Palestinian Settlement and US Policy

There was a sense of déjà vu on 23 April as the Palestinians announced (for the fourth time since 2007) that rival factions Fatah and Hamas had reunited, ending the seven-year split that began in June 2007.

The agreement stipulates that a government of national unity be formed within five weeks of the signing of the agreement, meaning by the beginning of June. Six months after that, parliamentary and presidential elections are to take place.

The new agreement was announced amid a backdrop of stalemate in the American-sponsored Israeli-Palestinian negotiations. The talks were restarted – yet again – by the Americans in August 2013. But the stated deadline (April 29, 2014) came and went without results because Israel refused to halt settlement and pressed its exceedingly stringent demands on the final status of the Palestinian territories. In reply to nearly all their questions and concerns, the Palestinians and the Americans heard a firm "no" from Jerusalem. Added to these refusals was a laundry list of Israeli conditions: legal recognition of all Israeli settlements on land occupied by Israel in 1967, the waiving of Palestinian refugees' right of return, acknowledgment of Israel as a "Jewish state," the continuation of military control of the Jordan valley, and so on.

Because of those demands, nary a thing was accomplished on the creation of a Palestinian state. John Kerry traveled to the Middle East seven times during the negotiations to press that point, yet he couldn't get Jerusalem to budge. The Israelis openly laughed in his face. His almost pitiable request that Israel stop settlement construction to create a favorable climate for negotiations was greeted with unbridled negativity. And his assertion that Israel will become a country of apartheid unless it grants the Palestinians a chance at statehood fell on deaf ears.

The Palestinians have almost no remaining leverage over the situation, and Fatah, which controls the West Bank, is especially powerless. On Israeli-occupied territory, more than 160 settlements have been built in the past 40 years. More than 600,000 people are housed in these settlements alongside a Palestinian population that numbers 2.8 million. Israeli settlements are situated on strategic heights and control 80 percent of the water supply. The largest ones, such as Maale Adumim, bisect the territory of a future Palestinian state, all but robbing it of its contiguity. Just in the past nine months, the time frame in which negotiations were supposed to have been completed, Israeli authorities have approved the construction of 14,000 dwellings and the destruction of 300 Palestinian residences. Anyone who has been to this area knows that there is almost nothing left of the famous Field of Shepherds, near Bethlehem. It is being overrun by the inexorable advance of the Gilo settlement, beginning in East Jerusalem. Bethlehem itself, the birthplace of Christ, is surrounded by a concrete wall 10 meters high. From the west, the Beitar Illit settlement encroaches on Bethlehem, while Beit Scaria impinges on it from the south and Gush Etzion from the east.
In light of this, the Palestinian reunification is perfectly understandable. Each side benefits. Hamas has been extremely weakened since the ouster of Egyptian President Mohammed Morsi, and its popularity in the Gaza Strip is being diminished. The new Egyptian military authorities, who are anything but favorable to the Muslim Brotherhood, have almost sealed Gaza's border with Egypt. Relations have soured with its former sponsor, Qatar, which "snatched" Hamas away from Iran, or, more accurately, "outbid" Iran after the Arab Spring.

Palestinian President Mahmoud Abbas is in an even worse predicament. He cannot surrender any more of the Palestinian position without losing all credibility in the eyes of his own people. So in that light, his union with Hamas and his "march to the United Nations" (declaring his readiness to join 15 UN conventions and special institutions) give him a chance to strengthen his position in the face of an increasingly radical Israel. The main thing, though, is to preserve the PLO's most basic achievement: the levers of Palestinian authority in the West Bank. Abbas hopes to persuade the U.S. to agree to a "technocratic government" of national unity without Hamas' direct participation. That would allow the government to achieve legitimacy either through elections or the appointment of a successor Abbas deems acceptable.

All of that is quite clear. There's something else that's not clear. Why has the White House tried time and again to restart Israeli-Palestinian peace talks? And why is it that nothing has become of every single attempt?

