

The Israeli-Palestinian Peace Process: Lessons from Oslo

Written by David J. Wilcox

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DAVID J. WILCOX, SEP 14 2020

On September 13 1993, on the lawn of the White House, Yitzhak Rabin, Prime Minister of Israel and Yasser Arafat, Chairman of the Palestine Liberation Organisation (PLO) shook hands, symbolically sealing the Oslo I agreement between Israel and the PLO (Booth and Wheeler, 2008, p. 245). The Oslo I agreement was perceived at the time as having 'inaugurated a new era of hope in the search for peace and justice in Palestine-Israel'. Yet despite over two decades of a 'donor-sponsored' peace process, the Israeli-Palestinian conflict remains 'one of the world's most protracted' (Turner and Hussein, 2015, p. 415). A crucial question for Israelis and Palestinians on all three levels of leadership within conflict societies, from top-level political and military leaders to the grass-roots population (Lederach 1997) and for academics, practitioners, and students within the field of IR and Conflict Resolution is: *where do we go from here?*

Current Stagnation

The stagnation of the Israeli-Palestinian peace process has resulted from both Israeli and Palestinian political elites moving away from the Oslo Peace Paradigm (bilateral negotiations to produce a two-state solution) and pursuing approaches which do not support a renewing of negotiations. Israel has been increasingly moving towards a rejection of the establishing of a Palestinian state based on the 1967 borders, including the West Bank, Gaza Strip and East Jerusalem as the end-goal of any Israeli Palestinian negotiations. This should not be read as a rejection of a two-state solution by Israel in terms of the separation of Israel from Palestine but rather a rejection of the idea of a Palestine as a state). The Palestinian Authority (PA) in comparison has moved away from bilateral negotiations with Israel towards "internationalising" the peace process by looking to bolster support for a two-state solution based on the 1967 borders (Bland, 2014, pp. 183-184; Scheindlin and Waxman, 2016, pp. 83-84). The 1967 border here refers to the 1948 armistice lines (known as the Green Line) established between Israel, Egypt, and Jordan when the Gaza Strip was part of Egypt, and the West Bank was part of Jordan. This has become, in effect, the internationally recognised border between Israel and the Palestinian territories (West Bank, Gaza Strip, and East Jerusalem) (El-Atrash, 2016, pp. 370-371).

The stagnation of the Israeli-Palestinian peace process has been further entrenched by the existence of two rival Palestinian governments since 2007: one based in the Gaza Strip under Hamas and the other in the West Bank under the Fatah-led PA (Allegra and Napolitano, 2011, pp. 270-271; Deets, 2017, p.111). Following the unilateral Israeli withdrawal from the Gaza Strip in 2005 and the 2006 Palestinian elections, which Hamas won, Hamas drove Fatah from Gaza, leading Palestinian President Mahmoud Abbas to dissolve the national unity government and establish a separate administration (Bar-Tal et al, 2010, p. 65). Unlike Fatah and the Palestine Liberation Organisation more generally, which accepted the two-state solution in 1988 (Allegra and Napolitano, 2011, p. 264; Slater, 2001, p. 176), Hamas does not recognise Israel's right to exist as a state, is committed to continued armed struggle and is not prepared to negotiate a peace agreement with Israel, desiring to establish an Islamic Palestinian state across both the Palestinian territories (West Bank and Gaza Strip) and Israel. This makes the potential for negotiations almost impossible (Bar-Tal et al, 2010, pp. 65-66; Caplan, 2010, p. 210).

However, it has been argued that Hamas has unofficially accepted a two-state solution to the Israeli-Palestinian

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conflict and uses its rhetoric and charter for political purposes, firstly to put pressure on Israel and secondly to differentiate it from Fatah (Allegra and Napolitano, 2011, p. 270). Whilst Hamas has continued to control the Gaza Strip, domestic Palestinian support for Mahmoud Abbas as President of the Palestinian Authority has been in decline (Scheidlin and Waxman, 2016, 84).

