

## Starting Over After Oslo

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The optimistic assumptions and mechanisms that guided Palestinian-Israeli negotiations under the "Oslo" process proved unrealistic and fatally flawed. This failure is reflected in two years of Palestinian terrorism and the catastrophic leadership of the Palestinian Authority. The realization that the core of the conflict remains the rejection of Israel as a Jewish state has fundamentally changed the framework for negotiations. Under these conditions, in the absence of what academics refer to as "ripeness," it is entirely unrealistic and counterproductive to use the concepts and parameters of the Oslo process, the Camp David summit, or the Taba talks as the basis for any new Middle East peace effort. Instead, the current environment requires a focus on conflict management and the immediate restoration of stability, while developing the conditions necessary for peace, based on recognition of mutual legitimacy.

On June 24, President Bush presented his administration's vision of peace in the Middle East, based on a new and democratic Palestinian political leadership; the creation and implementation of serious security arrangements to end terrorism; recognition of the legitimacy of Israel as a Jewish state; and only then, the creation of a sovereign Palestinian state. For the first time in almost ten years, the components and processes that characterized the "Oslo" framework were not even mentioned in the context of discussions of Middle East peace.

The events of the past two years have demonstrated that the optimistic assumptions and mechanisms that guided Palestinian-Israeli negotiations based on the Oslo accords (beginning with the 1993 Declaration of Principles and continuing through a series of interim agreements) were fatally flawed. The claims advanced by Palestinians and by Robert Malley (an official of the Clinton administration) of near agreement at the Taba talks in December 2000 and January 2001 are neither convincing nor relevant. In the absence of any agreed documents or transcripts, and given so many different versions of these chaotic discussions, the events will always remain cloudy and subject to widely varying interpretations.<sup>1</sup>

More importantly, any possibility of reaching a final status agreement between the Palestinian and Israeli leaders had already disappeared following the failure of the "last-chance" Camp David summit in July 2000 and the Palestinian violence that began eight weeks later. With all credibility gone, the frantic negotiations in the last hours of the Clinton administration, just days before the Israeli electorate overwhelmingly repudiated the policies of the Barak government, were doomed.

In other words, now -- two years later -- even if the violence were to suddenly stop, and formal links between Israeli and Palestinian officials were fully restored, there is no foundation for societal transformation on which to build a realistic peace process. Among Israelis, the environment of optimism, support for compromise, and belief in mutual respect that fostered the Oslo negotiations has vanished. Proposals for resuming peace talks that are based on the previous framework, as reflected in private initiatives such as the one put forth by the Middle East section of the International Crisis Group<sup>2</sup> (headed -- not coincidentally -- by Malley), are out of touch with reality and have no chance of success.

## **The Lessons of the Oslo Experience**

Indeed, in retrospect, it is now clear that the entire Oslo concept and process were inappropriate and even counterproductive for the development of peaceful relations between Israel and the Palestinians. The framework of interim accords without agreement on a final destination meant that this most complex and tenuous of journeys, to end a century of intense conflict and violence in a period of five years, began without a roadmap. The Israeli government withdrew from Palestinian cities based on nothing more than blind faith that agreement could be reached on shared access to Jerusalem, Palestinian claims regarding refugees, borders, water, and other key issues. When these "permanent status" issues were finally and belatedly considered, this optimism was seen to have been misplaced.

Following two years of a Palestinian campaign of terrorism that has taken the lives of over 600 Israelis (primarily civilians) and wounded thousands, any basis for compromise that might have existed two years ago has been destroyed. The Israeli consensus has become far more distrustful and security-oriented, and views the Palestinian leadership headed by Yasser Arafat as entirely untrustworthy and totally beyond redemption.

Even if officials could somehow turn back the clock and reach agreements detailing borders, security guarantees, arrangements in Jerusalem, and refugee claims, such commitments would have no credibility. During the Oslo experience, Israelis learned that any territory that is provided to the Palestinians (at least under Arafat) is used as a base for terrorist attacks, and goodwill gestures, such as exempting vehicles used by VIPs from inspection, are exploited for smuggling weapons and explosives. As a result, reliance on a "Palestinian police force," as incorporated in the Oslo Declaration of Principles, will no longer satisfy Israeli security concerns in any future round of negotiations. Similarly, the assumption of mutual respect for religious traditions, that was a foundation of discussions on the future of Jerusalem, has vanished, as has Israeli willingness to take risks on this central issue. The readiness of many Israelis to bring this conflict to an end by accepting some Palestinian refugees and acknowledging shared historic responsibility for their situation has also disappeared.

