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## Peace Agreements: Instruments of Resolving Conflict in Israeli-Palestinian Conflict

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## ABSTRACT

The Israeli-Palestinian conflict, together with a few others, has been a permanent sore in the world for over a century now. The generations of men and women were born, went about their daily chores, and passed on the legacy of conflict to the next one before they went to their graveyards. In comparison with the duration of their conflict, the period of Israeli-Palestinian diplomatic interaction has been merely about three decades. There have been many interactions on as many topics and issues, but peace remains as elusive as it was at the beginning of the process. Why this should be so is largely because the exaggerated insecurities of both parties have led to a situation where the tendency is rather to address technicalities than to go beyond them. Due to the most recent conflict between Hamas and the Palestinian militant group, which started with a terrorist attack on Israeli land, this work investigates the peace agreements and the instruments for conflict resolution in the Israeli-Palestinian conflict. This article begins with a brief overview of the conflict before examining the numerous peace treaties that the two parties have so far agreed to. The work will go in-depth on those contentious problems that haven't found a solution. This paper argues that it is crucial that the Arab world, the Western world, and the UN work together to find a long-term solution to the issue. In this instance, the Arab League and the West will be involved in discussions about resolving the protracted war that has resulted in thousands of fatalities, rather than Palestine and Israel being treated unequally.

**Keywords:** Peace Agreements; Instruments of Resolving Conflict; Israeli-Palestinian Conflict; Israel; Palestine.

## **INTRODUCTION**

Since the birth of the state of Israel, the region has witnessed as many as eight all-out wars: 1948, 1950, 1956, 1967, 1973, 1982, 1990, and the recent war in the year 2023. It should not be assumed, however, that this war history begins with the creation of Israel; the factors for it transcend this fact (Maoz, 2007). The history of strife, conflict, and discord began with the European imperialist intervention in the region in the later part of the nineteenth century, leading up to the disintegration of the Ottoman Empire in the early twentieth century and, after World War I, finally culminating in the Mandate regime. Under this regime, out of the Ottoman provinces in the Syrian region, the northern half (Syria and Lebanon) was mandated to France, and the southern half (Palestine) was mandated to Great Britain (Fildis, 2011). The roots of the Jewish and Palestinian strife are to be found in this regime. Amid tumultuous regional and international events, the Mandate regime came to its formal conclusion in 1948, leaving in its wake the legendary 'Israeli-Palestinian' conflict, which remains intractable to this day.

The major success of US mediation in the Middle East was in 1979, when Egypt and Israel signed a peace treaty that later came to be known as Camp David (Quandt,1986). The Accord was in fact two agreements; the first was the Framework Agreement, which the two sides signed in 1978, which led to the formal Israeli-Egyptian Peace Treaty of 1979 (Quandt,1986). However, this peace process, as well as many more, are very illusive. This has also led to many conflicts, most recently the war between Palestine (the Hamas-led government) and Israel, which began on October 7, 2023.

Truth be told, in the whole history of the conflict, the Palestinians were up against formidable challenges (Umotong, 2011; Umotong, 2013). To begin with, the politics of silence the world and Israel after 1948 so vehemently adopted against the Palestinians led them to an historical and geographical void. Even in recent times, in what is perhaps the greatest irony of the modern political and legal world, there are Palestinians without Palestine on the world map. One of the earliest scholarly endeavours of Palestinian intellectuals like Walid Khalidi and Edward Said was to reclaim Palestinian identity from the clutches of this silence. Second, like all people with colonial experience, the Palestinians too have been the victims of misrepresentation. While the nuances of Orientalist and Biblical discourses that inform the presentation of Palestinians in the international media only dehumanise, vulgarise, and demonise them, the absence of territory denies them the opportunity to create alternative readings against such gross and tyrannical representations. And to top it all, Palestinians lack what Edward Said called a 'language' to explain to the world what it means to be Palestinian in today's world.

There is an inherent risk in attempting to study any evolving conflict, as has been clarified by the above sketch of the historical progression of the Israeli-Palestinian conflict. This task is not made any easier by scholars and writers who extend their well-informed opinions on the conflict. This becomes apparent as soon as one attempts to review the contemporary literature on the issue of how to end or resolve this issue. The opinions expressed by these scholars range from insisting the United States force a solution on the two parties to the one where it is asked not to do anything at all. It is in the backdrop of this widespread intellectual illegibility that the present study attempts to critically comprehend the Israeli-Palestinian conflict in the context of US mediation. The plan of the present study is designed to include in discussion all the relevant factors necessary for a comprehensive understanding of this complex conflict.

#### **BRIEF EARLY HISTORY OF THE CONFLICT**

The conflict between Israelis and Palestinians is largely a conflict between two opposing historical narratives. What is the war of independence to Israelis is, in fact, the great 'nakbah' (disaster) to the Palestinians (Dajani & Barakat, 2013). In a twin process of real persecution of Jews in Europe in the 19th and 20th centuries and Zionist propaganda, the Jews started immigrating to Palestine in waves. There had been a degree of Palestinian resistance to Jewish immigration and settlement since the first Aliya of 1882–1903, which was followed by the second Aliya of 1904–14 (Vincent, 2019).

