

ANALYSIS

JANUARY 2014 NO: 3

INTRACTABLE PEACE 2.0.1.3: ISRAEL - PALESTINE

SABRIEN AMROV





INTRACTABLE PEACE 2.0.1.3: ISRAEL - PALESTINE

SABRIEN AMROV

COPYRIGHT © 2014 by SETA

All rights reserved.

No part of this publication may be reprinted or reproduced or utilized in any form or by any electronic, mechanical or other means, without permission in writing from the publishers.

Design and Cover : M. Fuat Er

Layout : Ümare Yazar

Printed in Turkey, Ankara by Semih Ofset, 2014

SETA | FOUNDATION FOR POLITICAL, ECONOMIC AND SOCIAL RESEARCH

Nenehatun Caddesi No: 66 GOP Çankaya 06700 Ankara TÜRKİYE

Phone:+90 312.551 21 00 | Fax :+90 312.551 21 90

www.setav.org | info@setav.org | @setavakfi

SETA | İstanbul

Defterdar Mh. Savaklar Cd. Ayvansaray Kavşağı No: 41-43

Eyüp İstanbul TÜRKİYE

Phone: +90 212 315 11 00 | Fax: +90 212 315 11 11

SETA | Washington D.C. Office

1025 Connecticut Avenue, N.W., Suite 1106

Washington, D.C., 20036 USA

Phone: 202-223-9885 | Fax: 202-223-6099

www.setadc.org | info@setadc.org | @setadc

SETA | Cairo

21 Fahmi Street Bab al Luq Abdeen Flat No 19 Cairo EGYPT

Phone: 00202 279 56866 | 00202 279 56985 | @setakahire

CONTENTS

INTRODUCTION TO THE KERRY INITIATIVE	8
CONTEXTUALIZING THE TALKS	9
THE LEGACY OF OSLO	9
INTERNATIONAL OBSERVERS AND THE PEACE TALKS	10
THE ARAB SPRING AND THE PEACE TALKS	11
PEACE TALK DEADLOCK: ISRAELI SETTLEMENTS AND FAIT ACCOMPLI	13
SETTLEMENT MUSHROOMS	13
THE PRAWER PLAN	13
NETANYAHU'S BARGAINING CHIP	13
SECURITY COORDINATION	14
THE UNSPOKEN	16
PEACE WITHOUT HAMAS	16
PALESTINIAN LEGITIMACY CRISIS	17
SAME OLD ACTORS, SAME OLD RESIGNATIONS	17
WHITE HOUSE'S ACTIVE PASSIVITY	18
RECOMMENDATIONS	18

ABOUT THE AUTHOR

Sabrien AMROV

Sabrien Amrov received her B.A in Conflict Studies and Human Rights and her M.A. in International Relations from the Graduate School of Public and International Affairs, University of Ottawa. Prior to joining SETA, she held a political intern position at the Embassy of Canada in Ankara. She was also a visiting fellow at the Ibrahim Abu Lughod Institute for International Studies at Birzeit University in Palestine, where she conducted field research on the security provision in the Occupied Palestinian Territory. She is fluent in French, Arabic and English.

ABSTRACT

The Kerry Rounds are part of a chronology of attempts at American peace brokering between the PA and Israel. The preliminary talks in D.C come after a three year hiatus caused by dispute over Israeli settlement projects in 2010 when the Obama administration attempted its first try at negotiations. Prior to this, the Road Map by George W. Bush suggested the establishment of security before a final settlement. This entailed an emphasis on building a robust Palestinian security forces to guarantee Israeli security. Today, the Palestinian security sector receives more than 41% of the total PA budget. Other noteworthy chapters in the peace process saga include the 2007 Annapolis, and Bill Clinton's contention with the 2000 Camp David summit. Most importantly, the genesis of the peace talks, the infamous 1993 Oslo Accords were observed as a breaking point as it was the first time that the PLO and the Israeli government held direct public talks. It was quickly shattered by the killing of Israeli Prime Minister Yitzhak Rabin by Yigal Amir, a religious radical. Given the crescendo of failure of U.S. mediations over the years, what elements are worthy of optimism (if any) this time around with the Kerry Rounds?

The following analysis offers a local, regional and global landscape of key issues and actors in regards to the new rounds of the American brokered peace process between Israel and the Palestinian Authority under the Kerry Talks. It first contextualises the Kerry rounds in a rapidly changing Arab world and a growing transnational advocacy campaign for Palestinian rights. This is followed by an overview of current calamities within the Palestinian political sphere as well as the intensification of Israeli land grab and security coordination in the Occupied Palestinian Territory. By connecting the realities on the ground with the power dynamics at the negotiation table, the analysis posits that until the power dynamics are left unchallenged and unchanged at the negotiation table, it is unlikely to expect anything but a grim future from these peace talks.

Given the crescendo of failure of U.S. mediations over the years, what elements are worthy of optimism (if any) this time around with the Kerry Rounds?

INTRODUCTION TO THE KERRY INITIATIVE

Peace talks between Israeli and Palestinian negotiators resumed in Washington on July 30, 2013 under the initiative of U.S Secretary of State John Kerry. The decision arrives after six rounds of shuttle diplomacy by Secretary Kerry between the Israeli government and the Palestinian Authority (PA) with the premise that the current developments in the Middle East should be observed as a ripe moment to reignite peace talks between both parties. Israel, the PA and the United States have committed to nine months of negotiations to reach a so-called “comprehensive peace agreement” that is said to establish an independent Palestinian state alongside Israel. The Israeli negotiation team is composed of Israel’s Justice Minister, Tzipi Livni, and Isaac Molho, Benjamin Netanyahu’s special envoy. The Palestinian negotiation team included Saeb Erekat, the chief negotiator, and Mohammed Shtayyeh, a close adviser to Mahmud Abbas. Former U.S. ambassador to Israel, Martin Indyk, has been nominated as the U.S. special envoy to the Israeli-Palestinian negotiations. This time around, Kerry is trying to push forward a negotiation based on the two-state solution.

