Israeli-Palestinian negotiations
A step towards another historic handshake, perhaps, but not necessarily a solution.

By Dr Hanan Chehata
The latest round of Middle East “peace talks” is under way. The re-sumption of direct talks has had a mixed reception. Some commentators have dismissed them out of hand as nothing more than a PR stunt doomed to failure, while others, such as British Foreign Secretary William Hague, have hailed them as being of “historic importance”. But how realistic is it to expect them to yield any tangible progress towards peace? The negotiations may very well result in pen being put to paper and some sort of agreement being signed (if only to save face for its American co-ordinators) but signing an agreement does not equate to resolving the Middle East crisis. Agreements have been signed before, hands have been shaken and photos have been posed for, and yet the situation in the Middle East is as bad now, if not worse, than ever before.

Overall, the outlook for the talks does not look promising. On Israel’s side, Prime Minister Benjamin Netanyahu has come to the negotiating table having made it abundantly clear that his country is not willing to shift on many of the more contentious key issues at the core of the conflict. The settlement freeze for instance, which comes to an end in a matter of weeks, is not set to be renewed; this is a major stumbling block that Netanyahu is unwilling to discuss from the outset. On the Palestinian side, President Mahmoud Abbas lacks a mandate as well as the support of his own people, and so any agreement signed is unlikely to be worth the paper it is written on.

Avigdor Lieberman, Israel’s extreme right-wing Foreign Minister, has expressed his belief that the talks will not yield a positive outcome. Addressing his ultra-nationalist Yisrael Beiteenu party recently he said, “I do not believe that a comprehensive agreement with the Palestinians is possible within a year, nor even during the next generation.” Netanyahu himself has also now said that although a “framework” for peace may be thrashed out over the next twelve months, it will probably be phased in over the next thirty years or so. This does not bode well for adherence to the one year time frame that US President Barack Obama has set out and which George Mitchell, the US Middle East envoy, called “realistic”. This draining scenario will bring great distress to Palestinians currently living under Israel’s intolerable and illegal military occupation, while simultaneously buying time for the Israeli authorities to cement even further the status quo.
Over the last few decades every US President has put “Solve the Middle East crisis” on his to-do list; not one has succeeded. Some, like Presidents George W. Bush and Bill Clinton, have left it to the end of their term of office to host or mediate peace talks. President Obama, though, made the Middle East a top priority from the outset. His first international speech was delivered in Cairo where he addressed the Muslim world directly, raising hopes that this would usher in the beginning of a new era for revived US relations with the international Arab and Muslim community; that too has yet to materialise.

An improvement in US–Muslim relations is sorely needed by America, which is being vilified around the world for its part in initiating and maintaining illegal wars, supporting oppressive regimes and, increasingly, for its perceived anti-Islamic tendencies. US foreign policy has become something of an embarrassment to US dignitaries and citizens visiting the Arab world. This negative perception of America and the urgent need for change was underscored earlier this year when on March 16th US Army Commander General David Petraeus testified to the Senate Armed Services Committee that the continuing Israeli–Palestinian conflict is a challenge to US interests in the region. He said that the on-going conflict was “fomenting anti-American sentiment” due to “a perception of US favouritism for Israel”, thus jeopardising US standing in the region as well as endangering the safety of US troops stationed around the world.

As such, while it makes sense for Obama to make Middle East peace a priority for his administration, he needs to be looking for a full solution that is just and equitable to both sides and in line with international law, not just a temporary fix appeasing one side at the expense of the other.
There are many so-called final status issues that remain unresolved 17 years after the signing of the Oslo Accords in 1993. Since then, the differences between the two sides have become even more pronounced. A few of the key contentious issues are:

- Palestinian refugees (and their legitimate right to return to their land)
- Jerusalem
- Jewish settlements in the occupied territories
- Security arrangements
- State and borders
- Relations and cooperation with neighbouring countries
- Other issues of common interest

