

25 YEARS AFTER *the Oslo Accords*

TIME FOR A NEW NARRATIVE



A QUARTER OF A CENTURY HAS PASSED SINCE THE FIRST of the Oslo Accords, a beacon of hope to end conflict between Israel and the Palestinians, was signed.

In September 1993 powerful images of the Palestinian Liberation Organisation's (PLO) Yasser Arafat shaking hands with Israeli Prime Minister Yitzhak Rabin resonated around the world. Following months of negotiations mediated by Norway, the two leaders signed a Declaration of Principles to kick-start a process of more detailed talks. The opening paragraph of the declaration proclaimed:

The Government of the State of Israel and the Palestinian team representing the Palestinian people agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security to achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process.

Fast forward to 2018 and those words sound tragically hollow. The Oslo Process has manifestly failed to deliver the “just, lasting and comprehensive” peace it promised. Its inability to achieve anything beyond nominal Palestinian self-rule has allowed the Israeli military occupation of Palestinian Territory to continue, driving violence, instability and widespread violations of international humanitarian and human rights law. Temporary agreements appear to have become permanent reality. Life in the occupied Palestinian territory (oPt) is increasingly impoverished and hopeless.

This report from the Association of International Development Agencies (AIDA) draws on the collective experience of more than 80 organisations working in the oPt. We see every day that the hopes of 1993 have been dashed. The international community's political inertia failed to ensure Oslo's promises and has limited donors' long-term possibilities to relieve suffering and improve socio-economic prospects in the oPt.

Third States must act now to uphold rights and hold all parties accountable to the letter and the spirit of Oslo's pioneering promises, putting the chance of full self-determination, economic development and peace back within reach.

▶ Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat shake hands on the Oslo Accords I with US President Bill Clinton in September 1993



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OCTOBER 1991

Madrid Conference—first meeting of Israeli, Lebanese, Jordanian, Syrian and Palestinian representatives since 1949

JANUARY 1993

Israeli academics and PLO representatives began secret talks in Norway

MAY 1993

Israeli government joins talks, Norwegian Foreign Minister Jorgen Holst mediates

18–20 AUGUST 1993

Secret final text of Declaration of Principles initiated by negotiators, details of mutual recognition designed



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INITIAL STEPS TOWARDS SELF-DETERMINATION

THE OSLO ACCORDS DID NOT ALWAYS SEEM DOOMED.

In the early days of negotiations, some initial steps were made towards Palestinian political, social and economic self-determination, in the form of autonomous self-rule.

▶ **The Palestinian National Authority (PNA)** was established as a temporary governing body until full Palestinian statehood was granted. In spite of limited powers, the creation of the PNA gave Palestinians a taste of self-rule in their native land. It also enhanced their place on the political world stage, strengthening their status as a people with a right to self-determination, in the form of a sovereign state. This was controversial but crucial for the exiled PLO.

- ▶ **Israel agreed, and enacted, a withdrawal** of its occupying force from the cities of Gaza and Jericho —apart from in and around Israeli settlements.
- ▶ **The West Bank was divided** into three distinct zones—A, B & C—with the PNA given control over the minority of territory in Area A. This was at least a partial step towards ending the occupation.
- ▶ **An agreement was reached** that G7 countries and “other interested states” would be approached to fund a “development programme” for the oPt.
- ▶ **Palestinian elections** were successfully carried out across the West Bank, Gaza and East Jerusalem. Arafat was elected president by a landslide and the new Palestinian Legislative Council was established.

13 SEPTEMBER 1993

Declaration of Principles, or *Oslo I*, publicly signed by Yitzhak Rabin & Yasser Arafat

MAY 1994

Gaza-Jericho Agreement: Palestinian National Authority established, key economic agreements made

JULY 1994

Arafat arrives in Gaza to lead the PNA

OCTOBER 1994

Arafat, Peres & Rabin awarded Nobel Peace Prize. Israel signs peace treaty with Jordan



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REAL-LIFE IMPACTS

IT IS IMPORTANT TO RECOGNISE THE LIMITED SUCCESSES of the Oslo process and its initial unprecedented strides towards Palestinian self-determination and statehood. In the beginning, with the international community pushing for agreement on steps forward, some progress towards peace and an end to the occupation was achieved.