The Kerry Rounds are part of a chronology of attempts at American peace brokering between the PA and Israel. The preliminary talks in D.C come after a three year hiatus caused by dispute over Israeli settlement projects in 2010 when the Obama administration attempted its first try at negotiations. Prior to this, the Road Map by George W. Bush suggested the establishment of security before a final settlement. This entailed an emphasis on building a robust Palestinian security forces to guarantee Israeli security. Today, the Palestinian security sector receives more than 41% of the total PA budget.¹ Other noteworthy chapters in the peace process saga include the 2007 Annapolis, and Bill Clinton’s contention with the 2000 Camp David summit.² Most importantly, the genesis of the peace talks, the infamous 1993 Oslo Accords were observed as a breaking point as it was the first time that the PLO and the Israeli government held direct public talks. It was quickly shattered by the killing of Israeli Prime Minister Yitzhak Rabin by Yigal Amir, a religious radical.³ Given the crescendo of failure of U.S. mediations over the years, what elements are worthy of optimism (if any) this time around with the Kerry Rounds?

The following analysis demonstrates that until the power dynamics are left unchallenged and unchanged at the negotiation table, it is unlikely to expect anything but a grim future from these peace talks. The study is divided in three parts. The first section contextualizes the current talks at two levels. First, it looks at the important legacy left by the Oslo Accord that helps us understand the current dynamics of the negotia-

1. “Mofawadaat fi khademaat al-istitan wa tawse`e al-Israeeli,” Arab Center for Research and Policy Studies, August 15 2013. Retrieved August 20 2013 from <http://www.dohainstitute.org/release/6a9e98a7-98fd-4dc1-9d15-45d012381d56>

2. Ibid

3. Amy Koffman. “Hagai Amir: I don’t regret Rabin’s murder, because you can’t regret a mitzvah.” +972 Magazine, September 2 2012. Retrieved August 1 2013 from <http://972mag.com/hagai-amir-i-dont-regret-rabins-murder-because-you-cant-regret-a-mitzvah/55027/>

tions. Second, a quick look at the current context in which the negotiations unfold both at a macro level in relations to international and regional developments amidst the Arab Spring and at a micro level in regards to ongoing Israeli occupation of Palestinians. The second section highlights Israeli policies that have made it difficult to move forward with the negotiations. The third and fourth sections delve into factors that are absent yet crucial components neglected by the current peace talks. The final section concludes with policy implications for the regional and international stakeholders in the peace process.

CONTEXTUALIZING THE TALKS

The Legacy of Oslo

The Kerry Talks arrive 20 years after the Oslo Accords (OA), the infamous road map that divided the Palestinian occupied territories into Area A, Area B and Area C, and separated Gaza from the West Bank. Although not legally binding agreements, the OA still managed to impose a set of rules and norms between the occupying force and the PA.⁴ The fact that the agreements were not legally binding also suggested that any compromise generating from the negotiations depended on a goodwill approach rather than strict compliance by the parties. This means that, because Israel held power and control over the Occupied Palestinian Territory, it could defect whenever it saw fit, while the PA was expected to comply with the needs of the Israeli state to arrive at self-determination.⁵ This power dynamic is the most significant legacy. Indeed, the Oslo accords institutionalized the asymmetrical dynamic around the diplomacy of negotiations of the two parties where Israel has successfully delegated part of its

occupation to the Palestinian Authority all the while continuing to extend its land grab and settlements construction.

With the Kerry Talks, the Israeli camp has once again made it particularly difficult for the Palestinian negotiation team to move forward on the peace process. Indeed, this time around, the Israelis are creating deadlock around the following core issues: they demand that Israel be recognized as a Jewish state (which puts the existence of the 21% of Israel's population, Palestinian citizens of Israel, at risk)⁶, the future of East Jerusalem, settlement construction, the refugee issue, and Israel's desire to remain in control of the Jordan Valley.⁷ In other words, Israel has successfully blocked discussion around the main concerns of Palestinians, which has been the case since the OA. The Palestinian negotiating team in the Kerry Rounds, as in the past, has made clear that their position is a two-state solution with the 1967 borders.⁸ However, for the Israelis, it is still not clear where they stand. They continue to be ambiguous on their position all the while continuing to build settlement projects. Kerry, who organized a dinner meeting with the negotiators in D.C. at the beginning of August 2013, urged both parties to make what he called "reasonable compromises." However, he never clearly stated what those were. Indeed, there is much ambiguity over what the negotiations actually entail. For example, there are talks over the "goodwill gesture" to release pre-1993 Palestinian prisoners inside Israel jails. It is reported that Israel released 23,000 prisoners since Peace Talks began in 1993. Yet, Israel also arrested 86,000 during the same

4. Interview, international Law Professor, Valentina Arizinov, Ramallah, June 2012

5. Mahle, Melissa Boyle, 2013. "A Political-Security Analysis of the Failed Oslo Process." Middle East Policy Council, p.1

6. It is worth mentioning as well that Israel never demanded from other Arab countries to abide by this principle. Indeed, both Egypt and Jordan did not have to admit to Israel has a Jewish state.

7. "Insights from a Mitvim policy channel with the Palestinian Committee for Interaction with the Israeli Society," The Israeli Institute for Regional Foreign Policy, Retrieved on January 3rd, 2014 from: http://mitvim.org.il/images/The_Peace_Process_in_the_Eyes_of_the_Palestinians__Impressions_from_the_Region_12_December_2013.pdf

8. *ibid*

period. In his press conference, Kerry has stated U.S. goal for the talks: “ending the conflict, ending the claims.” He also explained that “The parties also agreed that the two sides will keep the content of the negotiations confidential”, which undermines any accountability of the parties towards their respective constituencies.

