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The Oslo Agreements Twenty Years Later – What Remained

The signing of the Declaration of Principles on Interim Self-Government Arrangements (DOP), known also as the Oslo Accords, twenty years ago, was a moment of great optimism. The ceremony in the White House on 13 September 1993, during which PLO Chairman Yasser Arafat and Israel Prime Minister Yitzhak Rabin shook hands, raised worldwide hopes that the solution to the old national conflict over Palestine is within reach. And today? Is Oslo dead? What lessons could be drawn? Menachem Klein analyses background, results and lessons of the Oslo process.

The DOP, which set up the principals of the new peace process, is named after Oslo because Norway provided a place where Israeli and Palestinian diplomats could hold secret meetings. The process was initiated in January 1993 by two Israeli academics who established a secret channel with PLO leadership members. In April this secret channel turned into an official negotiation under the direct leaderships of Rabin and Arafat.

“Oslo” has four meanings in the public discourse: First, it’s the name of the agreement signed on September 13, 1993 (Oslo 1). Its second meaning includes both this agreement and the one that followed in September 1995 - Oslo 2 (The Interim Agreement on the West Bank and the Gaza Strip). Oslo 2 formulated the jurisdiction of the Palestinian Authority, its structure, elected institutions and territory. Under the terms of Oslo 2, Palestinians in the West Bank, East Jerusalem and the Gaza Strip elected their Legislative Council and President in 1996. For the first time in their history, Palestinians elected their own political institutions (PLO institutions never had been elected). Third, “Oslo” also stands for Israeli–Palestinian final status talks that opened in January 2000 and ended with the Taba talks in January 2001, which brought no agreement. In between, the failed Camp David Summit took place in July 2000. The fourth meaning of “Oslo” is not limited to international diplomacy or legal documents. It describes a period, which includes all that happened between Israelis and Palestinians since the signing of the 1993 Oslo Accord. In other words, those



Yitzhak Rabin, Bill Clinton, and Yasser Arafat at the Oslo Agreements signing ceremony on 13 September 1993

who use the term with this understanding include, for instance, Israeli settlements expansion, Israeli Army operations in Gaza Strip and the West Bank, Palestinian terrorism (in particular the suicide bombings campaign by Hamas and Islamic Jihad in retaliation to a massacre of Palestinians in the Cave of Patriarch, Hebron, March 1994, by a Jewish settler) and the bloody second Intifada which started in September 2000. The logic behind this perspective is quite simple: all these events were consequences to the Oslo Accords, aiming either to undermine the agreements, or to silence internal opposition against the peace process, scheduled to end no later than 1999.

The background of the Oslo agreements was, first, an Israeli acknowledgment that it cannot stop the 1987 Intifada without talking directly to the PLO. Israel failed to overcome the Palestinian Intifada or to bring the West Bank and Gaza Strip leaders to replace the PLO as the ultimate representative of the Palestinian people. Second, the PLO weakened its

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international status by supporting Saddam Hussein in the Gulf war of 1991, and PLO leaders understood that they need to do something in order to regain this status. Moreover, the zero-sum competition with Hamas, which was founded in the Gaza Strip in late 1987 and since then enjoyed popular support there as well as in the West Bank, over who is representing the Palestinian people brought the PLO leadership to the conclusion that it must enter into the 1967 occupied territories. The PLO had been forced to leave Lebanon in 1982, and relocated its headquarter to Tunis. The 1987 Intifada and the establishment of Hamas made the 1967 Occupied Territories the Palestinian gravity center. The Oslo Accords enabled the PLO not only to officially enter these territories through the main door; it also allowed the PLO to establish the Palestinian Authority under its leadership. In other words, the PLO hoped to gain through the Oslo Accords advantages over Hamas and impose its rule over its religious competitor.

