

# Palestine after Oslo: Time as Politics

## Bernard Botiveau

Emeritus Director of Research,  
French National Center for Scientific Research (CNRS)  
Institut de Recherches et d'Études sur le Monde Arabe  
et Musulman (IREMAM), Aix-en-Provence

The year 2017 has no lack of opportunities for historical recollection and commemorations of recent historical events in Palestine, from the 1917 Sykes-Picot Agreement to the 1947 UN Partition Plan, not to mention the war of 1967. The idea of the coexistence of two populations that nothing seems destined to reconcile has gained ground without succeeding in being translated into political terms acceptable to both parties. This remains a problem whose comprehension does not seem to fall within the political short term. So as not to limit ourselves to a snapshot taken in 2017, we shall consider the period of approximately the past 25 years, which in practice amounts to the Oslo peace process since the signature of the first self-government accords in September 1993 in Washington, as a good indicator of the change of tested hypotheses on the possibility of such coexistence.

Two successive sets of problems have dominated negotiations on the political future of Palestine since the 1991 Madrid Conference between the Arab countries and Israel. In the context of the end of the Cold War, the destabilization risk for oil-producing countries and the entire region after the Gulf War prompted the US under Georges Bush to take the initiative. Two years after Madrid, in September 1993 in Washington, the famous Declaration of Principles was signed, creating the Palestinian Authority (PA). The idea was, after a certain period of self-government, to reach a Palestinian state endowed with internationally recognized sovereign-

ty. The failure of this initial peace plan, confirmed in July 2000 at the Camp David II summit organized by Bill Clinton, triggered a series of confrontations in Palestine during the Second Intifada from 2000 to 2005, and later, in the summer of 2007, between Palestinian factions after Hamas' electoral victory in January 2006.

The acknowledgement of this first failure modified the terms of negotiation. Negotiators began speaking of a "two-state solution." Less ambitious, the two-state solution advocated by George W. Bush at the Annapolis Conference in November 2007 addressed the shortcomings of the Oslo Accords, which had put off discussion of the crucial issues of borders, Jerusalem and above all, the right of Palestinian refugees to return. In any case, though these issues were on the negotiation agenda, it was too late. The Intifada had left its mark: the brutality of Israel's Operation Defensive Shield in April 2002, especially in the Jenin refugee camp, showed that Ariel Sharon, head of the Israeli government, had put an end to dialogue, which was confirmed by the 2005 unilateral withdrawal from Gaza. In reality, they were insisting on two completely separate states in a geographic area where only Israel would have sovereignty over borders. In his statements, moreover, G. W. Bush insisted on the Jewish nature of the State of Israel and the Palestinian nature of the State of Palestine, which led to the fear of a project of ethnic separation, liable to devalue the status of Palestinian Israelis.

The first two sections of this article discuss the circumstances of the decline of the Oslo process, whose first symptom was the regular expansion of Israeli settlements in the West Bank. Then, the constant demand of the successive Israeli administrations to limit themselves to bilateral relations with Palestine is analyzed as a negotiation strategy pro-

viding short and medium-term advantages. Conversely, the Palestinians have sought foreign support, as they benefit from a multilateral approach. In Madrid in 1991, Arab delegations stated their mistrust of bilateral approaches, recalling the divisions that the separate agreements between Egypt and Israel in 1978 and 1979 had entailed.

The course of negotiations has also been affected by the Arab uprisings against authoritarian regimes in Syria and Egypt. The Palestinian population had its eyes riveted on these movements but could not participate due to their being locked behind borders over which they have no control. They even found themselves marginalized from them: the neighbouring revolts were aware of Palestinian aspirations to independence but remained essentially focused on national objectives. Haven't Palestinians been marginalized from these events, on both the regional and international levels?

