

## THE PEACE PROCESS IN ISRAEL AND PALESTINE

Since the signing of the 'Declaration of Principles on Interim Self-Government Authority' on 13 September 1993, the Western public has spoken a great deal about the 'peace process' in the Middle East. As mentioned before, the realities on the ground and the image of the peace process have little in common. After the initial joy over the public display of the Palestinian flag had vanished, it soon became clear that the changes on the ground were of only a cosmetic nature, and that the new developments had less to do with peace than with subjugation and the reorganization of power. It is the continuation of a process of suppression on the part of Israel that paradoxically moves along with Palestinian self-subjugation. The political, economic and social subjugation of the Palestinians is clearly visible in the signed agreements, which regulated and 'legalized' the occupation, contrary to International Law. Especially in the United States and in Europe, the politicians and the media tend to cling to everything that promises to lead to an end of the conflict, no matter how unrealistic it is. Thus, the fact that *de facto* nothing has changed with regard to the oppression of the Palestinians is being deliberately ignored. Furthermore, no one is ready to admit that Arafat now plays the same role *vis-à-vis* his people that was played by the Israeli occupying troops before the peace process and, to some extent, even today. It is extremely difficult to find anything positive in these agreements.

### 1. The 'Declaration of Principles on Interim Self-Government Authority' of 13 September 1993

Leading Israeli politicians made no secret of their assessment of the PLO. Shimon Peres, for example, declared on 1 September 1993 in the TV show *Moked*: "They underwent changes, not us. We are not negotiating with the PLO but only with a shadow of it." On the same day, General Uri Or said on the Israeli military radio: "For the first ever time a situation has been created in which someone else shares the security interests of Israel." And on 3 September 1993 Yitzhak Rabin added in the daily newspaper *Yediot Aharonot*: "I hope that we will find a partner who will take charge of the internal problems in Gaza, without creating problems with the High Court,

B'Tselem and all the 'bleeding hearts'." This attitude was confirmed by former Israeli Chief of Staff, Ehud Barak with the following remark, made during a television interview on the occasion of the Jewish New Year in 1993: "Besides the impending troop redeployment in the Gaza Strip and Jericho, nothing will change nor has to be changed. While the negotiations will continue, we will expropriate land and arrest people."

Before the DoP could come into force, both sides had to exchange letters of mutual recognition. As far as the Palestinians are concerned, these contain numerous ambiguities, whilst the statements pertaining to Israel are completely clear. The central sentence in Arafat's letter to Yitzhak Rabin reads: "The PLO recognizes the right of the State of Israel to exist in peace and security."<sup>1</sup> With this formulation the PLO recognized the State of Israel and gave it legitimacy, while Rabin only recognized "the PLO as the representative of the Palestinian people" and declared Israel's willingness to commence negotiations with it. The sentences quoted here illustrate the asymmetry between the two contracting parties. The PLO recognizes Israel as a state and thus its sovereignty, while Israel only recognizes an organization but no Palestinian sovereignty, which can be compared to the fictitious example of Arafat only recognizing the Labor Party! Uri Avnery therefore was wrong when he claimed that "both peoples, Israelis and Palestinians, have recognized each other"<sup>2</sup> with the exchange of the said letters. Israel's right to peace and security officially took precedence over the right of the Palestinians to fight for their rights. The PLO recognized an Israel whose borders are unclear. Was it not aware that by doing this it accepted the sovereignty of the country beyond the 1967 borders? Based on clever legislation Israel can also claim sovereignty over the West Bank and Gaza Strip.

In his letter, Arafat furthermore renounces terrorism and violence as a political means, saying that those responsible for violations will be punished with "disciplinary measures." The guarantee to cancel all those articles of the Palestinian Covenant that question Israel's right to exist requires the giving up of the general resistance of the Palestinians against the Israeli occupation. By adopting the Israeli language regarding 'terrorism', Arafat implies that Palestinian resistance is nothing but 'terrorism', including the *Intifada*, which, for the relatives of the Palestinian martyrs, is a slap in the face. Arafat uses the same kind of language again in his

<sup>1</sup> "Brief des PLO-Vorsitzenden Arafat an Ministerpräsident Rabin", in: *Frieden. Die Vereinbarungen zwischen Israel und der PLO vom 13. September 1993*. Ed. by the Press and Information Department of the Embassy of the State of Israel, Bonn, n.d. [1993], p. 4. All following quotations are taken from this documentation.

<sup>2</sup> "Vom Terroristen zum Friedensaktivisten. Interview mit Uri Avnery", in: *die tageszeitung (taz)*, 1 September 1997.

letter to the Norwegian Foreign Minister Johan Joergen Holst, in which the PLO leader repeats his call to Palestinians in the West Bank and Gaza Strip to "reject violence and terrorism" and to actively take part in shaping economic development. He expresses the "thorough conviction" that with the signing of the DoP a "new era in the history of the Middle East" begins. Yitzhak Rabin relied on the written 'PLO-commitments', but the only concession his government made was to recognize the PLO, as stated by former US Foreign Minister James Baker in a television interview at the beginning of September 1993. There was not one word about the right of the Palestinian people to self-determination; the only concern was Israel's security. Baker emphasized this point in an address to The National Association of Arab-Americans (NACC) at the beginning of November 1993, adding: "If the autonomy will not increase Israel's security, there will be no Palestinian autonomy."

From the outset, the agreement was even disputed within Arafat's Fatah movement. Among the critics were Farouq Qaddumi, Hani Al-Hassan and Abbas Zaki. Nevertheless, Arafat succeeded at a meeting of the PLO Central Committee in October 1993 to obtain a majority of 68 to eight votes in favor of the DoP. However, some 25 members, mainly from the DFLP and PFLP, boycotted the meeting; referring to the agreement as an "agreement of shame." Palestinian national poet Mahmoud Darwish, meanwhile, protested by resigning from the PLO Central Committee. Among the first-hour critics was Edward Said who saw in the agreement a "Palestinian capitulation, a Palestinian Versailles."<sup>3</sup> On 9 September 1993 he wrote in *The Guardian* that "the PLO [had] turned itself from a liberation movement into some kind of provincial government," adding that it could have reached a better agreement with Israel than this modified Allon Plan over a decade ago. In 1977, Arafat had rejected the Gaza-Jericho option offered by Anwar As-Sadat. "The upshot was the PLO's worst political schism in its 30-year history."<sup>4</sup> For Avi Shlaim the DoP was "essentially an agenda for negotiations, governed by a tight timetable, rather than a full-blown agreement."<sup>5</sup> This assessment is only partially correct. Besides the detailed timetable, the DoP contains certain elementary concessions on the part of the Palestinians that are subject to International Law, and which the Palestinians cannot go back on. The illegal settlements, for example, were given a legitimacy that they had never before enjoyed.

<sup>3</sup> Edward W. Said, *The Politics of Dispossession. The Struggle for Palestinian Self-Determination 1969-1994*. London, 1995, p. xxxiv.

<sup>4</sup> Graham Usher, *Palestine in Crisis. The Struggle for Peace and Political Independence after Oslo*. London, East Heaven, 1995, p. 15.

<sup>5</sup> Avi Shlaim, "The Oslo Accord", in: *JPS*, XXIII (Spring 1993) 3, p. 33.

From a legal point of view, the exchange of letters between Rabin and Arafat is more significant than the DoP, because it cleared the way for the signing of the document. Burhan Dajani supports the thesis that the DoP talks more directly about the rights of the Palestinians and about the fact that a link to the land exists.<sup>6</sup> While Rabin makes no connection between the letters and the DoP, Arafat continuously tries to link the two.

The DoP consists of 17 articles, four annexes outlining the arrangements concerning the manner and conditions of elections, the withdrawal of the Israeli army from the Gaza Strip and the city of Jericho, and issues related to cooperation in the economic field and regional development programs, as well as minutes concerning the DoP that the contracting parties had also signed in Washington. The Israeli Government considers itself the 'only legitimate' authority, which means that it executes sovereignty *vis-à-vis* an organization that does not represent a state. This inequality not only characterizes the DoP but also all subsequent documents.

The preamble of the DoP affirms the mutual recognition of each party's "legitimate and political rights," and Article 3 reiterates the "realization of the legitimate rights of the Palestinian people and their just requirements." However, these 'legitimate rights' are not clearly defined. Are they identical with the political rights of Israel? How could claims related to International Law be derived from an occupying regime? Or does the article refer to 'religious claims', which the Labor Party never publicly depicted but which it permanently underpinned by political facts, such as the pushing forward of its settlement policy?

According to Article 1, the aim of the agreement is to establish a Palestinian Interim Self-Government Authority (Council) for the Palestinian people, for a period of five years, and to achieve a permanent settlement based on UN Security Council Resolutions 242 and 338. Furthermore, the withdrawal of the Israeli army from the Gaza Strip and Jericho was agreed upon (Article XIV). Article XIII, Paragraph 2, however, speaks of a redeployment of Israeli military forces outside populated areas. The Israeli troops remain in Gaza; they withdrew from the cities but were then re-deployed on their outskirts or near Israeli settlements.

The interim authority (Council) was elected by Palestinians from the West Bank and Gaza Strip but requires endorsement from Israel; the participation of the residents of East Jerusalem in the elections was arranged in a separate agreement. The Council has authority in the following areas (Article VI, Paragraph 2): education and culture, health, social welfare, direct taxation and tourism. The transfer of additional powers was subject to negotiation.

<sup>6</sup> See Burhan Dajani, "The September 1993 Israeli-PLO Documents: A Textual Analysis", in: *JPS*, XXII (Spring 1994) 3, p. 8.

In order to guarantee security and order the Council had to establish a 'strong police force' (Article VIII), while Israel would continue to be responsible for external as well as 'overall' security. The structure of the Council, the number of its members, and the transfer of executive and legislative powers and responsibilities were to be agreed upon in a separate agreement (Article VII, Paragraph 1). Thus, the statute of the Council was again subject to negotiations and not a free decision of the Palestinians. Moreover, Israeli military orders would remain in force, while decisions of the Palestinian Council would require the endorsement of Israel and possible disputes would be resolved through a joint Israeli-Palestinian liaison committee. If the committee could not settle disputes, an arbitration committee would commence a conciliation procedure (Article XV, Paragraphs 2 and 3). In order to promote economic growth, the following institutions were to be established: a Palestinian electricity authority, a Gaza seaport authority, a development bank, an export promotion authority, an environmental authority, a land authority and a water administration authority (Article VII, Paragraph 4).

In fact, the Council is a purely 'ceremonial body'<sup>7</sup> because the real power is in the hands of four committees, composed of an equal number of members from each party: the Joint Israeli-Palestinian Liaison Committee; the Israeli-Palestinian Economic Cooperation Committee; a Standing Committee, which invites Jordan and Egypt to participate; and an Israeli-Palestinian Committee for Coordination and Cooperation in Mutual Security Matters. The DoP established two phases: an interim phase and a permanent status phase. The interim phase was supposed to last five years with the final status negotiations commencing at the end of the second year of this five-year period.

The Palestinians have essentially not achieved much more than the administration of their personal affairs and the establishment of a new apparatus of repression in the form of a strong police force, 12 security services, and a bureaucratic class that shamelessly enriches itself at the cost of the general population. After the signing of the DoP, nothing changed in Gaza. Israel still considers the settlements, which remained in place, as being extraterritorial and subject to Israeli jurisdiction, and although the Israeli soldiers re-deployed within two months as agreed upon, all military orders are still in force, in addition to new ones, and Arafat's authority is forced to implement them. The Palestinians have no authority in more than 40 percent of the Gaza Strip, an area that is reserved for settlements and the Israeli army. Approximately one million Palestinians live on the remaining land. Bearing in mind that Israel reserves the sole right

<sup>7</sup> *Ibid.*, p. 13.

to decide on foreign policy, matters pertaining to the economy and all matters of national security,<sup>8</sup> it could be said that the Palestinians helped the Israelis to rid themselves of the label of 'occupier' without being paid an adequate price. With the troop redeployment in Gaza and Jericho Israel gave up - for the first time in over 27 years - ideological and practical bases that had always been considered non-negotiable. However, the Palestinians were only granted 'partial sovereignty' under the supervision of Israel. Apart from the five spheres that were transferred to them according to Article VI of the DoP, everything else is subject to further negotiations. In spite of the fact that only approximately half of the 5,000 Palestinian political prisoners were released, Israel was able to immediately reap the fruits of the peace process, which leads to the question: What other concessions can the Palestinians be expected to make?

Without ignoring the core disputes, the DoP would never have been realized. The status of Jerusalem, the settlements, the right to self-determination, the right of return for the 1967 refugees, matters relating to water, compensation, external relations and "other issues of common concern" were postponed to the final status talks. The following quotations reflect the assessment of the DoP on the part of Israeli commentators: Aharon Barnea wrote in *Yediot Aharonot* of 10 September 1993, "With the signing of the 'Declaration of Principles' the Palestinians accepted the defeat of their principles, which had changed them into a struggling people: the right to return, the right to self-determination, and the right to independence. By recognizing Israel they have agreed upon their expropriation." Gideon Eshet wrote in the same paper on 14 September 1993: "Not only will they have no state, they won't even be a banana republic." That such assessments were correct and that it was nothing but an 'Israeli peace' was confirmed by Rabin in an interview with the newspaper *Davar* on 29 September 1993: "I am against the emergence of an independent state between us and Jordan. I am against the 'right of return' of refugees and displaced persons. Therefore, there is not one syllabus concerning these issues in the Declaration of Principles. That was not out of the blue; we planned it this way. As far as Jerusalem is concerned, we have ensured that the city will be for the entire negotiation period undivided under our sovereignty and control. During the interim phase the Palestinian side has not the smallest influence in Jerusalem. The responsibility for the security of the Israeli settlers in the territories also remains solely in our hands. The settlements will never be touched." At a later point in the interview Rabin said: "The final solution to the conflict between Palestinians and Israelis is not a Palestinian state but a Palestinian entity without a national

<sup>8</sup> See Ludwig Watzal, "Das 'Gaza-Jericho-Abkommen' - Ein Weg zum Frieden in Israel und Palästina?", in: *Schweizer Monatshefte*, 74 (1994) 5, p. 11.

status... As for the capital of their entity, the Palestinians can chose Jericho or Nablus, if they want. That is their problem, not mine." Tanya Reinhardt wrote in the *Yediot Aharonot* of 7 April 1997 that this process had turned a "national leader into a heart-rending ruler of a protectorate." For the Israeli Government, the main goal of this and all subsequent agreements was the suppression of terrorism. On 2 September 1993 the headline of *Yediot Aharonot* announced: "The Shabak [the Israeli domestic secret service] and the PLO want to cooperate in security matters in Gaza."

The two signatories to the contract were supposed to unite in fighting the opposition against the peace process. However, while the Palestinians talked about a complete withdrawal, the Israelis only prepared for a troop redeployment. Thus, the anticipated date for the signing - 13 December 1993 - came and went because there were too many security aspects to be dealt with, and it was not until 4 May 1994 that the agreement was signed in Cairo. Other Israeli behavioral patterns that are in total contradiction to a peace process are the permanent use of violence, the land expropriations, and the demolition of houses. The latter takes place on a large scale, either because the houses in question were built 'illegally' or as a form of collective punishment for attacks and other unlawful acts committed by extremists.

Only a few Israelis escaped being caught up in the general euphoria and pointed to the disadvantages of the agreement, which exceeded by far its advantages. The journalist Haim Baram, for example, wrote in the 3 September 1993 edition of *Kol Ha'ir*: "This week, Shimon Peres calmed down the Likud with intelligent and rational arguments. He stressed that his autonomy plan, including the first step in Gaza and Jericho, was far more moderate than Menachem Begin's offer in the Camp David Accords. This autonomy is personal and not territorial, the occupying power will be everywhere, and the settlements and the access roads will remain in Israeli hands. In fact, Peres hinted that we were successful and that we had taken advantage of Arafat's enormous weakness by stopping his downfall as Chairman of the PLO and getting, in turn, this capitulation agreement very cheaply. The domesticated PLO will suppress Hamas on our behalf. We have not promised them a Palestinian state, and united Jerusalem is not even under discussion." Meron Benvenisti wrote in *Ha'arets* on 9 September 1993 that the agreement was a brave step, but that its symbolic meaning was even more significant because it "legitimized the Zionist project, which was a disaster for the Palestinians." Yacov Ben Efrat wrote: "For the second time the Zionist colonialism has managed to exploit a moment of weakness. It has imposed an agreement, which makes a deal with the leadership not peace with the people. A genuine solution is pushed further away than ever. There is a turning point indeed, where the

PLO itself assumes the role of imposing an unacceptable solution on its own people. It is a turning point which can only lead to chaos and oblivion.<sup>9</sup> The PLO not only opened the door to the Arab World for Israel but also led the state out of its regional isolation, which has resulted in a wave of diplomatic recognition. Nevertheless, Prime Minister Benyamin Netanyahu is well on the way to isolating the country again. This isolation must be overcome by the new Prime Minister Ehud Barak.

In a commentary for the *Ha'aretz* of 29 September 1993, Benvenisti shows how the rhetoric of the occupiers has changed: "Until now, the Israeli exploitation, discrimination and control of the occupied territories was justified through the use of security pretexts or nationalistic-political or altruistic reasons. Now a new dictionary is being compiled, in order to justify the same policy but with reverse arguments. Now we do it for the sake of the Palestinians, for the success of the peace process; the Palestinians have finally understood what their ancestors refused to understand, namely that the Zionist enterprise is here to liberate them from their misery and backwardness and for this they should be eternally grateful to us."

The discrepancy between the real development and public perception could not appear clearer than in the headlines of the *taz* of 21 October 1993: "Autonomy Between Barbed Wire" and in the *FAZ*: "Enemies Call Themselves Friends." In the former article Amos Wollin talks about the planned erection of a 61-kilometer-long fence around the 352-square-kilometer- large Gaza Strip and the fact that the PA will have no rights with regard to the control of the external border. The military connecting roads were to be secured by watchtowers and observation posts, which is what has actually happened. *FAZ* journalist Jörg Bremer writes on the other hand that old terms are no longer valid and that former enemies have become friends. "Israel recognizes the right of family reunification and generously allows Arabs to return to the occupied territories. Refugees from the War of Independence of 1948 can count on reparations... instead of closed gates we now see wide perspectives." Unfortunately, both assertions were wrong. Israel has never recognized such a right to return or the right of 1948 refugees to receive financial compensation in any of the agreements. In fact, these issues were not even mentioned in the agreements, and according to Nabil Sha'ath, they were none of the business of "the Palestinian Authority but solely of UNRWA." Israel has also never "publicly presented itself as an occupier on the soil of others" as Bremer claims. There is not a single word that acknowledges the fact that the area in question is occupied territory or land belonging to another country. The vision of 'Jewish soil' and the 'Holy Land Israel' is not

<sup>9</sup> Ya'acov Ben Efrat, "A Deal, Not Peace", in: *Challenge*, IV (1993) 5, p. 10.

hollow, as Bremer maintains; already at this time, the opposition was speaking about a "betrayal of Eretz Israel."

The timetable laid down in the DoP could not be adhered to. The Gaza-Jericho Agreement was already due to be signed on 13 December 1993 (instead of 4 May 1994) and although, according to the agreement, the elections for the Palestinian Legislative Council (PLC) were due to be held on 13 July 1994, they only took place on 20 January 1996. The more one analyzes the Gaza-Jericho Agreement, which regulates the modalities for the transfer of authority to the Palestinians, the more it becomes clear that the DoP is a security agreement. Rabin justified the delays with the remark that "there are no sacred dates."

Prime Minister Rabin managed to pass the DoP in the Israeli Parliament by a vote of 61 in favor, 50 against and eight abstentions, with one member being absent. The clear loser at the time was the Likud bloc. Initially, its attitude of refusal was met by no response on the part of the Israeli public, which supported the peace process as long as progress was apparent. While the Right was estranged, the Left was wholeheartedly for this process. How far this support went was clear in a report in the 8 October 1993 issue of *Ha'aretz*, in which a group of intellectuals – including the writers Amos Oz and Abraham B. Yehoshua – came out in favor of the "security and welfare of the Israelis" that lived in "Judea, Samaria, and Gaza." They considered the presence of the settlers "important for peace." According to an article that appeared on 4 October 1993 in *Hadashot*, Yehoshua assured the settlers in a "passionate telephone call" that "if even one hair of your head is harmed I will support your bombardment [of the Palestinians]." Although he was strongly criticized, Yehoshua did not take his words back. He believed that the settlers would induce Israel to "supervise Palestinian democracy." Was it not the Israeli occupation policy that trampled on the human rights of the Palestinians for over 30 years? The settlers penetrated the living space of the Palestinians and their presence was supported by the terrorization and expropriation of the indigenous population. Yehoshua was the 'leftist' in Israel who had permanently demanded that the "Palestinians should disappear from his field of vision." In a famous debate between Anton Shammas and Yehoshua in 1990, the latter suggested Shammas should "go to the Palestinian State" if he does not feel comfortable in Israel. Neither Oz nor Yehoshua condemned the oppression of the Palestinians by the Israeli Government.

The closer the anticipated signing date – 13 December 1993 – drew, the greater the number of incursions on the part of extremist settlers *vis-à-vis* the Palestinian population and the greater the violence of the Israeli army in the occupied territories. In the last two weeks of November, the settlers

and the army literally hunted 'wanted persons', mainly radical members of Hamas and the PFLP. One of the most wanted 'terrorists', Imad Aqel from the Izz Eddin Al-Qassem brigades, was shot dead by Israeli security forces in Gaza City, which resulted in severe confrontations between Palestinians and Israeli forces. When Ahmed Abu Rish was shot dead after members of the Fatah Hawks had voluntarily turned themselves in to the Israelis, the Gaza Strip was in turmoil. Leaflets appeared, in which Fatah activists called for an escalation of the *Intifada*. However, members of the future bureaucracy of Arafat exercised influence on these groups and succeeded in preventing a possible escalation. On 30 November 1993, Fatah General Secretary Mohammed Ad-Desouki met with the Israeli commander in the Gaza Strip, General Matan Vilnai, in Khan Yunis and promised to ensure quiet and order. At around the same time, settlement construction and land expropriations continued and first reports about the construction of a US\$700 million separate road system for the settlers were made public.

On 20 January 1994, US President Bill Clinton and Syrian President Hafez Al-Assad consulted in Geneva over the modalities of an Israeli withdrawal from the Golan and possible Syrian concessions. The Syrian leader made it clear that he would not be satisfied with anything less than Anwar As-Sadat, which was what Rabin had feared. Instantly the holding of a referendum was named as a precondition for the making of any decision on the return of the Golan. Such a referendum would not help much since there is no consensus about it in Israel, and neither the Right nor the Left wants it. Apart from the expected political opposition such a referendum would also be contradictory to International Law. In Resolution 497 of 17 December 1981 the UN Security Council declared the annexation of the Golan "null and void and with no effect on the provisions of International Law." Thus, the territory still belongs to Syria, and even with a referendum Israel could not obtain ownership, because it is the original population – expelled by Israel – that would have to be asked. The settlers on the Golan are not eligible to vote. For political reasons, a purely internal vote is completely irrelevant before International Law. Should such a referendum conclude with a negative result, no Israeli government could afford to return the Golan as part of a peace treaty. Thus, Ulrich Fastenrath wrote in the *FAZ* of 22 January 1994, such a referendum would have illegal consequences, that is the upholding of the occupation of alien territory, which, with the vanishing of the danger, would lose its base.