One cannot underestimate **the historical importance of this agreement**. After sixty years of savage armed conflict, the sides exchanged letters of mutual recognition. PLO Chairman Yasser Arafat confirmed that "The PLO recognizes the right of the State of Israel to exist in peace and security. The PLO accepts the United Nations Security Council Resolutions 242 and 338. The PLO commits itself [...] to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations. [...] the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators. [...] the PLO affirms that those articles of the Palestinian Covenant which deny Israel's right to exist, and the provisions of the Covenant which are inconsistent with the commitments of this letter are now inoperative and no longer valid".

In response to Arafat's letter the Israeli Prime Minister Yitzhak Rabin confirmed that "the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process."

Twenty years later the general mood is one of disappointment and pessimism: Oslo failed. No one expects a permanent status peace agreement

to be signed in the foreseeable future. The Oslo agreement of 1993 set in motion a transformation of the Israeli-Palestinian conflict from an ethnic to a border struggle. Through this, the Oslo agreement had the potential for comprehensive change. However, for reasons that I will outline below, the conflict returned to its origins and is now once again primarily an ethnic rather than a territorial conflict.

There were many **causes for the Oslo failure**, among them:

1. The assassination of Yitzhak Rabin in 1995 by a religious nationalist Jew who was an active member in the anti-Oslo movement: Since the Oslo Accord of 1993, the Israeli national religious community underwent an ideological and generational shift. The young generation that grew up during the Second Intifada and in particular under the trauma of the evacuation of the Gaza Strip settlements in 2005, adopted a radical anti-establishment and sometimes even anti-state mind-set. While the previous generation of settlers honored the state and the establishment and cooperated with it to achieve common goals, the younger generation sees the state as part of the problem, not the solution.

Indeed, the younger generation is divided between those who support anti-establishment operations and those calling for a comprehensive regime change. National religious radicals have absorbed the Zionist ethos of self-reliance and activism. They have no compunctions in using violence against Palestinians, in particular in retaliation for the evacuation of outposts. To a lesser degree, they also attack Israeli police and soldiers.

2. Palestinian terrorist attacks on Israeli civilians both in the Occupied Territories and inside Israel's sovereign area: From 2000 to 2002, Israel introduced in response to a series of terrorist attacks inside its main cities and to other perceived threats a patchwork of policies that have effectively established a regime of Israeli control over a divided Palestinian territory. Since 2002, Israel has exerted effective control even over those territories that, under the Oslo agreements, were handed over to the exclusive control of the Palestinian Authority. While it does not rule these areas directly as it once did, it controls them by using the PA as a proxy.

3. During 1996-1999, and again since he came back to power in 2008, Prime Minister Benjamin Netanyahu avoided engaging seriously in the Oslo process, which he fundamentally opposed. Pressured by the USA, he signed in January 1997 the Protocol Concerning the Redeployment in Hebron, which finalized Israeli withdrawals from Palestinian cities, as formulated in Oslo 2. According to the Hebron Protocol the city is divided: 80 percent is under full Palestinian Authority, while 20 percent of the Old City center, where about 400 Jewish settlers live next to a few Palestinian families, are under Israeli military rule. The sides agreed to share the main road of that area so that the Palestinian residents can use it. However, settlers put violent pressure on the remaining Palestinians and thus forced most of them to leave. Those who remain suffer constant verbal and physical attacks both by settlers and by Israeli forces. In the Hebron Protocol Netanyahu agreed to complete three more redeployments which were still to be specified until September 1997, but he did not implement any of these.

The Letter of Assurance that Secretary of State Warren Christopher gave to Arafat, providing an American commitment that Israel will indeed fulfill its pledge to redeploy, was hardly respected. The Americans brokered the Wye River Memorandum signed by Netanyahu and Arafat in October 1998. According to the Memorandum Israel would manage further redeployment and transfer 13 percent of West Bank area C to the Palestinian Authority (area C covers about 40 percent of the whole West Bank). However, until today Israel transferred only one percent to the Palestinian Authority.

