



In 2011, PA President Mahmoud Abbas appealed to the United Nations for recognition of a Palestinian state.

## Resumption of the Peace Process and Negotiations on the Palestinian Issue – Is There Any Hope for Peace?

Filistin Meselesi Konusunda Görüşmelerin ve Barış Sürecinin Yeniden Başlaması – Barış İçin Umut Var mı?

Özlem TÜR

### Özet

Filistin meselesi, ABD Başkanı Obama'nın Mart 2013'te gerçekleştirdiği İsrail ziyaretinden bu yana yeniden bölgesel gündemdeki yerini aldı. Filistin meselesi bölge siyasetindeki önemini kaybederken, Arap Baharı ve Suriye krizinde yaşanan gelişmeler sonucunda meydana gelen büyük değişiklikler Ortadoğu'ya ilişkin tartışmalara yön vermektedir. Ancak geçtiğimiz son birkaç ay, uzun zamandır beklenmesine rağmen Filistin meselesinin yine de şaşırtıcı bir şekilde yeniden gündeme taşınmasına sahne oldu. ABD Dışişleri Bakanı John Kerry'nin girişimiyle, Temmuz ayının sonlarında İsrail ve Filistin arasında dokuz aylık bir müzakere süreci başlamış oldu. Söz konusu çalışmada, öncelikle barış sürecinin tarihi evrimine, ve sürecin önemli dönüm noktalarına değineceğim. Ardından yeni "Kerry girişimi" ve önündeki zorlu süreci inceleyeceğim. Makalede, her ne kadar önkoşul olmaksızın her iki tarafın da yeniden masaya oturmasını sağlamak bu noktada bir başarı olarak addedilse de, önümüzdeki süreçte sıkıntılar yaşanacağı muhtemel görünmektedir.

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**Abstract**

*Since President Obama's visit to Israel in March 2013 the Palestinian issue has made its way back onto the regional agenda. The sweeping changes since the Arab Spring and the developments in the Syrian crisis have been dominating discussions on the Middle East, while the Palestinian issue has been declining in importance in regional politics. Yet, the last couple of months have witnessed a long-awaited yet surprising reinvigoration of the Palestinian issue. At the initiative of the US Secretary of State John Kerry, the Israeli and Palestinian delegations began direct negotiations in late July, starting a nine-month negotiations period. In this article, I will first be looking at the historical evolution of the peace process and the major turning points. Then, I will be looking at the new "Kerry initiative" and the rather thorny road ahead. I will be arguing that although managing to bring the two parties to the negotiation table for the resumption of talks without preconditions is a success in its own right at this point, the difficulties stand strong and the future continues to look grim.*

**Keywords:** *Palestinian issue, Peace Process, Arab-Israeli Conflict, Palestinian Authority, Israel*

Since President Obama's visit to Israel in March 2013 the Palestinian issue has made its way back onto the regional agenda. The sweeping changes since the Arab Spring and the developments in the Syrian crisis have been dominating discussions on the Middle East, while the Palestinian issue has been declining in importance in regional politics. Yet, the last couple of months have witnessed a long-awaited yet surprising reinvigoration of the Palestinian issue. At the initia-

tive of the US Secretary of State John Kerry, the Israeli and Palestinian delegations began direct negotiations in late July, starting a nine-month negotiations period. The negotiations have been surrounded by a lot of pessimism and have not generated much enthusiasm from either party. Considering that the ten direct negotiations held over the past three decades have all failed to bring agreement, it is hard to blame the pessimists. In this article, I will first be looking at the historical evolution of the peace process and the major turning points. Then, I will be looking at the new "Kerry initiative" and the rather thorny road ahead. I will be arguing that although managing to bring the two parties to the negotiation table for the resumption of talks without preconditions is a success in its own right at this point, the difficulties stand strong and the future continues to look grim.

