

WHAT WENT WRONG IN THE ISRAELI/PALESTINIAN PEACE PROCESS AND HOW TO MAKE IT RIGHT

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I. Introduction: What Went Wrong

This joint article endeavors to address the question posed by the book editor: “Why have the Palestinians and Israelis failed to take the extra mile in the process of peace making and historical reconciliation?” We look back from 1993 to date with a critical introspect on the failures of both Israeli and Palestinian leadership and their respective civil societies in advancing the Oslo process into a peace accord. Extensive secondary sources are available. On the one hand we have a substantial list of personal testimonies included in autobiographies and articles, yet on the other hand, analysts and academics have provided abundant and often contending coverage of the Oslo process and its repercussions. In addition to reciprocal blaming, much of the critique has focused on the intrinsic nature of the Israeli/Palestinian conflict. Some have focused on the inherent faulty nature of the process itself, while others have paid more attention to the shortcomings of both Israeli and Palestinian main actors¹. The essence of the article is based on the authors’ joint and separate previous works² and observations from a vintage point, thus covering official and second

¹ For a comprehensive critique of the Oslo process for the absence of learning lessons from other similar negotiations, see Oren Barak , “The Failure of the Israeli-Palestinian Peace Process, 1993-2000”, *Journal of Peace Research*, Vol. 42, No 6, pp 719- 736 (2005)

² **Manuel S. Hassassian publications:** *Citizenship and the State in the Middle East: Approaches and Applications*. (edited with Nils Butenschon and Uri Davis), (Syracuse University Press, 2000); “The Transformation of Palestinian Civil Society and its Role in Developing Democratic Trends in the West Bank and Gaza Strip.”, in Ole Hoiris and Sefa Martin Yurukel, (eds), *Contrasts and Solutions in the Middle East.*, (Aarhus University Press, Denmark, 1997), pp 183 – 195; “Policy and Attitude Changes in the PLO, 1965 – 1994”, Avraham Sela and Moshe Ma’oz (eds.), *The PLO and Israel: From Armed Conflict to Political Solution*. (St. Martin's Press, N.Y., 1997), pp 73- 97.; M. Hassassian, “NGOs in the Context of National Struggle, : Benjamin Gidron, Stanley N. Katz, Yeheskel Hasenfeld, (eds.), *Mobilizing for Peace: Conflict Resolution in Northern Ireland, Israel/Palestine, and South Africa*, (Oxford University Press, N.Y. 2002), pp 130- 150; M. Hassasian, “Palestinians and the Peace Process” *Journal of Palestine Studies*, vol. XXI/1 - Number 81, 1995, pp . Edward (**Edy**) Kaufman **publications:** with, S. Abed and R. L. Rothstein (eds), *Democracy, Peace and the Israeli-Palestinian Conflict*, (Boulder, Lynne Rienner Publisher, 1993), (includes a chapter by M. Hassassian); with Walid Salem, Josep Ramoneda, Pere Vilanova (eds.), *Breaking the Wall -The Social Responsibility of Academics and Intellectuals at Times of Violent Conflict: An Introspective Search*, (Barcelona, The Center of Contemporary Culture of Barcelona, 2005). *Bridging Across the Divide: Israeli-Palestinian Peacebuilding* (Boulder, Lynne Rienner Publishers, 2006) (with Walid Salem and Juliette Verhoeven), (eds ,) “_Back from South Africa: Lessons for the Israeli- The Prospect of Non-violent Action from the Intifada to the Israeli/Palestinian Peace Process,” (with Mubarak Awad) *Civil Society*, (Cairo, November 1998) pp. 16-18.) Bridging Conflict Transformation and Human Rights: Lessons from the Israeli/Palestinian Peace Process. (with Mohammed Abu Nimer), in J.Mertus and J.W. Helsing (eds.), *Human Rights and Conflict*, (Washington DC, United States Institute of Peace Press, 2006), pp 277- 308. With Walid Salem), “From diagnosis to treatment: Towards new shared principles for Israeli–Palestinian peacebuilding”, in D.J.D. Sandole, S.Byrne, I. Sandole-Staroste and J. Senehi, (eds.), *Handbook of Conflict Analysis and Resolution*, (NY, Routledge, 2009), pp. 437- 455) **Joint Publications M.Hassassian and E. Kaufman:** “Israeli/Palestinian peace builders: lessons learnt”, in Paul van Tongeren (ed.), *People Building Peace*, (European Center for Conflict Prevention, 1999, Utrecht), pp. 112-123; “The Role of Civil Society in the Israeli/Palestinian Peace Process, in Ma’oz M. and Nusseibeh S., *Is Oslo Alive?* (Adenauer Foundation, Jerusalem, 1999), pp.115-139; “Understanding our Israeli/Palestinian conflict and searching for its resolution”, in Judy Carter, George Irani and Vamik Volkan, (eds.) *Workbook on Ethnopolitical Conflicts*, (New Jersey, Prentice Hall, 2008) pp. 87- 119

track diplomacy personal experience. Several of us addressed earlier the question “What Went Wrong” as three “WWW”, covering sequential critical events: the Oslo Process, Camp David II, and the Intifada of Al Aqsa and we shall keep the same structure in this article. At prolonged processes, societal forces seem to have been more protagonists, but at times of decisions, such as Camp David summit meeting in 2000, the role of individuals in history seems to be prevailing.³ Perhaps the missing dimension on the thorough coverage of the issue at stake is to look at the universal standards as a yardstick, following also an initial critique for not considering other cases of conflict management or resolution. We are hoping that discussing the relevance of human rights and democracy can contribute towards the understanding of the wider picture. Our main findings mainly show a rather serious lack of reference to universal human rights standards in peace making which are brought into the next section II and how its setback had negative effects on democracy which is reflected on the post-Intifada Al Aqsa in chapter V. Rather than looking at negotiations as a bargaining tool in a Middle Eastern bazaar where the asymmetry determines much of the outcome, the call for a “just and lasting peace” in the Security Council 242 resolution has been precedent in putting any detailed peace agreement within the wider context of justice, translated in reality by the respect of human rights principles

II. The Oslo Peace process (1993- 2000)

Retrospective analyses of the Oslo peace process highlighted the failures more than the achievements. As a result of the 1990-91 Gulf War, a United States-led force put an end to Saddam Hussein’s occupation of Kuwait - together with the demise of the Communist Soviet regime - inspired the President George Bush Sr. administration to call for a “New World Order”. The main translation into practice of such an appeal was a letter co-signed with Russia, inviting Israel and its neighbors to a Peace Conference to take place in Madrid in October 1991 thus raising high expectations and a public profile. Multilateral tracks to include all Middle East and North African States (except the Iraqi and Libyan regimes), were to be accompanied with bi-lateral negotiations of Israel with Jordan, Syrian and Lebanon. The Palestinians were forced to be included within the Jordanian delegation, given the persistent demand of Israel’s PM. Yitzhak Shamir and his Likud Party not to negotiate separately with such non-state actor. Furthermore, they insisted that no Palestine Liberation Organization (PLO) or residents of Jerusalem could be members of the Jordanian/Palestinian delegation. In spite of the repeated efforts to jump start this track, it failed to move the negotiators from the corridors of the State Department into seating around the table. Given the shortcomings of official diplomacy in setting the rules for negotiation, the talks hosted by the Norwegian Trade Union Institute FAFO- one of the several second-tracks that were taking place at that time, obviated the issue of representation; drafting initially an agreement of mutual recognition between Israel and the PLO, it then focused into the process to be followed to best treat the issues at stake. Negotiations were conducted in Oslo by two Israeli academics with an entry to then Deputy Foreign Minister Yossi Beilin and through him to his minister Shimon Peres, and eventually to Prime Minister Rabin. While on the other side the track II process started with Palestinian advisors whoever close to PLO Chairman Yassir Arafat, their intense work was upgraded into a forward looking official “Declaration of Principles” (DOP) signed in September 1993, on the White House lawn under the auspices of the then U.S. President Clinton. The two parties committed themselves to implement a gradual

³ Within the limits of this article we will not cover the role played by third parties, notwithstanding that specially at present, the chances of moving ahead towards peace depend fundamentally on an active role of the Quartet proposing to the parties a solution based on the Clinton parameters. And on the regional level, it would be important to dwell on the Arab Peace Initiative and the potential influence of such Saudi-inspired document on the Israeli public.

