BOOK REVIEWS

1. THE OSLO ACCORDS: INTERNATIONAL LAW AND THE ISRAELI-PALESTINIAN PEACE AGREEMENTS

Geoffrey R. Watson
Reviewed by Naseer H. Aruri*

This book raises and tries to answer four questions: (1) are the Oslo accords legally binding agreements or are they simply political undertakings?; (2) to what extent has each party complied with the terms of these agreements?; (3) what effect, if any, did any possible violations by both parties have on their respective obligations?; and (4) how might international law help shape resolution of "final status" issues such as Jerusalem, refugees, settlements and water?

The author declares his intention to stay away from any analysis of the history and politics of the Arab-Israeli conflict and instead to concentrate on the legal aspects insofar as they relate to the Oslo Accords only. He denies any intent to present "a legal brief for one side or the other. Anyone looking for an exclusively pro-Israel or pro-Palestinian legal argument will be disappointed" (p. viii). Instead, Watson devotes eleven chapters to legal analysis of the numerous components of the Oslo package, which he considers "as a sort of 'basic law' or a Constitution for an unhappy polity" (p. ix).

In reality, however, the claim of impartiality is anything but credible. Part I, which delineates a brief legal history of the Arab-Israeli conflict prior to Oslo, is far from what might be considered factual and straightforward. U.N. General Assembly Resolution 181 of November 1947, which divided Palestine into an Arab state and a Jewish state, is considered dead as of the decade following the creation of Israel. The fact that subsequent resolutions referred to the 1949 armistice agreements rather than to the partition resolution "suggests acquiescence in its death" (p. 24). Instead, Watson considers Security Council Resolution 242 as the relevant framework instead of the partition resolution. He even cites Oslo's reference to 242 rather than 181 as a strong indication that the real beginning of the conflict for legal purposes was 1967 rather than 1948. He goes on to deny that there was ethnic cleansing of Palestinian civilians in 1948 when he asserts that "the truth lies somewhere between" the Israeli and Palestinian narratives, saying "[t]he plan (Dalet) did not endorse ethnic cleansing of all Arabs from the future Israel, but it did give military commanders discretion on how to secure their objectives, and in some cases commanders did

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expel Arab inhabitants who resisted" (p. 25). One might have thought that since the time that Israel’s revisionist historians broached this subject during the past decade, the matter of Nakbah denial would have ceased to exist in scholarly discourse. Moreover, when the author deals with Israel’s claims to statehood, which he considers consonant with the traditional objective criteria, he asserts that U.N. membership was “further evidence” of the claims, forgetting that U.N. membership was conditioned on Israeli compliance with G.A. Resolution 194, which expected Israel to repatriate the refugees and compensate those who did not wish to return (p. 27).

Even the 1967 war is supposedly considered justified by “most scholars,” including this international law treatise, as a measure of self-defense. While Watson selectively cites the closure of the Strait of Tiran to Israeli shipping, he fails to mention the fact that Egypt had requested U.N. forces stationed on Egyptian territory at the invitation of Egypt in 1956 to withdraw. The author should have remembered that Israel had refused to station any U.N. forces on its territory after it launched what its American ally described as aggression in 1956. Moreover, his notion of a “clearly imminent” attack by Egypt is not consistent with the fact that the Egyptian vice president was traveling to Washington to head off an Israeli attack, nor with the later pronouncements of Israeli generals, such as Mattityahu Peled, who fought in that “preventive” war. Such pro-Israel bias extends to the true meaning of Resolution 242 and the absence of the article “the,” considered by Israel, and Watson, as precluding the necessity to withdraw from all the occupied territories. Quoting Allan Gerson, one of his most frequently cited sources, Watson says that “many of the drafters [of the resolution] intended that withdrawal is required from some but not all of the territories” (p. 31). One wonders why the principal author of 242, then U.K. ambassador to the U.N. Lord Caradon, is excluded from the “many” oracles? Not needing to vouch for his fluency in the English language, Caradon is on record as confirming that the article “the” was not a requirement to denote all the territories.

Moving on to the October 1973 war, Watson again reveals his bias when he describes it as “a surprise attack on Israel on Yom Kippur” (p. 36). The fact is that neither Syria nor Egypt attacked Israel. Their armed forces were dispatched to Israeli-occupied Syrian and Egyptian territory but not to Israel proper. Watson’s rendering of war and conflict continues on to include the 1982 Israeli invasion of Lebanon, which again is attributed to Arab intransigence. “The invasion immediately followed a PLO attempt to assassinate the Israeli ambassador to Great Britain, but its fundamental purpose was to stamp out PLO bases in southern Lebanon, which had been used to shell Israeli settlements and other targets in northern Israel” (p. 37). The informed reader might ask Watson whether he has ever heard of the real assailant, Abu Nidal, the PLO dissident leader whose assassination attempts went well beyond the Israeli ambassador to include numerous Arafat loyalists. In fact, Abu Nidal was under a PLO death sentence at that time. Nor does Watson seem to remember that there was a year-long truce then in effect between the PLO and Israel, reached under the auspices of the Reagan administration. It was observed scrupulously by the PLO until Israel violated it with its massive bombing of the city of Beirut. Israel’s strategic goals in 1982 went far beyond border skirmishes to include altering the domestic political map of Lebanon, preempting a Palestinian state-in-waiting, and reducing Syria to manageable proportions. Moreover, the PLO shift “away from a strategy of military confrontation towards one of diplomacy” (p. 38) did not begin after 1982, “once installed in Tunis,” as Watson claims. It began in the early 1970s when the PLO reached a quid pro quo understanding with the Arab governments to scale down the armed struggle and to opt for a parallel diplomatic struggle.