The Israeli settlers decided to take the law into their own hands. As could be seen in some television reports, they insulted Palestinians, beat them and threw stones at them, destroyed their property and devastated the vegetable market in Hebron. Photographers were even allowed to take

pictures of them engaged in firing practice in the central vegetable market. All this happened with the approval of the army upon which the settlers force their conditions. The soldiers must accompany them on their visits to Jewish historic sites on Fridays, supervise the prayers at the Machpela Cave [Ibrahimi Mosque] and disperse Palestinians from their houses and shops. During the period September to December 1993, ten Palestinians were killed. On 26 January 1994, the new radical settler group *Zu Arzeno* (This is Our Land) founded a new settlement in Hebron, which derived its name 'Givat Lapid' from Mordechai and Shalom Lapid who had been killed by Palestinians.

On 16 October 1993, the director of the Islamic Waqf and the Higher Islamic Council in Jerusalem wrote the following letter to Prime Minister Rabin: "On Friday 8 October 1993, a number of Jewish settlers attacked six Palestinians guards and one worshipper [in the Ibrahimi Mosque]. When the call for the evening prayers was heard, Baruch Goldstein attacked the muezzin who then suddenly interrupted his call. On the evening of Tuesday 14 October 1993, Goldstein spilled a flammable fluid on the carpet in the mosque. Only thanks to the attention of the guards and worshippers did nothing terrible take place. These daily sacrilegious acts at the Ibrahimi Mosque cannot be ignored, but unfortunately, the Israeli authorities have never taken action against the settlers' hostile behavior... We hope that the authorities will now do something about these provocative and hostile actions that are directed against the freedom of religion of the Moslems and their right to comprehensively use their mosque."<sup>10</sup> No one, therefore, could have been surprised when on 25 February 1994 Baruch Goldstein shot and killed 29 praying Moslems in the Ibrahimi Mosque in Hebron. Some Palestinian sources claim that soldiers and settlers who rushed to the scene fired randomly into the mosque.

Goldstein came from the United States and lived and worked as a physician in the extremist settlement of Kiryat Arba outside the gates of Hebron. In the early morning, he put on his reservist uniform, threw his Galil gun over his shoulder and went to the Machpela Cave, a central holy place for Jews and Moslems alike, where the graves of the common forefathers Abraham, Isaac and Jacob as well as of the foremothers Sarah, Rebecca and Lea are located. It is usual for settlers to carry their guns, even during prayers. Goldstein fired off several magazines before he was killed, probably by Palestinians. Goldstein was known for his hatred of Arabs; whilst serving in the army, he had refused to treat Druze soldiers, and a few months before the massacre he had talked to an American TV crew about a time for killing and a time for healing. For him, the Arabs

<sup>10</sup> "A Warning Ignored", in: *Challenge*, V (1994) 2, p. 5.

were 'Nazis' and the 'enemies of the Jews', with whom any coexistence was impossible. Said Goldstein, "They have made us sick, the Arabs are like an epidemic. They are bacilli that infect us."

The Israeli Government was quick in trying to limit the damage. The massacre was uniformly condemned as the act of a "crack-brained psychopath," to use Rabin's words. Even representatives of some settler organizations distanced themselves from the assassin. In her comprehensive study on the Goldstein massacre, Felicia Langer characterized the behavior of the Israeli Government as follows: "To maintain Israel's positive image abroad was only one component of the government's reaction. The other one was directed towards disguising the symbiotic relationship between the army and the settlers in the occupied territories."<sup>11</sup> According to Langer, the government began immediately after the massacre to ensure that evidence was kept hidden and to disseminate false information. Furthermore, the crime was separated from the question of settlements, for which the government is responsible. After the massacre, the Israeli Government outlawed the extremist settler groups Kach and Kahane-Chai, to which Goldstein belonged.

Paradoxically, the Israeli army completely closed off the entire West Bank and the Gaza Strip after the massacre, which caused considerable damage to the Palestinian economy. In addition, a six-week-long curfew was imposed on Hebron in order to protect the 450 settlers living there. The victims of the massacre and their relatives were thus punished even further. The events in Hebron demonstrated to the Palestinians that the agreements questioned neither the existence of the settlements nor the presence of the Israeli occupation forces, which remained in place to protect the settlements.

On 8 April 1994, Israel Shahak explained in the newspaper *Davar* the religious motivation behind the massacre. The orthodox stream of Judaism that relates to the Rambam (Maimonides - Jewish philosopher from Cordoba), forbids a Jewish doctor to heal non-Jews unless a Jew is in danger or a danger can be diverted. All Orthodox Jews and most of those from the national-religious camp share such an attitude. According to Shahak, these laws influence all religious Jews as well as secular ones who have not liberated themselves completely from religion, especially when it comes to their relations with non-Jews. On 1 March 1994, *Yediot Aharonot* cited the following passage from a discussion between Goldstein and the military Rabbi Gad Navon: "As a physician I am not ready to treat someone who is not a Jew. I only recognize the Rambam and Kahane." General Navon said: "I was told that you are not ready to treat the

<sup>11</sup> Felicia Langer, *Wo Haß keine Grenzen kennt. Eine Anklageschrift*. Göttingen, 1995, p. 41.

Druze soldiers in our army." "That's right," Goldstein replied, and Navon went on: "You are obliged to treat every human being - whether he is an Arab, a prisoner of war or even a terrorist. This is my *halachic* judgement, to which you are obliged to adhere. By the way - you have sworn a medical oath, which is binding." Since Goldstein continued to refuse, he was transferred to a tank corps unit.

The funeral of the mass murderer turned into an impressive demonstration of Jewish extremism. The crowd shouted over again: "What a hero!" "What a righteous man!" and "He has done it for all of us!" The inscription on his tombstone in Kiryat Arab reads as follows: "Here lies the holy, the physician Baruch Goldstein. May the Righteous be blessed. May God take revenge for his blood. Without blemish and with a pure heart he sacrificed himself for his people, the Torah, and the land of Israel. May his soul rest in peace." In the Israeli Knesset a law has recently been introduced that shall render possible the destruction of the tomb and the relocation of Goldstein's remains. The peace bloc and the Hebron Solidarity Committee demanded from the Rabin Government on 25 February 1994 that it disarm and evacuate the settlers, establish a commission to investigate the conduct of the army, and allow for international troops to protect the occupied territories. The government accepted the last two points but did not deliver satisfactory results.

The report of the Shamgar Commission - named after the former president of the High Court Meir Shamgar - did not find any misconduct among the military authorities or the government. There was talk of a 'crazy fanatic' and individual perpetrator who had adhered to 'distorted religious and ideological ideas'. At this stage, it had long been known in Israel that parts of the rabbinical clergy had given Jewish terrorists their blessings. The occupation power as well as the settlers had allegedly acted correctly. Palestinian hopes that justice would prevail were once more dashed, which is kind of logical taking into consideration that the occupation regime had to investigate its own actions and failures. In the course of the investigation, it was suggested that the military should not shoot at settlers, even if their own lives are endangered. The military commander for Judea and Samaria explained to the Shamgar Commission: "You must understand the basic situation. A Jew has a weapon in order to defend himself. An Arab who carries a weapon is a terrorist. A Jew with a weapon defends himself and has permission to shoot. We forbade the soldiers of the army to open fire at them." Offences committed by Palestinians are dealt with by Israeli military courts, whilst those committed by settlers are dealt with by civil courts within Israel proper. The report makes no mention of this inequality. "The 'system' has decided long time ago to spare the settlers any trouble and, therefore, the Commission accepts this situation of apart-

held *de facto* and *de jure*, without wasting a word on it."<sup>12</sup> The PLO unaligned its own investigation commission but did not publish its report in order to avoid disturbing the peace process.

The Orthodox Jew Yeshayahu Leibowitz was among the sharpest critics of Israeli politics *vis-à-vis* the Palestinians. In *Yediot Aharonot* of 2 March 1994, he left no doubt about whom in his opinion bore the responsibility for Baruch Goldstein's act. "It should be clear to everyone: everyone who does not refuse to serve in the occupied territories is a friend of Goldstein and a partner in this murder. With this act he represents the people. He is a representative of the people and the government, and the culprit is Yitzhak Rabin." In a discourse with Shimon Peres that appeared on 25 March 1994 in *Ma'ariv*, the philosopher said: "The modern Israel is authentically represented from a political, religious and national angle by Baruch Goldstein. He is the authentic incarnation of the present culture and regime. This, of course, does not mean that all of the over four million Jews have the same mentality. On the contrary, there are many that reject this regime, this culture and this mentality. Their number has recently increased a lot. However, if we talk about a 'collective' then our 'collective' is represented by this creature, Baruch Goldstein." Juan Goytisolo wrote in the *Frankfurter Rundschau* of 27 February 1995 that the massacre was of course not the doing of a "muddle-head" but the "result of an ideological stream of radical Zionism as it comes across from North America, penetrated, at the same time, by the Messianism of the successors of the Pilgrim Fathers and by the climate of violence prevailing in the 'ghettoized' society of the big North American cities of today".

Although a large majority of Israelis supported the evacuation of the settlers Rabin rejected the idea on the grounds that it was "contradictory to the Declaration of Principles," as he was quoted as saying in the *Ha'aretz* of 18 March 1994. Back then, he was probably guided by security doubts since the settlers had threatened to stage a civil war. Half of the inhabitants of the Tapuah settlement belong to the Kahane-Chai group, carry arms, and believe they have the right to shoot and kill Palestinians. A 21-year old Yeshiva student explained: "This is a war between Arabs and Jews over the land." The following citations are taken from an article by Armin Wertz that appeared in the *Frankfurter Rundschau* of 5 March 1993 and that demonstrates the way of thinking of the inhabitants of this settlement: the bloodbath of Goldstein was referred to as a "just act" and Rabin as a "betrayal" who "works against the Jews and for the PLO." Most of the settlement's inhabitants came from the United States and had therefore "not been exposed to the brainwashing of the government."...

<sup>12</sup> Ibid., p. 155.

"The Arabs must be kicked out. Only if they are ready to live under Jewish rule and without political rights may they stay here." The spokesman of Kahane-Chai, David Axelrod, is of the opinion that the settlement movement has been exposed to a "real witch-hunt." "We find a lot of support among the army and even more among the border police," he says. For him, those who died in the Ibrahimi Mosque were "the most radical members of the Islamic fundamental Hamas." Not one single Arab is innocent, and "we are at war with them." He added that there are many Baruch Goldsteins in the settlements. The assassination of Rabin was a natural consequence of these kinds of beliefs. The second to last chapter of this book will cover the right-extremist, fundamentalist camp in Israel in detail. The Hamas movement retaliated against the Hebron massacre with terror attacks on 6 April 1994 in Afula, which left nine Israelis dead and 45 injured, and on 13 April in Hadera, in which six Israelis were killed and 25 injured.

The PLO suspended the negotiations with Israel. With his move to outlaw the two extremist groups Kach and Kahane-Chai, Rabin wanted to give the United States and Egypt a sign that they should pressure the Palestinians to return to the negotiation table in Taba. His attempt to have the Tsomet Party of Rafael Eitan join his government was frustrated by the veto of the leftist-liberal Meretz Party. What were the conclusions the Palestinians drew from the massacre? Arafat, who had nurtured the illusion that the national liberation struggle had shifted to a political-diplomatic level, now realized that he could not change a single article of the agreement and that the only concern was Israel's security. He was unable to push for a separation of Palestinian and settler interests and was forced to suppress his own opposition against the occupation. The question of whether the struggle and the *Intifada* should be continued split the Palestinians in the occupied and 'autonomous' areas and those in the Diaspora. Eventually, Arafat had to return to the negotiation table in Taba without a single Palestinian demand having been met.

Back in November 1993, Arafat and Nabil Sha'ath had still considered the Israeli ideas that unfolded in Taba a continuation of the occupation and, thus, rejected them. Nevertheless, in May 1994, the PLO Chairman signed the Gaza-Jericho Agreement. Thus, Rabin could implement his idea of a continuing occupation with Arafat's acceptance. Tanya Reinhardt commented on this in the *Yediot Aharonot* of 6 April 1994 as follows: "This should be considered an accomplishment by anyone who is interested in the continuation of the occupation." Even Ariel Sharon could not have done things better. Why, then, did he attack Rabin so vehemently afterwards? The journalist Yoel Marcus believes that the Prime Minister had encouraged Sharon to instigate protests against the vacating of the settlements. At first, this may appear strange, but such a strategy is

Indeed promising. To some, Sharon's agitation showed that the best possible result had been achieved and that there was no alternative to Rabin's strategy, especially since many Israelis accepted Rabin's goals in order to avoid a countermove that would bring Sharon to power. Others might have assumed that there would be some positive developments because Sharon was so indignant. In fact, the hysteria among the rightist forces in Israel was superfluous since Rabin implemented their agenda anyway.

## 2. The 'Gaza-Jericho Agreement' of 4 May 1994 and the Protocol on Economic Relations of 29 April 1994

The signing of the Gaza-Jericho Agreement took place in Cairo, witnessed by more than a thousand invited guests. Until the very end the negotiations proved very difficult. The pressure on the Palestinians was so immense that some Israeli politicians warned against undermining Arafat's position from the start, because a completely defeated PLO would be as dangerous as a victorious one. The ceremony itself was somewhat grotesque. A visibly enervated PLO chief initially refused to sign the documents upon which the Israeli Prime Minister also refused to put his signature. Only after intensive secret discussions did the signing eventually take place. Arafat explained later that he had been obliged to cause a scene because he did not trust Rabin's promises with regard to the status of Jerusalem. "I did not only want this promise from Rabin. No, I also wanted it from the co-sponsors, Christopher and Kozyrev, and President Mubarak as a witness." The Israeli negotiators knew that they had forced a 'capitulation agreement' upon Arafat.

The agreement consists of a preamble and 23 articles in addition to four annexes: the Protocol Concerning Withdrawal of Israeli Military Forces and Security Arrangements; Protocol Concerning Civil Affairs; Protocol Concerning Legal Matters; and Protocol on Economic Relations Between Israel and the PLO, which was signed on 29 April 1994 in Paris and attached as an annex to the Gaza-Jericho Agreement. It contains numerous cross and back-references that nullify or re-qualify certain concessions that had already been made. The modalities regarding the troop withdrawal and the duties of the PA in security matters are described in detail. It is a pure security agreement. In concrete terms this means:

1. The Israelis maintain control over the external borders and determine the size and the status of Jericho.
2. The settlements in the Gaza Strip remain Israeli enclaves. Their concentration in blocs doubles the land already expropriated by Israel.

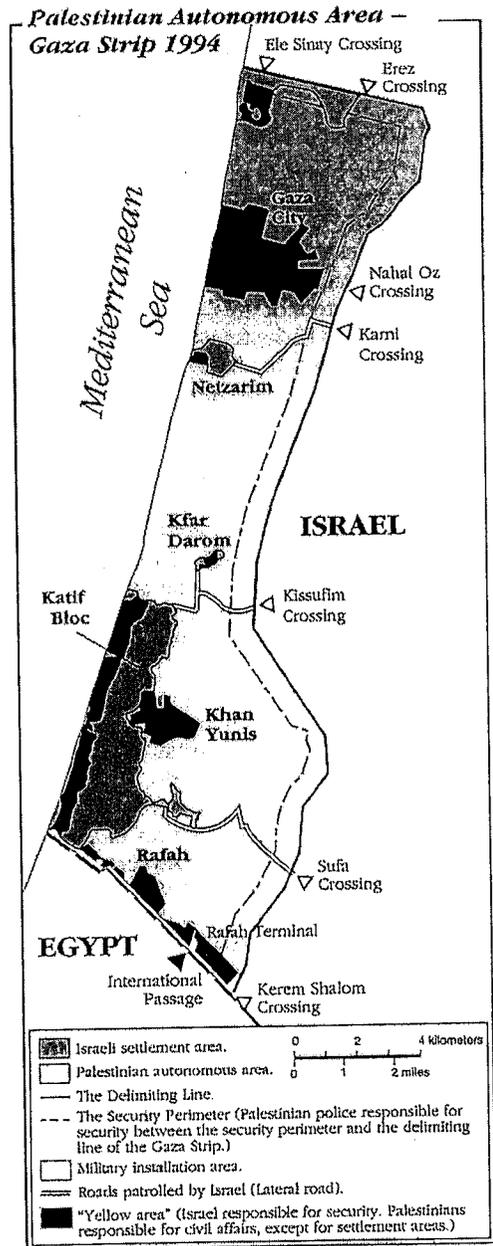
During the protracted negotiations, it was an established fact for General Chief of Staff Ehud Barak that "we are preparing ourselves for the redeployment of the troops from Jericho and the Gaza Strip. With regard to the remaining areas our tasks have not changed; there, let bygones be bygones." Arafat had repeatedly tried to make new demands after the delegations had already reached agreements. In Taba it became obvious how far-reaching and fatal the concessions, which were laid down in the DoP, actually were. At a cabinet meeting at the turn of the year 1993/94 Rabin declared: "If the Palestinians keep changing the agreements then we can do the same. One can obviously not trust their verbal commitments. We are not in a hurry. Let them sweat a little." Even then, the Palestinians should have understood that they would never get their own sovereign state. As Joel Singer put it in February 1994: "The nature of the new Palestinian formation will be neither independent nor sovereign – it will be vastly subordinated to the authority of the military government." Israel can go back on its concessions or pledges at any time without the PA being able to do anything about it.

The Gaza Strip is covered by a network of Israeli and Palestinian control posts, but with the latter serving as mere decoration. The powers and responsibilities of the Israeli military government (Article III, Paragraph 4) remain inviolable. It continues to maintain jurisdiction over the settlements, the military installations, external relations, internal security (Article V, Paragraphs 1a and 1b), as well as Israel's air-traffic control (Article V, Paragraph 3b). The PA has no rights in the sphere of foreign relations. It is not allowed to establish embassies, consulates, or other kinds of foreign representations abroad or permit their establishment in Gaza or Jericho (Article VI, Paragraph 2a).

The PA has only very limited legislative power. All [Israeli] military orders remain in force, and all ordinances and laws require the prior approval of Israel, with a handling period of 30 days. Another important item of the agreement is the establishment of a strong police force. The PA is committed to cooperate in all security matters and to try to prevent any hostile act directed against Israel or the settlements (Article XVIII), meaning that for the first time in history, an oppressed people is held responsible for the security of its occupiers. The security fence erected around the Gaza Strip remains in place,<sup>13</sup> making Gaza look more like a giant prison, to which only Israel holds the keys, than a 'state in the making'. The Palestinians only possess overpopulated areas where there is no potential for development, while the land suitable for agriculture remains under Israeli control. The more concessions the PLO made, the more Israel demanded.

<sup>13</sup> See Agreement on the Gaza Strip and the Jericho Area. N.p. [Bonn], n.d. [1994]. All following cross-references refer to this edition.

Map 1



Source: Agreement on the Gaza Strip and the Jericho Area.

How clever the Israelis were during the negotiations is reflected in the fact that their state cannot be held responsible or liable for the damage caused during the years of its rule as an occupying power. Article 22 - which also appears as Article 20 in the Interim Agreement - reads as follows: "The transfer of all powers and responsibilities from the Israeli Government and its civil administration to the Palestinian Authority - as detailed in Annex III - includes all related rights, liabilities and obligations arising with regard to acts or omissions which occurred prior to the transfer. Israel will cease to bear any financial responsibility regarding such acts or omissions and the Palestinian Authority will bear all financial responsibility for these and for its own functioning." In these matters the PA may decide and act at its own discretion.

The protocol to regulate economic relations was signed by the Israeli Minister of Finance, Avraham Shohat, and Ahmad Qrei'a (Abu Ala') on 29 April 1994 in Paris. It is as asymmetric as the other signed agreements and contains 21 articles that are based on recommendations that resulted from a workshop organized by the American Economist Stanley Fisher at Harvard University, which involved Israeli, Palestinian, Jordanian, and American economists. Most of the Israeli and Palestinian participants were also members of the team of negotiators that went to Paris. The agreement regulates the economy in the autonomous areas and the economic relations between Israelis and Palestinians as well as those involving third parties. A Palestinian-Israeli Economic Committee is in charge of the implementation and can assign sub-committees, where needed. All committees must make their decisions jointly. With this, the Israeli Government has secured its say and right to veto in all economic matters and indirectly maintains absolute control over the economy in the autonomous areas and over decisions that concern the autonomous enclaves, without having to seek the prior agreement of the Palestinians.

Following the signing of the Economic Protocol Israeli journalists wondered how Arafat could have accepted such an agreement, which grants Israel everything and the Palestinians nothing. Every import must pass the Israeli customs and every export must be handled through Israeli contract partners. In the *Yediot Aharonot* of 7 April 1997 Tanya Reinhardt points to an article published in *Ha'aretz*, according to which Arafat had been bought with money. The paper reports that Mohammed Rashid, a Kurdish millionaire and Arafat's economic advisor, had come to an agreement with then security chief Yossi Ginosar, which provided that part of the withheld petrol tax would not be transferred to the bank account of the PA but be deposited in an account at the Bank Leumi in Tel Aviv instead, with only Arafat and Rashid being authorized to make transactions. The intention was to use the money in the event that revolts broke out in the

territories and Arafat and his close leadership circle were forced to flee. Taking into consideration the enormous wealth that the PLO accumulates abroad until this day, such a precautionary measure seems superfluous. The marketing of the petrol monopoly was given to the Dor Company, and the respective agreement was signed by Mohammed Rashid and Joseph Antwerp, a manager for the Israeli Land Authority (ILA), which is responsible for the expropriation of Palestinian land. Tanya Reinhardt comments: "The rich of the occupation help those of the Autonomy Authority, who then become rich through the very same occupation."

Political and economic independence condition each other. However, the protocol does not provide for the establishment of an independent Palestinian economy. The autonomous areas and the new 'partnership' only serve Israel as a reserve labor market and as a springboard to the Arab markets. The new Palestinian political-economic class has become Israel's junior partner and benefits from the services it provides to its Israeli 'partners'. Israeli products labeled 'Made in Israel' are difficult to market in the Arab states, whereas those labeled 'Made in Palestine' sell well. Besides this, the Palestinian subcontractors manufacture the goods that were pre-produced with Israeli know-how at considerably cheaper rates than Israeli firms do. This new class has secured itself a monopoly position with regard to the import of certain goods, mainly construction materials - especially gravel and cement - petrol and liquid gas, and electronics, and is not interested in complete independence. The enormous bureaucracy that has meanwhile emerged hinders rather than promotes the development of the economy. A large part of the foreign donor funds seeps into corrupt channels or is used for salaries and wages. "The protocol reflects the historical reality, the continuing occupation during the interim period, and Israel's insistence on protecting its own producers and to maintaining insofar possible its dominant share in the Palestinian market."<sup>14</sup>

As mentioned earlier, the power of this new class is concentrated in three spheres: politics and diplomacy, economy, and security, especially fighting terrorism. On top of this power pyramid is Yasser Arafat. His subordinates are only accountable to him, not to the public or the parliament. As influential and dominant as these spheres are for the daily lives of the Palestinians, as limited is their influence on countries that grant development aid to the Palestinian people. The United States in particular is continuously pressing for more public transparency and responsibility. Did it ever ask for 'transparency' when it supported over decades corrupt and dictatorship regimes all over the world?

<sup>14</sup> Sharif S. Elmusa and Mahmoud El-Jaafari, "Power and Trade: The Israeli-Palestinian Economic Protocol", in: *JPS*, XXIV (Winter 1995), 2, p. 29.

