



## THE GHOSTS OF NEGOTIATIONS PAST: HOW PALESTINIANS ARE APPLYING PAST LESSONS TO THE CURRENT PEACE PROCESS

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### INTRODUCTION

Despite the launch of indirect, “proximity” talks between Palestinians and Israelis, Palestinian President Mahmoud Abbas continues to resist a resumption of direct negotiations with Israel absent a full settlement freeze. As chairman of the Palestine Liberation Organization (PLO) and president of the Palestinian Authority (PA), Abbas also insists that any new negotiations pick up where previous talks left off in December 2008 and that the parties spell out ahead of time a clear “end-game,” including a timetable for concluding negotiations. While these may seem like unreasonable preconditions, Palestinian reluctance to dive headfirst into yet another round of negotiations is rooted in some genuine, hard-learned lessons drawn from nearly two decades of repeated failures both at the negotiating table and on the ground.

Not only have negotiations failed to bring Palestinians closer to their national aspirations but the peace process itself has presided over (and in some ways facilitated) a deepening of Israel’s occupation and an unprecedented schism within the Palestinian polity. Such failures have cost the Palestinian leadership dearly in terms of both its domestic legitimacy and its international credibility. While it remains committed to a negotiated settlement with Israel based on a two-state solution, the PLO/PA leadership has been forced to rethink previous approaches to the peace process and to negotiations, as much for its own survival as out of a desire for peace.

Haunted by past failures, Palestinian negotiators are now guided, to varying degrees, by six overlapping and sometimes conflicting lessons:

1. Realities on the ground must move in parallel with negotiations at the table.
2. Don’t engage in negotiations for their own sake.
3. Agreements are meaningless without implementation.
4. Incrementalism does not work.
5. Avoid being blamed at all costs.
6. Don’t go it alone.

### LESSON #1

#### REALITIES ON THE GROUND MUST MOVE IN PARALLEL WITH NEGOTIATIONS AT THE TABLE

More than anything else, two decades of peace-processing have taught Palestinians that for any negotiations process to succeed, realities on the ground must move in parallel with—or at least not in opposition to—negotiations at the table. For Palestinians, nothing does more to demonstrate Israeli bad faith than Israel’s drive to create “facts on the ground”—most notably its ever-expanding settlement enterprise, along with the ancillary policies of home demolitions, residency (ID card) revocations, and internal closures. And nothing does more to undermine the Palestinian leadership’s political standing and domestic credibility than continuing to engage in a negotiations process while Israel persists in expanding settlements and undertakes other measures designed to pre-determine the outcome of those negotiations.

Under the 1995 Israeli-Palestinian Interim Agreement (Oslo II), the parties agreed that “[n]either side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.”<sup>1</sup> However, Israel has interpreted this provision narrowly, arguing it applies only to the *legal* status of the occupied territories rather than to their physical or demographic status.<sup>2</sup> And although the specific need for a settlement freeze was addressed belatedly, first in the 2001 Mitchell Report and then in the 2003 Quartet Road Map, the Palestinians’ failure to secure a cessation to settlement activity throughout the previous decade of negotiations has haunted them to this day.

During the Oslo years, from 1993-2000, Israel’s settler population in the West Bank and Gaza Strip grew by an unprecedented forty percent, even as the parties were ostensibly negotiating the fate of these areas. It was also around this period that Israel began to impose the first of many access and movement restrictions on Palestinians in the West Bank and Gaza Strip, beginning with the June 1991 requirement to obtain permits to enter Israel or Israeli-annexed East Jerusalem, followed two years later by the introduction of military checkpoints along the 1967 line (“Green Line”) and the municipal boundary of Israeli-defined Jerusalem. Additional checkpoints were added following the Oslo Agreements in 1995 between Areas B and C.<sup>3</sup> Since then, the internal closure regime has been vastly expanded to comprise nearly six hundred physical barriers, including some ninety checkpoints throughout the West Bank.<sup>4</sup>