With the conclusion of the First World War and the disintegration of the Ottoman Empire begins the odyssev of the conflict between Israelis, who were then simply Jews without Israel, and Palestinians, who now are merely quasi-legal entities without Palestine. Gaza and Jerusalem were captured by British and Allied forces under the command of Sir Edmund Allenby in December 1917, and by 1918, the rest of the country was occupied by the British forces (Sheffy, 1998). In May 1916, Britain, France, and Russia signed an agreement (the Sykes-Picot Agreement) to internationalise Palestine, contravening the understanding reached between the High Commissioner of Egypt, Sir Henry McMahan, and the Emir of Mecca, Hussein ibn Ali, in July-October 1915, according to which Palestine was to gain independence as an Arab territory (Sinanoglou, 2019). In November 1917, British secretary of state Arthur Balfour enunciated his famous declaration, in which he promised British support for the Jewish homeland in Palestine (Miller, 2013). A British military administration was set up after the capture of Jerusalem, and a general international framework existed for Britain under Article 22 of the Covenant of the League of Nations signed in 1919 (Dunbabin, 1993). This article recognises the provisional independence of the former Ottoman Arab provinces, subject to the assistance of a mandatory power in whose selection the wishes of the communities themselves were to be consulted.

The purpose, then, of the mandate period that offered the region's administration to Britain was to lead people who are 'not yet able to stand by themselves' to selfgovernance, but it all the more intensified the inherent contradictions between the worsening conditions of the region and the policies to alleviate them.

#### AFTER WORLD WAR II, THE FIGHT FOR PALESTINE

Britain, weakened by the Second World War and anxious to decrease its costly military presence, referred the Palestinian question to the United Nations on April 2, 1947. The UN General Assembly established, between April 28 and May 15, 1947, a Special Committee on Palestine with the task of certifying facts and mediating all questions and issues relevant to the problem of Palestine (Qafisheh, 2014). It expressed concern over acts of violence committed since its arrival in Palestine as constituting a blanket disregard of the appeal made in General Assembly Resolution No. 107 of May 15, 1947, and appealed to all parties concerned to refrain from actions likely to prejudice its efforts. The Committee presented a report comprising twelve general recommendations, a majority plan, and a minority plan. The plan called for the partition of Palestine into an Arab state, a Jewish state, and an international regime for Jerusalem. The minority plan proposed an independent federal state comprising an Arab state and a Jewish state, with Jerusalem as its capital. On November 29, 1947, the Assembly adopted the majority plan (Bartal, 2017).

Arab states took the case to the International Court of Justice to challenge the competence of the General Assembly to partition a country against what they called the wishes of the majority of its inhabitants, but the proposal was narrowly defeated (Umotong, 2020a; Umotong, 2020b). The Zionists, however, welcomed the proposed partition as it not only offered recognition to the Jewish state but also accorded some 55 percent of Palestine to the imminent Jewish state. Arabs rejected it, and the British government was unwilling to implement a policy that was not acceptable to both sides and refused to share the agreement with the UN Palestinian Commission, which had supervised the transitional period. The British Government set May 15, 1948, as the date of the end of the mandate.

Soon after the UN resolution, communal fighting broke out in Palestine. Early in March 1948, the United States expressed its opposition to the forcible implementation of partition, and subsequently, the Palestine Commission reported its inability to implement partition. On March 19th, the United States called for the suspension of the efforts of the Commission, and on March 30th, for the declaration of a truce and further consideration by the General Assembly. On May 14, 1948, the General Assembly decided to appoint a United Nations Mediator for Palestine, and on May 20, 1948, the Assembly's Special Committee chose as Mediator Count Folke Bemadotte, President of the Swedish Red Cross (Assembly, 1948). His functions were considered to be within the respective jurisdictions of the Security Council and General Assembly. The overlapping of the functions inherent in the nature of the office of the Mediator in Palestine is often evident in the reports he submitted periodically to these bodies.

Anxious about the change in US position, the Zionists made a major effort to establish their state and launched operations 'Nachshon' and 'Jephtha' on April 1st and 18th, respectively. These operations were highly successful, and consequently, Haifa fell to the Zionists on April 22, while Jaffa surrendered on May 13 (Karsh, 2001). The Arabs of Palestine were badly led and were dependent on the regular armies of the neighbouring Arab states. On May 14th, the last British High Commissioner, Sir Alan Cunningham, left Palestine. On the same day, the state of Israel was proclaimed, and in what can be the best examples of the Machiavellian logic of realpolitik, the nascent state was de facto recognised within hours by the United States.

On the next day, regular armies of four Arab states—Syria, Transjordan, Iraq, and Egypt—invaded the newly declared state of Israel. It was a considerable measure of the success of the Israeli state that, with the combination of a truce made between May and December 1948 and violent campaigns, Israel was able to repel the invasion and conclude armistices with its neighbours in 1949 (Lorch, 2019). It also got more territory than what was prescribed in the UN partition plan. Transjordan annexed the West Bank (land west of the Jordan River) and East Jerusalem in 1950, and the name of the expanded country was changed to the Hashemite Kingdom of Jordan. Egypt retained control of Gaza without annexing it. And it was in this way that 'Palestine' ceased to exist.

### **PALESTINIANS AFTER 1948**

The real trial and tribulation for the Palestlmans began after 1948 with the creation of Israel on the one hand and getting trapped in the overlapping vested interests of the neighbouring Arab states on the other. The violent creation of Israel led to the mass exodus of some 700,000 Palestinian refugees between December 1947 and January 1949 to neighbouring Arab countries. This is the genesis of the 'Palestinian' refugee problem'

which, of late, has turned into legendary proportions. It is from this point that Palestinians began to live different sets of lives in accordance with their temporal station, and their history began to wander into a loose narrative. The Palestinian refugees are recipients of UN aid under the United Nations Relief and Work Agency (UNRWA). The majority of Palestinians were in Jordan, where they constituted two-thirds of the population and where they were given citizenship in 1949. They could not integrate into Jordan, for they tended to support the radical pan-Arabism of Gamal Abdel Nasser instead of the conciliatory position of King Hussein.