Meanwhile, in local Palestinian politics, the PA holds very little leverage to resist the negotiations. The Palestinian economy has been in a crisis management mode since the Oslo Accords and attempts to remodel the Palestinian economy around the occupation such as the plan of Prime Minister Salam Fayyad deepened the instability and ultimately led to his resignation. A World Bank report calculated that the Palestinian economy was losing \$3.4 billion per year – roughly 35 percent of its 2011 gross domestic product (GDP) – due to Israeli control of 61 percent of the West Bank. This is topped by the fact that, given the PA is sustained through a wage system that includes both a salary system provided by the White House and tax revenues collected by Israel, if Kerry asks Abbas to come to the negotiation table, it is very unlikely that he can or will refuse. These transactional agreements are in of themselves legacies of the Oslo Accord adopted by the Paris Protocol which declared the Palestinian economy an integral part of the Israeli economy. Despite the PA undergoing a crisis management, the Israeli side has accused their Palestinian counterparts of creating artificial crises to avoid arriving at an agreement for a two-state solution. As such, the Oslo framework has, 20 years later, proven to prolong the conflict instead of delivering a compromise based on justice, undermining the potential for security, peace and dignity for all people in the region.

International Observers and the Peace Talks

However, the accumulation of frustration around the circumstances generated by Oslo has created a space for individuals and communities to voice

more critical observations of Israel’s practices. Indeed, while traditional analysis of the peace talks is usually limited to state actors, it is worth mentioning how transnational non-state actors have carved a space, albeit in a small but meaningful demeanor, where they indirectly influence some of the context in which the Kerry talks emerge in. At the international level, the ongoing Boycott, Divestment, and Sanctions (BDS) campaign launched by Palestinian civil society in 2005 is beginning to gain momentum into policy makers’ circles.

For example, on July 16, just 2 weeks before the launch of the negotiations, the European Union (EU) published new guidelines pertaining to its trade relations with Jewish settlement products from the Occupied Palestinian Territory. The guidelines prohibit the issuing of grants, funding, prizes or scholarships to Israeli institutions and bodies situated across the pre-1967 Green Line – including the Golan Heights, occupied by Israel in 1967 and later annexed. The directive, part of the 2014-20 financial frameworks, covers all areas of co-operation between the EU and Israel, including economics, science, culture, sports and academia.⁹ An EU statement said the guidelines “set out the territorial limitations under which the commission will award EU support to Israeli entities ... concern has been expressed in Europe that Israeli entities in the occupied territories could benefit from EU support. The purpose of these guidelines is to make a distinction between the state of Israel and the occupied territories when it comes to EU support.”¹⁰ Despite their numerous loopholes, the new EU guidelines were

9. Official Journal of the European Union. “Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards,” Retrieved August 10, 2013 from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:205:FULL:EN:PDF>

10. Statement by the Delegation of the European Union to the State of Israel on the European Commission Notice (16/07/2013) retrieved August 10, 2013 from http://eeas.europa.eu/delegations/israel/press_corner/all_news/news/2013/20131607_02_en.htm

observed as a blow by the Israeli administration.¹¹ Supporters of the BDS campaign against the Israeli occupation welcomed the initiative as a stepping stone for international political leadership to begin complying with international law.¹² In addition, there has been a petition signed by 600 Israelis scholars as well as various important persons supporting the EU's new restrictions on settlements goods.¹³ In this sense, for Israel, restoring peace talks was a great opportunity to divert international pressure away from its ongoing occupation.

In North America, the Academic Boycott of Israeli institutions has also gained momentum.¹⁴ For example, the American Studies Association held their 2013 Annual Conference (ASA) in Washington, DC November 21-24. At the conference, a historical vote was passed by ASA to join the academic boycott against the Israeli occupation. The resolution to shun Israeli academic institutions was approved unanimously by the 20-members national council, which has urged the ASA's 5,000 members to adopt it as a policy.¹⁵ Academics are often times the actors who frame the way in which civil societies understand a particular issue and for an important academic institution in the United States to unanimously

vote to support the boycott of Israeli institutions of higher education that are complicit in the elevation of the occupation is an important historical moment.

As such, on a global level, there has been a shift in the way communities of conscious people perceive the occupation of the Israeli state. While it is perhaps an exaggeration to assume that their efforts have an effect on the way the dynamics of the talks unfold, it is still important to acknowledge that the international context in which the Kerry Talks emerge in are not the same as they were during the inception of the Oslo Accords. There is a greater awareness of the asymmetrical dynamic of the peace talks and the Israeli-Palestinian conflict as a whole and this creates an audience that is much more attuned to the abuses generating from the power struggle of the American-brokered peace talks between the Israelis and the PA.

There is a greater awareness of the asymmetrical dynamic of the peace talks and the Israeli-Palestinian conflict as a whole and this creates an audience that is much more attuned to the abuses generating from the power struggle of the American-brokered peace talks between the Israelis and the PA.

11. Laurence Normand and Joshua Mitrick. "Israel Accuses EU of Coercion Over Funding Guidelines," *The Wall Street Journal*, July 19, 2013. Retrieved July 20, 2013 from <http://online.wsj.com/article/SB10001424127887323993804578616024008474506.html>

12. Palestinian BDS National Committee. "The era of sanctions against Israel has started': Official BDS movement statement on new EU regulations against settlements," *Mondoweiss*, July 18, 2013. Retrieved on July 19 2013 from <http://mondoweiss.net/2013/07/the-era-of-sanctions-against-israel-has-started-official-bds-movement-statement-on-new-eu-regulations-against-settlements.html>

13. For more information, see the British Committee for the Universities of Palestine @<http://www.bricup.org.uk/>

14. Lena Ibrahim, "What happened there was historic': A report from the American Studies Association boycott debate", *Mondoweiss*. Retrieved on November 27th, 2013 from: <http://mondoweiss.net/2013/11/happened-american-association.html>

15. Renee Lewis. "American Studies Association endorses academic boycott of Israel", *Al Jazeera America*. Retrieved December 6, 2013 from: <http://america.aljazeera.com/articles/2013/12/5/american-studiesassociationendorsesacademicboycottofisrael.html>

The Arab Spring and the Peace Talks

Regionally, the negotiations eventuate in a transitioning Arab world. The Arab Spring has brought several security challenges for Israel, although none have so far posed a dire threat to it. The ongoing human carnage in Syria, unrest in Jordan, spillovers of the Syrian crisis in wartorn Lebanon, and power vacuum in Sinai accentuated by the military coup in Egypt underlined the tough neighborhood that Israel is at least physically part of.