**Addressing the core issues**

**REFUGEES**

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<th>Palestinian position</th>
<th>Israeli position</th>
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<td>The Palestinians seek a just solution to the problem of the refugees within the framework of UN General Assembly Resolution 194 (1948), the Arab Initiative (2002) and the Road Map (2003)</td>
<td>Israel absolutely rejects the notion of a return of the refugees to the territories it controls.</td>
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<td>Palestinian officials are, however, ambivalent on the phrase ‘just solution’, especially as they use it more frequently than, and never speak of, the Palestinian ‘right’ to return.</td>
<td>Israeli officials claim repatriation of the refugees and their descendents would signal the end of their state.</td>
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<td>It is equally unclear as to whether the Palestinians seek repatriation to the villages and towns in Israel from which the refugees were originally expelled or whether they seek resettlement in a future West Bank state.</td>
<td>Israel wants the Palestinians to be resettled in neighbouring countries.</td>
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<td>The Palestinian right of return as guaranteed under various bodies of law is both an individual and collective right. Even if the Palestinian negotiators were inclined to do a deal, it would have no legal or practical value without the consent of the refugees themselves.</td>
<td>The Israelis call on Palestinians to choose between the right of return and the establishment of a state.</td>
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**JERUSALEM**

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<td>The Palestinians demand East Jerusalem as the capital of their future state. They offer guarantees to ensure that Jews have access and are allowed to worship in the area of the Western (“Wailing”) Wall.</td>
<td>Israel refuses to recognize East Jerusalem as a capital of the future Palestinian state. Israelis claim both the eastern and western parts of the city as their ‘undivided’ capital.</td>
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<td>The Palestinians insist on full sovereignty over the Haram al-Shareef (Al-Aqsa Mosque) area.</td>
<td>Israel claims that this has already been decided religiously, legally and politically under its 1980 Basic Law.</td>
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<td>The Palestinians reject the annexation of parts of the West Bank to (Greater) Jerusalem by Israel in order to use as a bargaining chip in future.</td>
<td>Israel refuses to dismantle the Ma’ale Adumim settlement and regards it as an integral part of Jerusalem.</td>
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<td>They demand the dismantlement of the Jewish settlement on Jabal Abu Ghunaym which is seen as a means to isolate East Jerusalem from the West Bank.</td>
<td>Israel claims the legitimacy of its settlement activity in the West Bank and Jerusalem, insisting on its absolute right to control the borders up to Jordan in the east with, of course, full control of the sources of Palestinian water.</td>
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### SETTLEMENTS

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<td>Palestinian negotiators view the settlements as illegal and a violation of the Fourth Geneva Convention.</td>
<td>Israel makes a distinction between what it calls ‘legal’ and ‘illegal’ settlements. The former are the state-sponsored projects in the occupied territories. The latter are the projects spearheaded by settlers without state approval or support.</td>
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<td>Israel’s settlement activity should be frozen in accord with the Road Map.</td>
<td>While it claims that the big settlements such as Ma’ale Adumim are part of Israel, it is prepared to negotiate over the so-called ‘illegal’ settlements.</td>
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<td>Palestinian negotiators do not demand clearly the dismantlement of all the settlements built in the occupied territories since 1967. There is ambiguity as to whether they are prepared to do a land swap with the Israelis that would allow the latter to keep some or all of the settlements.</td>
<td>Israel claims the settlements are necessary for its security and has managed to maintain this position because no American administration has challenged it to give up this land.</td>
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<td>They make no mention of their position toward the Bush-Sharon letters which allow Israel to keep some settlements, and the need to recognise natural growth in the settlements, often seen by Israelis as a licence to expand.</td>
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<td>In order for a territorially contiguous Palestinian state to emerge in the West Bank the Israeli settlements must be dismantled.</td>
<td>The Israeli negotiators have given no indication that they intend to dismantle these settlements.</td>
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All of these problem issues are central to keeping the conflict alive but there is nothing to suggest that the latest talks have any likelihood of finding solutions to them. While an agreement may be signed which touches upon certain elements of each of these issues, and while talks may be a step in the right direction, any agreement with only partial solutions is unlikely to bring an end to the crisis with any degree of justice.