In addition, the lack of trust between the Israelis and Palestinians has supported the stagnation of the peace process as both sides have come to view the other as unwilling to honour any agreements made (Bland, 2014, pp. 183-184) as well as the lack of willingness by both the leadership and the population to make the necessary concessions to seek a lasting agreement (Hirschfeld, 2014). Within, and across, both Israeli and Palestinian political spectrums it is clear that there has been and continues to be a 'growing pessimism' (Deets, 2017, p. 108) rooted in the experience of the Oslo Peace Process (1993-2001) where agreements were repeatedly made but their implementation was continually delayed or the original agreements were renegotiated (Barak, 2005, p. 730).

At the societal level, there continues to exist competitive perceptions of victimhood both amongst Israelis and Palestinians in which the past experiences of the Jewish Holocaust and the Palestinian Nakba, whilst shaping concerns for security (Israel) and resolution of the refugee issue (Palestine), remain as unacknowledged traumas of one population by the other (Hameiri and Nadler 2017). Furthermore, the national narratives of both conflict parties have remained unchanged, despite the implicit implications of the Oslo Peace Process that the '1967 Green Line would become the limit of their future territory *and* their future history' (Khoury, 2016, p. 471, emphasis in original). In part, this is due to issues of history and national narratives being connected to final-status issues like the status of Jerusalem, the future of Palestinian refugees, and the final borders. The result has been that the 1967 line is largely omitted from maps within the educational literature of both the Israelis and the Palestinians, for example (Khoury, 2016). Indeed it has been argued that ambiguity with the Oslo I Agreement reflected Israel's desire not to concede the establishment of a Palestinian state and to the PLO's desire not to abandon its ideological claim to establish a Palestinian state across the West Bank, Gaza and pre-1967 Israel (Morag, 2000, p. 208).

Two State or One State Solution?

Potential solutions to the Israeli-Palestinian conflict can be broadly divided into two categories: (a) Two-State Solution (TSS) – based on the separation of the Israeli and Palestinian populations into two separate states with the State of Israel continuing to exist and the State of Palestine being established in the West Bank, Gaza Strip, and East Jerusalem; and (b) One State Solution (OSS) – which focus on the formation of a single state containing both Israeli (Jewish) and Palestinian (Arab) populations (Allegra and Napolitano, 2011, pp. 261-262). An OSS to the Israel-Palestine issue has been outlined to include either a bi-national state with collective rights for Jews and Arabs, a power-sharing mechanism for the state, or a unitary democracy in which individual rights are assured with Arabs as a majority and Jews as a minority (Khamaisi, 2010, p. 729).

The TSS for Israel can be seen as a means to resolve the conundrum over whether Israel can exist as a "Jewish" and "democratic" state given the demographic implications of attempting to retain the West Bank and Gaza Strip with their majority Palestinian population as well as the impact of the resolutions to the Palestinian refugee issue. In comparison, the PLO initially focused on an OSS from 1968 before endorsing a TSS in 1988 (Allegra and Napolitano, 2011, p. 263). The inclusion of both West Bank and Gaza into Israel through an OSS, however, undermines both Jewish (Israeli) and Arab (Palestinian) self-determination (Kaufman and Bisharat, 2002, p. 74).

Whilst a TSS is perceived as increasingly unfeasible due to realities on the ground, and a OSS equally unachievable as a result of religious and nationalist sentiments within Israeli and Palestinian society, making them unlikely to accept a liberal-democratic model, a third-way has been suggested. The third-way solution (TWS) is built on confederalism models of two independent states but with an open border, a shared Jerusalem, and a separation between 'citizenship' and 'residency' (Scheidlin and Waxman, 2016). All three sets of solutions however face the same problem: they are almost irrelevant because the Israelis and Palestinians are simply not negotiating with each other.

