

The Virtual State of Palestine Interim Self-Government and the Next Step

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The spirit of the Oslo agreement, once seemingly dead, was revived when Ehud Barak, the prime minister of Israel, and Yasser Arafat, the *ra'ees* (president) of the Palestinian Authority (PA) and the chairman of the Palestine Liberation Organization (PLO), signed a memorandum at Sharm-el-Sheikh, an Egyptian beach resort, on September 4, 1999. The ceremony was witnessed by U.S. Secretary of State Madeleine Albright, Egyptian President Hosni Mubarak, and Jordanian King Abdullah II. They endorsed the bilateral accord as an international pledge.¹⁾

Both sides agreed to restart the “permanent status” talks that had originally been scheduled to reach a conclusion by May 4, 1999, but had been suspended for more than three years. A new deadline was set for reaching an outcome by September 13, 2000, the seventh anniversary of the Oslo agreement signing.

However, a number of very difficult and sensitive issues, including the future of Jerusalem, Palestinian refugees, and Jewish settlements, still loom during the negotiations ahead. Within a short period, all of these previously intractable issues must be resolved. Even the most optimistic observer may hesitate to predict whether the two negotiating partners will be able to put an end to the conflict that has dragged on throughout much of the twentieth century.

In this article, I will discuss past Israeli-Palestinian relations in the context of the instability that has wracked the Middle East, and I will offer my perspective on the current negotiations. Although Barak’s election to the prime ministership spurred a new sense of optimism among those seeking peace in the Middle East, I would argue that prospects remain dim for the Palestinians to achieve their goal of self-determination and statehood and thus ensure a lasting peace.

I

The Oslo agreement, formally called the Declaration of Principles on Interim Self-Government Arrangements (DoP), was concluded on September 13, 1993, by Arafat and Yitzhak Rabin, the late prime minister of Israel, stipulating procedures for resolving this long-standing conflict.²⁾ It affirms that permanent status talks “will commence as soon as possible, but not later than the beginning of the third year of the interim period (article V(2)).” Both sides agreed that temporary autonomy would commence on May 4, 1994, eight months after the historic reconciliation between the two antagonists.³⁾ On the first day of the third year, on May 4, 1996, a meeting of Israeli and Palestinian authorities was convened in order to avoid a complete abnegation of the agreement, but the meeting adjourned without any substantial discussions.

At that time, Israel was in the midst of an election campaign, so the atmosphere was inappropriate for negotiating serious issues. On November 4, 1995, Prime Minister Rabin had been assassinated by an Israeli extremist who opposed the Oslo agreement. Simon Peres, the dovish foreign minister under Rabin, led a caretaker government, but he squandered a golden opportunity for an easy electoral victory by delaying the direct election for a new premier until May 29, 1996, by which time voters’ emotions, kindled by Rabin’s tragic death, had already cooled. In the months before the election, Palestinian Islamic extremists indiscriminately launched several suicide bombing attacks against innocent Israeli civilians, persuading many Israeli voters that the Palestinian authorities would be unable to prevent terrorism and guarantee the nation’s security.

These factors attributed to Benjamin Netanyahu’s victory.⁴⁾ As the leader of the conservative Likud party, he manipulated the emotions of right-wing voters in opposing interim self-rule by the Palestinians. Many of these voters were ideologues supporting a “Greater Israel” who feared that the Oslo

agreement would prove to be a milestone in the eventual establishment of a Palestinian state in the biblical Promised Land.

Given these circumstances, the two-plus-three-year formula set out in the peace process was inoperable. The DoP expired on May 4, 1999 and the interim phase came to an end. The spirit and the letter of Oslo were temporarily lifeless.

Toward the end of the interim self-government period, it was widely speculated among politicians, diplomats, analysts, and commentators concerned with Middle Eastern affairs that the Palestinians might issue a unilateral declaration of national independence when the period ended. However, when Arafat expressed his eagerness for statehood, Netanyahu reacted vehemently, intimidating his counterpart by suggesting possible military intervention and Israeli annexation of some parts of the occupied territories.

As the fateful deadline approached, diplomatic and military tensions heightened in the Middle East. In the end, Arafat refrained from taking unilateral action under pressure from the U.S. and other nations. His last-minute decision to postpone the declaration of statehood until after the Israeli general elections of May 17 helped to defuse the crisis. In the direct election for premiership, Barak, head of the Labor party and a famed Israeli Defense Force (IDF) general, defeated the incumbent Netanyahu by an impressive margin, garnering 56 percent to Netanyahu's 44 percent of the popular votes.⁵⁾ Arafat welcomed Barak's landslide victory.

The highly reputed soldier-politician inaugurated his administration in June 1999, securing an absolute majority of 75 seats in the 120-member Knesset (Israeli parliament). He was able to achieve a broad base for his administration with some strategic political moves, such as disarming hawks who opposed the Oslo process by offering them ministerial posts into his cabinet. For this purpose, he did not hesitate to have the relevant law amended so he could increase the number of ministers from 18 to 24.

Barak, the most decorated soldier in the IDF and the former chief of staff, launched a peace offensive on several fronts. Before traveling to the United States to see President Bill Clinton, Barak visited neighboring Arab countries and established cordial ties with President Mubarak of Egypt and King Abdullah II of Jordan. Barak also expressed his eagerness to effect rapprochement with Syria and Lebanon. The prime minister made some bold moves at the outset of his term: During his White House visit, he set a target deadline of 15 months for achieving comprehensive peace in the region, and he then reached the abovementioned accord with Arafat, shortening the negotiating term by three months.

Reflecting the new mood after the general elections, the Israeli and U.S. mass media widely alluded to “possible statehood” or “a sort of statehood” for the Palestinians in their editorials and commentaries,⁶⁾ even though such discussion would have been politically taboo only a decade ago in both countries. Ten years ago, the Palestinian national movement was regarded as a criminal group dominated by terrorists. Since then, various public opinion polls conducted in Israel have shown an increasing tendency for Israelis to regard the establishment of a Palestinian state as an inevitable outcome. The trend was apparent when some 500 celebrities, including writers, artists, and politicians, signed a February 2, 1999 manifesto calling for a Palestinian state.⁷⁾

Barak is the first incumbent prime minister to openly refer to a Palestinian state. Under the headline of “PM gives nod to Palestinian state,” he was quoted by one newspaper as saying “A Palestinian state ... is already de facto in existence.”⁸⁾

Notwithstanding Barak’s admission, a proclaimed “State of Palestine” first came to be in 1988, five years before the DoP was signed, but it no longer existed after the conclusion of the Oslo accord. This “first” Palestinian state was conceived on November 15, 1988, when the Palestinian National Council (PNC, the Palestinian parliament in exile under the guidance of the PLO)

convened in Algiers and adopted a declaration of independence for the state, "with its capital Jerusalem." Not surprisingly, neither Israel nor the United States felt inclined to pay heed to a Palestinian state which lacked territory or a population under its control. The major industrialized countries, including Japan, showed some sympathy but refrained from recognizing the self-styled state. The then-Soviet Union merely expressed feelings of solidarity without proffering diplomatic recognition. Soviet satellite nations in Eastern Europe quickly followed suit.

The illusory "State of Palestine," however, found support among many developing countries in Asia and Africa. More than 100 nations recognized the "first" State of Palestine. The PNC nominated PLO Chairman Arafat as its "virtual" head of a state.

II

The Palestinian state claimed that its legitimacy derived from United Nations General Assembly Resolution 181 (II), adopted on November 29, 1947. The non-specialist reader will benefit from a brief explanation of the historical background of this resolution.

The area today occupied by Israel and the Palestinian Authority had been under British Mandate since 1922 with the sanction of the League of Nations. Historically, the east Mediterranean region was under the rule of the Ottoman Empire up to the end of World War I. The United Kingdom and France, after their victory over the Central Powers (including Germany and Turkey), dismembered Turkey's Arab territories and took charge of them themselves. The British got Palestine (including what would later be Trans-Jordan) and Iraq. The French took over Syria (which included what would later become Lebanon). A new form of colonialism was thus introduced into the international order under the guise of mandates.