Since Oslo, attempts to reinvigorate the peace process or initiate negotiations were frequently accompanied by a surge in Israeli settlement activity. This was certainly the case after the November 2007 Annapolis Conference, when on December 2, 2007—just days after the Bush administration had brought Israelis and Palestinians back to the negotiating table for the first time in nearly seven years—the Israeli government published tenders for more than 300 new housing units in Har Homa, a strategically-located settlement in East Jerusalem established during the Oslo years.<sup>5</sup> Much like the announcement of 1,600 new units for the East Jerusalem settlement of Ramat Shlomo during Vice President Joe Biden’s March 2010 trip to Israel, the timing of the Har Homa project was highly suspect from the point of view of Palestinians and many in the international community. Then, as now, the announcement of a new settlement project in East Jerusalem just as the parties were about to restart nego-

tiations, triggered a crisis that threatened to derail the process even before it started. Like the Ramat Shlomo announcement, the Har Homa tender was roundly condemned by the international community, including U.S. Secretary of State Condoleezza Rice, who said that “there just shouldn’t be anything that might try and judge... the outcomes of final status negotiations. It’s even more important now that we are really on the eve of the beginning of those negotiations.”<sup>6</sup>

Despite angry protests by the Palestinians, Israeli Prime Minister Ehud Olmert, though expressing regret over the timing of announcement, refused to cancel the Har Homa tender. Har Homa was only the first of many new Israeli settlement projects announced in the weeks and months after Annapolis. In fact, in the year after Annapolis, during which negotiations were taking place, Israel issued tenders for 2,300 settlement housing, more than the previous two years combined.

For President Abbas and his government, however, the stakes were considerably higher. The PLO leadership was split over how to deal with the Har Homa crisis, even as public pressure on Abbas mounted for him to quit negotiations. Already severely weakened by Hamas’s takeover of the Gaza Strip just a few months earlier, the Palestinian leadership faced a critical choice—either take a principled stance and pull out of negotiations, thereby incurring U.S. anger and international disapproval, or continue to negotiate despite ongoing settlement activity (as they had done throughout the Oslo years), and risk further eroding their domestic standing among the Palestinian public.

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## LESSON #2 DON’T ENGAGE IN NEGOTIATIONS FOR THEIR OWN SAKE

President Abbas ultimately relented and remained in the Annapolis peace process, largely due to U.S. pressure. This despite the fact that very few of those involved—Israelis, Palestinians, and Americans alike—actually believed the Annapolis process could succeed. President George W. Bush himself, entering his final year in office and saddled with two unpopular wars and sagging popularity at home, was only nominally engaged in the process, leaving it to his secretary of state to shoulder the burden more or less alone. Fewer still believed that Prime Minister Olmert, facing a criminal indictment and likely resignation, had either the man-

date or the internal political backing to conclude a peace deal with the Palestinians.

Annapolis was not the first time Palestinians had yielded to U.S. pressure on matters of process over substance—a pattern that was virtually institutionalized throughout the Oslo years in the 1990s. Meanwhile, three formal rounds of permanent status negotiations—Camp David in 2000, Taba in 2001, and Annapolis in 2007—along with a dizzying array of protocols, memorandums, summits and other micro-initiatives—the Hebron Agreement, Wye River Memorandum, Sharm el-Sheikh Memorandum, Tenet Plan, Mitchell Report, Road Map, “Disengagement,” etc.—all failed to produce an agreement, or even to generate sufficient momentum toward one. Moreover, since no politician, movement, party, or government has unlimited political capital, each of these failures exacted a heavy price on all those involved—especially, as the weakest party, the Palestinians.

