The biopolitics of peace

Oslo accord's hidden architecture of control

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The Middle East is a region with a long, fascinating history with peoples of distinct cultures and religions inhabiting the area. Unfortunately, due to its geographical importance as well as an abundance of natural resources, various states throughout history have attempted to exert control over the region. From the 16th century onwards, many of the contemporary Middle Eastern countries were under direct control of the Ottoman Empire. When the First World War came to an end, so did the Empire, and as a result, its Middle Eastern territories were divided between the United Kingdom and France. The dissolution of the Ottoman Empire created a power vacuum, and the subsequent European presence in the region only exacerbated this unstable situation. Furthermore, sensing a possibility for independence, many regional nationalist movements grew stronger in their efforts to establish new states resulting in a series of political upheavals and territorial disputes.[1] Persisting through the Second World War, this regional instability was further intensified by the bipolar Cold War dynamic.

An influential Israeli-British historian Avi Shlaim claims that the most destabilising conflict in the area was the Arab-Israeli conflict.[2,3] Rooted in the turbulent history of the Middle East, a vast array of issues underlie the Arab-Israeli struggle, including disagreements over land division

1 Quataert, Donald. "Inter-communal co-operation and conflict" in *The Ottoman Empire, 1700-1922*. Cambridge, Cambridge University Press, 2013, p. 192

2 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*. Oxford University Press, 2009.

3 Although the majority of the Palestinian population is of Muslim faith, the Israeli-Arab struggle in this context is used as an umbrella term to describe the conflicts of the state of Israel with its neighbouring Arab countries of Lebanon, Syria, Iraq, Jordan and Egypt.

and religious differences. The most prominent element of this dispute, however, is the conflict between the Palestinians and the state of Israel. That is because the Israeli state was established on lands previously belonging to the Palestinians, gradually erasing Palestine from world maps as well as public consciousness. It is, therefore, this intricate struggle as well as particular attempts at solving it that will be taken under scrutiny in this article.

Although the Israel-Palestine conflict has persisted for several decades, the main focus of this article is on the Oslo Accords that took place in the 1990s. The Accords are a series of agreements established between the Palestinian and the Israeli representatives aiming to resolve the decades-long struggle. They are a result of a series of peace negotiations which commenced in 1993 and lasted for several years. Even though the final negotiation stage proved futile, the year 2000 is widely recognised as the definitive end of the 1990s peace process.[4] Therefore the timeframe of this article extends from the year 1992 until the year 2000.

Historiography

Unfortunately, although the Accords were intended to bring peace and stability to the Middle East, they were unsuccessful in achieving this objective. While agreements regarding certain issues were reached, the most crucial aspects of the conflict were never fully resolved. Nevertheless, the Oslo Accords are often recognized as a breakthrough in the Israel-Palestine conflict as they marked the onset of direct bilateral discussions between Israel and the Palestine Liberation Organization (PLO), an internationally recognised umbrella organisation advocating for the Palestinian cause. This was indeed unprecedented, given Israel's longstanding refusal to accept the PLO as a collective representative of the Palestinian people.[5] Thus, it should not be surprising that for a long time, the most dominant perception of the Oslo Accords has been that although they did not live up to the expectations or the objectives, they nevertheless represented a substantial advancement in the relationship of the conflicting parties.

4 Barak, Oren. "The Failure of the Israeli-Palestinian Peace Process, 1993-2000." *Journal of Peace Research* 42, no. 6 (2005): 719–36.

5 Shlaim, Avi. "The Oslo Accord." *Journal of Palestine Studies* 23, no. 3 (1994): 24–40. p. 243.

Particularly amongst the Israeli public, the Accords marked a significant breakthrough. Palestinian human rights lawyer Hassan Jabareen argued that prior to 1993, no Arab state, except for Egypt, recognised Israel's right to exist, and instead considered it a "Zionist colonial entity". He furthermore argues that following the signing of the first Oslo document, that notion began to change and Israel's control over some Palestinian territories slowly became legitimised.[6]

While the majority of Israelis and international observers applauded the Oslo process, Shlaim argues that it was also met with a "loud but ineffective" opposition from a number of Palestinians.[7] An example of this opposition can be found in a 1993 magazine article written by a prominent Palestinian-American intellectual known for his contributions to postcolonial theory as well as his advocacy for the Palestinian cause Edward Said. There, Said argues that upon closer examination of the Israel-PLO agreement it becomes visible that its provisions are disproportionately favourable to the Israelis, describing the Accords as "a Palestinian Versailles".[8] Said's position, however, was rather uncommon.

Only in recent years did this generally positive outlook start to be challenged. The hopes, as well as the overall optimism associated with the signing of the Accords in the 1990s began weakening as many of the objectives designed to bring peace to the region proved futile. This change of attitude is perfectly represented in the works of Palestinian-American historian of the Middle East Rashid Khalidi. In his book titled *Palestinian Identity. The Construction of Modern National Consciousness,* originally written in 1997, Khalidi, while acknowledging the imbalanced power dynamics, is nevertheless hopeful that the Oslo Accords will succeed in resolving the Israel-Palestine conflict.[9] In the 2010 reissue of the book, however, the author explicitly mentions that after the outbreak of the Second Intifada in



6 Jabareen, Hassan. "20 Years of Oslo: The Green Line's Challenge to the Statehood Project." *Journal of Palestine Studies* 43, no. 1 (2013): 41–50. p. 42.

7 Shlaim, Avi. "The Oslo Accord." *Journal of Palestine Studies* 23, no. 3 (1994): 24–40. p. 249.

8 Said Edward. "The Morning After." *London Review of Books*, October 21, 1993.

9 Khalidi, Rashid. "Preface." In *Palestinian Identity: The Construction of Modern National Consciousness*. Columbia University Press, 1997.

the year 2000, he became disillusioned with the objectives of the Accords and highlights obstacles influencing Oslo's breakdown.[10]

The breakdown of the 2000 Camp David Accords and the subsequent Second Intifada had a large impact on the debate surrounding the Oslo process. Scholars began focusing on identifying and analysing the reasons behind the failure of these peace agreements to reconcile the conflicting parties. A stance akin to Said's comments from 1993 is favoured by Shlaim in his 2019 article "The Rise and Fall of the Oslo Peace Process". According to him it is the lopsided power structures that were written into the Accords which are to blame for the Accords' eventual breakdown.[11] Additionally, according to both Said and Shlaim, the fact the US foreign policy favoured the Israeli cause undoubtedly dominated the outcome of Oslo.

Said and Shlaim weren't isolated in their emphasis on the outsiders' role in this peace process. Such an analysis of the Accords is a prominent part of the scholarly debate, with some academics, like Constanza Musu, examining the role of the European Union in resolving the conflict, and others focusing on the role of the United States or Norway.[12,13]



10 Khalidi, Rashid. "Introduction to the 2010 Reissue." In *Palestinian Identity: The Construction of Modern National Consciousness*. Columbia University Press, 1997.

11 Shlaim, Avi. "The Oslo Accord." *Journal of Palestine Studies* 23, no. 3 (1994): 24–40. p. 259.

12 For more about this debate, see: Musu, Constanza. "The EU and the Middle East Peace Process: From Hope to Despair (1991-1999)." In *European Union Policy towards the Arab-Israeli Peace Process*. London: Palgrave Macmillan, 2010; Bouris, Dimitris. "The European Union's Role in the Palestinian Territory after the Oslo Accords: Stillborn State-Building" *Journal of Contemporary European Research* 6, no. 3 (2010): 376–94; Lovatt, Hugh. "Eu Differentiation And The Push For Peace In Israel-Palestine." European Council on Foreign Relations, 2016.

13 For more about this debate see: Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*. Oxford University Press, 2009; Sanders, Jacinta. "Honest Brokers? American and Norwegian Facilitation of Israeli Palestinian Negotiations (1991-1993)." *Arab Studies Quarterly* 21, no. 2 (1999): 47–70; Waage, Hilde Henriksen. "The 'Minnow' and the 'Whale': Norway and the United States in the Peace Process in the Middle East." *British Journal of Middle Eastern Studies* 34, no. 2 (2007): 157–76.

Most importantly, scholars of various academic disciplines also evaluate the impact of the Oslo Accords on the situation on the ground. Some, like Palestinian-American scholar of international law Rinad Abdulla, aim to determine whether the Accords had an impact on the Israeli settlement practices that preceded 1993. Others, like American political scientist Alwyn Rouyer and British political scientist Jan Selby, investigate the importance of water in the conflict, as well as how the creation of the Joint Water Committee (JWC) impacted patterns of water distribution. Referring to Palestinian water analyses, Rouyer argues that "few Palestinians have experienced tangible results from the Oslo water accords".[14] A similar stance is undertaken by Selby, who states that while the JWC was supposed to regulate water allocation arrangements between the Palestinians and the Israelis, it failed to amend the reality, thus reinforcing the oppressive policies existing prior to the Accords.[15] An analogous claim is maintained by Abdulla as he suggests that contrary to general anticipations and hopes, the division of the West Bank and the subsequent partial transfer of control of these territories to the Palestinians did not contribute neither to establishing a Palestinian state nor to bringing peace to the conflict.[16]

Methodology

Precisely because of how complex and intriguing the scholarly debate is, as well as in light of the most recent escalation of the conflict, this article aims to analyse the current understanding on whether the Oslo Accords created the capacity for the continuation of occupational practices exercised by the Israeli government towards the Palestinians in Israel/historical



14 Rouyer, Alwyn R. "Transition and Stalemate." In *Turning Water into Politics. The Water Issue in the Palestinian-Israeli Conflict*. Palgrave Macmillan, 2000.