process of granting political autonomy to the Palestinians, a scheme very similar to the one previously signed at Camp David in 1978, but leading toward full independence driven by peaceful means. According to this framework of peace -a timetable was set toward a final treaty through - a transitional process of five years that would put in place a self-governing Palestinian Authority in the West Bank and Gaza, and followed by final status negotiations (no later than three years after the beginning of Palestinian autonomy) about the core and most confronted issues. Following the DOP, a series of interim agreements were signed between Israel and the PLO during the period of 1993- 1999: the May 1994 Cairo Agreement on the implementation of autonomy in the Gaza Strip and the Jericho area (of the West Bank); the September 1995 interim agreement dividing the West Bank into areas under direct Palestinian control (area A), civilian Palestinian control (area B), and Israeli control (area C, including settlements and self-defined “security zones”); the January 1997 Hebron Protocol dividing the city between Israelis and Palestinians; the October 1998 Wye River Memorandum implementing the interim agreement of 1995; and finally the September 1999 Sharm el-Sheikh memorandum that stipulated the final status negotiations on refugees, borders, water, Jerusalem and settlements. After Israel’s withdrawal from less than half of the Occupied Territories and military control from the urban areas, the Palestinian Authority under the elected Arafat government along with the Legislative Council took jurisdiction over all civilian affairs for the cities in the West Bank and Gaza and a large part of the villages; the PLO and the emerging Palestinian Authority promised to curb the violence, and dismantle the armed infrastructures in the territories, collect illegal weapons, and end incitement to violence. Soon mutual recriminations about not fulfilling their parts of the deal and delays of the timetable for implementation poisoned the atmosphere. On the one hand, Israeli leaders did not see a contradiction between the continuing expansion of its settlements in the occupied territories and the outcome of the permanent status negotiations that would enable Palestinians to determine their future. On the other hand, the Palestinian Authority, while routinely condemning the use of suicide bombings initially by extreme Islamic-oriented groups, did not act systematically to stop them, and Arafat did not distance himself from the perpetrator, who he called *shahid* (“martyr” in Arabic).

Much of the criticism was focused on the process itself. The idea of postponing the final outcome for a long time, did give room to the spoilers of peace to take the initiative away from the decision-makers. Different political cultures, one side believing in the dynamics of negotiation and the other stressing the necessity to see the “light at the end of the tunnel” draw the sides poles apart⁴ While NGOs and academics continued to deal with the final status issues and come up with creative ideas, their ability to influence decision makers was very limited, and their stamina was more confined to the suggestions themselves rather than a strong and coordinated lobby effort⁵. Although the process was initiated by civil society organizations, only the power of strong leadership could lead a majority of the Israeli and Palestinian people to such a paradigm shift based on the renunciation to the maximalist goals and the acceptance of a compromise. In general, the lack of active public support, especially among the young when one could have predicted that the future generations will be in charge sooner than later in pursuing and implementing the agreement. There were

⁴ 1 Tamara Cofman, (ed.), *How Israelis and Palestinian Negotiate A Cross Cultural Analysis of the Oslo Peace Process*, (Washington, DC: United States Institute of Peace Press, 2005). For the wider picture, see Raymond Cohen, *Negotiating Across Cultures, Communication in an Interdependent World*, (Washington DC, United States Institute of Peace, 1997)

⁵ E. Kaufman, W. Salem and J. Verhoeven (eds.), *Bridging Across the Divide: Israeli-Palestinian Peacebuilding* (Boulder, Lynne Rienner Publishers, 2006)

experiments of peace education, mostly learning by trial and error to avoid shortcuts that were not conducive to personal change. As a whole, the people to people activities were too little and too late and, similarly the exchanges among academics and other professional groups. While the idea of grassroots peace building was gaining ground and was part and parcel of the Oslo agreement, the overall investment did not reach out from a limited circle. General (re) Rabin's assassination by Yigal Amir, a fanatic religious young Jew, brought to an end the potential agreement with the undisputed Palestinian leader, Chairman Arafat. The trust building between the two leaders gave room to the expectation that if coming to an agreement, they could both make a strong case in their own societies for accepting a compromise agreement that will only address the minimal claims of each side. This dream was shattered with the election of PM Benjamin Netanyahu in 1996, but a last hope was renewed at the 2000 Camp David II negotiations, when (re.) General and PM Ehud Barak proclaimed himself to be the inheritor of his previous Chief of Staff. Until that time, the vital issues for Palestinian national aspirations such as Jerusalem and the refugees issue were not addressed. The multiparty structure in Israel did not help either, difficult to secure majority in the Knesset required in a parliamentary system. Other agendas and single issue parties, made it quite clear that at the moment of truth, when the leaders are willing to sign a peace agreement, the process of legitimation could be best conducted through a direct consultation with the voters through a referendum. The Oslo process lacked internal legitimacy and there was a need to publicly validate it. But perhaps the main fault of leadership was the lack of will to confront and control the spoilers of the peace process, mostly religiously motivated zealots geared at inflicting damage and pain to the other⁶. Extremists of both sides became a trump card and the secular political establishment felt, for personal and party considerations, less inclined to act swiftly in curbing their illegal activities.

On the Palestinian side, it was often mentioned that Oslo was doomed to fail for several reasons. It was never an agreement between equals, explicitly granting statehood and self-determination to the Palestinians. Israeli attempts to procrastinate in the implementation of the interim agreements culminated in prolonging military occupation and solidifying and expanding the settlements both in Gaza and the West Bank, including the annexation of their prime land, building by-pass roads to be given only for the use of the settlers and the Israel Defense Forces (IDF). As a result, it did not come to deal with the key issues between the two sides and failed to halt settlement or end the occupation. It was an agreement that in effect allowed one side to continue eating the pie that the two were supposed to negotiate over dividing. Indeed, the decade of negotiations that began with Madrid saw a doubling of the settler population and settlements the implementation of plans to parcel up the West Bank into cantons through the separation of regions in the different areas A, B, and C; and the consecration and strengthening of the occupation regime. Confidence building measures such as a significant release of Palestinian prisoners, and ensuring an early and sustained connection between Gaza and the West Bank were minimized only symbolic rather than meaningful gestures.

On the Israeli side, the shock came when the early armed resistance to the agreement, firstly by political Islamist movements took the shape of suicide bombing, mostly taking place within Israel proper and targeting exclusively civilians. Furthermore, the declaratory postures of many political leaders did not alert the public about the need of "painful concessions" as later became clearer in the post-Oslo period under PM Ariel Sharon and Ehud Olmert's leadership. Hence, trust was replaced by mistrust, hopes were dashed. Palestinians and Israelis exhibited profound disillusionment with the behavior of the other in failing to meet

⁶ Magnus Ranstorp, "The Israeli-Palestinian peace process: The strategic art of deception", in E. Newman and O. Richmond, *Challenges to Peacebuilding* (Tokyo, United Nations University Press, 2006), pp 242- 260

the expectations arising from the peace process. The first was expecting “peace dividends” and the economic situation and the day-to-day access to normal life deteriorated. The failure on a structured security paved the way to violence now replacing targeting the military within the borders or the Occupied Territories with brutal attacks on civilians within their habitat. The threat was no longer on national but rather the personal security, from the border to the now “home- front” in coastal cities of Israel. Through a mostly nationalistic media, the mistrust culminated in a war of images through a staunch rivalry as who suffered more? One side victims of violence were presented individually by name and photos, but the casualties of the other side, if to be reported were confined to overall figures. Stereotyping was back to the old game. In their first few years, the Oslo Accords enjoyed broad support in Israel. From 1994 they were supported by 43.4% of respondents and 31.8% were opposed to them an average kept for the subsequent five years.. By contrast, in the subsequent Intifada al-Aqsa Intifada, support for the agreement dropped significantly and the equation was reversed.

Several critical studies and post-facto evaluations of NGO cooperation in the past have highlighted many of the current obstacles.⁷ An important ongoing concern is that the region’s youth, a numerically large and actively engaged sector of society, is overrepresented among both victims and perpetrators of violent conflict. Despite this, over the years, a significant minority of young Palestinians has participated in joint activities with like-minded Israelis. Israeli civil society activists find themselves in a post nation-building phase in an established state functioning under democratic rules. Not unexpectedly, many potential peacebuilders today prefer the individual pursuit of happiness and better living standards to the rigors of promoting intercommunity reconciliation. By contrast, Palestinians remain saddled with the task of constructing a state from scratch and a national ethos that restricts individual freedom of action. Frustration related to lack of personal advancement further alienates them and discourages interaction with Israeli counterparts, persons visibly enjoying a much higher standard of living.

People-to-people programs, even when officially endorsed for a short period, never became normative, working for healing, reconciliation and forgiveness, reaching out to schools or smaller, marginal groups in both societies. On the Palestinian side, public exposure was limited, participant names remained undisclosed, and often meetings were held abroad. Thus insufficient media coverage was not the only reason for the general ignorance concerning the scope of these activities. Participants also failed to widely promote the “good news” message that concluded such activities. Peace education put an emphasis on changing the textbooks. The Israelis, mostly by omission did not relate to the Arab native population, and the Jordanian/Egyptian texts that existed before the production of new Palestinian versions, portrayed Zionism, and often Jews in a most negative shape. A traumatic personal experience at a checkpoint or the killing of a relative can condition a child far more than a book’s positive description of Jews as prospective good neighbors.