Although the 1995 Interim Agreement promised to resolve all outstanding issues within five years—including Jerusalem, settlements, borders, refugees, and security—by May 1999, the end of the “interim period,” the process had succeeded only in generating more process. As deadlines came and passed, U.S. officials became increasingly focused on keeping the process alive, irrespective of any progress made or whether previous obligations had been met. At the end of the Camp David process, on President Bill Clinton’s last day in office, the PLO’s Negotiation Affairs Department offered the following assessment of the previous seven years: “Under US supervision, the Palestinian-Israeli ‘peace process’ has become a goal in and of itself. A false sense of normalcy has been created because of the ongoing process of negotiations.”<sup>77</sup>

Notwithstanding such critiques, the PLO, particularly its dominant Fateh faction, has been somewhat complicit in this phenomenon—at least until recently. Since its historic recognition of Israel (within its pre-1967 borders) and its strategic decision to pursue a negotiated settlement with Israel in 1988, the PLO has rarely turned down an opportunity to negotiate. Therefore, unlike Hamas, which derives its political and street credentials from “resistance,” the PLO/Fateh derives its legitimacy and relevancy mainly through negotiations.

Moreover, in the face of Hamas’s growing political and military strength, particularly after the start of the Al-Aqsa Intifada in 2000, the PLO/Fateh leadership felt

even greater urgency to return to negotiations, which was—and remains—its only means to bring about change. Despite the rise of the Fateh-affiliated Al-Aqsa Martyrs Brigade early in the Intifada or the rhetorical homage paid to “armed struggle” during its party congress in July 2009—which may be seen more as attempts to avoid being outflanked by Hamas than as a genuine shift in strategy—the PLO’s dominant faction remains the party of negotiations and not of resistance.

Herein lies the paradox for the Palestinian leadership: On the one hand, as the party of negotiations, only Fateh and the PLO can deliver a deal with Israel. At the same time, their willingness to engage in seemingly perpetual negotiations with little to show for them has severely eroded their moral and political legitimacy in the eyes of many Palestinians.

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### LESSON #3 AGREEMENTS ARE MEANINGLESS WITHOUT IMPLEMENTATION

As a corollary to the above lesson, Palestinians have also come to understand that any agreement, without a reasonable assurance of its implementation, is essentially meaningless. The recent past is littered with agreements that were painstakingly negotiated but never implemented.

The 1995 Interim Agreement, for example, called for a gradual transfer of power from Israel to the PA through three “further redeployments” (FRDs). Although Israel had agreed to complete these by October 1997, it only carried out two FRDs (and only after multiple delays and several rounds of renegotiation) and never implemented the third. While the Palestinians viewed these as major breaches of signed agreements, the Israelis pointed to various Palestinian violations of the Oslo Accords, such as the PA’s bloated and multiplicative security forces and incitement.

The same held true a decade later. Most provisions of the November 2005 Agreement on Movement and Access (AMA), concluded shortly after Israel’s unilateral “disengagement” from Gaza, went unimplemented almost immediately after it was signed. While Israel claimed the Palestinians had failed to reform the border agency as the AMA required, the Palestinians accused Israel of renegeing on virtually all other provisions. Regardless of who was to blame, there is little doubt that the AMA’s lack of implementation, which resulted in the de facto closure of Gaza’s borders, contributed

greatly to the events that followed, including Hamas's surprise electoral victory in January 2006 and its violent takeover of Gaza in June 2007, as well as the dramatic increase in Palestinian rocket fire at Israeli towns.

Previous attempts to identify the reasons for the lack of implementation of a particular provision or agreement typically deteriorated into mutual accusations of the “he said/she said” variety, resulting ultimately in a continuation of the status quo. Such experiences have prompted Palestinian demands for the creation of a robust *monitoring & verification mechanism*, under the auspices of a trusted third party, as an integral component at all stages of the process.