Is there a way out of this situation? This is the topic discussed in the majority of contributions to this year's "Keys" section of the Yearbook. One idea proposed in Israel (cf. the Yossi Alpher article in this section of the Yearbook) is to seek Arab contribution by inverting the previous priorities: instead of considering that settling the Palestinian conflict would help normalize relations with Arab League countries, such Arab League-Israel normalization could help settle the conflict itself. Nothing is less certain, in reality, insofar as this normalization (*tat-bi'*) has always been broadly rejected in the Arab world due to the occupation of the Palestinian Territories. Beyond the legitimate consideration of the international balance of power and regional risks associated with the increasingly harsh neighbouring authoritarian regimes, can the issue of the condition of Palestinians be avoided today? In an anachronistic colonial situation, is it conceivable that the rights of Palestinians be dissociated from those of Israelis? (cf. N. Rouhanna's article in this section of the Yearbook). Renewed interest in an approach of inclusion between the two societies, despite the difficulty of its implementation, suggests that the *political period* of negotiation and compromise remains so crucial that it seems impossible to carry out an equitable separation today.

## End of a Political Cycle: The Slow Deterioration of the Oslo Process

An assessment shared today by nearly all actors is that the Oslo Process has failed. John Kerry, the last American negotiator before the advent of the Trump Administration, said in late 2016 in Washington, in a speech considered his political testament, that the two-state solution was "in serious jeopardy" due to Israel's uninterrupted pursuit of settlement of the territories occupied since 1967. In his last speech on the Middle East as Secretary-General of the UN Security Council on 16 December 2016, Ban Ki-moon basically said the same thing, finding it deplorable that the number of settlers had quadrupled over the 23 years of the Oslo process, and pointing to Israeli settlement activity as an element crippling negotiations.<sup>1</sup> In Israel, whether they are in favour of the acceleration of the settlement movement, such as extreme right-wing parties, or against it, such as humanitarian NGOs, it can be stated that Israeli settlements are irreversible. The opponents themselves often consider that ending this illegal occupation of land would require distributing it, accompanied by compensation. And then there is the radical approach of annexation, which would eliminate the issue, but of course without resolving the central political problem, which remains one of an occupied population deprived of its fundamental rights.

This situation, which threatens Palestinian and Israeli societies, has its timeline. The first fracture, undoubtedly irremediable, in the development of the peace process inaugurated in the summer of 1994 by the arrival in Palestine of Yasser Arafat and part of the PLO, was the assassination of Yitzhak Rabin on 5 November 1995. The Israeli elections following this event in 1996 brought the leadership of Benjamin Netanyahu along with a right-wing administration openly hostile to pursuing the peace process, obstructing the application of Palestinian self-government established in the Oslo Accords. Whereas these accords envisaged the proclamation of a Palestinian state on 5 May 1999, that is, exactly five years to the day after they began to be implemented, the process was deferred several times. Apart from the signature of the Protocol Concerning the

<sup>1</sup> Over the course of 23 years, he stated, the number of settlers in the Occupied Palestinian Territories had gone from 110,000 (in 1993) to over 400,000 (in 2016). Cf. [www.un.org/apps/news/NewsID=38663#.WXsWhelpzIV](http://www.un.org/apps/news/NewsID=38663#.WXsWhelpzIV)

Redeployment [of the Israeli Army] in Hebron on 15 January 1997, the first Netanyahu Administration made no territorial concessions until 28 October 1998, the date of the Wye Plantation mining agreement, i.e., for exactly 29 months, that is, half of the interim period of five years established to prepare the proclamation of the State.

## An assessment shared today by nearly all actors is that the Oslo Process has failed

The Oslo peace process practically came to halt, which confirmed the failure of the “last chance” summit convened in Camp David in July 2000 by Bill Clinton, with the presence of Yasser Arafat and Ehud Barak, then Israeli Prime Minister, followed by the one in Taba in 2001. A succession of diplomatic failures exploited by General Sharon – in his visit to the Esplanade of the Mosques in Jerusalem in September 2000, accompanied by an impressive military unit – triggered the Second Intifada. The Oslo framework began to unravel as of that time, a process punctuated by a number of decisive events: siege of the Palestinian Authority in Ramallah in 2002, death of Yasser Arafat in 2004, withdrawal of Israel from the Gaza Strip in 2005 in co-ordination with the onset of construction of the new separation barrier, the electoral victory of Hamas in 2006 followed in 2007 by its takeover of the Gaza Strip. In the following years, the United States and their allies “put the negotiation process on an intravenous drip,” so to speak, through more or less binding measures: the roadmap imposed in 2003 by the Bush Administration, further defined in 2007 at the Annapolis Conference and the Paris Donors’ Conference.

