter provides a theoretical overview. It presents the theory of mediation – how mediation is defined,

what characteristics it has, and what forms it contains. Furthermore, the conceptualization of power in the theory of mediation is elaborated together with its characteristics and forms. The second chapter contains methodology and explains the analytical framework, through which the US mediation of the Israeli-Palestinian conflict is analyzed. The third, analytical chapter, briefly introduces history of the Israeli-Palestinian conflict and highlights previous mediation attempts. After that, the chapter focuses on mediation processes, exercise of leverage and stance of the US Congress towards the Israeli-Palestinian conflict resolution. The research questions are answered and hypotheses assessed.

The theoretical part of this thesis is based on the literature from the field of conflict resolution and conflict management. Due to the fact that mediation could be defined differently, a broad range of definitions is presented. One of the most useful resource related to the theory of mediation in international relations comes from the Diehl and Greig's monography *International Mediation*¹ which provides detailed elaboration on this method. Furthermore, Bercovitch's chapter *Mediation and Conflict Resolution*² serves for the comprehensive understanding of this phenomenon since it brings forward the most complex set of characteristics of mediation from which this thesis considerably derives. To the contrary, Touval and Zartman's chapter *International Mediation in the Post-Cold War Era*³ provides beneficial typology based on role played by mediator in conflict resolution. The contribution is particularly found in practical depiction of each type of mediation technique in mediation process. The mediator has an important role in conflict negotiation and has to calculate concrete steps that will lead the parties to desired outcome. In order to do this, it has to be able to persuade parties to make the concessions. The concept of power is understood in the theory of mediation mostly as a leverage or an influence and theoretical chapter presents its attributes and various forms. The most beneficial resource for comprehension of this concept was Zartman and Rubin's monography *Power and Negotiation*⁴. Its worth

¹ Greig, J. and Diehl, P. (2012). *International Mediation*. 1st ed. Cambridge: Polity Press.

² Bercovitch, J. (2009). Mediation and Conflict Resolution. In: J. Bercovitch, V. Kremenyuk and W. Zartman, ed., *The SAGE Handbook of Conflict Resolution*, 1st ed. [online] London: SAGE Publications Ltd, p.344. Available at: http://sk.sagepub.com.ezproxy.is.cuni.cz/reference/hdbk_conflictresolution/n18.xml [Accessed 22 Dec. 2016].

³ Touval, S. and Zartman, I. (2001). International Mediation in the Post-Cold War Era. In: C. Crocker, F. Hampson and P. Aall, ed., *Turbulent Peace: The Challenges of Managing International Conflict*, 1st ed. Washington, D.C.: United States Institute of Peace Press.

⁴ Zartman, I. and Rubin, J. (2000). *Power and Negotiation*. Ann Arbor: University of Michigan Press.

resided in elaboration of power on given situations in various international negotiations. However thematically the examples were not related to the research and thus, could not be directly involved, the monography created beneficial stepping stone for the thesis.

Since the theme of thesis is approached from a specific perspective – the US mediation of the Israeli-Palestinian conflict with placing the focus on concrete mediation procedures, exercise of leverage and legislative action in the US Congress related to the conflict, the amount of academic literature that would relate to this concrete perspective is limited. The analysis is based primarily on primary resources such as official records of speeches and statements of the US representatives and official records of legislative resolutions, bills and laws. The author is aware of the fact that the comprehensiveness of the research is limited due to the fact that resources revealing the true nature of negotiations are scarce or are subjected to confidentiality. Equally, the secondary resources were utilized such as monographies, articles from academic journals, reports of governmental institutions and think tanks, and reliable media resources. Since the secondary literature might not be impartial due to the nature of the Israeli-Palestinian conflict, the collection of information was performed cautiously.

The official sites of the White House *www.whitehouse.gov* and the US Department of State *www.2009-2017.state.gov* represent the key resources for this thesis. There are available records of official speeches and statements of President, Secretaries of States and other US representatives thus, information are not subject to any distortion. Equally, the governmental site of the US Congress *www.congress.gov* provides full scope of resolutions, bills, and laws that were presented in US Congress in the given period of time.

Monography *Bending History: Barack Obama's Foreign Policy*⁵, which was written in 2012 by Martin S. Indyk, Kenneth, G. Lieberthal and Michal E. O'Hanlon, constitutes the key publication for the part of this thesis related to the mediation procedure. Martin S. Indyk, who served as Special Envoy for Middle East Peace during the second administration term, assesses in his chapter the development in the Israeli-Palestinian peace process since Obama's early days of presidency until 2012. The greatest contribution of this publication resides in relative comprehensiveness of the action undertaken by the US in the resolution of the conflict. Author of this thesis

⁵ Indyk, M., Lieberthal, K. and O'Hanlon, M. (2012). *Bending History*. Washington, D.C.: The Brookings Institution Press.

acknowledges that the issue of the peace process is approached pragmatically, aiming to explain the US foreign policy steps and objectively focusing the attention on both conflict sides.

Asaf Siniver's academic article *Change Nobody Believes In: Obama and the Israeli-Palestinian Conflict*⁶ written in 2011 critically assesses the Obama's policy towards Israel in context of resolution of the conflict, emphasizing traditional US inclination towards Israel. Essentially, the article manages to include the gleam of leverage exercise without the aim of doing so. Additionally, the focus on development within Palestinian Authority and Palestinian territory attempts to counterbalance the generally perceived lack of attention to the Palestinian side of the conflict. This created a useful guide for the research.

Detailed comments on the nature of negotiations led by John Kerry during the second Obama term brings Raja Khalidi's article *Commentary: The Kerry Negotiations*⁷ that was written in 2014. However the author does not take a neutral stand towards the Israeli-Palestinian conflict and adopts openly pro-Palestinian stance, the article presents the key data about Kerry's attempt to encourage Palestinians to stay at the negotiation table which were generally scarce among the available literature.

The reports from the US think tank *Congressional Research Service*, serving members' of the Congress as an informative basis, represents another valuable resource for collection of data related to stance of the US Congress towards the conflict. Particularly *U.S. Foreign Aid to Israel*⁸ written by Specialist at the Middle Eastern Affairs Jeremy M. Sharp and Jim Zannotti's *U.S. Foreign Aid to the Palestinians*⁹ observe the flow of aid towards the conflict actors. Both reports were written in 2016 and are concerned primarily by the facts related to factual provision of funds thus, interpretation distortion is not involved.

Reliable media resources were used as well, particularly *CNN*, *Washington Post*, and *BBC*. The remaining literature is listed in the last part of this thesis.

⁶ Siniver, A. (2011). Change Nobody Believes In: Obama and the Israeli–Palestinian Conflict. *Diplomacy & Statecraft*, [online] 22(4), pp.678-695. Available at: <http://www.tandfonline.com/doi/abs/10.1080/09592296.2011.625825?journalCode=fdps20> [Accessed 5 Apr. 2017].

⁷ Khalidi, R. (2014). Commentary: The Kerry Negotiations. *Journal of Palestine Studies*, 43 (3), pp. 40-55. Available at: <http://www.palestine-studies.org/jps/fulltext/164336> [Accessed 9 Mar. 2017].

⁸ Sharp, J. (2016). *U.S. Foreign Aid to Israel*. [online] Congressional Research Service, pp.1-39. Available at: <https://fas.org/sgp/crs/mideast/RL33222.pdf> [Accessed 25 Apr. 2017].

⁹ Zannotti, J. (2016). *U.S. Foreign Aid to the Palestinians*. [online] Congressional Research Service, pp.1-24. Available at: <https://fas.org/sgp/crs/mideast/RS22967.pdf> [Accessed 25 Apr. 2017].

1. Introducing the Theoretical Framework

The first chapter will introduce the theoretical framework for this thesis, which will be crucial for practical research of the US mediation of the Israeli-Palestinian conflict between the years 2009 and 2016 during the Obama presidency. Focus will be placed on the concept of mediation and concept of power in relation to the mediation theory. This will ease subsequent analysis of the case, give us ability to identify mediation activities and help us find out whether the US exercised its leverage or not, and in what form.

1.1. *Theory of Mediation*

This subchapter will present the fundamental issues of mediation in international relations – how mediation has been defined, what characteristics it has and what techniques it contains. Mediation, as an effective and peaceful tool of conflict resolution, deserves attention and systemic study. In-depth research may result in findings that would enable mediation to become even more successful tool in delivering agreement among conflict parties without the use of physical force.

1.1.1. What is Mediation and its Main Attributes

Defining mediation is not a straightforward task. Authors¹⁰ who deal with this method of conflict solution use different definitions – ranging from general and to relatively more specific. The fact that mediation has been known not only in field of international relations, but in a field of social relations and law as part of reconciliation of fallen out actors, does not make this task easier. A general base from which this thesis will proceed is the definition in Chapter VI, Article 33 of the UN Charter (UN, 2016), where mediation is described as one of the “peaceful means” through which conflicts should be solved in the first place. Mediation, as a form of peaceful settlement of a conflict, lies within the fields of conflict management and conflict resolution. These terms are closely related, but it is important to note they are not identical. As Wallensteen (2002: 5-6) sums up, the difference between these two terms resides in ambitions. Conflict management should solely contribute to de-escalation of crisis with

the aim to ignite mutual trust or reduce suffering. It does not aspire to a long-term solution. On the contrary to that, conflict resolution is a more challenging procedure, attempting to settle the differences among conflicted parties and thus, remove an obstacle to peace. Conflict resolution should secure long-term results.

As was already mentioned, definitions differ in their scope – they can highlight what mediators do, what mediators attempt to achieve, how and they can entail characteristics of mediation. Eckhoff (1966: 158) stated that “mediation consists of influencing the parties to come to agreement by appealing to their own interests”. This simple definition is based on negotiation dynamics and highlights the aim of what and to achieve and how, yet does not explicitly specify the participation of the intermediary. According to Dryzek and Hunter (1987: 89), mediation is a “process in which the parties to a dispute attempt to reach a mutually agreeable solution under the aegis of a third party by reasoning through their differences”. This definition is more precise and it is possible to draw the essence – participation of the third party – and purpose – mutually agreeable solution – of this method of peaceful settlement of the conflict. Similarly to that, Diehl and Greig (2012: 2) defined mediation as a “conflict management tool” and as an “introduction of an outside or third party into the negotiation process between the disputing sides with, at least partially, the aim of producing a settlement between the two sides.” On the contrary to that, Zartman’s (2008: 155) definition is more ambitious claiming that “purpose is to bring the conflict to a settlement” that suits conflict parties as well as third-party interests. Therefore, the aim of mediation might be characterized not solely by facilitation of agreement but more aspiringly by settlement of conflict.

Mediation can be also defined as “assistance to two or more interacting parties by third parties who (usually) have no authority to impose an outcome” as in case of Wall, Stark, and Standifer’s (2001: 370) definition. Furthermore, the authors claim that mediation is “one of the oldest forms of conflict resolution”. Bercovitch (1985: 737) supported this idea while adding that “practice of conflict management by third parties” is “old as conflict itself and steadily growing in importance”. Davis and Dugan (1982: 85) highlighted in their definition essence, purpose and characteristics of mediation by claiming that it is the “third party dispute settlement technique integrally related to the negotiation process whereby a skilled, disinterested neutral assists parties in changing

¹⁰ E.g. Bercovitch, Davis, Diehl, Dryzek, Dugan, Greig, Hunter, Jeong, Kleiboer, Kressel, Lynn, Pruitt, Standifer, Stark, Wall, Wallenstein, Touval, and Zartman,

their minds over conflicting needs mainly through the non-compulsory applications of various forms of persuasion in order to reach a viable agreement on terms at issue.” Similarly to that, Touval and Zartman (1985: 31) defined this procedure as a “form of third party intervention in a conflict with the stated purpose of contributing to its abatement or resolution through negotiation”.

In order to understand the concept of mediation properly, in the haze of the variety of existing definitions, it would be beneficial to introduce several important attributes thereof. The indisputable element of the mediation is an essential role of the third party in negotiation process. Participation of an intermediary is based on the voluntary principle from the side of the mediator as well as the conflict actors. Generally, the presence of another actor is considered as beneficial when the involved parties believe that invitation of a mediator will help them solve the conflict at lesser costs than if not accepting the mediator into negotiation process (Greig and Diehl, 2012: 2-5). The assistance of the third party might be provided by various actors – states, international organizations, individuals, and governmental as well as non-governmental organizations. Zartman (2008: 155) supports this idea, stating that mediation is “a mode of negotiation in which a third party helps the parties find a solution which they cannot find themselves”.¹¹ This leads us to authors’ different understanding of negotiation (as a settlement and resolution procedure) and mediation. As it is obvious from previous Zartman’s statement, while some authors approach mediation as a part of negotiation, other authors (e.g. Jeong 2010, Bercovitch 2009) understand mediation as a distinct procedure, which relates to negotiation, but it is not identical.

Main attributes of mediation have been summarized by Bercovitch (2009: 344) as follows:

- “Mediation involves the intervention of an outsider – individual, group or an organization, with values, resources, and interest of their own – into a conflict between two or more states or other actors.
- Mediation is a non-coercive, non-violent and, ultimately, non-binding form of intervention.
- Mediators enter a conflict, whether internal or international, in order to affect it, change it, resolve it, modify it, or influence it in some way.
- Mediators bring with them, consciously or otherwise, ideas, knowledge,

¹¹ In mediation theory, this state of conflict has been called *mutually hurting stalemate*.

resources, and interests of their own or of the group or organization they represent. Mediators often have their own assumptions and agendas about the conflict in question.

- Mediation is a voluntary form of conflict management. The actors involved retain control over the outcome (if not always over the process) of their conflict, as well as the freedom to accept or reject mediation or mediators' proposals.
- Mediation usually operates on an ad-hoc basis only“

Although authors concur in the fact that mediation is characterized by participation of the third actor, not all authors agree on the neutrality of the mediator. Jeong (2010: 172) highlights an important fact – all conflict parties have to agree on the third party, therefore the mediator is acceptable for all conflict actors and parties agree with the participation of the mediator in negotiating process. Although in some definitions neutrality is considered as a precondition for successful mediation in order to ensure impartiality, other authors (e.g. Kleiboer 1996, Zartman 2008) claim that the mediator does not have to be neutral as it could balance power asymmetries among conflict parties, thus assisting in reaching fairer agreement.

Additionally, non-binding character differentiates mediation from other procedures in the field of conflict management and conflict resolution (for instance from arbitration). Due to this reason Zartman assimilates mediation to a “political process” (2008: 155), because conflicted parties are not obliged to accept solution proposed by mediator and equally, mediator does not have any statutory liability for settlement which would be accepted by parties.

To make the characterization of mediation complete, this thesis will briefly explain the two-edge nature of success and failure. The success or failure depends not only on conflict parties, but on the activity, willingness, and capability exercised by a mediator. Bercovitch and Rubin (1992: 4) sum up the role of mediator as “what mediators do, can do, or are permitted to do in their efforts to manage a dispute, may depend, to an extent, on who they are and what resources and competencies they have”. Furthermore, the nature of a dispute, characteristics of disputants and international environment matter (Kleiboer, 1996). Generally, the understanding of success and failure is ambiguous as long as success can be considered in objective (success can be objectively measured) and subjective (satisfaction of conflicted parties even when conflict have not been solved) terms. Division that proceeds from objective as well as relative understanding of success has been summed up by Wall and Lynn (1993: 170-

171). It is possible to talk about successful mediation if some of these milestones have been reached: agreement; improved current relationship; compromise and fairer agreement; compliance; or parties' satisfaction.

Based on the broad range of definition presented above, mediation can be understood as peaceful means of settling a conflict based on the participation of an intermediary. This type of external involvement may then be studied as a "process", an "assistance", or a "conflict management tool". Mediation rests on the application of non-violent tools with the aim of promoting cooperation among conflict parties, particularly worthwhile in cases where conflict parties cannot find such way on their own. For the purpose of this thesis, the mediation will be understood as a non-violent action or a series of actions by a third party that aims at bringing the parties of a conflict to a settlement. The subsequent part of thesis will present an array of mediation techniques in order to identify and assess the US mediation activities in the Israeli-Palestinian conflict properly during the both Obama presidencies.