On the Palestinian side, there have been several types of restrictions to cooperation, most trade unions and academic organizations came out against relations not only with the government of Israel but also with the social movements and main stream NGOs. Normalization (*Tatbie*) has been defined among Palestinians as the process of building open and reciprocal relations with Israel in all fields, including the political, economic, social, cultural, and educational realms. Palestinians were divided in their stances vis-à-vis “normalization”. Supporters see it as a process to integrate Israel into the larger Middle East community of nations or to restructure Israel through a bottom-up peace process. Many others, however, oppose

⁷ Hassassian and Kaufman 1999, ,*op.cit.*, 2002; Kaufman and Hassassian, *op.cit.*, 1998; Kaufman et al. 2006, *op.cit.*

“normalization” if only because it implies a willingness to accept, and perhaps legitimize, past injustices experienced in the course of occupation. Thus, they hold that ending occupation must be a precondition for normal relations with Israelis. This anti-normalization stance has led to such Palestinian initiatives as the boycott of Israeli academics and understood as an act of non-violence against occupation, and overall, it brought a great deal of unwanted pressure on those Palestinians willing to cooperate across the ethnic divide.⁸ Later, what were originally mostly ideological impediments was aggravated by the physical barriers imposed in the Occupied Territories by the Israeli military. Those few Israelis who believed in unilateral solidarity with the Palestinians continued their supportive activities in the absence of much needed intensive parallel work with Israeli public opinion. Still, a small minority of Palestinian activists calling for nonviolent struggle and cooperation with the Israeli peace forces continued to work throughout the entire period of the Oslo process until present times.

On insight, there were no external mechanisms of verification of implementation, highlighting delays or violations to the agreement by each side. But with all its pitfalls, we should not neglect to mention the important breakthroughs of the Oslo process.⁹ It affected the psychological environment installing faith in a peaceful resolution as the negotiation between the Israeli government and the PLO started recognizing each other as legitimate. This factor is now taken as a given when former and even current Likud leaders shake hands and negotiate with the once denounced as a “terrorist organization”. Then, even the Labor party embraced from Israel’s independence the “Jordanian option”, seeking a new territorial compromise with King Hussein till its victory in the 1992 elections. Furthermore the Oslo process initiated the building of a “two-state solution” a motto that still remains carved in a majority of both people¹⁰. This call for self-determination translated into practice the outcry of the first *Intifada* (Palestinian uprising) and the subsequent 19th PNC held in Algiers in 1989 stressing that the objective of the PLO is to get rid of the occupation of the West Bank, Gaza and East Jerusalem. Furthermore, the idea that all major issues are negotiable – including the Israeli taboo on Jerusalem- even if the discussions were procrastinated to a later stage, made a difference as compared with the more intransigent stand previously held by both sides.

⁸ Walid Salem, “The Anti-Normalization Discourse in the Context of Israeli-Palestinian Peacebuilding” in J. Ramoneda, P. Vilanova, W. Salem and E. Kaufman, (eds.), *Breaking the Wall*, (Barcelona, CCCB, 2005), pp 87- 106

⁹ Ron Pundak writes in “Two States for Two People”, *Ynet, Yediot Haachronot* , 14.09.08: Facing the occupation, an absence of differentiation, Israel’s arrogance and humiliating attitude brought to a mutual attrition and did not bring the parties closer to each other. The basis of the Oslo process was a position that was expected to accompany the negotiations and the ties between the two sides, that the end game was conflict resolution and not mere management. The main Israeli political goal implies not to stand still and continuously advance to the point that the conflict will be resolved through the signing of a peace accord, as an important element for national security. That a peace agreement could be consistent with the basic interests of Israel at a fair cost.”

¹⁰ Stenimitz Center, *Peace Index*, (Tel Aviv University, March 2008), Prof. Ephraim Yaar and Prof. Tamar Hermann Over time slight, gradual changes sometimes occur that eventually amount to significant changes, altering the public conceptual map. We did not find such a change, however, regarding the preferred solution. This survey, too, found overwhelming support (68%) for the “two states for two peoples” solution.

Within a wider context, learning from experience elsewhere¹¹, human rights principles could have been an integral part of the three stages of the process: a) In the Pre-negotiation Phase in Norway both the Israeli Labor Party's representatives and the Palestine Liberation Organization's highlighted pragmatism, either considered human rights language merely rhetorical burden, or perhaps its nearly total omission resulted from the two sides' leadership's lack of socialization in the use of such language. No doubt, the negotiators took upon themselves a formidable task in devising solutions to a large number of pressing concrete issues. The title, "Put an End to Decades of Confrontation and Conflict," and the short preamble to the text inspire us to move in the direction of rights; however, there is little specific commitment to the improvement of human rights as a stimulus for progress in the process itself or as agreeable standards, whenever reference is made to "final status issues." Human rights clauses can reduce the perceived asymmetries between groups. Language of dignity and respect is important for persecuted people, who are often reluctant to confront the cost of compromise. For on the losing side, violence, rejection, negatives, and boycotts are often perceived as the only remaining source of strength. The use of a language of "entitlements" by the strong is expedient, since it may elicit from the underdog a more constructive attitude. Rather than conceding to "give up" territories in "Judea and Samaria" let the Israeli authorities stress that Palestinians have an inherent right to a state in part of historic Israel or Palestine.¹²

b) The Negotiation stage: Peacemaking in protracted communal conflicts is normally a rather lengthy process that requires public acceptance during the interim stages. The transition from one stage to another can be facilitated by confidence building measures (CBMs), universally coined in human rights principles. Palestinians who sought "peace dividends" demanded them in terms of socio-economic rights. The Israeli evasion of responsibility for the daily needs of the Palestinians living under occupation was translated by concrete actions of restricting the PA in being responsible for its funding and management. Equally, most Israelis did not consider that the peace negotiation process provided them with personal or collective security, and yet the legitimate stand to respect their right to life was not formulated in such a language. The Palestinian suicide bombers, the rocket launchers and their commanding authorities should have been told time and again that they are violating this non-derogatory and most important human right. On the other hand, some of these measures include that Israel desist from holding prisoners in administrative detention without trial, respect the freedom of movement within the Occupied Territories, refrain from house demolitions as an unacceptable punishment to the entire family, halt confiscation of property and stop extrajudicial, targeted assassinations or "collateral damage", excessive and disproportional use of force against innocent civilians in answer to Palestinian violence. Both the Israeli and Palestinian authorities could have offered financial compensation for innocent victims of violence, adhere to their own commitment to prohibit the use of torture or "moderate physical pressure" in interrogations. Human rights norms, while opening new dimensions for the duration of the negotiation, also can contribute creative ideas to resolve permanent status issues and elsewhere we have mentioned its unique contribution to the

¹¹ For a fuller development of the potential of introducing human rights standards at the different stages of a peace process, see E.Kaufman and I. Bisharat, *op.cit*

¹² Mohammed Abu-Nimer and Edy Kaufman, *op. cit.*, p.284

resolution of the most intricate dividing issues such as Palestinian refugees, Jewish settlements, Jerusalem and the controversy over water resources.¹³

c) The Post-negotiation phase, often called the “post-conflict” stage, a stage for the implementation of the agreements and for reconciliation. Given the current depressive status of the Israeli-Palestinian peace process, dealing in detail with the post-conflict stage may seem impractical and idealistic. Still, the architects of the Oslo process, at a more promising time, could have started a working group planning issues of relevance towards reconciliation. And less importantly, to assess what of the many elements of such a stage could already be included in “real time” reconciliation, assuming that without doing it now, the cherished peace could be postponed time and again.¹⁴ However, the implementation of agreements, based on equal rights, will require monitoring and regulation. In cases of disagreements, there was an unfulfilled need for mediating mechanisms and procedures that should have pointed out to a shared vision and help effectively dealing with the complexities of the emerging problems during the first stages of implementation. These endeavors normally incorporate clearly designed early warning indicators and could have provided training in preventive action.