In Syria, Iraq, Lebanon, and the Persian Gulf states, most Palestinians found employment, but they could not become their citizens. It is also true that these Arab states did not integrate them because of ideological and tactical reasons (Gause, 2007; Asuquo et al. 2020). Palestinians were also discredited because of Haj Amin al-Husseini, the grand mufti of Jerusalem, who collaborated with the Axis powers during World War II, and the Palestinians did not have much but to look on while others would argue their case for them. However, this all changed in 1964, when the PLO (Palestine Liberation Organisation) was formed. This was a rather formal organisation, but prior to the PLO, there was one underground secret organisation called the Palestine National Liberation Movement (Harket at-Tahrir al-Watani al-Filastinyah), known from a reversal of its Arabic initials as al-Fatah (victory). It was this organisation of which Yasser Arafat was among the founding members, and he continued to head it till his death in 2004. Over the years, Fatah emerged as one of the most powerful outfits within the PLO.

### THE 1967 SIX-DAY WAR AND THE END OF JORDANIAN SANCTUARY

The Arab-Israeli war of 1967 devastated Arab nations, in which Israel, in just six days, captured Golan Heights from Syria, Gaza and the Sinai Peninsula from Egypt, and West Bank I from Jordan, thereby capturing the remaining territory of historic Palestine. More than 1,000,000 Arabs came under Israeli jurisdiction in addition to the 350,000 already living in the state of Israel. Following the Six-Day War, the United Nations adopted unanimously Resolution 242, emphasising the 'inadmissibility' of the acquisition of territory by war and calling 'for a just and lasting peace in which every person in the area can live in security' and for the settlement of 'the' refugee problem' (Bassiouni, 1970). Resolution 242 called on Israel to withdraw from 'territories occupied in the conflict'. But it did not specify the extent of the withdrawal. Palestinians rejected the resolution for equating the Palestinian question with a mere 'refugee problem'. Arguments generated by the ambiguities and omissions of Resolution 242 became the theme of the Arab-Israeli debate for years to come. While pointing out the need for the territorial integrity of all states to be respected, the United States was no longer committed to the post-1948 boundaries between Israel and its 70 neighbours. The President referred to these as "only fragile and violated truce lines." 8 Meanwhile, the escalation of internal conflict between the Jordanian army and Palestinian guerrillas became inevitable when, in early September 1970, PFPL hijacked three airliners (US, Swiss, and British) to the Jordanian airstrip.

By September 11, the army was engaged with the guerrillas in Amman and in northern Jordan (Ryan, 2012). The hijacking incident, in fact, gave the spark to the volatile relations brewing for a long time between Jordan and Palestine because the latter's heady blend of revolutionary Marxism and radical Arab nationalism relates uneasily to a pro-western monarchy. After ten days of heavy fighting, the Palestinian resistance movement in Jordan was decisively crushed. A ceasefire was signed in Cairo on September 27 to end the fight, which came to be known as 'Black September' in Palestinian annals. The PLO, following the debacle during the operations of 'Black September', had to shift its base to Lebanon.

## YOM KIPPUR WAR OF 1973 AND BALANCE OF FORCES

Three years later, in 1973, Syria and Egypt invaded Israel, catching it unaware, which later became known as the Yom Kippur War (Sheffy, 2006). By the time Israel reversed the scales, it had to agree to a US-led disengagement agreement. The efforts to secure a ceasefire in the renewed armed conflict in the Middle East during 1973–1974 illustrate the usefulness of approaching ceasefire agreements as part of a comprehensive effort to secure the cooperation of the parties to negotiate for resolving the important issues in conflict. Supplementing the Security Council's resolutions and the Secretary General's efforts to secure mutual withdrawal of forces on both sides, former Secretary of State Henry Kissinger, in what was proclaimed as shuttle diplomacy, was able to bring the needed agreements for troop withdrawals. However, in the decade of 1970, the Palestinian movement registered some spectacular successes. By the end of the decade, the PLO had representatives in more than 80 countries (Amos, 2013).

On September 22, 1974, the UN General Assembly, overriding strong Israeli objections, included on its agenda for the first time 'the Palestine question' as a subject for debate rather than as part of the general question of the Middle East. On November 13, Arafat delivered his famous 'olive and gun' speech in the UN General Assembly (Cohen, 1985). This international recognition had an important effect on the Arab Summit conference held in Rabat, Morocco, on October 26–28, 1974 (Cohen, 1985). The PLO was recognised as the actual representative of the Palestinian people. With some initial reservations, King Hussein accepted the Rabat resolution that any liberated territory should revert to its legitimate Palestinian owners under the leadership of the PLO. However, the rejectionist front, comprising the PFLP, the PFLP-GC, the pro-Iraq Arab Liberation Front, and the Front for the Popular Palestinian Struggle, denounced the Rabat resolution. They are called rejectionists because of their rejection of any negotiated settlement of the dispute. By the early part of 1970, the Palestinian guerrilla outfits scaled up their activities against Israel largely from Lebanon, provoking Israeli retaliation.