Abbas described the Egyptian Minister of Defence, Abdel Fattah Al-Sisi, as “level-headed and wise,” saying that “he knows what he wants and the US has realized that what is happening is in Egypt’s best interests and not what the US wanted to happen.”

Abbas and the Coup, Hamas and the Sinai

The coup in Egypt, however, offered an opportunity for Israel because of the return to power of the military and old establishment, both allies of the PA. The Israeli government would suggest that it is more in security. In fact, a Senior Israeli official was quoted to claim that Israel, Saudi & the military backed government in Egypt are “the Axis of reason” in the new Mideast.¹⁶ The recent Fatah leaks highlight the lack of political will by the PA to try and arrive at a political reconciliation with its internal opponent Hamas. Instead, the PA resorted to capitalize on the unrest in Egypt by connecting the militant activities in Sinai with Hamas through a media warfare fabricated to ensure that “Hamas gets the greatest burden of responsibility for the abduction of the Egyptian soldiers as well as the gas fire so that we can finish off Hamas.”¹⁷ Indeed, the recent leaks echo the fallbacks by the PA identified in the Palestine Papers in 2011. The Papers highlight how the PA was ready to sacrifice the most important struggle of Palestinians – the right of return, the settlement question and the status of Jerusalem – at fear of diluting the PA. In fact, Saeb Erekat

had said during a meeting that dissolving the PA “will have serious repercussions on the region... It means handing the region to bin Laden.”¹⁸ In other words, the PA grabs every opportunity it has to keep a legitimacy that it has lost a long time ago.

In his most recent televised interview on November 12, 2013 with the Egyptian television station CBC, Abbas disclosed that what has been occurring in the region, including the coup of 30 June in Egypt “was a popular revolution”. Abbas described the Egyptian Minister of Defence, Abdel Fattah Al-Sisi, as “level-headed and wise,” saying that “he knows what he wants and the US has realized that what is happening is in Egypt’s best interests and not what the US wanted to happen.”¹⁹ Abbas explained that he considers President Morsi’s talk of establishing an Egyptian consulate in Gaza as damaging to the Palestinian cause, pointing out that “the most important player in the Arab world is Egypt, and if it falls, we all fall.”²⁰ According to Abbas, Hamas is the main cause of the hindrance of national reconciliation as they failed to respond to Egypt’s attempts to end the divisions. While the tunnels are the only source of livelihood for the people of Gaza since the Israeli imposed siege in 2007, Abbas stated that the tunnels are illegal and have made 1,800 members of Hamas rich millionaires, claiming that all tunnels should be destroyed.²¹ Hence, the regional unrest could have provided an opportunity for internal solidarity among the Palestinians political factions, instead, the PA tried to protect its personal interests at the cost of political reconciliation.

16. Adam Entous, Charles Levinson and Ellen Knickmeyer. “Allies Thwart America in Egypt,” *The Wall Street Journal*, August 19, 2013. Retrieved August 20, 2013 from <http://online.wsj.com/article/SB10001424127887323423804579023213295900596.html>

17. “Wathayeek jadeeda tafdah Fatah tahridan,” August 8 2013. Retrieved August 10 2013 from <http://aqsatv.ps/?section=details&cid=20783>

18. The Palestine Papers. “Meeting Minutes March 21, 2006 at NAD,” Al Jazeera Transparency Unit, Retrieved on July 25 from <http://transparency.aljazeera.net/files/5173.PDF>

19. “Abbas admits to promoting Al-Sisi’s coup in the West”, *Middle East Monitor*, retrieved on November 13th, 2013 at: <https://www.middleeastmonitor.com/news/middle-east/8307-abbas-admits-to-promoting-al-sisis-coup-in-the-west>

20. *Ibid*

21. *Ibid*

PEACE TALK DEADLOCK: ISRAELI SETTLEMENTS AND FAIT ACCOMPLI Settlement Mushrooms

Meanwhile, since its beginning in July 2013, the peace talks have been jeopardized by the continuous announcement of plans to build thousands of illegal settlement by Israel in the Occupied West Bank and East Jerusalem. Since the talks resumed, Israel has displaced 311 Palestinians through demolitions, over half of whom are children. Today 36 NGOs, including Amnesty, HRW, Oxfam, & Save the Children, urge halt to Israel's demolition of Palestinian homes.²² A case in point is the newly announced settlement project effective as of August 11th, 2013. In fact, Israel has made a major push on settlement building since July 30 with the disclosure to the White House. Indeed, Uri Ariel, Israel's housing minister and a member of the ultranationalist Jewish Home Party announced that 1,200 new settlement units were set to be built, creating new "facts on the ground". Plan includes 942 units in Occupied East Jerusalem neighborhoods Gilo, Har Homa, Pisgat Ze'ev, as well as 394 units in the West Bank.²³

The Praver Plan

The negotiations also take place concurrently with the Israeli government's plan to forcibly displace some 40,000 Palestinian Bedouins living in the Negev desert. The plan, which passed in the Israeli Knesset on June 24, 2013, aims to remove Palestinian citizens of Israel from their villages and concentrate them in state-planned areas,

which resemble Bantustans.²⁴ Despite the gravity of the Praver Plan, it has been a non-issue in the American-led negotiations between Israel and the Palestinian Authority. In other words, both parties have refrained for making any mention of the plan even though it occurred simultaneously as the negotiations commenced. This comes as a disappointment as the last negotiation rounds three years ago were shuttered precisely due to the fact the Israeli administration could not comply with its agreement to freeze settlement expansion.