#### LESSON #4 INCREMENTALISM DOES NOT WORK

The chronic lack of implementation and failure to adhere to agreed-upon deadlines has permanently soured Palestinians against anything resembling incrementalism. Whereas the logic of the Oslo process was to put off the toughest issues until the end, experience has taught Palestinians that these issues only get harder over time—if only because of ever-changing “facts on the ground.” Consequently, Palestinians have come to believe that attempts to manage the conflict rather than *resolve* it are destined to fail.

The entire Oslo process was premised on the notion that incremental progress on smaller-scale, “day-to-day” issues (e.g., security cooperation, the gradual transfer of administrative responsibility, improved economic conditions, etc.) would help build confidence between the parties and enable them to tackle the more central issues of the conflict further down the road. However, the success of this formula rested on two key assumptions: first, that current arrangements would be *temporary*; and more importantly, that the *status quo* would continue in the meantime—both of which were thoroughly and repeatedly breached almost from the start. The reality was that settlements continued to expand at unprecedented rates throughout the Oslo years and during subsequent negotiation processes. Meanwhile, endless delays and missed deadlines effectively transformed such “interim” arrangements into permanent realities.

Without a genuine, “loophole-free” settlement freeze and a concrete timetable for concluding negotiations, the Palestinian leadership has little to gain from engaging in a process that historically has only eroded their negotiating positions and undermined their domestic legitimacy. As far as the Palestinians are concerned, the days of “interim agreements,” “provisional solutions,” and “con-

structive ambiguity” have long since passed. This includes what Palestinians have come to view as pretexts for delaying a comprehensive peace deal, such as the “security first” (and its close ally “reform first”) doctrine that prevailed throughout most of the previous decade, along with similarly diversionary promises of “economic peace” like the one now proposed by Prime Minister Netanyahu. This also explains why Palestinians have consistently opposed the option of a “state with provisional borders”<sup>8</sup> and other *ostensibly* temporary initiatives—today’s “provisional” arrangement is likely to become tomorrow’s permanent reality.

Palestinian aversion to partial and piecemeal approaches applies equally to matters of substance. Hence, Palestinians generally oppose (though not always consistently or successfully) attempts to break out or otherwise postpone certain permanent status issues from others, such as by agreeing to negotiate “borders first,” thereby putting off issues such as Jerusalem and refugees, which Israel has historically sought to avoid negotiating. Throughout the Annapolis talks, for example, Israel sought agreement on borders that excluded “Greater Jerusalem,” and then later to postpone the issue of the Old City (and the Haram/Temple Mount) in negotiations on Jerusalem. To Palestinians, such delays could only be seen as a way to buy time—and provide political cover—for the creation of even more Israeli “facts on the ground.”

#### LESSON #5 AVOID BEING BLAMED AT ALL COSTS

When President Abbas and his negotiators decided to remain in the Annapolis process, even in the face of dramatically increased settlement activity, they did so with the memory of Camp David fresh in their minds. Yasser Arafat’s initial reluctance to accept President Clinton’s invitation to the July 2000 Camp David peace summit is now well known. In addition to citing the parties’ general lack of readiness, Arafat also expressed his fear that Palestinians would be blamed should the summit fail—both of which eventually transpired.

Since then, the Palestinian leadership has been virtually obsessed with avoiding blame for any failures in the peace process. While U.S. pressure may have been behind the Palestinians’ initial decision not to quit the Annapolis process, the decision to *continue* in the process throughout most of the following year—despite continuing “facts on the ground” and major doubts about the seriousness of the process—was driven largely by a desire to avoid being blamed for its failure.

This thinking is also evident in internal matters, most notably with regard to Palestinian security efforts. Unlike in the past when Arafat might have been tempted to leverage PA security forces against Israel, the current PA leadership is determined not to allow the issue of Palestinian security performance to serve as a pretext for delaying progress in political negotiations. As a result, both President Abbas and Prime Minister Salam Fayyad have repeatedly sought to reassure Israel that Palestinian security cooperation would remain a constant, irrespective of progress (or lack thereof) made at the political level.