III. The Camp David Israeli Palestinian Summit and its aftermath (July 2000- January 2001)

In this short period the prospects of peace were solely in the hands of the leadership. When Labor party leader Ehud Barak’s impressive victory in 1999 brought renewed hopes for negotiations, his pullout from Lebanon and insistence on moving away from a gradual piecemeal approach to a final agreement sounded a resound promise.¹⁵ The Israelis and Palestinians had different expectations preceding the Camp David Summit convened in July 2000. It is worth mentioning that the survival of PM Barak’s fragile coalition government was contingent on the success of the Camp David Summit.¹⁶ By and large and according to

¹³ *Ibid*, pg. 285. Briefly illustrated on the dispute over water, this common pool resource need no longer be seen as a finite, zero-sum resource. Though water resources are scarce, it may be possible not only to come to an agreement on joint management of the shared aquifers but also to determine general principles for water rights. Such principles could be based on equal rights to the basic water supply for all, and scaled greater payments for excess consumption. The incremental pricing policy for increased consumption will allow the biggest users to finance the cost of desalinization. (See E. Feitelson and M..Haddad et al, *Reports on the Joint Management of Shared Aquifers* (Jerusalem, Truman Institute, Hebrew University, 1994, 1995, 1996)

¹⁴ As an example for concrete “real time” reconciliation activities towards healing and recognition of the suffering of the Other, see the website of the *Palestinian/Israeli “Bereaved Families Forum”* (<http://www.theparentscircle.com>)

¹⁵ We would like to express our gratitude to our research assistants Elyas Abianto and Omri Arens at the University of Maryland for their contribution to this section.

¹⁶ The talks are often referred to as Camp David II, since a first round of Israeli/Egyptian talks took place at the same place at the initiative of President Carter. Hanieh captures the Palestinian mentality toward Israeli politics from the Camp David Papers. “If an agreement isn’t reached, Barak will form a national unity government.” These statements were repeated to the point that a Palestinian delegate asked angrily: “Is this a summit to salvage the peace process or to rescue Barak’s government? Akram Hanieh, “The Camp David Papers” (*Journal of Palestine Studies*, 2001) p.79

President Bill Clinton, Barak was determined to reach a comprehensive peace deal. On the other hand, the failure of the Summit did not threaten Arafat's demise albeit he resisted going to Camp David. Furthermore, Barak initially wanted to pursue peace talks with Syria. This priority marginalized the Palestinian cause, and Arafat felt humiliated by the Israeli withdrawal from Lebanon in June 2000 as orchestrated by Barak. Allegedly, Arafat did not want to negotiate given that Barak had reneged on prior agreements, there was no progress on negotiations anyway and Barak consequently was in a stronger position¹⁷. Arafat mentioned to State Department officials that ...“conditions are not yet ripe for holding a summit.”¹⁸” Despite these objections, Arafat decided to partake under three conditions agreed upon with President Clinton. The conditions were more preparatory talks, a U.S. guarantee of Israeli redeployment, and no “finger pointing”. These three points were agreed upon regardless if the Camp David Summit failed. None of the agreed upon conditions were upheld¹⁹ and Clinton's memoirs stressed that “Arafat made no response in-kind”²⁰.

The hard issues of the final agreement were put on the agenda. Contending interpretations on the Camp David talks were provided within and between both sides' participants and analysts. Prime Minister Barak showed sincere intentions to compromise, by addressing many of the Palestinians' expectations. He broke the Israeli taboo of negotiating over Jerusalem and accepted the concept of being the capital of the two states, and he offered the return of approximately 91 percent of the West Bank and added to the swap 1 percent more from Israel's land. A settlement range could not be obtained at that time since the “maximum” Israeli offer at Camp David was below the “minimum” Palestinian demands regarding territory and the two sticky issues- Jerusalem and the right of return to Palestinian refugees. After the publication of the Clinton parameters in late December 2000, the two sides came closer to reaching an agreement at Taba in January 2001, yet these talks collapsed. By January 2001, the two parties had lost their respective legitimacies (especially Barak's minority government) and their remaining negligible trust of each other. It is worth mentioning, that were the reason for the collapse of Camp David II.

The difference between the goals of the Israelis and Palestinians was epitomized by Arafat's lack of a counter proposal to advance negotiations. President Clinton expressed his frustration with Arafat's silence, “Israel had gone further than he had, and he wouldn't even embrace their moves as the basis for future negotiations”²¹. First, Barak would lose to hardliner Sharon in the next Israeli elections. Second, President-Elect George W. Bush will be disinclined to pursue further negotiations after seeing the investment his predecessor made to no avail¹. Arafat did not indicate a counter offer, mentioning to Ben-Ami that he saw himself as a “decision-maker” and not a “negotiator” – his role being to pass judgment once the give and take is finished. And that the previous back-track channels in Stockholm did not advance adequately enough for a more ceremonial conference under the world's flashlights. Eventually the negotiations “collapsed over the fact that they Israelis and Palestinians refused to enter into the game.”...” What was being asked of the

¹⁷ Hussein Agha and Robert Malley, “Camp David: Tragedy of Errors” (*The New York Review of Books*)

¹⁸ Akram Hanieh, “The Camp David Papers” (*Journal of Palestine Studies*), p.76

¹⁹ Hussein Agha and Robert Malley, “Camp David: Tragedy of Errors”, *op. cit.*

²⁰ Bill Clinton, *My Life*, (York: Alfred A. Knopf, 2004) p. 913

²¹ Bill Clinton, *Ibid*, p. 915

Palestinians was far more elementary: that they put forward, at least once, their own counterproposal”.²²In addition, some of the Israeli negotiating dynamics and procedural aspects of the political interaction contributed to the failure of the talks. By presenting early territorial compromises by as bottom lines, the Israelis provoked the Palestinians’ mistrust subsequently by shifting their terms in the direction of the Palestinians’ political goals, the Israelis whetted the Palestinians’ appetite. The Palestinians sensed that the proposal denied the Palestinian state viability and that additional security controlled territories will effectively divide the territory into a four separate cantons. Nor did the eventual move of the Israeli position on Jerusalem to allow Palestinian sovereignty over isolated Palestinian neighborhoods in the heart of East Jerusalem was viewed as creating in effect “ghettos in the heart of Jerusalem”

A possible additional reason for Arafat’s lack of counter offer was due to Barak’s tactical shortcomings on territory, starting with a proposal of a Palestinian State on 66% of the West Bank only to offer later at Camp David 87%, and not reject Clinton’s at the summit of 91%. This indicated to the Palestinians that he did not have red lines. “Barak’s negotiating tactics were a standing invitation to the Palestinians to keep pressure on the Israelis and never say “~yes’ to what he liked to call his “~generous offer’²³.” The PM well intended willingness to compromise was interpreted by the Palestinians as an absence of red lines, and therefore his “~ultimatums’ lost credibility. Furthermore, there was no agreement among the Israeli cabinet members on the concessions to be made on the final status issues.²⁴ Not only within the wide range of parties in the coalition but within the Labor leadership as well. The proposition for borders was also unacceptable from Arafat’s and the Palestinian perspective. They felt they already made their concessions: “You seem to forget that we are demanding only 22 percent of our country, and we have renounced the rest for the requirements of peace. Now it’s Israel’s turn”.²⁵

The Palestinians approached settlements, borders, Jerusalem, and refugees at Camp David on the rationale of international law. Arafat viewed Israel’s approach as the “occupier’s mentality”. A mentality based on the premise that with adequate pressure the Palestinians would accept any peace deal. The Israeli rationale has little to no claim under the international law rational. While the Israeli’s made their concessions in terms of their needs, the Palestinians viewed themselves as the true compromisers because they conceded their rights under international law. Moreover, Barak concealed his final proposals, the “endgame,” until Arafat had moved. And Yet Arafat would not move until he could see the “endgame”. Also, several Palestinian declarations adversely affected the course of the negotiations. The proposal to divide East Jerusalem in Arafat’s mind was also a compromise. Believing the Palestinians had full entitlement to the entire city. Arafat would not settle for anything less than full sovereignty and authority over Harm Al-Sharif [the two mosques located on top of the claimed Jewish Temple Mount], the Christian and Muslim Arab quarters including the Armenians quarter. The Palestinians agreed during negotiations to relinquish sovereignty over the Jewish quarter including the Wailing Wall of the Temple Mount which were not part of Israel before

²² Shlomo Ben Ami, interview with *Ha’aretz* on September 13, 2001,

²³ Shlomo Ben-Ami, *Interpreting Conflict: Israeli-Palestinian Negotiations at Camp David II and Beyond*, (New York: Oxford University Press, 2006) p. 250-251

²⁴ Matti Steinberg, *Omdim Legoralam: Ha Tneuah Haleumit Haphalestinit 1967-200*, (In Hebrew, “Facing their Destiny: The Palestinian National Movement 1967-2007”), Tel Aviv, Yediot Publishers,2008)

²⁵ Akram Hanieh quoting Arafat, *op.cit.*,p 92

1967²⁶. Within religious matters, Arafat viewed himself as representing more than just the Palestinians, but rather the Arab and Islamic world. This is reflected in his following statement to President Bill Clinton, “I am not only the leader of the Palestinian people, I am also the vice president of the Islamic Conference. I also defend the rights of Christians. I will not sell Jerusalem”²⁷. Arafat’s doubts about the historic facts and holiness of the Temple Mount for the Jewish people and the reiteration of an absolute right for every Palestinian refugee to return to Israel derailed any positive dynamic interaction. The discussion of refugees was probably the most disparaging. The committee that was set up to discuss refugees is reported to have simply argued about history. The Palestinians argued that International law stipulates the right of return of all refugees. The Palestinians specifically believe this right is expressed through United Nations General Assembly Resolution 194. There are between five to six million Palestinian refugees. However, the Palestinians never demanded the right of return of the total refugee population. The numbers discussed ranged up to 800,000. This to the Palestinians was an enormous compromise because it is substantially less than the total Palestinian refugees. Nevertheless, Israel would only express sorrow not responsibility for the Palestinians and discuss compensation through a joint effort with the international community. This international fund would have to include also compensation to Jews who left Arab countries. Israel agreed to allow several thousand refugees to return over a ten year period through a process called family reunification²⁸. Time and again, Arafat remained reactive because he believed that the Americans had not planned enough for Camp David and that the process had not been thought out. In spite of the important fact that the Palestinians agreed to the principle of rectifications along the pre-1967 border on the basis of equivalent territorial swaps, no substantial bargaining or sensible political initiative was offered in Camp David by the Americans, who seemed to convey the Israelis’ ideas, which made Palestinians lose confidence in the Americans as honest brokers.