***Israeli-Palestinian Negotiations – Many Initiatives, Many Disappointments***

Negotiations between Israel and the Palestinians and the search for peace are not new. Much has been negotiated, many interim agreements have been concluded, and many timeframes have been set without avail since the Camp David Accords of 1978. As the Cold War ended, the euphoria of peace arrived in the Middle East when in 1991, at the Madrid Peace Conference, the Israelis and the Jordanian-Palestinian delegation agreed to start direct negotiations based on UN Security Council Resolution 242, which called on Israel to withdraw to its pre-1967 War borders – the land-for-peace formula. Madrid opened the door for Oslo in 1993. This past September witnessed the 20<sup>th</sup> anniversary of the Oslo Accords

and the famous handshake between Palestinian leader Yasser Arafat and Israeli Prime Minister Yitzhak Rabin at the White House. The two parties have exchanged letters of recognition and begun to negotiate for a two-state solution based on UN Resolution 242 and with an interim period of five years to lead to the creation of a Palestinian state. Although leading to the establishment of the Palestinian Authority (PA) and the withdrawal of Israeli forces from some of areas (e.g., Area A, in the West Bank<sup>1</sup>) the negotiations failed to satisfy either party. In 1995, Israeli Prime Minister Rabin was assassinated by a radical Jew and the developments afterwards followed a downhill path. Oslo was accused of prioritizing soft issues like the economy, water issues and municipal matters while leaving the more sensitive issues like borders, security, the future of Jerusalem and refugees for future negotiations. Unhappy with the accords, neither party put forward concrete suggestions or proposals to deal with the difficult issues. Since Oslo, the areas of disagreement between the two parties seem to be clear. For Palestinians the priority in any peace deal is borders, while for Israelis, the priority is security. It seems the Palestinians first want to see the borders of their state before they make any concessions on security issues and it is vice-versa for the Israelis – they want security assurances before they agree to withdraw from the territories. That is, the Palestinians' and Israelis' preconditions for negotiation were at cross purposes and continue to be so. The issue of Israeli settlements in the West Bank complicates the matter further, as most of these settlements will be considered to be a part of the Israeli state and will be compensated with land swaps if there is an agreement. The ever expanding settlements, some of them located deep in Palestinian land and some in East Jerusalem, complicate the matter of borders, and thereby the matter of security.

Despite Rabin's assassination, negotiations continued in the following years. In 1996 Israeli Prime Minister Shimon Peres and Arafat announced the start of negotiations on a final status agreement, which were halted when Benjamin Netanyahu became prime minister later the same year. At the end of 1998, Netanyahu and

Arafat signed the Wye Agreement, wherein the parties committed to starting talks on a permanent arrangement with the goal of reaching an agreement by May 1999. In 1999, Israeli Prime Minister Ehud Barak signed the Sharm el-Sheikh Memorandum with Arafat in the presence of Egyptian President Hosni Mubarak, Jordan's King Abdullah and US Secretary of State Madeleine Albright, wherein the parties committed to renewing negotiations and reaching a framework agreement within five months. Needless to say, nothing came out of the negotiations. Talks were resumed between Barak and Arafat, with the help of Clinton and his team, at the 2000 Camp David Summit. The teams achieved important breakthroughs, coming very close to an agreement, but ultimately, negotiations again broke down. The coming to power of Ariel Sharon and the initiation of the al-Aqsa Intifada in 2000 put the last nail in the coffin of negotiations and in the hopes for peace of the 1990s.

The 2000s also witnessed a series of negotiations. Among them, the most important was the Arab Peace Initiative in my opinion. It was proposed by the then-Crown Prince of Saudi Arabia, King Abdullah, at the Beirut Summit of the Arab League in 2002. This proposal was again endorsed in 2007 at the Riyadh Summit. The importance of the experience is that it brought a regional dividend for peace. Accordingly, if Israel withdraws from the occupied territories and returns to its 1967 borders, and if a 'just solution' can be found on the refugee issue, the Arab states will be ready to recognize and normalize their relations with Israel. Solving the Palestinian issue will bring normalization to Arab-Israeli relations and make Israel a 'normal' member of the region – recognized by its neighbors. It offered a formula to release Israel from its idea of being surrounded by enemies and having to pursue a security policy in its foreign relations. Yet, Israel refused the Arab Initiative.