The British put the biblical Promised Land under its mandatory rule in order to fulfill a wartime commitment to the Zionists in Britain, namely, “the establishment in Palestine of a national home for the Jewish people,” as guaranteed by the Balfour Declaration of November 2, 1917. The British began to receive Jewish immigrants from Europe, despite opposition by the indigenous Palestinian Arabs, in 1920, two years before the official inauguration of the mandate.

Subsequently, riots and terrorism rocked the Holy Land for nearly thirty years, complicating triangular relations among the Arabs, British, and Jews until the departure of British authorities and armed forces on May 14, 1948 — the day when Israel declared independence. This date did not indicate the end of violence but meant the start of Israeli-Arab military confrontation.

In 1947 the British government, tired of incessant Jewish terrorism aimed at achieving Zionist statehood in Palestine, had decided to renounce the mandate and to refer decisions on the future of the Holy Land to the United Nations, the successor of the defunct League of Nations. The new international organization drew up a Palestine partition plan that divided the Holy Land into three segments: 1) a Jewish state, 2) an Arab state, and 3) Jerusalem under a special international regime. All the Arab countries, which were members of the United Nations at that time, rejected the partition plan because, they alleged, it unfairly treated the proposed Arab state. They decided to crush the Jewish state by force after the termination of the British Mandate. This was the start of Middle East War I.

The newly born Jewish-Zionist state, then officially called the State of Israel, survived this ordeal of fire by repulsing the invading Arab forces, expanding its borders beyond the area allotted by the U.N. partition plan. Many Palestinian Arabs in the Israeli-occupied land fled to neighboring Arab countries, becoming refugees. By the end of the war, Israel had seized 80 percent of the former British-mandated Palestine.

The Arab state that had been specified in 1947 by U.N. General Assembly Resolution 181 (II) never came into being because of a lack of national leadership among the indigenous Palestinian Arabs. Arafat's self-styled "State of Palestine," declared to be independent and sovereign, was assumed to be the legitimate successor of the U.N.-proposed state, 40 years after the debacle of Middle East War I.

In 1948, Israel's neighboring Arab countries of Lebanon, Syria, Jordan, Egypt, and Iraq were in disarray, having suffered national humiliation by being beaten by a small Jewish state. Their defeat has mainly been attributed to a lack of military coordination and rivalry between Arab monarchs. They were not prepared to offer either de facto or de jure recognition of Israel. The Zionist state did not exist on maps used in the Arab world.

However, the principal belligerents — Jordan and Egypt — to some degree saved face. The former secured the Old City of Jerusalem, a holy site for Judaism, Christianity, and Islam alike, and captured the majority of the land allotted to the stillborn Arab state on the west side of the Jordan River, later annexing the land as part of its territory. The latter secured a slender slice of land on the Mediterranean coast, the Gaza Strip, and placed it under Egyptian military administration. From this background of territorial warfare arises many essential keywords for understanding the Middle East peace process, including refugees, Jerusalem, the West Bank, the Gaza Strip and borders.

III

According to the DoP, a permanent settlement of the Israeli-Palestinian conflict must be based on [U.N.] Security Council Resolutions 242 and 338 (Article I). Both of these crucial resolutions require some explanation.

The former was adopted on November 22, 1967 for the postwar settlement of the Six-Day War, and the latter was adopted on October 22, 1973,

calling for a cease-fire of the October War (also referred to as the Yom Kippur War or the Ramadan War.)

Before causes and the outcome of the wars are discussed, an earlier, multifaceted armed conflict must be explained. In September 1955, Egyptian President Gamal Abdul Nasser ordered the construction of gun batteries at Sharm-el-Sheikh, a resort on the Red Sea located at the southern tip of the Sinai Peninsula that is regarded as the cradle of war and peace in the Middle East. Israel faced a serious threat because Egyptian guns were then able to command the Straits of Tiran, the entrance to the Gulf of Aqaba, and eventually to sever the oil supply route that linked the fledgling Zionist state with Iran under the Shah.

The following year, Nasser announced the nationalization of the Suez Canal in order to appropriate usage fees for the construction of a gigantic dam on the Nile River. The United States and the United Kingdom initially promised huge loans for this project, but Washington abruptly cancelled its offer of financial assistance in 1956, indirectly expressing its displeasure with Cairo's pro-Moscow and pro-Peking stance. London quickly followed suit. In retaliation, Nasser nationalized the British/French-owned canal company.

The canal company had been founded by a French entrepreneur, Ferdinand de Lesseps, in 1859. The canal was completed ten years later. In 1875, the British government purchased 44 percent of the company's stock from an Egyptian ruler who faced financial difficulties. Since then the company had been jointly run by the French and the British.

Israel had no prior involvement in the canal dispute. Since the establishment of the Jewish state, Egypt had refused the passage of Israeli ships through this waterway. When Britain and France decided to topple Nasser by force and to regain control of the nationalized canal, Israel took part in the international offensive.

Toward the end of October 1956, Zionist forces attacked the Egyptian

army in what became the spearhead for the Anglo-French invasion. The entire Sinai Peninsula, including Sharm-el-Sheikh, fell to the Israelis and the blockade of the Straits of Tiran was lifted. British and French amphibious forces landed on Egypt's Mediterranean coast and marched inland to seize the whole of the Canal Zone.

In spite of Egypt's military defeat, Nasser won on the diplomatic front. The United Kingdom and France were forced to accept a U.N. sponsored cease-fire and to abandon their plan to occupy the Canal Zone. Israel was also obliged to withdraw its troops from the occupied Sinai Peninsula. In this way, Middle East War II (the Suez-Sinai War) came to an end.

Eleven years after Suez, in May 1967, Nasser triggered a new crisis by asking the United Nations Emergency Forces (UNEF) stationed in the Sinai Peninsula to remove themselves from Egyptian soil. These U.N.-mandated international peacekeeping forces had been posted to observation posts (including Sharm-el-Sheikh) inside Egyptian territory along the Israeli-Egyptian border.

Upon UNEF's departure, Nasser ordered his armed forces to move into the Sinai Peninsula, which had been demilitarized since March 1957. Egypt recovered full sovereignty over the peninsula and again blockaded the Straits of Tiran. This closure of a strategic waterway was regarded by Israel as an act of war.

Israel was simultaneously embroiled in conflict with Syria at this time. Syrian gunners positioned high in the Golan Heights had shelled Israeli farmers in the demilitarized zone that had been created after Middle East War I on the Sea of Galilee (Lake Tiberias). On April 7, 1967, five weeks before Egypt began its march on the Sinai Peninsula, Israeli fighter-bombers attacked Syrian batteries and shot down six Syrian planes in a dogfight above the Golan Heights.

In mid-May of 1967, Damascus became alarmed after receiving leaked information from Soviet Union intelligence suggesting that Israel had concen-

trated troops on the border and planned to carry out military operations against Syria in order to occupy the capital and overthrow the Syrian government. Israel denied this and invited the Soviet ambassador to inspect the situation immediately, but the Russians curtly refused. The United Nations Truce Supervision Organization (UNTSO), after being sent on a fact-finding mission to the border area, expressed doubts about the veracity of the leaked information.

The Arab countries sensed that a golden opportunity had come for them to avenge their pride after being humiliated by Israel in 1948 and 1956. Jordan, at that time on bad terms with Egypt over relations with the PLO, jumped on the bandwagon. Israel's neighbors on three sides — Egypt, Syria, and Jordan — were now allied with each other. Nasser linked the war aims with the issue of a Palestinian homeland. Addressing Egypt's National Assembly on May 29, 1967, he declared as follows:

The issue now at hand is not the Gulf of Aqaba, the straits of Tiran, or the withdrawal of the UNEF, but the rights of the Palestine people... We demand the full rights of the Palestinian people.