Arafat’s personality sharply contrasted Barak’s. Despite his inability to level with the Palestinian leader, he was methodical in his thinking and was willing to go further than any other previous prime minister²⁹. Finally, Barak was nevertheless an arrogant interlocutor, always inclined to dictate positions rather than negotiate them³⁰. There was even an instance when Arafat shouted at the Secretary of State Madeline Albright that he felt as being treated as a slave. Disrespect and elitism will inevitably exacerbate and already tense relationship.¹ The most glaring reality during the Summit was that Arafat and Barak never met privately. According to President Clinton, “Barak didn’t want to meet alone with Arafat because he was afraid that they would fall into the old patterns where Barak did all the giving and Arafat made no response in-kind³¹.” Arafat was perceived as someone who is “elusive, non-committal, and a master of double-talk³².” President Clinton also notes Arafat’s manipulative strategy to repel pressure. He mentions that throughout

²⁶ Robert Malley and Hussein Agha, “Camp David and After: An Exchange - A Reply to Ehud Barak” (*The New York Review of Books*)

²⁷ Akram Hanieh, *op.cit.*, p.95

²⁸ Akram Hanieh, *op.cit.*, p.82

²⁹ Dennis Ross, *The Missing Peace*, (New York: Farrar, Straus, and Giroux, 2004) p. 495

³⁰ Shlomo Ben-Ami, *op.cit.* p. 253

³¹ Bill Clinton, *op.cit.*, p. 913

³² Shlomo Ben-Ami, *op.cit.*, p. 255

the Summit Arafat would ask the President, “Would you like to come to my funeral?” Such tactics of guilt contrasted with Barak’s forwardness. Barak put his political career on the line with the proposed concessions. Ben-Ami makes a powerful analogy to describe the distinction with Arafat’s priorities. “Arafat preferred to die as a defeated hero who did not give in, like Nasser, than be slain as a man of peace like Sadat. “ The difference in personalities reflected in the negotiations and made it more difficult for the negotiating teams³³.

In its aftermath, and even following the outbreak of the Israeli/Palestinian cycle of violence described in the next chapter, negotiations continued for four additional months. The process remains inconclusive, but the “parameters” offered by President Clinton, not at Camp David but albeit too late at the December meeting in Sharm Al Sheiq and vaguely approved the subsequent month Taba, remain the most feasible outline for a shared solution of the conflict at some point in the future.

IV. The Intifada of Al Aqsa (2000-2004)

Since the election of Ariel Sharon as Israel’s prime minister until his massive stroke no contacts were kept with the Palestinian leadership. Only after his replacement by Ehud Olmert negotiations between his government and the moderate Palestinian President Mahmoud Abbas (Abu Mazen) have been going back and forth, leaving both sides full of uncertainties. Sharon’s policies during his years in office accelerated the ongoing high-intensity conflict that has lasted close to four years and killed more than three thousand Palestinians and a more than a thousand Israelis. In a region where conspiracy theories prevail, where one can always imagine the worst from the enemy and attribute it to post-facto premeditated intentions, the interpretations of the facts that led to the Intifada Al-Aqsa are diametrically opposed.³⁴ The official Israeli version is rather straightforward: this was a terrorist war preplanned and premeditated by Chairman Arafat, as a result of a strategic Palestinian decision to use violence rather than negotiations as the primary instrument of advancing the Palestinian political cause. The true roots of the war can be found in the Palestinian rejection at Camp David of the concept of a peacefully negotiated resolution of disputes. Paradoxically, it was the very Oslo peace process and particularly the far reaching offers at Camp David that caused the Palestinians to respond with violence, following the “precedent” of the unilateral Israeli withdrawal from Lebanon triggered by the successful Hezbollah guerrilla attacks and let alone the controversial visit of Arik Sharon in September 29 to the Haram Al-Sharif escorted by hundreds of Israeli security forces. Therefore, Palestinians including the Palestinian Authority and Hamas and the Islamic Jihad along with the ruling Fatah did not oppose the occupation of the territories per se but rather the whole concept of peace through compromise. On the other hand, the Palestinians’ prevailing version was that Sharon’s forced visit to the al-Haram al-Sharif, protected by a large police contingent, was a premeditated effort to defy Muslim sovereignty over this holy place. It was meant to trigger an Arab popular reaction that would be severely repressed and would escalate into an armed confrontation that Israel would use to crush the PLO and its leader Arafat. According to Kacowitz, the second *Intifada* was “either a Palestinian war of extermination (the Israeli version) or a Palestinian war of national liberation (the Palestinian version)”³⁵. He

³³ President Clinton accurately describes the effect, “Barak wanted others to wait until he decided the time was right, then, when he made his best offer, he expected it to be accepted as self-evidently a good deal. His negotiating partners wanted trust building conversations and lots of bargaining”, *op.cit* p 912

³⁴ Sari Nusseibeh and Edy Kaufman, “Roundtable, Intifada Al Aqsa” (moderated by Ziad Abu Zayiad, *Palestine-Israel Journal*, 2001)

³⁵ Kacovicz, A., “Rashomon in the Middle East: Clashing Narratives of the Israeli-Palestinian Conflict.” (Jerusalem, Hebrew University, unpublished manuscript 2003)

quotes Michael Walzer, considering that within each side, one could find two contending goals: (1) a Palestinian war to destroy the State of Israel, as epitomized by the suicide bombing attacks of fundamentalist Islamists and since 2002 of some elements of the more mainstream Fatah faction (such as the al-Aqsa Brigades), directly associated with Arafat and the Palestinian Authority; (2) a Palestinian war to create an independent state alongside Israel, ending the military occupation of the West Bank and Gaza after 1967, as illustrated by the guerrilla actions against the Israeli army in the occupied territories; (3) a legitimate and just Israeli war of self-defense against Palestinian terrorism, in order to secure Israel within the pre-1967 borders; and (4) an Israeli expansionist war to keep the settlements and hold onto the “liberated” (or rather occupied) biblical territories of “Greater Israel.”³⁶ As throughout the peace process, extremists on both sides kept fighting the illegitimate first and fourth types of war. If the popular eruption was aimed initially at both the corrupt and malfunctioning of the Palestinian Authority regime and against Israel, it was rapidly channeled and manipulated by the PLO leadership, first to change the political status quo and improve its bargaining positions in the short term (as indeed happened between Camp David II and Taba) and second to focus the resentment and anger from the most marginalized sectors of Palestinian society toward Israel itself. In this sense, Arafat and the Palestinian Authority did not do much to stop the uprising, believing that it might well serve their interests. They preferred to “ride the tiger” rather than to confront terrorism and violence. It seems that the militarized uprising was not Arafat’s master plan but rather an exploitation of the violent situation. A “blank check policy” accompanied the often futile post facto “plausible denial,” as attempted in the case of the *Karine A*, the ship captured in 2002 in the Red Sea and found to be loaded with weapons. The Palestinian uprising was not catalogued during the first weeks as a war but rather as confrontations between largely unarmed Palestinians and armed Israeli security forces that immediately resorted to excessive and deadly use of force, fueling a further escalation of the violence. At the same time, it is equally true that members of the Palestinian security forces initiated many of these acts of violence. Moreover, since the collapse of Camp David, Arafat had reneged on the promise to prevent and curb terrorism. By April 2002, even if the Palestinian Authority had wanted to do so, stopping the violence completely might have had no impact on reversing the progressive degradation of internal Palestinian control as a result of Israel’s military actions. By adopting the “default option,” which increased the number³⁷ of suicide bombings, the situation on the ground has continued to deteriorate. At the same time, the Israeli government has maneuvered to postpone the re-initiation of political negotiations “under fire.” After some hesitation, Israel waged in 2002 an overall military offensive on the territories ruled by the PNA and effectively re-established a total security control, destroying the Palestinian security forces and infrastructure. It also attacked the Presidential compound in Ramallah and practically kept there President Arafat as a prisoner. While keeping a substantially weakened Palestinian National Authority, the Israeli responsibility for the supply of basic services to the population was delegated to a subordinated body. The Israeli military has exacerbated the already precarious humanitarian conditions of the Palestinian civilian population and had turned to extrajudicial killings of alleged militants and military incursions into Palestinian cities, towns, and villages; likewise, it violated the rules of war by responding in non-proportional ways, which had led to the death of many innocent victims. The obsession of the official Jewish state to always act from a position of strength brought about an unusual escalation of intensified

³⁶ Michael Walzer, “The Four Wars of Israel/Palestine,” *Dissent Magazine* (Fall 2002).