According to the American economist Sara Roy,<sup>15</sup> the economic problems of the Gaza Strip lie not so much in the economic backwardness of the local economy but rather result from the ideological and national prerequisites that guide Israeli politics. The Gaza-Jericho Agreement and the Paris Economic Protocol will not help promote the development of the Gaza Strip, because the autonomy can only develop within the scope of narrow political and ideological borders fixed by Israel. Thus far, investment has occurred almost exclusively in the construction sector, while hardly any funds have been invested in the weary infrastructure. As a result, numerous skyscrapers and hotels were built in Gaza City, the rents and prices of which no average citizen can afford to pay, while the famous 'wastewater lake' in the Jabalya Refugee Camp has even in the fifth year of autonomy not yet vanished. The only measure pertaining to infrastructure taken in the camp was the leveling of a 250-meter strip of a 'street', but even then, the project was stopped before the road received its asphalt cover. The alleged economic upswing in Gaza about which some economists talk is nothing more than the erection of castles in the air and a giant lie. Which private investor would direct his capital to areas that are closed off for weeks? Economic growth is indeed primarily impeded by political obstacles.

Israel can still flood the autonomous areas with its products, while the export of Palestinian goods is subject to considerable restrictions. The 'open borders' are often closed, which means that goods being transported from the West Bank and Gaza cannot be processed. Due to the low value added tax (VAT) Palestinian products are also not competitive in Arab markets. Israel levies a VAT of 17 percent, while the Palestinians had to fix theirs at 15 or 16 percent. The English journalist Graham Usher has stated solemnly: "Israel's strategic aim has been to achieve a higher degree of economic integration with the Arab World, to gain greater access to Arab markets, and to breach the 46-year-old Arab economic boycott of Israel."<sup>16</sup>

The principle 'land before people' still determines Israeli politics. Israel's control of the Palestinian economy has little to do with the promotion of self-sufficient growth but serves first and foremost the protection of its own economic influence and the normalization of its economic relations with certain Arab states. For example, Israel is responsible for all the international economic agreements of the Palestinians, who must negotiate the access to international markets with Israel. As long as Israel has a say in important sectors of the Palestinian economy there will not be any pro-

<sup>15</sup> See Sara Roy, *The Gaza Strip. The Political Economy of De-Development*. Washington, D.C., 1995, p. 328.

<sup>16</sup> Graham Usher, *Palestine in Crisis. The Struggle for Peace and Political Independence after Oslo*. London, East Haven, 1995, p. 42.

green. The effects of this continuous stagnation are at the very best being moderated. The Palestinians need not only more freedom of action, but also for the ideologically conditioned constraints to be abandoned. "The Gaza-Jericho Agreement does not remove those constraints; it merely reshapes them."<sup>17</sup>

Some scientists are of the opinion that with the said agreements the status of the occupied territories did not change;<sup>18</sup> this is not true. The signed documents have for the first time legitimized the occupation, the settlements and the expropriations. A policy contradictory to International Law has been sanctioned by the occupied. What else could an occupying power hope for? The content of the documents and the direction in which the negotiations as well as Israel's politics have moved ever since they were signed support the supposition that Israel will succeed in bypassing UN Resolutions 242 and 338. It is not Israel's goal to achieve an agreement based on these resolutions but rather one based on a bilateral track where power counts more than right and law.

According to Article VII, Paragraph 9, the laws and military orders in effect prior to the signing of the Gaza-Jericho Agreements remain valid. It is doubtful whether the Palestinian leadership has comprehended the importance and consequences of this article, due to which the law of the occupier will continue to exist until such time as it is rescinded by another agreement. The Israelis have in fact issued several military orders, some of which were published while others were destined to be kept secret. They might provide for many surprises among the Palestinians.

Before the signing of the agreement the local Palestinian civil courts in the occupied territories were in charge of legal matters and tried civil matters that concerned both settlers and non-settlers. However, all incidents that fell under the competence of the Israeli military government were tried in Israeli military courts. Nevertheless, the legal jurisdiction remained unchanged and until 4 May 1994 all decisions taken by the local courts could be implemented in Israel without restrictions. This changed only with Article IV of the DoP and the detailed stipulations laid down in the Gaza-Jericho Agreement.

The separation of the Israeli settlements from Palestinian jurisdiction is stipulated in the Gaza-Jericho Agreement in Articles 1 and 2 of the annex concerning legal matters. "Israel has sole jurisdiction over... offenses com-

<sup>17</sup> Roy, *op.cit.* (footnote 15), p. 30.

<sup>18</sup> See Alexander Flores, "Oslo: Modell für den Frieden in Nahost? Israel und die Palästinenser", in: *Der Islam und der Westen. Anstiftung zum Dialog*, ed. by Kai Hafez, Frankfurt a.M., 1997, p. 170.

mitted in the Territories by Israelis." Concerning civil affairs, Article III, Paragraph 2 reads: "Israelis conducting commercial activity in the Territory are subject to the prevailing civil law in the Territory relating to that activity. Nevertheless, any enforcement of judicial and administrative judgments and orders issued against Israelis and their property shall be effected by Israel." Paragraph 3, meanwhile, determines that "The Palestinian courts and juridical authorities have no jurisdiction over civil actions, in which an Israeli is a party." According to lawyer Raja Shehadeh, it is therefore clear that the Gaza-Jericho Agreement has put the Israeli settlements as well as the Palestinians from East Jerusalem out of the reach of the jurisdiction prevailing in the Palestinian territories.<sup>19</sup> Paradoxically, this happened with the agreement of the Palestinians as a contracting party.

The Gaza-Jericho Agreement formally transfers the authority over land registration (Annex II, Article II B, Paragraph 22) and over water (Annex II, Article II B, Paragraph 31a) to the PA. The latter is in fact invalidated with Paragraph 31b, which stipulates that the existing water systems and resources shall continue to be operated and managed by the Israeli Mekorot Water Co. The Israeli National Water Authority should have become the partner of the Palestinians, and not Mekorot, which is a profit-seeking sub-company. Consequently, the price per cubic meter increased from 0.7 to 1.8 NIS. In the negotiations, neither the wells Israel has tapped all over the Gaza Strip or the wells in the settlements were taken into consideration. Thus, the settlements were implicitly granted their own water rights and were once more legitimized. This example shows again how the Israelis took advantage in the negotiations by consulting specialists.

With regard to the land question, the *status quo* is maintained. In order for the settlements not to be disturbed by the PA, vast areas of land were allocated to them. As a reinsurance, Annex II, Article II, Paragraph B 32b attests that the practice that was in effect prior to the signing of this agreement remains in force. No matter what the Palestinians might decide, Israel has a right to veto their decision. The neglect of the legal aspect on the part of the Palestinians is for Shehadeh even more amazing because Israel is "one of the most legalistic countries in the world, with a long and developed tradition of using law as an effective tool for control and exploitation."<sup>20</sup>

With the decree of 20 May 1994, Arafat wanted to return to the legal *status quo* prevailing prior to the Six-Day War. However, Article VII,

<sup>19</sup> Raja Shehadeh, "Questions of Jurisdiction: A Legal Analysis of the Gaza-Jericho Agreement", in: *JPS*, XXIII (Summer 1994) 4, p. 20.

<sup>20</sup> *Ibid.*, p. 23.

Paragraph 9 of the Gaza-Jericho Agreement stipulates that "laws and military orders in effect... prior to the signing of this Agreement shall remain in force." In his speech at Johannesburg on 10 May 1994, Arafat compared the agreements between Israel and the PLO with the agreement between Prophet Mohammed and the Quraish tribe in the year 627, which the Prophet violated two years later. It is difficult to comprehend why Arafat deals so loosely with the law since the Palestinians are the weaker party in this power struggle and have nothing but the power of law to support them. They have already given up so many legal claims that even an appeal on the remaining ones could not turn the tables in their favor.

In 1995, the author wrote that the DoP and the Gaza-Jericho Agreement had "changed nothing concerning the continuation of the occupation. Which entity has an authority that cannot even decide who is allowed to enter and exit? This sort of autonomy is only a new variant of occupation. The South-African 'homelands' also had symbols of authority - such as a flag, stamps, passports and a strong police force - but they were only puppet regimes. The Interim Agreement so desperately striven for will not change anything in terms of occupation or the situation of the Palestinians. The PA has become an inner-Israeli pressure group - just like the national-religious Shas Party - that must bargain with the government for concessions."<sup>21</sup> The agreement was very much in accordance with the wishes of the rightist forces in Israel, but they nevertheless were very vocal in expressing their indignation with regard to the uniforms of the Palestinian police, the flag, the stamps, and the word 'passport' on their travel documents. All these attributes of 'sovereignty' also applied to the Bantustans in South Africa.

Large parts of the agricultural and cultivable land of the Gaza Strip - all in all some 40 percent of the entire territory - remain under the sole control of Israel. The security provisions of the agreements stipulate that Palestinians are not allowed to build here. The Gush Katif settlement bloc was literally separated from the Gaza Strip and surrounded by electric fences. By adhering to the classical colonial formula 'divide and rule', the Gaza-Jericho Agreement has further divided the Gaza Strip and the West Bank. The only connection provided for is that between Gaza and Jericho, which has yet to be constructed. Right after the signing of the agreement, the Israeli Government annulled the permits of 1,300 students from Gaza who studied in West Bank universities, all of whom are still prevented from resuming their studies. An appeal to the Israeli Supreme Court was

<sup>21</sup> Ludwig Watzal, "Menschenrechte und Friede im Nahen Osten", in: *Vorgänge*, 34 (1995) 3, p. 5 ff; see also Watzal, "Der Israelisch-Palästinensische Friedensprozess - Palästinas Weg in die Bantustanisierung?", in: *Versöhnung im Verzug - Probleme des Friedensprozesses im Nahen Osten*. Ed. by Sabine Hoffman and Ferhad Ibrahim, Bonn, 1996, p. 139 ff.

turned down on the grounds that the Palestinian regime was now responsible for dealing with this kind of problem.

The following comment made by Yossi Sarid in the *Ha'aretz* of 24 May 1994 reflects what the Israeli Government thought about the agreement: "We wanted to give away Gaza. This is not a big loss. If we had not reached an agreement about the withdrawal from Gaza, the government would have decided so on its own authority. This matter was discussed several times in the past. In terms of land once does not need to talk about Jericho at all; it is less than one percent of the entire territory of Judea and Samaria."

On 29 August 1994, the Early Empowerment Agreement on the Transfer of Powers and Responsibilities to the Palestinians was signed in order to adjust the competence over the various spheres that were transferred to the PA in Gaza and the Jericho enclave and to expand it to include the rest of the West Bank. The agreement, consisting of 12 articles and six annexes, is very much in line with the previously signed agreements. It stipulates that a Joint Civil Affairs Coordination and Cooperation Committee will regulate education and culture, health, social welfare, and tourism, and collect direct taxes as well as value added tax on local products. The PA can issue regulations and laws, which, however, must be confirmed by the Israeli Government within a period of 30 days. If it opposes any such legislation it must explain the reasons. The Early Empowerment Agreement reconfirms the applicability of the exceptions recorded in the Gaza-Jericho Agreement for the West Bank.<sup>22</sup>

Arafat arrived in Gaza two months after the signing of the Gaza-Jericho Agreement. His hesitation gave the impression that he only grudgingly accepted the role intended for him. However, it could also be partly explained by the fact that the prisoners had not been released as agreed upon. Since only the arrival of Arafat could finally 'consecrate' the agreement, the Israelis put pressure on the PLO chief. The reactions of the Israeli population revealed that it had not changed its attitude towards the Palestinians and Arabs in general. Both the Right and the Left treated the now 'neighboring people' with arrogance, and while the nationalists launched a campaign of intimidation, the public stood by without saying anything. The building of the autonomous areas was not only hampered by the obstacles Israel had included in the agreements but also by Arafat's nepotism. He did not surround himself with experts from the occupied territories but with 'salon-activists' and the 'Tunis Mafia', as the Palestinians called Arafat's newcomers.

<sup>22</sup> See Agreement on Preparatory Transfer of Powers and Responsibilities of 29 August 1994.

The PA formally took over the spheres of health, social welfare, education and culture, and tourism. Israel made it clear from the beginning that the fight against terrorism was a priority, and that 'concessions', i.e., arrangements laid down in the agreements, would only be granted if the security of the Israelis was improved and guaranteed. This forced Arafat to suppress the opposition using all available means. From the outset of the autonomy, the most dangerous opponent was Hamas. In an interview with *Der Spiegel* on 5 September 1994, Ibrahim Yasouri explained that Israel was established "with blood and terror" and that the autonomy was nothing but self-deception: "God's desired goal is the liberation of all of Palestine."

The central point of contention for Israelis and Palestinians was and remains Jerusalem. The city – holy for Jews, Christians and Moslems alike – was divided in 1949, when West Jerusalem became part of the nascent State of Israel, while East Jerusalem with the holy places came under Jordanian administration. In the Six-Day War Israel then conquered the eastern part of the city and linked it to West Jerusalem. In violation of International Law, Israel annexed East Jerusalem in July 1980.

It was Peres who had convinced Prime Minister Rabin to offer Arafat Jericho besides parts of Gaza. Arafat accepted the deal only because of pressure put on him by both the Israeli Government and his 'advisors' from the Israeli Left, concentrated in the peace camp and the Meretz Party. These advisors play a fateful role for the Palestinians as they in fact represent Israeli interests, and in reality, the peace movement is blackmailing Arafat for the sake of the peace process. It is not easy for the Israeli Left to admit that Arafat has capitulated before Israel since as far as they are concerned, he was for years the symbol of the Palestinian liberation struggle.

When there was no further movement with regard to the Jerusalem question and the city's mayor, Ehud Olmert from the Likud bloc, wanted to repress Palestinian institutions in East Jerusalem, Arafat quoted in his Johannesburg speech – to the surprise of everyone – from a letter sent by Peres to the late Norwegian Foreign Minister Johan Jørgen Holst, dated 11 October 1993: "I wish to confirm that the Palestinian institutions of East Jerusalem and the interests and wellbeing of the Palestinians of East Jerusalem are of great importance and will be preserved. Therefore all the Palestinian institutions of East Jerusalem, including the economic, social, educational and cultural institutions, and the holy Christian and Moslem places, are performing an essential task for the Palestinian population. Needless to say, we will not hamper their activity; on the contrary, the fulfillment of this important mission is to be encouraged."

This public announcement caused a unanimous outcry in Israel. The liberal-leftist press in particular attacked Arafat, but was forced to take back its words when it was disclosed that it was not Arafat but Rabin and Peres who were liars. An article by Yoel Marcus in the *Ha'aretz* of 10 June 1994 was particularly revealing: "The day I decided to believe the government I found myself in the unpleasant situation of having to apologize to the chronic liar Yasser Arafat who was caught speaking the truth... It is a fact that the 'non-existing' letter recognizes the Palestinians' possession of East Jerusalem." The Israeli right wing was appalled. On 8 June 1994 Benjamin Begin wrote in *Yediot Aharonot*: "May God have mercy upon the Prime Minister of Israel if it is true that he was not so punctilious with the details, while the terrorist Yasser Arafat was accurate. May God have mercy upon the Israeli Government if it transpires that it has placed in the hands of the terror organization what it calls East Jerusalem. And may God help Israel if this is its government." Shimon Peres later said the following before the Foreign and Defense Committee of the Knesset: "Arafat's declaration concerning Jerusalem is for me worth as much as the peel of a clove of garlic... the PLO wants an additional capital. We totally refuse this. Not only will Jerusalem never be divided, but there will also never be two capitals."

The government immediately introduced a law prohibiting the political activities of the PLO and of Palestinian institutions in East Jerusalem. It was passed by the Knesset with a vast majority at the end of December 1994. The PA in Jerusalem, headed by Faisal Husseini, was forbidden to involve itself in any political activity in the city. It is not allowed to organize conferences or petitions, or to hold assemblies or protest marches under its leadership within the city limits. In cases of contravention, there is the threat of a one-year prison sentence or a US\$33,000 fine.

The agreements with the PLO also laid the foundation for the conclusion of a peace treaty between Israel and the Kingdom of Jordan, which was signed on 26 October 1994 in Ein Avrona.<sup>23</sup> The treaty had always been on top of the agenda of the Labor Party. Since there are no fundamental differences between the two states, the Israeli Government managed to play off Jordan against the PLO with regard to Jerusalem. Article 9, Paragraph 2 of the treaty deals with the historical and religious sites and reads accordingly: "In this regard, in accordance with the Washington Declaration, Israel respects the existing special role of the Hashemite Kingdom of Jordan with regard to Moslem holy shrines in Jerusalem. When negotia-

<sup>23</sup> See Friedensvertrag zwischen dem Staat Israel und dem Haschemitischen Königreich Jordanien, Ein Avrona, 26 October 1994. Ed. by the Press and Information Department of the Embassy of the State of Israel, n.p. [Bonn], n.d. [1994].

tions on the permanent status take place, Israel will give high priority to the Jordanian historic role at these shrines." In the words of Shimon Peres this means that Jerusalem remains "politically closed but religiously open." For Israel it does not matter who rules the heavenly Jerusalem as long as no one disputes its claim to be the sole representative of the earthly one. Ariel Sharon even rejected this kind of 'sovereignty', although the treaty offers Israel alone advantages. In the *Yediot Aharonot* of 29 July 1994, the general stressed that only the Jewish people can exercise sovereignty over the Temple Mount.

Arafat, Mubarak and Assad criticized the peace treaty. After a meeting with the Egyptian President in Cairo in October 1994, Assad referred to the fact that Jordan had leased two small, agriculturally used territories for 25 years to Israel as the "manner of unbelievers." Never before had an Alawite general and politician of peasant origin criticized the descendant of Mohammed so sharply. He added that no one could expect Syria to lease soil to Israel. That was the Syrian answer to the 13,000 Israeli settlers on the Golan. Hosni Mubarak chose to use less offensive words, while Arafat raised objections against the treaty because of the Jordanian say regarding the religious sites. King Hussein, often wriggling and even mediating between the fronts, displayed little regard for either Syria's President Assad or the PLO, mainly, perhaps, due to the fact that the United States had offered Jordan a remission of debts in the amount of US\$700 million. Israel and the United States pointed to an economic peace dividend, but this never materialized. King Hussein's promise to the Israelis of a 'warm peace' was not reciprocated. Therefore, it is not only since Netanyahu that displeasure concerning Israel has increased in all respects.

In the euphoria of 1994, the idea of a confederation between Israel, Jordan and Palestine was repeatedly discussed. Confederation, however, is only possible among sovereign states. Rabin envisioned a confederation between Israel and Jordan in which the Palestinians would only be involved, if at all, on the basis of a non-sovereign state. Despite Rabin's clear statements Arafat's officials spread on their travels abroad the illusion that an independent state was close at hand. The PLO chairman himself created the program of a partnership with Israel and painted a picture of 'blooming landscapes' in an independent Palestinian entity.

In a lecture given at the German Association for Foreign Policy in October 1993, the director of the PLO representation in Bonn, Abdallah Franji, suggested that the Gaza-Jericho Agreement represented a straight but difficult way towards a Palestinian state, which would be established within five years. He prophesized that the opposition, including Iran, would

grow silent. That such notions were rather illusionary was proven by the fact that Israel and the Palestinians were unable to agree on the size of Jericho until the very last moment. Franji commented: "For the Israelis the size of Jericho is 25 square kilometers; for us, however, it is 375, like during the times of the Ottomans and the English." Eventually, the Israelis transferred 54 square kilometers to the Palestinians. There were many Palestinians around Arafat who argued like Franji. Their pseudo optimism revealed itself as cynicism but it made an essential contribution to the unrealistic attitude of the West.

Among the unanswered questions was also that of the character of the new Palestinian structure. Would it be a dictatorship or a democracy? William B. Quandt explained that the Israeli leadership had shown little interest in this central question because it was preoccupied with its own security interests and because it always saw a certain advantage in negotiating with Arab dictatorships, which felt no need to account for their actions to the public.<sup>24</sup> Neither the PLO and Arafat nor Israel and the Western states are interested in a democratic Palestine. On the one hand, the United States was supposed to push Arafat more towards democratic development, because a democratic Palestine would imply more security for Israel and Jordan than a Palestine ruled by a dictatorship. On the other hand, the PLO chief can only play the role assigned to him within this power constellation and Israel would lose its exclusive role as the 'only democracy in the Middle East'.

What kind of democracy Israel had in mind was demonstrated by General Dani Rothshild in an interview with *Ha'aretz* on 5 October 1994: "The Palestinian public has learned the value of democracy during the past 27 years of our coexistence. Therefore it is very important to create a system of 'checks and balances', a system that is less corrupt than a totalitarian regime with appointments.... Indeed, we have explained to them in the past 27 years what democracy is, not only now in the agreements. They lived with us and saw what democracy is, what the Supreme Court in Israel is." Shimon Peres also considered the occupation as the best democracy school for the Palestinians, as he told *Ha'aretz* on 26 October 1995: "Today, there is a young generation, 125,000 Arabs who have passed through the prisons of Israel. They have learned Hebrew and know what democracy is, and as such, the prisons served as a huge university." Felicia Langer rightfully questioned this perspective: "Those who applauded the Palestinian Authority for the establishment of a special [state security] court, which is far worse than our sufficiently terrible military

<sup>24</sup> See William B. Quandt, "The Urge for Democracy", in: *Foreign Affairs*, 73 (July/August 1994) 4, p. 2.

courts, will they facilitate democracy? Those who forced the Palestinian administration to suppress the opposition with no mercy as a precondition for progress in the negotiations, will they facilitate democracy?"<sup>25</sup>

Repeatedly, radicals from Hamas and the Islamic Jihad tried to torpedo the peace process. On 19 October 1994, a suicide bomber blew himself up in Tel Aviv, killing 22 Israelis and wounding 48 others. A few days earlier, Israeli soldier Nachshon Wachsmann had been abducted by radical Hamas supporters. In an assault intended to liberate him, not only the terrorists but also Wachsmann were killed. On 2 November, the journalist Hani Al-Abed, a functionary of the Islamic Jihad, was killed by a car bomb in Gaza. Even Arafat attributed this aggression to the Israelis. In a revenge act on 11 November, an Islamic Jihad member blew himself up on the bicycle he was riding near the Jewish settlement of Netzarim, killing three Israeli soldiers. Ephraim Sneh, Israeli Minister of Health and a close aid to Rabin, commented in *Newsweek* of 14 November 1994 as follows: "No one should expect us to remain inactive. The war against terror knows no limitations, no borders, and no rules."

All such incidents only increased the pressure on Arafat. On 18 November 1994 clashes erupted between his security services and demonstrators outside the big Falastin Mosque in Gaza, in which 14 Palestinians were killed and over 200 injured. For no apparent reason the soldiers fired at the crowd that had gathered for the Friday prayers. Arafat won this power struggle but the Islamists described him in a leaflet as an 'agent of Zionism'. When Rabin learned about the incident, he said, "It is now impossible to claim that Arafat is not keeping to the agreements."

After the suppression of the revolt in Gaza, the opposition reproached Arafat, accusing him of being a betrayer and doing the 'dirty work' for Israel. Hamas spokesperson Ibrahim Ghosheh demanded that Arafat "leave the Gaza Strip" because his regime, implanted by Israel, supported Israel. Palestinian Minister of Justice Freih Abu Meddein explained Arafat's decision to take strong action by saying that his government could not accept a second power center in Gaza. Arafat's position was not primarily a result of the agreements but of the political and economic weakness of his government. Since the Israelis exercised control over Gaza, they had Arafat in their hands. In addition, the permanent closure contributes to the growing frustration among the Palestinians. Their sense of hopelessness – along with the difficult economic situation – has repeatedly resulted in terror attacks.