On June 5, 1967, the besieged Jewish state attacked, striking fatal blows against these three enemy forces. Israel's fighter-bombers, flying very low in order to avoid radar detection, hit Egyptian air bases and destroyed most of the enemies' airplanes on the ground. The surprise attacks were tremendously successful. In less than a week, Israel conquered the whole of the Sinai Peninsula, West Bank, Gaza Strip, and the greater part of the Golan Heights. Middle East War III was designated as the Six-Day War.

Jerusalem's Old City fell to the Israeli troops. Jordan's territorial bulge on the west side of the Jordan River and the Egyptian-ruled Gaza Strip on the Mediterranean were both eliminated from the map. Thus, the area of Palestine

that had initially been under British Mandate was now completely occupied by Israel, causing a mass flight of Palestinian refugees.

What the 1917 Balfour Declaration had stipulated as “a national home in Palestine” had developed into a strong Jewish state that held military hegemony over the Middle East. To Jewish fundamentalists, the conquest of Palestine looked like the fulfillment of God’s promise to Abraham. Many fundamentalist Israelis constructed settlements in the occupied land to strengthen their claims upon it.

Israel’s remarkable victory sowed the seeds of future conflicts — further enflaming the issues of Jerusalem, refugees, settlements, and borders. The permanent status negotiations currently in progress are reaping a bitter harvest.

On November 22, 1967, the U.N. Security Council adopted Resolution 242 to deal with the issues emerging from the Six-Day War. Since then, this historic document has been regarded as a foundation for peace in the Middle East.

In the resolution, the Security Council emphasizes “the inadmissibility of the acquisition of territory by war” and affirms in 1 (i) “withdrawal of Israel armed forces from territories occupied in the recent conflict.” The wording was intentionally ambiguous, to enable a consensus to be reached among the five permanent members of the council, and it later allowed many different interpretations.⁹⁾

The PLO and the Arab countries were unhappy about Resolution 242 because it minimized the Palestinians’ long-cherished desire for statehood as a mere refugee question, as the Security Council only affirmed the necessity for “achieving a just settlement of the refugee problem.” At that time the international community, led by the superpowers, paid no heed to Palestinian national aspirations.

Six years after the debacle, Egypt and Syria took revenge on Israel for their humiliation in 1967. The two countries launched simultaneous attacks

against their common enemy on October 6, 1973. Egyptian armed forces, equipped to the teeth with sophisticated Soviet-built weapons, crossed the Suez Canal and secured a bridgehead on the east bank. Israel counterattacked with tanks and airplanes, but were repulsed by Egyptian missiles along the southern front. The Syrian army used its large fleet of tanks to capture the Golan Heights on the northern front. Israeli strongholds were trampled by the stampede of enemy tanks.

The IDF was taken by surprise and appeared to be on the verge of collapse. The myth of Israeli invincibility had suddenly been shattered. However, the IDF was relieved by a massive airlift of U.S. military aid in the middle stage of the battle.

The military situation was reversed in the final stage. On the southern front, the IDF succeeded in breaking through Egyptian forces and crossing the canal from east to west. Egyptian forces on the east bank were isolated and their supply routes were severed. The IDF was able to advance to a point only 100 kilometers from Cairo.

Meanwhile, on the northern front, the IDF destroyed the invading Syrian tank forces and advanced to the gateway of Damascus. The Golan Heights was recaptured and later annexed to Israel.

The United Nations intervened in Middle East War IV. By adopting Resolution 338 on October 22, 1973, the Security Council ordered a cease-fire for all the belligerents. The resolution was very short, comprised of only three articles; it called on the parties concerned "to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts."

The Arab world had rejected Resolution 242 when it was adopted in 1967.¹⁰ They were angered by not having been consulted when the resolution had been drafted because there were no Arab non-permanent members on the security council at that time. But more significantly, they vehemently opposed

the wording of the resolution.

The two main points outlined in Resolution 242 were: “withdrawal of Israeli armed forces from territories occupied in the recent conflict” and “recognition of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries.”

The Arab world had no objection to the former point but argued against the latter point. Although the phrasing was ambiguous and did not mention Israel by name, the resolution tacitly admitted the Jewish state’s right to exist. This was unacceptable to the Arabs, who had never forgotten the bitter humiliation they had suffered in 1948 and had refused to recognize the Zionist state. Each nation feared being ostracized by the rest of the Arab world if they showed any sympathy to Israel regarding diplomatic recognition.

Between the two wars of 1967 and 1973, the PLO had changed remarkably. It was created by Nasser in 1964 and put under the auspices of the League of Arab States. The original aim of establishing a Palestinian entity was to tame the rising Palestinian nationalism. King Hussein of Jordan was reluctant to set up this kind of organization since most of Arab Palestine (the West Bank) was under his rule, and Palestinians constituted a majority of the population of his kingdom. He feared that the Palestinians’ dual loyalties might come to threaten their integration with Jordan.

PLO members were at first mainly recruited from the top levels of society. The armed resistance groups against Israel that were then mushrooming in surrounding Arab countries did not join the Palestinian entity that Nasser had established.

After Arab nations’ regular armies suffered a crushing defeat in the Six-Day War, the guerilla forces gathered momentum. In 1968, they joined the then-obsolete PLO and converted it into a militant organization. The PLO firmly rejected Security Council Resolution 242 and later opposed 338. Arafat,

the leader of the largest combatant group, Al-Fatah, assumed the chairmanship of the PLO in 1969. After the 1973 war, the PLO again flatly denounced Security Council Resolution 338.

In concluding the DoP, Arafat negated all the statements he had previously made. Four days before the official signing of the DoP, Arafat exchanged letters with Rabin. At that time, Arafat clearly affirmed; “the PLO recognizes the right of the State of Israel to exist in peace and security,” and “the PLO accepts United Nations Security Council Resolutions 242 and 338.”

He approved without reservation these controversial resolutions that had reduced the Palestinians’ national aspirations to a mere refugee problem. On this occasion, he received no guarantee that the refugee clause would be reinterpreted in the Palestinians’ favor. His turnabout weakened the foundation of his insistence on statehood.

IV

In the Oslo agreement, an important concept was forgotten or intentionally neglected by the parties concerned — Israel, PLO, and the United States: self-determination.

As the interim self-government period drew to a close, European Union (EU) leaders met in Berlin in the latter part of March 1999 and issued a declaration, alleging that the transnational body confirmed the “unqualified Palestinian right to self-determination including the option of a state.” It also said, “ [The EU] looks forward to the early fulfillment of this right. It appeals to the parties to strive in good faith for a negotiated solution on the basis of the existing agreements, without prejudice to this right, which is not subject to any veto.”¹¹⁾

This strongly worded statement reflected the EU’s willingness and readiness to recognize a Palestinian state at the proper moment. This move was a

blow to the Likud-led government of Israel and it made then-prime minister Netanyahu furious. He ascribed the sentiment as reflecting still smoldering anti-Semitism in Europe and was quoted as saying, "It is a shame that Europe, where a third of the Jewish people were killed, should take a stand which puts Israel at risk and goes against our interest."¹²⁾

The notion of self-determination was advocated by former U.S. President Woodrow Wilson (1856-1924) early in 1918 in his famous Fourteen Points for Peace. In the final stages of World War I, he drew up a grand design for a postwar settlement. The principle of self-determination was welcomed by oppressed people suffering under imperial rule all over the world. Ironically, however, circumstances prevented him from realizing his ideal at the Versailles peace conference. Furthermore, the U.S. Senate refused to ratify the peace treaty and eventually vetoed America's membership in the League of Nations, which had been founded on the basis of Wilson's proposal.

The Fourteen Points included the guarantee of self-determination for the people under Ottoman Turkish rule. However, this lofty principle was not applied to the indigenous population in Palestine or the rest of the Arab East. Although the principal allied powers admitted: "Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized," the major victors in WWI selected the United Kingdom to rule over Palestine, "until such time as they are able to stand alone." The biblical Promised Land of Palestine was administered by Britain, which paved the way for the systematic immigration of Jewish people from Europe.