³⁷ E. Kaufman and M. Hassassian, “Understanding our Israeli Palestinian Conflict and Searching for Its Resolution”, *op. cit.*

violence that precluded the negotiations that have been reopened time and again. All in all, the Israeli government was not forthcoming in lifting Israeli travel bans and restrictions and did not extend the support that the PA needed to change dramatically the correlation of forces. Hamas, albeit weakened by relentless Israeli assassinations that have deprived the faction of several of its charismatic leaders (and a few more in December 2008 with a major attack against its infrastructure and leadership in Gaza) such confrontational attitude contributed to highlight Hamas as a major player with its own capabilities and political ambitions as well as increase in the influence of external actors such as Iran and Syria.

At the civil society level, much of the established links across the divide were shattered and as yet not re-established. Palestinian peace groups can be criticized for their failure to advocate effectively with the Palestinian National Authority for their constructive projects or to create public support for their work. Similar criticism applies to the main stream of the Israeli peace camp. Nonetheless, Palestinian groups should be credited for the large amount of media and public relations work performed on issues relating to their critique of the second Intifada's militarization, suicide bombings, chaos on the streets, violation of human rights, and the courage of a few in the face of a growing anti-normalization appeal, a boycotting discourse. Whereas the expectations of Israelis for cooperation focused the dialogue on professional, educational, humanitarian, or academic topics, the expectations of Palestinians were fixed at the political level, seeking changes to their currently intolerable sociopolitical reality. The Israeli peace camp received a serious blow and a deteriorated public image, and many of its activists became disillusioned of the prospects for an agreement. Human security is the issue no longer on the borders with soldiers but now home front, civilian victims on both sides. An asymmetric war as well as the shadow of a nuclear threat attempts against the population as a whole on both sides.

V. The current cycle of war and peacemaking (2004-2009)

As a result of fair and transparent elections in the process of democratization, the election of Mahmoud Abbas as president of the PNA initially provided the first reason for optimism toward the very smooth transfer of government following the death of President Arafat. The task confronting Abbas has been formidable, for he has inherited internal anarchy, polarization, political stagnation, and corruption compounded by the gloomy atmosphere created by five years of a bloody Intifada. He intended to break away from Arafat's legacy; specifically, with the help of professionals he hoped to reform Palestinian political, security, and economic systems, and above all to halt the *Intifada* recognizing the tragic mistake that a militarized course have played into the hands of Israel's superiority in this field. While the intermediate stage led by Abbas has encountered increasing difficulties, a critical introspection leads to the conclusion that a generational replacement of leadership is necessary. A logical justification for the weakening of the leadership expected to prevent chaos and lawlessness, and possibly a destructive power struggle, can be found within the ranks of the heterogeneous Fatah movement- further eroded by showing passivity facing the December 2008 Israeli 23-day War in Gaza. It is worth mentioning that Fatah's various components had always been kept together by Arafat, often through a combination of financial appeasement and a policy of divide and rule. The movement's institutions have been controlled by a combination of the old guards of Fatah with more universally appreciated professionals, such as the former World Bank economist and then Prime Minister Salam Fayyad, thus denying the second and third generations any control of power. The conflict between the "old" and the "young" guards within Fatah is ongoing, which to date weakens the movement and strengthened the surging role of Hamas as an opposition enjoying tremendous political importance and relevance, culminated in the victorious and surprising election of a out come Hamas majority in the Palestinian Legislative Council. A failed effort to create a shared Fatah/Hamas

government brokered in Mecca by the Saudi royal family ended in 2007 with the dismembering of the Palestinian National Authority, with Fatah controlling the West Bank and Hamas controlling Gaza. Openly challenged by Hamas's coup d'état in Gaza, Abbas definitely had little time left to wield his power, establish control over the numerous Palestinian security services and factions' militias, rebuild the shattered economy, root out corruption, impose law and order and improve the daily living standards of Palestinians.

This period has been characterized by Israel's peacemaking drive with the Palestinian Authority and fighting a war against Hamas. However on both accounts, no progress for a definite outcome has taken place. Following the fiasco of unilateral withdrawal from Gaza after the Hamas takeover, a negotiated but not full withdrawal from the West Bank became Israel's dominant strategy. In the March 2006 Israeli general elections, the new Kadimah leader Ehud Olmert declared his intention to make the separation fence and wall a permanent Israeli border. The idea of erecting a separation barrier wall was not conceived by him but was the suggestion of some Labor leaders to seal borders demarcated close to the Green Line with minimal amendments based on Israeli security considerations. The Likud government substantially developed this last concept into a substantial change, making the establishment of a viable Palestinian state with geographical contiguity impossible. What was possible past PM Sharon initial thinking? The unfinished drawing of the new border in the West Bank delineated by officially declared "temporary" fences and walls, retaining a speculated 9 to 15%, of the West Bank would not find a Palestinian partner among the post-Arafat leadership as well. If history could repeat itself, Kadimah's unilateralism took into account that while there was no Arab country nor Palestinian leader ready to consider in 1949 the armistice Green line as a final border (providing Israel 78% of "historic Palestine" instead of the 55% allocated by the previously rejected 1947 Partition plan). But forty years later, Arafat's Palestinian National Council came up publicly accepting the Green Line as definite borders. So, now the issue was to establish new facts with the separation barrier, removing a significant chunk of the remaining 22% of Palestinian territories and wait patiently perhaps for another forty years until the new facts on the terrain will prevail. Better late than never, departing PM Olmert has later mentioned that in negotiations with Mahmoud Abbas a formula was reached to uphold the principle established with Egypt and Jordan to return this time as well a 100% of the Palestinian territories through swaps of land and the building of a connecting territorial link between Gaza and West Bank over Israel. At the same time, the continuation of settlement expansion and the lack of zeal in dismantling the fragrantly illegal outposts that have been mushrooming through the West bank territories has not been pointing in this direction but rather reinforces the picture of a creeping annexation.

For a while, the Annapolis Peace Conference convened by the Condoleezza Rice in November 2007 was seen as the only game in town. A joint statement of principles along the lines could reestablish trust in the availability of a negotiating partner, "it has the potential for energizing the two publics and eliciting their full support for the negotiated agreement on a two-state solution. What I am proposing represents a step toward reconciliation."³⁸ At the civil society level, additional roadblocks and checkpoints severely limits West Bank and Gaza Palestinians from meeting their counterparts in Israel while Israelis are not allowed to

³⁸ "At Annapolis, Abbas and Olmert clearly committed themselves to such negotiations in a highly visible international forum. Abbas's political standing in his own community received an important boost. Olmert's post-Annapolis statements gave indications that he understood both the importance and the implications of a two-state solution from Israel's perspective and was prepared to educate his public in that direction." Herbert C. Kelman, "NEGOTIATING A HISTORIC COMPROMISE: NEW OPPORTUNITIES IN THE ISRAELI-PALESTINIAN PEACE PROCESS" *Harvard University (manuscript 2008)*

meet Palestinians on their own turf. As a result, most peace activities of Israelis are now confined mostly to interaction with Palestinians from East Jerusalem. Ineffective, humiliating requests by Israeli NGOs for individual “single day” access permits, instead of a global campaign for pressurizing the Israeli government to guarantee an unrestricted policy for peacebuilding, has produced insignificant results. Exceptionally, some earlier joint initiatives have enjoyed temporary public support in both communities; for example, the “Nusseibeh-Ayalon Accord”, the Geneva Initiative, and field actions against the occupation. However, generally both Palestinians and Israelis saw these initiatives to be declaratory in nature and largely devoid of popular participation. Given that general perception, it follows that the importance of building bridges was not fully understood, appreciated, or even tacitly rejected by most government leaders by putting obstacles to such endeavor. Among mainstream Israelis, there is the growing idea of separation, or in other words, “getting rid of the Palestinians.”

