

1998

## Book Review of From Occupation to Interim Accords: Israel and the Palestinian Territories

Linda A. Malone

*William & Mary Law School*, lamalo@wm.edu

---

### Repository Citation

Malone, Linda A., "Book Review of From Occupation to Interim Accords: Israel and the Palestinian Territories" (1998). *Faculty Publications*. 1389.

<https://scholarship.law.wm.edu/facpubs/1389>

Copyright c 1998 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.

<https://scholarship.law.wm.edu/facpubs>

### 3. FROM OCCUPATION TO INTERIM ACCORDS: ISRAEL AND THE PALESTINIAN TERRITORIES

Raja Shehadeh

The Hague, Netherlands: Kluwer Law International (1997), pp. 315

Reviewed by *Linda A. Malone\**

There is a pronounced and personal sadness in tone to Raja Shehadeh's book, *From Occupation to Interim Accords: Israel and the Palestinian Territories*. Mr. Shehadeh is a lawyer, human rights activist, the founder of Al-Haq, the West Bank affiliate of the International Commission of Jurists, and the author of *Occupiers Law: Israel and the West Bank*. He participated in the Washington stages of the negotiations, which were subsequently eclipsed by the negotiations that occurred in Oslo. His book analyzes the context in which the Oslo Accords were negotiated, a critical contribution to a legal and political understanding of the accords that followed. It is his personal assessment of the prospects for meaningful implementation of the interim accords and, more broadly, the role of law in negotiations for Palestinian autonomy, which will linger in the mind of any reader.

The analysis focuses primarily on the Declaration of Principles of 1993<sup>1</sup> and the Interim Agreement of 1995.<sup>2</sup> For introductory background he does, however, recount the history of Israeli settlements after 1967 with acknowledgment to the work of Meron Benvenisti. In Chapters I and II he presents a legal analysis of the two main agreements. The documents are so lengthy and so complex, the author can be excused for what at times seems a purely textual review of the key provisions. Chapter III provides a broader analysis of the legal and administrative changes which occurred after 1967 in Israel's occupation of the West Bank and Gaza.

Chapters IV and V are unquestionably the core of the book and the most significant chapters in terms of their contribution to the analytical literature in the field. Chapter IV chronicles the negotiations on the accords up to the time of the secret negotiations in Oslo; and the final chapter examines the implementation legislation adopted by the Israeli legislature and the Palestinian authority after the agreements. Neither chapter is intended to be a legalistic analysis of the accords under international law. These chapters are much more in the nature of a historical and political account of the progression and consolidation of Israeli control over the Palestinian territories.

Mr. Shehadeh's conclusion, from his own personal experience as well as his analysis of the documents and negotiations, is that the PLO made concessions and sustained losses in the negotiations that are irreparable. He attributes these losses to the PLO's failure to comprehend

---

\* Linda A. Malone is the Marshall-Wythe Foundation Professor of Law at William and Mary Law School in Williamsburg, Virginia. She is the author of numerous books and articles, and recently received a Fulbright/OSCE Regional Research Award for her work on women's and children's rights in the Bosnian conflict.

<sup>1</sup> Declaration of Principles on Interim Self-Government Arrangements, September 13, 1993, reprinted in 7 PALESTINE Y.B. INT'L L. 232 (1992/94). — ed.

<sup>2</sup> Agreement on the Gaza Strip and the Jericho Area, May 4, 1994, reprinted in 7 PALESTINE Y.B. INT'L L. 243 (1992/94). — ed.

the Israeli strategy to use the negotiations to legitimize its control over the Palestinian territories rather than to truly negotiate, in good faith, a settlement acceptable to both parties. Unlike the PLO, Israel used every negotiation and legal instrument, from the Camp David Accords on, to strengthen its claims to legitimate control while supporting the settlements to make that control an irreversible reality.

Perhaps even more disturbing is his conclusion that the law has no role to play in future negotiations over Palestinian autonomy. As a lawyer and human rights activist, Mr. Shehadeh relinquishes the role of legal advisor in any matter of Palestinian politics. He criticizes the Palestinian legal establishment for using international law inconsistently and always secondarily to its political agenda. He asserts that winning recognition for the PLO eclipsed all other considerations throughout all negotiations. As support for his position, he points out that the Palestinian negotiators at Oslo did not bring in their own legal team to negotiate with a veteran team of Israeli jurists. With a sadness that is palpable, Mr. Shehadeh adopts his father's position which he had so assertively rejected in 1984 during the expansion of Israeli settlements – that there was no hope left for Palestinian autonomy in the occupied territories – recognizing that a younger generation of Palestinians will find his conclusion as unacceptable as he had once found his father's to be.

The author's criticism of the Palestinian establishment itself does suggest a more optimistic conclusion. If Israel has effectively utilized a legal strategy to consolidate its control, why not formulate and implement a legal strategy to obtain Palestinian autonomy? Mr. Shehadeh appears to reject this possibility on two grounds. First, Israel's strategy has been effective and has reached a point of fruition which cannot be undone. Secondly, as an insider he seems to see no hope that the PLO would consider anything other than its own political interests in the decision-making process. If either assumption is correct, there is no cause for optimism.

What subsequent conclusions at this point in time can be drawn from the deadlock in implementation of the accords? It may be simply that unforeseen events have brought to a halt the implementation of accords which the author found fatally flawed from the perspective of Palestinian autonomy. Alternatively, the deadlock in implementation of Palestinian autonomy may be confirmation of Mr. Shehadeh's conclusion, and that of his father: that the negotiations were never meant by Israel to result in Palestinian autonomy, and that the PLO's short term political strategies will never bring about a long-term solution.