

To: John Alderdice and Talks Delegation

From: Stephen Farry

Re: Middle East Peace Process and Possible Line of Argument in Talks Plenary

Date: 1 December 1997

I understand that one of the arguments that we seek to make in the forthcoming Review Plenary is that the time for facing up to major blockages in the NI political process is now.

These seems to be a school of thought which is arguing that while the parties can't agree on the substantive issues, they can agree on some peripheral issues. Therefore minor agreements should be sought on these points in order to build confidence for further progress. Our view, I believe, is that we have already spent 18 months in this process without tackling the substantive issues which is long enough. All people are doing is running away from accepting that for the process to work compromises are going to have to be made from all sides. Furthermore additional delays may be counterproductive and play into the hands of the extremes.

It maybe useful to cite the example of the failing Middle East peace process on the Palestinian question to back up our case. It was based on the idea of finding agreement on the smaller issues in order to build up confidence to tackle the main substantive issues of the dispute. In practice, the scheduled Talks on the main issues have fallen well behind their scheduled start date. But with the delays, frustrations have strengthened extremes on both sides making further progress much more difficult.

The current peace process can be traced back to the Madrid Conference (Autumn 1991) established by the United States in the aftermath of the Gulf War. Since then there have been a number of agreements made, often within the context of 'one step forward, two steps back'. But the key issues regarding the final status, in terms of sovereignty, of the Occupied Territories and the status of Jerusalem have not been addressed, alongside those of settlers, refugees and security.

The Declaration of Principles (13 September 1993) was signed by the Israel (Rabin) and the PLO (Arafat) in Washington. The groundwork for this breakthrough and historic handshake had been laid in secret negotiations in Norway. This served as a framework for future negotiations that were intended to ultimately lead to an agreement on final status. The DoP included transfer to Palestinian self-rule in Gaza and Jericho and 'empowerment' in the rest of the West Bank, elections within Palestinian areas and economic co-operation. Both Israel and the PLO mutually recognised each other's existence and legitimacy.

The Gaza-Jericho Agreement (4 May 1994) entailed the withdrawal of Israeli administration and forces from these two areas and the transfer of powers and responsibilities to a Palestinian Authority. These two areas were relatively unimportant to Israel as they had few Jewish settlers.

The Transfer of Powers Agreement (29 August 1994) anticipated the early transfer of powers in the remainder of the West Bank. The Interim Agreement (28 September 1995) covered the actual transfer of the powers and elections within the West Bank according to a prescribed timetable. This agreement led to the establishment of the Palestinian Authority with substantial self-autonomy.

Security was granted to the Palestinian Authority over internal matters but Israel continues to provide overall security over borders and any Israeli settlers. Talks on Final Status began on May 1996 but little progress had been made. The side-effects of the earlier phases of the negotiations have been to reduce the prospects of further agreements being made.

Israel had essentially conceded Palestinian autonomy but specifically did not make any commitments regarding the West Bank and Gaza's permanent status. Their motivation was largely based on the rationale of buying security. But the Palestinian authority has been very ineffective in providing security. As terrorist attacks on Israeli targets increased, Israel became more disillusioned by the process and reactive against it. The replacement of Shimon Peres Labour Government with the very hardline Netanyahu Likud Government has made progress much more difficult. Israel is not helping matters by continuing to allow Jewish settlers into the Occupied Territories. The failure to make further progress is very frustrating for the Palestinians and has weakened the PLO relative to Hamas.

The Washington Declaration (25 July, 1994) and the Israel-Jordan Peace Treaty normalised relations between Israel and Jordan. But little other progress made normalising relations between Israel and its more hardline neighbours such as Syria.

It is important to bear in mind that the question of the Occupied Territories is taking place in a different context to Northern Ireland, and that the nature of any presumed settlement is very different from here. In the Middle East, there is as much of a need for progress amongst the external parties as the internal parties. The agreement between Israel and Jordan is in this former respect. With Northern Ireland, the external players are now working to a common strategy.

Prospects for power-sharing or even a more consociational solution are not serious options with the Israel/Palestine case; everybody is working on the basis of separation rather than sharing. There is little demand on either side for Israeli/Palestinian power-sharing and the populations are effectively separated geographically (with the exception of the complication of Jewish settlers). Furthermore, the Occupied Territories are illegally occupied. A two-state solution is the internationally recognised solution, most notably in Security Council resolution 242 (1967).

The bottom-up approach in this case could be justified on the basis that some progress is better than none and that progress made does carry considerable substance. However, the key point here is that failure to address the substantive issues at the beginning of a process but to continually postpone them not only delays the day when negotiators must face up to the heart of the problem but actually makes their resolution much more difficult as extreme positions become further entrenched.

Other parties could doubtlessly twist these events to back up their positions. The argument about addressing small uncontentious items first has already been dealt with.

Sinn Fein may seek to argue that what it claim that territory is at the heart of the Irish question and that this case proves the futility of nationalists taking a share of power in Northern Ireland (which they may link to Palestinian self-autonomy), and strengthens their case for a United Ireland. If they do they will be making the error of applying the wrong lesson from this case.

Northern Ireland is essentially a divided society in which its people cannot yet agree means of living together politically, while in the Occupied Territories it is the illegal occupation of previously internationally partitioned territory. (It is a moot point that Palestine should never have been partitioned in 1948, but history cannot be undone.) The lesson from this case is not the solution, but the means. The final solution in NI is a trade-off between devolution (with power-sharing as long as it is necessary) and the principle of consent, against acceptance of North-South bodies and reform of Articles 2 & 3, but the the above case shows that continually deferring difficult questions only stores up problems.