

Israel And Palestine – Last Chance for the Bilateral Process

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The issue of land is at the core of the Palestinian- Israeli conflict. For a long time the efforts aimed at achieving a settlement to the conflict were based on the principle of “land for peace,” meaning that if Israel withdraws from the occupied Arab territories, including the occupied Palestinian land, the Arabs will make peace with Israel.

The Oslo Process

The 1993 Oslo process put Israel’s negotiations with the Palestinians ahead of those with the Syrians and the Jordanians. Both of the latter were surprised by the secret Palestinian-Israeli talks. The Jordanians, who thought that the PLO should not have acted behind their back and were offended by the Palestinians’ action, rushed to strike a deal with Israel and signed the Wadi Araba Jordanian-Israeli Peace Agreement in 1995, leaving the Palestinians behind, while the Syrians failed to conclude any final agreement with Israel.

The Oslo secret talks were concluded by the announcement of the Declaration of Principles (DOP) in 1993, which formed the basis for further negotiations concluded by the Israeli-Palestinian Interim Agreement of 1995, and the creation of Palestinian Interim Self-Government Authority which was supposed to end in 1999 when a permanent agreement would be reached. Though the DOP did not define the outcome of the process, it was understood that it will end by the creation of a Palestinian state alongside the state of Israel. However, the implementation of the Interim Agreement was not easy. Many obstacles delayed its implementation, including the suicide attacks carried out by Hamas, the assassination of Israeli Prime Minister Yitzhak Rabin by a Jewish right-wing activist and the election of Binyamin Netanyahu as prime minister in 1996.

Israeli Prime Minister Ehud Barak, who succeeded Netanyahu in 1999, decided to postpone the third phase of redeployment and pushed for the convening of Camp David talks, hoping for a comprehensive settlement, but failed to conclude an agreement with the late Palestinian leader Yasser Arafat. Each side blamed the other for the failure of the Camp David talks. Both are to blame for failing to take the last step towards an agreement.

In the wake of the Oslo process, on Sept. 9, 1993, Rabin and Arafat exchanged letters of recognition whereby the “The PLO recognizes the right of the State of Israel to exist in peace and security.”

For the last 20 years of the so-called peace process, the total combined time spent negotiating doesn't exceed a few months. The remaining time has been spent either in deadlock or in attempting to revive the negotiations. Israel took advantage of the impasse to expand its settlement activities in the Occupied Palestinian Territories, undermining the possibility of a territorial compromise that requires Israel's withdrawal to the 1967 borders. The size of the Jewish settlements and the number of settlers more than tripled during this period, and the chances of the two-state solution diminished gradually to the extent that, if it is not achieved in the very near future, it will not be possible or realistic anymore.

The Kerry Initiative

The current attempt by U.S. Secretary of State John Kerry is most probably the last serious attempt at bringing about peace through bilateral negotiations. Given this assumption, we should understand the persistent and strong willingness of Kerry to achieve a break through in the negotiations.

The U.S. administration announced that the negotiations that started in July 2013 would continue for nine months, ending on April 29, 2014. The stated aim was to conclude a final agreement between both parties. Later on, and in the light of Israeli maneuvers and unwillingness to participate in real negotiations on the core issues of the conflict, the United States pulled back and claimed that the aim would be to work out an agreed-upon framework for the negotiations to be a basis for negotiating a detailed agreement on the implementation of this framework. But again the U.S. withdrew from this position, and the talks are now about a framework which will represent the American position, not that of the negotiating parties. Moreover, the parties can add their own reservations to the framework. This brings us back to the Road Map of 2002!

However, it's worth noting that the two parties, Israel and Palestine, came to the table with two very different approaches. The Palestinians wanted to negotiate the borders of their future state, explaining that once the issue of borders is decided, they would be flexible on its implementation. The Israeli government insisted on first starting with the security issue and later demanded that the Palestinian government recognize Israel as the national home of the Jewish people. Furthermore, Israel continued building Jewish settlements in the West Bank and East Jerusalem, claiming that the new buildings are mainly being constructed in the settlements that Israel had already decided to unilaterally annex with the land swap arrangement that the Palestinians agreed to during the Camp David talks in 2000 — on principle but not on its location or boundaries. The Palestinians insisted on minimal 1:1 land swaps of the same size and quality. The Israelis picked up the principle and applied it generously, expanding

the settlements beyond any possibility of Palestinian acceptance. The continued building and expansion of the Jewish settlements in the occupied Palestinian land, including East Jerusalem, has become the major obstacle to any progress in the negotiations.

During the preparations for the nine-month talks, there was an agreement that the Palestinians would refrain from seeking membership in the United Nations and international organizations, while Israel would release 104 Palestinian prisoners who were jailed in Israel before the Oslo agreement. It was clear from the perspective of the Palestinian leadership that these prisoners were sent to carry out operations against Israel before there was a peace agreement, and therefore the leadership is committed to their release after it became a partner to an agreement with Israel. Israel so far has released 78 prisoners in three groups, and the last release is scheduled for March 29. Israel is now threatening not to release the last group of prisoners unless the Palestinians agree to extend the current negotiations for another year after April 29, 2014. The Palestinians, for their part, argue that this is a commitment made by Israel; therefore if the prisoners are not released in time, there will be no point in continuing the negotiations through April 29. The whole discussion on this issue shows how deep the crisis goes and the total lack of confidence between the parties. But most probably this will not be sufficient reason to kill the process, and an agreement on their release will be achieved.

