



Colombia Peace Talks: Lessons for Palestine Policy

By Yousef Munayyer

October 7, 2016

After four years of painstaking negotiations, the 52-year war in Colombia between the government and rebels looked like it was coming to an end. Then, in one day, those aspiring to this long-awaited dream awoke to the nightmare of surprising results at the ballot box as voters rejected the peace deal in a popular referendum. Colombia's President, Juan Manuel Santos, who had narrowly won re-election in the midst of negotiations, watched the ultimate achievement of his political career seemingly crumble at the hands of Colombian voters. What the future holds for Columbia, its peace agreement with the rebels, or Santos' political career remain very unclear at this moment.

What is abundantly clear, however, is that there are lessons to be learned from this failure and, for watchers of the Israel-Palestine policy, there are profound lessons indeed. Too often, the peace processors - the Washington-based cohort of Middle East Peace Process policymakers and their Israeli and Palestinian counterparts - have de-emphasized or outright ignored the issue of Palestinian leadership legitimacy. One might argue that first you have to achieve some sort of deal before you can worry about selling it. That may seem to make sense. But in making successful policy, the first steps of a process can't undercut the prospects of success for later steps. When it comes to the Israeli-Palestinian peace process, the steps that have come before achieving a deal have done tremendous damage to the legitimacy of the very Palestinian leaders who would ultimately have to sell it to their people for it to succeed. This has been the US Middle East Peace policy for decades and it is a policy that is self-defeating.

Recent events from the region only underscore the magnitude of this problem. As western leaders, including a current and former US President who invested in the Middle East Peace Process, gathered at the funeral of Shimon Peres and lauded him for his "contributions to peace," Palestinians recoiled with disgust at the sight of Mahmoud Abbas, the Palestinian Authority President, attending the ceremony for a man who backed belligerent Israeli policies against the Palestinians. It is easy to laud Abbas, as President Obama did, for attending the funeral and making a gesture of peace but the reality is that ignoring the prism through which Palestinians view these events only makes the ability to achieve peace harder.

The outrage among the Palestinian public over Abbas' attendance reached far and wide, and it was not only coming from the usual suspects. His political rivals denounced it but so too did many in Abbas' own Fatah party. It is probably the single greatest moment of outrage by Palestinians toward the PA leadership since 2009 when the PA, under Abbas, worked to quash a UN report on Israeli war crimes committed in Gaza. Then, that decision too was taken so as not to obstruct the peace process.

Time and again, the peace process itself has been a process of de-legitimizing Palestinian leaders engaged in it. Those leaders that took the jump in Madrid and Oslo, recognizing Israel and relinquishing claims to 78% of the land, did so at great political risk and despite significant criticism all based on the gamble that ensuing negotiations would produce a Palestinian state in five years. In the 23 years since, Palestinian leaders have returned to Washington-brokered negotiations with nothing to show for it. As this took place, Palestinian stakeholders watched Israeli settlements grow unrelentingly from their windows while their leaders engaged in handshake photo-ops with Israelis on their TV screens. The persistent return of Palestinian leaders to Washington-mediated negotiations, even as Washington failed to press Israel into ending settlement expansion, led Palestinian stakeholders to conclude that the leaders that took the jump in Madrid and Oslo have ultimately jumped the shark.

But to understand just how low Palestinian leadership legitimacy has become, consider this; recent public opinion polling among Palestinians in the West Bank and Gaza found that a stunning 61% called on Abbas to resign. This poll, the fourth consecutive one in the past year to show over 60% calling for his resignation, was conducted in late September 2016 before Peres' death and Abbas' attendance at his funeral. One can only imagine what the next poll will show.

Compounding the legitimacy problem is the complete dysfunction or absence of representation mechanisms and institutions. Even in these polls, for example, the public opinion that is measured is that of Palestinians in the West Bank and Gaza. The reality, however, is that Palestinian stakeholders in an agreement are not limited to just those living in these areas. Stakeholders include Palestinian refugees in camps and in the diaspora along with Palestinian citizens of Israel. Yet these stakeholders have no mechanism through which to voice their views about the leaders bargaining with their claims and rights.

One of the problems is structural. Palestinians do not have a sovereign state and they live in various political spaces, some are occupied and others foreign. But even in Columbia where you have stakeholders overwhelmingly living in a sovereign state which has developed electoral institutions and

a president who stood for and won re-election just two years ago, the president did not have the public support to seal the deal. Among Palestinians, you have the situation of no state, tattered or non-existent electoral institutions, and a president in the eleventh year of a four-year term. Even when he was elected, it was by a fraction of the stakeholders expected to buy into a deal, while a majority of them want him to resign.

At some point, the PLO -itself a problematic institution- could at least feign legitimacy as an umbrella organization well connected in the Palestinian diaspora. However, the Oslo process collapsed the PLO into the PA, and today Palestinians increasingly see the Oslo process as acting as a cover for continued Israeli colonization and the PA as its subcontractors.

So, how can policymakers forge ahead with peace efforts with such challenges of legitimacy and representation for leaders and stakeholders? One way is to ground peace efforts within frameworks that have legitimacy with publics even if leaders do not. International humanitarian law is one such framework. It is largely because its principles are grounded in international humanitarian law, for example, that the call for Boycott, Divestment and Sanctions by Palestinian civil society has garnered wide legitimacy among Palestinians across political identities and spaces. But Washington has unfortunately also moved away from such a framework during the peace process years. There was a time in 1990 when US Secretary of State James Baker was rallying states to back a resolution condemning Israeli settlements as violations of international law. But since this era and during the peace process, Washington has preferred “illegitimate” to “illegal” when it comes to settlements and in 2011 the Obama Administration cast its only veto in 8 years at the UN Security Council on a similar resolution to the one Baker supported in 1990.

If this is a period of reassessment of US policy toward Israel-Palestine, and indeed such a reevaluation is needed, high on the agenda of policy makers in Washington should be addressing this self-defeating aspect of US policy. This is urgently needed, especially if the policy moving forward envisions a role for the Palestinian leadership that contributes to the success of a process. In truth, it is likely too late for this anyway, since the PA as a vehicle to statehood is fatally wounded, if it ever had a chance. If that turns out to be the case, history will record that this project died largely thanks to a self-defeating US policy Washington waited too long to reassess.