

Book Review-II

Robert P. Barnidge, Jr., Self-Determination, Statehood, and the Law of Negotiation: The Case of Palestine, Hart Publishing, 2016, pp. 238, £55 ISBN: 9781849468121

The author of the book with his deep knowledge about international law and negotiations under different UN instruments has put his experience on paper. The book is deep and intense, and it provides a first-hand experience with regard to the changes in negotiations for the full statehood of the state of Palestine. The two sides -Israel and Palestine- have put their arguments based on their interpretations of historical facts and the resulting debate has been clearly projected within the book.

For many, tracing the Israeli-Palestine conflict has been confusing and various observers and scholars have worked hard to find a solution to this historical conflict. Peace agreement has been the centre of the book discussion and the author Robert P. Barnidge, Jr has done a wonderful research on this book which speaks about the historical context of the conflict that evolves around the question of 'Self-Determination and Statehood'. This book reflects serious research that is based on primary documents, and the academic rigour is visible in effort put by the author in documenting the process, procedure and at the same time giving a complete historical context of the conflict and the negotiation process. The book will be an essential reading to all those involved in peace studies, international negotiations and Israeli-Palestinian conflict.

The book is divided into three parts, the first part is a chronological history and analysis of the international law issues involved in the Arab-Israel dispute. The second part deals with the role of negotiation in settling the dispute. The third and final part discusses the attempts by the Palestinians to achieve membership of the United Nations (UN). The continuation between the parts is missing in some parts but each part in itself gives a thorough understanding of the subject that is being discussed.

The author chronologically begins the book starting from the fall of Ottoman Empire and the subsequent events. The author rightly sees the mandate system as basically no more than political self-government for the concerned populations. At the time of the mandate, Arab population in Palestine considered itself as part of Syria. The author continues to note that the 1947 UN Special Committee on Palestine report demonstrates that

even after the Second World War, the Arab population of Palestine did not see itself as being a 'distinct people'.

The author in the second part of the book clearly states that the Arab side was unwilling to entertain a negotiated settlement with the Jewish people, highlighting the international efforts in bringing peace through a negotiated settlement through a peaceful means. In this regard the first international effort referred in the book is appointment of a UN Mediator, Count Bernadotte who, in September 1948, presented a 'Progress Report'.¹⁸⁰ The Report called for transferring the southern part of the country, the Negev, to Arab control and maintaining Jerusalem under effective UN control. A final recommendation of the Report was to set up a UN conciliation commission. Continuing with the negotiating processes with international intervention.

The book outlines comprehensive survey and analysis of the various Arab-Israeli wars, the creation of the Palestine Liberation Organization in 1964, the Egypt-Israel peace treaty of 1979 and the continued, frustrating efforts to achieve an Israeli-Palestinian peace. The most significant negotiation process happened in 1991 starting with the Madrid invitation to the introduction of Oslo process in 1993. Though both the parties have regularly come on to the negotiating table they have failed to comply on the agreed terms failing the peace process altogether. Different chapters in the book have given a bird's eye view of understanding the complex negotiating process involving international law.

A product of intense research the book explains the conciliation process. The author says 'disputes which cannot be settled by negotiations may be resolved by a mechanism of conciliation to be agreed upon by the parties'. The important aspect of the book is the highlighting of the recognition of PLO and the peace agreements and negotiation process after that.

As regards the Palestinian application for admission to the United Nations in autumn 2011, Barnidge notes, it 'reflected Palestinian frustration with the bilateral negotiation imperative. The Palestinians continue to claim that the international negotiation is futile and not serious as the international community has not taken the consideration of the Palestinian people'.

¹⁸⁰League of Arab States Peace Initiative, 2002, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/empa/dv/1_arab-initiative-beirut_/1_arab-initiative-beirut_en.pdf.

However, in the book the author argues that the Palestinian parties have agreed to negotiate in compliance with international law.

With the Palestinian people's unsuccessful attempt to join the United Nations as a Member State in autumn 2011 and the successful attempt to join the same institution as a non-Member Observer State in November 2012 and the legal consequences of these applications are not merely of historical interest because they inform the present rights and obligations of Israel and the Palestinian people. This book fills a significant gap in the existing international law scholarship on the Israeli-Palestinian dispute, which neither engages with this means of dispute settlement generally nor does so specifically within the context of the Palestinian people's engagements with international institutions.

The strongest point of the book is the listing of the documents related to different instruments of negotiations and the most important addition has been the maps (given in annexures) related to the Israel –Palestine conflict and how the territories have changed and what have been the developments over a period of more than 70 years of the conflict. This book is a must read for all the people who are interested in the legal issues revolving around the Israel-Palestinian dispute. This book gives hope to the process of conciliation in the future.

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