1.1.2. Forms of Mediation

Why do conflict parties invite a third actor into a negotiation process? As Rauchhaus (2006: 207) briefly sums up, mediators have the ability to use different available tools in order to get parties to a mutually acceptable solution. Third parties use various strategies while assisting in negotiation process. They could bridge the gap between inconsistencies of conflict actors and suggest measures ensuring progress in negotiation process. Mediation covers many activities as mediators engage in various roles and fill various functions.¹² For instance, in conflicts, where parties are not able to meet at negotiation table and to exchange information, mediator's role is to facilitate transfer of information. In that case, the aim would be to overcome misunderstanding and misperceptions among conflict parties and attempt to deliver clarification of one's positions. As a result, conflict parties usually alter perceptions, which leads to launch of negotiation. Furthermore, the mediator can set agenda and organize common talks. Touval and Zartman (2001: 453-455) call this type of mediation as communication. These authors characterize three modes of mediation altogether. The other two modes are defined as formulation and manipulation. Formulation mode of mediation is

characterized by greater involvement of mediator in negotiation process. Mediator's tasks should be to suggest the most pressing obstacles, and develop and propose conflict solutions. On the contrary to that, manipulator is highly active in negotiation process and attempts to bring parties to an agreement while exercising its leverage. Intermediary's aim is to persuade parties by luring them into suggested solution or on the contrary, to discourage parties from not accepting the solution. Authors stress the appropriateness of mixing various procedures together. This classification is considered as one of the most employed typology in area of conflict management and conflict resolution.

Similarly to that, Pruitt (2000) proceeds from the above mentioned theoretical conceptualization and characterizes tactics of mediation from light to heavy according to mediator's measure of involvement and its contribution during process. To sum it up, the light tactics dwell in the facilitation of communication among the conflicted parties. Moderate tactics reside in the ability to identify conflicted issues and to come up with a mutually agreeable solution, while heavy tactics involve manipulation when the third party "may threaten, bribe, or otherwise pressure disputants to make concessions and seek compromise".

Mediation typologies are frequently based on triadic division similar to Touval and Zartman's conceptualization of the mediator as a communicator-formulator-manipulator. Bercovitch (2009: 348) defines three mediation strategies – communication-facilitation, procedural strategies, and directive strategies, placing an emphasis on the mediator's control over the process. Communication-facilitation strategy demands lowest rate of activity from mediator's side, and as mediator serves as a communication channel, mediator does not exert much control over the mediation process. Procedural strategy might be distinguished by possession of more control over the process with a possibility to directly affect the development with determining aspect of negotiation, submitting own proposal and suggestions. In the directive strategy, mediator affects process heavily and offers carrot (positive sanctions) and stick (negative sanctions) method in order to get to a settlement.

This typology is similar to the classification defined by Kressel (2000: 5-6) who distinguished three strategies – reflexive, contextual, and structural. Similarly to

¹² Wall and Lynn (1993: 166) wrote down an exhaustive list of mediation techniques and strategies. In order to keep the research easy to follow, this thesis will introduce broader categories of mediation strategies.

previous typologies, these strategies differ in the extent of activity exercised by the mediator. Reflexive tactics count with a passive role of mediator, whose aim is to acquire enough information, make thorough analysis of obstacles impeding peace and prepare the ground for subsequent mediation by ensuring mutual understanding among conflict actors. Contextual strategies are characterized by a more active role of mediator, when intermediary attempts to create convenient environment for mediation, in which parties could be able to come to agreement without considerable intervention of mediator. These could be characterized by improvement of communication, education about the mediation procedure, setting the rules of the process such as a fair hearing and speaking for all involved, and fact-finding. Lastly, substantive strategies present mediator as an intervener in mediation process, who directly participates in sessions and who can exercise pressure in order to compel parties to concessions.

Similarly, Jeong (2010: 182-183) arrays strategies on the scale based on directivity, ranging from pure delivery of information without any modification of an outcome to powerful role of mediator controlling the mediation and shaping outcome of process. Jeong defines three types of mediation – facilitative, evaluative, and transformative – according to mediator's goals. Facilitative mediation aims at management of the mediation process itself. Evaluative mediation focuses on assessment of the parties' stances with an ability to propose a solution acceptable for both parties. And transformative mediation strives to strengthen the relationship of conflict actors in order to ensure their capability to negotiate jointly without intermediary. The author highlighted three intervention strategies – pressure, compensation, and persuasion – which mediator combines in order to get the parties to a mutually favorable outcome. These strategies will be examined later in this theoretical chapter.

It is necessary to note that typology does not need to be based on the triadic division. Wallensteen (2002: 282-284) works with a simpler dichotomy which reflects the power of the mediator, or the lack of it. In case the mediator does not possess much power, it must rely on persuasion and overcome obstacles by smart bargaining and credible relationship with the involved parties. To the contrary, if the mediator can employ a threat of force, it can compel parties to reach an agreement. Wallensteen argues that these two techniques change the nature of an outcome of negotiation. In case mediator chooses the approach without power (i.e. without physical force) an agreement is reached through a real search for common satisfaction of involved actors, which is a

time-consuming procedure characterized conflict parties' greater role in the negotiation. On the contrary to that, the power approach rests on the mediator's notion how the agreement should look like and power serves as a canal through which the agreement could be reached. The agreement in this case is not a common issue, rather oscillates around the previous notion as defined by the mediator.

This subchapter illustrated several typologies of mediation techniques, which are important for a comprehensive understanding of the given phenomenon. Generally, the mediator's level of involvement and level of control over negotiation differentiates its role played in mediation process. The majority of typologies revolve around a division when the mediator serves as a mere communication medium, or more actively propose solution acceptable for conflict parties, or even more actively attempts to encourage conflict actors to accept the solution. The common ground proceeds from the fact that mediator strives to change the perceptions of conflict parties by various techniques and these techniques can be combined together. This thesis will apply Touval and Zartman's classification in the third chapter as it usefully keeps the characterization easy to follow. Furthermore, this typology is convenient for the research due to the fact that enables recognition of nuances between the manipulation mode of mediation (when mediator utilizes its leverage in order to push parties to accept the agreement) and the leverage exercise. The difference will be explained in the subsequent chapter.

Wallensteen's approach is still important, as it ponders the question of how power as a concept is understood in mediation. The subsequent subchapter will thus focus on the definition of the concept of power, its attributes and how such power might be exercised. This thesis will not place an emphasis on understanding of power as physical force, rather on power to bring conflict parties to a negotiation table or to a mutually accepted settlement.

1.2. *Concept of Power in the Theory of Mediation*

The concept of power has a considerable role in affecting the shape of a negotiation as well as its result, thus power represents an inseparable element in negotiating, resp. mediating the conflict resolution. The use of power has an ability to bring parties to a surprising outcome. Parties involved in a mediation process do not have to necessarily share the same status, wealth, relations, and resources, thus a space opens for exercise of leverage in order to get to the desired outcome. Relatively weaker

party might gain more than one would expect over relatively stronger party due to mediators' ability to lure parties to agreeable solution or to deter them from not adhering to an agreement. The concept of power has been understood differently by various theoreticians and needs to be further clarified. The subsequent part of the thesis will look at the understanding of concept of power in the mediation process and it will identify how the power can be exercised. This will be of utmost importance for the third analytical chapter of this thesis because it will help us identify leverage in the US mediation of the Israeli-Palestinian conflict. The concept of power will be briefly introduced from a broader perspective, as defined by several political scientists, and then the concept will be adjusted according to mediation requirements.

1.2.1. What is Power and its Main Attributes

In order to properly identify whether a leverage was exercised in the Israeli-Palestinian conflict mediation during Obama presidencies, it is necessary to introduce the concept of power. It is important to mention that the term power has been mostly understood in mediation theory as influence or leverage and, as Kleiboer (1996: 371) comments, it "is one of the most elusive elements of mediation". Although it is an important aspect which helps to bring conflict parties to a negotiation table, or to accept a solution, only several authors have attempted to define the concept of power in relation to conflict management and conflict resolution. Therefore, this part of thesis will focus on concept of power in terms of influence or leverage. We do not take into account use of physical force or power relationships.¹³

Political theorist Dahl (1957: 203) defined power as a relation when "actor A has power over B to the extent that he can get B to do something that B would not do otherwise". This definition had provoked criticisms. Singer (1963: 421) criticized Dahl's definition that it dismisses the difficulties of A's prediction about B's behavior in case A will not try to influence B. This is connected to the essential problem of

¹³ The term power can be understood differently. In this manner, it is necessary to briefly remind the term of power that is closely related to realist school of thinking in international relations and its concept of power politics. Power can be equated to force, that entails military, economic and political means – very often material resources one controls. Realism identified power as a mean to secure self-preservation and interests of state. Although realism definition very often equated power to "force", unexpectedly Hans Morgenthau (1948: 13-14), who defined principles of realism, stated that "power may comprise anything that establishes and maintains the control of man over man. Thus power covers all social relationships which serve that end, from physical violence to the most subtle psychological ties by which one mind controls another".

probability of predictions when an actor cannot be absolutely certain about another actor's steps. Singer (1963: 420) explained the concept of power as "a capacity to influence". Singer sought an analytical model rather than theory for explanation of the concept of power through inter-nation influence and his definition is rather broad.

Another political scientist Simon (1953) stressed the need to operationalize the term power in to be able to measure political power. Simon was interested primarily in political decision-making. According to this thinker, the main elements are "influence" and "power" which can be used interchangeably. Additionally, Simon wrote that the aim is to "observe how a change in the behavior of one (the influencer) alters the behavior of the other (the influencee) (Simon, 1953: 516). Simon drew from definition written by Laswell-Kaplan who claimed that "the exercise of influence (influence process) consists in affecting policies of others than the self" (Lasswell and Kaplan, 1950: 71). Laswell and Kaplan worked with the terms power and influence differently and did not consider the terms interchangeable. The authors understood the concept of influence as a set of values (connected to welfare and deference values) and potential that these values can obtain in a future. On the contrary to that, the term power represented merely a subset of value and authors defined the concept of power as "participation in the making of decisions" (Lasswell and Kaplan, 1950: 75). According to authors, difference is made by "the threat of sanctions which differentiates power from influence". This statements leads us to various forms of techniques through which influence might be exercised – this will be explained later in this subchapter.

Touval and Zartman (2001: 455) characterize power as „the ability of one party to move another in an intended direction” and highlight that this understanding of power is reflected in the mediation theory as a leverage. This definition contains several important aspects. Firstly, the exercise of power in terms of leverage (or influence) depends merely on inter-personal relations, thus people are the single driver. Influence can be used directly and indirectly, still, it has the ability to modify movement of actor in the desired direction. Additionally, such a definition emphasizes the importance of measuring activity in the desired direction rather than a mere output due to the non-existence of one standard desired output or movement in this field of social science. This definition is broad enough and does not reduce the meaning of power only to e.g. material resources. It considers attempts to persuade another actor to do X as well as to

avoid doing Y. It is important to note that, according to Zartman and Rubin (2000: 6-8), definitions hardly deal with different forms of leverage.

Zartman and Rubin (2000: 8) attempted to define the power more specifically with taking into the account changing behavior of the actor, where power is understood in terms of “purposeful action”. According to authors, power is defined as “an action by one party intending to produce movement by another”. Holsti (1964: 180) supports this conceptualization by defining the concept of power as “the act or acts that A commits toward B so that B pursues a course of behavior in accordance with A’s wishes”. To be more precise, “power is the act of influencing other factors, it includes the capabilities used to make the wielding of influence successful; and the responses to act” (Holsti, 1964: 182). It is important to note that in reality, actors involved are mutually affected and exercise of influence is not solely one direction process. Concretely, when one party exercises its influence over one or two other parties, these parties have certain influence over the first party as well. For instance, if B complies with A’s desired movement, A might change its behavior afterwards and might decide to reward B (Singer, 1963: 421).

According to Jeong (2010: 80), the concept of power “can be defined in terms of what one party can either coerce or persuade the other to give up”. Jeong follows up by claiming that coercion or persuasion is an “ability to hurt each other economically, physically, and psychologically when actions and counter-actions are mutually opposed in direct confrontations.” This definition appears to overcome Zartman and Rubin’s comment about the difficulty of involvement of different forms of leverage in definition. Similarly to that, Kleiboer (1996: 371) is specific how such an influence is being exercised. Author characterizes leverage as “mediator’s ability to put pressure on one or both of the conflicting parties to accept a proposed settlement”. Nonetheless, Kleiboer does not analyze the persuasion technique in details, author solely mentions that leverage depends on resources mediator can bring to the mediation process. On the contrary to that, Greig and Diehl (2012: 116) are more specific and define leverage as “ability to offer the resources necessary to change the bargaining dynamic between the disputants in ways sufficient to foster agreement when it would not otherwise take place”.¹⁴

¹⁴ Furthermore, power can be characterized in terms of power relations among disputants. This understanding of power will be briefly explained in order to fully introduce the possible explanation of the power concept. Basically authors share two different approaches to power relations. Firstly, power symmetry among disputants is an important factor that affects adoption of mutually agreeable solution. Due to the fact that stronger party will not be willing to make enough concessions, negotiation process

Actor utilizes its influence to produce a desired outcome that is favorable. This capacity stems from several characteristics such as resources under control, relationship with involved parties, global status, or various interdependencies among the actors involved. Material capacity (e.g. wealth, technical advanced level, capital, global status, and armament) as well as non-material capacity (e.g. will, skill, perceptions, inter-nation relations, diplomatic ties, persuasiveness, norms, ideals) create factors of utmost importance when attempting to change conflicting parties' perceptions. Additionally, the mere fact that one possesses all the resources does not ensure a successful exercise of influence. As Jeong emphasizes, the ability to mobilize resources decides (2010: 83). And Holsti (1964: 185) follows by stating that "the amount of influence a state wields over others can be related, as in domestic politics, to the capabilities that are mobilized in support of foreign policy objectives". Thus, power depends on available resources one actor has and its ability to use them. Resources represent the base of power, from which power is derived. As Holsti mentioned (1964: 181-185), power is quantity as well, but it is merely relative term. Rather, we can measure the base of power in terms of quantity and quality of available resources. As the author acknowledged, the difference between the real influence and capabilities available might be characterized by a significant gap that cannot be simply overcome. There exist many factors that can add an influence even to an actor without strong material resources e.g. diplomatic ties, non-material resources, or reactions of other actors. Greig and Diehl (2012: 118) state that resources are helpful in order to "raise the costs for disputants rejecting a settlement, increase their benefits of signing an agreement, and provide mechanism to ensure compliance with any agreement reached."

As is obvious from the aforementioned definitions, power can be approached from various perspectives. Moreover, the concept overlaps with several other, such as leverage or influence, which all share at their core the quality of making another actor accept a desired mode of action. In order to be able to exercise power/leverage/influence the mediator has not only to possess the resources (material and non-material), but has to know how to mobilize and utilize them. Zartman and Rubin's definition is the most appropriate for this thesis as it is not overwhelmingly general and not too narrow. This definition creates a space for wide array of leverage forms of power exercise.

will favor this stronger party and makes it even stronger. Secondly, power symmetry is not desirable state due to the possibility of spilling over to escalation of the crisis (Kleiboer, 1996: 368).

Furthermore, definition of power as “purposeful action by one party intending to produce movement by another” reflects the aim of thesis – to identify the action (leverage exercise) while not overlapping with the definition of manipulation as the third form of mediation.

1.2.2. Forms of Power

The next section of this thesis will focus on techniques how to exercise power/influence/leverage over another actor. For the purpose of our thesis – to identify, whether leverage was exercised and through which form – the power/leverage/influence will be uniformly called leverage as it is more appropriate in the field of mediation theory. The exercise of leverage will be searched particularly in written acts (and its reflection in concrete action) during the mediation of Israeli-Palestinian conflict during the Obama presidency.

Leverage aims at influencing another’s perception in order to get to a desired outcome. How can a mediator exercise its leverage? Authors who deal with the forms of leverage systematically have been scarce. Holsti (1964: 188-190) sums up five techniques through which leverage might be exercised. First, mere persuasion can take place without any prospect of punishment or reward from an influencer. In this situation, the actor follows the instructions of actor A on the basis of voluntary principle with an expectation that reward might come in the future, but not necessarily from A’s side. Second, the offer of rewards which can be seen in any kind of reward if B complies with A’s desire. Third, granting of rewards means that certain rewards are granted before B complies with A’s wishes. Generally, this is used in case when actor A strives to increase its credibility, therefore its aim is to assure actor B in advance about A’s dedication. Fourth, the threat of punishment that comes if A does not comply with B. Most often punishment is characterized in terms of deprivation. Fifth, the infliction of non-violent punishment when A carries out non-violent punishment in order to advert B’s behavior. This jeopardizes the conflict situation due to a probable escalation of conflict (Holsti, 1964: 188-190).