15 Selby, Jan. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." *Review of International Studies* 29, no. 01 (December 11, 2002): 121–31.

16 Rinad Abdulla. "Colonialism and Apartheid Against Fragmented Palestinians: Putting the Pieces Back Together." *State Crime Journal* 5, no. 1 (2016): 51–80.

Palestine.[17] As the debate surrounding the Accords is broad, this article pays attention only to the scholarly analyses of the West Bank's division and the subsequent increase in Israeli settlements as well as the changes in water distribution and the creation of the JWC. The historiographical analysis will be complemented by an examination of relevant Oslo documents such as the Letters of Mutual Recognition, the Declaration of Principles (DOP), as well as the Oslo II agreement. A careful investigation of not only these documents but also of the secondary literature surrounding them constitutes a crucial part of my methodology.

Most importantly, however, my analysis will be conducted from the perspective of the theory of biopower coined by the influential French philosopher and historian Michel Foucault. Coined in the 1970s, biopower refers to a specific type of political rationality in which biological existence is emulated in political existence, meaning that human life is directly dependent on political decisions. The concept was formulated to define the various kinds of administrative policies that the government implements to exert progressively more control over populations.[18] It quickly became central in Foucault's historical inquiries into how modern states regulate society through the use of force and legislation. This is precisely the reason why I believe that adopting this theory as a part of my methodology will prove valuable in analysing the Oslo Accords as their implementation impacted on life on the ground.

To supplement the biopower framework, this article will also adopt the diachronic comparison method. This approach allows me to situate the Accords more comprehensively within the much broader context of the Israel-Palestine conflict, which is crucial for conducting a proper examination. Additionally, tracing the expansion of the settlements and the evolution of water distribution patterns across the 1990s will allow for an

17 Albanese, Francesca. "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967," March 25, 2024. https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf.

18 Buchanan, Ian. "Biopower." In *A Dictionary of Critical Theory*. Oxford University Press, 2018. https://www.oxfordreference.com/display/10.1093/acref/9780198794790.001.0001/acref-9780198794790-e-87.

assessment of whether Oslo can be seen as creating the capacity for the preservation of the oppressive Israeli policies predating 1993. The focus on the development of land division and the subsequent settlements as well as on water distribution will also be restricted to the years 1992-2000. It will draw from comprehensive documents created by Amnesty International and the World Bank to portray the growth of Israeli settlements throughout the Oslo process, as well as depict the patterns of water distribution.[19]

Lastly, I will also implement the concept of precarity as understood by American philosopher Judith Butler. Precarity, according to Butler, refers to the politically induced state in which people are being pushed into vulnerable conditions by circumstances outside of their control.[20] As water is undoubtedly the source of life, those who suffer from its shortage as a result of restrictive legislations are undeniably being propelled into incredibly unstable, dangerous states. Therefore, I believe this concept can prove valuable in my analysis of the impact of the JWC.

To address the current understanding of whether the Oslo Accords can be seen as creating the capacity for the perpetuation of Israeli occupational practices, this article will be divided into three sections. Section 1 focuses on the events that created the need for the Oslo peace negotiations. In section 2, an examination of the Letters of Mutual Recognition, the Oslo I Accord as well as relevant sections of Oslo II Accord through the lens of biopower will be used to answer the question of whether these documents facilitated the continuation of oppressive Israeli policies. Lastly, in section 3 Butler's concept of precarity will be implemented to investigate the water distribution patterns as stipulated in the Oslo II Accord and its influence on life on the ground. The article will conclude with a summary of my ana-



19 Amnesty International. "Troubled Waters – Palestinians Denied Fair Access to Water2009." *Amnesty International*. Amnesty International, October 27, 2009. https://www.amnesty.eu/news/troubled-waters-palestinians-denied-fair-access-to-water/; World Bank, *Assessment of Restrictions on Palestinian Water Sector Development: Sector Note*, Report No. 47657-GZ. West Bank and Gaza: World Bank, April 2009.

20 Buchanan, Ian. "Precarity." In *A Dictionary of Critical Theory*. Oxford University Press, 2018. https://www.oxfordreference.com/display/10.1093/acref/9780198794790.001.0001/acref-9780198794790-e-783?rskey=MMuGXK&result=561.

lysis, its placement within the broader scholarly debate as well as a brief exploration of further research possibilities.

Section 1 – What created the need for the Oslo Accords?

The 1948 Nakba and the Six-Day War.

Before 1948 the region of Palestine was being administered by the British government in accordance with the Palestine Mandate established by the League of Nations. Nevertheless, as shown by prominent Israeli historian Ilan Pappé, proponents of the Zionist ideology were already present in the region and discussing the possibilities of achieving their ambitions.[21] When the Mandate expired in the year 1948, the state of Israel announced its independence and subsequently increased its efforts of annexing more territories at the expense of the Palestinian people inhabiting them.[22] Military orders preparing for systematic expulsion of the Palestinians were issued which included strategies such as bombarding villages and demolishing homes, subsequently displacing more than 700 000 people.[23] This mass displacement came to be known as the Nakba which is an Arab word meaning "catastrophe".[24] Pappé claims these tactics were considered necessary as they enabled Jewish people to set up settlements and establish their houses. Consequently, those methods were also directly responsible for one of the key aspects of the 1990s peace process, namely the refugee question. This issue has been considered central in resolving the Israel-Palestine conflict, thus it's necessary to explain its origin. It's also important to underline that because both sides profoundly disagreed about the way



21 Pappé, Ilan. "The Drive for an Exclusively Jewish State." In *The Ethnic Cleansing of Palestine*, 34–53. 47 Oxford: Oneworld, 2011.

22 Ibid. p. 69

23 Pappé, Ilan. "The 1948 Ethnic Cleansing of Palestine." *Journal of Palestine Studies* 36, no. 1 (2006): 6–20.

24 There exists a scholarly debate about whether "Nakba" is a suitable name, for more see: Shlaim, Avi. "The Debate about 1948." *International Journal of Middle East Studies* 27, no. 3 (1995): 287–304; Simha Flapan. "The Birth of Israel: Myths and Realities." New York: Pantheon Books, 1987; Pappé, Ilan. "The 1948 Ethnic Cleansing of Palestine." *Journal of Palestine Studies* 36, no. 1 (2006): 6–20.

in which it should be managed, this concern had been deferred until the final stage of the Oslo Accords which, as Shlaim argues, was a "calculated risk" on both sides.[25]

Following the Nakba of 1948, the lands of historical Palestine were further divided amongst Israel, Egypt as well as Jordan according to UN Resolution 194. Even though Israel had controlled more than half of the Palestinian territories, further land annexation as well as the displacement of people continued. In June 1967, a short war broke out between Israel and the neighbouring countries of Syria, Jordan and Egypt due to a combination of immediate as well as long standing issues such as Israel's role in the 1956 Suez crisis.[26] Although outnumbered, the Israeli army had swiftly achieved its ambitions in only six days, a duration that came to define the conflict as the Six Day War. Following Israel's victory, it gained full control over the West Bank and the Gaza Strip previously administered by Jordan and Egypt respectively.[27] There exists a scholarly debate about whether the approach undertaken by the Israeli government towards the Palestinians in 1967 as well as in the years that followed can be considered colonial occupation.[28] Given its complexity, presenting the debate extends beyond the scope of this work. I will, however, adopt the perspective of historian



25 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*, 241–61. Oxford University Press, 2009. p. 246.

26 Hinnebusch, Raymond. "Revisiting the 1967 Arab-Israel War and Its Consequences for the Regional System." *British Journal of Middle Eastern Studies* 44, no. 4 (2017): 593–609.

27 Ilan Pappe. "Historiophobia or the Enslavement of History: The Role of the 1948 Ethnic Cleansing in the Contemporary Peace Process." *Arab Studies Quarterly* 38, no. 1 (2016): 402–17. p. 403-404.

28 For more about this debate see: Greenstein, Ran. "Colonialism, Apartheid and the Native Question: The Case Of Israel/Palestine." In Racism After Apartheid: Challenges for Marxism and Anti-Racism, edited by Vishwas Satgar, 75–95. *Wits University Press,* 2019; Ronit Lentin. "Palestine/Israel and State Criminality: Exception, Settler Colonialism and Racialization." *State Crime Journal* 5, no. 1 (2016): 32–50; Yiftachel, Oren. "'Creeping Apartheid' in Israel-Palestine." *Middle East Report*, no. 253 (2009): 7–37; Marshall, Mark. "Rethinking the Palestine Question: The Apartheid Paradigm." *Journal of Palestine Studies* 25, no. 1 (1995): 15–22.