4. Israeli state apparatuses, including security forces and civil institutions, have collaborated with settler organizations in expanding the settlements and controlling the Palestinians. The symbiosis between state institutions and the settlers is based on overlapping interests and joint views. In 1992, on the eve of signing the first Oslo Agreement, there were 222,000 Israeli settlers in the West Bank including East Jerusalem and the Gaza Strip. Since the beginning of the peace process, the number of settlers in the West Bank and East Jerusalem

increased dramatically to 489,000 in 2010, and 550,000 in 2013. Even during the year of the Annapolis talks, in 2007-2008, Israel continued to expand its settlements in the West Bank.

Data collected by the organization "Peace Now" shows that in 2008 - the year in which Prime Minister Olmert negotiated full peace with President Abbas - outpost construction was 250 percent higher than in 2007. This trend continued during the first half of 2009. Construction of 596 new structures in the West Bank began during the first half of 2009, of which 96 were in outposts (small settlements whose construction are not officially approved by Israel). All told, 35 percent of the structures under construction during this period throughout the whole West Bank are now located to the east of the so called Separation Barrier (The first section of the West Bank barrier was constructed during the Oslo Accords negotiations in 1994; but the main parts were established after the failure of the Camp David negotiations).

5. Israel pays special attention to Jerusalem: In December 2012 Netanyahu's government hurried ahead by approving the construction of almost 9000 residential units, most of them in Greater Jerusalem. Since 2000, and especially since the Annapolis Conference in late 2007, Israel has been busy augmenting the Jewish presence in East Jerusalem. Not only are the big Jewish settlements in East Jerusalem expanding. Israeli settlers have also moved into Palestinian neighborhoods with the express purpose of preventing the ethno-national division of the city according to President Clinton's parameter of "Arab areas are Palestinian and Jewish ones are Israeli." The Jewish enclaves also divide the Palestinian population geographically, facilitating Israeli control. The tactic is reminiscent of the placement of outposts next to centers of Palestinian population in the West Bank. Moreover, Israel works to add, de facto, further territories to Israeli-ruled East Jerusalem. These are areas located between the 1967 annexation line and the unfinished Separation Barrier. All in all, the Barrier in and around Jerusalem aims to expand the land that was annexed in 1967 by 300 percent. Also, Israel wants to separate al-Haram al-Sharif

(the Muslim name for the holy site that the Jews call the Temple Mount) from the Palestinian residential areas. It works on imposing the Jewish historical and religious narrative on the Old City and its surrounding sites and to link the small settlement compounds inside the Palestinian neighborhood of Silwan just outside the Old City, to the Old City's Jewish Quarter. Finally, Jewish national religious groups are applying pressure to change the status quo at al-Haram al-Sharif/the Temple Mount. They want to force the Islamic Waqf to allow Jews to visit the site freely, and to allow them to pray on the Temple Mount compound. Israeli operations in East Jerusalem brought Jordan's King Abdullah II to state in late April 2010 that Israel was "playing with fire". He stressed that the Hashemite Kingdom retains all political, diplomatic and legal options to "protect Jerusalem and its Muslim holy sites". In order to counterweigh the Israeli national religious pressures, King Abdullah and President Abbas signed an agreement in March 2013, in which Abbas "reaffirmed that the King is the Custodian of the Holy Sites in Jerusalem and has full right to exert all legal efforts to safeguard and preserve them [...] from Israeli Judaisation".

6. Constant violations of the Oslo agreements' spirit and time table: The spirit of Oslo 1 was of final peacemaking and historical reconciliation, a new Middle East, as Shimon Peres hoped to achieve. However, this spirit shifted dramatically since the first stages of negotiations through Oslo 2 until Camp David 2000 and Taba 2001. After making a historical breakthrough and taking brave steps, the two sides became suspicious again. Mutual mistrust developed, and today the sides exchange blames and complaints on violating the agreement. These were the main violations of the agreed time table: According to Oslo 1, Israel was supposed to withdraw from Palestinian areas in the Gaza Strip and the Jericho region within two months, meaning till mid November 1993, but it actually took them up to June 1994. Oslo 1 states furthermore that Palestinian Authority legislative and presidential elections should take place no later than spring 1995 but indeed they were held only in late 1996; final status talks according to Oslo 1 should have ended by mid 1999 but till this day such an agreement was not achieved.