<sup>25</sup> Felicia Langer, *Laßt uns wie Menschen leben. Schein und Wirklichkeit in Palästina*. Göttingen, 1996, p. 72.

Israel participated as an equal state in the first Middle East Economic Conference that took place from 30 October to 1 November 1994 in Casablanca, Morocco. The representatives of the PNA still sat at the children's table. Those taking part in the conference did not only discuss the possible reflux of petrol dollars for investment in the autonomous areas; the Americans also used their influence on their autocratic friends in the Arab states to allocate more financial means for the creation of jobs. The liberalization models offered by the International Monetary Fund enjoy little sympathy among the Arab states because they could easily lead to a collapse of their power systems, which are based on subsidies. Radical changes in the system are usually rejected with reference being made to the detrimental effects these would have on the poorer population. The terror in many Islamic countries was only explained with referrals to the economic misery, other reasons being considered too sensitive to voice in front of the host country.

In the past years, Israel has developed from an agrarian and military state into a hi-tech state whose total trade with Europe, the United States and Far Eastern states is 90 percent of its trade volume. Joint projects between Israel, Jordan and Egypt fell through. Only Israel has benefited from the peace dividend as many international concerns now invest there. While a flood of donor pledges poured into Arafat's autonomous enclaves, hardly any investment was directed toward creating employment.

During the Casablanca Economic Conference Peres explored the question of how far Israel could extend its hegemony over the Arab states. He offered the Gulf states Israel's 'atomic umbrella' against the Iranian threat, causing the Egyptians to protest. If the World Bank or the International Monetary Fund want to promote economic development in the Arab states, why then, asked Israel Shatak, do they need Israel's mediation?<sup>26</sup>

The peace process rapidly came to a standstill due to the absence of real changes in Israel's policies: large amounts of land continued to be expropriated for the construction of roads, settlements in the occupied territories and East Jerusalem were expanded, Palestinians were humiliated and discriminated against on a daily basis, tortured and arrested, and the territories were closed off. Radical Hamas and Islamic Jihad activists continued to perpetrate terror acts, such as the one on 21 January in Beit Lid, in which 22 Israelis were killed. Attacks by the Israeli secret service Shin Bet and of undercover units resulted in the death of 'unpleasant' Palestinians, and the Israeli airforce claimed the right to carry out revenge attacks against Hizbollah positions in Lebanon.

<sup>26</sup> See Israel Shatak, "The Real Aims of Oslo", in: *From the Hebrew Press*, IX (1997) 5, p. 2.

Nevertheless, the negotiations on an interim agreement continued in Taba. Arafat's proposal to establish joint Israeli-Palestinian patrols for all zones in the West Bank was rejected by the Israelis. Foreign Minister Peres admitted on 2 July 1995 on Israeli television that the enormous problems could not be whitewashed using rhetorical acrobatics and stressed that the troops would only be re-deployed from the cities so that the Palestinians could hold their elections. He then added, "Peace is only one component of our security concept." So much honesty was something new for the public. "For the first time in ten years, Israel admits that the whole quest for peace has nothing to do with any lofty ideals and everything to do with the old notion of total security for some, and negligible security for the others."<sup>27</sup>

The suicide attack of two Palestinians on 9 April 1995 in Gaza, in which seven soldiers and one American citizen were killed, induced an intensive discussion in Israel about a separation of the Palestinians. While the Labor Party, which had always supported the idea of separation, wanted to build an electronically-controlled fence around the Palestinian locations, the opposition feared that such a measure would encourage the emergence of the Palestinian State. The question of how to deal with the settlers remained open. The author Abraham B. Yehoshua pleaded with emphatic words for the fence solution. "Passable is the crossroads alone," he said in *Der Spiegel* of 13 February 1995.

Despite the enormous internal difficulties, Peres, Arafat and King Hussein met with President Mubarak at the beginning of February in Cairo. They succeeded in putting the negotiations back on track and, eventually, an agreement was concluded, which brought the Palestinians more police and reiterated the guarantee that they could show their flag and sing their national anthem.

During the negotiations, American scientist Amos Perlmutter supported the thesis that the peace process was dead. The terror attacks showed that the DoP "neither reflected the reality nor the probability." This assumption might be correct but the idea that Israel was after the handshake in the White House ready to return most of the area conquered in the June War of 1967 only existed in the fantasy of the Palestinians. Perlmutter accused Rabin of having negotiated with the weakest party, i.e., the doomed PLO, instead of the new generation that had conducted the negotiations in Washington, had experienced the *Intifada* and represented a radical post-nationalism. Among this generation were also Hamas members who rejected terror. According to Perlmutter, the Oslo Accords will

<sup>27</sup> Haim Baram, "Peace and Security", in: *Middle East International* (MEI), 7 July 1995, p. 7.

never bear fruits. The author predicted that the Likud - after winning the elections - would lead Israel back to the status of a pariah state.<sup>28</sup> Netanyahu is clearly eager for this to happen soon.

### 3. The Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip of 28 September 1995 (Taba or Oslo II Agreement)

The agreement signed in Washington under the supervision of Clinton has shattered once and for all the hopes of the Palestinians regarding an independent state. It does not embody the end of the 'Greater-Israel ideology' but a new variant of it, i.e., that of the Labor Party. "West Bank and Trizonia" was the pertinent headline in the *tageszeitung* of 23 September 1995. The Israeli negotiators got everything they wanted, including the change in the methods of control and dominance; in other words, Israel still has the last word in decision making although it does not always appear so from the outside. Arafat had to commit himself in the contract to taking over the dirty work: fighting the terror and the resistance. Due to the miserable situation of the people this is a hopeless undertaking.

When Rabin presented the agreement to the Knesset on 5 October he was content in documenting "that Israel will still have 73 percent of the soil in the (occupied) territories, over 97 percent of the security forces and 80 percent of the water resources at its command." The Prime Minister drafted his 'vision of peace' for a future Palestinian entity. "We want an Israel that is 80 percent Jewish. We want it to be an authority but less than a state, which can determine independently the life of its citizens under its jurisdiction... We will not return to the borders of 4 June." He added that in the framework of a final agreement the settlements of Ma'aleh Adumim and Giv'at Ze'ev would become part of Jerusalem. "The security borders will stretch throughout the Jordan Valley. The settlement blocs of Gush Etzion, Efrat, Beitar and others will lie within the borders of Israel." Rabin dictated to journalists "Don't write 'withdrawal'. It is nothing but a redeployment of our troops in the West Bank." Very wisely, the Israelis put their maps on the table only shortly before the signing. When Arafat caught sight of them he was visibly furious, but his anger had no effect on the final result. The 'map crisis' lasted 42 minutes and was part of the drama of the negotiations, which, during the final phase in Taba, had dragged on for nine days. Arafat was appeased by assurances that this was

<sup>28</sup> See Amos Perlmutter, "The Israel-PLO Accord is Dead", in: *Foreign Affairs*, 74 (May/June 1995) 3, p. 59-68.

only an intermediate solution. The daily newspaper *Yediot Aharonot* of 8 October 1995 publicized that "during the negotiations Arafat said repeatedly to me 'Please Mr. Peres, give me only a fig leaf', meaning, give me a phrase that would be acceptable to my people." Asked whether the Israelis had achieved their goals, the Foreign Minister replied: "Everything went according to the strategy the Prime Minister and I had developed. Of course, we could not exercise our full political power and break the Palestinians. That would not have been in Israel's interest. In such negotiations one should not achieve too much. One must not be too patronizing or vain." After the withdrawal of their troops from the cities, the Israelis had *de facto* more military bases in the West Bank than before. Despite Peres' tactical reserve the Israelis had succeeded in forcing almost all their ideas upon the Palestinians, who, once again, agreed upon a limited troop redeployment in addition to accepting an autonomy plan that did not grant them geographic continuity but some kind of patchwork or collection of islands.

The concessions the Palestinians had to make support the thesis of subjugation. The sociologist Baruch Kimmerling wrote on 3 January 1996 in the daily newspaper *Ha'aretz* that the conditions in this agreement would make the notorious Versailles Treaty appear almost ideal. "The repetition of a huge Palestinian revolt, which will make the *Intifada* look like a children's game and which - like the Arab Revolt of 1937-39 - will be aimed against the Palestinian leadership and the real rulers, is just a matter of time." The tragic thing in this prophecy is that Arafat would then be forced to suppress the revolt of his own people. Should he instead, along with his police forces, opt for joining the revolutionaries and turn against Israel, would this mean the end of the Palestinians in Palestine? Only in the course of a new war could Israel pursue the idea of 'transfer', which is supported by a considerably large section of Israel's political elite.

A commentary of the former vice-mayor of Jerusalem, Meron Benvenisti, in *Ha'aretz* of 6 July 1995 elucidates how irrelevant an interim agreement is: "Calling the situation in the territories 'occupation' is based on several conditions, namely the taking over of half of the land in the West Bank, the settlements being joined together in blocs, the use of most of the water by Israel, the economic exploitation, the preventing of Palestinian economic development, the bureaucratic terrorism, the brutal violence, and the total suppression of any Palestinian political activity. Not a single one of these conditions will change through the expected signing of the Interim Agreement, excluding the last one. In all other spheres Israeli control will be less direct. Instead of having them regulate their affairs themselves, 'Israeli liaison officers' will make the decisions for the Palestinian employees, just as is happening in the Gaza Strip already." Does the Interim Agreement justify such a skeptical assessment?

The 314-page agreement reads like the dictated treaty of a victor over a defeated people. The arrangements with their numerous cross and back references are very difficult to implement in practice, and whenever this is attempted, it results in administrative chaos. The agreement consists of 31 articles, divided into five chapters: the tasks of the council, the redeployment of the troops and security arrangements, legal matters, cooperation, and miscellaneous arrangements. In addition, there are seven annexes. Annex 1 - security matters and redeployment of the army, the core of the agreement - has six appendices. To Annex 2 three appendices are attached, outlining the modalities for the elections. Annex 3 with one appendix regulates civil affairs as well as responsibilities. Annex 4 details legal matters, while Annex 5 contains the Paris Economic Protocol that had already been attached to the Gaza-Jericho Agreement. In Annex 6 the modalities of the Israeli-Palestinian cooperation are formulated, while Annex 7 deals with the release of Palestinian prisoners. Nine maps document what the agreement will actually mean on the ground.<sup>29</sup>

According to the agreement, the Israeli troops had to be withdrawn from the cities of Jenin, Nablus, Tulkarem, Qalqilya, Ramallah and Bethlehem 22 days prior to the Palestinian elections at the latest. These cities form Zone A and make up some 3.5 percent of the entire area. During incidents, Palestinian police are not allowed under any circumstances to arrest or detain Israelis, and are only permitted to check passports and car papers. In the event that an Israeli is involved, the Israeli security forces must be informed. The agreement stipulates that in Zone A, responsibility for the civil administration and security should be transferred to the Palestinians.

In Zone B, which consists of some 420 smaller towns and villages, only the civil administration was transferred to the Palestinians, resulting in the establishment of 25 police stations. The overall responsibility, including for security, remains in Israel's hands. Affairs that concern only the Palestinians can be decided upon by the Palestinian police force, which is allowed to move on the Palestinian transit roads but needs to obtain a permit from the Israeli military authorities in order to use all other streets.

In Zone C - 73 percent of the West Bank - everything remains as it was. There are settlements located here and most of the area is considered State Land by Israel, 62 percent of which has already been confiscated. The Israeli Government can annul the Interim Agreement at any time as it has the right and power to cut off any enclave, which it does following every

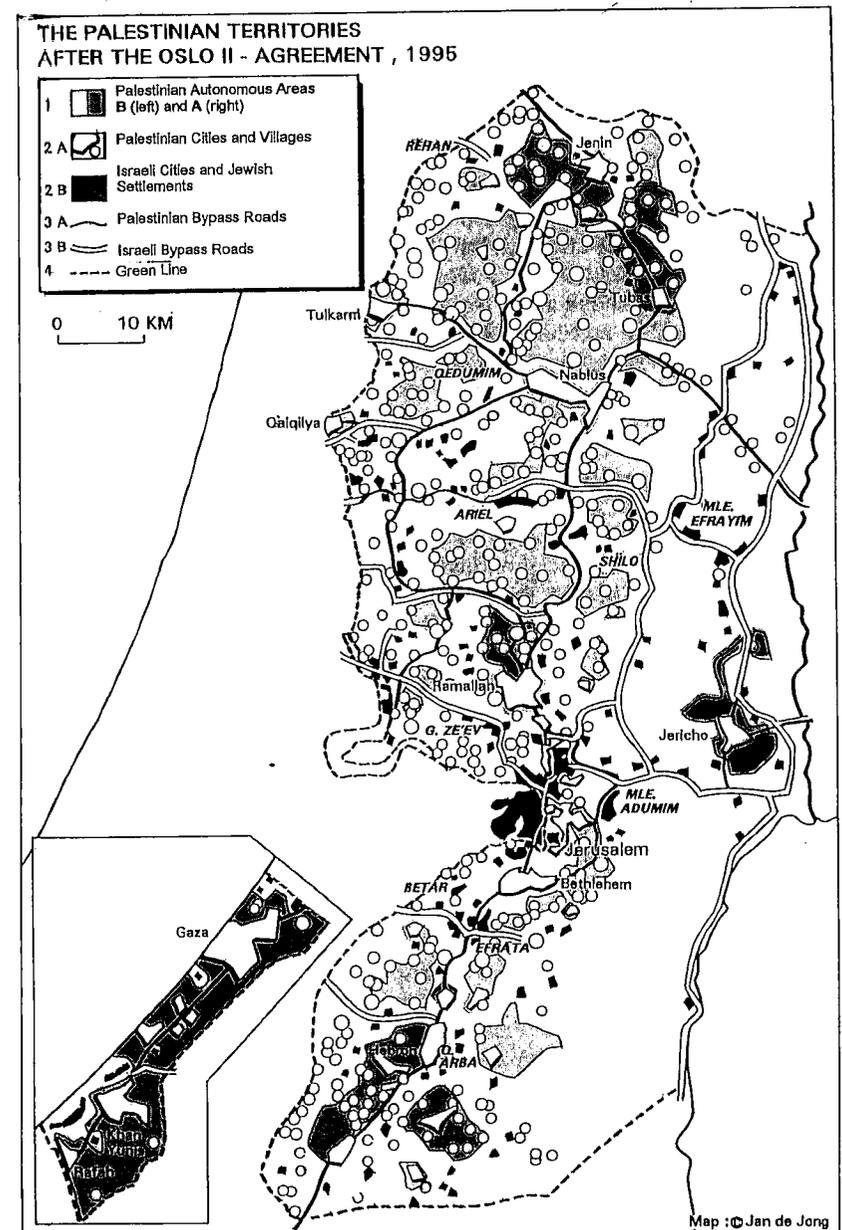
<sup>29</sup> See Ministry of Foreign Affairs Jerusalem, *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*, Washington, DC of 28 September 1995. All following cross-references refer to this agreement.

terror attack. In the event of such a closure, the inhabitants of Bethlehem, for example, cannot leave their 'island', which means that the situation has actually deteriorated; prior to the agreement, the people could at least move freely within the closed off West Bank. In Zone C only those responsibilities were transferred to the Palestinians that are not due to be discussed during the final status negotiations.

The city of Hebron is a special case. Here, Israel is solely responsible for the security of the 400 settlers who live among over 100,000 Palestinians. The city was divided into an H1 and an H2 zone. In H1, the Palestinians have de facto limited authority, while they need to obtain the agreement of the Joint Committee in all other areas. Responsibility for overall security remains with the Israelis. Even once the separate road system has been completed, the Israeli military will not withdraw from Hebron. Moreover, the government of Benjamin Netanyahu - who refused to implement the Hebron Agreement negotiated by the Rabin government - intends to increase the number of settlers to 4,000.

After the Palestinian elections and the establishment of the Autonomy Council Israel was to begin a second comprehensive troop redeployment, to be executed in three stages - one every six months - over a total period of 18 months. Only those areas whose status was not to be negotiated in the final negotiations were transferred to Palestinian jurisdiction.

In order to prevent 'terrorism and violence', a total of 30,000 security forces were to be engaged in the Palestinian territories, including 12,000 in the West Bank. However, Arafat has long surpassed this number. Israelis and Palestinians have formed a joint security committee to coordinate the measures between the police on both sides. A separate road system stretching over a total of 400 kilometers throughout the West Bank is to connect the settlements together. The roads bypass Palestinian villages and cities, and some are for use by Jewish Israelis only. Thus, there are for the first time ethnically cleansed roads! The transfer of additional land to the Palestinians would have no consequences for the Israelis. The concrete implications of Oslo II are illustrated in the following map:



Map 2

The dashed 'Green Line' comprises the area conquered by Israel in the course of the Six-Day War of June 1967. Zones A and B stand in stark contrast to Zone C (white area). The 'islands' make up only some 30 percent of the Palestinian West Bank, although over 90 percent of the population live there. Seven percent of the Palestinians remain under direct Israeli occupation, i.e., those living in Hebron and East Jerusalem. In Zone C, the Palestinian localities form only small islands within a completely Israeli-controlled area. *Ha'aretz* reported on 22 November 1995 that Peres had always stressed that "the Palestinian state will only be established in the Gaza Strip and Jericho, while the rest of the West Bank will remain autonomous areas for an overlookable period - I mean for a very long time." In an interview with *Die Welt* of 14 July 1995, he was similarly frank, saying that Gaza would be a success and that Israel could withdraw with little expenditure to the borders of 1967. The Oslo II Agreement has nullified the originally dominating approach to solving the bilateral conflict as stipulated in UN Resolution 242. The Palestinians are now forced to negotiate with the Israelis on territory in which they are not even recognized as citizens. Perhaps they had hoped that the Jewish settlers would live in a Palestinian sea once the Israeli army had withdrawn step by step from Zone C; in reality, it is they who are living in an Israeli sea. As mentioned before, the Palestinians can only exercise full sovereignty in the territories exclusively allocated to them. Due to the separate road system, any further transfer of territory would be a pure formality with no practical consequences for the settlers.<sup>30</sup> Furthermore, the PA must respect the rights of Israel pertaining to State land and absentee property under its territorial jurisdiction.

The crucial point in this agreement concerns the geopolitical consequences for an independent Palestinian economy that result from the cantonization, that is the control over water and the territorial parceling out. The Jewish settlements in the eastern West Bank obstruct the Palestinians' access to the Jordan River, from whose influxes water is being divided between Israel and Jordan. The fact that Palestinians do not have the ground and surface water at their disposal is one of the main obstacles in the way of independent agricultural development. The Israeli control of the Jordan Valley cuts the Palestinians off from their Arab hinterland, which has had a negative impact on Palestinian agriculture. The division of the West Bank into four disconnected areas makes the creation of a common Palestinian living space impossible.

<sup>30</sup> See Jan de Jong, "Palestine after Oslo II. Preparing the Final Map", in: *News from Within*, XII (1996) 1, p. 7.

Palestinian commentators praised the Interim Agreement as a 'milestone' on the road to statehood, although the situation has not changed following the withdrawal of the Israeli forces from the cities and surrounding villages. The following synopsis of a workshop that was organized by the Israeli human rights organization HaMoked on 7 November 1995 at the Ambassador Hotel in East Jerusalem describes the reality in a sensible manner: "The agreements have left Israel in effective control of most aspects of Palestinians daily life. By retaining direct authority over freedom of movement. Through exit and entry permits, residency and family reunification permits, Israel also controls basic issues of the economy, health, freedom of education, family life and culture in general. Extensive powers of the Israeli security services and perpetual closures only underscore and exacerbate this situation. The fundamentals of the human rights situation in this area, together with the bulk of human rights violations remain the same, unaffected by the agreements."<sup>31</sup>

In Gaza, Arafat demonstrated that he could take action against his people equally as recklessly as the Israeli military could. The Israelis hoped that the synthesis of 'suppression and corruption' could also be transferred to the West Bank. Uzi Dayan threatened the Palestinians during the negotiations on the Interim Agreement with the following words: "Dear Sirs, if you don't change your behavior as in Gaza and Jericho, there won't be a second agreement." Israeli Chief of Staff Amnon Lipkin-Shahak said on 24 September 1995 in *Yediot Aharonot* the following: "The fate of the agreement depends on how effectively the Palestinians will fight terrorism." Rabin followed this tone with the following remarks in *Ma'ariv* of 24 September 1995: "I don't address the Palestinians in the name of human rights and democracy. I talk to them in the name of peace and security. It is not our business how they conduct their trials as long as the sentences are adequate and the prison terms real." The Palestinian opposition reproached Arafat, accusing him of being "Israel's new military wing and an instrument of the State of Israel," and Hamas sympathizers distributed leaflets labeling Arafat a 'betrayed'. This illustrates the tricky situation in which the PLO chief found himself. However, thus far his opponents have failed to come up with a real alternative.

The Oslo II Agreement reflected a policy that pushed the colonization further, came out against the right of return of the refugees, and made Israel's own economic interests a priority. The difficulties the two contracting parties face today are first and foremost a result of the unequal agreements; whether Labor of Likud is in power is of little consequence, since both pursue the same goal and only differ in the type of methods they employ.

<sup>31</sup> HaMoked, *Newsletter*, No. 7, December 1995, p. 3.

On 26 October 1995, Meron Benvenisti wrote in *Ha'aretz* that the difference between the two political camps has much to do with the question of whether Israel should force an unconditional capitulation upon the Palestinians or allow them a somewhat more generous form of capitulation.

The key terms of the agreement are 'redeployment' and 'autonomy'. The Knesset voted with 61 votes for and 59 against in favor of the agreement, i.e. without a "Jewish majority," as the right-wing opposition remarked. Although Israel fell short of honoring the commitments it made in the Gaza-Jericho Agreement, the Palestinians accepted any additional Israeli demands. The author commented: "Thus, the agreements only present the old occupation in a new dress, i.e., an occupation deluxe."<sup>32</sup>

One could also argue that the Oslo II Agreement was the reward for Arafat's obedience vis-à-vis the Israeli demands. The Israeli Government ordered Arafat on 18 August 1995 to search for Wa'el Nassar, who allegedly was planning an attack in Tel Aviv. Arafat was told that if he were not caught within four days, the Gaza Strip would be hermetically sealed; the deadline passed without Nassar being found, and Israel imposed a two-week tightened closure on the Gaza Strip. When Arafat's security services surrounded a house in the Sheikh Radwan quarter and called on the inhabitants to surrender, demonstrators shouted at the Palestinian forces, calling them "betrayers," "collaborators," and "Jews" and heavy clashes erupted. Finally, the inhabitants surrendered after they were assured that Nassar would not be put on trial before the 'state security court' but only interrogated for a few weeks. Arafat had passed his test. The journalist Dan Margalit wrote on 21 August in *Ha'aretz*: "A single swallow does not a spring make but Arafat has proven to be stronger than expected." On the same day, a bomb exploded in a bus in Jerusalem killing four Israelis and an American citizen and injuring over 100 Israelis. Almost a month earlier, on 24 July, another bus had exploded in Tel Aviv, killing six Israelis and wounding 28. While Arafat and Rabin shook hands in Washington, the West Bank and the Gaza Strip were completely closed off for the entire Jewish holiday period, lasting from 24 September to 17 October.