# **OPERATION 'PEACE FOR GALILEE' AND THE END OF LEBANESE SANCTUARY**

This semblance of peace, which had continued since 1976, was once again disrupted in 1982 when the Israeli air force broke the ceasefire that was held along its northern border and attacked Palestinian targets inside Lebanon (Yaniv & Lieber, 1983; Ignatius & Umotong, 2022). The PLO retaliated with rocket attacks on northern Israel. Although it did not inflict any causality, it became the official pretext for another full-scale invasion of Lebanon; 'this time it was 'Operation Peace for Galilee'. With bombardment escalating and the siege of Beirut intensifying, the then Israeli defence minister, who is now the prime minister, Ariel Sharon, announced that the siege would be lifted only if the PLO surrendered or left the city. The PLO finally agreed to evacuate under the aegis of the Multinational Force (MNF) to supervise the evacuation and protect the civilians of west Beirut. By the end of August 1982, the PLO had left the city for yet another destination, this time Tunisia (Yaniv & Lieber, 1983). Another Israeli objective was achieved when the

Lebanese National Assembly elected the pro-Israel Phalangist commander, Bashir Gemayel, as the new Lebanese president. He was assassinated on September 14th, and two days later, Israel Defence Force (IDF) command allowed right-wing Christian militias into the Palestinian refugee camps of Sabra and Shatila to finish off the remaining Palestinian resistance. Within two days, the militias killed an estimated 1,500 civilians. However, the new government that came to Lebanon came under the complete sway of Syria 74, which made sure that no faction would triumph completely over the other faction. By 1985, it was clear to Israel and its backer, the United States, that their Lebanon policy was in shambles (Felsch & Wählisch, 2016).

## PALESTINIANS IN OCCUPIED TERRITORIES

This has hitherto been an outline of history in conflict, and there is yet another, although of relatively less dramatic import, history of peace in which various agents have come to press upon the need for reconciliation between the two disputants. It was US President Jimmy Carter who was the first to speak for the need for a Palestinian state. He urged the Palestinians to take part in the peace process. Yet throughout the duration, the US assiduously maintained its official policy of making no contact with the PLO. For instance, in September 1982, US President Ronald Reagan recognised the 'legitimate rights of Palestinians' but not the PLO because it was what he claimed was a terrorist organisation. In fact, Reagan's solution would have restored Jordanian control over the West Bank (Lesch, 1990).

In the mid-1980s, there was a hurting stalemate on the Israeli-Palestinian front because of a lack of consensus in Israel between the Likud and Labour parties as to what to do with the Palestinian population in the occupied' territories (Beinin & Stein, 2006). Labour was in favour of some kind of settlement by returning some of the occupied territories to Jordan in exchange for full peace, while Likud wished ultimately to annex the territories but not necessarily the people living in them. This led to widespread discontentment and disillusionment among the Palestinians, which found its vent in 1987 in popular Palestinian resistance known as intifada, an Arabic term that literally means 'shaking off' (Quandt, 2010). The popular and, to a large extent, unarmed nature of resistance left the IDF completely at a loss for a suitable response to quell it, and it had to undertake a painful national security reappraisal. Perhaps the most important moment in PLO's history other than its creation was in 1988 in Algiers, when it renounced terrorism as its policy and espoused the 'two-nation solution'. This led the PLO to come out of the shadow of a pariah outfit and engage in the peace process.

In the meantime, the Gulf War erupted, with Saddam Hussein invading Kuwait and inviting a massive US response. Following the Gulf War, there was a major movement on the Arab-Israeli front by way of the US-led Madrid peace conference in 1991. However, it would not be a Madrid conference to break the ice between the two disputants. In retrospect, even after its proverbial odyssey, which took it from Jordan to Lebanon to Tunisia, the PLO still remains far from its stated objective, and Palestinians are still a people without their own state. Yet the situation has shown a positive result, and that was the Palestinian cultural renaissance in the late 1960s, where they found their voice in registering and speaking about their experiences, impressions, and images.

## PEACE AGREEMENTS: FROM OSLO TO TABA

The history of peace agreements between Israelis and Palestinians begins in Oslo with much fanfare, meanders through the rough and tumbles of the taxing times, and finally comes to its conclusion in Taba with a whimper. Although at Camp David II, Arafat was roundly criticised for being responsible for the failure of an agreement, it was perhaps the Oslo 'process' that was responsible for this failure (Zunes, 2014). This section enumerates all the up-to-date agreements between the two parties. It deals with Oslo at great length to show the extent of the relationship between the parties that was envisaged in Oslo. With its conception of five Palestinian authorities and four committees, Oslo certainly is an engaging document. Not that such an extent of relations is detrimental, but the difference between interdependence among the parties and dependence on each other is indeed very slight.

## **OSLO ACCORD**

At the end of August 1993, after ten rounds of negotiations under the aegis of the Madrid Conference came to a grinding halt, there was the dramatic revelation that Israel and the PLO had been engaged in parallel but secret negotiations in the Norwegian capital, Oslo (Blackwill & Stürmer, 1997). The two sides reached an agreement on mutual recognition and on staged autonomy in the West Bank and Gaza. The approval of the peace accord was preceded by an exchange of letters between Yassir Arafat and Yitzhak Rabin in which Israel and the PLO recognised each other's legitimacy. The 'Declaration of Principles on Interim Self-Government Arrangement', a document comprising 17 Articles, four Annexes, and an Agreed Minutes, establishes the terms for a just, lasting, and comprehensive peace settlement and historic reconciliation through the agreed political process, ending decades of confrontation and conflict (Blackwill & Stürmer, 1997).