Nevertheless the main areas of disagreement in which neither the Israelis nor Palestinians have been able to reach

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agreement relates to the TSS (Deets, 2017, p. 108). Such disagreement concerns the *borders* and *nature* of a future Palestinian state, status of Jerusalem, a solution to the post-1967 Israeli settlements in the West Bank, and a solution to the 1948 and 1967 Palestinian refugee issue (Deets, 2017, p. 108; Bar-Tal et al, 2010, p. 73). The demarcation of the final, mutually agreed upon border between Israel and a Palestinian state has remained a point of negotiation in which land-swaps have been discussed (Hirschfeld, 2014). However, this has been made more complicated by the construction of the Separation/Security Wall in the West Bank, which rarely follows the line of the 1967 Green Line (El-Atrash, 2016). Given the territorial separation of the West Bank and Gaza Strip, the establishment of connecting infrastructure between the two has been argued to be vital for the territorial integrity and viability of a future Palestinian state. Nonetheless, these have proven consistently difficult to establish due to the violence of the Second Intifada (Post-2001) and the blockade of the Gaza Strip from 2007 following Hamas's election victory and the conflict with Fatah (Khamaisi, 2010, pp. 724-725). Israeli settlement within the West Bank has a similar impact on the viability and integrity of any future Palestinian state (Bland, 2014; Scheindlin and Waxman, 2016; Schulze, 2001, p. 216).

In addition, security forms a major issue concerning the establishment of a Palestinian state in relation to both internal and external security for Palestine and Israel (Hunter and Jones, 2004). Security does not necessarily have to be conceived in military terms but in terms of identity, in which the historic experience of the Jews has embedded a concern for both physical survival of the Jewish population but also Jewish religious and ethnic identity (Olesker, 2011). Furthermore, the allocation and use of groundwater taken from aquifers in the West Bank and the Jordan River is an ongoing issue of contention that will need to be resolved (Gasteyer et al, 2012; Godlewski, 2010). Water also forms an important part of Israeli-Palestinian-Jordanian relations (Hoffman, 2006, pp. 110-135).

However, the single biggest issue facing the Israeli-Palestinian Peace Process, I would argue, is that there simply is *no peace process* in the sense that there are no negotiations taking place. As with the period of 1989-1991 when there were extensive unofficial discussions (track II) diplomacy between Israelis academic, military leaders and low-level politicians and Palestinian leaders from the West Bank and Gaza (Hirschfeld, 2014), what is needed is a clear roadmap of *how to get back to the negotiating table* without which any roadmap to a resolution of the Israeli-Palestinian conflict is practically useless (though theoretically important of course).

Lessons from Oslo

Given the current stagnation within the Israeli-Palestinian peace process, what lessons can be drawn from an examination of the Oslo Backchannel negotiations between December 1992-September 1993 on how to move the peace process forward?

Lesson One: Breakthroughs take time to prepare

The road to the 1993 Oslo I agreement between Israel and the PLO began before the first meeting in Sarpsborg in January 1993. The preparatory work began as early as 1989 between key Israeli and Palestinians who had connections to both the Israeli Labor Party and the PLO (Ashrawi, 1995; Hirschfeld, 2014; Waage, 2000) yet it would not be until December 1992 that the Oslo Backchannel started to emerge (Aggestam, 2002b; Agha et al, 2003; Nissen and Waage, 2015). As Hirschfeld (2014) outlines there were numerous meetings during the period between Israelis connected to the Israeli Labor Party and Palestinians within the West Bank and Gaza with links to the PLO, and these meetings were crucial to preparing the ground for future negotiations. It was these discussions which crucially connected different individuals with unofficial and official links to the Israeli Labor government (Dr. Yair Hirschfeld and Dr. Ron Pundak), the PLO (Ahmed Qurei) and the Norwegian Labor government (Terje Larsen and Mona Juul) which set the negotiations in motion from December 1992 (Hirschfeld, 2014; Waage, 2004; 2000). Given the current stagnation in the peace process between Israel and the PA, lower-level governmental official and unofficial representatives must continue dialogue with one another in order to support a renewing of official negotiations.