From the bridge of the Jordan River one could view nothing but troubled waters during the thirty years between the Balfour Declaration of 1917 and the U.N. partition plan of 1947. The United Kingdom, exhausted by dealing with the great Arab revolt of 1936-1939 and Jewish terrorism during and after World II, decided to abandon its "sacred trust of civilization," as had been stipulated in

the League of Nations' covenant. The land of milk and honey had been soaked in blood and tears. With the lapse of time, a national home, although not defined by the British authorities as a future state, gradually developed into a Jewish state.

Self-determination served as the moral basis for the PLO's existence, and became a unifying cause for the Arab world. After the October War of 1973, the Arab nations enhanced their international position due to the tremendous economic effect of their oil strategy upon western industrialized countries. European countries, threatened with an embargo on what was their *aqua vitae* imposed by the Middle East petroleum-producing countries, could no longer ignore the PLO's claim for self-determination.

One year after the war, on October 29, 1974, the Seventh Arab Summit Conference, held in the royal capital of Rabat, Morocco, affirmed the right of the Palestinian people to self-determination and recognized the PLO as "the sole legitimate representative of the Palestinian people."

The next month, November 1974, the United Nations General Assembly adopted Resolution 3236 (xxix), confirming "the inalienable rights of the Palestinian people, including the right to self-determination without external interference, the right to national independence and sovereignty, and the right to return to their homes and property."

On this occasion, Arafat was invited to the United Nations to address the General Assembly. He appealed to the audience to support the Palestinians' struggle to attain the right of self-determination. Since then, the Palestinian leader has been regarded as a foremost proponent of the principle of self-determination.

Despite the fact that Israel was established by the United Nations and was admitted to the world organization as a peace-loving nation, the Jewish state has either ignored or rejected the U.N. resolutions — those adopted by the General Assembly or the Security Council — related to the Israeli-Palestinian

conflict.

Israel has never been afraid of facing isolation in the international community since it has depended on support from the United States, which has been its only reliable protector, even before it achieved statehood.

Its obstinacy is partly understandable, since the majority of the U.N. member countries have expressed pro-Arab and anti-Israeli sentiments. In 1975, for example, the General Assembly adopted an accusing resolution which equated Zionism — the fundamental ideology of the Jewish state — with racism (it was rescinded in 1991.)

It seems that the principle of “self-determination” does not exist in the dictionary used by U.S. policymakers. In published diplomatic documents with respect to the American-brokered Israeli-Palestinian peace process, one cannot find the term used. Some of the documents mention the “legitimate rights of the Palestinian people” but nothing more.

President Ronald Reagan once negatively referred to the term self-determination in his 1982 peace plan, drawn up just after the cessation of Middle East War V (also called the Lebanese War). On June 6 of that year, the IDF had invaded Lebanon in order to destroy the PLO’s armed forces, which had gained control of much of southern Lebanon and had waged rocket attacks upon Israeli residents.

Israel had concluded a bilateral peace treaty with Egypt on March 26, 1979 and had withdrawn IDF troops from the Sinai in several stages by April 1982. Jewish settlements that had been built on Egyptian territory during the occupation period were dismantled in accordance with the treaty’s provisions. Israel was confident that by satisfying Egyptian desires to recover occupied Sinai they had neutralized Egypt as a potential enemy; the nation was unlikely to do battle with Israel for the sake of the Palestinians.

Free from the fear of attacks on its back, Israel intended to annihilate the PLO once and for all. The Palestinians had established a firm foothold in

Lebanon, which had a large refugee population. Indeed, the PLO in Lebanon resembled a state within a state. Israel was convinced that the time had come for the IDF to cross its northern border and encroach into Lebanon in order to battle PLO troops, not Lebanese armed forces.

The PLO headquarters command, suffering severe damage from the onslaught of the Israeli military, was forced to retreat. The authorities entrenched themselves in Beirut, the Lebanese capital. The IDF mercilessly and indiscriminately attacked the besieged city from the air, land, and sea.

U.S. President Reagan finally intervened between the belligerents, arranging a cease-fire to effect a safe evacuation of Palestinian troops and preserve their honor. On September 1, 1982, the losers — with their arms and banners intact — safely quit Beirut. PLO headquarters was shifted to Tunis, the Tunisian capital.

On the same day, Reagan announced his peace plan for the solution of the Israeli-Palestinian conflict. In a televised speech from the Oval Office in the White House, the U.S. president bluntly expressed his views, saying:

... it is clear to me that peace cannot be achieved by the formation of an independent Palestinian state. ... So the United States will not support the establishment of an independent Palestinian state in the West Bank and Gaza.

In talking points sent to Israeli Prime Minister Menachem Begin to supplement his peace proposal, Reagan wrote:

In the Middle East context the term self-determination has been identified exclusively with the formation of a Palestinian state. We will not support this definition of self-determination.

In Reagan's peace plan he proposed self-government by the Palestinians in the Israeli-occupied territories "in association with Jordan." As explained in the previous chapter, the West Bank had been annexed to the Kingdom of Jordan in 1950 after Middle East War I of 1948. The Gaza Strip, which was a part of the West Bank in a broader sense, was seized from Egypt by Israel after Middle East War III of 1967.

Despite Reagan's pro-Israeli stance, his plan was rejected by Begin, and by Arafat, as well. Furthermore, on July 31, 1988, nearly six years after Reagan's peace proposal and three-and-a-half months before the Palestinians declared the independence of the State of Palestine, King Hussein of Jordan severed ties between his realm on the trans-Jordan and the West Bank. The king thus affirmed that he would neither act nor speak for the Palestinians, and he left the PLO solely responsible for its own people. In doing so, he undermined the very foundation of the Reagan plan.

Hussein's renouncement of sovereignty over the West Bank removed the only Arab obstacle to the possible establishment of an independent Palestinian state in accordance with the resolution adopted on September 9, 1982, only eight days after Reagan's peace plan, at the Arab summit held in Fez, Morocco. At the summit, Arab leaders unanimously confirmed the right of the Palestinian people to self-determination and proposed the creation of an independent Palestinian state.

However, the collective support of the Arab world for the right of self-determination and Palestinian statehood has never been acknowledged by the United States, the sole peace-broker until that time, or its client, Israel.

V

The prototype of the DoP can be found in the Camp David accords of 1978, concluded between Menachem Begin, the Israeli prime minister, and

Anwar el-Sadat, the president of Egypt. Jimmy Carter, the U.S. president, invited both men to Camp David, the presidential mountain retreat in Maryland, and mediated between the two antagonistic parties.

After nearly two weeks of hectic negotiations, two historic documents — “A Framework for Peace in the Middle East Agreed at Camp David” and “A Framework for the Conclusion of a Peace Treaty between Egypt and Israel” — were signed on September 17 by Begin and Sadat, and witnessed by Carter.

Only ten months previously, on November 9, 1977, a diplomatic tremor rocked the Middle East. Addressing the national assembly, President Sadat had shocked not only the Egyptian people but also the whole Arab world when he announced his intention to visit Israel to make peace. Prime Minister Begin, who had been regarded as an uncompromising hawk, responded quickly to Sadat’s offer.

Ten days after his proposal, to the surprise of the entire world, the Egyptian president set foot in the Zionist state. On this rare occasion, he visited Jerusalem and made a speech advocating “peace with justice” at the Knesset on November 20, 1977. Speaking directly to the Israeli lawmakers, Sadat did not forget to refer to Palestinians’ “right to self-determination, including their right to establish their own state.”

Snatching this unexpected opportunity of peaceful overtures between the two former foes, Carter acted as a bona fide peace-broker by arranging for negotiations to proceed at Camp David, contributing to the first major success in the Arab-Israeli peace process.