There are many reasons, presumably. Foremost among them is the United States' partiality not just toward Israel but toward the political forces bidding to slowly absorb the Palestinian territories. It is no accident that the Israeli politicians who truly believed in the possibility of peace with the Palestinians based on the two-state principle were removed by those forces from the political arena. These forces claimed Yitzak Rabin, Ehud Olmert and Ariel Sharon as victims. Despite his hard-line approach to the Palestinians, "Iron Arik" or "the Bulldozer," as Sharon was known in Israel, nevertheless decided to pull out of Gaza. And for that he incurred the most damning ultra-Orthodox Jewish curse, the Pulsa diNura. In 2006, he collapsed and fell into a coma, remaining comatose until the end of his days. This onslaught by Israeli radicals was something the United States did not know how to stop and did not wish to stop.

The second reason for the United States' failure is just as convincing. The Americans want the whole thing in their hands so they can take credit for peace in the Middle East. If Washington has had any achievement to speak of in this regard, it was the 1979 Camp David Accords between Israel and Egypt. All the other agreements resulted from collective international efforts. Let's bring up the Madrid Peace Conference. The White House has long since stepped away from that line because it wants to maintain the illusion of a unipolar world. It practically buried the quartet of international mediators and has lately put itself at odds with Moscow over Ukraine. These actions have acutely worsened the chances of bringing about Israeli-Palestinian peace and also a political settlement of the Syrian conflict.

The third reason, and possibly the main reason, why the United States has been unable to end the Israeli-Palestinian conflict is its opportunism. The 1991 international conference in Madrid was essentially a bribe paid to the Arabs so that that they would tolerate the Americans' first incursion into Iraq (the liberation of Kuwait ) and the American military build-up in the region. The renewed push at the beginning of the 2000s (the "road map" and the creation of the quartet) was needed to justify the overthrow of Saddam Hussein. Following that, it was used to force Middle Eastern countries to accept the Americans' regional "democratization" plans, which were packaged in the so-called "Partnership with the Broader Middle East and North Africa" launched in 2004 by the Group of Eight.

Since 2013, the White House has been trying to score a breakthrough with the Palestinians by joining that goal with the creation of a favorable environment for rapprochement with Iran. The idea is to allay the fears of Persian Gulf partners who have strong objections. At the same time, radicals in Iran would be left without an argument, and Hezbollah would no longer be able to wave the banner of fighting Israeli occupation of Palestinian lands. But these efforts have stalled because they were hurried and clumsy. American diplomats are undoubtedly less adept nowadays, and thus the "Iranian maneuver" has gone awry to the point of embarrassment. The only winners are the Israelis, who repeatedly use American games to expand settlements in the West Bank and further blur the international legal framework for a Middle East settlement.

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**Background:**

*I will offer a brief overview of how the peace process between Israel and Palestine was conceived. In 1991, drawing upon Resolution 242 from 1967 and 338 from 1973 enacted by the UN Security Council (one of them talks about*
withdrawing Israeli troops from the “territory which they had occupied in the recent conflict”, while the other is about the necessity of commencing peace talks between the conflicting parties “under the necessary international supervision”), the U.S. and the USSR acted as co-sponsors, called together an international conference and, among other things, launched direct talks between Israel and Palestine. This led to the conclusion of the so-called Oslo-I Accord ("Declaration of Principles") between Israel and the Palestine Liberation Organisation on September 13, 1993, which provided for the creation of a Palestinian National Authority on the West Bank and in the Gaza strip, an interim body that would be replaced with a permanent government in 5 years.

This agreement was of an interim nature and did not directly state that talks about the permanent status of the Palestinian territories must lead to the creation of an independent Palestinian state, although this was somewhat implied. The resolution of key issues (borders, the fate of refugees, settlements, the status of Eastern Jerusalem) was put off until talks about the “final status”.