Lesson Two: Draw on Multiple Tracks

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Conceptually, diplomacy can be understood in terms of different tracks. Diamond and McDonald (1996) outline a total of nine different tracks and though all are important and play a role in conflict resolution, two tracks generally receive the most attention: track I diplomacy focused on official and formal interactions between political leaders and decision-makers, political appointees and governmental employees, and track II diplomacy focused on unofficial interactions between individuals from academic or professional backgrounds. Between track I and track II, there is also the possibility for track I ½, in which one side is represented officially and the other unofficially (Lieberfeld, 2005, p. 111; Wanis-St. John, 2011, p. 81).

Turner and Hussein (2015) argue that the Oslo Peace Paradigm of 'track one, elite-level, negotiated two-state solution is in crisis... if not completely at an end' (pp. 415-416). Yet arguably the Israeli-Palestinian peace process established by the Oslo Backchannel and the Oslo I agreement was never solely a track I process but rather a two-track process involving at times complimentary, and at other times divergent, track I front channel and backchannel negotiations (Wanis-St. John, 2011) supported by extensive track II discussions (Hirschfeld, 2014). As Hirschfeld (2014) outlines, track II discussions can take place when political parties are part of national unity governments (for example Israeli Labor Party engaging Palestinian leaders from the West Bank and Gaza between 1989-1992 whilst in government with Likud) and whilst in opposition (for example the Israeli Labor Party during the Netanyahu-led Likud government of 1996-1999). Israeli and Palestinian businesspeople can play a key role in developing policy initiatives that support both the Israeli-Palestinian peace process as well as regional cooperation (Golan-Nadir and Cohen, 2017). Additionally so can non-governmental think-tanks (Hirschfeld, 2014) and joint Israeli-Palestinian non-governmental organisations (Maoz, 2004).

As Hirschfeld (2014) demonstrates in his chapter on track II discussions during Benjamin Netanyahu's first term (1996-1999), the presence of a Netanyahu-Likud led Israeli government does not necessarily mean that dialogue does not or cannot continue, but what is crucial is for individuals, whether inside or outside the governmental sector, to consider the future beyond the current government. What is vital then is that whilst track I negotiations are not taking place, track II discussions are actively pursued and developed by those who are prepared to put the effort in on both sides and to continuously feed these discussions into both the Israeli government and PA even when it seems that such efforts will not bear immediate results.

Lesson Three: The Ideas Are Already Out there

It is a natural human proclivity to want to re-invent the wheel. The 2020 "Peace To Prosperity" plan developed by the US administration under Donald Trump is not new in this regard (given the number of peace plans already in existence) and it might not even be original. Given that twenty-seven years have passed since the 1993 Oslo I Agreement – which built on existing agreements namely the 1978 Israeli-Egyptian Peace Deals and existing publications on regional and economic cooperation developed by influential Israelis (Shimon Peres) and Palestinians (Ahmed Qurei) (Hirschfeld, 2014) – there are enough ideas already out there to draw on from historic Israeli-Palestinian negotiations as well as those involving the US on how to resolve the conflict (and vast array of academic publications to go with them).

What is required more immediately is a clear basis for returning to the negotiations and the allocation of resources to supporting that effort. Track II discussions (Hirschfeld, 2014), Backchannels (Wanis-St. John, 2011) and Interactive Problem Solving Workshops (Lederach, 1997; Kelman, 2005; 1997) have all been demonstrated to have historically enabled Israelis and Palestinians (both those connected to and inside the respective leaderships) to work through specific issues at the time – and most poignantly given the current situation – to move past the lack of official dialogue and negotiations. The Netherlands, Norway, and Sweden have all been involved in these types of initiatives over recent decades (Hirschfeld, 2014) as has non-governmental think tanks such as the Israeli Economic Cooperation Foundation (ECF) and the Norwegian Institute for Applied Science (FAFO) (Aggestram, 2002a; 2002b; Agha et al, 2003; Hirschfeld, 2014; Waage, 2004)