Similarly to that, Touval and Zartman (2001: 455-457) present typology based on five techniques through which leverage is exercised: persuasion, extraction, termination, deprivation, and gratification. Some of the techniques are identical, but some of them are newly introduced. Firstly, authors stressed that persuasion technique is

not dependent on the resources mediator controls, contrary to that, this technique depends rather on eloquence – the capability to point out favorableness of reconciliation and disadvantageousness of continued conflict. Secondly, extraction is rooted in ability to realize what solution from one conflict party’s proposal of conflict solution would be acceptable for another party. This ability is at the core of formulation technique in mediation. Such a solution that comes up from conflict parties’ wishes is necessary as long as the imposed solution has only a limited chance for long-term solution. Touval and Zartman highlight that the conflict has to be in phase of no-win situation in order to successfully formulate such a proposal. Thirdly, termination, is characterized by mediator’s art to withdraw the mediation process and abandon conflict in order to let parties negotiate on their own. If the conflict is in stalemate, parties would not wish the mediator to leave as there is only a little chance that conflicted parties find solution without an intermediary. Fourth, deprivation depends on the mediator’s capacity to deny one party’s resources or transfer them to the other party. Additionally, deprivation involves the ability to diverge from one party through e.g. public condemnation. On the contrary to that, the fifth form of leverage – gratification – is characterized by shifting resources to one party or declaration of support through e.g. formal and informal meetings. Furthermore, the authors mention that mediators rarely use its leverage through side payments in order to make the solution more aspiring – as this helps to complete transformation as it proceeds from proposed solution.

According to Jeong (2010: 181), leverage could be exercised through persuasion (ability “appeal to the needs”), compensation (reward) and pressure. Author admits that another technique might be mediator’s threat of withdrawal from mediation. Nonetheless, author left a deeper conceptualization of these techniques unanswered.

Zartman and Rubin (2000: 11) divide actions that provoke movement into “pressure (negative), inducement (positive), and resistance (negative or positive response)”. According to them, threats and warnings fall into category of pressure, and promises and predictions fall into category of inducement. Cheney, Harford and Solomon (1972: 99) identified leverage in narrower sense, through threat¹⁵ and promises. Furthermore, according to authors “warning appeals to the other party’s fear of punishment and relies upon credible deterrents, whereas promise appeals to his desire to obtain rewards and relies upon incentives”.

¹⁵ According to the authors, a threat is warning that a punishment would come if actor B does not comply with A’s wishes.

All authors agree that mediator must have necessary resources. Kleiboer (1996: 371) sums up that mediator exercises the leverage through negative sanctions, positive sanctions that relate to material and non-material resources, through reduction or abandonment of supplies (economic, military etc.), or through application of psychological coercion.

The use of leverage is connected to risk that intermediary will exercise too much leverage. As Pruitt emphasizes, positive incentives (e.g. compensations) that are supplied in the long-run to conflict parties could escalate into dependence of conflict parties on such compensations, thus requiring compensations every time when concessions are demanded. This dependence disrupts the mediation procedure as long as mutually acceptable agreement would not be dependent on parties' changed perceptions (Kleiboer 1996: 372). Similarly to that, it is important to note that the exercise of leverage does not depend solely on mediators, because parties are those who accept the leverage exercise and take into account mediator's ability to deliver mutually acceptable solution (Zartman, 2008: 167).

This subchapter elaborated on possible forms of exercising leverage. The mediator can merely use its persuasive skill without any prospect of punishment or reward. Furthermore, it can rely on negative (e.g. threat, warning, punishment,) or positive (e.g. reward, promise, inducement) stimuli to affect conflict parties' decisions – i.e., to either encourage them to accept an agreement, or to dissuade them from refusing it. As the exercise of leverage creates an opportunity to alter the dynamics of bargaining, it deserves much attention in the theory of mediation. The presented typologies have provided us with the knowledge that will be utilized empirically in the third chapter. The aim is to identify whether leverage was exercised and through which form during the US mediation of the Israeli-Palestinian conflict between the years 2009 and 2016. This thesis will work with own typology created from a mixture of above mentioned typologies, that will be presented in the next chapter. The definition of typology will ease distinguishing the single leverage nuances, which will help to identify leverage exercise in the case comprehensively.

2. Methodology and Analytical Framework

This thesis is a case study focusing on the US mediation of the Israeli-Palestinian conflict between the years 2009 and 2016, when the Presidential post was carried out by Barack Obama. In subsequent chapter, the methodology applied will be explained alongside the analytical framework.

2.1. *Methodology*

Although President Barack Obama declared the Israeli-Palestinian conflict resolution one of the priorities of US foreign policy, the mediation of the conflict was not successful and did not deliver any major breakthrough. The aim of this thesis is to identify the reasons why the US, despite its influence, did not accomplish its goal. The thesis proceeds from two assumptions. Firstly, the United States, a powerful country with privileged position on the international scene, had a considerable potential due to its capacity and resources available to bring the conflict parties to a settlement. The exercise of leverage might have created an opportunity to reconcile countries and to contribute to greater concessions from both conflict actors. Unfortunately, the negotiations did not overcome the basic obstacles and both conflict parties insisted on conditions that could not have been fulfilled. Therefore, this thesis will identify the mediation activities, what forms were applied, and assess them concentrating on the nature of negotiations – whether leverage was exercised, in what form and what issues were at core, or not. Secondly, the dynamics between the US executive and US legislature projected on the action taken in the US Congress will come under scrutiny due to the assumption that the US Congress did not reflect the foreign policy objectives and did not support the conflict resolution effort significantly. Due to the fact that the US Congress during the first Obama administration was controlled by the Democrats which set up good potential for considerable support of the conflict resolution, and on the contrary to that, the US Congress during the second Obama administration was controlled by the Republicans, this opens a space for assesment of these two terms.

The identification of mediation processes, the search for an exercise of leverage with a focus on its form and type of the issue to which it relates, and the reflection of foreign policy steps in US Congress, is thus of utmost importance for this thesis. The differences between single Presidential terms will be highlighted. The aim is to explain

why the US was not successful in the process of conflict resolution, despite obvious effort invested in it. The research will be structured by the following questions:

- 1) What mediating procedures were applied by the United States during the Obama presidency?
- 2) Was leverage used? If yes, what forms of leverage were utilized? What were the issues at the core of leverage exercise?

Based on the questions and relevant theoretical framework, following hypotheses have been formulated:

- A) The US acted primarily as facilitator of communication rather than formulator or manipulator.
- B) The US was not successful in the resolution of the Israeli-Palestinian conflict due to a relatively scarce exercise of its leverage in the process of mediation.
- C) The US Congress did not respond flexibly to the dynamics of US foreign policy in the mediation of the Israeli-Palestinian conflict.

It is important to underline that this study seeks to explain the lack of success of US mediation by focusing on its internal dynamics, not external influences. In particular, focus is laid on the approach to the mediation process and activity of the US – its exercise of leverage and internal dynamics between US executive and US legislature. The thesis excludes the external factors due to difficulties to capture transformation of the security environment in the Middle East region especially after the Arab Spring uprisings. Although involvement of external conditions would make this study more comprehensive, there arises the objection that such external conditions could be responsibly assessed only with longer time distance.

2.2. Analytical Framework

As a first step, the thesis will identify the mediation activities realized by the US administrations in vogue in each of their terms. In general, the goal is to explain what the US did in order to bring the Israelis and the Palestinians to a settlement. The focus will be placed on specific actions that contributed to bringing the parties to a settlement e.g. visits in the region done by US representatives, organization of talks, ability to

propose a concrete solution etc. Alongside the identification of mediation processes, specific forms of mediation will be identified. This thesis will utilize the categorization of communication-formulation-manipulation modes of mediation, and evaluate the frequencies of each form of mediation. Communication type of mediation involves such an action which contribute to a transfer of information between conflict parties, organizing common talks and setting the agenda. Formulation strategy rests on the mediator's ability to capture the most pressing obstacles and develop a mutually agreeable conflict solution. The last form of mediation – manipulation – is expected to be manifested through an action when a mediator attempts to lure the parties to accept the suggested final settlement or deter them from not accepting that agreement. This division is based on Touval and Zartman's typology as presented in the first chapter of this thesis.

Secondly, in relation to the part of the thesis which focuses on leverage, the aim is to seek an action exerted by the US that intended to produce movement of conflict parties (as leverage was defined by Rubin and Zartman in the first chapter). This is closely connected to the third form of mediation – manipulation. Thus, a manipulation mode of mediation will be counted solely in case mediator manipulates conflict parties towards the acceptance of final settlement whilst manipulation for other purposes (e.g. keep negotiations on track) will be defined as a leverage exercise. The exercise of leverage will be sought in texts, where indication of leverage exercise will be identified, depending particularly on the overall context of a given message as the leverage might be mentioned directly or it could be demonstrated indirectly. The leverage could be manifested discursively – in speeches, statements and proclamations – or practically through e.g. abandonment of financial aid. Subsequently, the forms of leverage will be evaluated and counted. The form of leverage is divided into neutral, negative and positive and the frequencies will be counted. Neutral leverage will involve persuasion (action to appeal conflict parties without any prospect of reward or punishment) and termination (abandonment of mediator's participation from negotiation process) techniques. Positive leverage will be highlighted through promise of reward, grant of reward (e.g. gratification of resources, public acclaim) and compensations (provision of positive goods to balance the effects of loss or damage). Lastly, negative form of leverage means that the US punished conflict actors (e.g. through the deprivation of resources, transfer of resources, public condemnation etc.), including a threat of punishment and warning. Furthermore, the presence of types of issue at the core of

exercising leverage will be assessed through binary values (1 means that concrete form was present and 0 that concrete form was not present). For the purpose of this thesis, these types could relate to political, economic, security, or societal (focused on the transformation of perception of the other side) issues.

Thirdly, the responsiveness of the US legislature to the dynamics of US executive, represented by the Obama administrations, will be put under scrutiny. The thesis will seek the manifestations of congressional support for or opposition to US foreign policy line of conduct in relation to the Israeli-Palestinian conflict mediation. The focus will be placed primarily on legislative action related to the Israeli-Palestinian issue. For purpose of this thesis, legislative action includes a proposal of a bill or a resolution that passed at least one Chamber and laws.¹⁶ In order to analyze pattern of stance of the US Congress, direct manifestation of congressional support/opposition to the resolution will be sought. Equally, manifestation of the stance towards the resolution will be sought indirectly through passed resolutions and laws according to the content related to the State of Israel or to the Palestinian territories. This congressional action will be divided into categories according to issues to which it relates: condemnation and restrictions; support for peace; financial and material support; and open declaration of support. Furthermore, the thesis will identify to what actor such a congressional action relates – solely to the Israelis, solely to the Palestinians, or to both. The initiatives will be qualitatively assessed with regard to its importance and relevance. This part will be divided to two sections according to each administration terms equally as the previous part related to the mediation process. The US Congress was controlled by the Democrats between the years 2009 and 2013, but the Republicans took over from 2013.

¹⁶ In the US legislative action, there exist several types of resolutions – a joint resolution, a concurrent resolution, and a simple resolution. In this thesis, all types of resolutions will be approached uniformly, because the legislative difference is not important for the purpose of this study. In order to specify the distinction, there is a little difference between a bill and a joint resolution. Both legislative acts can originate in the Senate and the House of Representatives, except for a revenue bill, which comes solely from the House of Representatives. Differently, a joint resolution involves preamble before the resolving clause, but the legislative procedure is the same (except for when the joint resolution is proposed as an amendment to the Constitution). Concurrent resolution serves solely for manifestation of opinions and introduction of facts, principles of both Chambers, and this resolution is not introduced to the President for an approval. Similarly to that, a simple resolution follows the same application as a concurrent resolution, but simple resolution is considered solely by that Chamber by which it is initiated. Available at:

<https://www.congress.gov/resources/display/content/How+Our+Laws+Are+Made+-+Learn+About+the+Legislative+Process>.

This opens the way for a useful comparison of support vs. opposition of the US Congress towards foreign policy steps in relation to the Israeli-Palestinian conflict.¹⁷

The relationship between the US executive and the US legislature is not only one way matter – as the US executive affects US legislature, equally to that the US legislature affects the US executive (e.g. US Congress signals its policy preference to the administration through number of sponsors and co-sponsors of bill or resolution). The sequence of the congressional action in relation to foreign policy mediation activities will be evaluated in order to assess whether the US Congress reflected the steps of foreign policy or vice versa.

¹⁷ During the each of the four-year administrations term there was one two-year period when one party did not have superiority in both Chambers at the same time. Due to the fact the party maintained overall control over the Congress (kept number superiority), the US Congress will be purposefully approached as unified actor in order to keep the division on two terms and to ensure clear arrangement of the study.
111th Congress 2009-2011: The Democrats controlled both Chambers.
112th Congress 2011-2013: The Democrats controlled the Senate, The Republicans controlled the House of Representatives.
113th Congress 2013-2015: The Republicans controlled the House of Representatives, the Democrats controlled the Senate.
114th Congress 2015-2017: The Republicans controlled both Chambers.

3. US Mediation of the Israeli-Palestinian Conflict

3.1. *Introduction to the Israeli-Palestinian Conflict and the Peace Processes*

3.1.1. History of the Israeli-Palestinian Conflict

The first subchapter will provide a brief overview of the Israeli-Palestinian conflict and it will present the major mediation attempts to resolve the conflict.

The roots of the Israeli-Palestinian conflict can be traced back to the post-First World War period when the Jews started to migrate to the territory of British Mandate in Palestine.¹⁸ The trigger was seen in a Balfour Declaration in 1917, expressing the British support to the creation of the Jewish state in Palestine.¹⁹ After the establishment of an independent State of Israel in 1948 on part of this territory, the conflict burst fully out between the Israelis and the Palestinians. Although the United Nations (UN) initiated a plan that presented the basic rules of co-existence of these two nations, counting with one state for the Arab people and one state for the Jewish people, with the capital Jerusalem that should have been ruled under a UN special regime, the plan was accomplished half-way. The clashing interests revolved not solely around nationalist or religious issues, but contained the power interests of neighboring states. Since that time, the both sides have been stuck in several wars and skirmishes and the Israeli-Palestinian conflict became part of the wider conflict between Arab states and Israel.²⁰

The resistance against the existence of the State of Israel arose from Palestinians at the turn of the 1950s. Organization called Fatah aimed to “conquest” (as the name

¹⁸ Established on present territory of Jordan, Israel, Gaza, and the West Bank.

¹⁹ The declaration, signed by the British Foreign Minister Arthur Balfour to Lioner Walter Rothschild (the head of British Zionist movement), represented the culmination of Zionism’s effort to create the homeland for Jews on the territory of Palestine. This idea was embodied in the UN’s mandate for Palestine that was granted to the Great Britain. Available at: Shlaim, A. (2009). *Israel and Palestine: Reappraisals, Revisions, Refutations*. London: Verso.

²⁰ The First Arab-Israeli erupted in 1948 – 1949, when Israel confirmed its existence in fighting against the coalition of Arab states. The Second Arab-Israeli war arose from the Suez Crisis in 1956, when Israel, supported by the France and the Great Britain, reacted on the nationalization of the Suez Canal and attacked the Egypt’s Gaza Strip and Sinai Peninsula which kept under control till 1957. Thirdly, the Six Day War in 1967, aimed at prevention of the Egyptian attack on Israel when Egypt called for the destruction of the State of Israel. Israel seized vast territories – the Sinai Peninsula and Gaza Strip (from Egypt), The West Bank (from Jordan) and the Golan Heights (from Syria). Fourthly, the Yom Kippur War in 1973, attempted to return Egyptian territory lost in the previous war, therefore Egypt and Syria attacked the Israel unexpectedly on the Jewish fest, but the territorial changes were not achieved (Pečenka and Luňák et al, 2009: 30-31).

from Arabic can be translated) the territory from Jews and was comprised of Palestinians in diaspora. Yasser Arafat established Fatah in Kuwait. Later on, the Palestinian Liberation Organization (PLO), was created with the aim to unite Palestinians on the international scene. Fatah overtook the leading role, operating from Jordan and Lebanon afterwards (Čejka, 2013: 103-105). The aim was to completely liberate the territory of British Mandate from the State of Israel through armed fight, while any compromise was excluded (BBC, 2011).

PLO fought through guerilla warfare and terrorist bombings, attacked the Israel on its territory as well as outside of it.²¹ In 1970s, PLO changed its stance, left the terrorist means of fighting and admitted the future Palestinian state merely on part of the territory. The State of Israel alongside with a majority of the Western states have not recognized the State of Palestine and conversely the Arabs, except for Egypt and Jordan²², have not recognized the State of Israel. When the Israeli right-wing party Likud firstly won the elections in 1977, the Israelis started to build the settlement on the territories that should have been under control of Palestinians – the West Bank and the East Jerusalem (Shlaim, 2009: 245). The PLO operating at that time from Lebanon launched the fire on Israel, which led to the Israeli invasion to Lebanon and expulsion of PLO to Tunisia in 1982 (Rubinstein and Dowty, 1991: 52-53).

The situation in the West Bank and Gaza Strip deteriorated, leading to the skirmishes and violence on civilians. This resulted in the break out of the First Intifada – Palestinian uprising in 1987 that was suppressed by the Israel's Defense Forces (IDF). The PLO was distanced, therefore other groups had the opportunity to evolve, among them e.g. Hamas or Palestinian Islamist Jihad²³. The Palestinians followed the self-determination claims and the PLO declared the independent State of Palestine on the territories of the West Bank, Gaza Strip and the East Jerusalem in 1988 (Pečenka and Luňák, 2009:358-359).