The Oslo peace process failed despite being conducted on the premise of ‘land for peace’; the new talks have no such point of reference. Since there is neither a guarantee nor even any likelihood that the occupied land will be returned to the Palestinians, the possibility of a just settlement remains as remote as ever.
A. Palestine Liberation Organisation (PLO)
– Mahmoud Abbas [Abu Mazen]

Abbas’s illegitimate leadership
There are a few reasons why the President of the Palestinian National Authority, Mahmoud Abbas, will almost certainly fail to bring peace with justice for the Palestinian people, and why he is perceived by many to be failing the Palestinian cause by taking part.

Expired/illegitimate mandate
Mahmoud Abbas’s constitutional term of office expired officially on 9th January 2009. He extended this unilaterally and has refused to step down. Nevertheless, allied as he is to the Americans and Israelis on so many issues, their respective governments have overlooked this fact very conveniently and continue to support him, militarily and financially.

Abbas’s loss of credibility
Abbas suffers from a major lack of credibility among Palestinians, Arabs and, increasingly, the international community. He has backed down repeatedly in the face of Israel’s intransigence and is seen as letting the Palestinian people down. Inter alia, he faltered massively over the UN’s Goldstone Report; he has backed down on his refusal to negotiate with Israel unless it agrees to a settlement freeze; and his security apparatus is regarded as an extension of the Israeli occupation forces, and so on.

Negotiating from a position of weakness
Abbas is dealing from a position of great weakness. He has nothing that he can, legitimately, offer the Israelis apart from what it is not his to promise. As the weaker of the two parties (financially, militarily and politically) he is in no position to negotiate; many argue, therefore, that he will only harm the Palestinian struggle for justice as his only option is to make further concessions with regards to Palestinian rights.

Overstepping the bounds
As the Chairman of the Palestine Liberation Organisation, Abbas is negotiating on behalf of around 8 million Palestinians in Gaza and the diaspora, not just the 2.5 million in the occupied West Bank. But with what authority? In the only free and fair general election to date, Palestinians in the West Bank and Gaza Strip voted to be governed by Hamas, not Abbas’s Fatah (which controls the PLO). The result of that election is ignored by the West and Israel, whose governments have imposed and maintained Mahmoud Abbas’s grip on power in the West Bank, while boycotting and besieging the Hamas-controlled Gaza Strip. The Palestinians in the diaspora have not been given a voice in the elections or at the negotiating table. How will they ever have any political involvement without being allowed to return to their homeland? A unified Palestinian leadership is certainly called for but, realistically, this will not happen under Mahmoud Abbas.
Suppression of opposition voices opposed to direct peace talks at this stage

Abbas does not enjoy the support of the majority of Palestinian factions for returning to the negotiating table. In fact, in the days leading up to the start of the latest talks more than 700 prominent Palestinians signed a statement opposing them. A conference was also convened in which Leftist opposition parties including the Popular and Democratic Fronts for the Liberation of Palestine, the Peoples’ Party and several others groups, all met to voice their opposition to the current talks.

Instead of listening to what the opposition had to say and allowing the exercise of their democratic right to free speech and assembly, the conference was raided by hundreds of plain clothes security personnel working for Palestinian Authority Prime Minister Salam Fayyad (the unelected Prime Minister installed by the George W. Bush administration). Israeli journalist Amira Hass described how thugs “grabbed cameras, beat the Watan photographer and prevented people from being interviewed…” An apology has since been issued by Fayyad for the acts of his security forces and an investigation has, it is claimed, been launched. However, this is considered by many to be a meaningless gesture as the talks have gone ahead anyway, despite large scale opposition across the Palestinian political spectrum.

The disruption of the opposition symposium illustrates the fact that Abbas is acting under his own steam without even considering the opinion of the factions who would traditionally be considered his allies. There are no realistic hopes for peace talks which are so poorly supported on the ground and which have so little backing. By and large, Abbas is entering negotiations without public or political backing among Palestinians.

It is also worth noting that even within the PLO itself Abbas does not have the support of those on whose behalf he is meant to be negotiating. The PLO Executive Committee is made up of 18 members. A meeting was held in August to discuss participation in the peace talks. Of the 18 members only 9 PLO officials took part whereas a minimum of 12 is required for a quorum. Of these 9 officials, 5 were opposed to the peace talks. Abbas therefore has no mandate to sign any agreements with Israel and this is one of the reasons why it is so widely felt that these talks are illegitimate and merely a PR stunt designed to buy time while Israel colonises yet more Palestinian land, riding roughshod over Palestinian rights. Moreover, Mahmoud Abbas presides over a parliament many influential members of which are held in Israeli jails.
Ulterior motives

Money

What is Abbas’s motivation for engaging in direct peace talks from such an unstable and tenuous position? Money is one factor, political pressure another.