7. The unwillingness or inability of each side to take tough measures and full control over its anti-Oslo groups: From the first moment of Oslo 1 each leader faced tough domestic opposition. Senior Arafat's Fatah movement as well as other PLO fractions opposed the concessions he made. His supervision over his own movement was weak, not to speak of his competitor, the Hamas. Hardliners within Fatah and Hamas and Islamic Jihad activists carried out terrorist attacks in order to derail the implementation of Oslo. After the massacre in the Cave of the Patriarch in Hebron by a Jewish settler in February 1994, Hamas launched a bloody series of terrorist attacks in Israel cities. Consequently, Israeli opposition against Oslo gained momentum. Rabin faced right wing opposition and IDF skepticism. The implementation of the Oslo agreements was managed by skeptical IDF generals, and the settlers' power in the establishment forced Rabin to appease them by expanding settlements in areas he hoped to annex to Israel by the end of the Oslo process. After the Hebron massacre Rabin considered evacuating the 400 settlers there, but he dropped the idea after he was told that this may lead to radical reactions by settlers.
8. The Oslo Accords institutionalized an imbalance between a powerful state and a weak national movement. This imbalance is expressed in the letters that Arafat and Rabin exchanged, as critics of the Oslo agreements argue not without reason. Whereas Arafat's recognition included elements of recognizing Israel in the 1967 borders in the final status agreement, Rabin did not recognize the Palestinian state or its claim to be established within the 1967 borders. He only recognized the PLO as being entitled to negotiate on behalf of the Palestinian people. This fundamental imbalance, argue Oslo critics, reproduced itself geographically. Israel imposed on the Palestinian side the division of the West Bank into three areas, of which the Palestinian Authority enjoys full autonomy over 20 percent, and joint security control with Israel over another 20 percent. The Palestinian Authority has no power in the remaining 60 percent, including East Jerusalem, where Israel unilaterally expands its settlements in an attempt to preempt the negotiation results.

The imbalance is also economic. The economic supplements of the Oslo Accords brought about full Palestinian dependency on Israel. The Paris Protocols established one financial and economic system between Jordan and the Mediterranean. But Israel does not open its system to Palestinian goods and workers neither does it allow the Palestinian Authority to establish factories that could undermine its economic superiority. The Palestinian Authority in the West Bank is fully depending on Israeli permits to import goods or export agricultural products, and on foreign aid. Therefore it suffers from chronic shortage of finances and faces a permanent financial crisis. The Oslo agreements strongly limited the authorities of the PA. It is not allowed its own currency, or to run its own export-import and exit-entrance checkpoints from or into its areas. The Oslo agreements do not allow the PA to manage its own electromagnetic sphere (communication frequencies and radar) or population registration including the issuing of residency certificates. In short, the PA has no state power but only some autonomy on parts of the 1967 land.

9. Israel was reluctant to relinquish control over all the territories that were occupied in 1967 and ultimately unwilling to make the kind of concessions necessary to reach a final status agreement. Throughout the Oslo period Israel has been ruled by governments that, while declaring their willingness to reach a negotiated peace, have not succeeded to bridge their differences with the Palestinians. For all their rhetoric about the need to end Israel's occupation of the territories, the operations on the ground pursued by Prime Ministers Ehud Barak, Ariel Sharon and Ehud Olmert belied their stated goal. The same contradiction between declaration and action can be seen with the current Prime Minister, Benjamin Netanyahu. While he has publicly accepted a two-state solution as goal, he has in fact pursued policies that make the likelihood for such an accommodation even more remote. The Palestinians, on their part, were not ready to give up their demands: a full sovereign state over all 1967 territories with East Jerusalem as its capital, and Israeli acknowledgment of its responsibility for the problem of the 1948 refugees, recognition of their right to

return and willingness to authorize the return of an agreed number of these refugees.

