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THE REVIVAL OF PEOPLE-TO-PEOPLE PROJECTS: RELINQUISHING ISRAELI ACCOUNTABILITY

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Overview

The People-to-People (P2P) framework, which refers to projects that bring Palestinian and Israeli civil society actors together in so-called cooperation and dialogue, has been revived among donor-funded initiatives in Palestine. Emphasizing notions of cooperation, understanding, and peace building, P2P is promoted as a positive framework at a time when the political situation is deteriorating. Though P2P might seem promising at the surface, the framework is deeply problematic, presenting fundamental epistemic – as well as material, on-the-ground – obstacles for holding Israel accountable for its violations of Palestinian human rights, and for securing a just peace.

The framework is premised on the understanding that there is a protracted conflict between Palestinians and Israelis, rather than identifying Israel's settler colonization and military occupation as a root cause. It further determines that contact and dialogue are the way to end the violence, and thus, the conflict, creating a false parallel between the structural oppression of the Israeli occupiers and the justified resistance of the oppressed Palestinians.

Local and international actors have also proven that P2P is ineffective because the vast majority of Palestinians do not want it. Indeed, Palestinian civil society rejects, by consensus, the idea of P2P because the projects are not premised on principles of international law or recognition of Palestinian fundamental rights. In fact, they often also undermine such rights.

Though P2P has been in decline since the early 2000s, it was recently revived in the Nita M. Lowey Middle East Partnership for Peace Act, passed in the US Congress in December 2020. The Act pledges $250 million over five years to two funds, with one specifically focusing on "peace and reconciliation projects" between Palestinians and Israelis. Media reports dubbed it as a move to restore aid to Palestinians after a long hiatus under the Trump administration. It was even celebrated as bringing "momentum" and a fresh approach to an otherwise stagnant peace process.

A cursory overview of this legislation and the fund itself would not necessarily raise alarm bells for many progressive policymakers. However, a more in-depth analysis into both the text of the bill and its likely implications reveals a worrisome precedent for undermining international law and Palestinian fundamental rights, and for disregarding the Israeli regime's impunity. This policy brief presents a critique of P2P and demonstrates the danger of this framework for securing justice for Palestinians. Finally, the brief concludes that those in support of the fundamental principles of international law and Palestinians' rights should push back against this fund, as well as the P2P framework more generally, and should hold Israel accountable for its violations.

A Problematic and Defunct Framework

The precursor to P2P was the Track II diplomacy of the 1980s, in which backchannels were used to create spaces for non-officials to discuss options of resolution with the aim of eventually influencing those involved in Track I diplomacy, where formal negotiations between officials took place. But P2P really took off after the signing of the 1993 Oslo Accords, which widened the scope of Track II diplomacy to include Palestinian and Israeli civil society organizations that did not necessarily seek to influence officials, but rather to create better understanding between the two peoples.

While the historical trajectory of the P2P framework is complex, it is important to note that it witnessed a period of significant decline starting in the early 2000s. The decline of P2P projects came as a result of various factors, including the outbreak of the 2nd Intifada, the demise of the Israeli "Left" – members of which would have taken part in P2P projects – and the emergence of renewed consensus on anti-normalization in Palestinian civil society in 2007.

Anti-normalization is a term coined and defined by Palestinian civil society. It has its roots in the Palestinian struggle against British occupation which culminated in the Great Revolt of 1936-1939. Anti-normalization signifies Palestinians' refusal to participate in projects, events, or activities that promote the notion that Israel is a legitimate entity which would, in turn, normalize the relationship between the oppressor and the oppressed.

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As a tactic, anti-normalization is an attempt to fight back against the legitimization and whitewashing of Israel's violations of Palestinian rights through the veneer of dialogue. An example of normalization would be a project which seeks to bring Israeli and Palestinian women together to discuss the respective challenges they face in society with no mention of the fundamental imbalance between them, an imbalance which routinely subjects Palestinian women to violence by the Israeli regime.

Anti-normalization is not simply a principled stance, but also a political tactic that recognizes the defunct framework of Palestinian and Israeli dialogue and peace building that is not based on the fundamental principles of international law. Indeed, it recognizes that P2P projects forgo Israeli accountability for the violation of Palestinians' rights, and therefore, Palestinians see P2P projects as tactics specifically designed to allow for Israeli impunity.