Abbas clearly has interests at heart other than peace. Given that he is the recipient of America’s financial largesse, and that America is promoting the negotiations, he can hardly be said to be engaged without a conflict of interest. He is being funded by the Israeli occupation authority’s closest ally, which also just claims to be the “independent” honest broker. The very real fear that America will stop his funds if he does not take part in these talks and comply with the conditions set before him, will, inevitably, colour his decisions in this process, if not guide them entirely. Abbas and his officials are victims of “regular salary syndrome”, a by-product of which is the relatively (and much-trumpeted) buoyant economy of the Ramallah district.

Political pressure

Political threats have also had a major impact on Abbas’s unpopular decision to sit at the “negotiating” table. For instance, “when Obama sent a letter to the Palestinian leadership last month threatening to withdraw US recognition of the PA, the authority found itself facing the prospect of political and financial isolation - much like that experienced by the late Yasser Arafat when Arab and Western countries left him and the Palestinians at the mercy of an Israeli invasion and siege.”

Abbas has also been under a great deal of pressure from many Arab states to take part in these talks and he says that he has the full backing and support of several, including Egypt, Jordan and Saudi Arabia. However, having Arab support is by no means the same as having Palestinian support. Abbas does not represent “Arabs”, he is supposed to represent Palestinian interests; despite any religious and cultural commonality, Arab and Palestinian interests differ widely.

Egypt, for example, is an ally of Israel and has been for decades. It is regarded by many as an extension of the Israeli authorities in the oppression of the Palestinians. By maintaining the siege on Gaza through sealing the Rafah border crossing and building its steel “wall of shame”, it is clear that Egypt does not have the Palestinians’ best interests at heart. Egyptian endorsement of the peace talks therefore means little to those suffering in Palestine who Abbas – in theory – should be representing.
No point of reference

Before peace talks begin it is standard practice to outline the main points of reference to guide the discussions and outline mechanisms for enforcing agreements. Without such reference points the discussions can stray off the mark and fail to focus on the most important issues; for the discussions which led to the Oslo Accords the formula was “land for peace”. These current talks do not seem to have a focus or formula which would provide observers and participants with any optimism. Abbas began by insisting that he would not take part in talks without a point of reference. However, this is yet another matter on which he has backed down.

B. Israel – Benjamin Netanyahu

Netanyahu’s untenable conditions

Netanyahu has come to the table with a list of conditions that he requires the Palestinian side to agree to; most are untenable. He is insisting that:

Palestinians recognise Israel as a Jewish state – He expects the people who are under military occupation to acknowledge the legitimacy of their oppressor before they can expect to be given their human rights. Where else in the world would this condition be not only allowed but also actively encouraged by the international community?

There are many difficulties inherent in this condition, including the fact that Palestinians in the diaspora still call areas of Israel their home and an acceptance of Netanyahu’s condition would affect their legitimate right to return. It would also give a fig-leaf of legitimacy to the current Israeli practice of treating all non-Jews in Israel as second-class citizens. This includes the discrimination against Palestinian Muslims and Christians in terms of land rights, education, civil rights and so on, covering almost every aspect of their lives. Why should a Palestinian leader endorse this type of discrimination against the very people he is supposed to represent? If Palestine was ever proposed as a “national home for Muslims” this would no doubt be opposed by the Christians and Jews living therein.