However, the fact that these limited temporary measures are still in place is evidence of the wholesale failure to sustain political pressure and ensure that agreements on the vital “permanent status” issues were made.

The Declaration of Principles expressly committed to holding negotiations “as soon as possible” on the existential issues of “Jerusalem, refugees, settlements, security arrangements, border, relations and cooperation with their neighbors and other issues of common interest.” Future agreement on these issues was referenced as pivotal to ensure the peace process succeeded overall.

But without significant pressure from outside it became clear that the parties alone would not be able to negotiate, let alone successfully agree, these enduring problems.

Contrasting the limited achievements from the early days of mediated negotiations with the dire reality for people living in the oPt today shows the human cost of the lack of agreement on these core issues.

The following sections highlight this contrast by illustrating the humanitarian and development crises caused by the illegal annexation of East Jerusalem, settlement expansion, the blockade of Gaza and the failure to resolve the status of the millions of refugees under UNWRA’s mandate. Instead of negotiated peace supported by the international community, a culture of impunity and the ongoing status quo of the Israeli occupation has endured, to disastrous effect.

3

SEPTEMBER 1995

Interim Agreement on the West Bank and Gaza Strip, or *Oslo II*, signed. Confirms economic/trade affairs and divides West Bank into areas A, B & C

NOVEMBER 1995

Rabin shot dead by Jewish extremist at a peace rally, Peres takes over as Israeli PM

JANUARY 1996

Yasser Arafat elected President of the PNA by landslide

MARCH 1996

Benjamin Netanyahu elected Israeli PM, pledges to stop concessions to Palestinians

JANUARY 1997

Hebron Protocol signed, dividing the city between Israeli and Palestinian control

ILLEGALLY ANNEXED EAST JERUSALEM



37% of the total Jerusalem population is Palestinian¹
 Jerusalem has at least 208K Israeli settlers²



14,595 Palestinians had residency revoked between 1967 and 2016³



0 Palestinian building plans advanced between 2007–2017
 20K+ houses built without permits⁴



1,600+ Palestinian structures demolished since 1993
 86.5K more Palestinian homes deemed at risk of demolition⁵



10% of municipal budget spent on East Jerusalem neighbourhoods⁶
 despite collecting taxes from residents

- **AREA A** Full Palestinian civil and security control
- **AREA B** Full Palestinian civil control, joint Israeli-Palestinian security control
- **AREA C** Full Israeli control over security, planning and construction

SETTLEMENT EXPANSION



300k Palestinians living in Area C in about 530 residential areas⁷
 399K+ Israeli settlers live in 129 settlements and 101 outposts in the West Bank⁸



70% of Area C is off-limits for Palestinian use and development⁹
 Regional councils of Israeli settlements administer these areas. Only 1% of Area C planned for Palestinian development¹⁰



35% estimated increase in Palestinian GDP and employment if PNA were given control of Area C¹¹



16,085 Israeli demolition orders against Palestinian structures, 1988–2016¹²
 3,300+ carried out, the vast majority since 1993



MAP BASED ON:
<https://www.ochaopt.org/content/west-bank-access-restrictions-october-2017>

OCTOBER 1998

Netanyahu and Arafat sign *Wye River Memorandum* after tense meetings intended to progress Oslo II agreements

MAY 1999

Ehud Barak elected Prime Minister of Labour-led Israeli coalition, pledges to restore talks

JULY 2000

US-mediated summit between Barak and Arafat ends without any agreement in Camp David

SEPTEMBER 2000

Likud Party leader Ariel Sharon visits Haram-al-Sharif/Temple Mount, sparks violent Palestinian protest, start of the 2nd Intifada Uprising

BLOCKADING GAZA



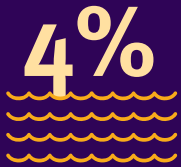
ANNUAL LOSS IN AGRICULTURE

Loss due to Israeli access restrictions. 35% of Gaza's agricultural land and 85% of its fishing waters cannot be accessed¹³