Netanyahu's Bargaining Chip

Mohammed Shtayeh, a Palestinian negotiator, suggested that the new settlement plans speak to Israel's attempt to "destroy the basis of the solution called for by the international community, which aims to establish a Palestinian state on the 1967 borders."²⁵ Tzipi Livni refused to share remarks on the announcement. Paradoxically, commenting on August 12, US Secretary of State John Kerry claimed that this latest settlement announcement would "not derail talks."²⁶ Kerry's comment is yet another example of how U.S mediation fails time and time again to take a stance that would actually change the power paradigm in efforts to create a context conducive for just peace. Instead, it is offering Israel the space to continue creating new facts on the ground simultaneously as they sit at the negotiating table with the PA.

Most recently, on November 13th, Ariel announced plans for 24,000 new settlement housing units which received outrage from international media. This time around, Netanyahu

22. "20 Years of Talks". Infograph. Aida Agency. Retrieved on November 15, 2013 from: <http://www.aidajerusalem.org/page.php?id=Uzpxue3FV2a951000AmEfMuUOTIK>

23. Fathee Sabah, " Hamas Tanshour al-khoutout al-'arida li-khitat Kerry", Al-Hayat. Retrieved on December 1st 2013 from: <http://alhayat.com/Details/541744>

24. Mirvat Sadeek. "Khiyarat al-falestiniyee hihaal al-mounawara li-isteetan al-akhira", AlJazeera Arabic, Retrieved on Dember 1st 2013 from: <http://www.aljazeera.net/news/pages/5a8ca3a3-6443-4988-ae26-8c2d7d1fefdf>

25. " `atayaat al-istitan dalil `ala `adam jeda Israel fi moufawadaat al-salam", Al-Journal, Retrieved on December 1st, 2013: <http://el-gornal.net/news/news.aspx?id=3051486>

26. Ibid

walked the revelation back claiming that: “This step does not contribute to settlement. On the contrary, there is damage here for settlement. This is a meaningless step – legally and in practice – and an action that creates an unnecessary confrontation with the international community at a time when we are making an effort to persuade elements in the international community to reach a better deal with Iran.”²⁷ In other words, the Israeli Prime Minister is using facts on the ground that is undermining Palestinian livelihood for his own foreign policy towards Iran.

That being said, it is a false picture to assume that the only downfall of the peace talks are the settlements and their use by the Prime Minister as a bargaining chip for his regional realpolitik. Indeed, the land grab of the Palestinian soil continues through other means. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), on average, every week so far this year, Israel has demolished about 12 Palestinian-owned structures in the occupied territories. These include water cisterns, barns and family homes that Israel claims violate the draconian rules it imposes on Palestinian life. On Aug 19, the same statistics reveal that Israel destroyed all the structures in the East Jerusalem Palestinian community of Tel al-Dassa. The same week, Israel re-demolished a Palestinian village called Araquib, in southern Israel, something it has done more than 50 times since 2010.²⁸ It is not just the homes and cities that are being dismantled, according to the United Nations; more than 38,000 trees have been destroyed in the last four years. These olive and lemon trees are the source of livelihood and economic autonomy of many Palestinian families. Thus, the settlements alone are not a deadlock for talk, they need to

be considered within the greater apparatus of repression embedded in the Israeli occupation. As such, it is difficult to foresee a just and fair deal when Israel’s attitude and action during peace talks is, as British-Israeli history Avi Shalim suggest, ‘like a man negotiating the division of a pizza, continues to eat it’.²⁹ Instead, the Knesset is led by one of the most pro-settlements government in Israeli history and Netanyahu is more interested in using the peace talk to neutralize international pressure and perhaps gain some leverage with the U.S. on Iran.

SECURITY COORDINATION

An additional component to take into account when discussing the current context surrounding the peace talks – as well as an important legacy of the Oslo Accord —is the security coordination between the Israeli and PA forces. Today, 20 years after the OA, the Palestinian security sector receives between 28 and 37 per cent of the PA’s total yearly budget.³⁰ Currently, approximately 41 per cent of the total Palestinian public sector works in the security sector.³¹ Yet, Israel continues to claim that Palestinians are not taking the correct measures to ensure the security of Israel. Despite abiding by Israeli concerns, the Palestinians do not understand Israeli security concerns. It is not clear to them why a country with nuclear capabilities like Israel insists on the total demilitarization of a future Palestinian state. According to a recent report by the Israeli Institute for Regional Foreign Policy: “the demand sounds to them like an excuse not to make progress in negotiations, especially since the United States supplies Israel with security guarantees that en-

27. “Binyamin Netanyahu halts West Bank settlement plan”, The Guardian. Retrieved on November 13th, 2013 at: <http://www.theguardian.com/world/2013/nov/13/binyamin-netanyahu-west-bank-settlement-plan>

28. Ibid

29. Ibid

30. Shir, Hever, 2010. *The political economy of Israel’s occupation: repression beyond exploitation*. London; New York, NY Pluto, p. 28-34

31. Ibid.

sure its military supremacy in the region.”³² No matter how robust the training of Palestinian security forces by the United States, the European Union and Canada is, Israel always uses the security card to downplay peace efforts.

In fact, the security coordination has put Palestinian civilians in compromising situations. Especially since August; there has been a growing number of bullying of Palestinian residents undertaking under the guise of the security sector by both Palestinian and Israel security forces. Indeed, since the beginning of the talk in August 2013, refugee camps have become a center of confrontation between the Palestinian Authority security forces and residents, including members of resistance movements. Refugee camps have become the main target of police violence facilitated and executed through the coordination of Palestinian security forces and Israel forces. For example, from August to October 2013, over 15 police raids of the Jenin refugee camp by Palestinian security forces and the Israeli military have been documented by Maan News Agency.³³In addition, the Census Department of the Palestinian Ministry of Detainees published its annual report stating that Israeli soldiers kidnapped 3,874 Palestinians this year, including 931 children. The Census Department said that 1,975 of the kidnapped are

between the ages of 18 and 30 (51% of the total number of kidnapped Palestinians), and that 931 children (24%) below the age of 18 have also been kidnapped by the soldiers, this year.³⁴

Despite the fact that Palestinian security forces are helping the occupation within the confinements of the West Bank, security concerns have always been used by the Israelis as an artificial condition imposed on the Palestinians for statehood.