Most Israelis rationalize their violence against the Palestinians as being no more than a justifiable reaction to threats to their citizens’ security. Conversely, Palestinians valorize violent activity as being legitimately responsive to a protracted, repressive occupation³⁹. That such a strategy might objectively be a right or wrong choice in ending the occupation is largely beside the point. Typically, Israelis cite concrete acts of violence, such as the kidnapping of an Israeli soldier by Hamas. Palestinians insist that violence includes “structural violence,” such as the expansion of settlements and the building of the separation wall, affecting the integrity of Arab East Jerusalem closures of crossings in Gaza led to by the Israelis constraints on access to health care, food supplies, employment opportunities, and decent shelter which in turn exacerbated the suffering and deprivation of the entire population now again under occupation. This has resulted in premature death, reduced life expectancy, and post-traumatic stress disorders. Whereas Palestinians blame the occupation, Israelis as a whole avoid facing such unpleasant realities, preferring to attribute the cause to the “other’s” violence. Another important lesson learnt is the impact of the peace spoilers, not abiding by the democratic rules of the game, but by civil disobedience, underground violent opposition and illegal acts in defiance to judicial rulings. Facing a debilitated peace and justice movement in both civil societies are the hyper active, devoted fanatics and law breaking spoilers, influenced by religious predicaments and regional agendas. Jewish messianic settlers and Palestinian Islamists like Hamas and Islamic Jihad are not only claiming the entire Holy Land to be under their exclusive control but have successfully used all possible means to stop the peace process.

The last round with the 2008/9 Gaza War lasting twenty three days has been the most deadly confrontation in the Strip since its occupation by Israel in the 1967. Those who take military **action** believe that the only language that the “enemy” understands is force and the only recourse left is to **react with more violence**. The overall tragic picture, with more than a thousand people killed and four thousand wounded- the overwhelming majority in Gaza- and between a quarter to half of them non combatants. We are not into blaming the “Other”, and there is no point here to focus on cause and effect, which started this last round of violence; what is needed is introspection and accountability of both Hamas and the IDF. We all know that it is illegal and immoral for Israel to conduct targeted killings of individuals in populated areas, collective punishment, restricting basic needs to access through the crossings into the Gaza Strip, and causing a large number of casualties among women and children. We also know that the targeting of the civilian population by Hamas in Southern Israel over a long period of time, and the intention of causing a large number of victims- even if such aim was not reached – is reprehensive and inhuman. When the guns fall silent, in an

³⁹ A rather surprising poll conducted by UNDP among young Palestinians seem to contradict this prevailing trend. “70% of Palestinian youth oppose violence to resolve conflict with Israel” Haaretz , April 1, 2009

untenable status-quo. Being part of our own people, the first reaction is also anger, frustration and a sense of powerlessness; but, on second thoughts, the challenge is not to fall into depression and subsequently, remain passive. Demonstrations, silent marches, medical relief convoys, collection of blankets and more have been taking place in Israel. Some of us found ourselves immersed in arduous efforts to search for common ground. During and after the Gaza asymmetrical war, so far, the coalition of Israeli and Palestinian Peace NGOs could not come to agree on a joint statement. If we ever move again from "stopping the war" to "making peace", we need to the element of truth for future reconciliation. There will be a time, hopefully soon, when we should look back, investigate and make a clear statement about the responsibility involved in killing innocent civilians, indiscriminately or purposely; combatants hiding into congested pockets of civilian population; targeted assassinations and "collateral damage"; the absence of safe-havens; the delay in medical relief and basic foodstuff; the functioning of humanitarian corridors and the freedom of movement of ambulances, and more. Healing the open wound is a necessary treatment before civil societies of both sides could strengthen once more the incipient ties of the Oslo days. An Israeli/Palestinian civil society driven Commission of Inquiry with the participation of independent human rights, international as well humanitarian law experts should be formed, to assess the conduct of Israel's Defense Forces, a UN member state that has adhered to covenants and protocols. And to provide the full picture, even if Hamas is only a political/military organization and as such has not ratified such norms of behavior, we should also hold it accountable to customary law and consider their status as a quasi-government

At the time of concluding this essay, both societies are deeply divided, and the dominant strategy is tilting towards the opponents of peace. In Israel, the February 2009 elections granted an absolute majority to a block positioned to the right of Netanyahu's Likud and refusing to endorse the principle of a two-state solution. And within the Palestinian camp, the ongoing the bloody crisis between Fatah and Hamas in 2006 provoked by the latter's coup d'etat in Gaza, calls for unity remained unmet till 2009. Fragmentation has prevailed over unity. Failed reconciliation attempts between Hamas and Fatah reflected their struggle for political and territorial control, seeking domestic and regional legitimacy.

The serious deterioration of the peace process has seriously affected the democratic nature of the Israeli regime and the process of democratization in the Palestinian Territories. A few months before the endorsement of the Oslo agreement in the White House in Washington DC, a group of academics was meeting at College Park to discuss the implications of the premise that democratic states tend not to fight wars with each other.¹⁴⁰ This generalization holding at the universal level brought to our reality an important question: Can Israel remain a democracy given the long process of war and occupation? Can the Palestinians become a democracy under the same conditions, and given the nature of the surrounding Arab regimes?⁴¹ We posited at that time, optimistically that once peace is achieved among the two nations, then it will be as durable as the one with Egypt(and later with Jordan), and perhaps even warmer. This last point brings up not less important questions: a) is it easier for democracies or for authoritarian regimes to reach peace with each other? On the one hand, the change of hearts of the PLO in 1988 with the acceptance of the idea that the Palestinian state can coexist side by side with Israel was later emphasized regionally with the

⁴⁰ James Lee Ray, "Does Democracy Cause Peace"? , *Annual Review of Political Science*, , No 1, 1998, pp 27-46

⁴¹ See E. Kaufman, S. Abed and R. Rothstein (eds.), *Democracy, Peace and the Israeli-Palestinian Conflict* (Boulder, Lynne Rienner Publishers, 1993)

twenty two Arab League members and further unanimously endorsed by all fifty seven Muslim States Council (including Iran, then under President Khatami). This development has brought the Israeli society and leadership to a moment of truth: the “territories for peace” dilemma has affected this country’s political stability. Since the early days of the Zionist come back to the land of their ancestors the founding fathers were led by the Labor Party including since independence twenty nine consecutive years in power (1948-1977); then, they were replaced by the rival Likud-led coalition over a period of fifteen years (1977- 1992) to be replaced by PM Rabin. But since the question of the price of peace has been on the agenda, in the last 20 years there have been nine elections and seven different prime ministers. The stability of the democratic system in Israel has been jeopardized. Furthermore, at the societal level, the minimalist understanding of democracy as majority rule through sporadic elections has strengthened the concern of a demographic problem with an Arab population. There is no full understanding that democratic features include a commitment to all civil and political rights not only the day of the elections and that the respect of minority rights is one of the key test of its legitimacy. Already in 1993 Kaufman cautioned about the negative effects of war and occupation on the Israeli institutions and society⁴²¹

Meanwhile, on the occupied society, the negative effects have been stopping the process of the democratization of the PLO as described by Hassassian in the same book.⁴³¹ Negating full citizens’ rights and elections postponed- blaming external constrains- are aggravated by the fact that the legislative elections won by Hamas (2006) were not accepted by the Fatah establishment, Israel and the US- led international community. Not even giving them the traditional “one hundred days of grace” paradoxically this was happening when the issue of democracy was brought up by George W Bush government as a matter of priority in the Middle East, showing clearly double standards. Violence blamed on the other has repeatedly resulted in majorities supporting political extremist forces. Clearly, democracies have great difficulties in achieving peace with each other.

Having a strong leader helped Sadat’s Egypt and King Hussein’s Jordan to make “the peace of the brave” with similar Israeli counterparts, respectively Begin and Rabin. But the quest for a rather authoritarian strong leader does not easily correlate with democratic practices. Two of them were assassinated by extremists within their own people, and the lives of two others leaders were threatened.