The document “A Framework for Peace in the Middle East,” hereafter referred to as the Camp David agreement, again referred to application of U.N. Security Council Resolutions 242 and 338. It also claimed that the peace agreement’s principles should not only apply to the bilateral pact signed by Israel and Egypt at Camp David but should also apply to peace treaties signed between Israel and each of its other neighbors — Jordan, Syria, and Lebanon —

with which it was still legally at war.

Despite the call for a broader peacemaking initiative, no other Arab countries dared join the peace negotiations. Sadat's spoken demands for self-determination and statehood for Palestine were dropped from the text of the Camp David accords. Egypt was widely denounced as a traitor to the Arab cause and ostracized from Arab and Islamic regional organizations, particularly after Sadat concluded a separate peace treaty with Begin at the White House in March 1979.

The Camp David agreement established procedures for the participation of Israel, Egypt, Jordan, and "the representatives of the Palestinian people" in negotiations regarding the fate of the occupied territories of the West Bank and Gaza. The PLO was not, in the eyes of Israel and the U.S., among acceptable Palestinian representatives; indeed, according to the 1977 election platform of the Begin-led ultranationalist Likud Party, it was nothing more than "an organization of assassins."

Although the image of the PLO in the West has changed greatly since then, the language of the DoP, when compared with the text of the Camp David agreement, is surprisingly similar. Many of the phrases used at Camp David appear again, in slightly modified form. For example, what the Camp David agreement calls "final status negotiations" is described as "permanent status negotiations" in the DoP, while the phrase "five-year transitional period" (Camp David) becomes "transitional period of five years" (DoP). While Camp David refers to "a self-governing authority," the phrase used in the DoP is "a Palestinian Interim Self-Government Authority."

Both agreements refer in identical manner to a two-stage process, in which permanent (final) status talks are scheduled after the two-year initial period.

According to the scenario laid out in the Camp David accords, Egypt, Israel, Jordan, and the representatives of the Palestinian people would negotiate

over the future of the West Bank and Gaza in three phases:

In the first phase, Egypt and Israel agreed that there should be transitional arrangements for the West Bank and Gaza for a period *not exceeding five years*. In order to provide *full autonomy* to the inhabitants, the Israeli military government and its civilian administration would be withdrawn as soon as *a self-governing authority* has been freely elected.

In the second phase, Egypt, Israel, and Jordan will agree on the modalities for establishing the elected self-governing authority in the West Bank and Gaza. The delegations from Egypt and Jordan could include Palestinians from the West Bank and Gaza or other Palestinians as mutually agreed. The parties would negotiate an agreement that would define the powers and responsibilities of the self-governing authority to be exercised in the West Bank and Gaza.

In the last phase, when the self-governing authority (administrative council) in the West Bank and Gaza is established and inaugurated, *the transitional period of five years* would begin. *As soon as possible, but not later than the third year after the beginning of the transitional period*, negotiations would take place to determine the *final status* of the West Bank and Gaza and its relationship with its neighbors (emphasis added).

However, nothing went according to the agreement's scenario. First of all, Jordan refused to play its designated role and join Egypt in entering into negotiations with Israel. As for the representatives of the Palestinian people, the occupation authorities tried to organize pro-Israeli elements in order to thwart the deep-seated influence of the PLO. Israeli officials created "village leagues" with the aim of identifying proxies who could represent the Palestinians.

Even Hamas, an Islamic fundamentalist group that later violently opposed the Oslo agreement through applying such tactics as suicide bombings, was regarded as a possible substitute for the PLO at that time. But no one wanted to collaborate with Israel in challenging the PLO and the celebrity of

Arafat.

In the end, a self-governing authority was never realized, because due to the lack of the required tripartite agreement, the inhabitants of the occupied territories were unable to carry out an election to choose representatives.

Negotiations between Israel and Egypt on Palestinian self-rule began, but in the absence of the very party concerned — the Palestinians — they soon collapsed.

The DoP copied much of this scenario from the Camp David agreement. Although it contains no mention about links between the two agreements, one can easily trace their etymological and conceptional similarities. It is clear that Oslo inherited the letter and spirit of Camp David, as shown below.

Article I of the DoP declares the aim of the agreement to be “to establish a Palestinian *Interim Self-Government Authority*, an *elected Council* ... for the Palestinian people in the West Bank and the Gaza Strip, for a *transitional period not exceeding five years*, leading to a permanent settlement based on Security Council Resolutions 242 and 338.”

Article V (2) of the DoP says that “*permanent status negotiations* will commence as soon as possible, but *not later than the beginning of the third year of the interim period* between the Government of Israel and the Palestinian people representatives” (emphasis added).

In between the Camp David agreement and the Oslo agreement was the Reagan plan. In his address from the Oval Office on September 1, 1982 proposing his peace plan, Republican President Reagan mentioned the legacy of his predecessor, Democratic President Carter, and he declared that “the Camp David agreement remains the foundation of our policy.” However, his policy was immediately rejected by Israel and sank into oblivion. The Palestinian issue itself appeared to be half-forgotten by the international community for several years.

In December 1987, IDF soldiers caused a traffic accident in Gaza that

resulted in the deaths of four Palestinian workers. The funeral ceremony for the Palestinians and subsequent anti-Israel demonstrations triggered a ferocious resistance movement in the occupied territories that lasted for six years. It was called *intifada* in Arabic, meaning “uprising” in English.¹³⁾

The intifada erupted from the long-seething anger of the populace, soon developing into a national revolt against Israel’s twenty-year-long occupation. Soon flaming tires and volleys of rocks and Molotov cocktails by young Palestinian demonstrators were being met with beating, kicking, and plastic bullets or teargas canisters by Israeli police and IDF soldiers. Media coverage of these street fights drew worldwide attention to the deep-rooted, still unsolved Palestinian problem.

In early 1988, towards the end of Reagan’s presidency and just after the flare-up of *intifada*, Secretary of State George Schultz tried to revive the U.S. peace effort, which had been suspended since the end of the 1982 war in Lebanon. Some elements in the abortive Reagan Peace Plan (and the Camp David agreement) were modified and reincorporated into his plans. He proposed, for example, that Israel should negotiate with a Jordanian-Palestinian delegation, that the transitional period would last for six months, and that final-status negotiations would be completed in a year.

Israeli leaders rejected the U.S. new peace plan, designated as the Schultz Initiative. The PLO also opposed the U.S. peace proposals as they did not clearly mention the PLO’s representation and neglected to refer to the principle of self-determination. In July 1988, as previously mentioned, Jordan disavowed all responsibility for the Palestinians in the West Bank, guaranteeing that the Schultz Initiative would come to naught.

While he was pushing his plan, Schultz humiliated Arafat in March 1988 by ordering the closure of the PLO office in New York. Furthermore, in late 1988, the secretary of state refused to issue an entry visa for the PLO chairman to the United States when the Palestinian leader intended to attend the General

Assembly of the United Nations. The two incidents signified the continuing perception by the U.S. government that Arafat was the head of a terrorist organization.

In his capacity as the chairman of the PLO, which enjoyed observer status in the United Nations, Arafat was scheduled to address the plenary session of the world forum to report on the November 15 declaration in Algiers of a newly independent "State of Palestine."

The United Nations, deploring Schultz' decision, by a vote of 151 to 2 (the United States and Israel) adopted a resolution that criticized the U.S. administration. The U.N. then convened the General Assembly in Geneva, where the Palestinian leader spoke about the PNC's declaration of independence and referred to Palestinian acceptance of U.N. Security Council Resolutions 242 and 338 in a political communique adopted on the same day.¹⁴⁾

It was obvious that the secretary of state, notwithstanding Arafat's efforts at moderation and flexibility, did not trust the PLO's intentions. However, despite Washington's longstanding policy of excluding the PLO from the negotiating table, U.S. officials gradually came to understand that peace could not be achieved in the Middle East without the PLO's positive participation.

As an essential precondition to PLO involvement, the U.S. administration required concrete proof of the PLO's new moderation; namely, acceptance of the two major U.N. resolutions, which recognized Israel, and a pledge to renounce terrorism. Schultz once again asked Arafat to make a statement that would dispel any remaining ambiguity.