Lorenzo Veracini, an influential figure within settler colonial studies. In his 2013 article, he brings forward arguments in favour of a settler-colonial approach to Israeli tactics of bombarding Palestinian villages. Yet, he also argues that the situation in the West Bank and Gaza post-1967 cannot be considered a fully successful colonial project as it didn't lead to a full reduction of the indigenous population, instead creating a mixture of Palestinian towns replete with many Israeli settlements.[29]

Presenting the events of 1948 and 1967 as well as their consequences is vital for further analysis of the Oslo Accords via the lens of biopower. While the 1948 Nakba resulted in the creation of the refugee question, the aftermath of the Six-Day War marked the beginning of a complete occupation of the West Bank and the Gaza Strip, thus increasing the amount of Israeli settlements in those territories.

The First Palestinian Intifada.

Another important event influencing the 1990s peace accords is the First Intifada, an Arabic word meaning "uprising" in the Palestinian context, that started in 1987 and lasted until 1993.[30] There is a vast scholarly debate surrounding the ending date of the intifada, with numerous scholars arguing either for or against it being the 13th of September 1993.[31] In this essay, however, I will follow the former group of academics who, like



29 Veracini, Lorenzo. "The Other Shift: Settler Colonialism, Israel, and the Occupation." *Journal of Palestine Studies* 42, no. 2 (2013): 26–42. p. 29.

30 "Intifada is an Arabic word that literally means "shaking off", and in the Palestinian context, it is understood to mean a civil uprising" from Jazeera, Al. "Intifada - PalestineRemix." remix.aljazeera.com. Accessed May 8, 2024. https://remix.aljazeera.com/aje/PalestineRemix/intifada.html#:~:text=A%20Palestinian%20uprising%20against%20the.

31 For more on this debate see: Rouhana, Nadim. "The Intifada and the Palestinians of Israel: Resurrecting the Green Line." *Journal of Palestine Studies* 19, no. 3 (1990): 58–75; Bligh, Alexander. "The Intifada and the New Political Role of the Israeli Arab Leadership." *Middle Eastern Studies* 35, no. 1 (1999): 134–64; Tessler, Mark. "The Intifada and Political Discourse in Israel." *Journal of Palestine Studies* 19, no. 2 (1990): 43–61; Stein, Kenneth W. "The Intifada and the 1936-39 Uprising: A Comparison." *Journal of Palestine Studies* 19, no. 4 (1990): 64–85.

Israeli sociologist L.L. Grinberg, claim that the uprising ended with the signing of the Declaration of the Principles in 1993 because it stipulated the beginning of Israeli military withdrawal from Gaza.[32] Furthermore, as the 1967 victory established Israel as a significant military power in the region, the years that followed were characterised by increasing tensions between both sides of the conflict.[33] Such a claim is being favoured by Said who argued that during that time, there existed a proliferation in laws and regulations that not only strengthened the already-weak position of the Palestinians but also subdued them even further.[34] Where there is occupation, there is resistance, thus the increase of such legislations combined with the Israeli annexation of the two territories led to the emergence of a more autonomous Palestinian movement which was less inclined to comply with Israeli policies. As some argue, the movement realised relying on the neighbouring Arab states wouldn't create a Palestinian statehood, and instead began to act independently in achieving their goal.[35]

In light of these arguments, the uprising that began in 1987 can be seen as a culmination of Palestinian aims of resisting the occupation. It was organised not by the Palestinian Liberation Organisation but rather by the popular masses who believed that, because the PLO representatives resided in a different country, they wouldn't be capable of mobilising the Palestinian society.[36] Dutch scholar Joost Hiltermann argued that, although this grassroot movement resisted the Israeli policies mainly by organising civil protests and economic boycotts, they were met with a disproportio-

32 Grinberg, Lev Luis. "1987-1993 — The Intifada: The Palestinian Resistance Mo(ve)Ment." In *Mo(ve)Ments of Resistance: Politics, Economy and Society in Israel/Palestine 1931-2013*, 217–50. Academic Studies Press, 2014.

33 Ibid.

34 Said, Edward. "Intifada and Independence." *Social Text*, no. 22 (1989): 23–39.

35 Miller, Aaron David. 1987. "The Arab-Israeli Conflict, 1967-1987: A Retrospective." *Middle East Journa*l 41 (3) (Summer): 349; Beitler, Ruth Margolies. "Analysis of Israeli Counterinsurgency Policy (1967-1987)." In *The Path to Mass Rebellion: An Analysis of Two Intifadas*. Oxford: Lexington Books, 2004.

36 Grinberg, Lev Luis. "1987-1993 — The Intifada: The Palestinian Resistance Mo(ve)Ment." p. 17.

nately violent response leading to many deaths and serious injuries.[37] In their 1990 report, the Human Rights Watch analyses the unequal Israeli response urging the Israeli government to "revise those rules [...] that in practice have routinely caused death and serious injury in non-life-threatening situations".[38]

Water distribution patterns prior to the Oslo peace process.
Furthermore, it is necessary to briefly present water management patterns before 1993. Water is an essential part of life everywhere on the planet, especially in the hot and dry climate of the Middle East. Before 1967, residents of the West Bank and the Gaza Strip used natural springs and wells to supply their households with water. According to Jan Selby, a British political scientist who has extensively analysed the role of water in this conflict, following the Israeli occupation of these territories, water distribution patterns began to transform. Additional wells that had to supply not only the existing Palestinian communities but also the newly emerging Israeli settlements were being dug into the aquifers, thereby greatly reducing the amount of water available to the former group.[39] In 1982, the Israeli government decided to relocate the control of the water supply system to an Israeli company called Mekorot. Rouyer argued that such a modification further exacerbated the inequalities between the conflicting sides, as it denied the Palestinians access to natural water resources and strengthened their dependency on the state of Israel.[40]

37 Hiltermann, Joost R. "Human Rights and the Mass Movement: The First Year of the Intifada." *Journal of Palestine Studies* 18, no. 3 (1989): 126–33. p. 129.

38 Schiff, Zeev, and Ehud Yaari. "The Israeli Army and the Intifada Policies That Contribute to the Killings." Human Rights Watch, August 1990.

39 Selby, Jan. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." R*eview of International Studies* 29, no. 01 (December 11, 2002): 121–31. p. 129.

40 Rouyer, Alwyn. "Basic Needs vs. Swimming Pools, Water Inequality and the Palestinian-Israeli Conflict." *Middle East Report*, no. 227 (2003): 2–7.

The Israeli-Palestinian relationship at the beginning of the 1990s.
Finally, a brief overview of the relationship between Israel and the PLO needs to be given. Israel had long refused entering into bilateral discussion with PLO's leadership as their main objective was establishing a Palestinian statehood, which was viewed as threatening to Israel's existence. What further impacted Israel's rejection of bilateral talks, as argued by Shlaim, was PLO's support of Iraq in their invasion of Kuwait.[41] Israel considered Iraq to be a dangerous military power; therefore, the PLO's decision to support the invasion had a significant effect on the relationship between the organisation and the Israeli state.[42] Shlaim further contends this decision significantly weakened the position of the Palestinians because it resulted in their prohibition from attending the 1991 Madrid Conference.[43]

Providing some of the aspects that influenced Israeli refusal of entering bilateral negotiations is essential for this article. The Oslo Accords are widely recognised to be a breakthrough primarily because they ended the long-standing Israeli unwillingness to commence direct diplomatic talks with the Palestinians. Not only this phenomenon, however, but also Israel's apparent support of a gradual creation of the Palestinian state is what strengthened the generally positive outlook on the Accords. As a result of both, but not limited to, these phenomena, people usually consider the Accords to be a pivotal moment in the Israel-Palestine conflict even if they failed at achieving peace.[44] If looked at from the perspective of biopower, however, can the adjustments implemented as a result of the Oslo Accords be seen as creating the capacity for a break-away from the occupational practices existing prior to 1993?



41 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*, 241–61. Oxford University Press, 2009. p. 242.

42 Voller, Yaniv. "From Periphery to the Moderates: Israeli Identity and Foreign Policy in the Middle East." *Political Science Quarterly* 130, no. 3 (2015): 505–35. p. 520.

43 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*, 241–61. Oxford University Press, 2009. p. 242-3.

44 Ibid.

Section 2 - Nature of the Accords, settlement expansion and land division.

The Lack of PLO presence at the Madrid Conference in 1991

As mentioned previously, Israel had for a long time refused entering into bilateral negotiations with the Palestinians. Organised by the US and the USSR, the 1991 Madrid Conference was an attempt at resolving the Israel-Palestine struggle with the help of international actors.[45] At the request of Israeli Prime Minister Yitzak Shamir, however, the PLO was forbidden from participating in this meeting. According to Camille Mansour, a Palestinian academic who conducted an extensive analysis of the conference, the only Palestinian representatives allowed to take part in these peace talks were the West Bank and Gaza residents. Even they, however, couldn't advocate for their cause by themselves, and were made to join the Jordanian delegation.[46]

Israel having the power to influence the peace negotiations in such a significant way can be understood as a form of biopower at play. This political arrangement illustrates how political decisions have a direct influence on the life of populations. As the PLO couldn't participate freely in the discussions, their voice regarding issues vital for the conflict was silenced, thereby creating the capacity for the continuation of the Israeli occupational practices. Ultimately, however, the Madrid Conference ended in a deadlock, resulting in the necessity for a renewal of the peace negotiations which ultimately culminated in the signing of the Oslo Accords.[47]

Letters of Mutual Recognition as a breakthrough in the Israel-Palestine relationship.