## **OSLO II**

At a meeting in Washington on September 28, 1995, the then foreign minister of Israel, Shimon Peres, and the PLO leader, Yassir Arafat, put their signatures on a document detailing the interim stage of the Declaration of Principles. This agreement also divided the West Bank into three areas:

• Area A consisted of the main towns (2.8 percent of the West Bank), which were to be placed under direct Palestinian control.

• Area B included Palestinian villages and smaller communities (28 percent of the territory), which were to be turned over partially to security functions under Israeli authority.

• Area C was made up of mostly rural land (69 percent), which included Israeli settlements, areas reserved for present and future Israeli infrastructure projects, and Israeli military zones.

While the agreement provided that further portions of Area C would be turned over to Palestinian control during the interim period, no restrictions were placed on Israeli activities in the area in the meantime. The agreement also provided for the election of an 88-member Palestinian Council with legislative and executive powers. In the meantime, the opposition to the Oslo process led to acrimonious political debate in Israel, and at the height of it, Rabin was assassinated by a right-wing settler in September 1995. In the election that took place next year, Binyamin Netanyahu came to power, who was bitterly opposed to the original 1993 peace agreement, and with him, the Oslo 'peace process' came to a grinding halt. The logjam was broken with President Clinton's initiative.

#### SHARMEL SHEIKH AGREEMENT

With Ehud Barak's election victory, the region witnessed high-profile visits, including an EU delegation and the then US Secretary of State, Madeline Albright. This led to discussions between Israeli and Palestinian negotiators, which culminated in an agreement in the Egyptian resort of Sharmel Sheikh to revise the timetable for the outstanding provisions of the 1998 Wye Memorandum. The Shannel Sheikh Agreement, signed on September 4, 1999, included a commitment to achieve a framework agreement on permanent status issues by February 2000 and for the phased 13 percent of Israeli redeployment in the West Bank to be completed by January 20, 2000. The transfer of 7 percent of West Bank territory to PA was initiated on September 10, and the Gaza-West Bank safe passage was opened on October 5. Yet what remained unchanged was the government of Israel's settlement policy. With the National Religious Party as his ally, Ehud Barak could not afford to annoy the right-wing section of the Israeli political spectrum.

Subsequently, the Ministry of Construction and Housing issued tenders for 2,600 units in the first three months of Barak's administration. In mid-October, the Cabinet also decided that the overwhelming majority of the 42 outpost settlements established in the final months of the Netanyahu administration would be allowed to remain. This had elicited exactly a predictable response from the Palestinians, with chief Palestinian negotiator Abd ar-Rabbuh describing the Barak administration's settlement policy as 'unprecedented colonialist aggression'.

## **CAMP DAVID II**

On July 5, 2000, President Clinton, despite Arafat's contention that the time was not ripe for a high-profile summit, invited Prime Minister Barak and PLO leader Yassir Arafat to an open-ended summit meeting at Camp David to forge a framework agreement on 'final status' issues. Just as Barak left for Camp David, three nationalist parties of his ruling coalition (Israel B'Ali yah, the NRP, and Shas) withdrew their support for the government over the issue that Barak did not consult them over the extent of concessions he was prepared to make at Camp David (Said & Barsamian, 2003). This became the major theme of the Israeli position at Camp David. The summit meeting lasted for 15 gruelling days of complete news blackout and ended in failure, with each side accusing the other of being responsible for this failure. The breakdown came over the two most difficult issues among the 'permanent status' issues: the fate of around 3 million Palestinian refugees in the Middle East and control of East Jerusalem, as well as historic sites that were considered sacred by Jews, Christians, and Muslims. Here it would suffice to add that the way these negotiations were conducted and the approaches that were brought on them are all indicative of the cultural dimension discussed in the last chapter. President Clinton, among other failings, approached these issues in a problem-solving manner where every problem would be broken down to its last details guite 'objectively' and unemotionally, forgetting the fact that emotions play an important role in negotiations. This failure was also enunciated in quite unambiguous terms as the impossibility of the framework of the Oslo peace process itself.

## TABA AGREEMENT

The failure of Camp David led to a violent spiral of events in the Middle East. Palestinian intifada was in its initial stages owing to then Housing Minister Ariel Sharon's visit to Temple Mount. Yet' in December 2000, when President Clinton had already become a 'lame duck' president and Prime Minister Ehud Barak was poised to lose the imminent election, the former came up with his own set of broad principles (Said & Barsamian, 2003). These included a Palestinian state in 94–96 percent of the West Bank (with a territorial land swap for the land annexed), the sharing of East Jerusalem, whereby Israel would control the Jewish districts and Palestinians would control the Arab districts, and refugees' right to return to Palestine and not to their original homes in Israel. With these principles articulated by President Clinton, the Palestinian and Israeli delegations headed by Mahmoud Abbas and Yossi Belin met at the Egyptian resort of Taba to work out an agreement. The two sides reach far closer to an agreement than Barak and Arafat could at Camp David. On the issue of land, Israelis presented a map showing 6 percent annexation, to which Palestinians responded, allowing Israel to annex only 3 percent in the overall context of the land swap.

In Jerusalem, the two sides accepted the principle articulated by President Clinton in Camp David that there should be Israeli sovereignty over Jewish districts and Palestinian sovereignty over Arab districts. In principle, the two sides also favoured the idea of keeping Jerusalem an open city encompassing the full municipal borders of West as well as East Jerusalem. On refugees' right to return, the Israeli negotiators suggested informally allowing around 25,000 refugees into Israel over a period of three years under a family reunion scheme. It is true that the parties found it easy to agree on these contentious issues because this agreement is essentially non-binding, but it still makes it a good starting point. The rest of them were commitments and prom sessions only. The maps of Camp David II and Taba are based on the proposals between the parties. The blue region in the maps shows the progression of the Palestinian autonomous area as envisaged in different agreements.