The past ten years have confirmed this deterioration of the peace process, one of the examples most detrimental to the PA likely being the political scission between the West Bank and the Gaza Strip as of 2007 and the successive failures to form a national unity government despite numerous attempts at mediation by various Arab countries. The absence of elections during this entire period has undermined the negotiation capacity of Palestinian leaders, headed by the last elected President of the

PA, Mahmud Abbas. Regarding the wars launched by the Israeli Army against Gaza in 2008-2009, then in the summer of 2014, they confirmed the stagnation of the Oslo Process despite repeated diplomatic initiatives.

## Failure of Multilateralism in Negotiations in Palestine and Disengagement of International Actors

This brief chronological overview suggests the risks involved from the start of the Oslo Process. The interim agreements signed in 1993 engaged the “international community” with a solemnity as great as the one surrounding the 1979 peace treaty between Egypt and Israel. However, at the time, the Palestinians were weakened by their allegiance with the Saddam Hussein regime during the First Gulf War and they had to compromise much more than they wished, with Israel retaining the initiative and the decision-making power in applying the agreements on site, for example: unshared sovereignty over the external borders of the Territories, checkpoints on all roads inside the Territories, a monopoly on the civil status of Palestinians and the universal use of Israeli currency, to mention but a few cases of asymmetry. In any event, the door to negotiation remained open. With the victory of the Likud Party in 1996, Israel toughened its negotiation strategy by adding a guarantee of security to the terms of the “land for peace” exchange. The insistence on the security argument, legitimate in principle, further highlighted the structural asymmetry characterizing interactions between the two “parties.”

The Oslo negotiation approach can be understood in the context of the internationalization of risk management in the Middle East region after the Gulf War, which had drawn attention to these risks. State actors thus urged the adversaries to meet. Apart from the secret part of the Oslo negotiations, the interim arrangements signed in 1993 employed a multilateral approach. Since 1994, the objectives to be achieved have shifted over the years. At first, the aim was to eventually institute a Palestinian state following the state-building model, and abiding by the constitutional prerequisites of “democratic transition” models, which called for strong international engagement. The UN, the European Union, the US

and influential NGOs supervised a project with suitable goals and funding. As of 2000, the Second Intifada practically ended the process, with the US imposing the two-state-solution, supposedly guaranteeing security not only for the Palestinian State but also the state of Israel. The approach gained ground until it was endorsed at the Annapolis Conference in 2007.

Sitting on the fence with regard to Israelis and Palestinians was tantamount to denying the asymmetry characterizing the relations between a state and an institution of self-government lacking real sovereignty over the territory it had been granted by the Oslo Accords.<sup>2</sup> This radical difference of status explains why Israeli administrations have always preferred direct negotiation with their Palestinian counterpart, even if given a great deal of media attention in the United States, and why the Palestinians have constantly sought international support, which has increasingly emerged over the past five years as a quest for recognition from the UN and UNESCO.

### Sitting on the fence with regard to Israelis and Palestinians was tantamount to denying the asymmetry characterizing the relations between a state and an institution of self-government lacking real sovereignty over the territory it had been granted by the Oslo Accords

Israeli rejection of a multilateral approach reached a climax during the evacuation of Israeli settlements in Gaza in August 2005, advocated by Prime Minister Ariel Sharon. This decision was approved by former US President G. W. Bush, the latter also seeking to

disengage from the Middle East. Both leaders wanted to see the Palestinian leadership disappear, whom they considered responsible for the Second Intifada, and concentrate on the West Bank. One of Sharon's senior advisers, went as far as to declare: "The significance of the disengagement plan is the freezing of the peace process. And when you freeze that process, you prevent the establishment of a Palestinian state, and you prevent a discussion on the refugees [...]. The disengagement [...] supplies the amount of formaldehyde that is necessary so there will not be a political process with the Palestinians."<sup>3</sup>