Letters of Mutual Recognition can be seen as the first signed document of the Oslo peace process which committed both sides to cooperating towards a peaceful conflict resolution. As argued by American-Israeli political

45 Mansour, Camille. "The Palestinian-Israeli Peace Negotiations: An Overview and Assessment." *Journal of Palestine Studies* 22, no. 3 (1993): 5–31. p. 5.

46 Ibid, p. 6

47 Shlaim, Avi. "The Oslo Accord." *Journal of Palestine Studies* 23, no. 3 (April 1994): 24–40. p. 27.

scientist Oren Barak, taking the decades-long refusal into consideration, it should come as no surprise that the Letters are widely recognised to be a pivotal moment in the Israel-Palestine relationship.[48] Professor of political history Shamir Hassan suggests that it was the failure of the Madrid Conference, coupled with a shift in Israeli political climate, that prompted the start of secret talks which ultimately brought about the Letters.[49] Facilitated by Norwegian foreign minister Holst and social scientist Larsen, these secret negotiations led to the letters being signed on the 9th of September 1993 by PLO chairman Yasser Arafat and Israeli PM Yitzhak Rabin.[50] In his book, Khaldi concludes that they marked the "end [of] a period of mutual denial".[51] This perspective is complemented by Shlaim, who claims that by signing the letters both men appeared to have ended the decades long clash between Palestinians and Israeli nationalism that centred around the rejection of the self-determination principle with regards to the Palestinian lands.[52] It is, therefore, true that the Letters paved the way for the unprecedented talks between the conflicting parties.

At the same time, however, they are also clear examples of unequal power relations that have had such an impact on the conflict's trajectory. Aware of the fragile position of the PLO, Shlaim claims, the Israeli PM had realised Arafat might be willing to make concessions on important principles important for the sake of PLO recognition and direct dialogue.[53] He was not mistaken, and the Palestinian organisation adhered to the Israeli demands, which included the acceptance of UN Resolutions 241 and 338 as well as the renouncement of any kind of violence. The enforcement



48 Barak, Oren. "The Failure of the Israeli–Palestinian Peace Process, 1993–2000." *Journal of Peace Research* 42, no. 6 (November 2005): 719–36. p. 722.

49 Hassan, Shamir. "Oslo Accords: The Genesis and Consequences for Palestine." *Social Scientist* 39, no. 7/8 (2011): 65–72. p. 68.

50 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*, 241–61. Oxford University Press, 2009. p. 244.

51 Khalidi, Rashid. "The "Disappearance" and Reemergence of Palestinian Identity" In *Palestinian Identity. The Construction of Modern National Consciousness*, 1–352. New York: Columbia University Press, 1997. p. 204

52 Shlaim. "The Rise and Fall of the Oslo Peace Process." p. 247.

53 Ibid. p. 245.

of the latter point was a consequence of attacks on Israeli citizens by the Islamic organisation Hamas. The state of Israel considered these to be instances of terrorism, and wished to protect itself from them. By accepting these resolutions, the PLO also acknowledged Israel's right to "exist in peace and security".[54]

Furthermore, in order to ensure their legitimisation, PLO had to alter those parts of the Palestinian National Charter issued in 1988 that were incompatible with these new declarations.[55] It is important to underline that adhering to such rigid demands signalled a significant shift in the position of the PLO towards the Israelis.[56] Hassan argues that because the intifada was organised by individuals outside of the organisation, PLO's legitimacy and authority over the Palestinian population began to weaken.[57] In support of such an argument is historian and former Israeli Foreign Minister Shlomo Ben-Ami, who claims that Arafat "went to Oslo to save the PLO from declining into oblivion".[58] Combined with a lack of international support resulting from their support of the Kuwait invasion, the organisation was more inclined than before to comply with Israeli requirements.[59] Additionally, due to the power asymmetry, the PLO was not in a position to negotiate any concessions from the Israelis. Therefore, in his letter, Rabin did nothing more than simply recognize the organisation as the official representative of the Palestinian people as well as agree to commencing bilateral negotiations "within the Middle East peace process".[60]

54 Arafat, Yasser. Letter to Yitzhak Rabin. "Letter of Mutual Recognition," September 9, 1993.

55 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*, 241–61. Oxford University Press, 2009. p. 247.

56 Hassan, Shamir. "Oslo Accords: The Genesis and Consequences for Palestine." Social Scientist 39, no. 7/8 (2011): 65–72. p. 66.

57 Ibid.

58 Ben-Ami, Shlomo. "Oslo: The Glory and the Agony." In *Scars of War, Wounds of Peace the Israeli Arab Tragedy*, 205–7. London: Weidenfeld & Nicolson, 2005.

59 Hassan. "Oslo Accords: The Genesis and Consequences for Palestine." p. 66.

60 Rabin, Yitzhak. Letter to Yasser Arafat. "Letter of Mutual Recognition." Letter, September 9, 1993.

The Declaration of Principles on Interim Self-Government Arrangements as an agenda for negotiations.

Just 4 days after signing the Letters of Mutual Recognition, an agreement called the Declaration of Principles on Interim Self-Government Arrangements (DOP), also known as Oslo I, was endorsed by both sides of the conflict. As argued by Shlaim, the document was not an exhaustive agreement, but rather simply an "agenda for negotiations".[61] Both sides agreed that resolving this struggle will be attempted in the form of several interim agreements with the most crucial aspects being discussed only in the "final phase". Many argue that the lack of mutual trust between the parties can be seen as the main reason for such a decision.[62] Some, like Hassan, complement this by claiming that the interim nature is a visible legacy of the 1978 Camp David Accords.[63]

The Oslo I agreement established a framework for the trajectory of the peace process. It stipulated a five year transitional period for Palestinian self-governance that was to be overseen by the Palestinian Authority, a novel governmental body responsible for partial civil control in the West Bank and the Gaza strip. Both the creation of the PA as well as regulations regarding the election of its members were written into the DOP.[64] Even though the establishment of the PA was supposed to enable "the Palestinian people [...] to govern themselves according to democratic principles", Khalidi argues that in reality it only created the illusion of granting the Palestinians more autonomy while actually legitimising Israel's control

61 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*, 241–61. Oxford University Press, 2009. p. 246.

62 Hassan, Shamir. "Oslo Accords: The Genesis and Consequences for Palestine." Social Scientist 39, no. 7/8 (2011): 65–72. p. 68.

63 Ibid.

64 Israel and the Palestine Liberation Organization. *Oslo I Accord: Declaration of Principles on Interim Self-Government Arrangements*. Signed September 13, 1993, Washington, D.C. Available at https://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/oslo_09131993.pdf .

over the population.[6566] That is because the Authority depended heavily on Israeli policies in aspects as important as overall security, taxation and infrastructure.[67] Although some jurisdiction over issues of culture or tourism was indeed transferred to the Palestinians, they were nevertheless still required to operate within the overarching mechanism of control created by Israel.[68] Furthermore, by establishing conditions regulating the PA elections and thereby directly influencing the extent and nature of Palestinian self-rule, the DOP ensured the continuation of Israeli biopolitical control over the Palestinians.

Moreover, it is important to acknowledge that although the agreement had called for a creation of a Palestinian Water Authority which would facilitate Israeli-Palestinian "cooperation in the management of water resources", it didn't contain any details regarding its inauguration.[69] Instead, the conflicting parties were to continue the negotiation process, with the final resolution concerning such collaboration to be determined in the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip. Details regarding Oslo II's agreements on water management, however, will be elaborated on in the corresponding section.

An agreement regarding Israeli forces withdrawal from Gaza City and Jericho was also written into the DOP, with a provision that the military retreat ought to be completed within 4 months of signing the Letters of

65 Ibid, p. 4.

66 Khalidi, Rashid. "Introduction to the 2010 Reissue." In *Palestinian Identity. The Construction of Modern National Consciousness*, 1–352. New York: Columbia University Press, 1997.

67 Israel and the Palestine Liberation Organization. *Oslo I Accord: Declaration of Principles on Interim Self-Government Arrangements*. Signed September 13, 1993, Washington, D.C.

68 Khalidi, Rashid. "The "Disappearance" and Reemergence of Palestinian Identity" In *Palestinian Identity. The Construction of Modern National Consciousness*, 1–352. New York: Columbia University Press, 1997.

69 Israel and the Palestine Liberation Organization. *Oslo I Accord: Declaration of Principles on Interim Self-Government Arrangements*.

Mutual Recognition.[70] It didn't, however, address the existing settlements situated in those areas. The Israeli military did indeed withdraw from both places but the settlements along with their inhabitants remained in place.[71] As the settlement issue was highly divisive and thus to be discussed only in the last stage of the peace negotiations, the DOP only stipulated that these should have commenced no later than May 4, 1996.[72]

This phenomenon is a clear example of Foucault's understanding of the interplay between power, governance and regulation of life. Postponing the discussion on resolving vital issues of settlement expansion and the refugees created the capacity for Israel to continue their occupational tactics and policies. While Israeli officials appeared to be negotiating further steps that would resolve the decades-long conflict, Israeli settlers were free to continue their practices maintaining the status quo. Further land confiscation enabling settlement expansion had a significant impact on the Palestinian population in both territories of post-1967 Palestine. According to a report created by B'Tselsm, an Israeli organisation concerned with human rights protection, in the year 1993 there were 120 settlements inhabited by 116.300 settlers in the West Bank. As the Oslo negotiations continued, so did the number of the settlements - in the year 2000 there were 123 settlements housing 190.206 Israelis (See Figure 1 and Figure 2).[73] Hassan describes this as a representation of "Israel's insatiable appetite for the Palestinian land" which left the Palestinian population even more

70 Israel and the Palestine Liberation Organization. *Oslo I Accord: Declaration of Principles on Interim Self-Government Arrangements*.