In the same year, 2002, the Quartet, composed of the United States, Russia, the EU and the United Nations, with Tony Blair as its special envoy, presented a Road Map, calling for a two-state peace agreement by 2005 that involved Israel and Palestine living side-by-side in a peace-

ful and secure environment, having resolved its major challenges, such as the issue of refugees and the status of Jerusalem. The Road Map also fell short of fulfilling its agenda. Although Israeli unilateral withdrawal from Gaza and the dismantling of Israeli settlements there in 2005 remains very significant, the victory of Hamas in the 2006 elections and its control of Gaza in 2007 led to new realities on the ground. Palestine increasingly became two entities, with the PA in the West Bank and Hamas in Gaza. While the PA continued to negotiate with the Israeli side, trying to keep the peace process on the table despite a lack of results, the Hamas government in Gaza continued to fight for the destruction of Israel, rejecting further negotiation and any solution based on two-states.

Since 2007, there have been a few more attempts to bring the PA and Israel to the negotiation table but nothing came out of these meetings either. In 2011, PA President Mahmoud Abbas appealed to the United Nations for recognition of a Palestinian state. Before his bid, Abbas said he would put a halt to the bid if the negotiations were to resume based on Israeli acceptance to return to 1967 borders and ceasing of the settlement expansion activity. As there was no progress with the negotiations, the PA continued with its bid. As this effort failed due to US rejection in the Security Council, the PA decided to take the issue to the General Assembly to apply for a non-member status, where it was granted the status. The PA has been getting ready to apply for membership in different UN related organizations since then.

### ***Obama's visit to Israel and the New Peace Effort***

In his speech in Israel on 21 March, President Obama underlined that regarding the peace, there were three important points: first, peace was necessary as the “only path to true security”; second, peace was just; and third, peace was possible.<sup>2</sup> Obama was underlining his government's commitment to bringing peace to the region with the notion of “two states for two peoples”<sup>3</sup>. In subsequent weeks, Secretary of State Kerry has paid visits to both the Palestinian and the

Israeli parties in order to first eliminate the mistrust between them and later try to bring them to direct negotiations.

Based on the failed experiences of the past, at a time when the whole region is occupied with what is going on in Syria and Egypt, there was a deep skepticism about the resumption of negotiations and a deep pessimism that they could lead to something new – a *real* peace in the territories. Akiva Eldar reflects his pessimism through a quote from Albert Einstein: “People who are not sane believe one can do the same thing over and over and expect different results”<sup>4</sup>. Yet despite the existing difficulties, different priorities, lack of enthusiasm on both sides and the rapidly changing regional environment, there were also those who argue that this may be the right moment to engage in talks before it is too late. From the Israeli side, as Netanyahu came to office for a second time, he might be expected to deliver on the Palestinian issue. As it is often argued, Israel's foreign policy priority has long centered around Iran and its nuclear program. Since the beginning of the 2000s, Israel has been reading regional and international developments with reference to Iran. In his first term in office, the Netanyahu government staunchly kept Iran as a top-priority, yet not much was achieved. While asserting that Iran was Israel's number one enemy, Netanyahu was unable to do anything about this. Coming out of the 22 January elections again as a prime minister, many observers argued that Netanyahu was compelled to perform in the foreign policy arena this time but, being unable to do anything about Iran, thought he might compensate through advances in the Palestinian issue and with an apology to Turkey for events relating to the Mavi Marmara incident. Israel apologized from Turkey but this did not go very far to enhance relations. So, when the US called for the resumption of talks, Netanyahu wanted to enter the “game”. Some observers argued that what was on the table this time could be considered a “game” that both parties want to play in order to be engaged, and to show the US that they are trying, but which none is prepared to follow through with, as was the case in 2000.<sup>5</sup> The public also seems pessimistic about their future, even if negotiations resume. As argued by



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David Makovski, a recent “Peace Index” poll by Tel Aviv University and the Israel Democracy Institute shows that “41 percent of Israeli Jews said that the two-state solution is dead, and 78 percent did not believe that the Palestinians would see the signing of a peace agreement as the end of the conflict.” In a similar fashion, a Ramallah-based Palestinian Center for Policy and Survey Research report showed that “69 percent of Palestinians believe that they will still be stateless five years from now, while 82 percent believe that Israel’s long-term goal is to annex the West Bank.”<sup>6</sup>