The demilitarisation of Palestine – Netanyahu has made it abundantly clear that if any independent Palestinian state is ever permitted to exist it must have no army, no control of its airspace and no control over its own borders. The Israeli prime minister stated in a foreign policy speech last year that “in any peace agreement, the Palestinian area must be demilitarized. No army, no control of air space. Real effective measures to prevent arms coming in, not what’s going on now in Gaza. The Palestinians cannot make military treaties.” This is yet another reason why more and more people are beginning to see the impossibility of a two state solution to the conflict in the Holy Land. If this is what Israel envisages as a Palestinian state then it is clear that Israel is not interested in the creation of an independent, viable Palestinian state, just a rump territory with limited autonomy; in effect, there would be an extension of the siege on Palestine, no more, no less.
Refugee problem to be solved outside the Palestine/Israel borders - The matter of refugees is another major issue which must be resolved but which Netanyahu seems unwilling to discuss. Palestinians want to exercise their right of return (or at least have the option of doing so), not just to the West Bank, but to wherever it is they originated from, including now long-gone razed towns and villages inside Israel. However, Netanyahu has stated in past foreign policy speeches that “justice and logic dictates that the problem of the Palestinian refugees must be solved outside the borders of the State of Israel.” He doesn’t explain what justice or logic he is referring to and by this he means that Palestinians in the diaspora should settle permanently in Arab countries such as Jordan and Egypt but not in their own homeland. This is unjust and against international law; this sort of unwillingness to compromise will hinder, not advance, the search for a just peace. Perhaps that’s what Benjamin Netanyahu intends.

C. USA - Barack Obama

Why America?
People don’t question the centrality of America’s role in Middle East Peace talks, but why? And is US involvement a boon or a hindrance to peace? While it is obviously a major advantage for the Israelis to have their number one ally in the lead role, this is not the case for the Palestinians, even though third-party intervention is clearly necessary. As Professor Avi Shlaim said recently, “The sheer asymmetry of power between the two parties militates against a voluntary agreement. To get Israelis and Palestinians round a conference table and to tell them to hammer out an agreement is like putting a lion and a lamb in a cage and asking them to sort out their own differences.” However, does this mean that America is the only country suited for the job?

There are several factors which reduce America’s value as a third party mediator, including its favouritism of one side over the other.

America’s inherent bias towards Israel precludes it from impartiality as a third party

It is obvious that the US is not a neutral third party. There is an inherent and universally acknowledged bias in American foreign and domestic policy which discriminates in favour of Israel and against Palestinians. The involvement of the US in these or any other Middle East peace talks is like allowing the offender’s best friend to be the judge in a case against them and then expecting the victim to agree to the arrangement. Furthermore, by not censuring its client state for its regular breaches of international law, the US gives Israel the green light to continue with its belligerence against the Palestinian people; America is, therefore, complicit in Israel’s crimes.

The USA sends billions of dollars a year (approximately 7 million dollars every day) to Israel to pay for arms and ammunition which it then uses against the Palestinian people to bolster its illegal occupation. Such end-use is even against US law.
On September 1st Obama responded to the news that four Israelis had been killed in Hebron by a military wing of Hamas by saying, “I want everybody to be clear: The United States is going to be unwavering in its support of Israel's security, and we are going to push back against these kinds of terrorist activities.” Of course, the US president will never say that his country will be unwavering in its support of Palestinian security and that it will push back against Israeli state terrorism against Palestinian civilians. Days after the Hebron incident Israel launched several missile attacks on Gaza as Palestinians were preparing to celebrate Eid Al-Fitr at the end of the holy month of Ramadan; this was deemed to be irrelevant by the Israeli commanders who ordered the attacks and, indeed, by President Obama. Israeli security takes precedence over all other considerations and such US partiality does not bode well for the success of the talks.

As America has failed to broker a full, just and lasting peace between Palestine and Israel after almost two decades of efforts, perhaps it is time for someone else to take the lead. However, with America dominating the international Quartet and blocking all UN attempts to bring Israel into line, it is making it virtually impossible for anyone else to step up to the plate.
Ulterior motives

Are these talks a pretext for justifying more Israeli violence in the region?

If these talks fail, which they almost inevitably will (given the fact that the negotiations are being done without the sanctioning or backing of the Palestinian people), this will simply pave the way for more violence in the region. The talks will prove to the Palestinians that Israel’s version of peace will get them nothing except further losses of their rights and yet more Israeli “facts on the ground”. Israel will be able to say that it tried to reason with the Palestinians “but they refused to listen”, leaving no option but more oppression, violence and what the UN has already called “war crimes and possible crimes against humanity”.