10. In the West Bank, Israel is dividing the Palestinians by imposing a complex system that encompasses not only the settlements but also the roads leading to them, which are for Jewish use only, as well as security zones, no-go areas, and a permit regime restricting the freedom of movement of Palestinians. Under international pressure, mainly Obama's, Israel improved since March 2009 the Palestinian freedom of movement; however, it did not change the principals of its divide and control system. A secondary, parallel road network was built for the Palestinians, an act that prevents Palestinians from accessing most of the West Bank.

Two more elements constitute the Israeli control system that incapacitates the Oslo agreements, their spirit and ability to lead to a permanent peace. First: the Separation Barrier. Israel began constructing the Barrier in 2003-2005 arguing that it needed to block Palestinian terrorists before they could reach Israeli cities. Practically, the Barrier de-facto annexes about 9 percent of the West Bank. It also serves as means to control the Palestinians residing next to it. Second: Israel separates the Gaza Strip from the West Bank, blocks and controls it, also from outside, from the sea and from the air. Israel indeed evacuated its settlers and army units from the Gaza Strip in 2005, but still avoided to release it from its control. With the help of Mubarak's Egypt and the Quartet (a body consisting of the US, the EU, Russia and the UN promoting an Israeli-Palestinian accord), Israel put a strict blockade on the Gaza Strip since Hamas seized control there in June 2007. Thus, while according to the Oslo Accords the sides agreed to keep "the West Bank and the Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period", this is hereby practically invalidated. Israel refuses to compromise along the Palestinian and Arab peace proposals and thus has no choice but to invest ever more resources in the occupation and domination of the entire area west of the Jordan River. The Israeli army (Israel Defense Forces – IDF) freely operates in the Palestinian territories to keep

Israelis, mainly settlers, safe, while the donor countries pay to repair the damage caused by Israeli security measures, maintain basic social services, and prevent a Palestinian humanitarian catastrophe. Israeli army raids aim to gather intelligence by recruiting collaborators and through interrogating detainees. No less important is the Palestinian dependency on Israeli permits in order to be able to travel abroad, to do export and import business, to enter closed areas for work or for family visits, and to make changes in the population registry. Often Israel provides permits in exchange for collaboration with the intelligence service.

11. Palestinian civil society organizations in the West Bank and the Gaza Strip are fully dependent on international, PA or Hamas funds. Training for the PA apparatus also fully depends on foreign aid: American and European professionals train and supervise Palestinian police and security forces, and the PA civil administration is supervised by the donor countries and international agencies, such as the IMF. The PLO negotiation affairs department - in charge of writing legal and diplomatic papers to assist the Palestinian negotiators with Israel - was funded by an English institute and most of its employees were young skillful Palestinians from abroad. Like all other Palestinian citizens, the PA employees are not able to freely move between the autonomous areas.

Last but not least, the PA is not allowed to operate international air or sea ports. Despite these limitations, the PA is able to operate quite well the education, health and police systems. To conclude, the PA hardly succeeds to maintain its agencies operational, but it is not able to transform its status of autonomy to one of statehood.

Conclusion

The Oslo Accords were interim agreements that in fact created what seems to be a permanent state of affairs. As of 2013, the Palestinians are politically and geographically fragmented and have lost almost all hope of changing their lot through diplomacy. Israelis and Palestinians find themselves trapped between what is by now almost unachievable - the two-state solution - and what can never be achieved - a unitary non-ethnic democracy based on the principle of one-man one-vote. Presently, a

single undemocratic regime between Jordan and the Mediterranean constitutes the problematic reality.