## 'FINAL STATUS' ISSUES IN THE ISRAELI-PALESTINIAN CONFLICT

The framework of Oslo, with its step-by-step approach, makes consideration of the most contentious but fundamental issues of the conflict for a future date. It adopts an incremental interim approach whereby Palestinians would get control of a few cities or percent of land, which would be increased step by step (Behrendt, 2007). The problem with this approach is that it heavily hinges on several independent variables that could mar the prospects of peace very easily. The idea that the outcome of the permanent status negotiation would not be prejudiced by agreements reached in the interim period, as envisaged in the Oslo accord, is too optimistic and unrealistic. The fact that these issues would be responsible for the failure of a summit conference even after seven years of peacemaking is a clear testament to how important these issues really are. These issues cannot be resolved unless some creative peacemaking based on justice is called forth. The issues are:

## **TERRITORY: THE FIRST ENTANGLEMENT**

The fact that a conflict has a history facilitates its crystallization. Behind the veil of thousands of legal documents, scores of statements by world bodies, conflicting claims of Israelis and Palestinians themselves, and valid yet conjectural arguments by scholars creating more confusion than clearing it, there are only three issues supremely

fundamental to a peaceful and durable resolution of this conflict. The nature of these issues is the only reason the conflict has remained intractable for so long. The first is the issue of territory—the percentage of land Palestinians would eventually get for their independent state. In fact, in one of their major and also the last meetings that came to be known as Camp David II in July 2000, when Yassir Arafat and Ehud Barak met under Clinton's mediatory statesmanship, it was the issue of territory that offered a glimpse of what little the two parties have achieved since Oslo (Balaban, 2005). The understanding among the Palestinians that Israeli withdrawal from the occupied territories would be completed during the transition period envisaged in Oslo as a precondition to final status talks was never taken into account in Camp Da-v-id.

Instead, without anyone taking note of this shift, the withdrawal itself became an Israeli precondition linked to Palestinian concessions on final status talks. As the information would later attest, the three men met with their respective maps along with their proposals. No authoritative or official documents on Camp David II have been published. Discounting the difference in sources, Barak was ready to turn 91 percent to 95 percent of the West Bank into Palestinian jurisdiction, but what was not taken into account was the actual amount and final shape of territory 93 Palestinians would receive if compared with pre-1967 boundaries (Bishara, 2002). The certainty of less land at the end of the bargain compelled Arafat to back off and invite great frustration from Clinton, as he later would lament that Arafat did not' make the final jump from revolutionary to statesman'. That might be true, but that is how it is in old conflicts.

#### JERUSALEM: THE SECOND ENTANGLEMENT

The second and most difficult issue that remains to be resolved is, indeed, Jerusalem. There is something mystical about the city, which makes it one of the most contested cities in world history. In its long march through the corridors of time, this city has seen bitter, brutal, and violent wars and unbelievable eras of human achievement. This city sustains the myths and beliefs of three world religions; for Jews, the city represents the pinnacle of their history with the empires of King David and Solomon, which essentially form the basis of the Israeli claim to Palestinian antiquity. For Christians, romanticism gets stimulated by the mere fact that Jesus roamed the streets of Jerusalem, and present-day biblical scholars never get tired of theorising such questions as what route Jesus took while in Jerusalem or whether he stopped at this or that spot.

In the mediaeval past, the reclamation of Jerusalem was the dominant basis for the bloodiest crusades. The Christians are, perhaps, the only people to have carried out bloodshed for the city to an extent unsurpassed by anyone in human history. For Muslims, the city is sacred because of the dome of rock. It is the place Muslims believe the Prophet took his sojourn to heaven with the angel Gabriel. In fact, prior to Mecca, it was Jerusalem that was the cynosure of Muslims' religious lives, as they were required to face Jerusalem while praying until the scripture relieved them of this obligation.

However, what proved trickier and probably led the Camp David summit to fail was the issue of whether 'Yho would control Haram-al-Sharif (Temple Mount). This issue remains unresolved precisely because Palestinian and Jewish historical narratives collide on this piece of territory. According to Israeli narratives, in circa 960 BC, Solomon becomes the King of Israel and builds a temple in Jerusalem for the Ark of the Covenant, which is one of the holiest of pieces in Judaism. In subsequent years under the Christian Byzantinian lordship of the city, the temple was left in ruins, and they even began to use Temple Mount as a garbage dump (Zollman, 1996). When Omar, the second Caliph of Islam, conquered the city in the year 683, he was horrified to see the desecration, cleared it, and built a simple wooden mosque, later to become Al-Aqsa. It was in the year 691 that Caliph Abdul Malik built Jerusalem's Dome of Rock.

Today, no one knows where the temple stood, although it is assumed that it lies somewhere under the Dome of Rock. This overlapping in Palestinian and Israeli narratives makes Jerusalem what it is: highly intractable, a fact explained by the array of ideas put forward to resolve it in Camp David. In the final analysis, with such heavy baggage of history, it is not surprising that in their decade-old engagement, the Israelis and Palestinians could never bring themselves to begin, what the negotiation experts say, a serious 'trade off' on Jerusalem.