The tensions had not been eradicated and further violence broke out in 2000, leading to the Second Intifada. The character of this fight was more violent, the

²¹ The Israel's Western allies were targeted as well.

²² Camp David summit, organized by the US President Jimmy Carter, ensured the Egyptian recognition of the State of Israel in exchange of Israel's withdrawal from the Sinai Peninsula in 1979. Jordan reconciled with Israel in 1994.

²³ Radical groups which evolved from the Palestinian offshoot of the Muslim Brotherhood, did not accept the pragmatic approach as set by Arafat, instead kept on attacking Israel. Unlike these Islamist groups, PLO was based on secular ideology (Čejka, 2013: 106-112).

assassination bombings and firing of Israel was responded by hard reprisal, when not only attackers, but the civilians were killed on both sides (Čejka, 2013: 213-214).

The ambiguous approach of the international community has not eased the relationship of both parties. The conflict has turned to the complex matter, involving disputes over various issues. The recognition of the states is not the only obstacle to the peace. The other issues include the definition of borders, security concerns, Israeli settlements, control of Jerusalem, right of return for the Palestinian refugees, Palestinian freedom of movement as well as access to water resources. Furthermore, it is important to note that psycho-sociological aspect plays considerable role in the conflict because the longer lasting the conflict is the more intractable the situation gets. Thus, it is more difficult to resolve. The conflict has become deeply rooted in the minds of Israelis and Palestinians, among whom the trust dissipated and the feel of victimization largely emerged (Bar-Tal, 2007: 1430-1434). For the above mentioned reasons, the mediation has possessed a significant challenge to the intermediary as long as the conflict evolved to a complex problem with material as well as non-material issues at stake.

3.1.2. Israeli-Palestinian Conflict and the Peace Processes

During the second half of the 20th century, several attempts to resolve the conflict were undertaken. Various states and organizations have been involved in mediation of the Israeli-Palestinian conflict. For instance, in 1980s the Jordanian King Hussein cooperated with the US on that issue, attempting to persuade particularly Israel to participate in talks, but any progress was not achieved. The Madrid Conference in 1991 represented another mediation attempt, initiated by the US and the SSSR. The participation of other Arab states (Jordan, Lebanon, and Syria) should have ensured credible environment in which potential agreement would find wider support among neighboring countries. Although any agreement was not delivered, this conference meant important breakthrough as it had been for the first time ever when both conflict parties entered into indirect talks²⁴ (The Madrid Peace Conference, 1992).

The Oslo peace process between 1993 and 1995 represented the most advanced attempt to come to an agreement. The Norway as an intermediary supported primarily the back channel talks. It contributed to the mutual recognition of both sides and the

Declaration of Principles Agreement. These results brought the limited Palestinian self-government (Palestinian Authority, PA) on the West Bank and Gaza Strip (Israel had to gradually withdraw from these territories) and set the framework for future negotiations about the competed issues. Unfortunately, this is the major contribution of these peace talks, as the opportunity for final settlement was not seized completely, the Palestinian state was not created and joint ventures were not solved permanently²⁵ (Diehl and Craig, 2012: 100).

The US President Bill Clinton attempted to revive the stalled negotiations over the most pressing issues few times during his presidency. Firstly, Clinton initiated in 1998 Wye River Talks where the Wye River Memorandum was signed up between conflict parties. On its basis, Israel agreed to withdraw from 13% of occupied territory in exchange for Palestinian assurances to suppress the attacks on Israel (The Washington Institute, 1998). Secondly and more aspiringly, Clinton convened meeting of conflict parties to Camp David in 2000. The aim was to carry through the final settlement through negotiations over territory, status of Jerusalem, Palestinian refugees' right to return and Israeli security concerns. The negotiations failed over the status of Jerusalem and refugees right to return (The Palestinian-Israeli Camp David Negotiations and Beyond, 2001).

In 2002, the Quarter comprised of the UN, EU, US, and Russia came up with the plan the Roadmap for Peace²⁶, which introduced three phases towards the settlement of the conflict through creation of the Palestinian state till 2005. The first phase included the end of violence between conflict sides, the freeze of Israeli settlement activity, reformation of Palestinian Authority and build-up of Palestinian institutions. The second phase counted with the creation of the Palestinian state within temporary lines and creation of the Palestinian constitution by 2003. The third phase determined the negotiations over a permanent status agreement that should have solved the borders, refugees and international recognition of both states. (Roadmap for Peace, 2002) The

²⁴ Israel did not want to participate in talks with PLO claiming that it is terrorist organization that prevent Israeli right to exist. Therefore, PLO chose several Palestinian representatives from Jordanian mission, which contributed to eradication of the Israeli objections.

²⁵ The Palestinians were represented by Arafat and the Israelis by Prime Minister Yitzhak Rabin (assassinated in 1995, his successor was Benjamin Netanyahu, who did not incline considerably to the peace process) and Minister of Foreign Affairs Shimon Perez.

²⁶ The Roadmap for Peace proceeded from the speech of the US President George Bush and as such, the basis partly came out from the Mitchell's report in 2001. The former senator George Mitchell was appointed as a head of the international committee that investigated the causes of the violence break-out between the Israelis and the Palestinians during the Second Intifada. The report identified both sides as culprits, called for ending of violence, and buildup of peaceful settlement.

plan was not accomplished and this was basically the last significant attempt to reconcile the parties.

The last attempt to revive the peace process in 2007 was represented by the Annapolis Conference called by George W. Bush, which aimed at complementation of the Roadmap for Peace plan. Although the Israelis and the Palestinians agreed on joint statement about the future negotiations over the conflict issues, the permanent status and progress was not accomplished (Migdalovitz, 2007: 1-6).

This subchapters briefly introduced the development of the Israeli-Palestinian conflict and presented major mediation attempts to reconcile the Israelis and the Palestinians since the beginning of the conflict. Unfortunately, a comprehensive agreement had not been negotiated (although the framework was set) as long as negotiations failed due to different reasons and conditions. In subsequent parts of the thesis, the mediation procedure will be put under scrutiny, revealing the US mediation activity during the Obama presidency between the years 2009 and 2016.

3.2. US Mediation of the Israeli-Palestinian Conflict under Barack Obama

3.2.1. First Obama Administration

The resolution of the Israeli-Palestinian conflict has been a focus of almost every US administration since the foundation of the State of Israel. The newly elected President Barack Obama had not omitted the issue, nay declared the Israeli-Palestinian conflict resolution one of the priorities of US foreign policy. From the beginning, this statement appeared to be supported by different rhetoric²⁷ taken from previous US administrations towards the Israeli-Palestinian conflict resolution. This should have changed the US standing in the Arab and Muslim world after the Bush's declaration of War on Terror. Therefore, the subsequent part will present and analyze how Barack Obama and his administration met commitments and mediated the conflict.

Barack Obama started to behave actively in the mediation of the Israeli-Palestinian conflict immediately after his early days in an office. In order to lay the

²⁷ Obama attempted to change the perception of US standing in the Arab and Muslim world, and during the first term preferred pro-Palestinian rhetoric.

foundations for a smooth information exchange and for strengthening the trust among conflict actors, the new post of the Special Envoy for the Middle East Peace was established. George Mitchell was appointed as the Envoy, which gave the impression of smart choice as long as Mitchell had a rich experience from the mediation procedure²⁸ (Siniver, 2011: 681). Creation of this post indicated the effort to make the communication among parties easier, therefore this step felt to the communication mode of mediation. Undoubtedly, the aim was to make parties to negotiate directly. This required only low level of US involvement since the US focused on facilitation of transfer of information. George Mitchell launched a shuttle diplomacy in order to fulfil the task. For the purpose of our thesis, Mitchell's shuttling (as well as his successors') between the Israel and the Palestinian Territory is summed up to the communication mode of mediation solely once, due to the fact that content of the position reckoned with the facilitation of communication.

In March 2009, the Secretary of State Hillary Clinton, accompanied by Mitchell, traveled to the Israel and the territory of Palestinian Authority to reassure both conflict parties (represented by Israeli Prime Minister Benjamin Netanyahu and Palestinian Authority Chairman Mahmoud Abbas) about the enduring US commitment to the resolution of the conflict.²⁹ At that time, the situation had been complicated by Israeli approval of a new set of housing units on the Palestinian territory (U.S. Department of State, 2009a). This trip of the US representatives belonged to the category of the communication mode of mediation. It was necessary to get the parties to negotiation table. Therefore the visit of the Secretary of State should have supported the idea that it is necessary to exploit the window of opportunity and the US is prepared to assist with resolution.

President Obama met with Abbas and Netanyahu during bilateral meetings in May 2009 in Washington, DC to discuss the Israeli settlement policy. In meeting with Netanyahu, Obama demanded the construction to stop on the territory of the West Bank and the East Jerusalem. At that time, this was not only the communication role played by the US in a mediation procedure. Obama strove to manage the situation, explain the policy, and try to find the common view which would have enabled the direct talks to begin. This should have helped conflict parties to overcome misunderstandings and

²⁸ Mitchell successfully mediated the conflict in Northern Ireland in 1990s. He had been involved in mediation of the Israeli-Palestinian conflict as well as the author of already mentioned Mitchell report from 2001.

misperceptions. Additionally, the US started to behave actively, formulating the proposal what the next step should be. According to Siniver (2001, 685), this allowed the “power of his office” letting play into the negotiations too early after taking the office, which as a result undermined Mitchell’s shuttle diplomacy and indirectly encouraged the Palestinians to insist on precondition – a complete settlement freeze. The fact that Obama directly intervened in the mediation process implied a strong determination to bring the parties to a negotiation table. As Obama aimed to persuade Israel to cease the settlement activity without any prospect of reward or punishment, the neutral leverage was exercised. The focus was placed on appealing to the needs of both parties. By this action, Obama sought to prove the dedication of one conflict party to the peace process. The issue at the core of leverage exercise was political as long as the aim was to stop the settlement on the occupied territory.

Shortly afterwards, the US exercised the negative leverage when Obama gave the speech in Cairo in June 2009. President supported the notion that PA has to fight for its self-determination through non-violent means and the Israel has to admit such a right for the Palestinians. Obama stressed that the US “does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop” (The White House, 2010a).³⁰ This exercise of negative leverage is necessary to understand in the context of traditional approach to the Israeli side of the conflict. Obama publicly condemned the Israeli settlement activity, thus punished a conflict actor. The issues at the core of leverage was political. Policy towards the State of Israel was potentially at stake at that time, because Obama declared – at the beginning of his presidency – the shift of the US policy (to focus on enhancement of Arab-US relations), thus the political repercussions were not clear. Although it might have appeared that Israel could not be confident that the US did not change the policy towards Israel, this criticism of Israeli activity was not as unprecedented as it seemed to be. Obama labeled the settlements as illegitimate instead of illegal³¹. Additionally, President George W. Bush took a firm stand on this matter and called for giving up this activity already in 2002 (Council on Foreign Relations, 2002).

²⁹ Based on the Roadmap for Peace plan.

³⁰ Obama aimed to restart relations with Arab and Muslim world generally (for instance through a withdrawal of forces from Iraq, closure of Guantanamo). In relation to the Israeli-Palestinian conflict, President supported the idea that Palestinian Authority has to fight for its self-determination through non-violent means and the Israel has to admit self-determination right for Palestinians.

Negative leverage exercise did not have any response from the Israeli side since public condemnation without any harmful action did not cause many troubles to Israel. In September 2009, Obama met with Abbas and Netanyahu during bilateral as well as trilateral meetings in Washington, DC. During this session, Obama reassured parties about the US readiness to move forward the peace process towards the negotiation over the final status issues (Lee, 2009). As any breakthrough was not made specifically, again this US initiative involved the communication role of the US President. This reassurance should have created convenient environment for mediation, nevertheless without any progress in the Israeli settlement policy.

The Secretary of State Clinton traveled to Jerusalem in October 2009, when the negotiations seemed in stalemate under Mitchell's shuttle diplomacy. In order to support the mediation strategy, Clinton bilaterally negotiated with representatives of Israel and the Palestinian Authority (U.S. Department of State, 2009b). Clinton again served the role of a communication medium, without much activity exerted to the mediation procedure. At that time, Mitchell was already in the region (it was his seventh travel to the region in 2009, therefore he led seven rounds of indirect talks) and was working on dialog with the two sides (U.S. Department of State, 2009c). Mitchell's mission had born considerable fruits. In November 2009, after seven month long negotiation with Israeli Prime Minister Netanyahu, the moratorium on settlement construction in the West Bank was imposed for the period of ten months. Clinton, although the US administration previously demanded complete settlement freeze, called this moratorium as "unprecedented" step (U.S. Department of State, 2009d). Unfortunately, as the freeze did not involve the East Jerusalem, the Palestinians did not appreciate this Israeli step. Thus, any reciprocal action in form of launch of negotiations was not followed because solely desirable action was seen in a total freeze of settlement activity.

Certainly, Clinton's action included the exercise of leverage. Specifically, the call of "unprecedented" step could be considered as a positive leverage, when by means of granting a reward – public acclaim – the aim was to attract the attention to the positivity of the step and to distract the attention from the fact that Israeli compromise did not include full demands of the Palestinian Authority. Therefore, Clinton's acclaim had to foster the environment for negotiations. Unfortunately, this did not accomplish relaunch of negotiations – Palestinians rather attracted the attention to the fact that the

³¹ UN Security Council called the settlement activity as illegal already in 1979.

compromise was solely half-way and the US did not produce the intended movement of the parties. Since the action focused on change of the other side's perception, the societal issue was at that time at the core.

Lack of progress led Mitchell to launch in March 2010 the four months of proximity talks. Mitchell shuttled between Jerusalem and Ramallah in order to ease the transfer of information and to avoid misunderstandings regarding particularly the security issues and lines between the Israel and the future Palestinian state. It is important to acknowledge that Mitchell's effort was negatively affected immediately at the beginning of the shuttle diplomacy because the US-Israeli political disagreement came to play a considerable role. The reason was Israel Ministry of Interior's approval for construction of 1600 new housing units in the East Jerusalem.³² The news came in the same day when Vice President Joe Biden undertook an official visit to Jerusalem (Indyk, Lieberthal and O'Hanlon, 2012: 125-127). This Israeli step thwarted the indirect negotiations and Palestinians were not willing to let the negotiations on track. Mitchell activity should have ensured the exchange of information and to clarify the conditions under which parties would be willing to negotiate directly, whilst Biden's travel should have express the US support towards the launch of direct talks.

After this undesirable development, Clinton talked to Netanyahu and condemned Israeli action calling it "a deeply negative signal" which was "insulting". This could pose a doubts about the US-Israeli relations, particularly with regard to a strong security arrangements. Clinton demanded whatever action from the Israeli side to prove a willingness to renew peace process leading to the two-state solution. Clinton added that if the US administration did not see any progress the serious consequences might have followed for instance in form of condemnation of the Israeli settlement activity by the UN Security Council (UNSC) (The Washington Times, 2010). The inconvenience of the Israeli action was underlined by timing as it occurred "appropriately" while the Vice President visited region to express his support to the launch of direct talks between conflict parties. Biden publicly condemned the decision saying that "the substance and timing of the announcement, particularly with the launching of proximity talks, is precisely the kind of step that undermines the trust we need right now and runs counter to the constructive discussions that I've had here in Israel" (The BBC UK, 2010).

³² The approval probably side blinded Netanyahu, as the Minister of Interior (right-wing Shas party) pursued this approval without discussion with Netanyahu. Available from: <http://www.nytimes.com/2010/03/10/world/middleeast/10biden.html>.

Clinton's and Biden's statements served as the expression of a negative form of leverage. Specifically, the US punished Israel by public as well as personal condemnation, showing indirectly their power to cause harmful consequences to the security commitments that the US maintain with Israel. To the contrary, this was solely the demonstration of the US "power" as long as any further punishing action from the US side was not accomplished, aside of aforementioned condemnation. Additionally, the US warned what could happen if Israel did not obey. At the core were political and security issues, since the US put at the stake the traditional political support of Israel at the UNSC and security arrangements.

A key obstacle was seen in the fact that both parties insisted on certain pre-conditions that complicated the progress towards the launch of direct negotiations. Netanyahu confirmed that Israel would participate on negotiations related to the Palestinian state solely if the Palestinian Authority recognizes the Israel as a Jewish state (Entous, 2009).³³ Additionally, Netanyahu admitted discussion about borders solely within direct talks, whilst discussion with Envoy had been focused on less pressing issues. To the contrary, Abbas aimed at communicating the borders even before the launch of direct talks³⁴ (Indyk, Lieberthal and O'Hanlon, 2012: 124).

