

# The illusive peace: the legacy of Oslo 20 years on

REFUGEES &  
RIGHT OF  
RETURN

STATE,  
SECURITY &  
GOVERNANCE

JEWISH  
SETTLEMENTS

JERUSALEM

LAND &  
BORDERS

# The illusive peace: the legacy of Oslo 20 years on

In 1993, the Oslo accords launched a transitional process that was supposed to end in May 1999 with a Palestinian state in all of the West Bank, including Jerusalem, and the Gaza Strip. Twenty years on, this transitional period has become a permanent fixture on Palestine's political landscape. All that remains for the proposed Palestinian state is 42 per cent of the West Bank, and even that is fast diminishing due to Israeli settlement expansion.

Over the past two decades, Palestinians have sat around the 'negotiating table' on countless occasions with successive Israeli governments for the stated purpose of resolving the conflict. They claim that the persistent failure of the Peace Process was the result of Palestinian intransigence and that Israel had no reliable 'partner for peace'. However, an independently authenticated cache of confidential documents, records, contemporaneous notes and transcripts of private meetings between the two sides leaked to the Al Jazeera Transparency Unit (AJTU) in 2011 revealed a very different picture.

Known as the Palestine Papers, the documents provide an extraordinary and unprecedented insight into a decade of negotiations, exposing them as a farcical process of gradual subjugation. Moreover, they revealed that Palestinian negotiators were willing to make concessions on a scale inconceivable to the average Palestinian and highlighted the weakness, desperation and humiliation of these negotiators in the face of unyielding Israeli indifference and US bias.

## Background

Following the 1948 War and the establishment of the state of Israel in historic Palestine, three quarters of a million Palestinians were driven out of their homes and forced into exile. During the 1967 War fought between Israel on one side, and Egypt, Jordan and Syria on the other; a second wave of refugees was created and the land that remained to the Palestinians was militarily occupied by Israel. One year after, Israel began establishing illegal Jewish colonies on that land. To this day, the refugees have never been allowed to return to their homes.

Although Israel signed peace treaties in 1979 and 1994 with Egypt and Jordan respectively, the conflict continues to rage between Israel and the Palestinians. Since the start of the US-led Middle East Peace Process in Madrid in 1991, no significant progress has been made to resolve the core 'final status' issues of the conflict. These include; Palestinian sovereignty; the future status of Jerusalem; the right of Palestinian refugees to return to their homes; the issue of settlements and state borders; and the allocation of water resources.

The continued deadlock in negotiations has spawned a widespread view that the Peace Process was inherently flawed and provided cover for Israel's open-ended occupation, settlement and systematic confiscation of Palestinian land.

## Addressing the core issues

There are many so-called final status issues that remain unresolved 20 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
- State, borders & security
- Relations and cooperation with neighbouring countries
- Other issues of common interest

### Palestinian Refugees & Right of Return

Palestinian position	Israeli position
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)	Israel absolutely rejects the notion of a return of the refugees to the territories it controls.
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.	Israeli officials claim repatriation of the refugees and their descendents would signal the end of their state.
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.	Israel wants the Palestinians to be resettled in neighbouring countries.
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.	The Israelis call on Palestinians to choose between the right of return and the establishment of a state.

## Jerusalem

Palestinian position	Israeli position
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.	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.
The Palestinians insist on full sovereignty over the Haram al-Shareef (Al-Aqsa Mosque) area.	Israel claims that this has already been decided religiously, legally and politically under its 1980 Basic Law.
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.	Israel refuses to dismantle the Ma’ale Adumim settlement and regards it as an integral part of Jerusalem.
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.	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.

## Jewish Settlements in the Occupied Territories

Palestinian position	Israeli position
Palestinian negotiators view the settlements as illegal and a violation of the Fourth Geneva Convention.	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.
Israel’s settlement activity should be frozen in accord with the Road Map.	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.
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.	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.

<p>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.</p>	
<p>In order for a territorially contiguous Palestinian state to emerge in the West Bank the Israeli settlements must be dismantled.</p>	<p>The Israeli negotiators have given no indication that they intend to dismantle these settlements.</p>

### State, Borders & Security

Palestinian position	Israeli position
<p>The Palestinian negotiators claim the borders of 4th June 1967 as the basis of negotiations for their future state. This does not exceed 22% of historic Palestine.</p>	<p>Israel agrees that there should be a Palestinian state for all Palestinians so that the Zionist state can be a state exclusively for Jews. This scenario poses a threat to the Palestinians and non-Jews in Israel. It also threatens the possibility of a return of the refugees.</p>
<p>They demand that East Jerusalem should be the capital of their state.</p>	<p>Israeli agreement to a Palestinian state is conditional – the borders and extent of sovereignty has to be determined.</p>
<p>Apart from Jerusalem the state would include the West Bank and Gaza Strip.</p>	<p>If any Palestinian state emerges Israel demands full control of its borders as well as air space and territorial waters</p>
<p>A Palestinian state should be geographically contiguous and not truncated by settler-only roads, walls or settlement enclaves.</p>	<p>Israel has yet to declare how much land it will leave for the Palestinians to establish their state.</p>
<p>The Palestinian negotiators have not announced if they will have an army or defence force.</p>	<p>Israel has no official borders and refuses to declare what they should be. It demands that the future Palestinian state must be a demilitarized entity and that it must have the right of 'hot pursuit' into Palestinian territory.</p>

The Oslo peace process failed despite being conducted on the premise of 'land for peace'. 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.

# 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 reins 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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