The fact that Israel was still ready to take action against those it held responsible for terror attacks was emphasized at the end of October when the Secretary General of the Islamic Jihad, Sheikh Fathi Shiqaqi, was shot in the head and killed in Malta, presumably by Mossad agents. Shiqaqi was believed to be the mastermind behind the terror attacks of the Jihad in

<sup>32</sup> Ludwig Watzal, "Ende des Friedensprozesses in Israel und 'Palästina'?", in: *Die Neue Ordnung*, 49 (1995) 4, p. 314.

Beit Lid and Kfar Darom. On 25 July 1995, Shiqaqi had announced in an interview with the *taz* that there would be further attacks for the "liberation of Palestine." Rabin commented: "He who deals with murder, must reckon on being murdered," arguing that no civilized society could tolerate the existence of murderers. The revenge attacks were not a long time in coming. On 1 November two car bombs exploded in the Gaza Strip, killing only the two perpetrators. Shiqaqi was succeeded by Abdallah Shalah, an economist who was educated in England.

At the second MENA conference on economic cooperation, which took place from 29-31 October 1995 in Amman, the goal was to agree on concrete projects. As suggested by Israel, a regional development bank with a common stock capital in the amount of US\$5 billion was established. Some countries, among them Germany, considered such a bank superfluous and did not contribute to its financing. The United States wanted to control with this project the European investments in the region, while Israel hoped to secure - besides its considerable transfer payments from the States - its share in Western European investment. Some states feared that American-Israeli hegemony in the bank would harm the peace process.

Between the participating states there was no agreement at all. The Egyptian Foreign Minister Amr Musa, for example, recommended reviving the Arab cooperation, which alone could guarantee the realization of a comprehensive and just peace in the region, instead of rushing to normalize the relationship with Israel. In addition, Israel should give up its monopoly in nuclear weapons in the region. King Hussein, contradicting Musa, replied that if the problem lay in the overhasty peace, then Egypt had been ahead of Jordan by 17 years. Arafat, meanwhile, reminded participants that only the approach between the PLO and Israel had facilitated the 'peace', though he was not thanked for this and is still waiting for much hoped for investments to materialize. Shimon Peres declared before the assembly that his country was oriented towards Europe and was not dependent on trade with the Arab states. He rejected the Palestinians' claim concerning East Jerusalem as well as their criticism of the American Congress' decision to move the American Embassy by the year 1999 from Tel Aviv to Jerusalem. Syria and Lebanon did not participate in this spectacle, and Syrian radio criticized the event as a "variation of colonialism with an economic face."

The peace process faced more and more pressure in Israel and the autonomous areas. The Right in Israel organized large demonstrations in which it condemned the government in general and Prime Minister Rabin in particular. Some government politicians and organizations close to the government decided to organize a peace demonstration in Tel Aviv on 4

November 1995, which more than 100,000 people were expected to attend. Initially Rabin was skeptical about the idea, but was eventually convinced of its worth by his colleagues. The demonstration turned into an impressive event and showed that a large part of the Israeli society was still ready to seek a way of reconciliation with the Palestinians. However, when the event came to an end and Rabin was about to enter his car, he was shot by an assassin from behind. All of a sudden, it was clear: in Israel, there is a right-nationalist camp that will stop at nothing. Even the sacred rule that a Jew must never kill a Jew was ignored because of hatred toward the government. The assassination was an attack on the legitimacy of the government itself, and the social consensus in Israel was deeply shaken.

From the official side, attempts were made to categorize the murder as the action of a 'lunatic'. Nevertheless, it soon became obvious that the assassin, Yigal Amir, was not a confused, lone gunman, but someone who represented an ideological mass movement. Amir belonged to the Jewish combat organization Eyal, a splinter group originating from the outlawed Kach and Kahane-Chai groups. These groups often hide behind civic parties. That many rabbis and politicians also share their radical thoughts became clear during the interrogation of Amir.<sup>33</sup> Amir studied law at the renowned religious university Bar Ilan in Tel Aviv, a center of religious fundamentalism and extremist views, having previously attended a paramilitary Talmud school. He explained that he had committed his act for "Torah Israel, the people of Israel and Eretz Israel." Before the court, Amir explained that a Jew who "leaves his people and his country to the enemy as Rabin had done," was, according to the *Halacha* (Jewish religious law), to be killed. Rabin personally was responsible for the killing of Jews by Palestinian terrorists. Said Amir, "When I aimed it was as if I aimed at a terrorist." Without the religious dispensation of two rabbis, he would not have committed the murder. According to Aron Ronald Bodenheimer, Amir's religious argumentation is logical and compelling. God was the only one responsible.<sup>34</sup> The religious nationalist rabbis have always supported the thesis that the 'holiness of the country' is above the law and decisions of the government.

Immediately after the mourning period, the mutual accusations began. The Left accused the Right of having sown the seeds of violence with its defamatory attacks, while the Right put the murder down to the policy of selling Jewish land to the PLO terrorists. The fact that the Labor Party has also contributed to the radicalization cannot be denied. With the Oslo

<sup>33</sup> See Amnon Kapeliuk, *Rabin. Ein politischer Mord. Nationalismus und Rechte Gewalt in Israel*. Heidelberg, 1997.

<sup>34</sup> See Aron Ronald Bodenheimer, *Rabins Tod. Ein Essay*. Zurich, 1996.

Agreements, the settlements were specifically legitimized. The Labor Party has praised the settlers over and over again as "Zionist pioneers," as well as their "Zionist motives" and their "patriotism," without wanting to admit that they have fostered in some settlements a mentality that is insufficiently described as right-nationalist.

Those who had thought that the new government under Peres would take strong action against the rightist circles from which Amir had come were disappointed. Because of the imminent election campaign, no one wanted to have to deal with militant Jewish fundamentalism and its secular right-radical allies, as the journalist Amos Wollin wrote in the *taz* of 6 December 1995. The marsh was not drained and thus still constitutes a danger for Israeli democracy. The reason for this lies in the splitting of the Israeli society into a right and a left camp. The rhetoric of the Right contributed to the fact that the Rabin government could only make minimal compromises. Moreover, the peace process was characterized by the fact that Israel had signed a 'peace' agreement with parts of the PLO that did not recognize the national rights of the Palestinians. Many Israelis still considered the Palestinian people a 'gang of terrorists'.

As stipulated in Oslo, the first 'free' elections in Palestine took place on 20 January 1996. The Israeli army had withdrawn from the cities according to the accords, but 2,000 additional soldiers were deployed for the elections. In East Jerusalem in particular the tactic of intimidation succeeded, resulting in the lowest percentage of voter turnout, 40 percent; the highest percentage, 90 percent, was registered in the Gaza Strip. The people voted for both a Palestinian 'parliament' and a 'president', with Arafat receiving 88.6 percent of the over one million valid votes for the presidency and rival candidate Samiha Khalil receiving 11.5 percent. In the parliamentary vote, Arafat's Fatah movement won 51 out of the 88 seats; 34 seats went to independent candidates, 14 of whom, however, are affiliated with Fatah. Fida and the NDC won one seat each. The accusations concerning election manipulation could not be confirmed, and the election observers of the EU called the elections "by and large fair."<sup>35</sup> While former US President Jimmy Carter condemned the vehement intimidation attempts of the Israeli security forces *vis-à-vis* the voters in East Jerusalem, Moshe Shahal interpreted the low voter turnout as a sign of Israel's 'legitimate' rule over Jerusalem. "It shows that the Palestinians in Jerusalem want the city to be united and remain under Israeli sovereignty." Arafat's rival candidate expressed the true facts as follows: "The Palestinians do not like to vote under occupation." That a majority finally legitimized Arafat and the peace process, which is bound to his person, had a huge symbolic meaning for the United States and Israel.

<sup>35</sup> On the election results see: Special Election Issue of the *Palestine Report*, 24 January 1996.

The Israeli elections, advanced to May 1996, directly cast their shadows over the continuation of the peace process, whose support among the Jewish population had constantly declined. Peres was at the beginning of the year some 20 percent points ahead of his challenger Netanyahu, and the latter tried to secure a coalition agreement between the Right and the religious parties. Since the Prime Minister was for the first ever time being elected directly by the people, Netanyahu wanted to prevent any competition from within the Right camp, and he succeeded in persuading Raphael Eitan from Tzomet not to run. This strategy seemed to fail when Rechawan Zeevi's ultra-right Moledet Party, which advocates a mass transfer of the Palestinians, publicly offered to join Netanyahu. However, since the Moledet Party did not fit in with David Levy's plans to attract moderate nationalists, Zeevi's offer was turned down. Zeevi's transfer ideas are in line with traditional Zionism in its original form, and their rationalizing has a captivating logic: "We have come to occupy and settle. If a transfer is not ethical, then everything that we have done here over the past 100 years is false." The revival of the national consensus between the Zionist parties had negative effects on the Palestinians.

Even more dangerous than these coalition games in the run-up to the elections were, as far as Peres was concerned, the terror attacks of the Islamic groups. On 5 January 1996, Yahya Ayyash, known as 'the engineer', was killed when his booby-trapped mobile phone exploded. Ayyash had received the mobile phone from a Palestinian collaborator, Kamal Hammad. Israel accused Ayyash of being responsible for the death of at least 55 Israelis. His funeral turned into a mass demonstration, in which some 120,000 people participated and called loudly for revenge. Hamas spokesman Mahmoud Zahhar told reporters: "The only way to get Israel to stop these attacks is to increase the price they have to pay for them." The Palestinians presumed that Peres had ordered the murder of Ayyash in order to restore the trust in the Israeli secret service, which had been severely damaged by the assassination of Rabin. The Israelis knew that more terror attacks would follow, so the government ordered the immediate closure of the territories. On 16 January, four days after the closure was lifted, a Palestinian commando killed two Israeli soldiers on the road to Hebron. Arafat's security services did not remain inactive but shot dead two Islamic Jihad members on 3 February, after which a leaflet of the 'Free Mujahedeen' was distributed, calling for the killing of Arafat. From 11 February until the end of Eid Al-Fitr (the feast that follows Ramadan, the month of fasting), the territories were again closed off without any reason being given.

The closure had just been lifted when on 25 February 1996 a bomb exploded on a bus in the center of Jerusalem, killing 24 Israelis and injuring 55, 19 of whom sustained serious injuries. Soon after, a second bomb went

off at a junction near Ashqelon, killing one Israeli soldier and wounding 35 others. Both attacks were revenge acts for the massacre perpetrated by Baruch Goldstein exactly two years before and for the killing of Yahya Ayyash in January. Islamic suicide commandos blew themselves up on 3 and 4 March in Jerusalem and Tel Aviv, killing 32 people and injuring over 100. Peres had no choice but to seal off the territories and within them the autonomous enclaves as well. Arafat strongly condemned in the name of the PA the attacks and offered his condolences to the bereaved. In addition, he banned the following organizations: Fatah Hawks, Black Panther (Fatah), Qassem Brigades (Hamas), Red Star (close to DFLP), Red Hawks (close to PFLP), and Qassem (Islamic Jihad). For Israel, however, these measures were not sufficient, and Arafat was forced to crack down on the sympathizers of these groups and conduct mass arrests. Peres justified the massive collective punishment measures vis-à-vis the Palestinians with the remark that "Israel faces a collective terror threat." Israeli President Ezer Weizman was even clearer: "If one searches for a needle in a haystack and cannot find the needle, then he must burn the whole haystack." In this case, the haystack was the Palestinian people and Hamas was the needle.

Besides these measures, the discussion about the separation plan, introduced by Rabin, was revived. On 3 March 1996 Peres ordered the erection of a two-kilometer-wide security margin along the 350-kilometer-long 'Green Line', whereby only 18 crossing places were provided for the Palestinians to leave their territory, making the free flow of goods and people, promised in the Paris Economic Protocol, impossible to achieve. Arafat's PA did not react to these nor other provocations such as the continuous land expropriations and the increased construction of bypass roads.

The Palestinian leader understood the massive demonstration of power of the Israeli Government, and he knew that if he were unable to guarantee law and order in the 'autonomy islands' areas, then Israel would enter them. The PA called for an emergency session with Hamas and gave it the following ultimatum: either Hamas would control its radical wing or the organization would be outlawed. At the same time, the Islamic University in Gaza was searched and 200 Hamas sympathizers were arrested. Everywhere in the Gaza Strip and the West Bank large-scale arrest waves were conducted in cooperation with the Israeli forces, and on 10 March Prime Minister Peres declared that the Israeli Government had "100 percent support" from Arafat. By the end of March, over 1,500 Hamas sympathizers had been imprisoned in Arafat's jails. During times of total closure, Arafat's role was to suppress any protest, and indeed, with the exception of a few Fatah-steered 'protests' under the slogan "Yes to Peace, No to occupation" it remained quiet in the autonomous enclaves.

Peres ultimately demanded that Arafat finally amend the PLO Charter. Since Arafat could not amend the charter by himself, he was forced to call for the Palestinian National Council to convene for the first ever time since 1964 on Palestinian soil. Originally, the parliament-in-exile consisted of 483 members and an additional 186 from the 'liberated areas'. At the opening session on 22 April 1996, some 448 members were present, with the number increasing to 536 the next day. George Habash and Nayef Hawatmeh did not appear although they had both been issued with an Israeli entry permit. The assembly voted with 504 votes in favor and 54 against for the amendment of the Charter, which contains some articles that deny Israel's right to exist.<sup>36</sup> Peres welcomed the decision as "the most important ideological change this century." This assessment by the Prime Minister was entirely correct, since the move meant that the Palestinians have bowed to the Zionist draft of history and given up their claim to all of Palestine. One could say that the Palestinians – in accordance with the myth of the empty country – see their own history only as a supplement to the Jewish colonization of their land. Arafat could also not allow the assembly to replace the Charter with the Declaration of Independence of 1998. The objection of Haidar Abdul Shafi and Hanan Ashrawi, namely that the Palestinians must put together their own program rather than let the Israelis dictate to them remained unheard.

It required a great deal of persuasion on the part of Arafat to have a large majority back him. He argued that the alternative to keeping the charter in its old form was the collective suicide of the Palestinians on all fronts, or, concretely, the end of the peace talks as well as the continuation of the closure. The PNA would then no longer receive funds and the Israelis would have a pretext for not withdrawing from Hebron. Even the most rigorous Israeli measures in the territories were put in a positive light, with it being argued that the bypass roads and the expropriated land would eventually be under the control of the Palestinians in their own state. If the PLO were to stick to the American line, it would eventually achieve its goals. Such an attitude can only be described as infantile or irresponsible.

Peres, on the other hand, was only able to ward off the attacks of the Likud by showing that Arafat was a reliable partner. The terror attacks, which are an integral component of the violence that Israel has caused, in part, through its occupation over the past 30 years, did not fail to have an effect on the Israeli public. While the closure helps the Shin Bet and the police to prevent some attacks on the one hand, it increases the overall desperation of the Palestinians on the other. The Labor/Meretz government was not interested in an opposition that would represent Palestinian interests.

<sup>36</sup> See the Palestinian National Charter; Resolution of the 4<sup>th</sup> Congress of the Palestinian National Council of 10-17 July 1968 in Cairo, especially Articles 3, 9-11, 20-23.

The Ayyash units, which claimed responsibility for the latest terror attacks, published a flyer in which they proclaimed the end of their revenge attacks and asked Israel to arrange for a cease-fire with Hamas through the PA. At the same time, they warned that if the Shin Bet were to attack the "wanted heroes" of the Qassem units, "no security measure will prevent us from striking everywhere." Addressing the Israeli people, they declared that neither the Labor Party nor the Likud could guarantee security as long as the Israeli Government continued to pursue a policy of terror against the Palestinian people.<sup>37</sup> Israel ignored this 'offer' like all previous ones from Hamas on the grounds that it would not negotiate with a "gang of murderers and terrorists."

The grandiose 'summit of peacemakers' on 13 March in Sharm Esh-Sheikh, Egypt, attended by over 30 heads of state from Arab countries and Western Europe, as well as Bill Clinton, resembled more than anything else an election campaign event for Shimon Peres. The only thing that Clinton could come up with was a communiqué that referred to three previously agreed upon principles: to promote the peace process, to increase the security and to fight the terror. The real causes of the terror were not discussed. On 14 March, Clinton traveled to Israel where he assured the citizens that he would struggle arm in arm with them against terror and that he would guarantee their security. In the Center for Performing Art in Tel Aviv Peres welcomed Clinton as "the greatest president the United States has ever had." From an Israeli point of view, the praise was justified. Serge Schemann wrote in the *New York Times* of 15 March "the President had made no move whatsoever to balance his support for Israel through a gesture *vis-à-vis* Arafat, as is usual in state visits. He even supported publicly Israel's hard measures in the West Bank and Gaza Strip, including the besieging of Palestinian localities." Nahum Barnea wrote at the same time under the headline "The Last Zionist" in *Yediot Aharonot*: "There are other countries in the world that suffer similarly from terror and pay a similar price. But none of these enjoys the comprehensive, fervent and unlimited support from the American President that Israel receives."

The collective punishment was draconian. First, Peres declared "total war" on Hamas, then the borders were closed until after the elections on 29 May. For two weeks, any travel within the territories was absolutely prohibited, a complete curfew was imposed on the refugee camps, all male relatives of suspects were arrested, and six colleges in the West Bank and East Jerusalem were closed as well as the University of Hebron. Peres allowed a few food transports in order to avoid a famine breaking

<sup>37</sup> See *Palestine Report*, 8 March 1996, p. 6.

out in Gaza. The redeployment from Hebron, planned for 28 March, was also postponed until after the elections because of the 'security situation'. The closure of the territories caused the PA daily losses in the amount of US\$6 million, which was, at the time, twice the amount contributed by the donor countries to maintain Arafat's rule.

Following Hizbollah actions in the 'security zone', in which several Israeli soldiers, civilians and some Hizbollah fighters were killed, and the firing of Katyusha rockets at Northern Israel, which left only little damage, Peres mobilized his entire military machinery and ordered the bombardment of Hizbollah positions as well as other sites in South Lebanon. The operation 'Grapes of Wrath' that began on 11 April soon backfired on its initiator. Some 400,000 people were forced to flee. On 18 April, the Israeli air force 'accidentally' attacked a UN position, in which the inhabitants of the village of Qana'a had sought refuge, killing 120 civilians, and the public protest induced Peres to end the war quickly. After US Foreign Minister Warren Christopher assumed the role of a mediator, both sides stopped their actions on 23 April. The balance of this short war was as follows: 500 Katyusha rocket attacks by the Hizbollah; 1,500 heavy artillery attacks and 1,500 air attacks by the Israelis; the deaths of two Israeli soldiers, seven Hizbollah fighters, four Syrian and two Lebanese soldiers; the injuring of 40 Israeli civilians; the deaths of over 160 Lebanese civilians and the injuring of over 300.

An interview published by Gil Raba on 10 May 1996 in *Kol Ha'ir* shows what two of the participating soldiers thought of the massacre in Qana'a: "Our commander called us together and said that this was a war and that we should continue fighting like good soldiers. If the Hizbollah had gone into a village in which Arabs lived, that was their problem. One Arab more or less, you understand. Our commander said: 'For anything on earth, the bastards shoot at you - what can one do?' He told us that we were excellent in shooting and should continue with this, and the Arabs, you know, there are millions of them." The other soldier added: "We did what we were ordered to do, and we had no reason to feel guilty. Even S. [the commander] told us that we are the best and they are only 'Arabushim' [disparaging name for the Arabs]." Riba wondered if anyone had objected to the use of this term and was told, "No, don't say that you are one of these leftists or something", while another soldier added: "How many Arabs and how many Jews are there? Some Arabushim died; this is not an important issue."

Against all odds, the Hizbollah remained intact, the Lebanese Government did not shrink back, and the local population moved closer together against the external aggressor. For Israel and Peres this war was a disas-

ter. Peres wanted to outshine Sharon and Rabin, both of whom were responsible for actions against the civil population in Lebanon: Sharon had approved the 'Operation Peace for Galilee' and the 1982 massacre in the refugee camps of Sabra and Shatila, and Rabin the operation 'Responsibility' in July 1993, which had led to the expulsion of over 500,000 Lebanese. The Israeli left-liberal public refrained from expressing any criticism. Netanyahu would have been accused of 'war crimes' had he been responsible for the massacre at Qana'a. Without a withdrawal of the Israeli troops from South Lebanon, Israel's northern border will not enjoy peace.

The actions of Hizbollah against the Israeli occupation of South Lebanon depend to a large extent on the agreement of Syria. In April 1996, the Syrian Foreign Minister Farouq Shara declared that with the withdrawal of Israel the right of 'resistance' would cease to exist. The Hizbollah still proclaims it will 'raze Israel to the ground' and 'liberate Jerusalem', but this is mostly rhetoric since the organization does not have the means necessary to pose a serious threat to Israel. Hassan Nasrallah is realistic enough to differentiate between the Hizbollah's rhetorical wishful thinking and a possible understanding between Lebanon, Syria and Israel.

Bill Clinton was very active in campaigning for Peres' re-election. As the first ever American president to speak whilst in office, he gave a speech before the American Israel Public Affairs Committee (AIPAC) - the most powerful Jewish lobby organization - in Washington. Clinton acquitted Israel of responsibility for the bombardment of Lebanon, saying that this "tragic failure of Israel occurred while it was exercising its legitimate right to self-defense" as Hizbollah had deployed their rocket positions near villages and towns. The "greatest leader of the free world and loyal friend of Israel" - as Peres put it at a reception in Washington - demonstrated during Arafat's visit on 1 May that the United States continued to support the one-sided dynamic of this process, in which the Israeli side determined the conditions. Clinton praised Arafat for having taken radical action against the Islamists, but the gratitude for the final liquidation of the PLO Charter was rather poor. Clinton only promised that he would remind the other donor countries to keep their pledges. The American administration did not change its attitude *vis-à-vis* the Palestinians' right to self-determination; however, the previously announced American-Palestinian Committee to regulate bilateral relations was never established.

Peres was in danger of losing votes among the Arab population as well as among parts of the Israeli Left. In order to balance such possible losses, he had Yossi Beilin, one of his ministers without portfolio, negotiate with the settlers. Beilin succeeded in concluding an agreement with Rabbi Yoel Ben-Nun, who was known as one of the most embittered opponents

of the Oslo process. The agreement included the government's promise to defend the interests of the settlers, not to dissolve any of the settlements, to guarantee a 'natural growth', and to annex larger settlement blocs. With this contract Peres only confirmed that the stand he had adopted was basically not that much different to that of his predecessor, who had frequently insulted the settlers but who had also constantly refused to dissolve even one settlement. These concessions meant practically nothing else but the adoption of Ariel Sharon's enclave projects – also known as 'Sharon's Star War'<sup>38</sup> – that had entered the debate many years before. Such political tricks and concessions to a non-representative member of the settler movement could not prevent Peres' defeat. Why should the settlers vote for a copy when they could have the original? Moreover, it was proven once again that Peres was a 'loser type', who did not enjoy the trust of the Israelis. In all the elections in which he had ever taken part, he had only emerged as the second winner.