The PLO chairman responded frankly. In a statement issued in Geneva, Arafat declared; "Our statehood provides salvation to the Palestinians and peace to both Palestinians and Israelis. Self-determination means survival for the Palestinians. ... it was clear that we mean our people's right to freedom and national independence according to Resolution 181 and the right of all parties concerned in the Middle East conflict to exist in peace and security ... including

the state of Palestine and Israel and other neighbors according to Resolutions 242 and 338.” As for terrorism, he alleged, “... we totally and absolutely renounce all forms of terrorism including group and state terrorism.”

Arafat’s statement, however, was not rewarded. Schultz issued a statement in Washington, repeating what Arafat had said and adding, “Nothing here may be taken to imply an acceptance or recognition by the United States of an independent Palestinian state.”

Arafat’s overture was rebuffed by Schultz’s blunt words. The secretary of state could not exceed the limits set by his president. But Arafat’s concessions later bore some fruit. Schultz was authorized to open a channel for U.S.-PLO dialogue. It was useful for building confidence between succeeding state department chiefs and the national liberation organization head.

After the Gulf War, in late October 1991, a Middle East peace conference was convened in Madrid. Israel objected to the PLO’s direct participation at the negotiating table. However, a makeshift solution was found: Palestinians attended the conference as part of a joint Jordanian-Palestinian delegation, in what was a revised version of the defunct Schultz Initiative. The Israeli-Palestinian negotiations dragged on in Washington without success. However, it was an open secret that the PLO was the real negotiator on the Arab side.

VI

It should be noted that neither Palestinian statehood nor independence has been on the agenda of the permanent status talks. As for the issues to be negotiated at the permanent status talks, Article V of the DoP merely lists them as: “Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.” The list pointedly excludes topics dealing with statehood, such as sovereignty and independence.

After assuming the prime ministership, Israeli leader Barak spoke on several occasions about the issues to be negotiated. He made clear statements about the three most important issues, the status of Jerusalem, Palestinian refugees, and Jewish settlements on Israeli-occupied land.

Jerusalem

Barak ruled out giving up any part of Jerusalem as Israel's capital.¹⁵⁾ He reiterated that the holy city would not be divided or negotiable. With this stance, he remained faithful to his mentor, Rabin, the late prime minister, who had declared "united and unified Jerusalem is not negotiable" when he addressed the Knesset about ratifying the DoP on September 21, 1993. As Rabin emphasized, there was no difference of opinion in successive cabinets and the parliament over "the eternalness of Jerusalem as Israel's capital." Barak continues to take this politically popular stance.

In the Six-Day War of 1967, the IDF captured the Old City from Jordan's Arab Legion and secured the sacred Wailing Wall, a part of the remnant of the Israelites' Second Temple dedicated to God and razed by the Romans in 70 AD. In 1980, Israel unilaterally extended its sovereignty to the Old City, thus merging the historical walled city of east Jerusalem with the modern city of west Jerusalem. The former was founded by David and prospered under Solomon, the latter was built by Jewish immigrants from Europe in the twentieth century.

The annexation caused international repercussions because Jerusalem — old and new — had still been legally regarded under the special international regime stipulated by U.N. General Assembly resolution 181(II), which had been adopted in 1947. Following the annexation, the Security Council reaffirmed the resolutions on Jerusalem it had adopted since 1967 and again declared that all measures taken by Israel that altered the character and the status of the holy city were illegal and invalid. Many countries, including the United States, refused to transfer their embassies from Tel Aviv to Jerusalem, Israel's now

undivided capital.

The soldier-turned-prime minister Barak could rely on solid reinforcements across the Atlantic. Jerusalem has long been a political football in U.S. domestic politicking. Well-organized Jewish voters have exerted considerable influence in many local, state, and national elections, particularly in areas like New York, with its large Jewish population. After assuming power, Barak was visited by many pro-Israeli senators who advocated the transfer of the U.S. Embassy to the holy city.

U.S. First Lady Hillary Rodham Clinton, who has announced her candidacy for the upcoming Senate election in New York, shocked her husband and bewildered state department officials when she joined the chorus proposing the embassy move.

She sent a letter of apology to the head of a Jewish religious organization after being criticized about her earlier statement of support for the establishment of a Palestinian state, saying, "I personally consider Jerusalem the eternal and indivisible capital of Israel." The wife of the U.S. president added "I will be an active, committed advocate for a strong and secure Israel, able to live in peace with its neighbors, with the United States Embassy located in its capital, Jerusalem."¹⁶⁾

Refugees

During his visit to Washington to see Clinton in July 1999, in an interview that was aired on NBC's "Meet the Press" television program, Barak said that he did not expect Palestinian refugees to return to Israel. Taking issue with U.S. President Clinton's statement at an earlier press conference that the Palestinian refugees should be allowed to return home, Barak indignantly commented, "I don't think refugees will be able under any circumstances to come back into Israel."¹⁷⁾

The refugee issue, like the question of the holy city, has always been a

thorn in the side of Israeli-Palestinian relations. During Middle East War I of 1948 some 750,000 Palestinians fled to the adjacent Arab countries of Syria, Lebanon, Jordan, and Egypt and the Arab-controlled area of the West Bank and the Gaza Strip. They believed that when the war was over, they would be able to return home. But the fledgling Jewish state would not allow the Palestinian Arab refugees to return once they had left their original domicile for enemy countries. The Israeli authorities confiscated Arab properties and offered them to newly arriving Jewish immigrants.¹⁸⁾

At that time, many among the indigenous population in Palestine had been engaged in agriculture and livestock farming. Many found that their properties were suddenly divided by the cease-fire line. Fields, grazing land and farmhouses beyond the newly drawn military borders were put under Israeli control. "Trespassers" who tried to cross the temporary line of demarcation were shot at by Israeli border guards. Border disputes occurred frequently.

Neighboring Arab countries received and accommodated refugees at makeshift camps but did not attempt to integrate them into their respective societies. As for the refugees, most had no desire to be assimilated and lose their identity as Palestinians.

In the refugee camps, the middle-aged and the elderly passed their days in dreaming an impossible dream: a return to Palestine under Israeli occupation. Those who were able and well-educated emigrated to oil-rich countries in the Gulf region and remitted money to their families in the refugee camps. Many younger people, without jobs or hope about their lives in the camps, turned to force in order to avenge the Palestinians' losses to the Israeli enemy. With assistance from Syria and Egypt, they organized armed resistance groups and offered military training.

The first organized guerilla activity against Israel was conducted by some members of the Al-Fatah group at the start of 1965. In subsequent years, Israel suffered frequent attacks by Palestinian guerillas. The IDF retaliated by

bombing the refugee camps, mainly inflicting damage on innocent refugees in return for the damage caused by guerilla activities. This excessive retaliation sparked deeply-rooted antagonism against Israel among the Palestinian refugees.

Then came the Six-Day War in 1967, which created new floods of refugees. For many of them, it was their second experience to be displaced during their lifetime.¹⁹⁾ However, the majority of the Palestinian population remained and lived under Israeli occupation.

At the meeting between the U.S. president and the Israeli prime minister in July 1999, their differences of opinion on the refugee problem were made clear when Clinton said, "The Palestinians should be free to live wherever they like."²⁰⁾

The first generation of the Palestinian Diaspora is now aging, dispossessed from their homes for fifty years. Even if they were able to return home, they would feel like Rip Van Winkle, a stranger in their own land. Everything has changed remarkably over these many decades.

Old farmhouses have been demolished and fields replaced by modern housing developments. Residences, if they remained intact, were taken over by strangers. According to the Israeli Absentee Property Law, abandoned properties with documents of registration under the British mandate need not be restored to their legitimate owners. The return of the refugees would thus upset the very foundations of Israeli society.