Furthermore, P2P emphasizes the importance of "cooperation across borders" for achieving a lasting peace. Projects within this framework are designed to "initiate and promote grassroots contacts and interaction between people on different sides of the border." But in the case of Palestine, this is clearly inapplicable. As Edward Said and other Palestinian intellectuals and activists have tirelessly argued, the conflict is not one of two equal sides trapped in a symmetrical struggle. Rather, it is one of relentless Israeli settler colonialism and oppression of the Palestinians.

The notion of a border is equally erroneous. The Israeli regime is the *de facto* sovereign entity from the Jordan River to the Mediterranean Sea. For decades, it has placed millions of Palestinians under military occupation and, meanwhile, continues to expropriate Palestinian land. The result has been the bantustanization of Palestinians in small enclaves. For its part, the Israeli regime has never officially declared its borders; doing so would be at odds with its expansionist intentions. In this way, the P2P narrative of two conflicting peoples across a shared border misrepresents the reality of an occupied and colonized Palestinian people.

Worse yet, P2P presupposes that Palestinians cooperate and reconcile with people and entities that either condone, or are directly active in, their colonization and occupation. Unsurprisingly, these types of projects are overwhelmingly unsuccessful. Indeed, analysis from a 2014 report of the UK Government International Development Committee about P2P programs in the West Bank found that such projects have high costs and produce overall "weak results, scalability and demonstrable strategic impact."

Another common narrative is the false assumption that P2P initiatives and funding pots have the potential to "jump start" the Palestinian economy – a dangerous assumption which conveniently elides the reality that the Palestinian economy is wholly suppressed by the Israeli regime. Beyond misleading, it fails to hold the Israeli regime accountable for its continuous destruction of the Palestinian economy. Indeed, the Palestinian economy was crushed with the foundation of the Israeli state in 1948, and in the aftermath of subsequent waves of occupation of Palestinian land.

The Oslo Accords further subjugated the Palestinian economy, with the 1994 Paris Protocol being particularly damaging. It imposed an unequal customs union, granting Israeli businesses direct access to the Palestinian market but restricting Palestinian goods' entry into Israel's; it gave the Israeli state control over tax collection; and it further entrenched the use of the Israeli shekel in the West Bank and Gaza, leaving the newly formed Palestinian Authority (PA) with no means to impose fiscal control or adopt autonomous macroeconomic policies.

This, in effect, means that today, the Israeli regime has full direct and indirect control over the levers of the Palestinian economy. The military occupation complements this by allowing the Israeli regime to exercise physical control over Palestinians' daily economic activities, and to expand the expropriation of Palestinian land.

The injection of money into this system through P2P-funded initiatives is not what the Palestinian economy needs. Rather, as Leila Farsakh writes: "The Palestinian economy … cannot exist, let alone prosper, before the international community holds Israel accountable to international law, protects Palestinian rights and forces Israel to end its occupation."

The Middle East Partnership for Peace Act

Regardless of the fundamental issues outlined above, the P2P framework is making a comeback following the December 2020 Nita M. Lowey Middle East Partnership for Peace Act. The Act was put forward to US Congress by former Democratic Congresswoman Nita Lowey and Republican Congressman Jeff Fortenberry, demonstrating the legislation's bi-partisan support.

Following the passing of the legislation, the Alliance for Middle East Peace (ALLMEP) took credit for the initiative, explaining that it was as a result of "over a decade of advocacy" by ALLMEP "toward the creation of an International Fund for Israeli-Palestinian Peace." ALLMEP cites a "broad coalition" of endorsers including J Street, the New Israel Fund, Jewish Federations of North America, the Israel Action Network, Churches for Middle East Peace, AIPAC, AJC, and the Israel Policy Forum. Notably, all but one of these organizations are avowedly Zionist.

A month prior to the legislation, ALLMEP cited a British parliamentary debate led by MP Catherine McKinnell, Chair of Labour Friends of Israel, which put forward the idea of having a similar fund in the UK. The claim was that the proposal had broad backing from both the opposition and governing party MPs. In the debate, McKinnell ended with a nod towards the International Fund for Ireland and the Good Friday Agreement. Indeed, ALLMEP refers to the International Fund for Ireland (IFI) as "the conceptual framework" behind its idea for a fund for "Israeli-Palestinian peace," and cites the Partnership for Peace Act as a step towards such a fund.

