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Thirty Years On: The Ruse of the Middle East Peace Process

By: Inès Abdel Razek · October, 2021

Introduction

Thirty years ago, Israeli and Palestinian representatives met in Madrid to start bilateral negotiations. Purportedly meant to bring about a just and peaceful future in the territory between the Mediterranean Sea and Jordan River, the so-called Middle East Peace Process (MEPP), conceived at the meeting, has instead consolidated a dire reality for Palestinians of permanent occupation by a nuclear military power with an ever-expanding settler-colonial enterprise.[1]

Over the course of the last 30 years, the main western sponsors of the MEPP, namely the US and EU, have repeatedly introduced political initiatives under the guise of "peacebuilding" rather than pushing for a solution to end decades of exile, subjugation, and occupation. Most recently, in 2020, former US president Donald Trump introduced the so-called Peace to Prosperity plan, which ultimately secured Israel's interests through a series of normalization agreements with several Arab states. Yet the fundamental issues at stake, namely, the defense of Palestinian rights from an ongoing military occupation and exile, have remained absent from western brokers' agendas.

This policy brief aims to outline the key reasons why the very framing of direct bilateral negotiations, which is based on the liberal negotiation theory that underpins the MEPP between Israelis and Palestinians, is thoroughly iniquitous and

doomed to fail. The brief argues that, in fact, the MEPP has only served to consolidate Israel's settler-colonial enterprise and entrench its domination over the Palestinians. It offers recommendations for how the international community can support Palestinians in their struggle for liberation through a framework that goes beyond negotiations and "peace talks."

Liberal Negotiation Theory in the Context of Military Occupation

Liberal negotiation has dominated US foreign policy in the post-Cold War era. In this context, the MEPP was put forward as the ultimate example of solving intractable political crises. The liberal negotiation framework, however, is fraught with challenges within the context of liberation struggle under military occupation, ultimately leading to its failure:

1. *The MEPP lacks mutual terms of reference, and is not based in good faith*

For any meaningful negotiation to be able to achieve a fair solution, there needs to be mutual interest in reaching a deal between two equal parties. This is known as "negotiating in good faith," and requires a commonly agreed upon basis for reaching an outcome.

In extending an invitation to Palestinians and Israelis to attend the Madrid conference in 1991, the US made it clear that it was prepared to assist them in reaching an agreement based on UN Security Council Resolution 242. This resolution set the parameters for what eventually became known as the "two-state solution" in international discourse, and the terms of reference for the bilateral negotiations between Israelis and Palestinians.

The Israeli government only agreed to go to the negotiating table with Palestinian

representatives for two overarching reasons. First, it was due to the leverage created by Palestinian resistance during the First Intifada, which put the Palestinian struggle for self-determination on the world map and forced Israel to respond. As former Israeli prime minister Yitzhak Rabin infamously put it, "There were only so many bones I could break."

Second, Israel was under pressure from former US president George Bush, who withheld $10 billion in loan guarantees that Israel was seeking in order to absorb tens of thousands of Soviet Jewish settlers to Israel (they would eventually be settled mainly in West Bank settlements). Indeed, this is one of the only times the US exerted conditional pressure on Israel in exchange for simply showing up to the negotiation table.

During the 20 months after Madrid, Palestinians and Israelis held nine additional rounds of talks in Washington, D.C. Meanwhile, members of the Palestine Liberation Organization (PLO), which was barred from the formal negotiations, began secret, unofficial and back-channel talks in Oslo in January 1993. These negotiations ultimately supplanted the Madrid track, and resulted in the Oslo Accords signed by the PLO. To this day, the Oslo Accords, which include the 1993 Declaration of Principles on Interim Self-Government Arrangements (Oslo I)—with the Israel-PLO letter of recognition as preamble—and the 1995 Israeli-Palestinian Interim Agreement (Oslo II), are the only existing documented outcome of the bilateral negotiations.

Yet, from the outset of talks in 1991 to the signing of the Oslo Accords and what followed, it was already evident that a two-state solution was not the basis from which Israeli representatives were working. Rather, it was clear that they envisioned a limited form of Palestinian autonomy as demonstrated in the 1967 Allon Plan and the 1978 Drobles Plan, which laid the foundations for the settlement enterprise. Rabin affirmed this vision in his 1995 speech to the Knesset regarding the Oslo Accords; while promoting the framework of a two-state

solution, he announced that the "permanent solution" would include "the establishment of blocs of settlements in Judea and Samaria."