71 Hassan, Shamir. "Oslo Accords: The Genesis and Consequences for Palestine." *Social Scientist* 39, no. 7/8 (2011): 65–72. p. 69.

72 Israel and the Palestine Liberation Organization. *Oslo I Accord: Declaration of Principles on Interim Self-Government Arrangements*.

73 It should be highlighted that B'Tselem datasets include only those settlements which are officially recognised by the Israeli Ministry of the Interior; thus, they do not account for Israeli outposts. Therefore, the number of Israeli settlers residing within the West Bank territory is likely to be higher than the numbers above indicate. (source: Hareuveni, Eyal. "By Hook and by Crook Israeli Settlement Policy in the West Bank." Edited by Yael Stein. B'Tselem, July 2010. https://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf.)

impoverished than before the Oslo negotiations took place.[74] A common counterargument used by Israel is that West Bank settlements are necessary for security reasons. In recent years, however, such claims started to be challenged. Debate on its legitimacy is well-presented by Israeli military personnel Gershon Hacohen and Shaul Arieli, who conclude that West Bank settlements don't actually enhance Israel's security.[75]



Figure 1. *Number of settlements in the West Bank between the years 1993 until 2000. Source: Hareuveni, Eyal. "By Hook and by Crook Israeli Settlement Policy in the West Bank." Edited by Yael Stein. B'Tselem, July 2010.*



Figure 2. *Number of settlers in the West Bank between the years 1993 until 2000. Source: Hareuveni, Eyal. "By Hook and by Crook Israeli Settlement Policy in the West Bank." Edited by Yael Stein. B'Tselem, July 2010.*

Oslo II's division of the West Bank and the settlement issue

Even though the settlement issue had been deferred until the last stage, a matter of similar origin was addressed in the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip. Signed in September 1995, this document not only expanded upon matters discussed in previous agreements but also stipulated land division of the West Bank.[76] As ex-

74 Hassan, Shamir. "Oslo Accords: The Genesis and Consequences for Palestine." Social Scientist 39, no. 7/8 (2011): 65–72. p. 71.

75 Hacohen, Gershon, and Shaul Arieli. "Settlements and Security. A Debate 1." In *Routledge Handbook on Israeli Security*, edited by Stuart A Cohen and Aharon Klieman. London: Routledge, 2018.

76 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*. Signed September 28, 1995, Taba, Egypt.

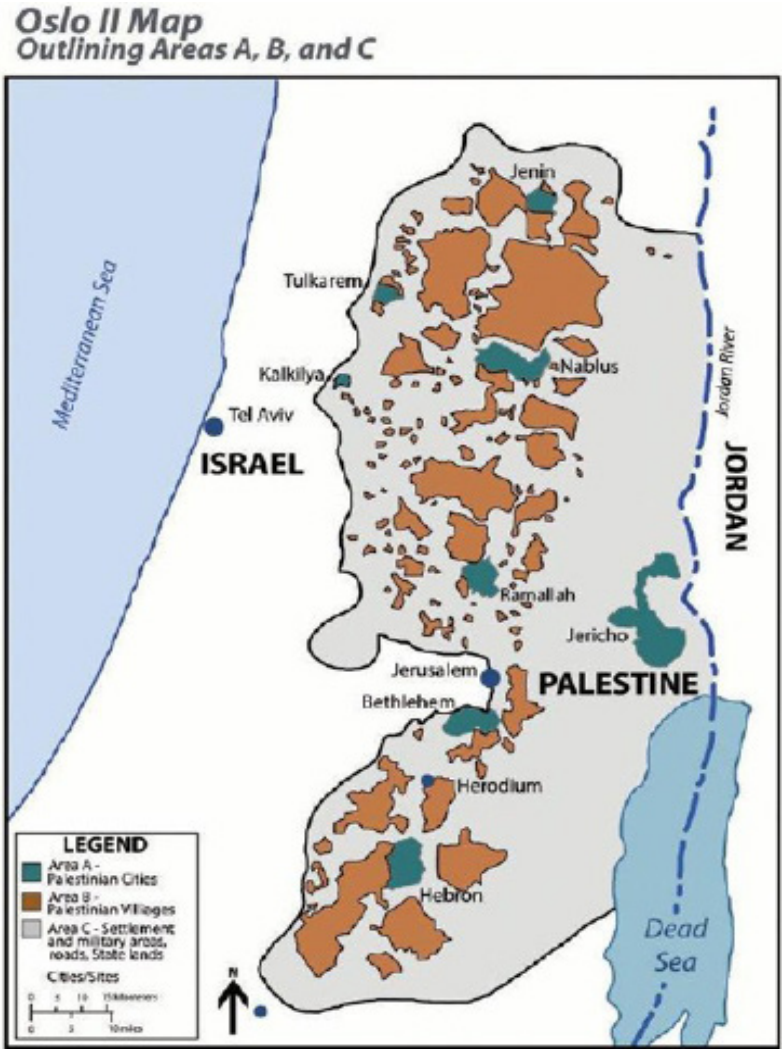


Figure 3. *Map of Areas A, B, and C after Oslo II. Source: Kersel, Morag M. "Fractured Oversight: The ABCs of Cultural Heritage in Palestine after the Oslo Accords." Journal of Social Archaeology 15, no. 1 (November 11, 2014): 24–44.*

plained previously, that territory was annexed by Israel following its victory in 1967. However, from 1995 onwards, the territory was to be divided into 3 separate areas, varying not only in size but also in governance (see Map 1).[77] Yet, only one was to be supervised by the Palestinian Authority, which was granted authority in matters such as security or civil control. It was called "Area A" and consisted of about 18% of the newly-divided West Bank. "Area B" comprised roughly 22% of that territory, and was to be governed by both sides of the conflict. The PA became responsible for civil matters while overall security control depended on the cooperation between them and Israel. Lastly, "Area C" was designated to remain under complete Israeli supervision. Covering around 60% of the newly-divided West Bank, it served as a powerful demonstration of the uneven power distribution between Israel and Palestine as claimed by Abdulla.[78,79] It also illustrates how political decisions directly affect life on the ground. As this zone covered most of the West Bank, this is also where most of the potential for both urban as well as agricultural development is. By retaining authority over most of the West Bank, Israel maintained the status quo, thereby strengthening their biopolitical control over the Palestinian population.

Additionally, stipulations regarding the creation of a "safe passage" were written into the Oslo II agreement. Israeli journalist Amira Hass argues this was considered necessary because the Israeli government began restricting certain roads to settlers only, which led to many Palestinian communities being cut off not only from each other, but also from bigger towns.[80] The "safe passages" would thus bypass these Israeli-only roads, enabling Palestinian travel between the West Bank and Gaza, as well as

77 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*. Signed September 28, 1995, Taba, Egypt.

78 Ibid.

79 Abdulla, Rinad. "Colonialism and Apartheid against Fragmented Palestinians: Putting the Pieces Back Together." *State Crime Journal* 5, no. 1 (2016): 51–80.

80 Hass, Amira. "Israel's Closure Policy: An Ineffective Strategy of Containment and Repression." *Journal of Palestine Studies* 31, no. 3 (2002): 5–20. p. 8.

between these territories and the neighbouring countries.[81] However, although these passages were intended to "create a mechanism that facilitates the entry and exit of people and goods [...] while providing full security for both sides", they were mostly yet another representation of the overarching Israeli supervision.[82] As concluded by Khalidi, Israel was to exert full responsibility over security matters in the passages. Thereby it maintained its domination and control over the Palestinian population while appearing to be working towards increasing their sovereignty.[83] Furthermore, although these passages were not meant for Israeli use, their director-general was to be chosen from amongst Israeli officials further solidifying their authority over the Palestinians.[84]

These developments combined with the fact that around 60% of the West Bank was being controlled by Israel significantly impacted the lives of the Palestinians inhabiting the region, aligning with Foucault's argument of biopolitical management of populations. The West Bank territories remaining under complete Israeli supervision and jurisdiction meant that the Oslo II agreement not only did not challenge the occupational status quo but instead facilitated its legalisation. Therefore, one can be critical of Avi Shlaim's claims that the Oslo II agreement brought about "highly significant" changes with regards to the situation on the ground.[85] Shlaim further argues that the DOP marked a "point of no return" in halting Israel's oppressive control over the Palestinian people.[86] Such a claim seems to overlook the fact that this control continued to exist both throughout the



81 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip. Signed September 28*, 1995, Taba, Egypt. Available at https://ecf.org.il/media_items/624

82 Ibid.

83 Khalidi, Rashid. "Stateless in Palestine." In *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. Beacon Press, 2002.

84 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*.

85 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*, 241–61. Oxford University Press, 2009. p. 253.

86 Shlaim, Avi. "The Rise and Fall of the Oslo Peace Process." In *International Relations of the Middle East*, 241–61. Oxford University Press, 2009. p. 253.

1990s Oslo peace process as well as after its collapse.