VI Conclusions

To sum up, the failure of the Israeli-Palestinian peace-making process to reach its desired goal has left us all in a pessimistic mood. But it is important that out of despair we do not embrace the wrong conclusions. Some colleagues have now called for a “one state solution”, in which both Palestinian Arabs and Jewish Israelis will be together, as the irreversible outcome of the untenable situation.⁴⁴ Klein ,on the other hand has clearly shown the shortcomings of such unrealistic preference, when one side will try to perpetuate their

⁴² E. Kaufman, “The effect of war and occupation on the Israeli society”, in E..Kaufman, S.Abed and S. Rothstein, *op.cit.*

⁴³ M. Hassassian, “Democratization Process of the PLO: Ideology, Strategy and Structure. E. Kaufman, S. Abed and R. Rothstein, *op. cit.*, pp 257-285

⁴⁴ Nathan. Brown, “Sunset for the Two-State Solution?” *Carnegie Foreign Policy Paper.* Washington, DC:Carnegie Endowment for International Peace, May 2008..

domination on the other.⁴⁵ We believe on the reaffirmation of the identity of both nations to be extremely important for the self determination of their people. Over the last fifteen years our representatives have engaged, for the first time, in diplomatic/political negotiations and civil society peacebuilding. The cycle of peace did not come to fruition but concepts such as Israel/PLO negotiations, a two-state solution, Jerusalem capital of two states, the withdrawal from the Occupied Territories to the pre-1967 borders adjusted to swaps and reciprocally agreed modifications, the Palestinian right of return to Israel regulated by this government's policies, are now part and parcel of most of the leaderships' positions. The aspirations of the "peaceniks" had slowly percolated to the main stream even within former Likud leaders in the Kadimah party Israel and the Palestinian Authority. Through creative and extensive "second-track diplomacy," consensus has been reached on nearly all the permanent status issues. The components of a possible official accord have been discussed ad nauseam, and the issue is no longer the final status but how to move from the current paralysis into a pro-active action oriented solutions.

Hence, the creation of an independent Palestinian state at least for a first stage is a precondition to other more consociational forms of living. The Benelux model that triggered the wider European Union has been often given as an example in which Palestinians could come and go to Israel- from where most refugees have been displaced from. While a free flow of persons, merchandise, jobs and increased cooperation, keeping initially a separate sovereignty is a necessary condition for building a joint future. Jews, whose most holy places are within the remaining Palestinian West Bank and East Jerusalem, could reside in their proximity, celebrate holidays and reside in the proximity while keeping their Israeli citizenship. However, the weak leadership and the fragmented political factions have reduced the chances of a bilaterally negotiated outcome. Furthermore, the disempowerment of President Abbas by Israel led to the support and the rise of those forces that do not recognize the right of existence of each other. In the best case scenario, if not expelling and defeating the enemy, the prevailing mood on both sides is to separate "we are here and they are there", a poor replacement to coexistence. This factor has generated a prevailing pessimism and a pragmatic shift from pursuing reconciliation to tacitly encouraging separation. Indeed, in significant circles unfortunately in the Israeli peace camp, this has become an acceptable strategy. Meanwhile their Palestinian counterparts have become increasingly frustrated with this new approach to conflict management that postpones statehood and brings into question the validity of the Palestinian right to self-determination. Peace not only as an end by itself but as means, a way various recent polls demonstrate that public opinion on the one hand supports a two-state solution while at the same time supports punitive strategies. This leads definitely a significant technical and psychological shortcomings in peace work. Although peace activists have contributed to the public acceptance of a two-state solution, they have been unable to overcome, or at least diminish, calls for retaliation.

"Divide and rule" is feared by both sides, as a tactical move of the Other and no inner consensus can be achieved within the Israeli and Palestinian political realm. No solution can be reached by the negotiating parties in isolation of a more active regional support- a strong push for the Arab League Peace Initiative as renewed in 2007- and an effective Quartet intervention led by a new pro-active United States'

⁴⁵ "As long as the majority on both sides rejects the joint state in favor of their own nation-state, there is hope of revitalizing the two-state solution. But above all, as soon as the cost of ethnic conflict becomes too high, Israel will be quick to put new effort into working on the idea of two states. It is the contradiction between a desired future and the current reality that keeps the option of establishing a border along the 1967 line alive." Klein, Menachem. "One state in the Holy Land : a dream or a nightmare?" *International Spectator*, 2008(43):4, Dec, pp. 89-101

administration. Soft power seems to be a priority for the latter and public diplomacy needs to be translated into an effective action. So far, Washington has been co-sharing the cost of the violent conflict, but now needs to invest all efforts- with 'stick and carrots'- in bringing about its resolution. While the assumption that they cannot prevent a war nor impose peace is correct, they have a decisive role to play in this direction. Furthermore, regional players such as Turkey, Egypt and Saudi Arabia as well should help to meet the challenge of not only persuading the Israeli and Palestinian leadership to come to an agreement but to address directly the grassroots through the media, and by encouraging the peace-oriented organizations in playing a major role in shifting public opinion. Just to provide some concrete examples, American presidents and emissaries have been talking behind close doors to ministers, military and security personnel, but did not spend time addressing directly the general public and supporting the local politicians ready to advance the U.S. peace policy in the Middle East, as done effectively and aggressively by AIPAC, the Jewish lobby, in promoting Israel's policies in Washington DC. Reducing the large foreign aid to Israel may be difficult to achieve at the US Congress, but there is no reason to streamline the amounts not only as not replacing Israeli Cabinet policies investing in settlements in the West Bank, but shifting priorities and earmarking a small percentage for peacebuilding activities by non-governmental organizations.

The election of President Obama has paved the way to the concept of change and the Clinton Parameters are considered to be a realistic expression of the consensus found among moderates and pragmatics on both sides. A wider menu of alternative options offered immediately after the United States' election was too optimistic, given the negative effect of the Hamas/IDF war in Gaza and the subsequent formation of a Netanyahu led government.⁴⁶ At the end of a renewed process, the application of the Parameters' formulation in full (or an even restricted interpretation, leaving Old City of Jerusalem and its Holy Places as well as the detailed discussion on refugees to a later stage), must encourage local elites and public to support it. If predictably obstacles for governmental approval arise, to submit the plan into a referendum, best to be conducted at the same time by both sides. The Syria first option can be seen more as a ploy and a diversion to a determined effect by the new administration and the rest of the world to gradually bring our ever lasting core conflict to an end.

The challenges and difficulties of peace-making in a democratic setting have been analyzed and highlight the paradox: while the generalization that established democracies do not conduct wars with each other, in the short term it seems that only strong (and perhaps even authoritarian) rulers are better equipped to achieve peace. Often, our weak leaders are double checking what public says, but do not understand the difference between the question addressed to the individual Israeli countrymen: "Are you ready to make peace, by withdrawing from the territories?" (Implying taking a personal risk), showing a reluctance to do so; from the question "Would you support a negotiated agreement signed by your government?" (Delegating to the leaders), the answer being on the affirmative. And likewise, individual Palestinians if asked to renounce to the right of return to their homes will answer more negatively than if given by their leaders a peace agreement providing "second best" options of resettlement and compensation and, most importantly, the so much desired independent state.

The corruptive nature of occupation stresses the importance of integrating human rights principles into peace process, a guarantee of more fair and sustained solutions rather than imposed fragile results. We are

⁴⁶ Shai Feldman and Khalil Shikaki, "Policy Options: The Obama Administration and the Palestinian-Israeli Conflict", *Middle East Briefing*, Brandeis University, Crown Center for Middle East Studies, December 2008, No 32

not under the illusion that absolute justice can be made, but it is important that a minimal sense of recognition of each other needs guarantees a sustained solution. Increasingly, driven by electoral objectives of personal gains, politicians have rarely engaged in peace and justice initiatives. In Israel, rather than confronting the settlers and the political forces behind them, many political leaders have deferred any decisive policy of withdrawal from the Occupied Territories, ignoring the long-term consequences for the transformation of their country into a bi-national state. On the Palestinian side, survival in their positions seems to be the prevailing preoccupation of the leadership. At this stage it seems impossible that the recognition of the intrinsic relationship between peace and justice for both sides will come from a top down initiative. Still, we should continue, jointly and separately, to point out that while the relative strength of forces provides one side with the ability to win a battle, it will never provide the ability to dictate a stable peace. We must also continue to condemn strongly the use of violence against civilian targets, be it suicide bombing or targeted assassination, the firing of rockets or the disproportional collateral damage of severe bombings, equivalent of a crime against humanity, and a major obstacle to the peace process. By formulating claims in accepted universal principles, we can strengthen the possibility of achieving a higher level of legitimacy internationally and, hopefully, within our own societies as well. The acceptance of the humanity of the "Other" and the inherent human dignity of the person, even at the declaratory level, can set up a better atmosphere conducive to more successful negotiations.⁴⁷

We concur with Obama's appointed negotiator, George Mitchell's axiom that "there is no such thing as a conflict that can not be ended", with the caveat that if man-made then it also depends on people too to resolve it. Finally, let us remind our readers that Senator Mitchell in his report of 2001, while calling for an immediate freeze on Jewish settlement expansion and a halt to suicide bombings, concluded that in the long run resolution of the Palestinian/Israeli conflict cannot materialize without achieving security and justice for both sides. Respect for human rights to all is the best guarantee for a lasting peace. Although it may be difficult for struggling democracies to make peace, we should also be reminded that once an agreement is achieved, the best insurance policy for a sustained peace are established democracies on both sides.

⁴⁷ Mohammed Abu-Nimer and Edy Kaufman, *op.cit.*, p 294