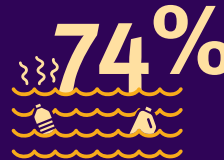
20

HOURS PER DAY OF POWER OUTAGES IN GAZA THIS YEAR¹⁷



4% OF TAP WATER IN GAZA SAFE TO DRINK¹⁴

Most families get piped water for 6–8 hours every four days¹⁵



74% OF SHORELINE POLLUTED BY RAW SEWAGE¹⁸

Gaza's population is 2 million¹⁹ at a density of 5,203 people/km² (20)²⁰



85%

FEWER VALID TRADER PERMITS FROM 2015–2017¹⁶



14K PALESTINIAN LABORERS LEAVING GAZA VIA EREZ EVERY MONTH IN 2016

Compare to the monthly average of 500k laborers in the year 2000²¹

PALESTINE REFUGEES²²



REFUGEES IN PALESTINE

More than 70% of the 2 million Palestinians living in Gaza are refugees

More than 800 thousand Palestine refugees live in the West Bank

Up to 1.3 million more Palestine refugees are assumed *not registered*



PALESTINE REFUGEES ABROAD

Nearly 2 million living in Jordan have been granted full citizenship rights

450 thousand live in Lebanon, stateless and denied many rights

526 thousand live in Syria with the same rights as citizens, but without citizenship

JANUARY 2001

Talks on *permanent status* issues end to allow for Israeli elections. Sharon elected Prime Minister, declines to continue negotiations

MARCH 2002

Arab League endorses *Arab Peace Initiative* to normalise relations with Israel providing occupation ends and Palestine refugee problem is resolved

JUNE 2002

Israel begins building wall in and around the West Bank citing security needs following 2nd intifada attacks

JUNE 2003

Quartet of Russia, the EU, the US and the UN propose roadmap for peace based on Oslo II and endorsed by both sides



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WHAT WENT WRONG

THE COST OF ACHIEVING PEACE IS HIGH AND THE CHALLENGES after decades of hatred are many. Yitzakh Rabin paid for his support for the Accords with his life. A few months after his murder Benjamin Netanyahu was elected Israeli Prime Minister with the support of the Israeli right wing. Yasser Arafat’s leadership over a unified Palestinian political landscape was also undermined by some Palestinian factions’ wholesale rejection of the agreements.

Amidst ongoing and escalating violence, the international community’s efforts to press forward negotiations needed to unequivocally ensure a principled application of the first Accords. Although some efforts were made

along the road, they evidently did not have enough influence over the parties and did not lead to any final comprehensive agreement.

The founding tenet of the declaration demanded that any “permanent settlement” must be fully compliant with UN Security Council resolutions 242 and 338.[†]

It was therefore central to the Accords that the international community—bound by international law—upheld these demands to end the occupation and respect all peoples’ right to self-determination, territorial integrity and independence.

[†] In November 1967, the UN Security Council unanimously adopted Resolution 242. It stated among other things that Israel must withdraw armed forces from areas occupied under conflict, and that all parties must recognise the “sovereignty, integrity and

political independence of every State in the area.” Resolution 338 was passed in October 1973 during the Arab-Israeli war of that year. It called for an immediate ceasefire and the full and immediate implementation of Resolution 242.

- JULY 2004**
International Court of Justice issues advisory that the wall is illegal
- NOVEMBER 2004**
Arafat dies suddenly after short spell in Paris hospital
- SEPTEMBER 2005**
Israel withdraws settlers & military personnel from Gaza, retains control of borders, airspace and coastal waters
- JANUARY 2006**
 Hamas wins 75 of the Palestinian Legislative Council’s 132 seats in elections
- MARCH 2006**
 Hamas forms PNA government rejecting previous peace accords. Other Palestinian political factions refuse to join unity government. Violence breaks out



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This foundation in multilaterally agreed frameworks was the lifeblood of the Accords for the Palestinians. In fact, a further 26 UN resolutions relating to the Israeli occupation have been passed before and after 1993. They include unequivocal language on refugee rights, demands for immediate Israeli military withdrawal from occupied territory, a halt to settlement expansion and calls for Third States to distinguish between Israel and the oPt, and repeated insistence that Israel must not unilaterally change the status of Jerusalem.

But few of these demands have ever been enforced.

