

Palestinian-Israeli Negotiations in the Biden Era



By Hani Al-Masri*

the possibility of resuming this process in the immediate term based on the principles and terms of references that have governed previous negotiations.

Under Donald Trump's leadership, US politics opted for a complete, open bias towards Israel, full partnership with Israel's right-wing movement, and the uninhibited acceptance of the occupation. This formula, however, did not provide a political solution for either Palestinians or Israelis, even though it favored Israeli interests. Instead, it aimed to impose the Israeli solution on the ground, forcing Palestinians to accept the situation or at least live with it.

Palestinians understood the proposal that was guided by the Trump-Netanyahu vision as an attempt to completely liquidate the Palestinian question. The worst aspect of this vision was the plan to annex 30 percent of West Bank territory to Israel while transferring the residents of the area called *Al-Muthalath* (the Triangle, a series of villages along the Green Line, currently part of Israel) to the "State of Palestine." If this deal were to be implemented, however, the Palestinian "state" would carry no more than the name. Lacking the features that could qualify it to be considered a state, it would not be able to function as such. In other words, the proposed Palestinian state would be nonviable. Still, large segments of the Israeli right and radical-right wings rejected the deal because it referred to a Palestinian state and limited the annexation to 30 percent of the land – whereas the original Zionist plot included the creation of the State of Israel on the entire land of historical Palestine.

Joe Biden has won the US presidency and returned to proposing a two-state solution and the revival of negotiations and the political process. This reality has sparked dialogue about



■ A mural on the separation wall in Bethlehem.

It should be noted that Biden's administration is not rushing the resumption of negotiations, as stated by some senior officials, most notably Secretary of State Anthony Blinken, nor is it aiming to enforce the two-state solution. The issue is not a priority, as this administration embarked on its term by combatting the COVID-19 pandemic and addressing domestic division and economic problems, not to mention its troubled relations with China, Russia, and Iran.

According to the US vision, the Palestinian and Israeli sides are not ready for negotiations. Israel has been going through two years of repeated elections due to its inability to form a lasting government. The Palestinians remain politically divided while planning legislative and presidential elections and completing the membership of the Palestinian National Council. Nobody is able to predict the outcome of Palestinian elections, let alone whether or not

The interim situation intended to end by 1999 still persists and in fact aims to constitute the final status, falsely labeled a "Palestinian state." If negotiations take place, Israel will insist that they be governed by the current status and endeavor to sustain this status.

they will be held, considering the ongoing fierce competition and long list of 36 candidates, while over 93.3 percent of the qualified voters are registered.

What matters to the US administration is the ability to preserve the status quo. It hopes to stop any further deterioration of



■ Palestinians demonstrate in front of Israeli soldiers during a protest in the Israeli-occupied West Bank. Photo courtesy of *Middle East Eye*.

the situation by preventing either party from taking unilateral steps, until an enabling environment is created. At that time, we can expect negotiations to resume but with the aim to manage rather than solve the conflict. Actually, the gap between the Palestinian and Israeli positions is widening, to the extent that it seems impossible to reach a peace agreement in the near future.

In addition, we should not expect that the Biden administration will place any serious pressure on the Israeli government: It will merely express “concerns” when grave violations of international law are committed, such as land confiscation, settlement expansion,

the imposition of the siege, arbitrary arrests, house demolitions, or even cold-blooded extrajudicial killings of innocent Palestinians in front of running cameras. The Biden administration will focus on managing rather than solving the conflict, as can be seen in its choice of not retracting from the previous administration’s decision to transfer the US embassy to Jerusalem and overlooking the issue of refugees and their right of return, not to mention the international resolutions that provide for the creation of the State of Palestine – all of which are issues that currently may not be subjected to negotiation, as Israel outright refuses to consider them.

Furthermore, the current administration is delaying the resumption of diplomatic relations with the Palestinian leadership and has not yet reopened PLO offices. No senior-ranking contacts have been initiated with the Palestinian side. Blinken announced that his administration’s position toward the Palestinian Authority depends on the latter’s position toward “terrorist” organizations. The US administration has also confirmed that any contact with the Palestinian government before or after the elections is conditioned by the Palestinian acceptance of the Quartet conditions – without imposing similar conditions on the Israeli government.

Future negotiations must consider the lessons learned in previous negotiations when Palestinians made heavy concessions that curtailed their rights and left them without leverage. Recognition of the State of Israel must be matched with the recognition of a State of Palestine rather than merely the right to self-representation.

To elaborate a bit more: Netanyahu is still the strong man in Israeli politics and the original drafter of Trump’s deal and vision. Because it is not possible to implement it entirely or immediately, he will (try to) implement it incrementally. As Israel’s right and radical-right parties still enjoy a large majority in the Knesset, they hinder any Israeli decision to resume serious negotiations, not to mention reach a peace agreement.

Despite these conditions, some political initiatives and attempts have been made and others may still emerge, such as President Mahmoud Abbas’s proposal to hold an international peace conference, which received broad international acceptance. There are also attempts to reactivate the International Quartet



■ Palestinians gather on June 22, 2020 to stage a protest against Israel's annexation plans in the West Bank. Photo by Issam Rimawi, courtesy of *Middle East Monitor*.