Another US exercise of leverage came when President Obama backed Israel up during the investigation of incident with Turkish vessel, which brought humanitarian aid to Gaza Strip³⁵. Although at the beginning of June 2010 Obama signaled that he might have not been willing to veto the UNSC resolution condemning the action, lately the investigation was left on special UN inquiry and the situation calmed down³⁶ (Aluf and Mozgovaya, 2010). This in turn caused a trigger for the breakthrough in negotiations. Instead, Obama persuaded Netanyahu to partially abandon the naval blockade, thus letting most of the goods flow to Gaza Strip (Indyk, Lieberthal and O'Hanlon, 2012: 125-126). When Netanyahu visited Washington month after that, Obama emphasized the US commitment to the Israel's security and asked the US Congress for an approval

³³ Afterwards, Netanyahu officially admitted the possible existence of the Palestinian state if it will be demilitarized, Jerusalem will remain solely capital of Israel (while open to all religions) and the Palestinians will give up the right for return. Available at: <http://www.haaretz.com/news/full-text-of-netanyahu-s-foreign-policy-speech-at-bar-ilan-1.277922>.

³⁴ The Palestinians insisted on borders from 1967 and Israeli withdrawal from the East Jerusalem.

³⁵ Gaza Strip was under naval blockade from the Israeli (and Egyptian) side particularly due to the security reasons. Nine Turks were killed during the incident in the international waters, which caused crisis between Israel and Turkey – two strategy allies of the US in the Middle East.

³⁶ This could be explained by Obama's awareness that the condemning approach would be counter-productive and would undermine the US commitment to the Israeli security. Additionally, this could deepen the crisis between Turkey and Israel – the US allies in the Middle East.

of additional \$205 million for the Israeli missile-defense system called Iron Dome (Haim, 2011: 70).³⁷ The US administration decided to exercise the leverage in order to alter the position of conflict parties. The additional funding of defense system represented certainly presence of a positive leverage that should aim to persuade the Israelis to accept a risk of negotiation about peace. Therefore, the positive leverage was present in form of granting a reward. At the core of the leverage technique was economic as well as security issues, due to the nature of the US incentive – approval of additional funds for strengthening the defense system.

The ease of naval blockade led to the reciprocal action taken by Abbas, who finally appreciated the partial moratorium on settlement construction and confirmed the willingness to negotiate (in the presence of the Egyptian President Hosni Mubarak and Jordanian King Abdullah). The Mitchell's communicative effort during the shuttle diplomacy led to the progress with Netanyahu who admitted the possibility to talk about the status of Jerusalem³⁸ (Zacharia, 2010).

Thus, in September 2010 Obama hosted a ceremonial opening to the relaunch of direct negotiations between Abbas and Netanyahu. The US administration prepared the one-year timeline. Obama stated that “these negotiations are intended to resolve all final status issues. The goal is a settlement, negotiated between the parties, that ends the occupation which began in 1967 and results in the emergence of an independent, democratic and viable Palestinian state, living side by side in peace and security with a Jewish state of Israel and its other neighbors” (The White House, 2010b). The launch of negotiations occurred at critical time since the moratorium will have expired next month. Obama recommended Netanyahu to extend the moratorium in case talks are productive in order to preserve favorable environment for direct talks³⁹ (The White House, 2010c). In this case, the US behaved more actively, formulating the development path of subsequent negotiations, suggesting the agenda what should have been discussed.

Afterwards, Clinton and Mitchell traveled to Egypt, where there continued direct talks between the Israelis and the Palestinians in a presence of Egyptian President

³⁷ Generally, the US supports Israel to preserve the qualitative military edge (QME). The annual \$3 billion funding aims at keeping military superiority in order to deter superior adversaries. This support will be elaborated later in this thesis.

³⁸ Jerusalem is claimed by both conflict actors as the capital city. In fact, it is controlled by Israel.

³⁹ The talks did not turned to the desirable way. When Abbas presented Palestinian position on territorial settlement, Netanyahu rejected the presence of international force in the Jordan Valley (Israel supported

Hosni Mubarak. The negotiations did not bring any progress regarding the settlement freeze, although the sides agreed on the resolution of all final statuses in one year period. Clinton specified that the US left the Israelis and the Palestinians to negotiate on their own and ceased to suggest bridging proposals, rather smoothing the communication tasks (U.S. Department of State, 2010a). Equally as in the previous mediation effort, Clinton and Mitchell kept low involvement without any direct contribution. Therefore the US served as a mere communication channel that helped to clarify the stances of parties.

The difficulty resided in Netanyahu's inability to persuade the right-wing cabinet to prolong the moratorium. Although Netanyahu publicly declared the willingness to continue in negotiations, the moratorium expired in the end of September (Hancocks, 2010). For the next time, the US exercised its leverage. In October 2010, the US administration focused on the extension of moratorium by 90 days in exchange of strengthening Israel's military capacity. The US would provide additional funding for purchase of 20 F-35 Joint Strike Fighters and other missile and defense systems together with the assurances about the commitments to Israel's security after the creation of an independent State of Palestine. Additionally, the US promised not to ask further extension (Makovsky, 2010). Furthermore, the US offered to veto any UN resolution that would be connected to the peace negotiations – i.e. to whatever unilateral action from Palestinian side that would aim at the international recognition of the Palestinian state at the UN.⁴⁰ Lastly, the deal included support of the Israeli military presence in the Jordan Valley after the creation of an independent Palestine (Abrams and Singh, 2010). This was undoubtedly the exercise of positive leverage in form of promise of reward when the reward had to be delivered in exchange for Israeli compromise. Again, the issues at the core of the leverage exercise included economic aid which “had” to be exchanged for the purchase of the US military equipment. Above that, the political issue laid at the core of this incentive. If the US would have not veto this unilateral action, the negotiation disadvantages would have arisen from this fact, because the Israeli position in the negotiations would have been weakened. The enforcement of the statehood through UN represented the circuitous way through which opportunity for Israel to

the idea of defensible peace). From the Palestinian point of view, this diminished the prospect for the Israeli withdrawal from the West Bank (Indyk, Lieberthal and O'Hanlon, 2012: 124).

⁴⁰ Palestinian Authority declared independence in 1988. In 2011 PA prepared the application for the UN membership, which violated the Oslo Accords, where parties excluded whatever unilateral action related

affect the nature of this statehood would be considerably limited. The US attempted to resolute Palestinian statehood in the framework of peace negotiations directly with Israelis. This in turn could potentially ensure the stability and resilience of the peaceful settlement as long as the result would be an outcome of the common negotiations.

Israel did not express willingness to freeze the settlement activity and did not accept the US incentives. This complicated the prospect for fruitful negotiations with the Palestinians. Additionally, the US exhausted their positive incentives on the Israeli side of the conflict and did not attempt to influence the Palestinian side. The space for motivating Palestinians not to insist on pre-condition was considerable. Nor the US exercised a negative leverage on Israelis. Thus, the moratorium expired and the conflict parties were stuck in stalemate, none party willing to make progress.

Mitchell traveled to Israel and Palestinian territory in December 2010 (it was his seventh visit in the region in 2010), to ensure keeping at least indirect negotiations on track. For the seventh time, the US attempted to influence the negotiation procedure. In February 2011, the US vetoed a resolution that condemned the Israel's settlement construction. The accusation that the US supports the settlement activity arose, but the US Ambassador at the UN Susan Rice stressed that the US aim was to prevent setting a new procedure – in case conflict parties reach a stalemate, it was not desirable to seek resolution at the UNSC, rather through a direct dialogue (United States Mission to the United Nations, 2011). From the mediation point of view, the US focused on the prospect that the negotiation should be underway directly among conflict actors (and the US). Therefore, the nature of the leverage represents the challenging task to assess. From the peace process perspective, the leverage was positive when the US granted a reward in order to keep the negotiations among involved actors. To the contrary, the Palestinian side was denied to claim its statehood, which represent the negative form leverage. The political issue was at the core as long as the US backed Israel up on the international scene.

George Mitchell resigned in April 2011. His approach resided solely in a focus on pre-conditions (PA stopping the violence, recognition of the Jewish state vs. freezing the settlement activity) and parties had rarely debated the nature of a dispute and all contested issues comprehensively (Siniver, 2011: 681). George Hale was appointed as

to the statehood. In 2012, PA obtained the status of non-member observer state. Currently, the State of Palestine is de jure sovereign state.

the successor. Unfortunately, Hale did not have much opportunity to personally mediate the conflict.

The inability to make a concessions from both sides in order to get to the final status issues altered the mediation strategy of the Obama administration – to define concrete parameters that should be laid down as a basis for negotiations, thus taking action more firmly into own hands. Basically, the peace plan⁴¹ was already created, compounded of parameters that had been approved during the Oslo peace process, Clinton's mediation or were derived from the Roadmap for Peace. During Obama's speech at the UN General Assembly (UNGA) in September 2011, President publicly stressed solely the borders based on 1967 lines with mutually agreed swaps in 1:1 ratio. But this parameter had already been discussed among conflict parties and agreed on. Unfortunately, further elaboration had not come, the mediation effort totally disappeared and Special Envoy was not sent to the region to ensure relaunch of negotiations. It is important to underline that many other factors came to play considerable role. Among them the Arab Spring that turned the politics in the Middle East into uncertainty, together with the launch of civil war in Syria and Iran's nuclear ambitions.

This subchapter identified the mediation processes as applied by the Obama first administration. It is obvious, that the US behaved above all in the framework of the communication mode of mediation (5x), rarely formulated the solutions (2x) and did not attempted to directly manipulate the parties to accept the solution that was basically formulated during previous peace processes. To the contrary, the leverage was exercised several times, among all particularly to the Israeli side of the conflict. The US exercised neutral (persuasion), positive (grant of reward, promise of reward) as well as negative

⁴¹ With regard to the borders of states, the plan counts with two states, the Israeli lines should be returned to pre-Six Day War borders with mutually agreed swaps in 1:1 ratio in order to compensate the deviations. take into account the population changes due to the settlement activity

The security concerns should have been solved through Palestinian State that should be non-militarized, with establishing special security procedure targeting Israeli concerns and preserving Palestinian sovereignty. International units should have ensure peaceful transitional period.

The Palestinian refugee problem should not be solved through overall general right of return to Israeli territory, but rather selective in order to respect two-state solution. Furthermore, plan involved the ideas of granting financial compensations and providing assistance with relocation within Palestinian territory and not within Israeli territory.

On the contrary to that, Jerusalem should be undivided capital of both states, each of them administrating its areas, the holy site should be under special regime – each side administrating its holy places and not denying access to the others. Scowcroft, B. (2011). *Obama Must Broker a New Mideast Peace*. [online] Financial Times. Available at: <http://www.ft.com/cms/s/0/cf073700-65be-11e0-baee-00144feab49a.html#axzz2vetUbUAo>. [Accessed 13 Apr. 2017].

leverage (punishment, and warning). It is important to underline that the leverage was primarily exercised on the Israelis. The positive leverage aimed to encourage termination of the settlement activity, as this had been set up as pre-condition and negative leverage consisted of condemnation and warning, which could not harm Israel considerably. Unfortunately, the attempts that involved the leverage application were related solely to the effort to attract parties to the negotiation table or to keep the parties at the negotiation table and not to persuade them to accept the agreement that would resolute the conflict. The issues at the core were most frequently political, economic, security and solely once the societal. Particularly for Israel, the leverage exercise related to the matters of a security. The US provided incentive or discouraged from concrete steps by appealing to the issue of security mostly through political support/distance and granting of the funds.

3.2.2. Second Obama Administration

In 2012 Presidential election, Obama defended the post, thus the mediation attempts to resolve the Israeli-Palestinian conflict could get underway again. The dedication to the resolution of the conflict was publicly confirmed at the UN General Assembly (UNGA) speech in September 2013.

Obama traveled to Israel and the Palestinian territory with the Secretary of State John Kerry in March 2013. President met with representatives of conflict parties as well as with the Jordanian King Abdullah II. The negotiations proceeded on bilateral basis with placing a focus on creation of support of other Arab states. The importance of this meeting resided particularly in the exchange of ideas and coordination of stances on issues of interest according to the needs of involved actors. The US President stressed the necessity to overcome deadlock of unmet pre-conditions since they prevented the launch of negotiations on essential conflict issues. Obama underlined the goal of negotiations – secure the State of Israel and the State of Palestine as independent and sovereign entity – which cannot be achieved one without the other (White House, 2013a). Unlikely from the previous term, Obama did not required complete freeze of the Israeli settlement activity and Palestinians did not longer insist on this pre-condition. Since that time, Obama gave more space for manoeuver to the Secretary of State John Kerry. The US team commenced the new term in the framework of communication mode of mediation. This was an understandable move since the administration was at

the beginning of a new for-year term. As the previous mediation attempts were not successful, the US representatives had to set the new path in order not to lapse into sole fulfilment of pre-conditions.

Kerry visited Jerusalem and Ramallah in April 2013. The Secretary of State brought along a new development plan that had a great potential to motivate parties to resume direct negotiations. This plan focused, instead of political resolution of the conflict, on promotion of economic development in the West Bank, which in turn should have boosted the Palestinian economy. Plan involved removal of commercial barriers in order to attract the investment and business opportunities. The aim was to increase GDP by 50 %, to decrease unemployment from 21 % to 8 % and to increase average income by 40 % through \$4 billion investments to various sectors of the Palestinian economy (Khalidi, 2014: 45-47). The US administration exercised its leverage through positive inducement – the promise of reward. At the core of the leverage was the economic issue. This encouragement should have induced a conducive environment for the launch of peace talks. Interestingly, this US action differed from the leverage exercise during the first administration term. The leverage was exercised on the Palestinian side of the conflict and not on the Israeli. To the contrary, this could mean that the US strove to “purchase” the willingness of the Palestinians, whilst Israelis could approve new settlement constructions.

Afterwards, Kerry traveled to the region several times. The Secretary of State applied slightly different approach from Clinton, insisting on as little as possible persons involved in the talks. The aim was to remove the differences between conflict parties. Equally to that, Kerry was the sole person commenting publicly on talks (Brinkley, 2013: 77-78). The travel in April 2013 did not yet indicate any major breakthrough. Although Palestinians did not demand the settlement freeze, Israelis complicated the situation and approved another settlement construction. The specific progress came two months later, when Kerry traveled to Jerusalem, Ramallah and Jordanian Amman. As the negotiations appeared to be beneficial, Kerry left in the region the US mediation team led by Martin S. Indyk⁴². The mission should have worked out details that would ensure the revival of direct peace talks. In order to gain comprehensive support for the potential success of negotiation, Kerry met the representatives of the Arab League in April and July (The U.S. Secretary of State,

⁴² The US ambassador to Israel during Clinton administration.

2013a). Detailed information was hard to obtain as long as Kerry insisted on keeping the substance of talks private. The set path of communication mode of mediation during the two visits in the region appeared to be successful. Furthermore, the communication channel was secured by presence of Indyk's team.

Clarification of positions contributed to the breakthrough in the peace talks. The Israelis as well as the Palestinians were able to make responsive steps – Israel promised to release 104 Palestinian prisoners accused of terrorism against Israeli citizens in 1990s and the Palestinians offered to halt the effort to push through its statehood claims at the international organization. The US exercised undoubtedly the leverage, in form of neutral persuasion without prospect of reward or punishment. The appeal on both sides of the conflict resided in sticking to the points that were desirable for both sides, therefore depended on the eloquence of US representatives. The Israel desired, above all, security and Palestinians strove to establish the independent and internationally recognized state. In order to satisfy demands of both parties, the progress on the front of peaceful negotiations had to be accomplished. At the core of leverage were particularly political and security issues, as long as security and establishment of the state were of utmost importance for the persuasion technique.

In July 2013, Kerry invited representatives of both conflict parties to Washington, D.C. to discuss renewal of direct negotiations⁴³. The aim was to set the framework through which the negotiations should work out the differences in subsequent nine months. Therefore, the expected final-status agreement should have been reached by April 2014. As already path set up by Kerry, the public comment had not been made on the negotiations.⁴⁴ Furthermore, Martin S. Indyk was appointed as the new Envoy for the Middle East Peace (Sherwood and Lewis, 2013). In August 2013, the direct negotiations were launched in Jerusalem and presence of Indyk should have ensured that all conflict issues: borders, Jerusalem, settlements, refugees and security assurances were negotiated. During that time, the US behaved rather as a formulator when Netanyahu and Abbas visited Washington, DC, as well as when the negotiations were launched one months later. This could be explained by attempt to set the agenda which will be put on the negotiation table. Most importantly, Kerry and the negotiation

⁴³ Israeli team was comprised of Minister of Justice Tzipi Livni and Prime Ministerial adviser Isaac Molcho. The Palestinians were represented by politician Saeb Erekat and representative of Fatah Mohammed Shtayyeh.

