



## The Geneva Accords and Their Critics

The initial reaction to the signing of the Geneva Accords between Palestine Liberation Organization executive committee member Yasser Abed Rabbo and Member of Knesset Yossi Beilin and their associates has been largely predictable, but has also produced some pleasant surprises. On the Israeli side the first negative response came from Prime Minister Ariel Sharon and his lieutenants; then from the ranks of the Labour party leadership: Shimon Peres, followed by Ehud Barak. The latter, understandably, was the most vociferous in his attack. While Sharon described the document as a stab in the back from the Israeli left, Barak felt most threatened since the document showed that - despite his claims - it was possible to come to terms with a final status agreement within the contours of the Camp David and Taba parameters that failed during his tenure in 2000. Altogether the Israeli criticism of Geneva, coming from the government and centrist opposition groups, gave a needed boost to the retreating peace camp. Suddenly there was an agenda and a platform in common with the Palestinians.

On the Palestinian side, the reaction was much more complex. After some initial hesitation, the top PLO leadership of Yasser Arafat, Mahmoud Abbas, and current Prime Minister Ahmad Qurei gave it their qualified blessing. The early attack from opposition parties was expected, particularly from the ranks of the Popular Front, Hamas and Islamic Jihad. But not the hostility from Fateh. The strongest condemnation came from within Fateh's parliamentary faction, as well as its central committee. They accused the signatories of selling out the refugees' right of return; of giving legitimacy to the Zionist character of the state; and of succumbing to settlement presence in Jerusalem. Some of this criticism settled old scores within the ruling Palestinian party - particularly against those figures in Fateh who did offer their support: Marwan Barghouti, Qaddura Faris, Muhammad Hourani and others. It is noteworthy that all of these represent leading elements of Fateh militants who came to leadership position during the first *intifada*. Stepping back, the spectrum of supporters included the Palestinian People's Party, key Fateh grassroots figures (such as Barghouti), and 40 percent of the Palestinian public (if you believe the polls).

Many of the detractors of the document, given the wording of their opposition, did not seem to have paid much attention to the actual content of the document, but were swayed by populist sentiments against crossing the 'red lines' (real and imagined) concerning the refugees and Jerusalem. More reasoned arguments came from critics assembled in public fora to discuss and debate the agreement. Of particular interest were the views of Azmi Bishara, the Palestinian leader inside Israel, and Hani al Masri, the al Ayyam analyst. Their main criticisms centered around the following points:

1. The agreement was signed by marginal groups on the Israeli side, and by semi-official figures on the Palestinian side. This, according to the critics, has had the effect of giving the Palestinian concessions legitimacy without the benefit of a negotiating partner. It amounts to a free ride for the Israelis.
2. On the question of refugees, the Palestinian side basically gave up the right of return without gaining an Israeli admission of accountability for the making of the refugee problem.
3. The document gave legitimacy to the Zionist character of the state - by describing Israel as the state of the Jewish people. This undermines the civil rights of the Palestinian citizens in Israel, and basically admits to the extra-territorial nature of the state of Israel. Azmi Bishara further argued that it is not the business of negotiators in a state-to-state conflict to give legitimacy to the ideological claims of their protagonists - whether those claims are national or religious.
4. On the question of exchanged lands (the so-called "swap"), the Israelis received substantial real estate lands in three blocks (the northern bloc, the Jerusalem settlements, and the Etzion bloc). In return, the Palestinians received an equal quantity of marginal land - mostly west of Gaza and south of the Hebron region.