The impasse on refugees and Jerusalem (which, according to the version of history articulated by Arafat and other Palestinians, had never been the site of the Jewish Temple)<sup>3</sup> demonstrated that the key requirements for coexistence and mutual respect were

not advanced at all under the Oslo process. The well-intentioned supporters of this framework assumed that the step-by-step approach to peace-building would also bring about fundamental changes in the "hearts and minds" of Palestinians and Israelis. According to this formula, Israeli territorial withdrawal and the creation of a functioning Palestinian proto-state headed by Yasser Arafat and the PLO were supposed to demonstrate that the two-state solution would satisfy the basic requirements of both peoples. The long history of violent opposition to a Jewish state in a region dominated by Islamic regimes -- the fundamental cause of the conflict long before the 1967 war, "occupation," and "settlements" -- was to be overcome indirectly through demonstration of the benefits of coexistence and cooperation.

Instead, the experience of the past decade has only served to underline the continued rejection of Israel and the commitment to destroy the Jewish state.<sup>4</sup> The hatred and incitement has not only continued but has increased, as seen in the unprecedented level of Palestinian terrorism, the recruitment of suicide bombers, and the justification of the brutal murder of Israeli civilians, particularly children. At the same time, the "moderate" regimes in the region, including Egypt and Saudi Arabia, have failed to contribute to developing the foundations for mutual acceptance and have often contributed to the incitement and efforts to isolate and delegitimize Israel.

These manifestations of rejectionism have hardened Israeli positions and greatly reduced support for concessions and compromise. Nine years of the "peace process" have failed to produce a single map in a Palestinian textbook or official Internet site that includes "Israel," and the language of hatred and rejection is dominant. In Arabic, Arafat and the other Palestinian leaders speak exclusively of Palestinian "justice" and "historic rights," while embracing terrorists as martyrs and calling for "millions of suicide bombers" to march on Jerusalem. Instead of building confidence, the catastrophic failure of the Oslo process has demonstrated the fundamental obstacles to creating even the most limited levels of mutual confidence.

The UN-sponsored Durban conference on "racism" that took place in September 2001 reinforced the perception that Palestinian and wider Arab rejection of Israeli legitimacy remained unchanged. The orgy of anti-Israel resolutions and anti-Semitic activities, supported by many governments including Egypt and Saudi Arabia, as well as NGOs claiming to support human rights, strengthened the conclusion that, regardless of the extent of Israeli concessions and compromises, the incitement and terror would continue.

Under these conditions, in the absence of what academics refer to as "ripeness," it is entirely unrealistic and counter-productive to use the concepts and parameters of the Oslo process, the Camp David summit, or the Taba talks as the basis for any new Middle East peace effort. That phase is over, and it is time to move on, basing future attempts on an entirely different framework.

## **Managing the Conflict in the Post-Oslo Era**

Among other shortcomings, the architects and supporters of the Oslo framework failed to examine the details of other efforts to negotiate an end to bitter and protracted "ethno-national" conflicts. Had they considered the experience in Northern Ireland, Cyprus, India and Pakistan, and many other cases, they would have realized that significant and lasting agreements require broad societal transformation processes. These are extremely difficult, requiring many years of careful educational activities that emphasize tolerance and mutual acceptance. Concessions, cooperative activities, and the risk-taking decisions that are inherent in any peace process are totally incompatible with rejection, incitement, and support for terror.

The Israeli consensus, as reflected in the policies of Prime Minister Sharon and his government, and widely supported across the political spectrum, is that Yasser Arafat is incapable of providing the leadership necessary for conflict transformation.<sup>5</sup> Even if Arafat and the current Palestinian leadership were to suddenly end support for terror and embrace the language of compromise and mutual acceptance, after so many false starts, any agreements would be seen as tactical and lacking credibility. As a result, the majority of Israelis (according to public opinion polls), as well as the Bush administration and, in a less public way, most other major international actors, have written off Arafat as a credible partner for peace. Regime transformation and the development of a Palestinian political framework that allows for more open public discussion of the benefits of compromise and the legitimacy of Jewish "historic rights" are fundamental prerequisites for any realistic effort to negotiate agreements regarding borders, security, arrangements in Jerusalem, or a settlement of refugee claims.

This process will take a long time, and requires far more than pseudo-elections or other facades designed to create the image of democracy without the substance. In the meantime, instead of pursuing the mirage of a comprehensive and permanent peace agreement (such relationships evolve, and formal agreements come at the end of the process), more realistic goals related to conflict management should be adopted. This is also the conclusion reached by General Anthony Zinni, who was appointed by President Bush to try to reduce tensions and restore stability. Discussions of comprehensive solutions, while perhaps useful in outlining the realistic requirements for any long-term agreement, are largely academic at this stage, and grand conferences are likely to be counterproductive.