⁴⁴ The issue revolved about the presence of Israeli military in Jordan Valley while Palestinians claimed that the Palestinian territory has to be free from Israeli citizens and military.

team were aware of the previous failure in the mediation and through this firmer stance focused on talks which would be relevant to all final status issues. The negotiation teams should have met once an every week for the subsequent months. Although Israeli maintained their policy on settlements, announcing new building activity, Kerry calmed the Palestinians down and recommended “not to react adversely” because US “communicated ...very clearly to Israel, that the settlements consider illegitimate” (BBC News, 2013a). The Secretary of State again publicly condemned the settlement activity, therefore exercised negative leverage through grant of a punishment. At that time, this seemed to be considerably helpless action. As Kerry mentioned, in case the peace agreement is achieved, the borders, thus the settlement activity, is resolved (BBC News, 2013b). Political issue was at the core, since borders of the future state were at the core of this leverage exercise. To the contrary, Israel in fact did not support the negotiations by this provocative announcement of new buildings in the occupied territories.

The US did not promoted any incentive and did not discouraged the parties from not concentrating on “marginalized” issues. The negotiations were in a deadlock as the parties insisted on its stances that were mutually unacceptable.⁴⁵ Therefore, the opportunity to exercise leverage or to submit a bridging proposal lied ahead of the US administration (Reuters, 2013). It is important to note that the security situation in a territory deteriorated, incidents between the Israelis and the Palestinians resulted in deaths on both sides. Although the Israelis gradually announced a new settlement activity, in order to counter-balance this steps the release of the next round of the Palestinian prisoners was underway as well (Okbi, 2013).

In November 2013, Kerry warned Israel that if the peace process is not successful, the problems might have come in form of the third Intifada. Furthermore, Kerry stressed the possibility of deepen international isolation of Israel (Wroughton, 2013). The US leverage was exerted on the Israelis. This action belonged to the category of negative leverage. Specifically, the form of leverage exercise was warning. Kerry focused on maintaining sides in the peace talks, turning the Israeli attention to the consequences that could arise if the settlement activity continues and peace talks are not accomplished. The quest for ensuring its security is of utmost importance for Israeli representatives. Therefore, this warning should have been appealing. With regard to the

⁴⁵ State based on 1967 lines, Palestinian right of return, Israeli military presence in Jordan Valley, status of the East Jerusalem.

isolation, it was closely connected to the relationship with Western states, particularly with the US. As long as Israel is modern state, with developed economy, strong financial, and technological background, the partial isolation does not cause much harm to the country. At the core of the warning were issues of political and security nature.

To the contrary of the warning, the US at the same time exercised a positive leverage on the Palestinians (US Department of State, 2013b). Kerry announced, whilst he traveled in the region, the increase of the US investment to the high-impact infrastructure (from \$25 million to \$100 million). This provision of reward entailed the economic issue at the core (Khalidi, 2014: 47-50). This in turn should have counterbalanced the warning aimed at Israelis and should maintain the parties at the negotiation table.

Kerry met with the Israeli and the Palestinian officials in December, to save the talks. The both rounds were aimed at resolution of the security issues. The Secretary of State was accompanied by four-star General John Allen, under whose leadership the new security plan for territory had been created. The plan dealt with the security challenges possibly emerging after the achievement of a final-status agreement (U.S. Department of State, 2013c). At that time, the question of Jordan Valley posed a great challenge to the mediation. The US suggested to put Jordan Valley into Palestinian administration, while the IDF would control border crossings and the US would manage additional security measures. Unfortunately, Israel did not appreciate the plan, rather attempted to issue the bill about the annexation of the Valley (Harkov, 2013). Thus, the US proposed concrete plan – mutually acceptable – on specific disputed issue. This would ease the security situation of the Jordan Valley after the establishment of the State of Palestine. The US acted in the framework of a formulation mode of mediation process.

Kerry traveled to the region twice in 2014. Firstly in January, the Secretary of State stressed that the parties were working on the agreement framework through an intensive dialogue. Kerry visited the Saudi Arabia and Jordan, to potentially ensure the lasting support of Arab League for the final-status agreement⁴⁶ (U.S. Department of State, 2014a). Unfortunately, new settlement construction plans were approved. The US strengthen the involvement and formulated possible agreement. According to Indyk, the agreement that was discussed counted with the compensations for victims of the conflict

⁴⁶ This would stabilize the region due to the recognition of Israel by 22 Arab states and 35 Muslim states.

involving both sides, the West Bank borders would be redraw in the way that 80 % of the Israeli houses would stay in Israel and other 20 % of the houses would be handed over to the Palestinian administration. Furthermore, the lines alongside the West Bank borders and Jordan would have been controlled by Israelis. The problem was that the Palestinians desired to preserve 97 % of the West Bank territory and US did not reacted on this fact (Lazareva, 2014).

In March, the US officials attempted to prolong the negotiations until the end of 2014. Kerry focused on halting the Palestinian effort to ensure its statehood at the UN in exchange for Israeli release of other several hundred prisoners and unofficial moratorium on settlement freeze⁴⁷). This was the last mediation attempt. This action belonged again to the communication category of mediation, to bridge the misunderstanding and to clarify the goals, which both nation shared.

The talks collapsed on April 2014. Palestinians announced conditions under which they would continue in the peace talks: complete settlement freeze, definition of borders within next three months, and release of Palestinian prisoners without subsequent deportation (Keinon and Toameh, 2014). To the contrary, Israel announced that is not willing to cooperate on peace talks as long as Fatah cooperates with Hamas⁴⁸ (Somfalvi, 2014). Unfortunately, the security situation deteriorated in July. Kerry traveled to the region and stressed the necessity of cease-fire and discussion about this development (U.S. Department of State, 2014b). The extension of talks was excluded as the willingness on both sides rested on the minimum level and any other mediation mission was not sent to the region.

It was not until November 2014 when the Secretary of State visited Jerusalem and Ramallah. The perspective of viable agreement based on two-state solution had considerably diminished. The agenda was occupied mainly by the deteriorated security situation on the Israeli and Palestinian territories, and by situation in Syria and growth of the Islamic State of Iraq and Syria (U.S. Department of State, 2014c).

To sum the subchapter up, during the second Obama term, the US mediation activity slightly differed. The US action had been falling equally to the communication mode of mediation (4x) and to the formulation strategy (4x). The US applied formulation mode more frequently than during the first administration. This could be explained by the attempt not to lock negotiations on pre-conditions fulfillment, therefore

⁴⁷ New 14 000 houses were approved in the west Bank and East Jerusalem during the peace talks.

⁴⁸ In Israeli view, the Palestinians were backed by terrorists who pose a threat to the State of Israel.

more active involvement and firmer US stance should have guaranteed the breakthrough in the talks. The exercise of neutral (persuasion), positive (grant of reward, promise of reward), as well as negative (warning, punishment) leverage was undertaken as well. Differently, the US focused its positive leverage on the Palestinians. The aim was to enhance their economic situation and to encourage them not to pursue their statehood at the UN – in order to keep the resolution among conflict sides, thus ensuring the viability of an agreement. Negative leverage was exercised primarily on the Israelis, but again in form of innocuous condemnation and warning. Primarily political, economic, and security issues were at the core of leverage use equally as during the first administration term since the matters of high importance remained identical.

Mediating procedures which were applied involved primarily communication mode of mediation – transfer of information, clarification of stances, elimination of misunderstandings and misperceptions and setting agenda. This was procedure the most frequently used (9x). Furthermore, the US behaved as a formulator who above all, proposed what the next steps should be alongside the suggestions of plan how to overcome the obstacles in the negotiations (6x). Therefore, the analysis proved the validity of the first hypothesis. This did not contribute to the resolution of the conflict since the conflict is durable and it demands great US capability to take the lead during indirect equally as direct negotiations. The space was rather left on parties on their own without high involvement of the mediator.

Leverage was indeed exercised, in neutral (persuasion), positive (promise of reward, grant of reward) and negative (punishment, warning) form. The issues at the core involved primarily political issues (political support on the international scene, settlement policy, definition of borders), economical issues (additional funding), security issues (commitments to Israel's security) and societal (change of perceptions). The second hypothesis has to be rejected. The leverage exercise was not scarce. In, the leverage was exercised 12x. This frequency does not considerably differ from the frequency of mediation attempts (17x). Therefore, the cause of US fail in the resolution of the conflict could be explained by distribution of the leverage exercise. This relates to the relationship with conflict parties. Traditionally, the US has strong ties with the Israel. The US as a mediator had a great potential to demand concessions from Israel. Instead, the US used positive form of leverage primarily on Israel to “encourage” the abandonment of settlement policy and negative form of leverage was used primarily through harmless warning (deterioration of US-Israeli ties, abandonment of Israeli

support on the international scene) and punishment in form of public condemnation. To the contrary, the leverage was scarcely exercised on the Palestinians. Kerry attempted to change this approach by provision of positive encouragement in order to accept direct negotiations. Negative leverage was exercised on the Israel, but again in form of mere warning or condemnation.

For a clear arrangement, the subsequent tables sum up the frequency of specific forms of mediation procedures, frequency of exercise of specific forms of leverage and presence of type of issues at the core of leverage exercise.

Communication	9x
Formulation	6x
Manipulation	0x

Table 1: Frequency of Specific Forms of Mediation during the Obama Presidency

Neutral	Persuasion	2x
	Termination	0x
Positive	Promise of Reward	3x
	Grant of Reward	2x
	Compensation	0x
Negative	Threat of Punishment	0x
	Punishment	3x
	Warning	2x

Table 2: Frequency of Exercise of Specific Forms of Leverage during the Obama Presidency

Political	1
Economic	1
Security	1
Societal	1

Table 3: Type of Issues at the Core of Leverage Exercise during the Obama Presidency

3.3. *Position of the US Congress towards the Conflict*

3.3.1. Role of the US Congress in Foreign Policy

The subsequent part will introduce basic mechanisms through which the US Congress is able to affect foreign policy executed by President's administration.

The US foreign policy does not rely completely on the executive branch. It is important to acknowledge that the US Congress, as the legislative branch, is an important element in the conduct of US foreign policy and as such, it has various tools available to become involved in policy with other nations. Generally, the powers established by the US Constitution are vast and involve capacity to declare war, pass bills and treaties, and ratify treaties. Importantly, Congress possesses the power of the purse and approves nominations to foreign policy posts. Through these tools, US Congress has an ability to support or obstruct President's decisions.

Every Chamber of the Congress has its role and powers e.g. solely the House of Representatives can introduce purse legislation and solely the Senate approves nominations on posts and treaties. To the contrary, in order to pass laws, both Chambers have to agree on the identical version of law before it is introduced to the President.

President suggests legislation and can veto the bill, thus affects the form of law. In order to pass the bill, President's stands should be incorporated into the legislation (US Congress, 2017).

This brief introduction of powers will help to understand the relationship of both branches and, thus, makes the characterization of the relationship of the US executive and US legislature over the Israeli-Palestinian conflict mediation easier to analyze.

Since its foundation, Israel is one of the largest recipient of US aid. Currently, Israel obtains approximately \$3 billion every year in the form of military and economic assistance, primarily through a program called Foreign Military Financing (FMF). The aim is to preserve qualitative military edge (to promote better equipment and training in order to minimize disadvantage stemming from smaller territory and the lack of personnel in comparison to neighboring countries). In addition, the US and Israel jointly develop Israel's missile-defense systems (Iron Dome against short-range missiles, David's Sling against mid-range missiles, and Arrow I, Arrow II, and Arrow III against long-range missiles attacks). Additionally, another \$100 million are flowing annually to

Israel from the budget of the Department of Defense to enhance anti-rocket capabilities (Sharp, 2016: 1-5). As the US Congress controls the expenditures, the support to either side has a great role in influencing foreign policy.

Palestinians obtain approximately \$400 million every year through the Economic Support Fund. The majority of funds goes to projects under the US Agency for International Development and to the Palestinian Authority. Furthermore, there is an ongoing International Narcotic Control and Law Enforcement assistance to security forces in annual amount of \$100 million. The aim is to mitigate terrorism threat, promote democratic reform with economic development, ensure secure environment with self-rule, and to improve humanitarian standards. This assistance is conditional to the oversight procedure (Zanotti, 2016: 2-7).⁴⁹

The aim of this subchapter is to identify whether US legislature reflected the objective of US foreign policy – resolution of the Israeli-Palestinian conflict. Focus is placed on confirmation or rejection of the hypothesis that US Congress did not respond flexibly to the dynamics of US foreign policy in the mediation of the Israeli-Palestinian conflict. Direct manifestation of congressional support/opposition to the resolution of the conflict will be sought in legislative activity. Equally, manifestation of the stance towards the resolution will be sought indirectly through passed resolutions and laws according to the content related to the State of Israel or to the Palestinian territories in order to analyze pattern of stance of the US Congress.

During the first administration, US Congress was fully controlled by the Democrats which created potential for considerable support for the Israeli-Palestinian conflict resolution. To the contrary, during the second Obama administration the US Congress was controlled by the Republicans with traditionally strong ties to Israel's security. This opens a space for fruitful comparison of the two terms, seeking additional explanation of failed mediation of the conflict in internal dynamics of US politics.

3.3.2. First Obama Administration

During the first administration term, two Congresses were in session. Firstly, the 111th US Congress met between the years 2009 and 2010. During this term, Democrats controlled both Chambers. Secondly, the 112th US Congress met between the years

⁴⁹ The laws allocating annually total funds to Israel as well as to the Palestinians will not be counted to the category of material and financial support since the result is equal on both sides of the conflict.

2011 and 2012. The Democrats controlled the Congress, although they did not maintain the number superiority in the House of Representatives.

111th US Congress

Immediately after Obama's early days in an office, both Chambers passed resolutions (H.Res34 and S.Res.10) expressing "the support of the resolution of the Israeli-Palestinian conflict through negotiations of involved actors". Equally, both resolutions confirmed the US commitment to Israel's security⁵⁰ (US Congress, 2009a). The importance of declaration of support to the negotiated settlement should have paved the way for stronger Obama's mandate to undertake concrete and decisive steps in the mediation effort. It is important to acknowledge that the resolution approached both sides equally, not giving a preference to any side in relation to the dedication of the resolution of the conflict.

Since the mediation strategy aimed to bring the parties to the negotiation was officially launched in March 2009, congressional action focused primarily on the maintenance of Israeli defensive capacity and enhancement of military aid. This is an interesting parallel with Obama's declared goal to strengthen the relations with Arab and Muslim world that was publicly delivered in June 2009. This approach was definitely not reflected in the US Congress legislative action since in subsequent months, Congress undertook several legislative actions related primarily to Israel's defense capability. The House passed a bill H.R.2410 enabling the exportation of reserve parts of a defense items to Israel together with the confirmation that arms sales do not endanger the Israel's QME (US Congress, 2009b). Subsequently, the House introduced in June 2009 National Defense Authorization Act for FY 2010 (became public law 111-84 in October 2009) reassuring about the Israeli strong position in foreign relations, calling Israel "one of the strongest allies" that should be backed up in order to preserve its existence (US Congress, 2009b). Furthermore, in June the House introduced Continuing Appropriation Act, 2011 (became public law 111-242 in September) arranging the supplementary funding for FMF program (US Congress, 2009c). To strengthen the focus on Israel, whilst omitting the Palestinians or more importantly the whole peace process effort, the House introduced Consolidated

⁵⁰ Particularly in the wake of the Hamas attacks on the Israeli territory from Gaza Strip.

Appropriations act, 2010 (became public law 111-117 in December). Although the act ensured provision of \$450 million to the Palestinian territories from the Economic Support Fund, the US Secretary of State had to confirm that PA is committed to the peaceful co-existence with Israel, is willing to fight terrorist actions, and is undertaking necessary steps to set a peace in the region before a provision of funds (US Congress, 2009d).

These activities undoubtedly constituted the material and financial support (2x) directed to Israel, involved open declaration of support to Israel (1x), and imposed restrictions on Palestinian funding, exerting more pressure on the Palestinians to preserve the commitment to peace process when expecting US funding. This rather contravened Obama's rhetoric about improvement of relations with Muslim and Arab world. Rhetorically, Congress insisted on peaceful settlement while giving practical preference to Israel in legislative action (equally as in reality Obama's administration did). This in turn could support Israelis not to make concessions in their demands. Although administration used its leverage in order to impose moratorium on settlement activity, this could have left Israelis calmed with a notion that the US is still committed partner and negligence of complete settlement freeze does not constitute serious threat to the relationship.

The congressional activity related to the resolution of the conflict ceased after this period until May 2010. Mediation strategy of the US had to deal with the difficulties of luring the parties into direct negotiations, since Israel had imposed partial moratorium on the settlement activity without any Palestinians' respond. As was already underlined, the traditional congressional support in security matters did not indicate any disruption with changed Obama's rhetoric. Additionally, the House introduced a bill H.R.5327 allowing to supply the Iron Dome defense system by aid worth of \$205 million (US Congress, 2010a). This was used by Obama as positive incentive to encourage Israel to be responsive to promotion of peace talks. This incentive again focused on rewards in case Israel make concession.

