Memory and Forgetting at the Negotiating Table


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Executive Summary

Brief Points

- Radical disagreements over collective memory are a defining feature of the asymmetrical conflict between Israel and the Palestinians.

- These disagreements were put aside by negotiators and mediators during the Oslo peace process and a solution to them was indefinitely postponed.

- Some critics of the peace process argue that dealing with the past is a central issue for reaching a lasting and durable peace in Palestine/Israel. As such, they recommend transitional justice measures.

This case brief examines how the Israeli–Palestinian peace process dealt with radical disagreements over collective memory. It identifies three positions taken towards this specific issue: prescriptive forgetting that avoids the past altogether, strategic forgetting that postpones dealing with it, and transitional justice that recommends addressing it head-on. The first two approaches fit within the framework of the Oslo accords that was characterized by its pragmatic and gradualist approach to negotiations. Transitional justice, on the other hand, was absent from the peace process and was typically endorsed by its critics who insisted on the need to deal with the past. This case brief looks at how these different approaches played out during the peace process, focusing mostly on the period stretching from 1993 to 2001. It concludes by discussing some implications for the ethics of peace negotiations.
Issues related to collective memory do not strike us as obvious objects of peace negotiations. This is because they rank lower than matters deemed more consequential for the success or failure of peace negotiations, such as the terms of a cease fire, the conditions for power sharing, and the drawing of borders. Unlike these issues, moreover, conflicts over the past cannot be entirely settled at the negotiating table. Some scholars even maintain that the concept of negotiation loses its technical meaning when applied to memory and that the idea of negotiating the past can only be used metaphorically.¹

The past, however, has been the object of actual peace negotiations. Ian Lustick, for example, has examined how Israeli and German diplomats negotiated the respective German and Israeli narratives of the Holocaust as they negotiated material compensations for its victims in 1952. In a similar vein, Valerie Rosoux describes the rapprochement between France and Germany after World War II as involving a shift from mutual exclusion to the negotiation of national identity.² Collective memory has become increasingly present in peace negotiations with the growing importance of transitional justice. As a result, the revision of official historical narratives, the funding of memorialization projects, the protection of memorial sites, and the dissemination of the past through educational curricula have made their way to the negotiating table. This case study looks at how Israeli and Palestinian negotiators addressed the issue of collective memory during the Oslo peace process or, to be more specific, how they avoided it.
The Oslo peace process began with a series of secret negotiations between Israel and the Palestine Liberation Organization (PLO) in 1993, mediated by the Norwegian Foreign Ministry. These led to two founding documents: the letters of mutual recognition and the Declaration of Principles (DOP). In the first, Israel and the PLO formally recognized one another; in the second, they set up the guidelines for peace negotiations and the foundations for a Palestinian interim self-government in the West Bank and Gaza.

A defining feature of the Oslo peace process is its incrementalism, which is a method of negotiation where parties take small steps to initiate trust and move from simpler to more complex issues. In this vein, the DOP projected a five-year transitional period where Israel progressively withdraws its occupying forces from specific areas in the West Bank and Gaza and transfers authority to the newly created Palestinian Authority in the fields of education, culture, health, social welfare, direct taxation, tourism, and internal security. Within five years, it was then agreed, the PLO and Israel would begin negotiating “final status” issues that included refugees, borders, the status of Jerusalem, and settlements. Soon after it was initiated, the Oslo peace process was marred by setbacks, frustrations, and failures. Eventually, the PLO and Israel failed to reach an agreement for a final settlement at Camp David in 2000, leading in part to the second intifada (2000–2005). Negotiations have stalled since, despite different attempts to revive them.

The focus of this case brief is on a specific aspect of the peace process, namely how it dealt with the issue of collective memory. During the Oslo peace process, I will show, negotiators and mediators privileged two main approaches towards this issue: prescriptive forgetting that avoided it; strategic forgetting that postponed it. Reacting to this kinds of forgetfulness, critics of the peace process recommended transitional justice mechanisms that promote dealing with the past head-on.
Prescriptive Forgetting: Avoiding the Past

According to firsthand accounts, the past was the first thing taken off the negotiating agenda during the secret negotiations in Oslo. In his memoirs, the chief Israeli negotiator Uri Savir recalls how he and his Palestinian counterpart, Ahmed Qurei, quarrelled about their respective historical narratives soon after they first met. Realizing that this would jeopardize the negotiation process, they agreed to leave the past aside:

*Never again would we argue about the past.*
*This was an important step, for it moved us beyond an endless wrangle over right and wrong. Moving forward thus meant reconciling two rights, not readdressing ancient wrongs.*