Yet, despite the fact that Palestinian security forces are helping the occupation within the confinements of the occupied West Bank, security concerns have always been used by the Israelis as an artificial condition imposed on the Palestinians for statehood. This is also translated into American policy towards the peace process. For example, in 2002, with a second attempt at the Peace Process through the Road Map Initiative, the dichotomy became more pronounced in both discourse and policies: Palestinian statehood could only emerge through a security guarantee for Israel. During this US-led initiative, George Bush II made clear to the PA that statehood would be synonymous with reform of security forces. He declared: “the United States will not support the establishment of a Palestinian state until its leaders engage in a sustained fight against terrorists and dismantle their infrastructure. This will require an externally supervised effort to rebuild and reform the Palestinian security services.”³⁵

32. “Insights from a Mitvim policy channel with the Palestinian Committee for Interaction with the Israeli Society,” The Israeli Institute for Regional Foreign Policy, Retrieved on January 3rd, 2014 from: http://mitvim.org.il/images/The_Peace_Process_in_the_Eyes_of_the_Palestinians__Impressions_from_the_Region_12_December_2013.pdf

33. Please refer to Maan News Agency: “Israeli forces destroy workshop near Jenin” 18/09/2013 “Israeli forces detain 8 in West Bank arrest raids” 13/08/2013 “Clashes in Jenin as Israeli forces detain Jihad leader” 07/08/2013 “Israeli forces deny former PA minister entry to village” 12/08/2013 “Israeli forces detain 8 in West Bank arrest raids” 13/08/2013 “Israeli forces detain 5 Palestinians” 12/09/2013 “Israel closes Jenin crossing during Jewish new year” 04/09/2013 “Jenin man dies from injuries sustained in arrest raid” 31/08/2013 “Israeli soldiers shoot, kill man in Jenin camp” 20/08/2013 “Israeli forces raid Jenin village, clash with locals” 19/08/2013 “Palestinian security forces detain nearly 100 across Jenin” 12/10/2013 “Palestinian security forces deploy in Jenin” 05/10/2013 and from the L.A. times: “Palestinian Authority cracks down on lawlessness in the West Bank” 03/10/2013

34. “Report: “Soldiers Kidnapped 3874, Including 931 Children, In 2013” . Retrieved on December 28th, 2013 from: <http://www.imemc.org/article/66640>

35. Bush, George, 2002. Statement by President George Bush in the Rose Garden of the White House, June 24 2002. Available from: <http://www.guardian.co.uk/world/2002/jun/25/israel.usa>

As such, the current peace talks are pushing the creation of a demilitarized Palestinian state, should it emerge. There is very little evidence to suggest that an eventual Palestinian state would change these power dynamics. The Palestine Papers reveal on several occasions conversations around the imperative of a “non-militarized” Palestinian state defined as one “that commits not to develop an army.” Israel has repeatedly clarified its intent to keep a military presence in/over parts of the Palestinian state, and to exercise control over such matters as the airspace, border crossings, and the electromagnetic sphere. In 2001, Shlomo Yanai, a former general in the Israeli army participating in the negotiations at the time discussed how a future Palestinian state needs to have limited weapons in order to protect Israel’s “narrow waist.” Israeli negotiators insisted that talks cannot move forward as long as the Palestinian police forces “are restricted to equipment and weapons to be agreed upon.” During the meeting with Mohamad Dahlan and Omar Dajani, Yanai explained:

“There are two ways to limit your weapons: a positive list, in which you list what you can have, or a negative list in which you list what you cannot have. I do not know what will happen tomorrow, but I want to know what types of weapons you will have and what roles your security forces will play”³⁶

As is the case today, Israel expects to control what comes in and out in terms of weaponry and technology in a future Palestine. More significantly, Israel’s security concern will continue to be the central focus of police training in Palestine at the expense of the security of Palestinian residents. In other words, as is the case today, the Palestinian security force will be asked to put the security of Israel front and center. Instead of occupying a people, Israel will be occupying what will be considered a state of Palestine.

36. “Progress on Security Negotiations”, October 2008. Al Jazeera Transparency Unit. Retrieved on October 5th 2013 from <http://transparency.aljazeera.net/files/3475.PDF>

THE UNSPOKEN

Peace without Hamas

The peace talks have also been a unilateral enterprise for the PA. Hamas was never welcomed or considered as a possible interlocutor in the negotiations even though it won 76 of the 132 seats in parliament in last elections.³⁷ Refusing to change the framework of the peace talks into a more inclusive dialogue will leave whatever outcome between the PA and Israel as a source of alienation to Hamas. Instead of utilizing the peace talks as a venue to reconcile with Hamas to at least attempt to bridge the political division in Palestinian internal affairs, the PA choose to capitalize on Egypt’s unrest in hopes to destabilize Hamas thinking that it would somehow boost the PA’s political leverage.