Excluding the final status issues from the original Oslo Accords enabled first steps towards peace to be taken, while at the same time setting any future talks up to fail without strong, principled mediators. Negotiations became piecemeal, allowing Israel, the stronger party, to insist on every detail and frustrate the Palestinians' overall goal of sovereignty.

Israel stalled on each issue and fought at every stage over handing over every piece of land. Without forceful international intervention, Palestinian aspirations to self-determination were reduced to a modicum of autonomy and self-rule. Given that the Israelis never explicitly recognized the Palestinians' claims to statehood, these huge flaws in the Process should have been clear from the beginning.



76% of Palestinian adults and 83.4% of Palestinian children live under the poverty line in illegally annexed East Jerusalem²³



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MARCH 2007

Hamas fighters eject Fatah officials from Gaza after breakdown in talks to form unity Palestinian government

JUNE 2007

Israel announces military air, sea and land blockade restricting movement of goods and people in and out of Gaza following Hamas takeover

NOVEMBER 2007

Israeli Prime Minister Ehud Olmert & Palestinian President Mahmoud Abbas pledge to implement 2003 roadmap to achieve *two-state solution* in Annapolis

DECEMBER 2009–JANUARY 2010

Months of escalating violence result in Israeli military invasion of Gaza, thousands killed and injured



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AID CANNOT ACHIEVE POLITICAL SOLUTIONS

WITH A LACK OF MULTILATERAL COMMITMENT TO ENFORCE the foundations of the Accords or progress to agreement on the core issues, the international community focused on its overseas aid programmes to address the resulting humanitarian and development crisis in the oPt.

As repeatedly documented by the UN and AIDA's membership, these aid programmes are often the only thing sustaining life, human dignity and security, in many areas of the oPt. But while maintaining short-term survival and protection they could prove futile in the long-term, unless coupled with increased political pressure for peace grounded in respect for international law.

Under International Humanitarian Law (IHL) Israel, as the occupying power, must provide for the population under its control. The provision of humanitarian and development relief for the Palestinian people cannot replace Third States' obligation to ensure IHL is respected. This includes agreeing lawful countermeasures to ensure IHL compliance by Israel.

The international community must not keep using aid to paper over its acceptance of the failure of the Oslo Process and Israel's persistent breaches of IHL. Costly and vital aid programmes must be matched by political and legal efforts to address the root causes of the suffering these programmes attempt to relieve.

SEPTEMBER 2010

Months of US-mediated talks between Netanyahu & Abbas fail to get past stalemate

NOVEMBER 2012

Israel launches week-long military campaign against Gaza after months of rocket attacks on Israeli towns

JULY 2013

Direct US-brokered negotiations fail again

AUGUST 2014

Month-long Israeli military offensive in Gaza following escalating violence. Thousands more killed and injured

A PRINCIPLED WAY FORWARD

The chances of Israel and the Palestinians returning to meaningful talks by themselves remain very slim. Using international law as the foundation, we recommend the international community take a different and newly principled approach to ensure future negotiations have the best chance at achieving peace, including by guaranteeing the following:

1 UPHOLD INTERNATIONAL LAW AND ACCOUNTABILITY

Any future agreement must be rooted in international law and must recognize and ensure accountability for past violations of international law. It must also recognize all parties' commitments to be bound by international human rights law and IHL. Israel's obligations as an occupying power during any transitional period must be clearly stated and a concrete timeframe for redress and accountability of past IHL violations agreed. Measurable commitments from Third States on what lawful countermeasures will be applied if breaches continue must also be agreed so Third States begin to meet their own IHL obligations under Common Article 1 of the Geneva Conventions.

2 RECOGNISE SELF-DETERMINATION

The Palestinian people's right to self-determination, leading to territorial sovereignty, must be recognized as a precondition to any future agreement. This includes civil, political, cultural and economic rights, as well as control of their natural resources. These are not only unfulfilled promises of the Oslo Accords but self-determination is also a peremptory right under international law.

3 ACKNOWLEDGE THE POWER IMBALANCE

The design and conduct of any future negotiations must recognize the current and historic power imbalance between Israel and the Palestinians, accepting that the former party is and has always been in a position of far greater strength. Negotiation mediators should be supported by interested Third States and must be politically impartial and rooted in reverence for international law.