The rejection of any attempt at internationalizing the conflict also directly affected relations with the Arab world. In March 2002 in Beirut, the proposal for global peace made by the Arab League countries to Israel in exchange for their withdrawal to pre-1967 borders (Fahd Plan) was quickly rejected by Ariel Sharon. The latter had even anticipated this announcement, preventing Yasser Arafat from participating in the Arab League Summit where the proposal was put forth (Ezzi, 2002). An attitude facilitated by the disengagement advocated by American Presidents G. W. Bush then Barack Obama. The latter recalled in 2009 that the US bond with Israel was "unbreakable," and that "the situation for the Palestinian people is intolerable,"<sup>4</sup> but he simply sent envoys, the last to date, John Kerry, having to "throw in the towel" in 2014 after over a year of ceaseless shuttling to and fro between the Israelis and the Palestinians. Insofar as European countries, although some of them have attempted to raise their voices against Israeli arbitrariness in the field, the European Union as a collective institution, member of the Quartet established for Palestine,<sup>5</sup> has hardly intervened. In 2006, it even decided to institute retaliatory measures against the PA after the victory of Hamas in the legislative elections, elections that it had nevertheless supervised from start to finish to ensure they were conducted properly.

<sup>2</sup> The Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995, commonly known as Oslo II, only allowed the PA sovereign administration over "Zone C," representing 62% of the West Bank.

<sup>3</sup> Cited by journalist Meron Rapoport in the daily newspaper, *Haaretz* (Rapoport, 2005)

<sup>4</sup> Cf. his speech, "A New Beginning," delivered at Cairo University on 4 June 2009: <https://obamawhitehouse.archives.gov/blog/2009/06/04/presidentrsquos-speech-cairo-a-new-beginning>

<sup>5</sup> The Quartet on the Middle East was established in 2002, in the middle of the Intifada. It consists of the USA, Russia, the European Union and the UN. Its special envoy was Tony Blair.

## Since the Arab Uprisings of 2011, Marginalization of the “Palestinian Question”

Apart from these factors specific to Palestine, the reconfiguration of regional relations since the Arab uprisings of 2011 has contributed to isolating Palestine and marginalizing it. In Cairo, in any case, Palestinian flags were present at the protests against the Hosni Mubarak regime. On 10 September 2011, a group of protesters forming on Tahrir Square even went to the Israeli embassy, attempting to take it by assault. These sporadic actions are in line with a popular tradition in Egypt of rejection of the normalization of relations with Israel since the 1979 peace treaty signed by Anwar al-Sadat. Moreover, the word *Intifada* entered Arab political vocabulary to designate the Arab uprisings underway and had already been used earlier, for instance in 2003 in Egypt during protests against Egypt’s intervention in Iraq, by the US’s side. But these were just expressions of symbolic solidarity, which did not go as far as contesting the recurring policies of the last years of Mubarak’s regime, when, for instance, restrictions were imposed on the entry of Palestinians into Egypt via Rafah. A mistrust that grew – to the point of being relayed by some of the demonstrators of Tahrir Square – after the military deposed the elected President Mohamed Morsi, who was even accused in court of having escaped from Wadi Natroun Prison in early 2011 with the assistance of members of Palestine’s Hamas.

Since 1993, we have gone from the global conception of a sovereign Palestinian State to a “two-state solution” whose terms reflect the inability of international mediation as well as bilateral negotiation to allow this sovereign state to develop

In Syria, the ambivalence towards the Palestinian institutions, which the regime had at times used and others combatted, in Beirut as well as in Damascus, was made clear when the Bashar el-As-

sad regime called on Palestinians to take sides. Which led the Palestinian refugee camp of Yarmouk in Damascus to rebel, beginning in 2012. The exodus of many of its inhabitants since 2011 followed by the blockade of the district returned the inhabitants to their initial condition of refugees and led to new political divisions among the diaspora. The political clan of Khaled Meshaal, one of the leaders of Hamas residing in Damascus, for instance, had to move to Qatar in 2012.