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After the debate, McKinnell sent a public letter to James Cleverly, the Minister for Middle East and North Africa at the Foreign, Commonwealth & Development Office (FCDO). In the letter, she asked the Minister to meet with her to discuss the UK committing to such a fund. She also asked the Minister to pledge to "discuss with the Biden administration how the Middle East Partnership for Peace Fund might evolve into a truly international institution." Finally, she proposed that the UK should submit a request to the US for one of the international member seats on the board of the Partnership for Peace Act.

The legislation has also been adopted into the text of the House State and Foreign Operations 2021 appropriations bill. The bill allots $50 million per year for over five years towards establishing two funds: the "People-to-People Partnership for Peace Fund" with USAID, and the Joint Investment for Peace Initiative under the International Development Finance Corporation. It then stated that the money will be invested in "people-to-people exchanges and economic cooperation" between Palestinians and Israelis "with the goal of supporting a negotiated and sustainable two state solution."

This P2P fund is governed and managed by the Administrator of the US Agency for International

Development, in consultation with the US Secretary of State and the US Secretary of the Treasury. It is overseen by a board composed of five US citizens appointed by the Administrator of the US Agency for International Development. The legislation, first drafted in June 2019, stipulates that the board members must be individuals who have "demonstrated experience and expertise in the affairs related to Israel and the Palestinian territories," and makes special reference to business expertise. Two board seats are set aside for representatives from international organizations of foreign governments, hence McKinnell's aforementioned request for British representation.

The fund will primarily be funded by the US, but the legislation also states that it "shall seek additional contributions for the Fund from the international community, including countries in the Middle East and Europe." Arab states which recently normalized relations with the Israeli regime will doubtlessly be included among those from whom it will seek contributions. It is also arguable that the architects of the fund are hoping for it to become the main mechanism through which international funds are directed to Palestine, and through which Palestinians would be forced to engage in P2P "dialogue" with Israelis as a condition for receiving funds. This, in turn, would result in US monopolization and micromanagement of the majority of donor-funded projects in Palestine.

Undermining International law and Relinquishing Israeli Accountability

Although the rhetoric of the Partnership for Peace Act is one of peace and cooperation, a closer read of the language of the legislation reveals troubling loopholes which allow for the complete undermining of Palestinian rights. In doing so, it encourages Israeli violations of international law. In September 2020, Al-Shabaka policy analyst and human rights lawyer, Zaha Hassan, noted that an earlier draft of the legislation prevented "geographic discrimination" on applying grantees from "Israel, the West Bank and Gaza." In other words, anyone, including Israeli settlers in the West Bank, could apply for funding.

Indeed, Hassan pointed out that a 2019 Senate Appropriations Committee report discussing this early version of the bill, explicitly argued that the fund should be used "to encourage commerce between Israeli and Palestinian businesses in the West Bank." While the final version no longer contains that language, it does not put forward any language that would prevent settlers from applying for the funding. Yet the Israeli regime's settlement enterprise in the West Bank, which was launched by an Israeli Labor government shortly after the seizure of the West Bank in 1967, is one of the most egregious of its crimes against the Palestinian people.

Today, there are over 622,500 Israeli settlers living in hundreds of illegal settlements in the West Bank, including in East Jerusalem. This colonial enterprise has had an incredibly devastating impact on Palestinian life in the West Bank. Palestinian land is continuously expropriated for settlements and settlement infrastructure, forcing Palestinians into smaller and smaller enclaves connected by a very small number of roads in poor states of repair.

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Additionally, settlements commandeer the West Bank's best resources, particularly water. Over decades, the Israeli regime has systematically sunk wells and blocked Palestinians' access to springs in the West Bank, while simultaneously diverting water to supply its population, including those living in illegal settlements. It is thus no surprise that illegal Israeli settlements are often dubbed as the biggest barrier to peace, including by UN Security Council resolutions.

While these activities and the Israeli regime's constant expansion into Palestinian land are consistently condemned by the international community and human rights groups, there have been no consequences, and the Israeli regime is yet to be held accountable. However, the Partnership for Peace Act goes further than failing to hold the Israeli regime

accountable; it allows for a deliberate loophole by not explicitly forbidding settlers in illegal settlements from applying for the funding, thus incentivizing settlement activity and enriching settlers.