As both parties decided to accept a return to the negotiation table without preconditions (the Palestinian side putting aside its precondition of freezing settlements), a nine-month period of negotiations began at the end of July. The Israeli side is represented by Tzipi Livni, Israel’s chief negotiator and Justice Minister, and Yitzhak Molcho, Prime Minister Netanyahu’s personal envoy

to the negotiations. On the Palestinian side, Saeb Erakat, the chief Palestinian negotiator, and Mo-hammend Shtayyeh, President Abbas’s personal envoy, lead the negotiations. Martin Indyk is the US’s special envoy in the negotiations. As there is a code of secrecy regarding the negotiations, very little information as to what is going on at the negotiation table is available so far.

Israel’s decision to release Palestinian prisoners has been an important development at this point. Over the course of nine-month period of talks, Israel has agreed to release 104 prisoners, 26 of whom were released before the resumption of talks. Speaking at the Fatah Revolutionary Council in Ramallah, Palestinian President Mahmoud Abbas said that his regime has agreed not to turn to international organizations during the negotiations in return for the release of the 104 prisoners, who were detained by Israel prior to the signing of the Oslo Accords. “I consider the issue of the UN to be very important, but

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the case of the prisoners is worthy of sacrifice”, he said. “We have prepared 63 requests to join 63 UN agencies and conventions, but I said the issue of the prisoners is now more significant”. Palestinian Minister of Prisoner Affairs Issa Karaka met in Ramallah recently with the families of the 104 prisoners and promised them that they would be released regardless of whether any progress is made in the peace talks. He said the prisoners would be released to Gaza and the West Bank.<sup>8</sup> While leading to fireworks and victory symbols in the West Bank and Gaza, the release of prisoners was met with a lot of criticism by the Israeli public, who saw this as a price too high to enter the negotiations. The question of why these prisoners were being released without any particular output seems to be the question. There had previously been a number of Palestinian prisoners released in return for the captured Israeli soldier, Gilat Shalit, but the argument is that at that time there was a concrete reason for this – to get Shalit back. Here the public sees no reciprocation other than the resumption of talks. Although very little information is available about the progress of the talks (the press is not allowed in the meetings held in Jerusalem and in Ramallah, and US Secretary of State Kerry is the only person authorized by the parties to release information relating to the negotiations), there was some leakage from the Palestinian side to the press. Abed Rabbo, Abbas’s top aide, said that the continuation of Israeli settlements in the West Bank and East Jerusalem had undermined the negotiations.<sup>9</sup> He said, “Israel did not commit to stopping settlements and we see the continuation of the settlement policy as destroying any possible chance of [a deal]”.<sup>10</sup> The August an-

nouncement of about 3,000 new housing units planned in the settlements seems to have angered the Palestinians, risking the failure of the recent talks.<sup>11</sup> Palestinian negotiator Shtayyeh, argued that the new construction “proved Israel ‘is not serious’ about the peace talks”, and that Israel was “undermining a peace deal based on the 67 borders”.<sup>12</sup> Although Israel says that these buildings will be an integral part of the settlements it aims to keep within its own borders in the final agreement, through the land swaps, it raises questions regarding the future of the negotiations and Israel’s willingness to compromise at the negotiation table. The subject of the negotiations was also addressed by Mahmoud Abbas. Abbas made it clear to members of the Knesset (MKs) visiting him in his Ramallah office that what the Palestinians wanted was a final status agreement, not an interim agreement.<sup>13</sup> As underlined above, the negotiations in the 1990s and 2000s led to the signing of interim agreements that did not lead to any final agreements. Abbas this time underlines explicitly that there can be no interim agreement, but a final status agreement that can be implemented in stages.