Obstacles to Successful Negotiations

Palestinian and Israeli negotiators recently said that there were no direct negotiations between them but each was taking turns to talk with the U.S. mediation team. Israel succeeded in putting aside the Palestinian demand to negotiate the future borders between the two sides and brought the two issues of security and the recognition of Israel as a Jewish state to the forefront of the agenda. Under the claim of security concerns, Israel insists that the Israeli army should remain along the River Jordan between the Palestinian state and Jordan for many years to come. The Palestinians claim that they should have control of the borders and outlets of their state, and demand that the Israeli army withdraw from their territory and be replaced in some areas such as the Jordan Valley by international or NATO forces to address Israel's security concerns. Israel rejects this option and insists on keeping its forces in the Jordan Valley along the river. Yet another major obstacle is Israel's refusal to negotiate over Jerusalem, claiming that it is the eternal capital of Israel and of the Jewish people. The Palestinians insist that East Jerusalem is their capital and there will be no Palestinian state without Jerusalem.

It is very impressive how Netanyahu has been able to divert the attention away from the core issues of the conflict such as settlements, borders, Jerusalem and refugees and focus all the attention on side issues such as the recognition of Israel as the national homeland of the Jewish people, forcing even the Americans and others to talk first and foremost about this demand.

The Palestinians, who recognized the state of Israel with the exchange of letters of recognition between Rabin and Arafat in 1993, has become suspicious of Israel's demand to recognize Israel as the state of the Jewish people and assume that there is a hidden Israeli agenda behind this demand.

The Palestinians suspect that recognizing Israel as such will prejudice the rights of the Palestinians citizens of Israel, who did not flee from their homes during the 1948 war, became Israeli citizens and today represent about 20% of the total population of Israel. Recognizing Israel as a Jewish state o excludes these Arabs and may prepare the ground for their expulsion in the future. In addition, recognizing Israel as such will deny the rights of the Palestinians who were expelled or who fled their homes in 1948, including their Right of Return or compensation. In any case, Israel can define itself as it wants without forcing or asking others to recognize it as such. In addition, Israel signed peace treaties with Egypt and Jordan without demanding their recognition of the Jewishness of Israel and neither demanded that from the UN nor any other country in the world.

For two decades of the peace process, this issue was not raised except by Netanyahu's government. It's very clear to the Palestinians that this government speaks about peace but does every possible thing to undermine any progress toward peace. The settlement activities all over the West Bank, Israel's intensive efforts to change the image and status of Jerusalem, the systematic campaign by fanatic nationalist and religious Jews to pray in the al-Aqsa Mosque compound (the Temple Mount), focusing on side issues and refraining from engagement in negotiations about substantial issues of the conflict all show that the policy of the current government in Israel is to maintain its right-wing coalition and gain time to continue building settlements and creating facts on the ground, rather than seek peace with its neighbors.

This Israeli attitude is not confronted by a firm position on the part of the U.S. administration. On the contrary, the U.S. is showing flexibility in adapting to Israel's attitude and even swallowing insults from some rightwing Israeli leaders, such as the recent repeated attacks by Israeli Defense Minister Moshe Ya'alon against Kerry.

The U.S. has been manipulating peace talks between Israel and the Palestinians since the early 1980s and the invasion of Lebanon in 1982. The U.S. logic was that they would facilitate the negotiations but would not interfere by pressuring Israel. The

Israelis developed a concept of what they could or could not accept. The Americans were always advocating what the Israelis could accept and endorsing what they could not. This approach made the process a total failure because it was an unbalanced process between a weak party, the Palestinians, and a strong party, the Israelis. The Israeli negotiators were coming mainly from a military background and behaved all the time in the spirit of dictating, not negotiating. This mentality was also disastrous for the negotiations.

Considering this background, the Palestinians leadership is facing tremendous difficulties at home and with Israel. There will be no Palestinian leader who can sign a peace agreement with Israel for a two-state solution without East Jerusalem as its capital. The Americans recently modified their position to satisfy Israel, and suggested a vague statement saying that the capital of Palestine will be in Jerusalem. This can't be accepted by the Palestinian people, nor the presence of the Israeli army and settlers in the Jordan Valley, nor the annexation of large areas of the West Bank under the claim of land swaps that do not adhere to the principle of 1:1 swaps.

Conclusion

To conclude, the situation on the ground in the West Bank is boiling. Confrontations between the Palestinians and the Jewish settlers are inevitable, in light of continued attacks by fanatic settlers against Palestinian Arabs and their property. No one can predict the next round of violence or whether it will be a peaceful intifada as in 1988 or a violent, bloody one as in 2000, or maybe even worse. The most urgent matter now is to restrain the Jewish settlers, force the Israeli government to freeze settlement activities and refrain from any further attempts to change the status of Jerusalem and al-Aqsa Mosque, and give hope to the people of both sides that peace is possible.

The U.S. has failed to broker a peace process for the last three decades, due to domestic pressure groups who work for Israel. It's time to change the rules of the game.

Many Palestinians believe that in the case of the failure of the American efforts, the Palestinian leadership should seek membership in the UN and international organizations, including the International Criminal Court, demand that the international community treat Israel as it did South Africa during the boycott of the apartheid regime, and allow a massive public passive resistance to the Israeli occupation. The international community should consider the possibility of convening an international peace conference that can impose a deal on both parties with international guarantees, monitoring and implementation based on Chapter Seven of the UN Charter.

A preemptive step is required to prevent another round of bloodshed.