Current historiography underscores that. Scholars now argue that the Accords, rather than improving the situation on the ground, only legitimised Israeli superiority in the West Bank, enabling the continuation of settlement expansion. The following section will examine the Oslo II Accord and the way similar dynamics influenced water distribution stipulations written into the document.

Section 3 - Water management as stipulated in the Oslo II Accord.

As the Oslo II Accord is an extensive document, it touches upon several issues considered important for this conflict. Beyond settlement and land division questions, it also includes specific agreements regarding economic and cultural cooperation as well as water distribution. It is the latter issue that constitutes the focal point of this section, aiming to explore how the water allocation arrangements as well as the establishment of the Joint Water Committee (JWC) stated in Oslo II affected life on the ground. To answer this question, an analysis of the relevant sections of the document will complement the secondary literature written by scholars examining the role of water in conflicts. Additionally, datasets provided in reports drafted by Amnesty International as well as the World Bank will be utilised. Unlike the previous sections of this work, this one will employ not only Foucault's concept of biopower as the methodological framework but also Judith Butler's understanding of precarity.

The concept of precarity as understood by Judith Butler

According to American philosopher Judith Butler precarity can be understood as a politically induced state in which certain parts of a population are being disproportionately exposed to violence, injustice or other broadly understood vulnerable conditions. These precarious circumstances result directly from a convergence of various political, economic and social arrangements orchestrated by the people in power. Consequently, those

who bear the consequences of such decisions exert virtually no control over their outcomes.[87] Adopting Butler's understanding of this concept allows for a deeper analysis of how political structures as well as power asymmetries impact life on the ground, contributing to vulnerable life conditions of the Palestinian people. Furthermore, combined with Foucault's biopower, both ideas provide a comprehensive framework for understanding the impact of the water allocation agreements stipulated in the Oslo II Accord.

Scholarly debate about the importance of water in the Israel-Palestine conflict

As water constitutes an incredibly vital aspect of life in the dry and arid Middle Eastern climate, this issue has been broadly studied by a variety of scholars from diverse academic backgrounds. While there is a general consensus that the water stipulations written into the Oslo II Agreement were unsuccessful in fully resolving the Israeli-Palestinian water struggle, scholarly opinions diverge on several matters. Issues of power and control infrastructure development and environmental sustainability are

87 Buchanan, Ian. "Precarity." In *A Dictionary of Critical Theory*. Oxford University Press, 2018. https://www.oxfordreference.com/display/10.1093/acref/9780198794790.001.0001/acref-9780198794790-e-783?rskey=MMuGXK&result=561.

just some of the contested points of this multifaceted debate.[88,89,90] Some pay attention to the fact that cooperation has occurred despite political tensions, while others claim that the power asymmetry has significantly shaped this cooperation, effectively favouring the Israeli cause.[91] Furthermore, many scholars, such as political scientist Miriam R. Lowi and researcher of transboundary water conflicts Mark Zeitoun, analyse the role of water in the broader context of the Israeli-Arab struggle.[92] Others, like Selby and Rouyer, pay special attention to the Oslo peace process aiming

88 For more on this interesting debate see: Selby, Jan. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." *Review of International Studies* 29, no. 01 (December 11, 2002): 121–31; Elmusa, Sharif S. "The Land-Water Nexus in the Israeli-Palestinian Conflict." *Journal of Palestine Studies* 25, no. 3 (1996): 69–78; Zeitoun, Mark. "Understanding Power and Water." In *Power and Water in the Middle East*, 19–44. Bloomsbury Publishing, 2008.

89 For more on this interesting debate see: Elaine C. Hagopian. "The Primacy of Water in the Zionist Project." *Arab Studies Quarterly* 38, no. 4 (2016): 700–708; Baconi, Tareq. "Testing The Water: How Water Scarcity Could Destabilise The Middle East And North Africa." European Council on Foreign Relations, 2018; Zeitoun, Mark. "An Asymmetrically Distributed Resource" In *Power and Water in the Middle East*, 19–44. Bloomsbury Publishing, 2008.

90 For more on this interesting debate see: Isaac, Jad. "The Essentials Of Sustainable Water Resource Management In Israel And Palestine." *Arab Studies Quarterly* 22, no. 2 (2000): 13–31; Tal, Alon. "The Evolution Of Israeli Water Management: The Elusive Search For Environmental Security." In *Water Security in the Middle East: Essays in Scientific and Social Cooperation*, edited by Jean Axelrad Cahan, 125–44. Anthem Press, 2017.11; Sowers, Jeannie. "Water, Energy and Human Insecurity in the Middle East." *Middle East Report*, no. 271 (2014): 2–48.

91 Selby, Jan. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." *Review of International Studies* 29, no. 01 (December 11, 2002): 121–31.; Zeitoun, Mark. "Israeli Hydro-Hegemony" In *Power and Water in the Middle East*, 19–44. Bloomsbury Publishing, 2008.

92 Although the majority of the Palestinian population is of Muslim faith, the Israeli-Arab struggle in this context is used as an umbrella term to describe the conflicts of the state of Israel with its neighbouring Arab countries of Lebanon, Syria, Iraq, Jordan and Egypt.

to examine whether the agreements regarding water allocation were successful in fulfilling their objectives. Their works are considered prominent within this debate as they conducted extensive research complemented with interviews with representatives of both sides. This section will bring forward their claims and supplement them with a biopolitical analysis of the Oslo II Accord.

The (changing) water division patterns before the year 1993.

As briefly argued earlier, the water distribution patterns began transforming drastically following the 1967 Israeli annexation of more Palestinian territories.[93] Several military orders issued after June of that year not only granted full control over the Occupied Territories' water resources to the Israeli Army but also prohibited Palestinians from creating new water systems without obtaining a permit beforehand.[94] Moreover, as argued by Selby, the Water Department responsible for overseeing administrative tasks related to water distribution was relocated to a settlement town in the West Bank. Consequently, the Department's significance diminished substantially, leading to a reduction of the scope of its responsibilities. Selby further describes that while previously its tasks included operating its own drilling rigs, after the relocation these rigs were neglected, leaving the Department to maintain only "mundane functional tasks".[95]

He further argues that the power asymmetry evident in the Oslo Accords can already be observed in the years prior to the 1990s peace process. The Water Department had no jurisdiction over the pipes supplying Israeli settlements, meaning the only regulations it could impose were on those

93 Lowi, Miriam R. "Water and Development in Israel and Jordan." In *Water and Power: The Politics of a Scarce Resource in the Jordan River Basin*. Cambridge University Press, 1995.

94 "Troubled Waters – Palestinians Denied Fair Access to Water2009." *Amnesty International*. Amnesty International, October 27, 2009. p. 15. https://www.amnesty.eu/news/troubled-waters-palestinians-denied-fair-access-to-water/.

95 Selby, Jan. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." *Review of International Studies* 29, no. 01 (December 11, 2002): 121–31. p. 128.

lines providing water to the Palestinians.[96] The 1982 transfer of authority over the water supply systems to the Mekorot company further showcases how political arrangements subject certain people to vulnerable conditions beyond their control. Selby argues that this decision legitimised complete Israeli governance over the West Bank water resources significantly affecting Palestinian life conditions.[97] As Palestinian communities began experiencing cuts in water supplies, this phenomenon directly influenced life on the ground, aligning with Butler's precarity. Restricted water access not only leads to unsanitary conditions and inadequate hydration but also to inefficient agricultural irrigation practices affecting crop yields and overall food security.

Stipulations regarding water distribution in the Oslo II Accord

As argued in the previous section, the 1995 accord did indeed significantly elaborate upon the stipulations written into the Oslo I Accord, recognising Palestinian water rights as well as committing both sides to establishing a supervisory committee to manage water resources in the West Bank territory.[98] Additionally, the document contained several principles on the basis of which the cooperation between the Israelis and the Palestinians was to be accomplished. It is important to underline, however, that although Israel's acknowledgement of Palestinian water rights was unprecedented and thus significant, the document didn't specify what these rights entail, deferring such specification to the final stage of the peace process. Referring to a quote of an Israeli representative, Selby claims that this strategy demonstrates that the state of Israel sought to only address Palestinian needs rather than to define their rights and ensure their preservation.[99] The biopower perspective further complements this argument as such strate



96 Ibid.

97 Selby, Jan. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." *Review of International Studies* 29, no. 01 (December 11, 2002): 121–31. p. 128.

98 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*. Signed September 28, 1995, Taba, Egypt.

99 Selby, Jan. "Explaining Oslo." In *Water, Power and Politics in the Middle East the Other Israeli–Palestinian Conflict*. London: I.B.Tauris & Co Ltd, 2003. p. 143.

gic ambiguity can be understood as Israel maintaining a degree of control over Palestinian resources and, by extension, the Palestinian population.