Indeed, to this day, Israel has not recognized Palestinians' existence as a national group, which would acknowledge their right to self-determination. In the 1993 letter of recognition, while the PLO recognized "the right of the State of Israel to exist" and accepted Resolution 242 despite its vague language regarding the Nakba, refugee rights, and the status of Jerusalem, Israel only recognized the PLO as the "legitimate representative of the Palestinian people."

Furthermore, the negotiations process failed to set international human rights standards as a basis, and the Oslo Accords, with its interim arrangements, did not reference international law—except for UN resolutions 242 and 338, which were considered the basis for future negotiations of final status issues following the interim arrangements. As a result, Israel carefully managed to avoid any term of reference that could hold it accountable for the violation of Palestinians' fundamental rights. To this day, Israel has never recognized the West Bank and Gaza as occupied. Instead, it claims that these are "disputed territories," thus refusing the application of the 4th Geneva Convention.

Within this framework, the Palestinian Authority (PA), born out of the Oslo Accords, has been specifically designed to play a counterinsurgency role in pacifying and controlling Palestinians instead of leading them to freedom and sovereignty. The PLO thus traded the Palestinian liberation struggle for a limited form of self-rule within the homeland, completely besieged by, and dependent on, Israel.

What was meant to be a political process where Palestinians would secure their liberation through bilateral negotiations, has in fact turned into a mechanism for entrenching Israel's military occupation with a Palestinian ruling class committed to maintaining the status quo, thereby squashing any form of resistance that

would disrupt their limited grip on power.

As Edward Said put it in 1993: "To its discredit, Oslo did little to change the situation. [Former PA president Yasser] Arafat and his dwindling number of supporters were turned into enforcers of Israeli security, while Palestinians were made to endure the humiliation of dreadful and non-contiguous 'homelands' that make up about 10 percent of the West Bank and 60 percent of Gaza."

Not only did Said describe the bad faith on the part of the Israelis, he also recognized that the PLO had capitulated to watered down autonomy. While the international community and PA continue to lament that the "two-state solution" is dying, or has indeed already died, the option of a Palestinian state never existed in the first place. The negotiations framework ensured this.

2. *MEPP negotiations are imbalanced, with no clear timeline*

It was clear from the beginning that Israel was never ready to accept Resolution 242 as the basis of an outcome of the MEPP. Instead, it was ready to leverage an interim period as a permanent process to enable its continued settler-colonial enterprise. That is, the Declaration of Principles of the Oslo Accords was designed to hold first talks on arrangements for a five-year interim self-government, and, once these arrangements were in place, Resolution 242 could form the basis for reaching a final status agreement regarding the core issues—water, refugees, and Jerusalem. But the framework only laid general guidelines for future negotiations without a mechanism in case of failure of the interim period.

Without a clear timeline or incentives for Israel to concede to any of the "final status" issues, Israel focused on leveraging the interim period, dragging out negotiations as a permanent process. This has allowed Israel to continue construction of illegal settlements, including throughout the period of

Oslo negotiations. In liberal negotiation terms, Israel understood that its best alternative to a negotiated agreement (BATNA)—what it could maintain or gain if negotiations failed or never concluded—would be superior to any offer Palestinians and brokers could make.

On their end, Palestinian negotiators were ill-equipped and ill-prepared to guarantee any of their demands were met. Khalil Tafakji, renowned Palestinian cartographer who made "the maps speak," recounts in his book how he was brought in by Arafat and Palestinian negotiators as a technician during the period of Oslo negotiations in 1993. Tafakji explains how he tried to expose to them the reality of the negotiations: "I don't know if someone promised you would have a State, but I am speaking starting from the maps, and if we look at the maps, there is no Palestinian State […] you have nothing."

As he recalls, his assessment, alongside other experts', was dismissed by the Palestinian leadership that went ahead in signing the agreement irrespective of Tafakji's maps showing brazen Israeli colonial expansion. In the end, Tafakji was right: the Oslo Accords further fragmented Palestinian territory into Areas A, B, and C, facilitating Israel's hegemony over Palestine.

In 2011, Al Jazeera leaked over 1,600 secret documents pertaining to negotiations from 1999 to 2010. These entailed different iterations of the MEPP, which commenced following the failure of the interim period of the Oslo Accords to produce any result, and included the 2000 Camp David Summit and the George W. Bush administration's 2003 Road Map for Peace. The Al Jazeera papers confirmed that Palestinian negotiators made several concessions without any transparency, inclusion, or buy-in from the Palestinian people. As one of the negotiators who helped leak the papers recalled: "The 'peace negotiations' were a deceptive farce, whereby biased terms were unilaterally imposed by Israel and systematically endorsed by the US and EU capitals."