The Israelis have rejected the return of Arab Palestinian refugees on the grounds that some 800,000 Jews living in the Arab world had been persecuted and forced to leave their homes between Middle East War I of 1948 and Middle East War III of 1967. A U.N. resolution calling for compensation to be paid to Palestinians who did not wish to return came to naught when Israel countered with its own conditions.²¹⁾

It seems unlikely that the two sides will be able to reach a satisfactory

compromise at the negotiating table on this complicated matter.

Settlements

Barak, in a peace-seeking overture, said that his policy would be to not allow Jews to build new settlements on Israeli-occupied land. However, he quickly added, the Israeli government would not dismantle any existing settlements.²²⁾ His predecessor, Netanyahu, lent his approval to several new settlements during his tenure, even after his defeat in the 1999 election.

Since the conclusion of the DoP, the Israelis have been busy with the construction of bypass roads in order to incorporate the settlements in the road network. In the process, they confiscated a great deal of Palestinian-owned land. The hasty earth-moving operation was clearly aimed at forging road links between Israeli enclaves for the prompt dispatch of the IDF or for evacuating settlers in case of emergency.

Another conspicuous recent phenomenon has been the mushrooming of settlers' encampments composed of little more than mobile homes or squat prefabs on hilltops not far from existing settlements.²³⁾ The settlers did this to stake a claim to the land as an extension of existing settlements without violating government bans on new outposts.

After the conquest of the whole of Palestine in 1967, successive Israeli cabinets, both Labor-led moderate leftists and Likud-led right-wingers, were enthusiastic about constructing settlements in the newly acquired lands. Unlike the earlier agricultural Kibbutzim, reclaimed by young Zionist pioneers early in the twentieth century, today's settlements are mainly residential areas developed by real estate agents. These kinds of settlements are typically located on strategically important heights as bulwarks against an assumed Arab invasion.

A glance at a map of Israel/Palestine reveals that these settlements are widely scattered throughout the occupied territories. According to one estimate, some 180,000 Jewish people lived in settlements as of 1998.²⁴⁾

Every nation, save the Israelis, who have proposed their own convoluted interpretation, has deemed that the new construction or existence of settlements is an open violation of U.N. Security Council Resolution 242, which emphasizes “the inadmissibility of the acquisition of territory by war.”

The Israelis has intended to make the return of the occupied territories unachievable by amassing *faits accomplis*. Because they knew that official annexation of the territories would be denounced by the international community, they sought to avoid such condemnation by implicit, de facto incorporation of the fertile or most strategic parts of the occupied territories into the Jewish state.

Since the accord at Sharm-el-Sheikh, the land-for-peace formula has been repeatedly publicized in the press, as was done in 1993 after the conclusion of the DoP. It seems unlikely, however, that this proposal will be realized through the permanent status negotiations.

One reason for this is that U.S. administrations have yet to take a strong stance on the settlements, and the U.S. remains the only effective peace broker-moderator-mediator in such talks. Beginning with Carter, successive presidents and secretaries of state have tried, in vain, to persuade their Israeli counterparts to accept a “settlement freeze” as a condition for respective peace proposals. In 1997, Secretary of State Albright used the sports phrase “time-out” regarding the controversial construction of a large-scale settlement in the West Bank by an American Jewish entrepreneur. Israel took no heed of this advice.

Prime Minister Begin once insisted that Israel would not need to return lands in the West Bank and Gaza, as Israel’s territorial obligations had been fulfilled by the return of the Sinai Peninsula to Egypt.²⁵¹ To back up his claim, he cited a disputatious passage in Security Council Resolution 242 that called for the “withdrawal of Israeli armed forces from territories”; according to Begin’s interpretation, the lack of the definitive article “the” before “territories” meant

that Israel could comply by simply withdrawing from *some* of the occupied territories, but not all of them.

With the recent proliferation of hilltop settlements, Barak's interpretation on this matter will soon be illuminated at the negotiating table.

U.S.-Israeli relations appeared, on the surface, to be cordial during the Cold War era, as Washington regarded the Jewish state as its strategic asset in the Middle East — an important force in countering Moscow's influence in this region. Israel could expect and enjoy generous military and financial aid.

Behind the scenes, however, relations between the two countries were often strained when Israel refused to follow U.S. global policy. On some occasions Israel was forced to yield to U.S. diplomatic pressure at the cost of the temporary suspension of military assistance. But the United States has never taken steps that have gone against Israel's interests, and it often acquiesces to Israel's conduct in the end.

Barak has requested that the U.S. curtail its involvement in the permanent status talks. During his visit to Washington, he was quoted as saying that the United States had played an overly intrusive role in the Middle East and that he would welcome American participation as a "facilitator" of dialogue, not as an arbitrator of disputes or enforcer of agreements.²⁶⁹

Barak seems to dislike Clinton's active commitment to the peace process. The incumbent president is regarded as more even-handed in his approach to Israeli-Palestinian relations than such predecessors as Ronald Reagan. Barak apparently made his statement in consideration of the U.S. presidential election scheduled to take place in November 2000. He no doubt assumes that pro-Israeli pressure groups will be very active before the election, forcing the candidates to take a more favorable stance towards Israel.

Conclusion

After the DoP was signed in September 1993, Arafat confidently assured

the Palestinians that the agreement would lead to the eventual establishment of their own state. It's thus not surprising that many Palestinians, without reading the lengthy English-language text, took their leader at his word, and believed that their long-cherished dream of national independence would be automatically realized after the five years of interim self-government. After the Sharm-el-Sheikh accord they were given a new target date of September 13, 2000.

Arafat advocated "the peace of the brave" when he concluded the DoP with Rabin in 1993. After being elected as prime minister, Barak made the same comment, and he was echoed by Arafat. The phrase seemed somewhat of an anachronism this time, however, as it seemed to obscure the reality of the situation. It can be said that the Oslo agreement was concluded on Israeli terms. In other words, it was a peace achieved between the victor and the vanquished. Israel has imposed a diktat on the PLO. Concerning such vital issues as Jerusalem, refugees, and settlements, Israel, as the victor, has shown no desire to compromise.

In the Gulf War of 1991, Arafat sided with Saddam Hussein of Iraq because the Iraqi dictator was an ardent supporter of the Palestinian cause. Because of Arafat's terrible misjudgment, Palestinian immigrant workers in Kuwait and other oil-producing Arab countries were persecuted. The PLO was diplomatically ostracized by the majority of the Arab world and nearly suffered a financial collapse with the sudden cessation of funds from oil-rich countries.

But the war paved the way for the PLO's indirect participation in the Madrid Peace Conference that was cosponsored by the U.S. and the USSR, as explained in the previous chapter. The peace talks through official channels soon came to a standstill. However, without informing his envoys at the negotiating table, Arafat switched channels from Washington to Oslo with a *volte-face*, dropping Palestinian demands for self-determination and statehood.

In 1988, U.S. Secretary of State Schultz's pressure on the PLO to accept

Security Council Resolutions 242 and 338 and to renounce terrorism without ambiguity was countervailed by the declaration of independence of the State of Palestine. Five years later, in 1993, Arafat acceded to the resolutions without making any commitment to statehood, for his own and the PLO's survival. It was not surprising that he was criticized by his former supporters, who regarded the DoP as an expression of capitulation.²⁷⁾ Indeed, Israel had nothing to lose in Oslo/Washington or at Sharm-el-Sheikh.

In November 1999, Clinton, Barak, and Arafat met each other in Oslo for a condolence ceremony on the fourth anniversary of Rabin's assassination by an Israeli extremist. This summit of the three leaders failed to spur any diplomatic breakthrough, however.

Since his inauguration, Barak has shown no real willingness to make concessions. The media were at first dazzled by Barak's dissimilarity with his predecessor, Netanyahu, but Barak's statements in his first hundred days in office cannot be interpreted as representing new directions in Israeli foreign policy. He spoke out in favor of peace but his stance appeared high-handed, reflecting his unyielding views as a soldier-politician. In truth, he has never deviated or retreated an inch from Israel's traditional stance.