The claim is corroborated by Palestinian negotiators. “We focused our attention on the present and the future,” wrote Ahmed Qurei, “trying to gauge the extent to which we had common ground.”4 “In all negotiations I was involved in,” notes Hussein Agha, “I argued that Israelis had their narratives and Palestinians had their narratives and we shouldn’t waste time disputing them.”5

Savir’s and Qurei’s agreement to forget is not unusual. It is a case of what Paul Connerton calls *prescriptive forgetting*, where forgetting is prescribed for the sake of security and peace.6 Examples of prescriptive forgetting abound in the history of peace negotiations. As early as 403 BC, the ancient Athenians decreed not speak of the past following a bloody civil war that divided oligarchs and democrats.7 In 1648, European powers concluded the Thirty Years’ War by signing the treaties of Westphalia that included clauses to forget and pardon past offenses.8 And in 1975, Spain’s parliament...
agreed to a pact of forgetting (*pacto del olvido*) and a policy of disremembering (*la desmemoria*) that purposely put aside the legacy of torture, exile, and civil war following the demise of Francisco Franco’s dictatorship.\(^9\) Forgetting to negotiate and achieve a peace agreement has, however, become increasingly less common. As I will discuss below, the growing presence of transitional justice mechanisms has made memory more important to peace negotiations.

This was not the case of the Oslo peace process, however, where prescriptive forgetting meant that the past was excluded from the scope of negotiations. The rationale for this exclusion was pragmatism. Norwegian mediators would even define pragmatism as an approach to negotiations where “previous history, i.e. long-standing grievances ... be ignored.” For indeed, if negotiators “began to discuss the historical causes of the conflict, it would be impossible to make any progress.”\(^10\) The mandate of the negotiator was thus limited in time (the present and the future) and scope (the tangibles of the conflict rather than the intangibles). “If I were in charge of peace negotiations,” wrote the Israeli novelist and Peace Now activist, Amos Oz, “I would order the sound technicians to turn off the microphones whenever one of the parties involved starts talking about the past. They are paid to find solutions for the present and the future.”\(^11\) It was thus best to leave history to the historians and negotiation to the negotiators.\(^12\)

Within the logic of prescriptive forgetting, bringing history to the table — as negotiators often did\(^13\) — was construed as a form of spoiling from within the room.\(^14\) During the negotiations at Camp David in 2000, for example, Israeli negotiator Gilead Sher would accuse the PLO delegation of weaponizing negotiations as “an instrument for righting an historical wrong” because they demanded that Israel acknowledge its responsibility for the expulsion of Palestinians in 1948.\(^15\)
Strategic Forgetting: Postponing the Past

Another approach adopted vis-à-vis the issue of memory was strategic forgetting. Like prescriptive forgetting, strategic forgetting deems it unpragmatic and counterproductive to negotiate historical narratives. Unlike prescriptive forgetting, however, it does not categorically exclude collective memory from the scope of negotiations. Rather, it strategically postpones it until the conditions are ripe. The approach is best summed up by the Special Assistant to President Clinton for Arab–Israeli Affairs, Robert Malley, who, in response to failures of Camp David, recommended that parties secure “the conditions of peace first,” and afterwards engage in “the work of memory.”

Strategic forgetting is in line with the incrementalist approach to negotiations stated in the opening paragraph of the DOP:

The Government of the State of Israel and the PLO team (...) representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historical reconciliation through the agreed political process.

The DOP describes a gradual move from minimal to maximal goals. First there is peacemaking (“ending of confrontation and conflict”), followed by mutual recognition (“the recognition of each other’s dignity and security”), which leads to a final deal (“an achievement of a just, lasting, and comprehensive peace”) and eventually “historical reconciliation.” It is only at the last stage that the past makes its way to the negotiating table, not before.

According to strategic forgetting, diplomats would slowly address the past as they neared final status negotiations. In fact, part of what makes these final issues so difficult to negotiate is their conflicting historical significance. Jerusalem, for example, is at the heart of competing religious–national narratives that divide Israelis and Palestinians. Even more divisive is the Palestinian refugee issue that touches upon core elements of Palestinian and Israeli narratives – the Palestinian Nakba (catastrophe) and the Israeli war of independence. Postponing these issues then could be interpreted as a way of postponing the need to address their historical narratives: how they are remembered and how they ought to be remembered.