After two years of brutal terror attacks, the issue of security is fundamental and constitutes the *first* element in conflict management. Before Israeli forces will be removed from Palestinian cities and freedom of movement can be restored without inviting more terror attacks, long-term security mechanisms must be established. Realistic measures must be implemented and tested, including the disarming of the various terror groups. Fundamental changes in the Palestinian political and security leadership and institutional structure might provide the foundation for these measures, supported by external powers, including Egyptian and Jordanian forces as well as American and perhaps some European officials. The political and ideological support structure and justification for suicide bombers and other forms of terror must also be dismantled.

Given the largely local structure of Palestinian militias and terror groups, different areas (Gaza, Jericho, Bethlehem, Jenin, etc.) can be expected to develop and implement security structures at different rates. As each area is judged to be ready to manage its own security without risking renewed terrorist activity, the IDF forces will be withdrawn. Similarly, as terror networks are dismantled in each area, and local security forces are shown to be effective, Israel will be able to relax the restrictions on movement and access to Israeli employment and services. Implementation of these policies will constitute the *second* element in the conflict management process.

Beyond these immediate measures, extension of this process requires a major reduction in friction (the *third* key element in the conflict management structure), and this will be facilitated by the barrier being constructed by the Israeli government to separate the populations. This barrier will allow for the reduction in the obstacles to travel between Palestinian cities and villages, and also for the removal of most of the Israeli military checkpoints in these areas. In the remaining checkpoints, the stationing of Israeli human rights officers (as endorsed by Attorney General Elyakim Rubenstein, who has also volunteered to serve in this position) will reduce the level of friction to a minimum. In later stages, friction in various districts could be reduced further by Israeli decisions to remove some settlements and military outposts. While Israeli public opinion polls show broad support for withdrawal from isolated settlements in Gaza and near Jenin, implementation of such policies requires an end to Palestinian terror attacks and clear indications of progress toward conflict management.

On this basis, the *fourth* key element in conflict management -- far-reaching Palestinian economic reforms -- can be implemented. The channeling of billions of dollars of aid money and revenues from private accounts into infrastructure development and job creation is a major priority. The international community, which provided billions of dollars in aid directly to Arafat and the Palestinian Authority over the past decade, has begun to recognize that these funds largely disappeared into private accounts or were used to support terrorism, while the infrastructure and job-creation aspects were ignored. Some steps to correct this massive failure have been taken, and before more funding is provided, the implementation of additional measures to insure transparency and effective use of the funds is vital. In addition, the new structures for Palestinian self-government to be created in the wake of the failure of the Oslo frameworks must prove themselves in this area, before statehood can be usefully considered.

In addition, a "political horizon" is necessary to provide the transition between these short-term conflict management measures and the longer-term conditions for conflict resolution. To move in this direction, incitement and expressions of rejection of Israel and of Jewish sovereignty must end before detailed discussions of Palestinian sovereignty can begin. Such fundamental changes in perceptions cannot be imposed from the outside, and will take many years to penetrate widely throughout society, but they are vitally necessary in order to avoid additional waves of violence. On the basis of mutual acceptance and recognition of legitimacy, and without efforts to rewrite the past through one-sided demands for "historic justice," negotiations can begin on pragmatic solutions for the issues of Jerusalem, refugee claims, and boundaries. As the Oslo experience

clearly demonstrated, efforts to tackle these issues prematurely, before the development of Palestinian civil society and democratic institutions, and in an environment of conflict and fanatical rejection of Israeli legitimacy, are counterproductive and serve to exacerbate the conflict.

In approaching Middle East peace efforts, the international community (including the EU and UN) and eager outside mediators must begin with an understanding of the "art of the possible," and the fundamental changes in the environment that have followed the catastrophic failure of the Oslo framework. In contrast, approaches and measures based on myths, misperceptions, and simplistic formulas will be counterproductive and result in more violence and instability. By contributing to sensible and realistic conflict management measures, and encouraging long-term policies toward democratization, tolerance, and mutual acceptance throughout the region, these third parties can make important contributions towards peace.

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### Notes

1. See, for example, Benny Morris, "Camp David and After: An Interview with Ehud Barak," *New York Review of Books*, June 13, 2002; Robert Malley and Hussein Agha, "Camp David: The Tragedy of Errors," *New York Review of Books*, August 9, 2001; and replies, *New York Review of Books*, June 27, 2002.

2. *Middle East Endgame*, International Crisis Group Report, July 16, 2002.

3. Tovah Lazaroff, "Ross: Arafat Said Temple was in Nablus," *Jerusalem Post*, May 15, 2002.

4. Dennis Ross, "Think Again: Yasser Arafat," *Foreign Policy*, July/August 2002.

5. In one poll, 62 percent of the Israeli public supported Arafat's expulsion, *Maariv*, April 12, 2002. "Israel Public Opinion -- National Security Survey: 2002," published by the Jaffee Center for Strategic Studies, showed similar results.

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