The 1948 Palestinian refugees are for the most part living in regions of Palestine and neighbouring Arab countries. In the latter, reception policies differ, ranging from granting them the high citizen status in Jordan to nearly non-existent in Lebanon. Nevertheless, their presence has contributed to maintaining significant solidarity with the Palestinian population as a whole. The Palestinians residing or even born in these countries were involved in the 2011 uprisings, sometimes having to flee as well, as was the case in Syria. Insofar as the Palestinian Territories, this was not the case in the West Bank and Gaza Strip, though the population was closely watching Cairo, Tunis, Sanaa or Damascus and Aleppo. Younger generations also expressed views, via social networks, against their leaders, whether those of the PA in Ramallah or those of Hamas in Gaza; but they also knew they didn’t have the right to their own Arab Spring. The criticism of their leaders, in fact, though necessary, failed to take root self-sufficiently, since the foremost obstacle to their civil and political existence is the State of Israel, which controls them on a daily basis and decides on their entries and exits from the territory. Contrary to what is often reported, it is not much different for a young Palestinian today to live in the West Bank, Jerusalem or the Gaza Strip. For, though the constraints imposed differ from one area to another according to the Palestinian Administration governing them, political dissent is primarily directed at Israeli occupation, the premiere source of abridgement of the fundamental rights being demanded.

## Exclusion or Integration? Time as Politics

Since 1993, we have gone from the global conception of a sovereign Palestinian State to a “two-state

solution" whose terms reflect the inability of international mediation as well as bilateral negotiation to allow this sovereign state to develop. This failure has spurred the Palestinian Authority, amputated from the Gaza Strip in 2007, to seek greater recognition from international institutions. The fact that it was granted the status of Non-Member Observer State on 29 November 2012 by the UN General Assembly does not carry the same weight as a decision by the Security Council, but it does allow the PA to work in partnership with specialized UN organizations and above all to stand before the International Criminal Court to demand reparation for the damages caused to Gaza by recent Israeli wars. The UNESCO, moreover, defends the property rights of Palestinians, as demonstrated by its decision on 7 July 2017 to declare the city of Hebron a World Heritage Site.

To date, Israel has only reacted through retaliation, as, for instance, through repeated initiatives to develop new settlements in the Occupied Palestinian Territories. At present, Palestinian control over territory is no greater than 20% of former Mandate Palestine, and over the territory defined by Oslo, the PA only has a certain power, obstructed by Israeli control. Moreover, settlement expansion threatens any attempt to establish a Palestinian state to such an extent that the Obama Administration ended up allowing the UN Security Council to vote on 23 December 2016 on what was to be the famous Resolution 2334, declaring that settlement of the Territories "constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-state solution and a just, lasting and comprehensive peace [...]."

However, as we have seen, not only has this resolution come too late, but also the Israeli government, under pressure from the most radical factions of the coalition in power, does not plan on heeding it. Insofar as associations against settlement and military occupation,<sup>6</sup> as they are a minority, they struggle to make themselves heard. This increasingly pressing situation is rekindling interest in the hypothesis of, if not a single-State, at least an associated-state approach, with governance shared between Palestinians and Israe-

lis. The PLO had once defended the idea of a single, secular state, but this idea was short-lived. The Israeli alternative is annexation of the Territories, pure and simple, as in Jerusalem and the Golan Heights, which is not recognized by international law.

As suggested above, the international and regional situation does not speak in favour of the pursuit of negotiations, currently at a standstill. As previously stated by Elias Sanbar, the expulsion of the Palestinians from their land in 1948 can be understood as an attempt to "remove them from history." They have, however, not accepted to step outside of the political times. The right to return that they still demand is symbolically emphasized in the Arab world and beyond, but its realization, 70 years on, depends above all on the compensations that remain to be negotiated. Moreover, too many regional conflicts render even more uncertain a resumption of real discussion between adversaries obliged to coexist, whether it be the wars in Syria and Iraq, disputing Iran's new role on the international stage or the new hostility demonstrated by Egypt, which sees the presence of Hamas in Gaza as a threat to the security of the Sinai and Egypt in general. The situation of the Palestinians, more than that of Palestine itself, continues to weigh on the regional as well as global imaginary,<sup>7</sup> not as an "exceptional" matter, but as a recurring, inescapable obstacle in the quest for greater security in the region, which is a sign of the political times.