Committee, while China proposed an initiative to resume negotiations, as did Russia and many Arab countries.

But actually, no realistic vision could seriously predict a resumption of the political track in a manner that would lead to a peace process. The situation is very different now from the peace process without peace that was upheld in order to cover for the occupation's creation of new facts on the ground that aimed to render the one-sided, Israel-proposed solution the only practical and possible path. Consequently, unless changes in the regional geopolitical situation and changes in the dynamics of power on the ground take place, there is no political horizon for a serious peace process. We might witness quasi-negotiations or shuttle meetings to prepare for negotiations, but if an agreement to resume negotiations in an international conference should be reached, this conference is not likely to be effective. While it might present a platform for the resumption of negotiations that abide

by the Israeli conditions, Israel will not easily accept a resumption of negotiations of final-status issues because it considers that it has already settled these issues, in its own favor, and cannot backtrack. The authority and tasks of the PA may be expanded and perpetuate limited self-rule – further extending the situation that was intended as a five-year interim arrangement by the 1993 Oslo Accords.

Palestinians must therefore prioritize the conceptualization of a global vision that leads to a united strategic

Palestinian national resolve to continue popular resistance must be activated in order to sow the seeds that will bear fruit during the negotiations.

leadership with unified national institutions and joint authority, including the PLO on the basis of a full partnership. Such a framework will strengthen the will to continue a multifaceted struggle to change the power balance in Palestine and engage in a serious political process to reach a final status agreement that does negotiate Palestinian rights enshrined in international law and legitimacy. Instead, such negotiations will aim to secure these rights. This goal remains unachievable, however, as long as we lack unity – the achievement of which should be our national priority and necessity.

Any future negotiations should draw lessons from previous ones. The Palestinian side has made many mistakes, most importantly submitting all its cards at the outset, which left it with no cards to play in the actual negotiations. Palestinians recognized Israel's right to live in peace and security, condemned resistance, and retroactively called their struggle for justice terrorism, which left them without any means to fight for their rights and dissolved the infrastructure of their struggle. Approval of the Paris Protocol led to the Palestinian economy becoming dependent on the Israeli economy. All these concessions were made in exchange for Israel's recognition of the PLO as the representative of the Palestinian people and the creation of a self-ruling authority. While this enabled some officials and leaders of PLO factions and their families to return to the West Bank and Gaza Strip, these results in no way match the concessions that Palestinians made. Notably, Israeli concessions failed to include the recognition of any

Any negotiations must be preceded and accompanied by comprehensive resistance that is a natural right guaranteed by international law.

Palestinian rights, such as the right of return, equality for our people in the lands occupied in 1948, the right to self-determination, and the establishment of a Palestinian state on pre-1967 borders. In the Oslo game, Israeli negotiators achieved all they wanted from the outset and thus lost interest in conducting any serious negotiations. After all, Israel is the stronger on the ground. It can implement or refrain from implementing any agreement without any repercussions.

Therefore, in any future negotiations, the Palestinian strategy must be based on the refusal to start where previous negotiations ended. Too many mistakes were made. Palestinian agreement on the principle of land swap, for example, was misinterpreted and has been used to seemingly legitimize settler colonial expansion and the annexation of settlement blocks to Israel. Similarly, previous negotiations accepted that an agreed-upon solution should be reached to settle the question of refugees, which provided Israel with the opportunity to veto any decisions on this issue that forms the essence of the Palestinian question. This underlying pattern has drawn many other major and minor concessions

from Palestinians, preventing meaningful gains. For this reason, any new negotiations must start by abolishing previous concessions, which includes withdrawing – or suspending – the recognition of Israel and renegotiating other major concessions. It will be necessary to agree on what the final status will be and that it will be based on international law and UN resolutions. It is not acceptable to negotiate the right of Palestinians to have a state. Negotiations must take place between states.

Based on this understanding, future negotiations must recognize and consider the partition plan of UN Security Council Resolution (UNSCR) 181, UNSCR 194 on the refugees, the legal opinion of the International Court of Justice in The Hague, and other UN resolutions.

The sponsoring framework for these negotiations must be provided by the United Nations through an international, full-fledged, continuous conference and must stay away from bilateral negotiations that give advantage to the powerful party. Negotiations must avoid sole US sponsorship since it is biased towards Israel, as it must avoid the Quartet that has played a secondary role, closer to a false witness. Other players must be invited, including China, Arab countries, Turkey, and Iran, and the new negotiations cannot be based on previous accords that compromised Palestinian rights and conciliation. It is important to understand that negotiations do not depend mainly on the skills and maneuvers of

negotiators but reflect the existing power dynamics, which include the states and forces that are concerned with and influence such negotiations.

Finally, negotiations are not a matter that should be restricted to the Palestinian leadership and the negotiations department. They must ensure broad national participation, be transparent, and remain subject to accountability and monitoring through various legitimate national institutions. These negotiations need to benefit from the competencies, expertise, and information that the Palestinian people possess in all their institutions and individuals wherever they are.

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