These are serious and weighty criticisms that should be born in mind when final status negotiations take place. On one issue virtually all the critics have been mistaken. Geneva does not give legitimacy to Israel as the 'state of the Jewish people' as has been claimed by the critics. The text actually refers (in the preamble of the accords) to "the right of the Jewish people to statehood and the recognition of the right of the Palestinian people to statehood", and adds that this recognition does not "prejudice to the equal

rights of the Parties' respective citizens" (an awkward echo of the Balfour Declaration) - which is a considerable difference from recognizing Israel as the "state of the Jewish people" as many detractors would have it. The first formulation suggests Palestinian recognition of Israel as the state of the Jews - an extra-territorial entity. The second (actual) format merely concedes that Jews have an abstract right to a state. We can only ponder the torturous debates behind this ambiguous formula, but it is one that seriously took into account Palestinian readiness to recognize Israel as a sovereign entity but not as a self-proclaimed state 'of the Jewish people'. One should also remember in this context that the Palestine National Council has already given recognition to Israel as a 'Jewish State', a considerably more compromising position, in the Declaration of Independence and the Peace Initiative of 1988 in Algiers (in the context of approving the Partition Plan of 1947). Few Palestinian intellectuals and hardly any political faction raised objections to this formulation at the time.

On the question of Jerusalem two further pitfalls in the document can be identified: one concerns the part of the agreement that stipulates that Jewish neighbourhoods should be annexed to Israel, while Arab neighbourhoods go to the Palestinian state. This arrangement seems to apply to East Jerusalem only. Why not insist that Beit Safa and Abu Ghosh are both Arab villages on the Israeli side of the city, and should also be annexed to the Palestinian state?

Secondly, the inclusion of the settlement of Maale Adumim into future Israeli sovereignty was most unfortunate on the part of the Palestinians since it breaks the geographic continuity of the proposed Palestinian state from the waistline and consolidates a pocket of hostile settler population in an area surrounding Arab Jerusalem from its eastern flank.

Much has been made also of the finality of claims, namely that the Geneva document stipulates "for the permanent and complete resolution of the Palestinian refugee problem. No claims may be raised except for those related to the implementation of this agreement". Again, this clause does not forestall that individual claims for property losses be pursued by refugees who feel that the collective settlement does not do justice to their grievances. And this is likely to be the case.

One could go much further in listing the pitfalls of this draft agreement. The main point however is that the document successfully superceded the dilemma posed by the Oslo Accords: that gradualism, phased withdrawals, and 'confidence building measures' do not work in a situation between the colonial authority and the colonized. Transitional arrangements, such as Oslo, always favour the stronger party when the end result is not spelled out in advance. In Geneva, the Palestinian and Israeli negotiators reversed the formula. They agreed on the basic details of the final product (mutual sovereignty, and delineated boundaries) and then began to look for the mechanisms to implement it. With this view, we should look at the far-reaching positive features of the agreement.

1. It (re-)establishes the principle of land for peace in a concrete manner. It is able to a considerable degree - certainly further than the Camp David talks of 2000 - to restore the bulk of the occupied territories to the Palestinians.
2. Geneva has broken the stalemate in the political climate. It showed that it is possible to have a peace partnership between Israelis and Palestinians, and a genuine peace agenda that can transcend the current hegemony of the right and extremist elements in the Israeli government. It presents us with a model

and parameters that are bound to be the standard for negotiations when and if they resume in the future. There is no question that the final agreement will have to be modified considerably in the course of actual negotiations when and if they take place.

Since this is the draft of a future peace agreement, it is bound to contain elements that will appear simultaneously as unjust and excessively conciliatory to Israelis and Palestinians. For the Palestinians to accept compensation in lieu of the right of return (except for several tens of thousands of refugees who will be repatriated to Israel) is a very painful concession, and can only be assuaged if Israel accepts its own accountability for the creation of the refugee problem in the 1948 War. For Israelis to accept the evacuation and dismantlement of settlement will be tantamount to waging an internal war against the settlers and their allies. It presumes the election of a government with radically different credentials (and stamina) from the present one.

One of the most troubling features in the proposed agreement is its finality. It posits itself as a framework for ending the conflict and for reconciliation (as the preamble suggests). As all colonial conflicts have shown, reconciliation is a slow process that comes much later than the end of conflict. To impose reconciliation while the wounds of domination are still fresh would be a contrived act and could undermine the agreement itself. Better to leave healing as a consequence of concord than a condition for it.

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