To date, Israel has only reacted through retaliation, as, for instance, through repeated initiatives to develop new settlements in the Occupied Palestinian Territories

For Israeli writer Avram Yehoshua, there is no other reality than the bi-national one, and at the same time, the binational State approach is a "double

<sup>6</sup> As, for instance, Be'Tselem or Breaking the Silence.

<sup>7</sup> The Trump Administration's decision not to move the embassy from Tel Aviv to Jerusalem for the time being attests to the highly negative effect such a move would have, both in the region and beyond.

pipe dream,” since true citizenship could not be guaranteed by either of the two nations in question, given the balance of power in the field and the contents that would be lent to the identity dimension of the conflict.<sup>8</sup> Israeli Palestinians’ chronic deficit of citizen’s rights does not speak in favour of an integration of populations in the short term.

**The failure of the Oslo peace process does not invalidate the need for an integrative approach, but it does call for additional reflection on the political timeframe within which the search for a sustainable compromise should fall**

Which reinforces the hypothesis of an overall solution associating the two physically separated populations, obliging the consideration of the nature of their respective fundamental rights. These rights remain to be imagined and instituted. The failure of the Oslo peace process does not, however, invalidate the need for an integrative approach, but it does call for additional reflection on the political timeframe within which the search for a sustainable compromise should fall.

## Bibliography

- AL-AGHA, Hussein and MALLEY, Robert. “How Not to Make Peace in the Middle East,” *The New York Review of Books*, Vol. 56-1, 15 January, 2009,
- AL-SAKKA, A. and MEHL, S., “La cérémonie de l’humiliation,” *Le Monde diplomatique*, 2005
- BOTIVEAU, Bernard. *L’Etat palestinien*, Paris, Presses de Sciences Po, 1999
- BOTIVEAU, B. “La normalisation avec Israël au miroir des révolutions arabes,” in *Un « printemps arabe » ? Les Géopolitiques de Brest*, Paris, L’Harmattan, 2013, p. 53-74
- CYPEL, Sylvain. *Les emmurés. La société israélienne dans l’impasse*, Paris, La Découverte, 2005
- EL-EZZI, Ghassan, “Le plan de paix arabe. Genèse, réactions et perspectives,” *Confluences Méditerranée*, 2002/4, No. 43, [www.cairn.info/revue-confluences-mediterranee-2002-4-page-59.htm](http://www.cairn.info/revue-confluences-mediterranee-2002-4-page-59.htm)
- ENDERLIN, Charles. *Le rêve brisé. Histoire de l’échec du processus de paix au Proche-Orient. 1995-2002*, Paris, Fayard, 2002
- KHALIDI, Rashid. *John Kerry’s two-state plan still falls short in solving the Israeli-Palestinian conflict*, 2016 <http://temporaryehliiss.blogspot.fr/2017/01/khalidi-rashid-john-kerrys-two-state.html>
- RAPOPORT, Meron, “Quitter Gaza pour mieux garder la Cisjordanie,” *Le Monde diplomatique*, August 2005
- RODINSON, Maxime, “Israël, fait colonial?” *Les temps modernes*, June 1967)

<sup>8</sup> Cf. Yehoshua AVRAM, “Israéliens et Palestiniens: la double chimère d’un État binational.” *Libération*, 29 September 2014. [www.liberation.fr/planete/2014/09/29/israeliens-et-palestiniens-la-double-chimere-d-un-etat-binational\\_1111168](http://www.liberation.fr/planete/2014/09/29/israeliens-et-palestiniens-la-double-chimere-d-un-etat-binational_1111168)