To implement the Declaration of Principles, the parties first signed the Gaza-Jericho Agreement (1994) and then Oslo-II (1995), which institutionalised the Palestinian authorities on the West Bank and in Gaza. The Palestinians were already on a slippery slope even at this point due to taking the American and the Israeli words to heart and not establishing in writing either the role of the Palestine Liberation Organisation as the single legal representative of the Palestinian people or the legal foundation for further negotiations (specifically: declining to reference Resolution 242 of the UN Security Council). The Organisation’s leadership agreed to divide the Palestinian Autonomous Territories into three zones – A, B and C. The first would be under the full control of Palestinian authorities, the second under joint control and the third, which is also the largest (62%), would be completely under Israeli control in terms of security. In accepting these enslaving conditions and hoping for the best, the Palestinians had no idea that their main negotiation partner that they have come to trust – Yitzhak Rabin – would be killed in November of 1995 by extremists who were not interested in the negotiations succeeding. After this, all of the mistakes and concessions afforded by the Palestinian leadership would be used by the Israelis against them, while Benjamin Netanyahu who came to power would derail the resolution train by rolling out expansive settlement activities on Palestinian territories. He is still doing that today after returning to power through a few “cadences” as they call it in Israel (after the period when Ehud Barak, Ariel Sharon and Ehud Olmert held the post of Prime Minister).

Further attempts at finding a resolution to the conflict did not end successfully. These included the 1996 talks in Taba on the issue of the “final status”, the Wye River Memorandum of 1998, the Sharm el-Sheikh Memorandum of 1999 and especially the trilateral talks behind closed doors in 2000 at Camp David (the parties were especially close to reaching an agreement here), the road map of 2003, the efforts of the “quartet” of international mediators created under Moscow’s initiative (Russia, U.S., EU and UN) and the international conference in Annapolis in 2007. Israel continued to build settlements while the Palestinians (Hamas in particular) began the so-called second Palestinian intifada in 2003 “in retaliation”, which Israel labelled as clear terrorism. Then Palestinian leader Yasser Arafat did not support the terrorism, but the Israelis suspected him of insincerity and double dealing so they set up a strict blockade at his Mukataa residence and in 2004, he suddenly passed away under mysterious circumstances. The death of the “father of the Palestinian nation” was the prelude to the split in the Palestinian ranks.

Israel retaliated to the “intifada”, just as it is currently retaliating to the union between Hamas and Fatah, by halting negotiations and then in 2005, it began to implement a one-sided plan which was not discussed with Palestinian authorities to disengage the Gaza strip and to dismantle four Jewish settlements in north Samaria (the so-called West Bank of the Jordan River).

On September 15, 2005, Israeli troops finished withdrawing from the Gaza strip. However, at the same time, the Israelis did not submit this decision to the UN as the end of the occupation of this part of Palestinian territory, which would be complying with a portion of Resolution 242. (This is how they operated with respect to Lebanon when they withdrew their troops from the country’s southern regions and announced to the UN that they had executed Resolution 425 of the UN Security Council.) The Israeli authorities maintained full control over the strip’s borders as well as its air, marine and electromagnetic space (that is, they announced a complete blockade of the sector), which greatly contributed to the growth of Hamas popularity, as it was not a part of the Palestine Liberation Organisation and, unlike the organisation, it has never recognised the State of Israel.

As a result of the blockade, Hamas retaliated with furious militant raids and the bombardment of Israel and was able to win over a significant amount of supporters. In 2006, it won a majority in the Palestinian parliament, which it soon used to instigate a coup in the Gaza strip, establish its own authority there and simply drive out Fatah representatives.
After this incident, as is mentioned above, any of the numerous attempts at reunification undertaken by the two leading branches of the Palestinian movement have never led to any successes.

As early as in February of 2007 and aided by Saudi Arabia, the heads of Fatah and Hamas were able to reach an agreement and create a coalition government. The international community once again demanded that the new Palestinian government recognise Israel, disarm the militants and halt violence. However, the agreement did not last long and despite efforts by interested parties, including Russia (the Hamas leader flew to Moscow twice), the split in the Palestinian ranks was not mended. All attempts at reunification, in Cairo, Doha, Mecca and Sana, where agreements were even signed, did not lead to tangible results.

Within this new environment of the Palestinian split, Barack Obama attempted to renew the peace process, famously presenting his now acclaimed speech at the Cairo University in 2009. In a year, on September 2, 2010, negotiations once again began between the Israelis and the Palestinians and were intended to last one year, but they hit a roadblock very quickly. This is primarily due to the fact that construction of settlements still continues while the Palestinian authorities have refused to recognise Israel as a "Jewish state" as was demanded by Netanyahu.

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