This mindset has worked both for and against the Palestinians. On the one hand it has allowed them to assume a “leave no stone unturned” posture in the quest for peace, thus endearing them to the United States and the broader international community. On the other hand, their determination not to be painted as the “party of no” has opened them up to charges from certain Palestinian and Arab quarters of being “serial negotiators,” further eroding their credibility. Such conundrums highlight the inherent tensions between competing Palestinian interests, and serve as further incentive for Palestinians to stay away from negotiations.

## LESSON #6 DON'T GO IT ALONE

In light of the Palestinians’ traditional predisposition for multilateralism and internationalization, the PLO’s strategic shift toward bilateralism throughout the Oslo years now looks to have been a losing bet. The 1993 “Declaration of Principles,” which launched the troubled Oslo process, was the result of a secret “back channel” between Israel and the PLO with little outside intervention, save that of their Norwegian hosts. Palestinians again went solo when they reluctantly agreed to attend the Camp David summit in July 2000, only to realize that their ability to conclude an agreement on Jerusalem, refugees, and other regional issues without the involvement of key stakeholders in the region was severely limited. As a result, Palestinians have now come full circle.

Having concluded that bilateral negotiations *alone*, even with active U.S. engagement, are not sufficient to overcome the vast power imbalance with Israel, the Palestinian leadership has intensified efforts to internationalize the conflict and mobilize multilateral action at both the regional and international levels. Early signs of this were evident in Palestinian appeals for an “international pro-

tection force” in the early days of the Al-Aqsa Intifada,<sup>9</sup> as well as the PLO’s decision to refer Israel’s construction of the “separation wall” in the West Bank to the International Court of Justice in 2004.<sup>10</sup> More recently, some senior Palestinian officials have even floated the idea of bypassing negotiations altogether by seeking a UN Security Council resolution recognizing “a Palestinian state along the June 4, 1967 borders, with East Jerusalem as its capital.”<sup>11</sup>

Having been greatly weakened over the last decade, the Palestinian leadership understands it can no longer afford to act alone. Furthermore, given the nature of regional and international involvement in both Israeli-Palestinian affairs and intra-Palestinian disputes, it may not even have the ability to do so even if it wanted to. The fact that some forty percent of the PA’s \$3.1 billion budget comes from international donors, three-quarters of it from western nations, undoubtedly informs its political and even diplomatic decisions and priorities.

At the center of the Palestinians’ renewed drive for multilateralism is their growing reliance on Arab states for political, material, and moral support. In recent years, the Palestinian leadership has intensified efforts

to coordinate a negotiation strategy with Arab states—particularly Egypt, Saudi Arabia, and Jordan. The Palestinians’ enthusiastic support for the 2002 Arab Peace Initiative, which called for a comprehensive regional peace based primarily on a resolution of the Palestinian question and which now lies at the core of the PLO’s diplomatic strategy, exemplifies Palestinian reliance on Arab patronage.

In many ways the Arab world serves as the Palestinians’ “strategic depth,” helping to offset (however modestly) the power imbalance with Israel. Moreover, the Palestinian leadership’s growing reliance on Arab states is a direct outgrowth of its rapidly declining domestic and international standing. Keenly aware of its own political and diplomatic weakness, the Palestinian leadership must rely on Arab states to provide “political cover” not only for resuming negotiations with Israel<sup>12</sup> but even for affirming its own legal-political legitimacy. For instance, President Abbas’s need to obtain official Arab League endorsement for extending his term as PA president, which technically expired in January 2009, is a telling sign of his waning legitimacy—particularly since his leadership of the PLO, which claims to be the “sole legitimate representative of the Palestinian people,” was and remains unchallenged.