As aforementioned, the US Appropriations Bill proposed in July 2020 by the US House of Representatives for the 2020-2021 fiscal year included provisions for the Partnership for Peace Act. The provisions further impose a series of stipulations for receiving the funding, including restricting Palestinian access should the PA pursue an ICC investigation into Israeli war crimes. Specifically, the text includes the following clause:

> *None of the funds appropriated under the heading "Economic Support Fund" in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act— (I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.*

This is particularly notable considering that in February 2021, the International Criminal Court (ICC) Office of the Prosecutor and Pre-trial Chamber ruled that Palestine is under the jurisdiction of the ICC, thus allowing for an investigation into Israeli war crimes in Palestine. Less than a month later, in March 2021, the prosecutor announced the opening of a formal investigation. While this can be celebrated as an initial victory, many barriers still lie ahead, including whether or not the PA can be cajoled into abandoning the investigation through the threat of withholding funds.

Although the ICC would retain its jurisdiction even if the PA were to abandon supporting an investigation and filing war crime complaints, this would have a profound impact on the case. Indeed, it would leave the responsibility for filing complaints in the hands of non-state actors such as human rights NGOs. State complaints hold far more political weight, especially with regards to the ICC, which heavily relies on state cooperation to conduct its investigations.

It is highly problematic for a funding body to place such limitations on distributing its funds. One must therefore question the sincerity of any "peace and reconciliation" efforts that limit funding on the basis of a people – or a state, for that matter – pursuing accountability from an international legal body against perpetrators of war crimes. Moreover, it is worth noting that the Trump administration presented similar clauses alongside the "Deal of the Century," which forbade the Palestinian leadership from pursuing an ICC investigation.

Clauses such as these, which politicize funding by hinging it on iniquitous conditions, are not only detrimental to securing the fundamental rights of Palestinians, they also undermine the entire international legal apparatus by entrenching Israeli impunity, relinquishing accountability for its grave violations of international law. The Partnership for Peace Act is certainly not a cause for optimism; it is a political tool leveraged against Palestinians who might seek legal means to hold the Israeli regime accountable for their ongoing suffering under Israeli occupation. It is a death knell for Palestinians seeking justice through the formal legal channels of the international system.

Challenging the False Veneer of Peace and Reconciliation

This brief has shown how the Partnership for Peace Fund operates within epistemic frameworks that insist that the lack of cooperation, dialogue, and economic opportunities for Palestinians, are the main obstacle to peace between Palestinians and Israelis. This brief has also shown that this is simply not true. The main obstacle to "achieving peace" is the Israeli regime's violations of Palestinian rights for over seven decades, as well as the ongoing colonization of Palestinian land.

Nevertheless, the fund is not unique in adopting this narrative. It is the latest example in a longer history of similar P2P initiatives that attempt to undermine the fundamental rights of Palestinians through a veneer of peace and reconciliation.

In light of the legislation enacted in the US, and the potential for copycat legislation to be enacted elsewhere, particularly in the UK and Europe, it is vital that those who support international law and

Palestinians' rights stand firm against such initiatives which undermine international law and prioritize a false veneer of dialogue over accountability.

As Omar Barghouti notes:

> Above all, the struggle is one for freedom, justice, and self-determination for *the oppressed* … Only through an end to oppression can there be any real potential for what I call ethical coexistence – coexistence based on justice and full equality for everyone, not a master-slave type of "coexistence" that many in the "peace industry" advocate.

The framework of P2P should be rejected as unsuitable and problematic in the context of Palestine, and, indeed, in any settler-colonial context defined by major power asymmetry. Politicians and policymakers should instead support projects and initiatives that build on the fundamental principles of international law and the protection of Palestinian human rights, rather than on ones that ignore them in order to promote "dialogue."

Finally, they should support existing mechanisms that stand in the way of Israel's settler-colonial expansionism and military occupation. This includes banning illegal settlement products from entering into international markets, or divesting from institutions and companies complicit in Israel's human rights violations. Ultimately, Israel will only truly be held accountable with the implementation of international sanctions. Indeed, accountability is the only path through which to achieve a just peace.

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