### *Challenges and Opportunities Ahead*

Looking at the developments so far, there seems to be little to be optimistic about. Looking at the Israeli side, there are questions regarding willingness, ability and expectations. Looking at the issue in a general sense, the Netanyahu government is at times shown not to have a peace strategy. Netanyahu is often described as participating in the peace process because it is a process, not because it will bring any solution. The best-

case scenario for the Israeli side appears to be an interim agreement that is rejected by the PA in favor of a final status agreement. Looking at the hawkish figures in charge of security matters in Israel, it might be difficult to reach an agreement with concessions to the PA. Settlements are a huge obstacle on their own, and although some can be accommodated with land swaps at a one-to-one ratio, Israel will need to dismantle some of them, which can prove to be very costly politically for the government. Looking at the PA on the other hand, there does not seem to be a brighter picture. The Palestinians are deeply divided and the power of the PA to sign a peace deal (if it ever happens) and convince all Palestinian factions to accept it is in question. Hamas in Gaza has already opposed the negotiations and argued that Abbas has no legitimacy to negotiate on behalf of the Palestinian people. Yet there have also been positive developments that could help the process. The fact that the Israeli side has agreed to release 104 prisoners without guarantees on the future of the negotiations demonstrates its willingness. Abbas's recent claim that he has given up on his dream to return to his home in Safad also indicates that a solution to the refugee issue is possible. The change of government in

Egypt adds a new element to the picture. The removal of the Morsi government has had a huge impact on the power of Hamas in Gaza and is expected to weaken its position in regional politics dramatically. The post-Muslim Brotherhood government in Egypt, as seen in the operations in Sinai, can play a more coordinated role with Israel, which could weaken Hamas further. This is read by some observers as a positive step in terms of boosting the PA's power and authority to broker a peace deal and to persuade different groups accept it at this time.

Still, the challenges are very strong compared to the opportunities. This might really be a last-ditch effort for a two-state solution in which the two nations would live side by side. Both leaders have decided to bring any peace deal to referendum in their societies. In case a deal is reached, the general idea is that the people will be voting for peace rather than for the continuation of a non-ending conflict. The worry is that there will be no deal to bring to referenda by the end of the nine-month period. In this case, talk of a two-state solution might be shelved, leaving in its place a growing debate on a one-state solution.

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## ENDNOTES

- 1 For the situation in 2011, see the map provided by the UN Office for the Coordination of Humanitarian Affairs at: <http://domino.un.org/unispal.nsf/0/6b9eaba6d3ea5ce2852578410058a8c6?OpenDocument>
- 2 "Remarks of President Barack Obama to the People of Israel", Jerusalem International Convention Center, 21 March 2013. <http://www.whitehouse.gov/the-press-office/2013/03/21/remarks-president-barack-obama-people-israel>
- 3 *ibid.*
- 4 Akiva Eldar, "Predictable Ending Ahead for Israeli-Palestinian Negotiations?", *Al-Monitor*, 22 July 2013.
- 5 Interview with the head of an Israeli think-tank, Tel Aviv, 9 September 2013.
- 6 David Makovsky, "Oslo still Relevant at 20", *PolicyWatch*, 2144, The Washington Institute, 16 September 2013. <http://www.washingtoninstitute.org/policy-analysis/view/oslo-still-relevant-at-twenty>
- 7 Roi Kais, "PA says Israel agreed to release another 250 prisoners", *Ynet News*, 18 September 2013, <http://www.ynetnews.com/articles/0,7340,L-4431128,00.html>.
- 8 *ibid.*
- 9 "Peace talks with Israel going nowhere, says Abbas' top aide", *Ynet News*, 4 September 2013. <http://www.ynetnews.com/articles/0,7340,L-4426158,00.html>
- 10 *ibid.*
- 11 "Palestinians: Peace talks face collapse over settlement expansion", *Ynet News*, 13 August 2013. <http://www.ynetnews.com/articles/0,7340,L-4417227,00.html>
- 12 "Palestinian negotiator: New Israeli settlements undermine talks", *Ynet News*, 11 August 2013, <http://www.ynetnews.com/articles/0,7340,L-4416391,00.html>.
- 13 "Abbas: Peace deal will mean end of Palestinian demands of Israel", *Haaretz*, 22 August 2013, <http://www.haaretz.com/news/diplomacy-defense/1.543125>.