On this particular point, ironically, commentators inside of Israel have also voiced the need to see reconciliation between the Palestinian factions in order to arrive at some kind of agreement. Indeed, in December 2013, hawkish Habayit Hayehudi leader Naftali Bennett explained that negotiations that did not include leaders from Gaza cannot be taken seriously. “Imagine you are negotiating over a car with someone who only owns half the car, and the owner of the other half says he won’t recognize any agreement you reach,” said Bennett. “You give him all the money but only get half the car.”³⁸ It is counterproductive to ignore the legitimacy that Hamas holds among circles within Palestinian civil society, and it is unwholesome to create campaigns that force a binary understanding of Palestinian leadership. After dismissing Hamas victory, many Palestinians felt alienated by the demo-

37. Ahmed Saeed Nawfal. “Halikat tada’yat fouz Hamas fi al-itikhabaat al-tashiri’ya al-filistinyee 2006,” Middle East Studies Center. (January 26, 2006), Retrieved August 1, 2013 from http://www.palestine-info.com/arabic/books/2006/5_2_06/5_2_06.htm

38. Nimrod Goren, “Israel should support Palestinian reconciliation”, Hareetz. Retrieved on December 24th, 2013 from <http://www.haaretz.com/opinion/.premium-1.565039>

cratic process and betrayed by the leadership of the PA who refused to acknowledge the result of the free and fair elections. If this type of animosity continues to characterize the political arena of Palestine, the Palestinian people will continue to feel disenfranchised and unrepresented. For this reason, the negotiations table should provide an inclusive representation of Palestinians, in the West Bank, Gaza, Israel proper and the diaspora.

Palestinian Legitimacy Crisis

This source of alienation is not only detectable between Palestinian political rivals. It has been greatly expressed by the Palestinian people in the West Bank, Gaza, Israel proper and the Palestinian refugees in neighboring countries. Indeed, Palestinians in the West Bank and Gaza have organized protests against the peace talks.³⁹ More importantly, they voiced their disapproval of the PA's administration on several occasions for the past 5 years, especially concerning security coordination between the occupying forces and the PA security forces.⁴⁰ Arab Israelis have also shared their concern in regards to the peace talks re-emerging as both the Israeli government and the Palestinian authority do not have the Arab Israelis grievances at heart.⁴¹ The public outcry that resonated on the negotiations table demonstrates that the peace talks are fundamentally disenfranchising Palestinian political life at all levels.

Same Old Actors, Same Old Resignations

This sense of alienation should come with no surprise as the Kerry Rounds included at the negotiating table the same timeworn actors present

from the onset of the Peace process saga. Despite that the Palestinian Papers revealed how the PA was ready to appease Israel by literally making concessions on behalf of Palestinians over every important matter; Saeb Erekat is still leading the Palestinian team. Similarly, despite openly declaring that she is "against international law" in the transcripts of past negotiations, Tipzi Livini leads the Israeli team.⁴² This makes it very difficult to assume that compliance with international law and the end of the occupation are or ever were a main concern. Yet, they should be dealt with as the key factors for a just peace. In fact, a symptom of both the unwillingness of the Israeli party to leave its illegal settlement ambitions and the leadership crisis within the Fatah faction and Palestinian political sphere in general is reflected in the continuous resignation of the Palestinian officials in the peace talks. On November 13th, Palestinian officials, led by Saeb Erekat, resigned in protest of the latest announcement of settlement projects by Israel. But this is not the first time such an act of protest is taken by Erekat. In 2011, he resigned over the Palestine Papers. In 2003, during the Bush Road Map, Erekat resigned because Mahmoud Abbas believed he was suitable on the negotiations team this time around. In 2002, the Palestinian cabinet, under Erekat, also wanted to resign out of frustrations from reforms. In fact, the decision to participate in the peace talks this time around was a unilateral decision of Abbas alone. Neither the Palestine Liberation Organization (PLO) nor the Fatah's Central Committee was in favor of returning to negotiations. In total, Erekat is known to have resigned over 11 times both formally and informally.

Moreover, the choice of the special envoy for the peace process by the White House is quite questionable. Indeed, the decision to appoint former U.S. Ambassador to Israel, Martin Indyk,

39. Alaa Tartir. "Arba`a qawa`d asasiya lilmouhadathat al-salam filistinyee-israeliyyee," *Al Quds Ahbar*. August 21, 2013. Retrieved August 21, 2013 at <http://www.qudsn.ps/article/26095>

40. "Palestinians protest opening of US-mediated peace talks," *Al-Akbar Englis*, July 29 2013. Retrieved August 5 2013 from <http://english.al-akhbar.com/node/16561>

41. Ala Hlehel, "Negotiate, but don't forget us Israeli Arabs," *Hareetz*, July 25 2013, Retrieved on July 25 2013 from <http://www.haaretz.com/opinion/1.537807>

42. "Meeting Minutes: 8th Negotiation Team Meeting," *Al Jazeera Transparency Unit*, Retrieved on August 1 2013 from <http://transparency.aljazeera.net/files/2003.PDF>

Instead of utilizing the peace talks as a venue to reconcile with Hamas to at least attempt to bridge the political division in Palestinian internal affairs, the PA choose to capitalize on Egypt's unrest in hopes to destabilize Hamas thinking that it would somehow boost the PA's political leverage.

is yet an additional confirmation that the power dynamics of the peace process remain static since their inception 13 years ago with the Oslo Accords. He began his career in Washington in 1982 working as a deputy research director for the American Israel Public Affairs Committee (AIPAC), a pro-Israel lobbying group with strong access to the U.S. Congress. He also helped found the Washington Institute for Near East Policy in 1985, a think tank known to be pro-Israeli.⁴³ Interestingly, even though Indyk has been publicly skeptical of Israeli-Palestinian talks in both American and Israeli media, he receives a White House appointment as a central player in the negotiations. Conversely, the U.S administration would never appoint someone in that position as a special envoy to the negotiations who has the exact same résumé but from a Palestinian end. This continuity is also transferred to power dynamics. Israel, as an occupying force, holds the power to defect as it sees fit, to accept or refuse any concessions of the final status issues. Indeed, the fact that time and time again, the peace talks have been preconditioned on the unspoken agreement to censor the pressing issues (refugees, Jerusalem, settlements) allows for Israel and the PA to sit at the table as a formality without producing effective change.