## 'RIGHT TO RETURN': THE THIRD ENTANGLEMENT

The third issue's content is no less contentious than the other two. The issue of 'right to return' is not simply one party demanding from the other its right to 'return' to lost territories. This is a difficult problem because of the sheer volume of refugees involved. The genesis of the Palestinian refugee problem finds its beginning in 1948, when Israel, on the basis of UN Resolution 181, proclaimed independence and was engaged in a war declared by its Arab neighbours. The UN-sponsored ceasefire between the warring parties left Palestinians as its principal victims; more than 700,000 were driven from their homes and had to be resettled in UN-sponsored refugee camps, where they were to remain ever since. The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) was set up in 1949 as a subsidiary organ of the UN (Salamey, 2013).

In Camp David, the US proposal provided for Israel to accept about 100,000 Palestinian refugees in an internationally financed and supervised 'family reunification' programme. Barak reportedly accepted this plan, but Palestine Arafat refused, apparently because it left the fate of most Palestinian refugees uncertain. The failure of Camp David led the three leaders to their own separate ways: Clinton went out of the US presidency in 2001, Barak was succeeded by Sharon as Israeli prime minister, and Arafat was to be trapped in the quagmires of the 2nd Intifada. Since then, the region has been reeling under the cycle of violence with which the Middle East conflict is known in international media (Sontag, 2001). In the intervening period, the construction by Israel of a barrier wall in the West Bank is the only action that could have a significant bearing on the conflict. Without agreement on the division of territory, the Wall will throw the question of territory into irrelevance. Despite its failure, Clinton took heart in the fact that Camp David was the first time these contentious issues were ever discussed between the parties. The failures and inefficiencies shown by the parties must have an answer in the structure and nature of their respective domestic constituencies.

### HAMAS AND THE MODERN WAR WITH ISREAL

When Hamas defeated the long-reigning majority party Fatah in the Palestinian Authority's legislative elections in 2006, a flurry of factionalism among Palestinians broke out. This gave the Palestinian Muslim Brotherhood's political and terrorist offshoot, Hamas, authority over the Gaza Strip. Gaza is a little island in the Mediterranean Sea that borders Egypt to the south and has been governed by the Palestinian Authority since 1993 (Sontag, 2001). It is a semi-autonomous territory. Since the movement has been regarded

by western countries as a terrorist organisation since the late 1990s, the United States and European Union, among others, did not recognise Hamas' electoral triumph.

After Hamas took over, there was fighting between Hamas and Fatah. A deal to reconcile was reached after several fatal clashes and unsuccessful peace efforts between 2006 and 2011. In 2014, Fatah and Hamas formed a unity government (Karakaya, 2021). The Israeli military and Hamas engaged in a military conflict in the summer of 2014 as a result of hostilities in the Palestinian territories. Hamas launched approximately 3,000 rockets towards Israel, and Israel responded by launching a massive attack in Gaza (Shalom, 2019). Late in August 2014, Egypt arranged a cease-fire agreement that brought the fighting to a stop, but not before 73 Israelis and 2,251 Palestinians had died. Palestinian President Mahmoud Abbas of Fatah said that Palestinians would no longer be constrained by the territorial divides established by the Oslo Accords following a surge of violence between Israelis and Palestinians in 2015 (Shupak, 2018).

In March and May of 2018, Palestinians in the Gaza Strip conducted weekly demonstrations at the border between the Gaza Strip and Israel. The final protest coincided with the seventieth anniversary of the Nakba, the Palestinian exodus that accompanied Israeli independence. While most of the protesters were peaceful, some stormed the perimeter fence and threw rocks and other objects. According to the United Nations, 183 demonstrators were killed and more than 6,000 were wounded by live ammunition (Summersett & Alade, 2022). The tense political atmosphere resulted in a return to disunity between Fatah and Hamas, with Mahmoud Abbas' Fatah party controlling the Palestinian Authority from the West Bank and Hamas de facto ruling the Gaza Strip.

Despite Abbas' efforts to unite the Palestinian people under the Palestinian Authority, this remained mainly true throughout the late 2010s and early 2020s. The deadliest period of violence since 2014 began when fighting broke out between Hamas and the IDF again in May 2018. Prior to establishing a cease-fire, Gaza terrorists launched more than 100 rockets into Israel. Israel retaliated by conducting airstrikes on more than 50 targets in Gaza during the 24-hour flare-up. The administration of Donald J. Trump made an agreement between Israel and the Palestinians a top goal in its foreign policy.

The administration of Donald J. Trump made an agreement between Israel and the Palestinians a top goal in its foreign policy. In 2018, the Trump administration reversed a long-standing US policy and cut off financing to the UN Relief and Works Agency, which aids Palestinian refugees. It also moved the American embassy from Tel Aviv to Jerusalem (Erdoğan & Habash, 2020). The Israeli government applauded the decision to transfer the American embassy, while other Middle Eastern and European governments as well as Palestinian officials denounced it. The long-awaited "Peace to Prosperity" plan from the Trump administration was unveiled in January 2020, but Palestinians rejected it because it backed potential Israeli annexation of settlements in the West Bank and authority over an "undivided" Jerusalem.

A number of Palestinian families from Sheikh Jarrah appealed the court's decision in February 2021, which sparked demonstrations against the appeal hearings, the ongoing legal dispute over land ownership, and the eviction of Palestinians from their homes in Jerusalem (Tatour & Tatour, 2023). Late in April 2021, Palestinians started protesting the impending evictions in the streets of Jerusalem, and Sheikh Jarrah's inhabitants and other activists started holding nightly sit-ins. After a court decided in favour of the evictions in early May, the protests grew and Israeli police used force to repress the protesters.