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As with other lessons, however, there is a downside to Palestinian dependence on international, especially Arab, support. The limits of Arab support were demonstrated most clearly following the 2009 publication of the Goldstone Report, a report commissioned by the UN to investigate the twenty-three-day Gaza War that began in December 2008 and which accused Israel and Hamas of engaging in war crimes.<sup>13</sup> When the Goldstone Report came up for a vote at the UN Human Rights Council, however, Abbas was subjected to enormous U.S., Israeli, and international pressure—including from many Arab states—to postpone the vote. When Abbas succumbed and agreed to postpone the vote, sparking mass outrage among Palestinians and others around the world, many of those same Arab states joined the international chorus of voices harshly condemning him for the decision. Although he reversed his decision, the Goldstone debacle left Abbas personally wounded and severely weakened politically.

## CONCLUSION

Having borne the brunt of nearly two decades of failed negotiations, the Palestinians are now attempting to apply lessons from past negotiations to the current peace process, albeit in ways that are often inconsistent and even paradoxical. Moreover, through all of these lessons runs one overarching message, one that is now deeply ingrained in the leadership's collective psyche: the PLO/PA's repeated failure to deliver a peace deal with Israel, or even improvements on the ground, has a direct impact not only on its "street" popularity or electoral prospects but on its ability to govern as well—as demonstrated most dramatically by Hamas's takeover of Gaza in June 2007.

The prospect of failure is never attractive or empowering for any party; but whereas American and Israeli leaders would likely live to fight another day, the same probably cannot be said of the current Palestinian leadership. Former U.S. negotiator Aaron David Miller recently wrote of how President Clinton told members of the U.S. negotiating team as they set out for Camp David, "Guys, trying and failing is a lot better than not trying at all."<sup>14</sup> Miller's anecdote highlights a point he believes the former president missed—that the United States actually could *not* afford a high-profile failure at Camp David, and did in fact pay a price for it. If this can be said of the world's sole superpower, what then of the Palestinians?

Whereas the PLO's 1988 decision to pursue a negotiated settlement with Israel was in every way a strategic choice, its need to deliver an acceptable and fair peace agreement with Israel may now be an existential imperative. In a very real sense then, Palestinian demands are actually not demands at all, but *needs*. Thus, the insistence on a comprehensive and genuine settlement freeze or on a clearly defined "endgame" is no longer just a matter of principle or international law or even of the "viability" of a future state; rather, it is about the feasibility of the two-state proposition itself, as well as how and by whom the Palestinians will be governed. Needless to say, both the United States and Israel have a stake in both of these.

The Palestinian leadership's reluctance to engage in direct negotiations, for now consenting only to indirect, "proximity" talks, is to varying degrees a reflection of each of these lessons. Ironically, even as the Palestinians' capacity for compromise on the substance of negotiations has remained fairly constant over the years, their room to maneuver on matters of *process* has narrowed significantly. Equally ironic, this new Palestinian assertiveness comes at the very moment when the United States appears to be most interested in resolving the conflict and most willing to address Palestinian concerns.

In many respects, the Obama administration appears to have internalized many of these same lessons—even if only partially and not always consistently. While the current administration appears to be more attuned to the precariousness of the Palestinian leadership's position, it is far from certain that it will remain so. As proximity talks get underway, the success of the process will be determined in large part by how the United States responds to future Palestinian dilemmas or crises, namely whether it will seek to accommodate Palestinian concerns as it is beginning to do now, or whether it will expend valuable time, resources and opportunities on the unlikely (and ultimately self-defeating) goal of trying to pressure Palestinians into relinquishing these basic needs.

<sup>1</sup> “Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip,” Article XXXI(7), September 28, 1995.

<sup>2</sup> Not surprisingly, Palestinians reject this Israeli interpretation. Moreover, the United States shares the view that Oslo’s “status” provision does apply to prejudice resulting from Israeli settlement activity. For an illustration of the U.S. position, see President George W. Bush’s statement on January 10, 2008 during his visit to Jerusalem just before leaving office: “Neither party should undertake any activity that contravenes road map obligations or prejudices the final status negotiations. On the Israeli side that includes ending settlement expansion and removing unauthorized outposts. On the Palestinian side that includes confronting terrorists and dismantling terrorist infrastructure.” “President Bush Discusses Israeli-Palestinian Peace Process,” The White House, January 10, 2008, available at <<http://georgewbush-whitehouse.archives.gov/news/releases/2008/01/20080110-3.html>>.