Lesson Four: The US does not have a monopoly on Third-Party Involvement

Contrary to what some may argue, the US does not have a monopoly when it comes to mediating the Israel-

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Palestinian conflict. Whilst the US under George H. Bush and later Bill Clinton played a key role in facilitating the Israeli-Arab negotiations (1991-1993) and the Israel-Syrian track in particular (Ross, 2004; Quandt, 2005a; 2005b), the Clinton administration paid little attention to the Israeli-Palestinian negotiations in 1993 (Eisenberg and Caplan, 1998, p. 109) and when it did, it sided with Israel (Aruri, 2003, pp. 87-90). It was through the involvement of Norway that the 1993 Oslo Backchannel emerged and produced the 1993 Oslo I Agreement between Israel and the PLO (Behrendt, 2007; Waage, 2004). Both Israel and the PLO had positive relations with Norway (Agha et al, 2003; Schulze, 1999; Waage, 2007); PLO Chairman Arafat in particular believed Norway could play a mediation role between Israel and the PLO because of its ties with Israel and the US (Waage, 2005; 2004; 2002) whilst Israel accepted Norway's role because of its historic support for Israel in the United Nations and Europe (Waage, 2007; 2005; 2002). This is not to say that Norway's role did not have its problems (See – Butenshon, 1997; Pace, 2018; Waage, 2008) however it demonstrates that it is possible for states *other* than the US to have a positive impact on the Israeli-Palestinian conflict and to facilitate and even mediate the conflict. The crucial factor is to have balanced relations with both the Palestinians and Israelis.

Where Do We Go From Here?

The 1993 Oslo Backchannel between Israel and the PLO, and the Oslo I agreement it produced, embedded the concept that the resolution of the Israeli-Palestinian conflict lay solely in the hands of the Israelis and the Palestinians and not those who might choose to act as intermediaries (Shlaim, 2014, p. 534). As the recent Israel-United Arab Emirates peace agreement has demonstrated, the Israeli-Palestinian peace process has been pushed down the scale of importance within the region. This has been further demonstrated by the Israel-Bahrain peace agreement. However as September 13th 2020 marks the 27th Anniversary of the Oslo I agreement, it is time to return to that paradigm of bilateral negotiations. New ideas are not needed: what is needed is a return to the negotiating table. The question of where we go from here is about how can that be achieved.

As has been outlined in this article, four lessons can be drawn from the 1993 Oslo Backchannel to help address this question: *firstly* that any Israeli-Palestinian breakthrough requires time to be developed so the current stagnation should serve as an incentive to prepare the ground for the future; *secondly* that the lack of movement on the track I level should serve as an encouragement to look to track II discussions to continue the dialogue in the interim and support the renewing of track I negotiations; *thirdly* that there are already enough ideas and methods out there regarding how to resolve the Israeli-Palestinian conflict, what is needed is a focus on getting both sides to the table; *fourthly*, the US is not required for this role and that in the absence of the US playing a balancing role, other third-party states with close relations with both the Israelis and Palestinians should step into the void, drawing on the historic experience of the Netherlands, Norway, and Sweden. The Israel-UAE peace agreement and the possibility of other Arab states following suit (proven by the Israel-Bahrain peace agreement only days ago) demonstrate the importance of the Israeli-Palestinian bilateral negotiations being renewed and particularly by the Israelis and Palestinians themselves. Whilst the peace process remains stagnant at the state-level between Israel and the PA, there is space and opportunity – and more importantly – *need* for below track I ½ and track II discussions to continue and develop and the insights developed from them to be fed back into their respective leaderships. Third party-actors particularly European states can and should support these efforts particularly when the US and Arab states seem increasingly uninterested.

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