In June 2010, the Senate approved resolution (H.Res.1359) expressing "support in resolving the Israeli-Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside Israel" (US Congress, 2010b). This was passed at the time of Gaza incident. At the same month, Senate passed a resolution (S.Res.548) reacting on the incident with Turkish vessel, confirming the support to Israel, its self-defense, and highlighting enduring US security commitments

(US Congress, 2010c). Although at the beginning Obama indicated unwillingness to block the UN condemnation, this rather implied the fact that US domestic political scene stayed stick to Israel (as Obama practically did).

After the collapse of negotiations, when the US representatives focused on keeping at least an indirect talks on track, the House passed the resolution (H.Res.1765) in December 2010 expressing the support to oppose any unilateral step taken by the Palestinians to claim its statehood at the international organization. Furthermore, the resolution provoked US administration to veto this action at the UNSC. The House insisted on the *negotiated* resolution of the conflict, of which outcome would have been two democratic states living next to each other (US Congress, 2010d). The importance of this action rests in declaration of support to US representatives to veto this action on the international scene. This was a cohesive policy with the US foreign action since Obama exerted the leverage on Israel, attempting to prolong the moratorium and to ensure productive environment for peace talks through offer to block any such a resolution at the UN (already in October 2010).

112th Congress

In April 2011, when the talks between conflict parties seemed to be in a deadlock, the US Congress approved Department of Defense and Full-Year Continuing Appropriations Act, 2011 (became public law 112-10) increasing money flow to the FMF, and subsequently confirmed an increasing funding for Israel (US Congress, 2011a).

Although direct negotiations were stalled, in May 2011 the House passed resolution (H.Res.268) “reaffirming the United States' commitment to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations”. Subsequently, the Senate passed resolution (S.Res.185) in equal sense. Furthermore, both resolutions condemned the attempt to promote Palestinian statehood unilaterally, warning PA that this action could have vast repercussions in the funding provided (US Congress, 2011b). The relevance of these resolutions is considerably important. Although talks collapsed, the administration did not use the leverage on Palestinians in form of cutting the aid if they are not willing to resolve the statehood in the framework of the negotiations of involved actors. As the resolutions came from both Chambers, each controlled by different party, the content of the message is stronger that

the foreign policy conduct in reality. Therefore, this represents slight deviation from the foreign policy and suggests a different approach when representatives of US legislature kept strict stance towards the issue. The tough stance towards the Palestinians was further elaborated in Consolidated Appropriations Act, 2012 (became public law 113-74 in December 2011) restricting provision of funding from the Economic Support Funds in case PA would be accepted to the UN as a member state, thus internationally unilaterally recognized (US Congress, 2011c). This in turn complemented the action taken by the US administration, even pushed it further in its strictness.

After that, much legislative action related directly to the resolution of the Israeli-Palestinian conflict had not been undertaken. The US Congress openly supported Israel, reiterated its commitments to Israeli security⁵¹ and focused on the effort to preserve the Jewish state. Congress passed the United States-Israel Enhanced Security Cooperation Act of 2012 (became public law 112-150 in July 2012) that confirmed support to Israel together with the willingness “to assist the Government of Israel with its ongoing efforts to forge a peaceful, negotiated settlement of the Israeli-Palestinian conflict...” whilst the Act confirmed the US policy of involvement in preservation of QME (US Congress, 2011d). From the previous proclamations expressing support to resolution of the conflict, this one directly aimed at assistance solely to Israel, not to both sides while negotiating agreement. Since administration clearly abandoned the effort to mediate resolution in this presidential term, the traditional strong advocacy of Israel prevailed. To the contrary, the practical manifestation in form of conduct in foreign policy could not be further elaborated since Obama’s term was drawing to an end.

The rest of the congressional action of the year 2012 focused mainly on financial and material support (connected to the short-range interceptor system in National Defense Authorization Act for FY 2013) and with declaration of open support to Israel (resolutions passed by Senate S.Res.599 and the House H.Res.813) that was related mainly to the Israel’s security when Israel had to resist the attacks from Gaza Strip. Therefore, this congressional activity was not relevant for the progress in the Israeli-Palestinian resolution since the process had stalled.

In total, nine resolutions related to the Israeli-Palestinian conflict were passed, together with seven laws and two bills. To sum up the subchapter, the Senate as well as

⁵¹ Through provision of surpluses of defense equipment, increased Israeli presence at NATO structures, purchases under FMF. Particularly in the wake of the development in the region – the Arab Spring, situation in Syria and Iran’s nuclear ambitions.

the House of Representatives acted in accordance with foreign policy as set up by the US administration led by Barack Obama. The action taken in US Congress responded to the foreign policy and its reflection in the mediation of the Israeli-Palestinian conflict. During Obama first term, the US Congress expressed support to the resolution of the conflict and generally, in those declarations, it did not give preference to any conflict side. To the contrary, US Congress legislative action was attached to the enhancement of Israeli security through military aid (connected to attacks from non-state actors and defense against Iran). With regard to the Palestinians, the legislative action focused on careful monitoring to whom the funding is provided, placing the restrictions on granting the funds in case Palestinians do not work toward peace, do not fight against terrorism or promote its statehood outside the direct negotiations with Israel. It is important to acknowledge that although Obama declared shift in US policy that might have been reflected in a stance towards Palestinians in the resolution of the conflict, the action taken by US representatives and even by Obama in the end doubted this rhetoric. In fact, Obama's policy focused on traditionally strong positive incentives with minor negative leverage exerted on Israel whilst leaving Palestinian side out. The US Congress that was led by Democrats acted responsively to this foreign policy path (to practical steps of support to Israel) even promoted stricter attitude towards the Palestinians.

3.3.3. Second Obama Administration

During the second administration term, two Congresses were in session. Firstly, the 113th US Congress met between the years 2013 and 2014. Although Barack Obama had been reelected, the Democrats lost control of the US Congress in benefit of the Republicans. During this term, the Republicans controlled House of Representatives whilst Democrats maintained number superiority in the Senate. Secondly, the 114th US Congress met between the years 2015 and 2016. The Republicans controlled both Chambers.

113th US Congress

Before the administration seized the opportunity and started to intervene in the peace negotiations, the US Congress had introduced in January 2013 the Consolidated

and Further Continuing Appropriations Act, 2015⁵² (became public law 113-235 in December 2014). This law preserved the oversight over Palestinian funding, maintaining conditionality to dedication to peaceful co-existence with Israel and to work against a terrorist threat. The Secretary of State had to certify these condition prior to granting the funds (US Congress, 2013a). This legislative action reflected the content of passed laws during Obama's first term, maintaining the restrictions on the Palestinian side. The subsequent pages suggest whether the Republican control of the US Congress changed the dynamics of a congressional conduct and whether it will be reflected in legislative action expressed through opposition to resolution of the conflict.

Although the Secretary of State Kerry negotiated heavily with the Israelis and the Palestinians since March 2013, achieving renewal of direct talks in August 2013, the congressional activity practically omitted the resolution of the conflict. Rather maintained the already set up path with relation to the approved law that counted with military aid directed to Israel, and strict restrictions on the Palestinian use. The US legislative activity did not indicate any intentions of congressional support to Kerry in his attempts to persuade Israel through exercise of leverage to stay at direct talks.

The United States-Israel Strategic Partnership Act of 2014 was introduced in July 2013 (and became public law 113-296 in December), confirming that the Israel is one of the major strategic partners and confirming US dedication to strengthen Israeli military capacity, particularly by focusing on enhancement of all types of missile-defense systems. Furthermore, the Consolidated Appropriations act, 2014 introduced in November 2013 (became public 113-76 in January 2014) confirmed the strict stance towards Palestinian funding as from the previous years. The set of other congressional activities as National Defense Authorization Act for FY 2014 (became public law 113-66, introduced October 2013), and Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (became public law 113-291), introduced in January 2014 focused on funding and enhancement of defensive capacity of Iron Dome system (US Congress, 2014a). The last actions of the year 2014 consisted of three resolutions. All of them were passed in July 2014. The House passed H.Res.657 supporting the self-defense in case Hamas is attacking the Israeli territory without

⁵² The sum provided under the FMF to Israel have been steadily increasing. In the Consolidated and Further Continuing Appropriations Act of 2010, Israel should have obtained at least \$2,2 billion. The Act of 2012 counted with \$3 billion, whilst the Act of 2015 with \$3,1 billion. To the contrary, under the Act of 2010, the West Bank and Gaza Strip should have received \$450 million. The Act of 2012 and 2015 made the prohibition in case Palestinians obtain UN membership and did not specify the sum.

provocation. The other two Senate's resolutions (S.Res.498 and S.Res.526) corresponds with that content (US Congress, 2014b). As it is obvious, the congressional activity omitted the resolution of the Israeli-Palestinian conflict, even not expressing its support. The agenda was occupied primarily by advancement of Israel's military capacity, as a reaction to the development outside of the Israeli territory – attacks from Gaza Strip and reaction to Iran's nuclear hedging⁵³. Therefore, the congressional action did not respond to administration's declared goal – resolution of the Israeli-Palestinian conflict. All above mentioned laws and resolutions declared open support to Israel (4x), kept restrictions on Palestinian funding, and provided financial and material support (2x). Interestingly, reconciliation of Fatah and Hamas in April 2014⁵⁴ did not affect funding as such, but the US focused on detailed monitoring of PA's pattern of action and its composition. To the contrary, taking money from PA could lead to the change of balance of power among government from Fatah's to Hamas's benefit which was an undesirable development for the US.

114th US Congress

During session of the 114th US Congress, not much legislative action could be related to the peace negotiations since the talks were over after 2014. The National Defense Authorization Act for Fiscal Year 2016 introduced in May 2015 (became public law 114-92 in November 2015) presented the anti-tunnel cooperation in order to “detect, map, and neutralize underground tunnels” used for smuggling to penetrate Israel's territory. Furthermore, this act together with the Consolidated Appropriations Act, 2016 (became public law 114-113) focused on supplement of the anti-rocket defense systems, ensuring the inflow of funds for enhancement of Israeli defense capability. Equally to the previous forms of this act, it left the Palestinian finance oversight conditional to the Palestinian effort to peaceful co-existence with Israel, fight against terrorism and work towards peace in the region. (US Congress, 2015a).

In June 2015, the House passed resolution (H.Res.293) formulating concerns over anti-Israel incitements within the Palestinian government, reacting on public admiration of attackers and encouragement of further violent actions. Resolution

⁵³ The term nuclear hedging underlines the policy of maintaining capacity to rapidly acquire nuclear weapon if the government decides so. Available from: Bowen W. and Moran, M. (2015). Living with Nuclear Hedging: the Implications of Iran's Nuclear Strategy. *International Affairs*, 91(4), pp.687-707.

vigorously reminded the conditionality of US assistance (US Congress, 2015b). In Department of State Authorities Act, Fiscal Year 2017 (became public law 114-323) introduced in June 2015, the US Congress backed the entities that were working towards the improvement of relationship between the Israelis and the Palestinians, appealing Abbas to cease the anti-Israel incitement since Abbas claimed that Israel is an aggressor (US Congress, 2015c). Obviously, when the mediation attempts ceased, the US Congress focused even more strictly on preference of only one side. The Palestinians were again restricted twice. This shifted approach could be explained by the Republican control of the US Congress. The Republicans traditionally supported the security of Israeli state, however Congress did not eventually obstruct the resolution. Chambers did not manifested support, did not undertake legislative action to enhance the goal or to balance one-sided approach conducted by US administration (although Kerry attempted to positively encourage Palestinians more than Clinton). This in turned copied executive's stance. The US Congress and foreign policy were in accord.

In November 2015, both Chambers passed resolutions (S.Res.302, H.Res.293), condemning Palestinian terrorist actions, demanding halt of public incitement, and requesting conflict parties to get back to the negotiation table without any pre-conditions (US Congress, 2015d). The importance of congressional attempt to “express the support” to peace talks is doubted as none action related to mediation was not undertaken. Furthermore, the main occupation of these resolutions rested in the condemnation of Palestinians which indicated that dedication to the goal is considerably weak.

The National Defense Authorization Act for Fiscal Year 2017 (became public law 114-328) brought again the support of Department of Defense to an Iron Dome rocket system, and increased funds available for operations focused on underground tunnel neutralization (US Congress, 2016a). The effort to make Israel even more resilient to a threat from outside culminated by an approval of resolution H.Res.729 that called on a new Memorandum of Understanding⁵⁵ (MOU) between the US and the Israel (passed in September 2016). This was again an expression of open support to Israel. The MOU ensured for 2019 – 2028 the funding in form of \$33 billion through FMF assistance and \$5 billion through missile defense appropriations (previously MOU

⁵⁴ i.e. Hamas approved the government that was in accord to common agreement. The governeemnt was changed from Fatah input in 2015 (Sharp, 2016: 6-7).

did not involve missile defense funds) (Sharp, 2016: 4-8). As became traditional in these congressional term, the material and financial support to the defense was ensured, even confirming and enhancing the commitments to next period of ten years.

Lastly, the House passed resolution (H.Con.Res165) in September 2016 confirming the interest in resolution of the conflict through direct bilateral negotiations. Additionally, resolution warned before the unilateral effort to promote the statehood outside the negotiations which could result in restriction on aid directed to the Palestinian territory (US Congress, 2016b).

Obviously, US Congress during Obama second term followed one-sided agenda – the enhancement of Israel’s security through ensuring support for its capacity of self-defense (2x). Instead, legislative action almost omitted the resolution of the Israeli-Palestinian conflict. However, this did not necessarily signal opposition to peace talks, rather a lack of interest. Generally, the stance of Congress stayed similar to the one during the first Obama term. Resolutions and laws focused on support of Israeli security and self-defense primarily in the wake of terrorist threat and Iran’s nuclear hedging, which was not applied on the Palestinian side of the conflict. Maintaining the strict oversight of funding directed to the Palestinians while not paying attention to at least equal right for self-defense for Palestinians. Again the agenda on foreign policy scene was not in contradiction with congressional agenda.

The US Congress responded to the dynamics of US foreign policy in relation to the mediation of the conflict. Although Congresses during the second Obama term did not express much support to the resolution, no manifest opposition to this issue was apparent. The congressional action rather supported foreign policy, predominantly assisting in provision of positive stimuli to Israel rather than to the Palestinians equally as US administration preserved. The resolutions that expressed the stance of Congress mostly supported the resolution (mainly during the first Obama term) or rather supported Israel as such. Furthermore, as US administration that scarcely provided positive incentives to Palestinians, so the US congress preserved the strict stance on provision of US aid, which is understandable if President affect the creation of laws. Therefore, from above analysis, it is possible to derive that US Congress responded flexibly to foreign policy dynamics thus, the hypothesis has to be rejected.

⁵⁵ Memorandum of Understanding is not legally binding agreement thus, US Congress does not have to approve it. In fact, Congress mostly follows the provisions although it could adjust the funding amount.

	Israeli-Palestinian Conflict	Israel	Palestine
Condemnation and Restrictions	0x	0x	9x
Support for Peace Process	6x	0x	0x
Financial and Material Support	0x	10x	0x
Open Declaration of Support	0x	10x	0x

Table 4: Frequency of Specific Forms of Congressional Action during the Obama Presidency

Conclusion

The resolution of the Israeli-Palestinian conflict was declared one of the priorities of US foreign policy during the Obama presidency. As the analysis proved, the US administrations invested considerable effort in the mediation procedure, but the objective was not accomplished. Thus, Israeli-Palestinian conflict remained one of the crucial security issues in the Middle East. This thesis attempted to explain the lack of success in US mediation. The US mediation activity, leverage exercise and dynamics between the US legislative power and US executive power in the mediation of the Israeli-Palestinian conflict were analyzed.

What mediating procedures were applied by the United States during the Obama presidency? The thesis found out that the scope of mediation procedures was limited. The US did not apply a full range of mediation array from communicator-formulator-manipulator typology. The level of US involvement in the negotiation process stayed relatively low. The US behaved as a communicator most frequently (9x). Therefore, the mediation procedures included facilitation of transfer of information, organization of common talks, creation of conducive environment for peace talks, and setting the agenda on the negotiation table. These activities were beneficial for the aim of overcoming misperceptions and misunderstandings among conflict parties. Furthermore, the US behaved in the framework of formulator mode of mediation (6x). The mediation procedure involved, apart from capturing the most pressing impediments, proposal of following steps and development of mutually agreeable solution for overcoming obstacles in negotiations. In this case, the role of mediator is more active, yet does not fulfil the conditions for acting as a manipulator who uses carrot and sticks to push the parties to a final settlement. This closely relates to the leverage exercise during mediation procedure.