#### 4. The Hebron Redeployment Protocol of 15 January/1997 and Netanyahu's 'Peace Vision'

The international public was shocked when it learned about Netanyahu's victory in the elections. There was reason for this as the team around him did not show any promise of doing anything positive for the Palestinians. Arafat and Clinton were very disappointed because they had both counted on the purported 'visionary' and not on the 'hard-liner'. "The composition of the Netanyahu government shows that the extremists have the say... The West and the Palestinians should not nurture any hope for progress as long as Netanyahu surrounds himself with people such as Zevulun Hammer, Ariel Sharon and Raphael Eitan as well as with militant settler representatives and extremist rabbis, who have chosen Baruch Goldstein as their idol. The peace process has come to an end because from its outset it has never been a process involving equals. It only proceeded because it was based on the subjugation of the Palestinians, who, ironically, accepted this. There will be some kind of continuous development, but it will not have much to do with peace."<sup>39</sup>

<sup>38</sup> See Assaf Adiv/Michal Schwartz. *Sharon's Star Wars: Israel's Seven Star Settlement Plan*. Jerusalem, 1992.

<sup>39</sup> Ludwig Watzal, "Frieden' zwischen Israel und Palästina", in: *Schweizer Monatshefte*, 76 (1996) 9, p. 6.

Netanyahu did not win the elections because of his program but because of the fears he stirred up *vis-à-vis* the Peres government. Nobody knew what he stood for; however, the books he wrote on terrorism and Israel's role in the world<sup>40</sup> give some insight into his view of life. That he was characterized as a 'pragmatist' in the West shows how little he was known there.

Very much in the tradition of his election campaign rhetoric, Netanyahu published on 18 June 1996 the guidelines of his policy *vis-à-vis* the Palestinians. They had a traumatic effect on the Arab World and the Palestinians, although the stated goals were not different from those of the Labor Party: Netanyahu rejected a sovereign Palestinian state west of the Jordan River as well as the return of the 1948 and 1967 refugees, as these allegedly posed a danger to the "demographic security" of Israel. Jerusalem was to remain under Israel's "exclusive sovereignty" while the "social and economic status of Greater Jerusalem" was to be promoted. The UN resolutions and the permanent status negotiations that are based on them were not even mentioned. Netanyahu stressed in his 'maiden speech' that the settlement building would be pushed forward all over "Israel, Judea, Samaria and Gaza." Such statements startled the United States and it was after Warren Christopher's visit that Netanyahu began to rhetorically 'polish' his positions. On 28 June, for example, he announced in some interviews that he would open certain "channels of communications" with the Palestinian Authority. He subsequently sent his advisor Dore Gold on a secret mission to Arafat in order to reassure him that the Likud government wanted to continue with the final status negotiations.

Netanyahu – just like the Peres government – was primarily interested in the cooperation in security matters. Such cooperation included answering the question of how Arafat could be protected and how his rule could be strengthened. How important this aspect was for Israel following the secret talks in Oslo became evident with the January 1994 London meeting between the former head of the Shin Bet, Ya'acov Peri, then Deputy General Chief of Staff Amnon Lipkin-Shahak, and the chief of the Preventive Security Services (PSS) in Gaza, Mohammed Dahlan, and his counterpart in the West Bank, Jibril Rajoub. Ever since this meeting, the PSS has had a free hand *vis-à-vis* the various opposition groups, including Hamas. As the numerous human rights violations show, its members took their tasks very seriously. On 18 September 1994, Rabin officially confirmed that the "security services of the self-government authority" guaranteed "with

<sup>40</sup> See Benjamin Netanyahu. *A Place among Nations. Israel and the World*, New York, 1993; and *Der neue Terror. Wie die demokratischen Staaten den Terrorismus bekämpfen können*. Gütersloh, 1996. (Engl.: *Fighting Against Terrorism*. New York, 1995).

the knowledge of and in cooperation with Israel's security services Israeli security interests." Netanyahu knew from the Shin Bet chief Ami Ayalon that the successes involving Hamas and Islamic Jihad would not have been possible without the help of the PSS. He continued the security cooperation because Arafat did not release the 1,500 detained Islamists after the defeat of Peres.

With regard to other issues, Netanyahu refused to continue where the previous government had stopped. His inaugural visit to President Clinton on 9-10 July was a triumph for Israel's aggressive politics. Netanyahu had to settle an open bill with Clinton, who had supported his rival Peres during the election campaign. Clinton treated Netanyahu in an extremely courteous manner; the Israeli Prime Minister was, for example, allowed to speak before both houses of the Congress, a privilege that very few foreign guests enjoy. The thunderous applause that followed Netanyahu's speeches was like a slap in Clinton's face. At a joint press conference, Netanyahu demonstrated great self-confidence: he warned the United States that people should not expect too much too soon and wrote in the album of the visibly irritated American President that the Rabin-Peres government had increased the number of settlers from 96,000 to 145,000 over the past few years without the United States saying a word, adding "I assume that none of you expects less from us."

Such openness and straightforwardness left the Arab regents rather perplexed, as they had gotten used to the diplomatic phrases of the Peres government. From 21-23 June 1996 an Arab summit took place in Cairo, the first of its kind since the Gulf War, which had resulted in a split in the Arab World. Mubarak, Assad and the Saudi Crown Prince Abdallah had arranged the meeting at the beginning of June in Damascus. The only tangible result was a warning to Israel that the Arab states would think twice about the reconciliation with Israel if progress were not made in the peace process. Arafat was satisfied, though his visit to Assad in Damascus in July accomplished even less. A trip to Washington by Mubarak, on the other hand, was more fruitful, with Netanyahu announcing that the Israeli-Palestinian negotiations would be resumed.

Arafat described his first official encounter with the Israeli Foreign Minister David Levy on 23 July in Gaza as "good, useful, open and positive," although Levy had nothing to offer but the remark that terror had to be fought. On the resumption of the permanent status talks and the redeployment of forces from Hebron, he could not give exact information. On 4 September, and only upon pressure from the United States, the EU and some Arab states did the long awaited meeting between Arafat and Netanyahu finally take place in Gaza. Since his election at the end of May,

Netanyahu had tried to get out of the way of the 'terrorist' Arafat. Neither this encounter nor the few that followed led to any concrete results.

From the beginning of his period in office, Netanyahu did not allow any doubt to arise that he as the Israeli Prime Minister had to represent Israeli interests. He underpinned this announcement with concrete actions, and although his government stumbled from one scandal to the next, the prognosis of a big coalition proved wrong. However, although Netanyahu was directly elected by the people, his ministers keep blackmailing him with new demands, but even the resignation of Foreign Minister David Levy could not bring him down. On 23 September 1996, Netanyahu ordered - against the advice of his security advisors - the opening of a tunnel underneath Al-Aqsa Mosque, a plan that the previous government had considered too risky to implement. His action resulted in fierce clashes between the Israeli army and the Palestinians, including members of their police force, in which 86 Palestinians and 15 Israelis were killed and some 1,000 Palestinians were injured. These confrontations pushed the peace process once more to the edge of 'failure'. Immediately rumors spread that Arafat had allowed the conflict to escalate in order to force Netanyahu to return to the negotiation table. These rumors were not necessarily untrue - a summit between Clinton, Netanyahu, Arafat and King Hussein hurriedly called for by Washington led to the resumption of the negotiations concerning the troop redeployment from Hebron on 5 October. However, the talks were repeatedly interrupted by incidents in the Occupied Territories.

The troop redeployment from parts of Hebron was originally planned for 28 March 1996, but was suspended following the two terror attacks that took place in February and March. Benjamin Netanyahu had fought against the agreements of his predecessors and criticized them, describing them as unsatisfactory, which meant that he had to renegotiate, against the will of the United States, the Interim Agreement. The Hebron Protocol differs in its substance only very little from the 'guidelines' on Hebron stipulated in the Interim Agreement of 28 September 1995, which had been negotiated by the Rabin government. Arafat had to alter his goals drastically, and he did not succeed in improving the Oslo arrangements.

In a few important items, Arafat made concessions to which he could not commit himself. These, of course, led to a further deterioration of the situation of the Palestinians. Netanyahu, meanwhile, refused to include the Ibrahimi Mosque in the negotiations and to create a connection to other already agreed upon projects, such as the opening of the airport in Gaza or the construction of a seaport.

Eventually it was Netanyahu who brought the United States back to the negotiation table, and thus re-created the American-Israeli partnership. Netanyahu accepted the agreed upon accords, but interpreted them according to his own legalistic narrow viewpoint in order to avoid the issue of Palestinian sovereignty and to ensure Israel's control over the West Bank. Consequently, the negotiations centered on security, but only that of Israel. Dennis Ross clearly supported Israel during the Hebron Protocol negotiations, forcing the Israeli security agenda upon the Palestinians.

The Hebron Protocol is the paradigm for an administrative and territorial division of the West Bank and Gaza Strip. Its 20 articles deal with security questions on the one hand, and on the other regulate civil affairs following the redeployment of Israeli troops. Integral components of the Protocol are a remark of Dennis Ross, listing the Israeli and Palestinian responsibilities, a short note regarding the normalization of life in the Old City of Hebron, which only materialized due to pressure from the United States, and a letter from the American Foreign Minister Warren Christopher to Netanyahu.<sup>41</sup>

Even after the signing and implementation of the Hebron Protocol, there is no reason to be optimistic. There are 450 Jewish settlers blocking some 20 percent of the city, especially the commercial area, protected by over 1,000 Israeli soldiers, while the more than 100,000 Palestinians live there in a kind of Israeli enclave. The Israeli settlements in the center of the town have been legitimized by the agreement. Although Israel withdrew from 80 percent of the city (H1 Zone), it still has the sole say regarding the settlement and the buffer zone in which more than 20,000 Palestinians reside (H2 Zone). A 'Rapid Response Team' (RRT) for the fighting of terrorism consisting of eight Israelis and eight Palestinians is stationed at four central locations in the H1 Zone. Hebron is far from being 'liberated', as Arafat tried to portray it in his triumphant speeches. Just like the other agreements, the Hebron Protocol will eventually heighten the conflict and further alienate the conflicting parties. This becomes clearer on a daily basis.

Originally, Netanyahu had wanted to give a part of Hebron to the Palestinians, postpone the redeployment from the West Bank - which Israel had agreed would take place by September 1997 - to May 1999, and enter into immediate negotiations on the central issues under dispute such as Jerusalem, settlements, refugees and borders. Forced to make concessions, he ultimately agreed to complete the withdrawal in three stages by August 1998. Moreover, he agreed that the final status negotiations would be re-

<sup>41</sup> See Protocol Concerning the Redeployment in Hebron of 15 January 1997, including the respective annexes.

sumed two months after the redeployment of the troops in Hebron had been completed.

Why then is the Hebron Protocol nevertheless a big success of Israeli-American negotiation skills? Netanyahu, speaking in the Knesset on 16 January 1997, said the following: "We are not leaving Hebron. We are not re-deploying our troops from Hebron, but only within Hebron... We do not want to remove the Jewish community from Hebron. We want to maintain it and consolidate it. We ourselves do not want to depart from Hebron; we want to remain there." According to the Mayor of Hebron, Rafiq Natsheh, the consequences of that for the Palestinians are clear: "Hebron was and remains the mistake of the Interim Agreement, which has brought us a divided city." Mayor Natsheh had tried, but in vain, to stop Arafat from signing the agreement.

With regard to mutual obligations, Benjamin Netanyahu achieved further concessions. The Palestinians had once more to affirm in writing that they would amend their charter, intensify the cooperation on security matters, stop the hostile and inciting propaganda, systematically fight the terror organizations and their infrastructure, persecute the terrorists, accuse them and punish them, hand suspects to Israel, and seize weapons. Netanyahu was able to delay the redeployment for one year and push through his principle of 'reciprocity' on which, in the future, the maintaining and implementation of all other agreements would be based. Who can guarantee a one hundred percent implementation of this principle, which is based solely on the security of the Israelis and ignores, for example, the protection of the Palestinians from the violence of the settlers and the military? That many settlers were not satisfied with this result stems from fanaticism that outsiders are unable to comprehend.

The largest success of the Israeli Government is the letter of the former American Foreign Minister Warren Christopher, which says, amongst other things, the following: "Mr. Prime Minister, you can be assured that the United States' commitment to Israel's security is ironclad and constitutes a fundamental cornerstone of our special relationship. The key element of our approach to peace, including the negotiations and implementation of agreements between Israel and its Arab partners, has always been a recognition of Israel's security requirements. Moreover, a hallmark of US policy remains our commitment to work cooperatively to seek to meet the security needs Israel identifies. Finally, I would like to reiterate our position that Israel is entitled to secure and defensible borders, which should be directly negotiated and agreed with its neighbors." The letter of Christopher to Netanyahu makes Arafat appear like an American vassal, containing, as it does, sentences that read like a dictate: "I have impressed

on President Arafat..." "I have instructed President Arafat..." and "I have emphatically made clear..." This diction shows clearly that the further redeployment of Israeli troops was not the result of bilateral negotiations but instead, an Israeli affair only. It was not only the fulfillment of the Interim Agreement that depended on Arafat's readiness to comply with the demands made of him, but also the peace process in general. The PLO head never published this letter.

Netanyahu could indeed introduce improvements *vis-à-vis* the original modalities, especially as far as the alleged 'verbal promises' of the previous government are concerned; a fact he referred to in the speech he made in the Knesset. The agreement was not Netanyahu's dearest aspiration, and he only concluded it because he had no other option, the interest of the United States in sticking to the pledges of the previous government being too strong. Through the American 'annexes', the Israeli-American negotiation delegation managed to eliminate the 'loopholes' that still existed in the Interim Agreement. For the United States, it was no longer a matter of UN resolutions, but of Israel's security only, and it was the security thinking that became the determining parameter of the peace process. Israel's actions in violation of International Law, such as the demolition of houses and confiscation of land, are no longer mentioned. Ross, with his 'remark', allows the PA to violate the human rights of its own people in order to guarantee the security of Israel. "Thus, Netanyahu's concept of 'reciprocity' not only will give Israel ultimate control over the process, but will result in further deterioration of human rights conditions in the Palestinian autonomous enclaves."<sup>42</sup> The 'Israeli responsibilities' are facultative and depend on Israeli security considerations, while the 'Palestinian responsibilities' are obligations the Palestinians must honor. Thus, the results of the vote in the Knesset were no surprise: 87 in favor and only 17 against. This result shows that there is a widespread consensus regarding the areas inhabited by settlers. Even in the final status negotiations, there will be no compromise concerning this territorial question. In concrete terms, this means the division of the occupied territories between Israel and the Palestinians according to the following formula: the maximum of land for Israel and the maximum of people for the Palestinian autonomous areas.

For the Palestinians, the Hebron Protocol represents a further setback on the way to independence because the Israeli settlements for the first time are regarded as a *de facto* component of Israel and not as part of the occupied territories. Thus, the position of the Palestinians according to International Law is further weakened. The implementation of the various stipulations of the agreement is also to the disadvantage of the Palestinians.

<sup>42</sup> Lamis Andoni, "Redefining Oslo: Negotiating the Hebron Protocol", in: *JPS*, XXVI (Spring 1997) 3, p. 27.

The United States, represented by Dennis Ross, regards the settlements as 'an obstacle to peace', but no longer deems them 'illegal', merely 'controversial'. Parts of the American Government see the division model laid down in the Hebron Protocol as something positive for Gaza and the West Bank. The Palestinians, meanwhile, claim they would resist such a plan, but they overestimate their real power. Even if Israel were to withdraw from Zone B, it would still be primarily responsible for security there, and neither the agreements nor the Hebron Protocol define the degree of Palestinian authority that would exist once the separate phases of the redeployment are concluded. Netanyahu will limit all discussion to UN Resolution 242 and the principle of land for peace; i.e., the occupation will not end because Resolution 242 does not say anything about the Palestinians or about withdrawal from all occupied territories. The Palestinian hope that a piece of Palestine could become the core of a Palestinian state has been shattered. The prognosis of the advisors of Netanyahu for the future of the Palestinian territories is not sovereignty but a status comparable to that of Puerto Rico. The question that remains is whether the Palestinians will be content to accept only a symbolic form of independence.<sup>43</sup>

Following the conclusion of the Hebron Protocol, Netanyahu set out, on 13 February 1997, for his fourth official visit to the United States, where Clinton welcomed him cordially. After the two men had conferred for more than three hours, Clinton made it clear at a press conference that the possible sale of F16 bombers to Saudi Arabia was dependent on possible security doubts of Israel, thereby publicly snubbing the Saudis, who also consider themselves a 'friend of the US'. Clinton said he would support any plan formulated by Israel to secure its northern border. With this, he indirectly accepted the occupation of South Lebanon by Israel, in spite of the fact that officially, the United States rejects the occupation on the basis of the UN Charter. The next day, the Israeli Prime Minister warned the Palestinians, in a speech given at The Institute for Near-East Policy, that any proclamation of a Palestinian state would result in the complete collapse of the peace process.

Politically strengthened, Netanyahu then made a decision that snubbed the Palestinians further, permitting, on 26 February, the construction of a new Israeli settlement on Mount Abu Ghneim (Hebrew: Har Homa) in East Jerusalem. The cultural takeover was followed by a territorial one; thousands of Palestinian locations had been integrated into the Jewish tradition and defended tooth and nail by being renamed, and both the Palestinians and the world public should always keep this in mind. Although

<sup>43</sup> See Ludwig Watzal, "Das Hebron-Protokoll und die Folgen", in: *Schweizer Monatshefte*, 77 (1997) 7-8, p. 7 f.

Rabin had agreed that the settlement should be built and the planning stage had already been concluded under Minister of Housing, Benyamin Ben Eliezer, the actual construction had been delayed due to the absence of opportune circumstances.

With Netanyahu's decision, the settlement chain around Jerusalem was completed. For the Palestinians, this was new evidence of the incredibility of Netanyahu's politics. The meeting planned for 18 March between Arafat and Netanyahu did not take place as the PA had decided to suspend talks with Israel in protest. Four hundred Palestinians were injured in the subsequent clashes. Against this volatile background and with the Palestinians becoming increasingly frustrated, a terror attack took place in a Tel Aviv café on 21 March in which three Israelis died and 61 were injured. However, Arafat was not interested in a larger conflict, such as the one that had resulted from the tunnel opening the previous September, and his strategy now aimed at the diplomatic isolation of Israel and international support for his position. With these particular goals in mind, he traveled on 3 March to the United States, where Clinton expressed his regret concerning the Israeli decision, which, he said, did not contribute to confidence building but to mistrust - a remarkable comment in the light of his otherwise pro-Israeli statements. The journalist William Safire had urged Clinton in *The New York Times* a day before Arafat's arrival not to give Arafat 'false hope'. Were the Palestinians to insist on claiming East Jerusalem as their capital, he said, it would "create a strange island within Jerusalem, which would be as provocative as the Israeli annexation of the entire West Bank." This comparison was a deliberate attempt to mislead the American public. A few days later, on 6 March, it became clear whose side the United States had taken when it vetoed a UN Security Council resolution condemning the settlement construction on Jabel Abu Ghneim.

In attempting to clarify the 'difference' between the strategies of the Labor Party and the Likud government, whose final goals are identical, Har Homa can be used as a good example. Yossi Beilin once said in a televised discussion on 17 March 1997: "I support the construction all over Jerusalem including Har Homa because it is our right. We [the Rabin government] increased the number of settlers by 50 percent. We built in Judea and Samaria but we did it quietly and farsightedly. They [the Netanyahu government] announce every morning their intentions, frighten the Palestinians, and make Jerusalem as the united capital of Israel - on which there is unity amongst all Israelis - subject to a worldwide dispute. The main aspiration should be to convince the Palestinians that Jerusalem is the capital of Israel. Without their acceptance of this fact, there will not be any further agreement. What I suggest is a deal with the Palestinians, according to which we recognize a Palestinian state, and they recognize Jerusalem as the united capital of Israel."

That some Arab rulers had also come to terms with the line of the Labor Party was evident in the statement of Egyptian President Hosni Mubarak: "They have built all the time in Jerusalem but they have not talked about it." Indeed, a secret deal had been concluded on 23 February 1996 between Beilin and Mahmoud Abbas although the latter denied this. 'Compromises' were reached with regard to the following:

- The settlements will remain. Israel will annex three hundred square kilometers of land, where most of the Israeli settlements are located.
- The Palestinian refugees must seek naturalization in their host countries, which in concrete terms means no right of return.
- With regard to Jerusalem, Arafat will gain control of an area to be called Al-Quds (The Holy), comprised of all the villages located around Jerusalem that are inhabited by Palestinians.

On 28 March 1997, Beilin again outlined the central basis for a final status agreement in *Ha'aretz*: "...a demilitarized Palestinian state with limited sovereignty and in turn recognition of the united Jerusalem." On this basis, Beilin and Michael Eitan from the Likud bloc met and reached a consensus on further policies. The representatives of both camps believe until today that they could maintain this position permanently, which is against International Law, without arousing the anger of the international community. Clinton's leniency nurtures this illusion.

At the same time, the United States tried through its mediation attempts to keep the peace process alive, with Dennis Ross travelling to the region several times in May and June 1997. After meeting with Mubarak, Arafat, Netanyahu and King Hussein, he announced that "the peace process is still alive because there is no alternative to it." The Palestinians were less tautological. Sa'eb Erekat blamed the United States for not having a strategy, and after the meeting between Ross and Arafat on 8 May, he publicly admitted that the Palestinians were angry with Ross and his delegation. Meanwhile, the American mediator warned the Palestinians about hoping for the fall of the Netanyahu government while neglecting their duties with regard to security matters.

Apart from the unprofessional leadership of his government and the numerous scandals that nearly resulted in his ending up in court, Netanyahu's foreign policy ideas are hardly inspiring. For example, his suggestion to enter the final status negotiations immediately was rejected, while his revival of the 'Allon Plus' plan on 4 June received little support. The media saw in this new evidence of Netanyahu's legendary slyness. In

particular, he suggested that Israel keep 'Greater Jerusalem', including the extended 1967 city boundaries that stretch to Bet El in the north, to Ma'aleh Adumim in the east, and to the Etzion bloc in the south; that the corridor between Jerusalem and Tel Aviv be extended beyond the borders of 1967; that the Jordan Valley be annexed including all existing and new settlements; and that a 15-kilometer-long 'security belt' parallel to the Green Line be extended eastwards in order to include all settlements located beyond the line. According to this plan, the Palestinians would regain only a maximum of 40 percent of the land. According to remarks made by the Security Minister, Avigdor Kahalani the Palestinians could have their own flag and national anthem, "but we are against a Palestinian army. Apart from this, they can have all their rights." The Palestinian side considered the plan an insult. Netanyahu was also strongly criticized by the right-nationalistic side. The most fanatic Likud member of the Knesset, Michael Kleiner accused the Prime Minister of 'betraying' the revisionist dream of Eretz Israel, and Foreign Minister David Levy publicly rebuked the plan on 6 June. His relationship with Netanyahu is known to be problematic because he was ignored with regard to the presidency of the Likud bloc.

Apart from this plan, the killing of Palestinian land brokers, most probably by Arafat's security services, contributed to the renewal of tensions between the Israelis and Palestinians. The Israeli Government accused Arafat of being responsible for the death of these people, who had helped Arafat to buy Palestinian properties. Allegedly, a list of 16 names existed. The PA denied any involvement in the killings. Minister of Justice Freih Abu Meddein had indirectly triggered the hunt for the land brokers when he announced publicly that whoever sold land to Jews should count on receiving the death sentence. In addition, the former Attorney General, Khaled Al-Qidrah had insisted on the right "to punish every convicted betrayer." However, no one had the right to take the law into his own hands. The tensions between Israel and the Palestinians also continued throughout July and August, and hundreds of Palestinians were injured in heavy clashes in Hebron and Jerusalem. The tensions increased further when Israeli security forces arrested three Palestinian policemen in Nablus and accused them of having planned an attack on a settlement. The government claimed the policemen - who had been searching for drug dealers - had confessed. The PA demanded the immediate transfer, in line with the Oslo Agreements, of the three men. The Security Committee's Palestinian representative, Khaled Tantash, rejected the accusations of Israel and claimed the Israelis were merely seeking to damage the image of the PA. When the Israeli Government accused the Palestinians of having violated the Oslo Agreements 22 times since the signing of the Hebron Protocol, Arafat in turn submitted a list of 30 promises that had not been kept by Israel.