For the sake of Public Relations

Benjamin Netanyahu clearly has no real ambitions for peace, so what is his motive? At the moment his government has the upper hand. It is the judge, jury, jailer (and executioner), imprisoning the people of Gaza and the West Bank as well as discriminating against its own Palestinian citizens. Why should Israel back down now? Since 1967 successive Israeli governments have destroyed an estimated 24,813 Palestinian homes; they have imprisoned 650,000 Palestinians; settlement construction continues; all, of course, with total disdain and disregard for international opinion and law. What is the incentive for change now? Why take part in these talks at all?

Many perceive Israeli participation as an elaborate PR stunt. After the disaster of the Israeli commando attack on the Freedom Flotilla to Gaza in May this year in which 9 international humanitarians were shot and killed in cold blood, Israel has been plagued by a negative press (although not as negative as could reasonably have been expected). The talks give Israel cover for the resumption of full-blown settlement activity and more demographic manipulation, including the Judaization of Jerusalem. Palestinian opposition, meanwhile, will be stifled by the excuse that the peace process should not be jeopardised.

Israel is at risk of becoming even more isolationist than it already is, developing a reputation akin to that of the now discredited apartheid regime in South Africa, so it has to be seen to be attempting, at least, to make peace in order to avoid international opprobrium.
With such gloomy prospects for peace – what should be done?

Reaffirm and enforce international law

If peace is ever to be achieved it is incumbent upon the world community to demand an end to violations of international law. Both sides need to be given a forum to voice their concerns about the plight of their people, be it security, human rights or anything else, but they must not be allowed to violate the law. The UN Security Council has a responsibility to enforce the international rule of law. However, America has been allowed to relegate the UN to an almost invisible presence in this dispute, using its power of veto almost forty times to block efforts to call Israel to account for its violations of the Geneva Conventions, the Nuremberg precedents, numerous human rights conventions and many Security Council directives. The sterling work of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is the noble exception to this enforced UN impotence.

Let someone else take up the reigns to broker peace

Given the entrenched nature of American bias there is a desperate need to have an impartial third party to oversee any peace talks. Whoever stepped in would need to free itself from America’s pro-Israel agenda. The European Union, for instance, has long been urged to extricate itself from the Americans. Former EU Commissioner Lord Chris Patten has called for the EU to be more independent and outspoken in relation to the Israel-Palestine conflict. The EU’s Foreign Policy Chief, Lady Catherine Ashton, has also expressed her desire for the European position to be more independent from America’s.
Talk to Hamas

Excluding Hamas from any negotiations proves from the outset that full peace is not the intention behind this current round of talks. Without Hamas as a partner in dialogue, what is Israel after; half peace? There is no such thing. If a peaceful solution truly is on the agenda there is no doubt that all sides will have to engage with Hamas sooner or later. It is illogical and impractical to exclude Hamas from the peace talks. Whether America and Israel (and Britain and the EU) like it or not, Hamas is the democratically elected leadership of the Palestinian people in Gaza, thus giving it a level of legitimacy that no other Palestinian faction can rival.

Isolating Hamas has obviously not achieved anything positive. Imprisoning its people has not worked; despite years of collective punishment imposed illegally by Israel on the Gazan people, Hamas is still as popular as ever. Individuals and organisations all over the world have been pushing their governments to engage in direct talks with Hamas. In the UK, the call has come from individuals such as Lord Michael Ancram QC (the MP who first began talks with the IRA on behalf of the British government), Baroness Jenny Tonge, Lord Ahmed of Rotherham, Alastair Crook (former special Middle East advisor to the EU High Representative) and others. Top US officials have also urged their government to engage in dialogue with Hamas, including nine former senior US officials and one current advisor who handed a letter to President Obama to that effect in the days before he took office as President. As Michael Ancram has said, “One of the sadnesses of history - I've seen it so many times, including to an extent ourselves in Northern Ireland - is where you say 'I'm not going to talk to these people because they're terrorists'. We did it in our own history in Cyprus, we did it in Kenya. Eventually you do talk to them, eventually they become part of the political solution and you look back and say: 'Why didn't we start talking to them earlier?'”
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