Leverage was exercised in the mediation procedures during the Obama presidency. The US exerted neutral leverage in the form of mere persuasion (2x, related to the cessation of Israeli settlement activity and to launch of direct talks) which means that US appealed to the conflict parties without any prospect of reward or punishment. Positive leverage was applied in the form of a promise of a reward (3x) and a grant of reward (2x). Most frequently this positive leverage exercise related to support at the UN Security Council, additional funding (for the Israelis as well as the Palestinians), and public acclaim. Equally, the negative leverage was exercised in terms of punishment

(3x) and warning (2x). This was connected to the public condemnation of the settlement activity and warning that Israel will not be supported at the UN Security Council, Israel would deepen its international isolation, or might get to worsen the security situation in its territory. The issues at the core contained political issues (political support on the international scene, settlement policy, and definition of borders), economic issues (additional funding), security issues (security arrangements and commitments), and societal (aimed to change perceptions of conflict parties) issues. Thus, the leverage exercise was primarily connected to the US willingness to provide more frequently a positive stimuli to Israelis, which related, above all, to the financial support and support on the international scene. The negative leverage was exercised solely through relatively light punishments. The leverage use was characterized by a broad range of issues at the core – political, economic, security, as well as societal.

The thesis attempted to explain the US lack of success in mediation of the Israeli-Palestinian conflict on the basis of three hypotheses. The first hypothesis – *The US acted primarily as facilitator of communication rather than formulator or manipulator.* – was confirmed. The US did not act sufficiently firmly during the mediation procedure and thus, did not take the required lead in negotiations. As was already underlined, US behaved 9x as a communicator and 6x as a formulator without any attempt to act as a manipulator. With respect to the nature of the conflict that is extremely durable and intractable, and that parties have not been able to come to a final agreement, the active behavior of a mediator during the negotiations represents indispensable requirement due to the necessity to overcome deadlock in negotiations. The mere communication role leaves a considerable space on the conflict parties and implies low level of mediator's activity. Thus, the mediator has a limited potential to take the lead in the negotiation procedure.

To the contrary, the second hypothesis – *The US was not successful in the resolution of the Israeli-Palestinian conflict due to a relatively scarce exercise of its leverage in the process of mediation.* – was rejected. The leverage exercise was not scarce. In total, the leverage was exercised 12x. This frequency does not considerably differ from frequency of mediation attempts (17x). Therefore, the US effort to make a progress during the negotiations (e.g. to overcome pre-conditions, to encourage parties to remain in direct talks) through exercise of leverage was relatively frequent. The problems might have rested in the distribution of leverage exercise on each conflict side. Traditionally, the US has strong ties to Israel. The mediator could potentially demand

great concessions from Israel. Instead, the US exercised positive leverage primarily on Israel (to encourage abandonment of settlement policy) and negative leverage was exercised solely in non-harmful manner i.e. through warning or punishment in form of public condemnation. To the contrary, the leverage exercise on the Palestinians was scarce. During the first administration term the Palestinians were neglected, during the second administration term the Secretary of State John Kerry at least lured the Palestinians through positive leverage to accept direct negotiations. Thus, the administration did not attempt to change the beaten track. The US strong ties to Israel were not utilized in form of a considerable and effective exercise leverage on Israel and simultaneously the US almost did not allow to the Palestinians to balance the leverage exercise on their side.

The third hypothesis – *The US Congress did not respond flexibly to the dynamics of US foreign policy in the mediation of the Israeli-Palestinian conflict.* – was also rejected. US Congress acted responsively in relation to the dynamics of the US mediation of the conflict. The US Congress did not oppose the resolution of the Israeli-Palestinian conflict during neither at the administration term. The analysis of congressional legislative action proved that the legislative action supported the resolution. Although during the first Obama term, when US Congress was fully controlled by the Democrats, the expression of support to the conflict resolution was considerably higher than during Obama second term (when Congress was controlled by the Republicans), as could be expected, neither term the US Congress obstructed the administrations' attempts to mediate successfully the conflict through expression of opposition. Specifically, the US Congress followed the foreign policy, predominantly assisting in provision of positive stimuli to Israel rather than to Palestinians equally as the administration did in its mediation procedure. The resolutions expressing the stance of Congress supported the resolution without giving a preference to any side of the conflict (particularly during the first Obama term) whilst almost omitting the resolution during the second Obama term. Furthermore, resolutions considerably supported Israel as such particularly in security matters. Equally, as the US administration scarcely provided positive incentives to Palestinians, so did the US Congress preserve the strict stance on provision of the US aid, which is in line of conduct of administration since the President affects the creation of laws.

Based on the above paragraphs, the lack of success, while focusing on US internal dynamics, could be seen in a relatively low level of US involvement during the

mediation procedure. The US relied primarily on its capacity to facilitate communication than acted as a formulator or a manipulator. Although the leverage exercise involved a full array from the neutral-positive-negative typology and leverage was utilized frequently, containing various issues at the core, it did not contribute to the success of mediation. The leverage was exerted by the administrations' primarily on the Israelis than the Palestinians, offering considerable positive stimuli, whilst exercising negative leverage in relatively non-harmful manner. The US Congress might have obstructed the mediation effort, particularly when the legislative branch was controlled by the Republicans, but US Congress during the Obama presidency acted responsively to the dynamics of US foreign policy in the mediation of the conflict and predominantly expressed support to the peace process. The US Congress followed the foreign policy, assisting in provision of positive stimuli to Israel rather than to the Palestinians equally as the administration did during mediation procedure.

Summary

This thesis aims to explain why the US was not successful in the process of conflict resolution between the years 2009 and 2016, despite obvious effort invested in it. However President Obama declared resolution of the conflict one of the priorities of US foreign policy during both presidential terms, the task remained unaccomplished. Based on analysis of the mediation activities undertaken by the US, the exercise of leverage during mediation procedure and the stance of the US Congress towards the resolution of the Israeli-Palestinian conflict, the thesis seeks answers for several questions. What mediating procedures were applied by the United States during the Obama presidency? Was leverage used? If yes, what forms of leverage were utilized? What were the issues at the core of leverage exercise? Furthermore, the thesis verifies three hypotheses. Firstly, that the US acted primarily as facilitator of communication rather than formulator or manipulator. Secondly, it assumes that the US was not successful in the resolution of the Israeli-Palestinian conflict due to a relatively scarce exercise of its leverage in the process of mediation. Lastly, it claims that the US Congress did not respond flexibly to the dynamics of the US foreign policy in the mediation of the Israeli-Palestinian conflict.

The thesis found out that the scope of mediation procedures was limited. The US behaved as a communicator during mediation procedure most frequently, which included facilitation of transfer of information, organization of common talks and agenda, and creation of conducive environment for peace talks. Furthermore, the US acted as a formulator that, apart from capturing the most pressing impediments, proposed following steps and developed mutually agreeable solution for overcoming the obstacles in negotiations.

With regard to the leverage exercise, the US exerted neutral leverage in form of mere persuasion which related to the cessation of Israeli settlement activity and to launch of direct talks. Furthermore, the positive leverage was applied in form of promise of reward and grant of reward, most frequently related to support at the UN Security Council, additional funding, and public acclaim. The negative leverage was exercised in terms of punishment and warning. This was connected particularly to the public condemnation of the settlement activity and warning that Israel will not be supported at the UN Security Council. The issues at the core contained political (political support on the international scene, settlement policy, and definition of borders), economic

(additional funding), security (security arrangements and commitments), and societal (aimed to change perceptions of conflict parties) issues.

The analysis verified the first hypothesis that the US acted primarily as communicator rather than formulator and manipulator. As a result, the US did not act sufficiently firmly during the mediation procedure and thus, did not take the required lead in negotiations. The US behaved most frequently as a communicator and then as a formulator without any attempt to act as a manipulator. The thesis rejected the second hypothesis that the US was not successful in resolution due to a relatively scarce exercise of its leverage during mediation. It was found out that the leverage exercise was not scarce since the frequency of leverage exercise did not considerably differ from frequency of mediation attempts. Last hypothesis, that US Congress did not respond flexibly to the dynamics of US foreign policy in the mediation of the Israeli-Palestinian conflict, was rejected as well. The analysis of congressional legislative action proved that the resolution was supported. The US Congress did not oppose the resolution of the Israeli-Palestinian conflict during neither at the administration term. Specifically, the US Congress followed the foreign policy, predominantly assisting in provision of positive stimuli to Israel rather than to Palestinians equally as the administration did during mediation procedure.

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Thesis Proposal

Univerzita Karlova
Fakulta sociálních věd
Institut politologických studií

Projekt diplomové práce

Téma:

US Mediation of the Israeli-Palestinian Conflict during the Obama Presidencies: the Case of Unfulfilled Ambitions

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Obor: Bezpečnostní studia
Jazyk: angličtina
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Praha 2016

Introduction

The Israeli-Palestinian conflict has been a lingering issue on the international scene since the foundation of the State of Israel in 1948 on part of the British mandate in Palestine. Initially, according to the UN plan, the Palestinian territory should have been divided between two newly established states – one for the Jewish people and one for the Arab people with Jerusalem under a UN regime. Since this plan was only accomplished half-way, the relationship between the two parties has been affected by several wars and countless skirmishes. The ambiguous approach of the international community does not ease the relationship of both states. The State of Israel alongside with a majority of the Western states have not recognized the State of Palestine and conversely the Arabs, except for Egypt and Jordan, have not recognized the State of Israel. The recognition of the states is not the only obstacle to the peace. The other issues include the definition of borders, security concerns, Israeli settlements, control of Jerusalem, right of return for the Palestinian refugees, Palestinian freedom of movement as well as access to water resources.

During the second half of the 20th century, several attempts to resolve the conflict were undertaken. The fact that Israel managed to reconcile with Egypt in 1979 and with Jordan in 1994 supports the idea about the possibility of an agreement. However, for the above mentioned reasons the solution of the conflict poses a great challenge for the third party due to the inability of the conflict actors to reach a settlement. The Oslo peace process between 1993 and 1995 represented the most advanced attempt to come to an agreement, but unfortunately no final settlement was delivered. The other peace efforts were thwarted due to various conditions and demands required by both parties.

The United States has a close relationship with the State of Israel, especially since the Six Day War in 1967. Political, military, and economic support for the state is based on shared democratic values, interest in the preservation of the Jewish state, as well as the broader US security and economic interests in the region of the Middle East. Since that time the United States has been involved several times in the Israeli-Palestinian, resp. Israeli-Arab mediation. When Barack Obama became President in 2009, questions about the administration's position toward the possible Israeli-Palestinian conflict solution arose once again, especially due to the negligence of this issue by the prior George W. Bush administration. To the contrary, President Obama

assured the world in his speeches that the conflict resolution become one of the priorities of the US foreign policy.

Research Questions and Hypotheses

As a powerful country with a privileged position on the international scene, the United States had a significant potential to reconcile both parties in the conflict. The power to influence them to make concessions could have been the driver for bringing the parties to an agreement. Although both Obama's administrations accepted different approaches to solving the Israeli-Palestinian conflict, unfortunately, the US mediation did not bring any major breakthrough during the Obama Presidencies between 2009 and 2016.

Why was the United States not successful in its mediation of the Israeli-Palestinian conflict? The aim of this thesis is to identify the reasons why the US, despite its influence, did not accomplish its goal, which had been set up as a priority of Obama's foreign policy. The thesis will identify the mediation activities and assess them by putting an emphasis on the use of leverage during the negotiations. Furthermore, the dynamics between foreign and domestic politics projected on the action taken in the US Congress will be put under scrutiny. This thesis will focus especially on the behavior of the US – its use of power and leverage and internal dynamics between foreign and domestic politics. Thesis excludes the external factors due to difficulties to capture change of the security environment in the Middle East region. These conditions could be responsibly assessed only with longer time distance. Additionally, this thesis works with an assumption that the US could have used its leverage effectively and bring an agreement that would reconcile the conflict between Israel and Palestine.

Research questions:

- 1) What mediating procedures were applied by the United States between 2009 and 2016?
- 2) Was the leverage used? If yes, what forms of leverage were used?

Hypotheses:

- A) The US was not successful in the resolution of the Israeli-Palestinian conflict due to ineffective use of its leverage while mediating the activities.
- B) US foreign policy did not respond to the dynamics of US domestic politics.

Theoretical Framework

Mediation of conflicts as a method of peaceful settlement has been applied since humankind had to deal with the resolution of conflicts. Third parties are generally involved in conflict resolution when the warring parties do not see any other option of making progress in the negotiation. The thesis will be based on academic literature from the field of conflict resolution. Specifically, the concept of mediation will be put under scrutiny, capturing major characteristics and typology as defined by various scholars. Furthermore, as the thesis focuses on the usage of leverage by the US in practice, the theoretical part will work with the concept of power. The mediator has an important role in conflict negotiation and has to calculate concrete steps that will lead the parties to desired outcome. In order to do this, it has to be able to persuade parties to make the concessions.

There are authors discussing the concept of power while negotiating the conflict solution. I. W. Zartman and J. R. Rubin define power, for instance, as “an action by one party intending to produce movement by another” (Zartman and Rubin, 2000: 8). The ability to move someone to a desired direction stems from various characteristics such as resources under control, relationship with involved parties, global status, and various interdependencies among the actors involved. Zartman also sees mediation as political process which implies that the result should be satisfying not only for belligerent parties, but for the mediator as well. (2008: 155) The question of political process could arise again in case certain domestic political constraints restrict the action taken by President Obama and other officials such as Secretary of State. The thesis will attempt to reflect the mediation of the conflict as part of foreign policy goal on the domestic political scene mainly in the US Congress.

The expected contribution of this thesis lies in the specific perspective that attempts to find the answer on the thwarted conflict mediation in the US inability to push the parties to an agreement. Although the US has a closer relationship with one of the sides in the conflict, this should not be an obstacle as mediator does not necessarily have to be neutral. Conversely, it has a greater potential to push one side to greater concessions by using e.g. the carrots and sticks method. Equally, Zartman and Rubin (2000:19) claim that the weaker party in the conflict can “borrow power from the third parties”. I decided to explore the relationship and interconnections between the concepts of mediation and power on the case of the US mediation of Israeli-Palestinian conflict. The thesis relies on the assumption that the US, as a powerful state, has the ability to

influence the process of negotiation due to its enormous capacity and resources available.

Methodology

This thesis will be a case study focusing on the US mediation of the Israeli-Palestinian conflict during 2009 – 2016, when the presidential post was occupied by Barack Obama. The methodology applied will be a combination of content analysis and process tracing analysis. Content analysis will be needed in order to analyze the narrative of President Obama and other officials from the administration, especially the Secretary of State. The aim is to identify the moments of the use of leverage in speeches and proclamations given by representatives of the US administration who were commenting on the resolution of the Israeli-Palestinian conflict.

Process tracing analysis will be needed in order to analyze the process of mediation and development on the domestic political scene with regard to the issue of Israeli-Palestinian conflict. Governmental statements, reports, proclamations and bills will be put under scrutiny. Analytical framework will be formed on the basis of chosen criteria which are set as follows: the narrative of US President and other officials, reflection of the stance of US administration in the US Congress, approach of the Congress towards the Israeli-Palestinian conflict. The aim is to identify how the leverage was used on the parties involved, in what form the leverage was used; and how the domestic political situation affected the US to possibly find a solution of the Israeli-Palestinian conflict.

Structure and Outline

Firstly, the introduction will present the topic and aim of the thesis with all the research questions and hypotheses. The subsequent chapter will provide theoretical framework for this thesis with placing an emphasis on the concepts of mediation and power. The third chapter will present the methods used in this thesis – content and process tracing analysis. The analytical framework will be explained in this part as well. The fourth chapter will be dedicated to empirical findings. The issue of Israeli-Palestinian conflict will be briefly presented with the attempts to resolute the conflict. Afterwards, the thesis will highlight the attempts of mediation during both administrations. Furthermore, the fourth chapter will focus on the development on the domestic political scene, especially on the role of the US Congress in Israeli-Palestinian

conflict during both Obama administrations. The last chapter will provide answers to research questions and hypotheses; and it will also provide the final conclusion.

1. Introduction
2. Introducing the Theoretical Framework
 - 2.1. Theory of Mediation
 - 2.2. Concept of Power in the Theory of Mediation
3. Methodology
 - 3.1. Methodology
 - 3.2. Analytical Framework Explained
4. US Mediation of the Israeli-Palestinian Conflict
 - 4.1. Brief Introduction to the Israeli-Palestinian Conflict and the Peace Processes
 - 4.2. The US Mediation of the Israeli-Palestinian Conflict under Barack Obama
 - 4.2.1. First Obama Administration
 - 4.2.2. Second Obama Administration
 - 4.3. Position of the US Congress towards the Conflict
 - 4.3.1. First Administration
 - 4.3.2. Second Administration
5. Conclusion

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