Two suicide bombers blew themselves up on 31 July 1997 in the Mahane Yehuda market in Jerusalem, killing 16 people and wounding over 170. Two days prior to the attack, Netanyahu had boasted in a television interview that his concept of 'peace through security', which he had promised in the election campaign, had proven viable. This terror attack, for which the military wing of Hamas claimed responsibility, led to a drastic closure of the autonomous areas. While many Palestinian politicians condemned the attack, Arafat classified the military siege as "a declaration of war." Israel and the United States demanded from the PA the complete destruction of the "the infrastructure of terror" i.e., of Hamas and Islamic Jihad. All talks were suspended and the Israeli Government decided on 12 draconian measures, which included various sanctions. Nobody was allowed to leave the territories, and the Palestinians and their authority were left sitting in a cage. The economic, education and health systems, as well as all aspects of Palestinian life were paralyzed. Since the Israeli measures were devoid of any logic, they represent yet more water on the mills of the radical opposition to the peace process. Arafat was also in a bad position, his freedom of movement, as well as that of his security services having been restricted, which meant that he could not answer the call to fight the terror effectively. Apart from this, he was rather reluctant to arrest Hamas activists this time around because it was not clear whether the terrorists had come from the autonomous areas and he realized that his following an Israeli order would strengthen the radical forces.

Once again, the international media adopted the Israeli position, asking Arafat why he was not doing enough to curb the terror and whether he himself had perhaps given it the green light, whilst totally ignoring the Israeli omissions. Have not the repressive measures on the part of Israel increased since the Oslo process? Do the reasons of the terror not lie in the dehumanization, repression and daily humiliation of the Palestinian people? Is it possible that the expansion of settlements, the confiscation of land and the transformation of the Palestinian territories into isolated enclaves are features of a humanitarian policy? Has not the education in racism to which Israelis have been exposed contributed to the disparaging of Islam, providing fertile soil for extremism and terrorism? Netanyahu and the United States, from that point on, were prepared to talk to Arafat only about fighting terror and the security of Israel and it was never even suggested that Israel should share the responsibility for curbing the terror in its various forms.

Among the few who came to their senses was Nurit Elhanan-Peled, the mother of 14-year-old Smadar Elhanan-Peled who had been killed in one of the terrorist attacks. Smadar was the granddaughter of General Matti Peled, the president and founder of the Israeli Council for Israeli-Pales-

tinian Peace. Elhanan-Peled said on 7 September 1997 in *Ma'ariv*: "I still believe that my father was right. The latest bomb attacks are a direct result of the suppression, subjugation, and humiliation and the siege that Israel exercises *vis-à-vis* the Palestinians. Our government is guilty because it does its utmost to destroy the peace process, bringing us death and destruction. I do not blame the terrorists, for they are our creation. We have hurt almost every single Palestinian family, and they live in dirt and desperation. Those who commit suicide are our mirror." The columnist Haim Baram commented on her remarks as follows: "Many realize now, perhaps for the first time, that aggression is a double-edged sword, that terror and fear can affect all of us, Arabs and Israelis alike."<sup>44</sup> Ironically, it is indoctrinated in every Israeli from a very early age onwards that Arabs only understand the language of violence, as Baram outlined. This is also confirmed by a study conducted by Daniel Bartal of Tel Aviv University, according to which Arabs are portrayed in Israeli school textbooks as 'thieves' and 'murderers', of Jews in particular. The Israeli suppression can never justify the killing of innocent people but it a reason for such attacks. If peoples are pushed to the edge of desperation, they react unpredictably.

Netanyahu used the threat of security as a pretext in order to divert attention from his disastrous policy. He repeatedly announced that the main goal of the Oslo Agreement was to break the Palestine resistance. Later he admitted that he had given the Shin Bet a free hand to close down all religious and front organizations of Hamas in Zone B. When Arafat wanted to pay his condolences Netanyahu replied: "Fulfill your obligations. Don't tell me anything about feeling sorry." Arafat said: "I will increase the cooperation in security matters." Netanyahu replied: "First, you have to put your own house in order." Israel named 30 persons that were to be handed over by Arafat, adding to the list the names of an additional 150 Palestinians who it demanded be arrested. The American Secretary of State Madeleine Albright also received a list with persons that were to be arrested by Arafat. For the first time since the occupation began, even the Allenby Bridge to Jordan and the border crossing to Egypt were closed for one week. The pressure on Arafat was enormous, and he had no choice but to order the mass arrests.

The Near-East mission of Dennis Ross that began on 9 August drew attention to the security problem only in accordance with Israeli interests, which was exactly what Netanyahu wanted. Until 14 August, Ross made efforts, but in vain, to revive the negotiations. However, security after the Oslo Agreements is a bilateral matter, and the fact is, that the security of the Palestinians is not being guaranteed. The death of a ten-year-old Pal-

<sup>44</sup> Haim Baram, "A New Middle East", in: *MEI*, 12 September 1997, p. 5.

estinian for example, who was beaten to death by a settler, or the death of a petrol attendant on 12 August did not cause an outcry, neither locally nor abroad.

Arafat was pushed into a corner by Ross and Netanyahu to such an extent that he was internally weakened. In order to cover up this weakness, he is forced to conduct a dialogue with the opposition and to give martial speeches rather than deal with economic issues. The Americans ignore the fact that the peace process has to offer the Palestinians, not only the Israelis, some incentives. Instead of humiliating Arafat continuously, they should offer positive perspectives with which he can face the challenge of the opposition. The cooperation in security matters with Israel should also pay for the Palestinians.

The Near-East trip of Albright in September planned as a '*Deus ex machina*' trip was a complete failure, and she was forced to admit that one needs staying power in order to change things for the better. When she adopted the Israeli position, the Palestinians naturally regarded her as a 'dishonest agent'. She was supposed to have played a mediation role, clarifying to all the parties involved that security matters can only be dealt with bilaterally and that the deterioration of the security situation is a result of the demise in the political field. Albright also failed to tackle directly the unilateral measures such as settlement construction and land confiscation. Although she sometimes criticized both sides, her criticism of the Palestinians was connected with pressure in that she tried to push through her viewpoint. Completely incomprehensible was her speech at the Friends School in Ramallah where she told the Palestinians that her biggest enemies were Hamas and Islamic Jihad. Consequently, she left behind a large number of people who were very disappointed and very few supporters. One day after her departure, Jewish settlers occupied houses in the East Jerusalem neighborhood of Ras Al-Amud; Netanyahu had asked them to wait until after Albright's visit. The settlers were financially supported by the American Irving Moskowitz who set himself the goal of erecting Jewish housing units in the Arab part of Jerusalem. The Prime Minister negotiated with Moskowitz and reached the following compromise: ten settlers were allowed to stay in order to 'guard' the complex and to safeguard 'the right of possession'.

Arafat is useful for the interests of the United States in three ways: first, by leading the struggle against Hamas and similar organizations that could eventually threaten the stability of other states, particularly Saudi Arabia; secondly, by allowing the American and pro-American Arab regimes to do something for the struggle of the Palestinians while at the same time disregarding all other aspects that advance the *status quo*; and

thirdly, by maintaining the *status quo* amongst the Palestinians. Should Arafat fail in one of these goals, particularly the first one, the Americans will turn against him. The Americans would even accept a limited military conflict between Israel and the Palestinians if this would benefit their interests. Currently however, the PLO chief is interested in ensuring the stability of his regime in order not to lose the goodwill of the Americans.

One of the biggest political mistakes of Netanyahu was the order to have Hamas member Khaled Masha'al killed in Amman by Mossad agents on 25 September 1997. Although the assassination of undesirable Palestinians had always been part of the repertoire of the Israeli foreign secret service, this time, things were a little different; for the first time ever, Israeli agents were caught holding forged Canadian passports, which was adequate proof that the Israeli Government sends killers to other countries to liquidate undesirable persons. Masha'al was a regular member of Hamas who did not pose a threat to Israel. When the Israeli agents attempted to kill him by injecting him with poison, they were put to flight by a bodyguard and subsequently arrested by the police. King Hussein immediately intervened and demanded that Netanyahu provide the antidote. The Prime Minister reacted on the spot, being well aware of the damage that he had caused. He also fulfilled another demand of King Hussein, namely, to release the paralyzed Sheikh Ahmad Yassin who had been sitting in an Israeli prison for years and allow him to depart to Jordan, from where he returned to Gaza. In addition, it was agreed that Netanyahu would order the release of another 22 prisoners. Through this action of the Mossad, Netanyahu effectively slapped in the face Israel's only friend in the region. The King was so angry that he refused to meet Netanyahu, and eventually Yitzhak Mordechai and Ariel Sharon were obliged to visit him in order to offer apologies and limit the damage. However, in the long run, the relations between Israel and Jordan will not suffer from this incident; Jordan itself had provided the Mossad with a building in the center of Amman from where it could carry out its operations and it is clearly interested in the continuation of the Mossad's work, having a natural desire to protect its own interests. As for the Canadian Government, it felt diplomatically insulted by the act. Arafat received with Sheikh Yassin a political counterpart who will strengthen the position of Hamas, and for him, the release of Yassin, following the intervention of the King, was a bitter pill; at the same time as he was being obliged to follow Israel's orders and arrest Hamas members, the King succeeded in having the spiritual leader of the organization released.

How did the Israeli press deal with the unsuccessful assassination attempt? Did they condemn it as an act of state terrorism, or did they justify it? Israel Shahak writes that such questions were not even raised: "The

fact that Israel is a terrorist state is not new; ever since its foundation, it has used its secret service to kill people in other countries through violence and terror."<sup>45</sup> The Israeli secret service had acted in a similar manner with regard to Yahya Ayyash and Fathi Shikaki. The press did not discuss whether this act was an act of state terrorism but raised the questions of whether it had been an appropriate move, given the timing, and who was responsible for the failure. On 25 February 1998, a planned telephone tapping operation of Israeli Mossad agents in Switzerland was busted. Although the Israeli Prime Minister makes the final decision on any assignment of the Secret Service, Netanyahu was acquitted in the Masha'al case by the inquiry commission, and by mid-February he was announcing publicly that Israel continued to reserve the right to chase 'terrorists' in other states. It is extremely hard to understand why sovereign governments do not condemn this arrogant attitude and make it abundantly clear that Israel is not an exception to the rule and must stick to International Law and internationally accepted norms like any other country. On the question of why Netanyahu makes so many domestic political mistakes, such as the opening of the tunnel under Al-Aqsa Mosque, the occupation of the houses in Ras Al-Amud, the approval of the construction of 300 apartments in the Efrat settlement, the meeting between Sharon and Mahmoud Abbas, and the Masha'al affair, the answer of Ze'ev Shiff, military political commentator, in *Ha'aretz* of 21 November 1997 is that Netanyahu has an uneasy relationship with the security establishment.

Netanyahu had to struggle with domestic problems. At the same time, pressure on the part of the EU and to a lesser degree the United States made it clear to him that no one really agreed with his suggestion to enter the final status negotiations immediately. Consequently, after several days of internal cabinet deliberations he offered the Palestinians a redeployment plan that neither determined an exact schedule nor the scope of the territory in question. The suggestion was based on the 'Allon Plus Plan' as a final solution, which, according to Defense Minister Mordechai was in accordance with Israeli national and security interests. According to this plan, some 70 percent of the West Bank would remain under Israel's total control, while only a small area – concentrated around Nablus, Hebron and Jenin – would go to the Palestinians. At the end of 1997, Netanyahu along with Mordechai and Sharon undertook an inspection trip to the West Bank in order to decide which territory is non-negotiable for Israel, and in January 1998, it was decided that the border area along the Jordan River, a zone along the old border of 1967, the area of 'Greater Jerusalem' and the Jewish settlements are all a part of the 'national interest'.

<sup>45</sup> Israel Shahak, "The Real Significance of the Attempted Israeli Assassination of Masha'al in Jordan", in: *From the Hebrew Press*, IX (1997) 11, p.1.

Also deemed important were the military bases, Jewish historical sites, water resources, the power supply network, and – of greatest importance – the road system, including the bypass roads for the settlers. The Palestinians, however, rejected the new offer, and demanded 90 percent of the territory following the redeployment, a percentage that is not mentioned anywhere in the agreements. Madeleine Albright demanded from Israel a ‘credible’ second redeployment and a ‘time out’ on settlement construction.

According to David Bar Ilan, Netanyahu’s media advisor, the Palestinians had to “fulfill all components of the Hebron Protocol” before Israel would even think of re-deploying, which would involve the disarming of Hamas by Arafat, the handing over of “terrorist murderers” to Israel, and the complete elimination of certain articles from the PLO Charter. Although Netanyahu does not belong to the fanatical supporters of the ‘Greater Israel ideology’ nor to the representatives of the ‘not one centimeter of land approach’, he will use every available means to squeeze more concessions out of the Palestinians and further humiliate the PA before returning any more territory.

As the events and documents show, there was from the beginning of the Israeli-Palestinian peace processes no reason at all to hope for a sovereign Palestinian state. Nevertheless, some scientists and commentators still spread – and continue to spread – such a hope, and refer to critics of the agreements as ‘enemies of peace’. For example, Bassam Tibi accuses the Palestinian Professor of Literature Edward Said of publishing in the United States “pamphlets against the peace process” and of discrediting the Oslo Agreements.<sup>46</sup> Said, in an interview with the *Focus* of 24 February 1997, was right, as were many others, to call the peace process a “cynical idea” that does not offer “a clear vision for the future of both peoples.” In his publications, he refers to the one-sided nature of the agreements as well as the mistakes of the Palestinians.<sup>47</sup> Had Tibi read the agreements without prejudice, then he would not have written in 1997 a book from an ‘Arabic perspective’, i.e., from an ethnocentric viewpoint. Anyone who does not refer even once to the documents and who mixes the agreements up must be totally out of touch with reality. Indeed, even with the best of intentions, it is impossible, upon reading the Oslo documents, to come to conclusion that there is any reason to assume that they will one day result in the emergence of a Palestinian state. Even Mahmoud Abbas was aware of this. “We do not claim that we signed an

<sup>46</sup> See Bassam Tibi, *Pulverfaß Nahost. Eine arabische Perspektive*. Stuttgart, 1997, pp. 173, 213, 216.

<sup>47</sup> See Edward W. Said, *Peace and its Discontents. Gaza-Jericho 1993 to 1995*. London, 1995; German translation: *Frieden in Nahost? Essays über Israel und Palästina*. Preface by Felicia Langer. Heidelberg, 1997.

agreement that created an independent Palestinian state; none of the provisions in the Declaration of Principles make such a claim.”<sup>48</sup>

Bassam Tibi has always been among the euphoric supporters of the peace process. When he revised his position most recently, he made the same mistake as many others by blaming all the problems on Netanyahu alone.<sup>49</sup> The public had hardly criticized the ‘leftist’ government under the leadership of the Labor Party, as if then everything had been perfect and as if it had not pursued goals that were similar to those of the Likud coalition, albeit using different methods. Who then is responsible for the chaos in the autonomous-occupied territories? Who negotiated the agreements that have led to a ‘Bantustanization’ of the West Bank and Gaza Strip? Only if the entire political class of Israel says goodbye to conquest plans in the West Bank can the vision of a Palestinian state truly emerge. The ‘revisionists’ wanted the recreation of the ‘Biblical’ Israel while the Labor Party strove for more land for security ‘reasons’. Shimon Peres believes that the signing of the Hebron Protocol has eliminated the ideological gap between the two camps that had existed since the foundation of Israel. However, there is a difference between a limited colonization by the Labor Party and a total one as striven for by the nationalistic-religious Right.

Udo Steinbach asks what alternatives existed to the peace process.<sup>50</sup> The answer can only be that there was not only the option of either war of this kind of peace. The Israeli dictates that the Palestinians had to accept due to their weak position are documents of subjugation. Israel has not made any substantial concessions, and has always refused to name the goal of the process. Arafat, meanwhile, has constantly been humiliated publicly and ridiculed in the eyes of his people. He was not accused of collaboration without good reason. Uri Avnery recalls that the Israelis looked at the Palestinians during the negotiations “from the viewpoint of arrogant ‘masters’ (*Herrenmenschen*)” and see them “so to say as vermin crawling on the ground.”<sup>51</sup> As long as this master-slave attitude characterizes their relations, no confidence can be built.

Wolfgang Günther Lerch stresses the following: “First of all, it is important that both people accept each other from the inside. The Israelis... need to be keen to know who the Palestinians are, how they live, which values they have, what moves them inside, which feasts they celebrate and how

<sup>48</sup> Mahmoud Abbas (Abu Mazen), *Through Secret Channels*. Reading, 1995, p. 218.

<sup>49</sup> See Tibi, op.cit. (footnote 46), p. 293.

<sup>50</sup> See Udo Steinbach. “Das Gaza-Jericho Abkommen. Wegmarke im Friedensprozeß”, in: *Aus Politik und Zeitgeschichte*, B 21-22/94, p. 3-12.

<sup>51</sup> Uri Avnery, *Zwei Völker, Zwei Staaten. Gespräch über Israel und Palästina*. Preface by Rudolf Augstein. Heidelberg, 1995, p. 41.

they bury their dead and, *vice versa*, the Palestinians must feel the same."<sup>52</sup> Lerch emphasizes that both parties must ask themselves why, after almost five years of the peace process, there is hardly any sign of a 'new Near East' and why, instead, "the problem-laden violence-ready old one... repeatedly seeks a voice."<sup>53</sup> The conflict will only not end in a disaster if the Palestinians get an independent state that can exist on an equal footing side by side with Israel.<sup>54</sup> The Israelis certainly know this as well, but they partly still represent the viewpoint that they, having military superiority, do not need to make concessions *vis-à-vis* the Palestinians. Does this mean that the "entire so-called peace process in the Middle East is actually nothing else but a continuation of the conflict using other means," as Victor Kocher suggests?<sup>55</sup>

The supporters of the agreements insist that a new reality has been created. Uri Avnery brushes aside all doubts: "No matter what the mistakes of the agreements are, the dynamics of peace will surpass them."<sup>56</sup> Amnon Neustadt, meanwhile, declares that this process had nothing to do with trust, but with a calculated plan on the part of both sides to gain further advantages.<sup>57</sup> Such an argumentation underestimates the meaning of psychological factors, which have dominated the positions of both conflicting parties for over a century. If there was ever a positive dynamic to the peace process, then it had already started to flag under Rabin and Peres. The terror attacks of Hamas and Islamic Jihad have contributed to this, being water on the mills of the numerous peace enemies of the right-nationalist camp in Israel. The positions of the supporters of the peace process cannot convince its critics as long as what happens on the ground is exactly the opposite of what was agreed upon in the agreements. Or is what is happening perhaps in line with what is stipulated therein? In that case, the critics will have the more convincing arguments.

The more concessions the Palestinians made, the more they found themselves under Israel's control. Moshe Zuckermann speaks of the continuation of occupation with different means and about a "capitulation peace"<sup>58</sup>

<sup>52</sup> Wolfgang Günter Lerch, *Der lange Weg zum Frieden*, München, Berlin, 1996, p. 53.

<sup>53</sup> *Ibid.*, p. 43.

<sup>54</sup> See *ibid.*, p. 49.

<sup>55</sup> Victor Kocher, *Der neue Nahe Osten. Die arabische Welt im Friedensprozess*. Zürich, 1996, p. 169.

<sup>56</sup> Avnery, *op.cit.*, (footnote 51), p. 29.

<sup>57</sup> See Amnon Neustadt, "Israel und die Normalität des Friedens. Ein schwieriger Anpassungsprozess", in: *Frieden im Nahen Osten? Chancen, Gefahren, Perspektiven*. Ed. by Angelika Volle and Werner Weidenfeld. Bonn, 1997, p. 42f.

<sup>58</sup> See "Mit Schuldgefühlen ist gar nichts getan" Ludwig Watzal im Gespräch mit Moshe Zuckermann", in: *Universitas*, 52 (1997) 616, p. 967; see for a shorter version: "Israel kann sich nicht verbarrikadieren", in: *Frankfurter Rundschau*, 17 October 1997.

Even in 1994, I remarked as follows: "Criticism of the agreement is more than justified... Israel has not sacrificed one single essential thing but nevertheless received everything from the Palestinians... the advantages of the agreement for Israel lie in the fact that it has gotten rid of the awkward sides of the occupation of the Gaza Strip without paying an adequate price. Amongst the Western public, an impression was created that the Israeli occupation troops had withdrawn. However, this is not the case. In the Gaza Strip, a situation was created that reminds one of the times of classical colonialism. Israel as the occupying power rules and controls over 850,000 Palestinians through a small Palestinian elite. The English also practiced this 'indirect rule' in their colonies... the autonomy model of Gaza is also the model for the West Bank. The handshake of Washington thus symbolizes the surrender of sovereignty for all times."<sup>59</sup>

Ghassan Salamé justifiably asks the following: "Why do the Israelis reject a 'peace' that they want to force upon their neighbors?"<sup>60</sup> All Arab states consider that the establishment of an independent Palestinian state within the borders of 1967 would be to Israel's advantage. For example, Israel would keep more than 70 percent of the Palestinian mandatory area, while the Palestinian sovereignty would be of an extremely limited nature. With Netanyahu and his Likud majority in the Knesset, a permanent solution has entered the realm of pure utopia.

Arafat himself repeatedly declares that the changed situation in the world did not leave him any alternative. The Palestinians had approved the new power constellation in the Near East, which is symbolized by the Israeli-American axis. Although this is a weighty argument, it should not be forgotten that the significance of the PLO slowly but gradually diminished following its unholy alliance with Saddam Hussein. The support of Saddam had disastrous consequences for the PLO, with the Arab countries, primarily Kuwait and Saudi Arabia, stopping transfer payments. The influence of the PLO in the occupied territories diminished, while Hamas and other Islamic groups increasingly won power; had Arafat not grabbed the rescuing straw that was passed to him with the Oslo Agreement, he would have been finished. The personal ambitions of a politician should also not be underestimated. Being well aware of his age and the condition of his health, Arafat was faced with the question of whether he wanted to go down in history as a 'terrorist' or as 'President of Palestine'. Since he decided upon the latter, he has to accept all Israeli demands. The PLO wanted to gain time in order to reorganize its strength and its forces, and

<sup>59</sup> Ludwig Watzal, "Homelands im Nahen Osten?", in: *Lutherische Monatshefte* (1994), 12, p. 8f.

<sup>60</sup> Ghassan Salamé, "Zwischen Hoffnung und Tragik. Perspektiven für den Nahost-Friedensprozess", in: A. Volle/W. Weidenfeld, *op.cit.* (footnote 57), p. 154.

it put all its hopes in the Oslo Agreements, failing to see that these agreements actually placed obstacles on the path to an independent state.