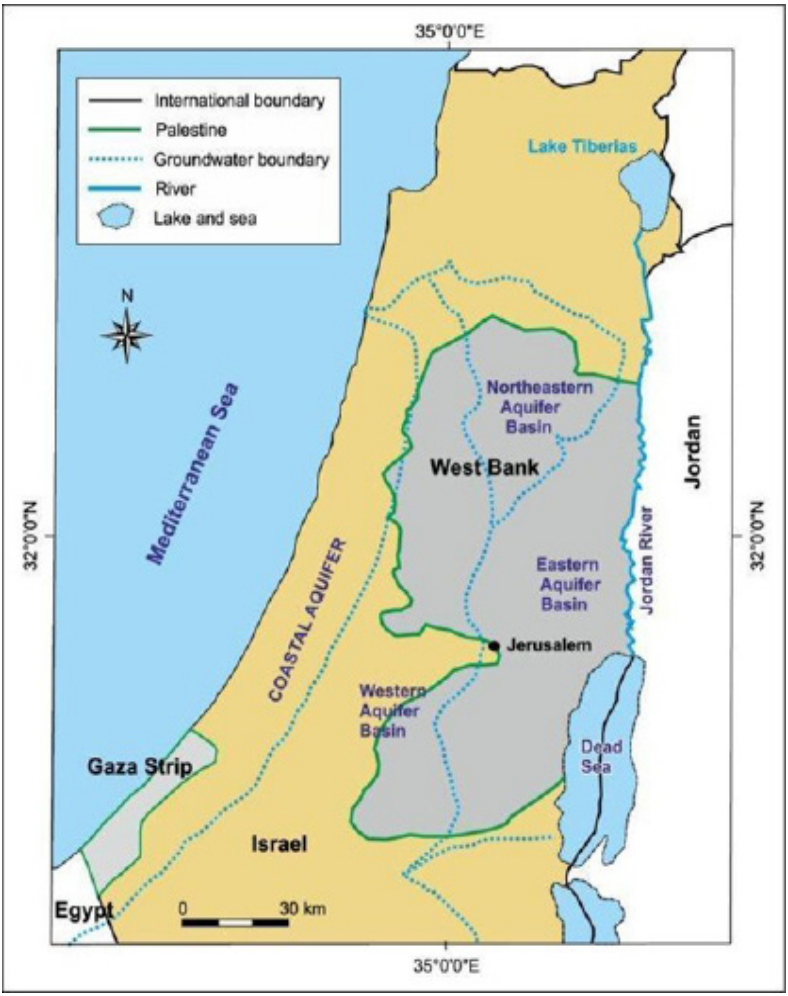


Figure 4. *Transboundary Groundwater Aquifers between Palestine and Israel. Source: Jebreen, Hassan, Stefan Wohnlich, Frank Wisotzky, Andre Banning, Andrea Niedermayr, and Marwan Ghanem. "Recharge Estimation in Semi-Arid Karst Catchments: Central West Bank, Palestine." Grundwasser 23, no. 1 (November 30, 2017): 91–101.*

The territory inhabited by both the Israelis and the Palestinians is dependent on three main sources of water, namely the Jordan River basin, three sub-basin aquifers collectively known as the Mountain Aquifer extending from the West Bank into Israel proper, as well as the Coastal Aquifer underlying the Gaza Strip and its Israeli surroundings (see Map 2).[100] Rouyer has argued that since the 1967 Israeli victory in the Six-Day War and the subsequent West Bank annexation, Palestinians have been prohibited from accessing water from the Jordan River.[101] By depriving a specific part of the population of an essential natural resource, the state of Israel managed to drive these individuals into highly sensitive circumstances aligning with Butler's precarity. As a result, Palestinians residing in the West Bank were compelled to rely on the Mountain Aquifer as their only source of water. They were, however, not permitted to extract unlimited quantities of water, as the Oslo II Accord allocated specific amounts which were to be available to both sides.[102] Both Selby as well as Zeitoun conducted extensive research investigating the exact quantities accessible to both sides, and then comparing these with the approximated potential of the Mountain Aquifer. They concluded that the Israelis were allocated a significantly bigger share of water from all three of the West Bank's aquifers despite also having access to alternative water sources. It was estimated that although the annual water volume of the Western basin equalled 362 MCM/y, the Palestinians could only access about 22 MCM/y.[103] Similarly, they were allowed to utilise merely 42 MCM/y of water from the North Eastern basin despite its annual recharge rate being 145 MCM/y. Only



100 Rouyer, Alwyn R. "Water Resources: Scarcity and Inequality." In *Turning Water into Politics. The Water Issue in the Palestinian-Israeli Conflict*. Palgrave Macmillan, 2000.

101 Selby, Jan. "Explaining the Water Crisis." In W*ater, Power and Politics in the Middle East the Other Israeli–Palestinian Conflict*. London: I.B.Tauris & Co Ltd, 2003. p. 30.

102 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*. Signed September 28, 1995, Taba, Egypt.

103 The abbreviation "MCM/y" stands for "Million Cubic Meters per year." It is a unit of measurement used to express the volume of water flow or usage over a period of one year. This unit is often used in the context of water resources management, hydrology, and discussions about water supply and consumption on a large scale, such as for cities, regions, or in agriculture.

from the Eastern basin were the Palestinians allocated a bigger percentage than the Israelis, however, that sector of the Mountain Aquifer is described by both Selby and Zeitoun as having the lowest water volume.[104] Additionally, Selby argues that the estimated annual potential of the Eastern basin was significantly overestimated.

Consequently, the newly-granted Palestinian right to utilise this basin had low chances of fulfilling the objective of catering to the "future Palestinian needs".[105] Not only Selby, but also Zeitoun claimed that the Palestinian share was approximately a quarter of what was assigned to Israeli settlers, representing the unequal power asymmetries between the state of Israel and the Palestinians.[106] Having existed prior to the 1990s peace process, this disparity was legitimised by the Oslo II Accord, further subjecting the Palestinian population to the overarching system of Israeli biopolitical control.

The Joint Water Committee: its intended role versus reality

Most importantly, the Oslo II Accord inaugurated the creation of the Joint Water Committee which was to supervise "all water and sewage related issues" in the West Bank.[107] At the time of its signing, the Oslo II Accord and the JWC were generally considered a success as they paved the way for unprecedented collaboration. Not everyone shared this view, however. While both Israeli as well as international observers agreed that a "new

104 Zeitoun, Mark. "An Asymmetrically Distributed Resource." In *Power and Water in the Middle East. The Hidden Politics of the Palestinian–Israeli Water Conflict*, Bloomsbury Publishing, 2008. p. 48; Selby, Jan. "Dressing up Domination as Cooperation." In *Water, Power and Politics in the Middle East the Other Israeli–Palestinian Conflict.* London: I.B.Tauris & Co Ltd, 2003. p. 104.

105 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*. Signed September 28, 1995, Taba, Egypt.

106 Zeitoun "An Asymmetrically Distributed Resource." In *Power and Water in the Middle East. The Hidden Politics of the Palestinian–Israeli Water Conflict*; Selby "Dressing up Domination as Cooperation." In *Water, Power and Politics in the Middle East the Other Israeli–Palestinian Conflict.*

107 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*. Signed September 28, 1995, Taba, Egypt.

era" in the Israeli-Palestinian relationship was beginning, some Palestinian specialists claimed that the power asymmetry was embedded in the accord, making it inherently flawed.[108] Over the years, many became disillusioned with the objectives of Oslo, and this critical perspective has been endorsed by a growing number of scholars.[109]

Nowadays, various scholars claim that the creation of the JWC did little to extend the scope of Palestinian self-rule or to implement the water distribution stipulations written into the Oslo II Accord. It is important to emphasise that reproducing all activities of the committee is virtually impossible, therefore, only specific examples will be elaborated upon in this section. Those examples, supplemented by secondary literature, aim to assist in my analysis of whether the Oslo Accords can be seen as maintaining the oppressive Israeli status quo. Additionally, examining the activities of the JWC through a lens of biopower and precarity highlights the effects that political decisions have on Palestinian life on the ground.

Originally designed to operate solely during the five years of interim negotiations, the JWC is still in use today because the final status negotiations ended in failure.[110] The committee, as argued by Selby, was of a "seemingly egalitarian" character, designed to comprise of equal numbers

108 Selby, Jan. "Dressing up Domination as Cooperation." In *Water, Power and Politics in the Middle East the Other Israeli–Palestinian Conflict.* London: I.B.Tauris & Co Ltd, 2003. p. 105; Said, Edward . "The First Step." In *The End of the Peace Process. Oslo and After*. Pantheon Books, 2001. p. 5.

109 Tamarin, Mia. "The Human(Ised) Right to Water and Its Limits: The Case of Israel-Palestine." *International Journal of Water Governance* 6, no. 4 (December 1, 2018): 135–52.; Beshtawi, Ahmed. "The Human Right to Water and the Realisation of Water Rights in the Occupied Palestinian Territory." *Utrecht Law Review* 16, no. 2 (2020): 137–49; Agha, Zena. "Israel's Problematic Role in Perpetuating Water Insecurity for Palestine." Atlantic Council, June 28, 2019. https://www.atlanticcouncil.org/blogs/menasource/israel-s-problematic-role-in-perpetuating-water-insecurity-for-palestine/.

110 World Bank, *Assessment of Restrictions on Palestinian Water Sector Development: Sector Note*, Report No. 47657-GZ. West Bank and Gaza: World Bank, April 2009, p. 9.

of Israeli and Palestinian representatives.[111] Mark Zeitoun further specifies that they all were part of the Israeli Water Authority and the Palestinian Water Authority respectively.[112] Additionally, because all decisions were to be reached unanimously, each side de facto possessed the power of veto which could be used to block any proposal or initiative. Although the committee was established to manage water in the West Bank, daily supervision of the resources as well as the systems fell outside of its task-scope. Instead, as claimed by Selby, its main responsibility was inspecting, protecting as well as maintaining both the existing supplies and the infrastructure.[113] Thus, the JWC functioned more as a coordinator while the practical and ground-level work was being conducted by either the Israelis or the Palestinians - each group supervising particular water or sewage systems. Although both factions were intended to run independently of each other, they were nevertheless subject to the overall authority of the Joint Water Committee.