According to recent press reports, Arafat has decided that should the permanent status talks break down or reach a stalemate, he would then make a new declaration of Palestinian independence, covering the areas now under the PA's jurisdiction. In such a case, a Palestinian state in virtual reality would become a state in reality.

However, this "second" State of Palestine might prove to be a strangely configured nation, indeed, replete with a large scattering of Israeli settlers' outposts. The new state would consist of less than twenty percent of the West Bank and Gaza and would be overpopulated with returnees. And its professed capital, Jerusalem, would be under Israeli domination. It may be, as has been noted by peace activist groups, something along the lines of Bantustan, a

quasi-state created by South Africa under its prior apartheid regime. Does such an entity qualify as a state? Israel would lose nothing and could enjoy the status quo or could annex the territories under its prolonged occupation. Jerusalem would remain undivided and unified as Israel's "eternal capital."

In October 1991, President Bush said in his opening speech at the Middle East Peace Conference at Madrid, "We know peace must be also based upon fairness. In the absence of fairness, there will be no legitimacy, no stability." The negotiations switched from the Madrid channel to the Oslo channel that led to the conclusion of the DoP. This spirit of fairness should also have been transmitted from Madrid to Sharm-el-Sheikh via Oslo.

It seems, though, that the acceptance of *faits accomplis* has prevailed over fairness. Should the future of Arab Palestine be settled unfairly under the guise of a permanent solution, a lasting peace will not be achieved. The possibility of the resurgence of another *intifada* in the foreseeable future cannot be denied.

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Notes

1. The *International Herald Tribune*, September 6, 1999.

The Jerusalem Post (international edition), September 10, 1999.

The Sydney Morning Herald, September 6, 1999.

The Sharm-el-Sheikh memorandum is a revised version of the Israeli-Palestinian accord of October 1998 signed between Netanyahu and Arafat at Wye River Plantation, Maryland. It stipulated additional withdrawal (redeployment) of Israeli troops from 13 percent of the occupied territories but was suspended unilaterally by Netanyahu, who alleged that Arafat had reneged on the agreement by neglecting to regulate terrorism in reciprocity. As the go-between who had invited the two leaders to Washington and Wye River Plantation, Clinton was unhappy about Netanyahu's unilateral move.

2. The DoP is the fruit of secret talks negotiated in Norway between high-ranking Israeli officials and PLO representatives. It was initiated under the guise of an academic symposium attended by Israeli professors and PLO officials. The backstage organizer was a bona fide Norwegian sociologist who had conducted social research in Palestine and established strong, reliable ties among both the Israelis and Palestinians. These sensitive discussions were soon upgraded to confidential official talks. The Norwegian foreign ministry offered various facilities in order to keep the

negotiations secret.

At that time official Israeli-Palestinian talks as part of the Madrid peace process were underway in Washington, in parallel with the secret talks in the Norwegian capital of Oslo and its vicinity. However, Arafat did not brief the Palestinian negotiators in Washington on the simultaneous talks until the last moment.

The DoP was finally initialed by the representatives concerned in Oslo, which is why the DOP came to be known as the “Oslo agreement,” but the United States was able to claim some of the credit by hosting the signing ceremony. The historic accord was officially signed by Rabin and Arafat on the White House lawn in Washington, D.C. The pact was later nicknamed “Oslo I,” because another major accord, the “Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip” which was signed in Washington on September 28, 1995, was designated by journalists as “Oslo II.”

For details, see Jane Corbin, *Gaza First: The Secret Norway Channel to Peace Between Israel and the PLO*. London: Bloomsbury, 1994.

3. The interim period should have begun “as soon as possible,” according to the DoP, but it had to wait until the various relevant agreements and protocols were negotiated and concluded. The Israel-PLO Agreement on the Gaza Strip and the Jericho Area, was signed on May 4, 1994 in Cairo, and the interim period began on the same day.
4. Netanyahu barely won the election over Peres, scraping through with a narrow margin of 1,501,023 to 1,471,566.
5. In spite of Barak’s clear victory for the prime ministership, his own electoral “One Israel Nation” bloc (comprised of Labor and other minor parties) secured only 26 seats in the 120-seat Knesset. Netanyahu’s Likud suffered more, gaining merely 19 seats.
6. For example, former U.S. Secretary of State Henry Kissinger, who played

an important role in the Israeli pullout from the Sinai Peninsula via his shuttle diplomacy after Middle East War IV of 1973, wrote, "...the Palestinians have a right not only to statehood but to the greatest degree of territorial contiguity and conditions of life compatible with their dignity." (*The International Herald Tribune*, July 20, 1999.)

7. *Journal of Palestine Studies*, Number 3, Spring 1999.
8. *The Jerusalem Post* (international edition), July 16, 1999.
9. Interpretation of this controversial passage in the official languages of the United Nations can be seen to differ. The English version reads "territories" rather than "the territories" with a definite article. The French language text — "des territoires occupés" — contains the plural form of an indefinite article. Russian in itself does not have a definite article. Israel insisted that it had accepted the English version. For details, see Conor Cruise O'Brien, *The Siege: The Story of Israel and Zionism*. London: Paladin, 1988. p. 418.

Golda Meir, the late prime minister of Israel, said in her autobiography that Resolution 242 "does not say that Israel must withdraw from all territories, nor does it say that Israel must withdraw from the territories." She added, "it does not speak of a Palestinian state." (Golda Meir, *My Life*. London : Futura Publications, 1984. p. 311.)

10. In 1970, at the urging of U.S. Secretary of State William Rogers, Egyptian President Nasser finally approved the resolution when Israel and Egypt brought a halt to the War of Attrition, the post-Six-Day War armed conflict that flared along and above the Suez Canal.
11. For the full text of the EU statement, see *Journal of Palestine Studies*, Number 4, Summer, 1999.
12. *The Jerusalem Post* (international edition), April 2, 1999.
13. For details, see Don Peretz, *Intifada: The Palestinian Uprising*. Boulder: Westview Press, 1990.

14. The Palestinian Declaration of Independence of November 15, 1988 does not refer directly to Security Council Resolutions 242 and 338. However, the political communique adopted on the same day clearly mentions the two resolutions in the following context, that it affirms: “the international peace conference be convened on the basis of the United Nations Security Council Resolutions 242 and 338 and the attainment of the legitimate national rights of the Palestinian people, foremost among which is the right to self-determination...”

In this way, the acceptance of the two resolutions was inseparable from the right to self-determination that would lead to statehood.

15. In order to form a coalition cabinet, Barak prepared guidelines for various party leaders. The Jerusalem clause reads: Jerusalem will remain in its entirety the united capital of Israel. (*The Jerusalem Post* [international edition], June 11, 1999.)
16. *The International Herald Tribune*, July 10-11, August 4, 1999.
17. *ibid.* July 19, 1999.
18. For detailed descriptions, see Sabri Jiryis, *The Arabs in Israel: 1948-1966*. Beirut: The Institute for Palestine Studies, 1969.
19. More than 500,000 people were displaced. Of these, some 240,000 were uprooted for a second time. (*The United Nations and the Question of Palestine*. New York: United Nations Department of Public Information, undated. p. 27.)
20. *The Jerusalem Post* (international edition), July 9, 1999.
21. U.N. specialists estimated the value of abandoned property at \$1.85 billion in 1990 U.S. dollars. For details, see Don Perez, *The Arab-Israeli Dispute*, New York: Facts On File, Inc., 1996. pp.53-54.
22. *The Jerusalem Post* (international edition), July 16, 1999.
23. *ibid.*, October 22, 1999.
24. *Journal of Palestine Studies*, No. 4, 1999. p. 144.

25. Don Peretz, *The Arab-Israel Dispute*. New York: Facts On File, Inc., 1996.
p. 80.
26. *The International Herald Tribune*, July 19, 1999.
27. For example, Edward W. Said, a famous Palestine-born American scholar who was formerly a PNC member, denounced Arafat's turnaround in his book, *Peace and Its Discontents: Gaza Jericho 1993-1995*. London. Vintage, 1995.