Despite expiring in 1999, and despite many empty threats by the PLO to rescind them, the Oslo Accords remain the only framework in place dictating the political, institutional, and economic dynamics between Palestinian leadership and Israel.

3. *The MEPP lacks an honest third-party broker or mechanism for accountability*

The US has assumed the role of a third-party broker in the MEPP, though it could never be honest given its long-standing and unbridled military and diplomatic support for Israel. The US has not only failed to hold Israel accountable for its persistent and gross violations of international law—including humanitarian and human rights law—and for its war crimes in Gaza, it has also repeatedly used its veto power at the UN Security Council to prevent others from doing so.

For more than a century, as Rashid Khalidi details in his latest book, a series of shared approaches has continued to characterize western support of Zionism and Israel. Since the 1917 Balfour Declaration, western powers have actively denied recognition of the Palestinians as a people with national rights, while prioritizing Zionist interests. As former Egyptian foreign minister Nabil Fahmy recalled in 2019 regarding post-Oslo US foreign policy: former US president Bill Clinton's administration "blurred the distinction between American and Israeli interests and priorities." He goes on to quote Dennis Ross, the US MEPP negotiator during Oslo, who said that, the "primary objective was to ensure that Israel's interests were served."

Even when Bush senior held on to the loan guarantee as a means of pressuring Israel in 1991, he also reaffirmed commitments to maintaining Israel's "qualitative military edge" and an "undivided Jerusalem," and he did not object to the advancement of the settlement enterprise. Overall, the US has never

stopped funding and supporting Israel's military apparatus and ensuring its regional dominance. Today, that funding totals approximately $3.8 billion per year.

The existence of an open-ended process without a solid grounding in international law, without a clear and equitable outcome for Palestinians, and without an unbiased third-party broker or a mechanism for accountability, has ultimately served Israel's interests and done little to protect Palestinians.

Sustaining MEPP to Entrench Systemic Domination

Maintaining the viability of the MEPP has allowed Israel and its allies to subjugate the Palestinians and their current leadership, enabling them to continue pursuing their settler-colonial agenda with impunity. In order to ensure the perpetuation of this situation within the context of MEPP, Israel employs three strategies: creating facts on the ground, narrative manipulation and victim blaming, and bullying the international community.

1. *Creating facts on the ground*

The Oslo Accords allowed Israel to advance its settler-colonial enterprise through the expansion of settlements and theft of Palestinian land without hindrance. The settler-colonial enterprise and its infrastructure has enabled Israel to consolidate its control while progressively suffocating and fragmenting Palestinians, effectively advancing the "maximum land with a minimal number of Arabs" doctrine. This includes separating Jerusalem from the West Bank, forcibly transferring Palestinians, and encouraging settlers' population growth. To actualize this, Israel has deployed tactics such as creating military and firing zones on Palestinian land, forbidding Palestinian rural communities access to agricultural land and water

sources, demolishing homes, building the Apartheid Wall, and imposing a full blockade on Gaza.

By creating these facts on the ground, Israel mastered the politics of "fait accompli," making realities seem as irreversible, accomplished facts. Indeed, as Israeli defense minister Benny Gantz recently declared after PA president Mahmoud Abbas gave Israel an ultimatum on withdrawing from the 1967 occupied territories: "no one is going anywhere." It is thus unfathomable—indeed, absurd—to expect Palestinians to negotiate their freedom and fundamental rights while Israel continues colonization and entrenching apartheid as a fait accompli.

2. *Narrative manipulation and victim blaming*

Israel also mastered the tactic of narrative manipulation, and has managed to blame Palestinians for the failure of negotiations and for the violence inflicted on them. Indeed, former Israeli foreign minister Abba Eban said in 1973 that "the Arabs never miss an opportunity to miss an opportunity." The phrase has since turned into a common anti-Palestinian slogan by Israel and its allies whereby Palestinians are portrayed as perpetual rejectionists of peace offers.

This narrative has also been adopted by Israel's new Gulf allies to justify signing deals with Israel. In 2018, Mohammad Bin Salman of Saudi Arabia reportedly said: "in the last several decades the Palestinian leadership has missed one opportunity after the other and rejected all the peace proposals it was given. It is about time the Palestinians take the proposals and agree to come to the negotiations table or shut up and stop complaining."

Such victim blaming does not sustain the scrutiny of facts. Over the course of several decades and various summits and roundtables, the PLO accepted many

compromises and proposals. It did so on the basis of the two-state solution as per Resolution 242. Israel, on the other hand, never compromised.