Furthermore, to ensure that JWC is being administered properly and that its decisions are being implemented, several Joint Supervision and Enforcement Teams (JSETs) were established.[114] Similarly to the committee, these teams also comprised equal numbers of representatives of both sides, each having to finance their operations.[115] As their duties also encompassed locating unapproved water connections and investigating water quality, each team was equipped with a car to travel within the West Bank



111 Selby, Jan. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." *Review of International Studies* 29, no. 01 (December 11, 2002): 121–31. p. 124.

112 Zeitoun, Mark. "Bargaining Power – the Joint Water Committee." In *Power and Water in the Middle East. The Hidden Politics of the Palestinian–Israeli Water Conflict*. Bloomsbury Publishing, 2008. p. 99.

113 Selby. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." p. 124.

114 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip.* Signed September 28, 1995, Taba, Egypt.

115 Selby, Jan. "Dressing up Domination as Cooperation." In *Water, Power and Politics in the Middle East the Other Israeli–Palestinian Conflict.* London: I.B.Tauris & Co Ltd, 2003. p. 104.

territory. However, as stated in the World Bank report, Palestinian representatives belonging to the JSETs were repeatedly denied entry to Israeli settlements actively preventing them from monitoring water distribution in the region. Therefore, lacking access to not only the settlements but also other areas located within Zone C, the Palestinian team was effectively excluded from fulfilling JSETs objectives, further perpetuating biopolitical control exerted by the state of Israel.[116]

Each side of the JWC was responsible for overseeing separate water distribution systems. Therefore, in line with the division of the West Bank into 3 zones, the Israelis maintained their control over Zone C while Zones A and B remained under a varying degree of Palestinian supervision (see Map 1). As argued in the previous section, however, Zone C consisted of around 60% of the West Bank territory, encompassing a significantly larger amount of water and sewage infrastructure. Thus, the PWA exerted no control over the water networks located within Zone C despite the fact that they supplied not only the settlements but also many Palestinian towns. As per the World Bank report, this structure further reinforced Israeli authority and superiority over the Palestinian population.[117] It also serves as a manifestation of the uneven power asymmetry, because while the PA was excluded from managing them, the Israeli authorities retained full control over the West Bank resources.[118]

Furthermore, although article 40 of the Oslo II Accord stipulated a transfer of power and authority over water from the Israeli Civil Administration to the Palestinian Water Authority, in reality, that power and authority were greatly circumscribed. Only the responsibilities "solely relating to Palestinians"[119] were included within the scope of the transfer which resulted, as argued by Selby, in the PWA being able to administer only those water systems that were located in Palestinian towns and didn't

116 World Bank, *Assessment of Restrictions on Palestinian Water Sector Development: Sector Note*, Report No. 47657-GZ. West Bank and Gaza: World Bank, April 2009, p. 52.

117 World Bank, *Assessment of Restrictions on Palestinian Water Sector Development: Sector Note*, p. 34.

118 Ibid.

119 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*. Signed September 28, 1995, Taba, Egypt.

connect to any Israeli settlements.[120] However, by 1995 water networks of both groups were already fully consolidated. Consequently, many Palestinian villages relied on water infrastructure that was managed entirely by the Israelis. Analysing this phenomenon from the perspective of biopower and precarity highlights how the state of Israel managed to maintain authority over the Palestinian population. An average Palestinian individual exerts no control over the political decisions made by those in power, yet (s)he is the one that is being affected by them directly.

As mentioned in an earlier paragraph, the decisions of the JWC were to be reached unanimously, granting both sides veto powers effectively enabling them to prevent proposals or initiatives from being implemented. Selby argues that while theoretically this opportunity applies equally to both the IWA and the PWA, in reality, it restricts the latter group more significantly.[121] Zeitoun agrees, underlining that such an arrangement was inherently flawed because the power asymmetry between Israel and the PA substantially undermined the perceived balance.[122] The Oslo II Accord tasked the PWA not only with the responsibility of managing water systems that supply the Palestinians but also stipulated that extra water quantities would be allocated to meet their "future needs".[123] Therefore, the PWA submitted several projects to the JWC which aimed at developing new water networks to enhance water supplies for Palestinian communities. As argued by Selby, however, because Israel was determined to preserve the water quantities allocated to them by the Interim Agreement, it refused to

120 Selby, Jan. "Dressing up Domination as 'Cooperation': The Case of Israeli-Palestinian Water Relations." *Review of International Studies* 29, no. 01 (December 11, 2002): 121–31. p. 130.

121 Selby, Jan. "Dressing up Domination as Cooperation." In *Water, Power and Politics in the Middle East the Other Israeli–Palestinian Conflict*. London: I.B.Tauris & Co Ltd, 2003. p. 113.

122 Zeitoun, Mark. "Bargaining Power – the Joint Water Committee." In *Power and Water in the Middle East. The Hidden Politics of the Palestinian–Israeli Water Conflict*. Bloomsbury Publishing, 2008. p. 101.

123 Israel and the Palestine Liberation Organization. *Oslo II Accord: Interim Agreement on the West Bank and the Gaza Strip*. Signed September 28, 1995, Taba, Egypt.

approve the majority of PWA proposals.[124] The World Bank report suggests that although the Palestinians were granted approvals for a few new wells, their construction proved troublesome due to various constraints. Therefore, only three new wells have been created, yet none of them have been successfully integrated into the Palestinian water network.[125] As a result, many Palestinian towns experience water supply shortages, which are being compensated by Mekorot.[126] This further strengthens Palestinian dependency on the state of Israel and reinforces Israeli biopolitical control.

Conclusion

This study employs a historiographical analysis tracing the development of scholarly trends and shifts in the understanding of the Oslo Accords and their influence on life on the ground. This analysis was complemented by an examination of several Oslo documents via the lens of Michel Foucault's concept of biopower. Such an approach was intended to provide deeper insights into the question of determining whether the Accords created the capacity for the continuation of occupational practices exercised by the Israelis towards the Palestinians. Due to the extensive nature of the Accords, only the settlement expansion, land division as well as attempts at solving the water distribution issue were elaborated upon in this work.

After having conducted an analysis of the scholarly debate concerned with these matters, it became clear that over the years, there have been various shifts in the discourse surrounding the Oslo Accords and their impact on Palestinian life. A prime example of that shift is visible in Rashid Khalidi's "Palestinian Identity: The Construction of Modern National Consciousness". Although originally optimistic, Khalidi later reconsidered his stance providing a special, explanatory preface to the re-edition of his book.

Initially, scholars of different academic disciplines largely converged in interpretations of the effectiveness of the Accords in addressing the afo-

124 Selby, Jan. "Explaining Oslo." In *Water, Power and Politics in the Middle East the Other Israeli–Palestinian Conflict*. London: I.B.Tauris & Co Ltd, 2003. p. 142.

125 World Bank, *Assessment of Restrictions on Palestinian Water Sector Development: Sector Note*, Report No. 47657-GZ. West Bank and Gaza: World Bank, April 2009, p. 36.

126 Ibid.

rementioned issues. After the signing of the Letters of Mutual Recognition, the majority anticipated a new phase of the Israeli-Palestinian conflict. Researchers such as Khalidi were hopeful that the Accords would fulfil their objective of ending the decades-long conflict. Although a few scholars, such as Edward Said, who called the process a "phoney peace" and "Palestinian Versailles", argued against this notion, their voices were marginal.[127]

As the Oslo peace process evolved, so did the discourse surrounding it. Especially after the failure of the 2000 Camp David Accords, many people became disillusioned with the peace process and its prospects. Scholars began analysing which factors contributed to Oslo's breakdown. While some, like Shlaim, attributed Oslo's failure to factors such US foreign policy, others, similarly to Selby, claimed that the failure was de facto written into the Accords because they had legitimised Israeli control over the land and natural resources, and thus by extension also the Palestinians.

My analysis of Oslo's documents via the lens of biopower visibly complements the latter approach. Rather than facilitating the creation of a sovereign Palestinian state, the Accords instead legitimised the overarching system of control exercised by the Israelis. Both the division of the West Bank and the subsequent partial transfer of responsibilities to the Palestinian Authority did not improve Palestinian life on the ground, as the PA still had to operate under Israeli supervision. Furthermore, applying Butler's precarity to analyse Oslo's stipulations about water distribution reveals how Israeli control over essential resources perpetuated Palestinian vulnerability.

Examining the Oslo Accords through the perspectives of biopower and precarity underscores the arguments made by scholars such as Said or Selby that rather than paving the way for a viable peace, the Accords only reinforced the existing lopsided power structures, thus enabling the continuation of oppressive Israeli practices. Conducting case studies on specific Palestinian communities could enable the visualisation of various manifestations of biopower in their unique socio-political contexts as well as the exploration of Palestinian strategies of resistance and adaptation.



127 Said, Edward. "The First Step." In *The End of the Peace Process. Oslo and After*. Pantheon Books, 2001. p. 5.