At the al-Aqsa Mosque compound in Jerusalem, violence broke out on May 7 after weeks of daily protests and rising tensions between protesters, Israeli settlers, and police during the month of Ramadan. Israeli police used stun grenades, rubber bullets, and water cannons in their altercation with protestors, leaving hundreds of Palestinians hurt. Following the fighting in Jerusalem's Old City, tensions rose throughout East Jerusalem as Jesus Day was observed, adding fuel to the fire. After many days of nonstop fighting in Jerusalem and the deployment of deadly and nonlethal force by Israeli police, Hamas, the terrorist organisation in control of Gaza, and other Palestinian militant organisations fired hundreds of rockets into Israeli territory on May 10. Israel's response included artillery and airstrikes, many of which resulted in fatalities.

The surprise attack on October 7 that saw thousands of armed Hamas members breaking through a border security fence and randomly shooting Israeli citizens and troops who were caught off guard set off the conflict. Some extremists delivered murder from the sky by swooping in on paragliders, while others invaded Israeli beaches in motorboats. According to Israeli statistics, more than 4,500 people have been hurt and over 1,400 people have died in Israel, including children. According to the American State Department, at least 32 of those slain in Israel were Americans.

According to the Palestinian Health Authority as of 20th October 2023, more than 12,000 people have been injured and at least 5000 people have died in Gaza. More than 200 people have reportedly been taken prisoner by Hamas and are reportedly being held in Gaza, according to the Israel Defence Forces (Qeshta, 2023). In retaliation, Israel launched a torrent of airstrikes that destroyed the Gaza Strip and uprooted more than 350,000 Palestinians. More than 1 million Palestinians in southern Gaza have been warned by Israel to leave the area or risk the wrath of 400,000 Israeli soldiers who are ready to destroy Hamas militant units, many of which are thought to be hiding in a mileslong network of tunnels beneath residential areas (Qeshta, 2023).

And many are afraid for people who are besieged in Gaza, on the verge of a humanitarian crisis, without access to running water or power, and whose food supply has been cut off.

#### **ISRAELI-PALESTINIAN CONFLICT: DETERMINING JUSTICE**

If power continues to define relations between Israelis and Palestinians, this conflict will remain intractable. Power, as we have seen, is very important in the study of negotiations because it provides causal explanations. Power symmetry between the two parties helps produce settlement rather quickly, and in its absence, resolution will appear impossible. The truth is that in negotiation, not the most powerful party always wins, but the weaker party extracts more out of a negotiated settlement. This paradox is enunciated on the understanding that in negotiations, it is not absolute power but the issues on the table that matter, and the relative power between the parties is issue-specific. However, between Israelis and Palestinians, this paradox seems to play no or an insignificant role because, in terms of issues, Palestinians are backed by a long history of international legitimacy. Their struggle places them on a moral and ethical high ground, yet when it comes to the issue of political gains from this struggle, they stand exactly in the same place where they stood for some fifty odd years.

The peace between Israelis and Palestinians is not a peace between relative equals. The Palestinians may accuse this peace of lacking justice, but these peace agreements, in the end, essentially reflect power, not justice. All the major issues between them have been left to the mercy of Israeli interpretation. This scenario becomes clearer if one examines the opponents of peace from within the domestic constituencies of the two parties. The Palestinians oppose this kind of peace, saying it lacks justice and fairness.

The Israeli-Palestinian dispute has left millions of Palestinians and Israelis with a profound legacy of mutual fears and indoctrinated hatred. The fact that this struggle to break down these psychological constructs requires Herculean efforts is obvious, yet the subsequent pronouncements by these leaders did not seem to indicate that they were serious about waging it. In this age of democracy, which is unlike the preceding times when the sovereign potentates used to cut treaties on the backs of their own people, it is incumbent on the leaders now to extend their realistic assessment of what it is that they are discussing. This is important for keeping ill-conceived and premature perceptions from clouding these assessments. It is important that the Arab world, together with the Western world, including the United Nations, find a lasting solution to the problem. In this case, it won't be a matter of Palestine and Israel being unequal, but rather of the Arab League as well as the West in discussing solving the long-standing conflict that has claimed thousands of lives.

### CONCLUSION

Through the history of the conflict as exposed by this work, it can be clearly assumed that the two parties had no shared notions of justice to guide their discussion and that these conflicting notions were not reconciled or balanced in the agreements. So far as the structuralist paradox is concerned, where a strong party is not always the winning party in negotiations, the Israeli-Palestinian case does not exhibit any such dilemma. The only condition in which it can be said to be true is the scenario where the other extreme is war instead of negotiation. Indeed, the reliance on merely contextual criteria, as in the Israeli perspective, would define notions of justice and fairness as a prevailing balance of power, which is highly unsatisfactory. Again, the reliance on parties' BATNA (Best Alternative to Negotiated Agreement) as the referents against which the notion of justice is to be assessed may reflect the parties' relative strengths instead of just the needs of the parties for the disputed resources. In such intractable conflicts, a mediator can bring about a creative reframing if he or she is sensitive to the nature of the conflict. In such disputes, a mediator needs to balance or reconcile the two opposing criteria because the internal (contextual) criteria will lead to the exploitation of the weaker party by the strong one, and the exclusive reliance on external criteria will conflict with the basic requirement that successful negotiation must be mutually beneficial.

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