Under Abbas and Fayyad, state building began from scratch, and in certain areas it succeeded. The financial system is transparent and government expenses are monitored, the PA citizens enjoy much better personal security and the government is less corrupted than under Arafat. Within its limits, the legal system improved its performance. Whereas Abbas worked top-down, to achieve liberation directly through negotiating with Israel or indirectly by mobilizing international pressure on Israel to make concessions, Fayyad decided to build a state bottom-up. But soon he reached the limits imposed by the Oslo Accords, and Abbas could not convince the international community to force Israel to make the necessary concessions to enable the establishment of a Palestinian state next to Israel.

Inspired by the Arab Spring, the young generation searches for an alternative vision and strategy while questioning the PA legitimacy. In July 2013, young Palestinians established a facebook group called Tamarud named after the Egyptian mass movement that pushed the army in June this year to overthrow the elected regime of President Mursi. "We are a youth initiative that aims at making the voice of the youth heard and enabling its political participation. [...] Oh Palestinians, revolt against oppression and division, revolt against those impeding the elections. No one is legitimate; the mandate of everyone has ended. The only legitimacy is that of the people. Our movement in the West Bank and Gaza is peaceful with a clear aim — returning legitimacy to the people."

The PA administration is at a loss, with no alternative strategy that could secure the state building project except the one of keeping the PA alive and waiting for change to come and rescue the project. The PA achieved an important symbolic upgrade in 2012 when the UN General Assembly granted Palestine non-member observer state status, but on the ground it did not move one inch further towards statehood. Sporadically, PA leaders help the young generation to organize non-violent anti-Israeli protests, but mostly they prevent any movement challenging Israel. They are afraid that protests might turn violent or even take an anti-Abbas stance. 2013 finds the Palestinian society in crisis, without united polity, clear vision or optimism, nor is it ruled by elected democratic political institutions: the parliament is immobilized

due to the struggle between Hamas and Fatah, the Palestinian president ended his term and rules only through presidential decrees. There is a growing political vacuum that the young generation who grew up during the second Intifada unsuccessfully tries to fill. PLO founders and the younger leaders of the first Intifada who expected so much from Oslo are deeply frustrated, disappointed and tired. They fear a revolt against the PA inspired by the Arab Spring.

In July 2013, at the time of writing, US Secretary of State John Kerry declared that following his shuttle diplomacy Israeli and Palestinian representatives will soon meet in Washington to establish the terms and conditions under which they will resume the final status talks.

The concern of the American broker was to bring the sides together for a meeting, hoping that this will gain momentum and later create understanding and produce an agreement. Secretary Kerry did not put American principals on the table or a framework as base for the negotiations. Thus the differences between the sides remain big, perhaps impossible to bridge without a constant third party involvement. Israel refuses to base the talks on

the June 4, 1967 line of armistice with territorial swap, which is the Palestinian demand, backed by the Arab League. If and when the negotiations between Netanyahu's government and Abbas' West Bank Authority will begin, they will not resume from the point Abbas ended his negotiation with Prime Minister Olmert in 2008 but rather start from point zero. Netanyahu, who is right wing, can hardly be expected to compromise on issues that the centrist Israeli Prime Ministers Barak and Olmert were already unwilling to compromise on. Considering the previous involvement of different USA administrations in Middle East peace talks in general and the Israeli-Palestinian track in particular, it is hard to expect American pressure on Israel or any kind of success. Since Oslo 1 the USA hosted talks and ceremonies but consistently failed to produce a final status agreement or to impose on Israel the fulfillment of its commitments according to the Oslo interim agreements. Whereas up to date the USA exercised only very limited pressure on Israel, the European Union has more powerful tools at its disposal. This becomes apparent in the highly worried Israeli reaction to the EU new policy of not cooperating with any Israeli entity that is linked to or operates in the 1967 occupied territories.

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