Yet this narrative continues to dominate western discourse particularly surrounding the failure of the 2000 Camp David Accords, where it is commonly believed that Arafat turned down a very generous offer from former Israeli prime minister Ehud Barak. However, as negotiators recounted in 2001: "strictly speaking there was never an Israeli offer. Determined to preserve Israel's position in the event of failure, the Israelis always stopped one, if not several, steps short of a proposal."

In addition to Israel's bad faith and its violations of existing agreements and international law, it systemically condemns any attempt by Palestinians to defend their rights and characterizes any efforts to do so outside of the flawed framework of bilateral negotiations as "unilateral" measures that would "hurt peace."

3. *Bullying the international community*

Israel not only bullies Palestinians for any attempt at defending their rights, but also the international community whenever there is outcry against Israel's violations of Palestinian rights. Indeed, Israel has developed a widespread campaign to delegitimize the Palestinian struggle for their rights, and to escape accountability for its violations. On the one hand, it has done so through falsely equating the Palestinian struggle with antisemitism, as well as criminalizing solidarity movements and individuals; on the other hand, it has falsely accused Palestinian human rights defenders of terrorism.

In December 2019, Israel's ambassador to the UN Danny Danon accused the International Criminal Court (ICC) of capitulating to Palestinians' "diplomatic terrorism" when it decided to investigate Israel's possible war crimes in Palestine.

During Israel's most recent assault on Gaza in May 2021, the international community decried its disproportionate use of force. In response, Israel accused the Chinese government and the foreign minister of Pakistan of "blatant antisemitism." It also reprimanded the French ambassador to Israel for a statement by the French foreign minister that Israel was "at risk" of becoming an apartheid state, and pressured a US university to remove a graduate student who criticized Israel in her classroom.

The US is also involved in this bullying. Its unwavering support of Israel has helped to derail any attempts by the international community to hold Israel accountable for its violations of international law. From 1972 until December 2019, in the UN Security Council alone, the US has vetoed 44 resolutions that aim to condemn illegal Israeli actions. This has contributed to the culture of impunity under which Israel operates today.

Paying lip-service to the so-called peace process, to negotiations, and to the "two-state solution" only whitewashes Israel's violations and rejects any accountability measures as unilateral. The bilateral negotiations trap has allowed Israel to "shrink the conflict" through the advancement of economic or "concrete" measures that have only deepened the PA's dependency on Israel's hegemony, thereby facilitating apartheid and the settler-colonial enterprise.

Breaking the MEPP Negotiations Cycle

It is beyond time that the international community recognizes that Palestinians will not renounce their fundamental rights that are anchored in the universal values of freedom, justice, and dignity. Fundamentally, the international community must recognize that without a radical shift in the existing power dynamics, any attempt at bringing parties to the negotiating table will only perpetuate Israel's ethno-nationalist agenda and the continuous dispossession of the Palestinians.

To break this cycle, the international community must:

- Recognize the futility and unsuitability of the MEPP framework, and instead focus on a political process centered on the fulfilment of human rights of all. For the Palestinian people, this includes the rights to self-determination and return, as well as security in the face of ongoing Israeli violations.
- Support the Palestinian people's efforts to reclaim their political system, including in their latest Unity Intifada, in order to bring about consensus-building among all sides of society as a precursor for Palestinian liberation.
- Support Palestinians in reviving and transforming the PLO as a liberation movement with diplomatic presence around the world. This includes supporting the renouncement of the Oslo Accords, and the removal of the PA as a political representative of the Palestinian people.
- Hold Israel accountable for its gross violations of international law, including humanitarian and human rights law. It should do this by conditioning and ending military aid to Israel, ending the trade of products and services originating in Israeli settlements—including pressuring other states and entities to do so—supporting the ICC investigation into war crimes, and calling for the end of Israel's blockade on Gaza.
- Reject the conflation of critique of Israel with antisemitism. This includes rejecting Israel's attempts to accuse civil society organizations that work to defend Palestinian rights of terrorism, and pressuring it to revoke the designations.
- Reject normalization agreements between Israel and Arab states as a means to maintain Israel's qualitative military edge in the region.

Correction: December 22, 2021

An earlier version of this policy brief incorrectly indicated that representatives of the Palestine Liberation Organization (PLO) met with Israeli government officials during the Madrid talks in 1991. The PLO, however, was officially barred from attending, and it was instead Palestinian representatives not directly associated (but closely aligned) with the organization who took part in the conference.

1. *To read this piece in French or Spanish, please click here or here, respectively. Al-Shabaka is grateful for the efforts by human rights advocates to translate its pieces, but is not responsible for any change in meaning.*

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