There is some evidence to suggest that the past became gradually more important as negotiators neared final status negotiations. In a preliminary meeting in Stockholm in May 2000, for example, Israeli and Palestinian negotiators noted the importance of resolving the gap in Israeli and Palestinian historical portrayal of the refugee issue. When both delegations then met in Camp David to negotiate a final peace deal in July 2000, Palestinians asked that Israel accept historical responsibility for the eviction of Palestinian refugees and raised the issue of an official apology, a request Israelis categorically rejected. After the failure of Camp David, Israeli and Palestinian negotiators met again in Taba 2001 where they were said to make some progress on the refugee issue and its historical significance. In his report, the UN Special Representative Moratinos noted that “the Israeli side put forward a suggested joint narrative for the tragedy of the Palestinian refugees. The Palestinian side discussed the proposed narrative and there was much progress, although no agreement was reached.”
The third approach towards the issue of the memory is to deal with it head-on through transitional mechanisms such as restitution, criminal trials, apologies, reparations, and memorialization. Transitional justice is traditionally categorized as a post-conflict enterprise. Increasingly, however, it is becoming a part of peace negotiations themselves. In negotiated settlements in El Salvador, South Africa, and Guatemala, for example, issues of memorialization, alongside those of accountability and amnesty, were on the negotiation agenda.

Transitional justice is different from the two approaches discussed above. Unlike prescriptive forgetting, it deals with the past to achieve justice, whereas prescriptive forgetting categorically avoids it to secure peace. And while transitional justice can potentially overlap with the gradual approach of strategic forgetting, it does not overlap with the Oslo peace process that eschewed transitional justice mechanisms altogether. When Palestinian negotiators suggested reparations for Palestinian refugees, Israeli negotiators accused them of hijacking negotiations to right historical wrongs and American mediators deemed their demands “backward-looking” instead of “forward-looking.”

As a result, arguments about the need to integrate transitional justice in an overall peace agreement increasingly found their place amongst certain critics of the peace process, especially on the Palestinian side. Here demands for apologies, truth commissions, memorialization, and reparations were encouraged by intellectuals and NGOs to criticize the ahistorical aspect of the peace process, for erasing Palestinian history and reinforcing the Israeli narrative.
The past plays an essential role in the asymmetric conflict between Israel and the Palestinians. As a result, debates about what to do with the past have also played an important role in peace negotiations. Even today, when this process is nonexistent, these discussions are ongoing. Donald Trump’s so-called “Peace to Prosperity” released in 2020, for example, reaffirmed the logic of prescriptive forgetting, noting that “[r]eciting past narratives about the conflict is unproductive” and that “the solution must be forward-looking.”

The issue of collective memory has implications on the ethics of peace negotiations that I will briefly discuss to conclude. The first implication is on the broader peace vs. justice debate. Here, prescriptive forgetting can be seen as favouring the logic of “peace” while transitional justice can be interpreted as favouring the logic of “justice.” Surely, transitional justice is broader than the issue of collective memory, but memory plays an important role in transitional justice, which explains why Palestinian negotiators brought them up during final status negotiations, and why elements of Palestinian civil society insist on them.

The second ethical issue is related to participation. Questions related to whose past and what past we should include or exclude boil down to questions about whom to include and whom to exclude from negotiations more broadly. The fact that Palestinian refugees or those living in Israel, for example, were excluded from the process has to do with which kind of historical narratives the peace process wants to avoid and discredit, namely the Palestinian Nakba and Israeli responsibilities for expelling Palestinians in 1948.

The last ethical issue is power. While decisions to exclude the past from negotiations (prescriptive forgetting) or to postpone them (strategic forgetting) are framed as pragmatic agreements, they have a lot to do with power. In the case of strategic forgetting, for example, questions regarding at what stage the past should be addressed, when is a ripe moment to address it, and in what order, are typically decided by the most powerful party, in this case Israel. After the demise of the Oslo peace process, for example, Israeli negotiators added a new condition to restart negotiations, namely the recognition of Israel as a Jewish state. The demand centres the issue of memory and narrative – it is a demand to recognize Israel is the land of the Jewish people. The demand, however, was rarely portrayed as one hijacking negotiations in the name of history. Quite the contrary, it became a pre-condition to restart peace negotiations. US mediators, in the persons of Obama and Trump, moreover, would both call on Palestinian negotiators to issue this recognition, all the while demanding that they do not deviate from a Palestinian, “forward-looking” approach to peace. In such situations, forgetting – whether prescriptive or strategic – is not a joint agreement made to advance negotiations, but a way to support some historical narratives over others.
Notes


23. This is not to say that there is an agreement on what transitional justice means in the context of Palestine/Israel, or how and to what end the different mechanisms of transitional, including memorialization, are to be used. For more on this issue, see Khoury, Nadim (2021) ‘Transitional Justice in Palestine/Israel: Whose justice? Which transition?’. In: Leila Farsakh (ed.) Rethinking Statehood in Palestine: Self-Determination and Decolonization beyond Partition. Berkeley: University of California Press: 153–172.