<sup>3</sup> Area B refers to areas of the West Bank under Israeli security control and Palestinian civilian control, and Area C refers to West Bank areas under full Israeli military and civilian control, which comprises more than sixty percent of West Bank territory.

<sup>4</sup> “West Bank Movement and Access Update” (November 2009), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), available at <[http://www.ochaopt.org/documents/ocha\\_opt\\_movement\\_access\\_2009\\_november\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_movement_access_2009_november_english.pdf)>.

<sup>5</sup> Har Homa is currently the single fastest-growing settlement in the occupied territories, with a highly *unnatural* growth rate of around 240 percent annually.

<sup>6</sup> “Remarks by Secretary of State Condoleezza Rice at NATO Headquarters,” Federal News Service, December 7, 2007.

<sup>7</sup> “An assessment of US involvement in the Palestinian-Israeli Peace Process Over the Last Seven Years,” Prepared by the Legal Unit of the PLO Negotiations Affairs Department, January 20, 2001, available at <<http://www.monde-diplomatique.fr/cahier/proche-orient/usinvolvement>>.

<sup>8</sup> This is certainly true of the PLO/Fateh leadership in the West Bank. Strangely enough, however, Hamas has not ruled out the possibility of a “state with provisional borders.”

<sup>9</sup> Palestinian calls for an “international protection force” began almost immediately after the outbreak of the Al-Aqsa Intifada, though the PLO only submitted a formal request to the United Nations, which also called for an official “commission of inquiry” in late October 2000. However, the United States and Israel strongly opposed a protection force and objected to an inquiry that was under UN auspices. On October 17, after convening Middle East leaders in Sharm el-Sheikh, President Clinton commissioned a “fact-finding” team headed by former Senate majority leader George Mitchell to look into the causes of the violence. The “Sharm El-Sheikh Fact-Finding Commission” (or “Mitchell Committee”) issued its official findings and recommendations on April 30, 2001.

<sup>10</sup> The ICJ issued its advisory opinion on the wall in July 2004, in which it held, *inter alia*: “The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law.” “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” International Court of Justice Summary of the Advisory Opinion of 9 July 2004, available at <<http://www.icj-cij.org/docket/files/131/1677.pdf>>.

<sup>11</sup> “Uraiqat: al-qiyada ta‘mal ‘ala hashd awsa‘ ta‘yid lil-i‘tiraf bi ad-dawla fi majlis al-amn” [Erakat: Leadership working to garner broader support for recognition of the [Palestinian] state by the Security Council], *Al-Ayyam* (in Arabic), November 14, 2009, available at <<http://www.al-ayyam.ps/znews/site/template/article.aspx?did=126442&Date=11/14/2009>>.

<sup>12</sup> The Arab League formally endorsed the resumption of “proximity” talks on March 3, 2009, only to threaten to rescind it days later following news of Israeli plans to build 1,600 new units in the East Jerusalem settlement of Ramat Shlomo. After tensions had died down, the Arab League again endorsed Palestinian-Israeli negotiations on May 1, 2010, thus paving the way for Abbas to engage in indirect talks with Israel.

<sup>13</sup> For the text, summaries and other materials related to the Goldstone Report (officially known as the “Report of the United Nations Fact Finding Mission on the Gaza Conflict”), see

<<http://www2.ohchr.org/english/bodies/hrcouncil/specialesession/9/FactFindingMission.htm>>.

<sup>14</sup> Aaron David Miller, “The False Religion of Mideast Peace,” *Foreign Policy*, May/June 2010.