4 STOP USING RIGHTS AS LEVERAGE

Future negotiations must have these rights at their core and not use them as bargaining chips for political capital. Talks must instead focus on how to practically achieve concrete steps towards these rights being met, in line with international human rights law (customary and treaty law), and IHL obligations.

5 BE MULTILATERAL & INCLUSIVE

Future negotiations must be held transparently, in good faith, within a multilateral process, and must include diverse representation from civil society, including women and young people. This way the views of citizens are heard and parties can be held to account by their own people as well as by the international community.

6 ADDRESS CONTINUED OCCUPATION

Third States must explicitly recognize the legal principle that occupation cannot be a permanent state and should take a formal position on the legality of Israel's continued occupation of the Palestinian Territory. Simultaneously, donors must ensure more predictable longer-term funding cycles prioritizing resilience-building and innovative development programming across the oPt but particularly in Gaza.

This includes Third States forming unified policy approaches which challenge the illegality of the Israeli permits and planning regime imposed in Area C. Funding streams must also support the right to socio-economic self-determination and reflect the needs of women and young people.

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DECEMBER 2016

US abstains to see UN Security Council Resolution 2234 pass declaring Israeli settlements illegal

JANUARY 2017

French government hosts international conference in support for continued efforts to achieve two-state solution

JANUARY 2017

Following his inauguration, US President Donald Trump appoints Jared Kushner and Jason Greenblatt to develop a *Middle East Peace Plan*

6 DECEMBER 2017

President Trump recognises Jerusalem as Israel's capital and announces the decision to move the US Embassy to Jerusalem

RIGHTS MUST BE

AT THE CENTRE OF PEACE

THE OSLO ACCORDS—AND WITH THEM THE RIGHTS of people they were meant to protect—have been abused for too long. In the wake of a failed peace process, the framework has been misused by parties to preserve political power, maintain a ‘status quo’, cover-up human rights violations and entrench an illegal occupation. The international community need not

remain paralyzed by this abuse, unable or unwilling to challenge impunity and hold parties to account.

Sustainable peace, development and security for the generations of millions still suffering can be achieved by putting peoples’ rights at the core of all future talks, and protecting them, above all else.



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JANUARY 2018

US announces freeze of \$305 million to its annual UNWRA funds

FEBRUARY 2018

Various laws prepared to annex portions of West Bank put forward in the Israeli Knesset

MAY 2018

Thousands of Palestinians in Gaza protest in the *Great March of Return*, met with deadly Israeli military response

24 MAY 2018

Israeli Supreme Court rules that the state may demolish homes in Palestinian community Khan al-Ahmar and transfer the residents elsewhere



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SOURCES

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⁵ <https://www.oxfam.org/sites/www.oxfam.org/files/oxfam-oslo-20-factsheet.pdf>

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⁷ <https://www.haaretz.com/.premium-un-300k-palestinians-live-in-area-c-1.5329286>

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¹¹ <http://www.worldbank.org/en/news/press-release/2016/09/15/income-stagnation-and-worsening-living-standards-continue-for-palestinian-families>

¹² <http://data.ochaopt.org/demolitions/index.aspx?id=311650>

¹³ <https://reliefweb.int/report/occupied-palestinian-territory/access-restricted-areas-ara-gaza-strip>

^{14, 20, 21} <http://gisha.org/reports-and-data/the-gaza-cheat-sheet>

¹⁵ <https://www.ochaopt.org/content/humanitarian-impact-internal-palestinian-divide-gaza-strip-june-2017>

¹⁶ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_629263.pdf

¹⁷ <https://www.ochaopt.org/page/gaza-strip-electricity-supply>

¹⁸ <https://www.ochaopt.org/content/seawater-pollution-raises-concerns-waterborne-diseases-and-environmental-hazards-gaza-strip>

¹⁹ <https://www.ochaopt.org/location/gaza-strip>

²² All UNWRA statistics

ABOUT AIDA

The Association of International Development Agencies (AIDA) is a membership body and coordination forum of more than 80 international organizations working in the occupied Palestinian territory. To learn more about AIDA, visit www.aidajerusalem.org

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