43. Richard Falk. "What the appointment of Martin Indyk as US special envoy tells us," Al Jazeera, July 30, 2013. Retrieved August 3, 2013 from <http://www.aljazeera.com/indepth/opinion/2013/07/2013730132025907195.html>

White House's active passivity

The sum of these decisions showcase how, as a broker, the United States acts as an enforcer of Israel position rather than an enforcer of international law without even attempting to pressure Israel to comply with its previous commitments in past negotiations, namely, ceasing the illegal settlement expansion. Thus, while the Obama administration understands that the U.S. is the only international player able to pressure Israel to comply in a relevant matter; it chooses to conform with the concerns of pro-Israel interest groups in the United States when it comes to how it mediates the negotiations. In other words, the United States leaves the power dynamics untouched and continues to appease the Israeli camp. This resistance by the Americans to acknowledge the need to enforce a shift in power dynamic is a fundamental cause of the ongoing failure of the peace talks.

RECOMMENDATIONS

These considerations suggest a rather grim outlook for the future of the peace talks. The more this drags on, the more likely the agreement will alter into a less just outcome. The sense of urgency that Kerry showcases is perhaps measured in this sense. However, there is a window of opportunity that can be seized by the various stakeholders:

- The United States must accept that it plays a greater role than a broker between the Palestinians and the Israelis. Indeed, the United States holds the power to shape the normative framework of the Israeli-Palestinian conflict. As such, the White House should begin by calling the Israeli settlements what they are, illegal. The way in which issues are defined influence heavily the way in which the media, analyst and international actors will choose how to deal with them. In parallel, the United States should publically announce consequences related to the decision of Israel to continue the construction of il-

legal settlements. Therefore the US should, if it were interested in “peace,” stop helping Israel to harm the Palestinians. The Israeli government needs to, once and for all, realize that the land grab of Palestinian space will no longer be tolerated.

- While difficult, reconciliation is an important endeavor to undertake within and by the Palestinian political leadership. Palestinian civil society currently feels disenfranchised by the political rupture since 2006. It would be beneficial for both Hamas in Gaza and Fatah in the West Bank, and other political parties within Palestinian civil society to push for a reconciliation. If this is to be done through the ballot box, it must be done with a complete respect and political consensus on the basic rules of the games. Currently, the Ramallah administration has maintained a monopoly on the negotiations, failing to include different parties within Palestinian society to be represented. This has allowed the negotiation team to undermine many rights of Palestinian without ever consulting the Palestinian people. Palestinians need to be less timid about their political diversity at the negotiation table and ensure that different parties are being represented as to provide a genuine hybrid force at the negotiation table.
- On this point, current talks reveal the necessity to consider new regional brokers in the multilayered process of the negotiations. Turkey, for example, has often pushed for reconciliation efforts between the two factions on both an official and unofficial level since 2006. Turkish officials have received Mahmud Abbas and Khaled Meshal on several occasions in the last two years to discuss the need to unite under a common goal in order to ensure a more representative struggle and energize the Palestinian camp in negotiations. For Fatah, which has arguably lost its legitimacy in the eyes of many

Palestinians, finding a way to include different voices is imperative. On a global level, Turkey has also played an important role in mobilizing the international community at the state level. For example, the UN bid of Palestine in September 2012 generated an important wave of attention on the Palestinian issue and forced the international community to see that Israel and United States are perhaps the only two significant countries that undermine the legitimacy and the right of self-determination of Palestinians at the United Nations. Turkey has also been active in partnering up with Palestinian businesses with the opening of an industrial zone in the West Bank (it attempted to do the same in Gaza but the Israeli authorities did not provide the needed cooperation). Regional countries such as Turkey will be important actors in elevating the conditions of Palestinians by providing a space for economical and diplomatic cooperation to assist in the structuring of Palestinian economic and political life.

- Meanwhile, the various conglomerations of civil society efforts around the world must continue and government officials should pay more attention to them. While the EU effort has been welcomed, there needs to be a greater push by the international community to hold Israel accountable to its human rights violations. That is, the international call of the BDS campaign by Palestinian civil society should be taken seriously and diplomats should begin to push for clear sanctions policy against the continuous violations of international law by the Israeli state. While it can be argued that the BDS has been successful precisely because it operates outside of the boundaries of the official initiatives, it has clearly demonstrated the power to change discourse and motivate officials to act on its principles. This should further continue.

The Kerry Rounds are part of a chronology of attempts at American peace brokering between the PA and Israel. The preliminary talks in D.C come after a three year hiatus caused by dispute over Israeli settlement projects in 2010 when the Obama administration attempted its first try at negotiations. Prior to this, the Road Map by George W. Bush suggested the establishment of security before a final settlement. This entailed an emphasis on building a robust Palestinian security forces to guarantee Israeli security. Today, the Palestinian security sector receives more than 41% of the total PA budget.¹ Other noteworthy chapters in the peace process saga include the 2007 Annapolis, and Bill Clinton's contention with the 2000 Camp David summit.² Most importantly, the genesis of the peace talks, the infamous 1993 Oslo Accords were observed as a breaking point as it was the first time that the PLO and the Israeli government held direct public talks. It was quickly shattered by the killing of Israeli Prime Minister Yitzhak Rabin by Yigal Amir, a religious radical.³ Given the crescendo of failure of U.S. mediations over the years, what elements are worthy of optimism (if any) this time around with the Kerry Rounds?

The following analysis offers a local, regional and global landscape of key issues and actors in regards to the new rounds of the American brokered peace process between Israel and the Palestinian Authority under the Kerry Talks. It first contextualises the Kerry rounds in a rapidly changing Arab world and a growing transnational advocacy campaign for Palestinian rights. This is followed by an overview of current calamities within the Palestinian political sphere as well as the intensification of Israeli land grab and security coordination in the Occupied Palestinian Territory. By connecting the realities on the ground with the power dynamics at the negotiation table, the analysis posits that until the power dynamics are left unchallenged and unchanged at the negotiation table, it is unlikely to expect anything but a grim future from these peace talks.



ANKARA • İSTANBUL • WASHINGTON D.C. • KAHİRE

www.setav.org