Edward Said explained the behavior of the Palestinians as follows: as long as the peace process guaranteed the meaning of the PLO and its leadership, everything seemed to continue more or less as before. However, if one is outwitted and tricked by Israel, sees oneself as having no choices, but continues, one must legitimize oneself *vis-a-vis* one's people using misleading speeches and utopian promises. One also, of course, surrounds oneself with people who are willing to say what one wants to hear. Arafat had to make more and more concessions hoping that either he would one day not have to make any more or that he would receive concessions from Israel in return. He who considers politics a dirty business should continue to deal with the Israelis according to the motto: They have received all advantages but some economic deals are also beneficial for us.<sup>61</sup>

The Arab brother states had so far only supported the Palestinians rhetorically. Arafat knew that this would not change and the Palestinians for the first time took their fate in their own hands, having come to terms with the fact that they could not expect any help from Jordan, Syria or Lebanon. In particular, the Syrian President Hafez Al-Assad has until today not forgiven Arafat because after the peace treaty between Israel and Jordan of 26 October 1994 in Ein Avrona, he was isolated for some time. Assad showed great foresight because the agreements between the PLO and Jordan turned increasingly to the sole advantage of Israel, which is what he had predicted would happen from the very beginning. Arafat's isolation and dependence on Egypt, Jordan and Israel is greater than ever before. His repeated attempts to remind the sponsors of the agreements, the United States and Russia, of their duties have so far failed to bring results. The United States is no 'honest broker' in this conflict, and Russia has not returned to its former global role as a world superpower.

During the Oslo negotiations, the Palestinians always considered themselves an independent party. The United States promoted this self-deception and enticed the PLO to the negotiation table, but whilst demanding that it pay a very high price. Not one of the UN resolutions dealing with the State, the land or the Palestinians was considered. Even Resolution 181 of the UN General Assembly on which the claim to a state of the Palestinian National Council was based was left out. Only Resolutions 242 and 338, which referred to the general Arab-Israeli conflict, were included.

---

<sup>61</sup> See Edward W. Said, "The Real Meaning of the Hebron Protocol", in: *JPS*, XXVI (Spring 1997) 3, p. 34.

After the 'child fell in the well', the Palestinian leadership made an effort to limit the damage. It tended to equate the DoP of Oslo with the Balfour Declaration, although the Oslo declaration does not mention a 'national homestead' for the Palestinians. Perhaps the politicians really believe they can put the questions of independence, self-determination and return on the agenda in the permanent status negotiations through the creation of new facts, but they have failed to understand the Israeli negotiation strategy. Even in the talks with Syria, the Israelis repeatedly invented new positions and goals in order to divert attention from the actual questions under dispute.

## 5. The Wye River Memorandum of 23 October 1998

The Wye River Memorandum of 23 October 1998 is very much along the lines of the previous agreements. It is not a 'breakthrough' in the Israeli-Palestinian peace process, but rather implies yet another capitulation of the Palestinians in their struggle for their legitimate rights. This Memorandum lays the foundation for a CIA-state. The autonomous areas are mutating into a South-American Banana Republic, in which the CIA determines any political movement. The 'land for peace' formula was reinterpreted into 'land for security'. Soon after the signing ceremony, just upon Netanyahu's return to Israel, it became clear which kind of difficulties the Israeli Government would face. Even following Bill Clinton's visit to Israel and the autonomous areas it appears to be clear that the Wye Memorandum will never be fully implemented. Why should Israel now fulfil its obligations, considering that it got away, either entirely or almost, with not keeping all the other promises of previous agreements?

What was agreed upon in the Wye River Memorandum? In principle, it contains nothing new and deals with all the items that have already been agreed upon in the Interim Agreement of 28 September 1995. The focus is on security-related issues, which are emphasized at the expense of democracy and human rights. Here, the CIA and the Shin Bet dictate which path the Palestinian secret services must take. It foresees the taking of measures that prevent all terrorist or criminal actions against the other side. A security plan drafted by the Palestinians shall guarantee – in cooperation with the United States – the systematic fight against terrorism and terrorist organizations, for which purpose an American-Palestinian Committee was formed. The Palestinians are forced to arrest and sentence persons that are suspected of being involved in any violent act. They further have to confiscate all illegal weapons – again in cooperation with the United

States. Moreover, the PA is obliged to issue decrees that prohibit all forms of incitement to violence and terror in a similar manner as was common in the territories controlled by Israel. A Tripartite Committee shall control possible cases of incitement, and a similar committee is there to coordinate the fight against militant elements.

Besides the notes on security, the Memorandum deals with the further redeployment of Israeli troops, which is to be executed in three stages and be concluded within 12 weeks at the latest. If this redeployment is ever completed, the Palestinians will be in sole control of 18.2 percent (Zone A), while there will be shared control in 21.8 percent (Zone B). Arafat eventually agreed to the Israeli demand that three percent of the territory to be transferred would be declared a 'green zone', i.e., an area where Palestinians are not allowed to build and where Israel has the say in all matters pertaining to security. Thus, another territorial mushroom cloud was created, which could be activated at any time during the final phase of the negotiations. If it ever comes to an agreement in the final status negotiations, the Palestinians will end up with 21.8 percent of Zone B under their sole control, in addition to a maximum of five percent from the Israeli-controlled Zone C. A 'sovereign' Palestinian state will then consist of between 40 and 45 percent of the occupied territory. According to *Ha'aretz*, this is a 'compromise' that Arafat and the United States will agree upon.

The Memorandum further stipulates that the PLO Charter must be amended yet another time. This happened on 14 December 1998 in the presence of the American President, during his first ever visit to the autonomous areas. The visit was not a sign of American recognition nor does it have any meaning in terms of International Law, so the Palestinians should not expect too much from this rather symbolic gesture. Clinton is not in a position to pressure Netanyahu or even Ehud Barak. Shortly after the victory of Barak, Dennis Ross made it clear that the American focus would shift from 'support' of the Palestinian side back to the Israelis now that Netanyahu had lost the elections.

Another chapter of the Memorandum deals with economic questions such as the opening of an industrial zone and the airport in Gaza and the construction of a seaport as well as the establishment of safe passages between the Gaza Strip and the West Bank. The numerous committees that were established as part of the Interim Agreement were to be revived. Both sides agreed to resume the final status talks immediately and that neither side should undertake unilateral measures that would change the *status quo* of the territories.<sup>62</sup> However, this has been repeatedly agreed upon

<sup>62</sup> See The Wye River Memorandum of 23 October 1998 at: <http://www.israel-mfa.gov.il>.

and laid down in previous agreements, but Israel has never kept to its commitments and has continued to expand settlements and even build new ones. Attached to the Memorandum is a timetable, which, however - just like all the previous ones - was not adhered to. As Yitzhak Rabin put it: there are no sacred dates.

The Wye River Memorandum is anything but a success for the Palestinians. The winners were clearly Netanyahu and Ariel Sharon, who succeeded in pushing through Israel's security obsession and the principle of 'mutuality/reciprocity' in the agreement. Both terms can be used arbitrarily, cannot be fulfilled, and only apply to the Palestinians. Why does the principle of 'mutuality/reciprocity' not apply to the extremist settlers? Why do they not need to be disarmed? Do they not terrorize the Palestinian population with their weapons? Arafat's dilemma is that he has already exceeded the point of no return; he is completely dependent on the 'goodwill' of Netanyahu and his extremist supporters. The Memorandum stops just short of representing a total capitulation of Arafat. The PLO Chairman repeatedly called Netanyahu 'his partner', thereby mocking not only the goals that the PLO has always striven for, but also himself. The former freedom fighter calls the suppressor of the Palestinian people a 'partner'! The presence of Jordan's King Hussein at Wye and at the signing ceremony demonstrated that Jordan has become part of the Israeli-Turkish alliance that is directed against Arab states and Iran. Arafat, too, has become an 'ally'.

The Wye Memorandum does not say a word about the Har Homa settlement, or the illegality of the settlements, nor about East Jerusalem as the capital of a future Palestinian state or about the refugees, who make up some 60 percent of the Palestinian population. Also left unmentioned is the issue of the control of water and the right to self-determination. All rights are valid only for the Israelis, but not the Palestinians. Netanyahu succeeded in obtaining over US\$500 million as compensation for the 'withdrawal'. Until now, the Israelis have failed to return more than two percent of the land, and they are busy connecting every settlement with bypass roads in order to make it impossible to return additional territory. These bypass roads are partly financed by the American taxpayer, i.e., the American people contribute to the perpetuation of the occupation and the violation of International Law! The return of some five percent of the area around Ramallah is not realizable due to the Israeli 'parceling out'. The Palestinians do not even possess proper maps and do not know exactly from which spots the troops are to re-deploy. Israel unilaterally decides which areas are relevant for security reasons and which are not. In addition, the release of 3,000 prisoners did not take place, and those prisoners who were released were common criminals rather than political prisoners. Israel constantly refuses to release prisoners with 'blood on

their hands.' What, then, about the hands of Ariel Sharon and Raphael Eitan, who bear the responsibility for the massacre of Sabra and Shatila and the invasion of Lebanon?

Behind formulations such as 'incitement' and the dissolution of the 'terror support structure', the true goal of the Wye Memorandum is hidden; namely, to destroy any civil or religious opposition. Israel and the United States interpret any criticism of the Oslo process and themselves as incitement that must be stopped by the PA. This demand targets not only the militants, but also critical journalists and intellectuals; the internal opposition shall be silenced and made to comply. The ink on the document was not yet dry when Arafat's secret services arrested ten Palestinians - including journalists and members of Arafat's Fatah movement - one of whom was killed. This could be seen as a deliberate attempt on the part of Israel to demonstrate before the eyes of the world that the Palestinians are unable to establish a democracy. In turn, Israel, as a democratic state will shine even brighter.

During the Clinton visit, the Palestinians had to undergo a humiliating ritual and amend their national charter according to Netanyahu's ideas. With this act, part of the Palestinian identity was buried and the historical claim of Zionism acknowledged. Thus, history, in large parts, has been given a new meaning - to the disadvantage of the Palestinians.

Clinton led a second festive opening ceremony for the airport, which, however, does not open the gate to the world for the Palestinians, since it is still Israel that controls departure and entry. The Israeli security forces do not appear publicly, but control 'invisibly' all the flights and all human movement. The Palestinians still need Israeli approval in order to depart or enter the Palestinian territories, and it is still the Israelis who check them at the Rafah border. This is a part of their newly gained 'sovereignty'.

The domestic haggling between Netanyahu and his extremist coalition partners shows that the implementation of the Wye Memorandum in the signed form will not be possible. The great show over the Cabinet and Knesset approval was suitable for cabaret. The Israelis deliberately refrained from calling the Memorandum an agreement, because the latter requires acceptance whilst the former does not. It is not an agreement according to International Law, but merely underlines once again the already signed agreements. As soon as Netanyahu returned from the United States, his extremist partners cornered him and he was forced to give in to their radical demands, because his existence as Prime Minister depends on them. They called him a 'betrayor', displayed pictures of him wearing a *keffiyah* and threatened to kill him. Even Sharon's statement that "This was the best agreement attainable" could not calm the anger of the ex-

tremists. A few weeks before, Sharon had still warned that to return more than nine percent of the land would be endangering Israel's security.

What kind of future for the Palestinians does the Labor Party envision? Until today, Arafat and his 'Tunisians' tend to spread the notion that with the Labor Party, everything was different, better and more just. This is self-deception at the best. The representatives of the Labor Party are no better than the right wing in Israel as far as the return of territory is concerned. From Barak, the Palestinians would still not receive more than a maximal 45 to 50 percent of the occupied territories. The Wye Memorandum is thus a big victory of the Zionist 'doves' that advocate a 'security-based nationalism'. Part of the Likud joined the ranks of this nationalism in Wye and turned its back on the 'Eretz Israel ideology'. When Netanyahu accused the Labor Party during a debate in the Knesset of planning to return 90 percent of the territory to the Palestinians, Labor's Haim Ramon jumped from his seat and replied angrily: "Everyone knows that our plan consists of returning 50 percent only." The Chairman of the Labor Party, Ehud Barak, boasted in a television interview as follows: "Labor could have achieved a much better agreement." When asked whether he would have given back less territory he answered: "Not less territory, but we would have done it more wisely, i.e., we would have 'fixed' them more cleverly." Here, the deceptive nature of the Labor politicians is being revealed. For the Western media they appear as the 'liberals', but as a matter of fact, they pursue the very same policy as the extreme right, the difference being that they manage to hide their nationalistic claims behind a liberal facade. For Arafat it was much easier under the Labor government to sell the total capitulation to his people. Shimon Peres, unlike Netanyahu, extended an aura of cooperation and he was not regarded as trying to dictate every outcome. Nevertheless, even Peres has always been against the establishment of a Palestinian state.

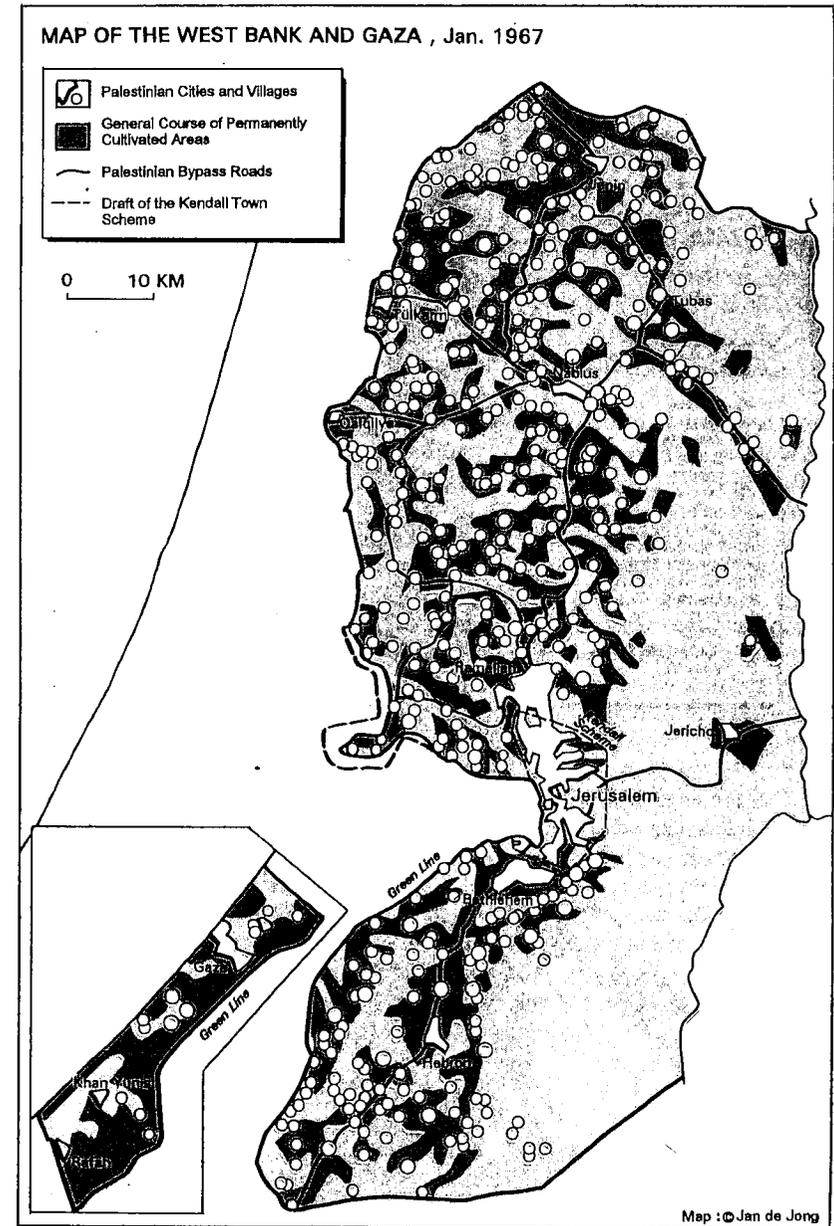
Is there any way out for the Palestinians? Arafat must proclaim as soon as possible the State of Palestine within the borders of 1967 and try to gain the recognition of the West. Any further delay would give Israel the opportunity to illegally confiscate more land for settlements and bypass roads. The remaining territory would be further divided and there would be no possibility of Arafat ending up with anything but disconnected enclaves. On the basis of International Law, the PA is entitled to an independent state; all the necessary criteria exist. However, to ensure the success of the proclamation the Palestinians will have to make intensive diplomatic preparations. Only new elections in Israel could prevent the proclamation of an independent state, bearing in mind that the lipservice of the West will not guarantee the establishment of an independent Palestinian state.

## 6. The Territorial Reality of the Peace Process

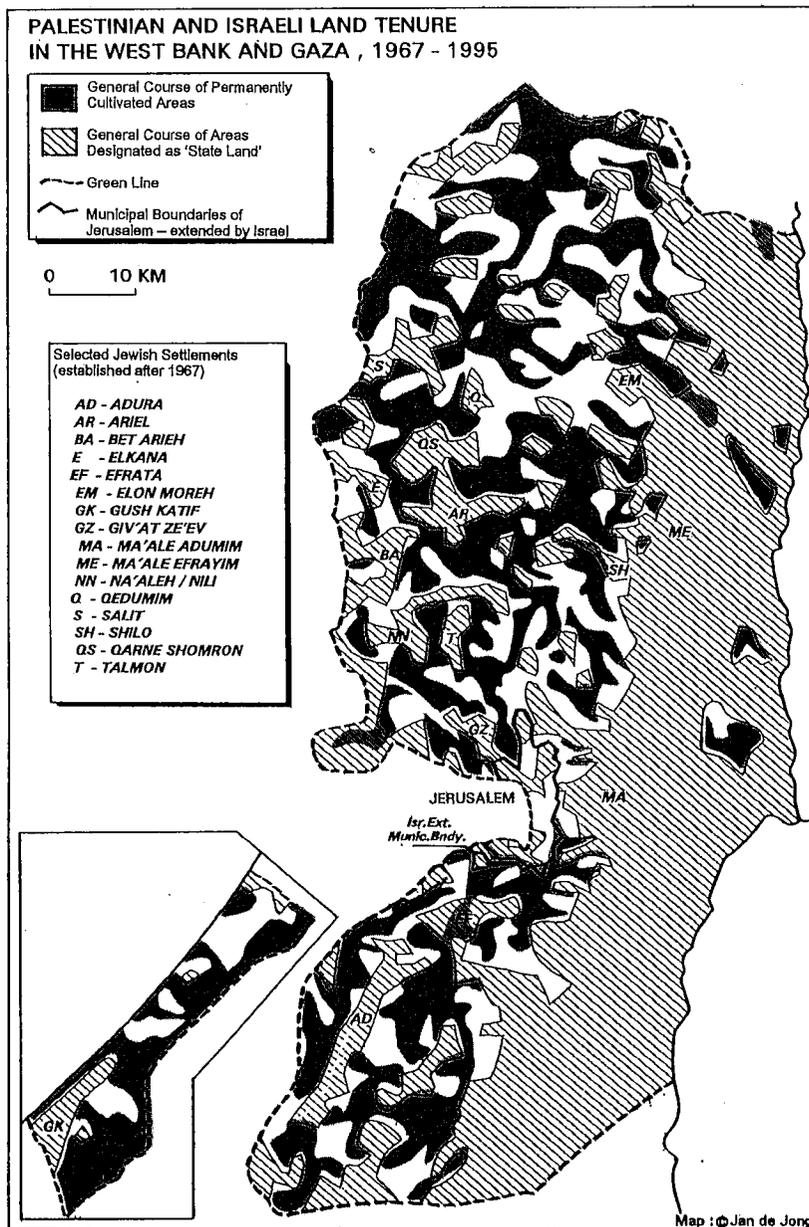
The implementation of the Oslo Agreements shows the entire scope of the catastrophe of the peace process for the Palestinians. The maps described below demonstrate what is almost never talked about or discussed in Germany. The question of what remains from the occupied territory has pre-occupied the Palestinians for over 31 years. At the moment, it has taken a dramatic turn because the people have begun to realize that the land is vanishing like a *Fata Morgana*, although Palestinians are still living there. The starting point of the following analysis shall be a map from the time before the Six-Day War, when the West Bank was still under Jordanian sovereignty and the Gaza Strip under Egyptian administration.

Map 3 documents the official Palestinian position as reflected in Resolution 242. It shows two lines: first, the Green Line, which separates the West Bank including East Jerusalem from Israel; and second, the so-called Kendall-Line, marking the border of Arab East Jerusalem and serving as a useful tool in planning for the urgently needed urban center for the West Bank. Both lines are important components of the West Bank and Gaza's ability to exist as an independent Palestinian state entity. They are also a precondition for the unhampered development of Palestinian agriculture, which, of course, depends on sufficient water resources. Without access to the water from the Jordan River and the ground water reserves, to achieve agricultural independence will remain impossible. Taking into consideration the doubling of the population within the next 15 years, such a development is a must. The map further shows the most densely populated regions, the area of which equals, approximately, the area of land that is usable for agriculture. Finally, one can recognize the roads system, which connects the populated areas and which concentrates in East Jerusalem, the economic and cultural center of the Palestinians.

Map 4 shows the development of approximately 30 years. The Green Line is not seen any longer as a border between two sovereign units, but as what Israel refers to as the 'administered territories'. A clear change is the annexation of East Jerusalem to Israeli sovereign territory. In the course of the occupation, Israel, using military or civil legislation, has taken the striped areas that make up 50 to 60 percent of the West Bank as State Land. Because of the absence of an Arab administration, and the resulting Palestinian inability to act in questions of economic development, it was relatively easy for Israel to sell this kind of expropriation to the public. The Palestinian residential and settlement areas became increasingly isolated and disconnected. Map 4 shows clearly the "tangible conflict between the Israeli drive to establish its sovereign hold over all the country and the



Map 3



Map 4

Palestinian need to restore Arab sovereignty in order to develop the natural resources potential of the West Bank and Gaza.<sup>63</sup> The development that is reflected in Maps 1-4 forms the basis for the four autonomy concepts for Palestine being discussed by Israel and which will now be presented.

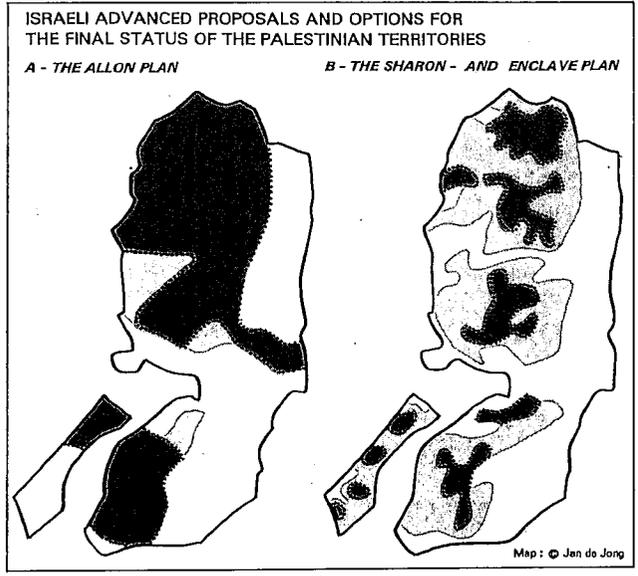
Plan A shows the well-known Allon Plan named after the former Minister of Labor, Yigal Allon. The plan foresees the return of the largest part of the territories under Jordanian sovereignty with the exception of the Jordan Valley, 'Greater Jerusalem', and the southern half of the Gaza Strip. This plan is along the lines of the settlement policy of the various Labor Party governments, although it has never been officially accepted. With this plan, Israel wanted to secure the central area of the territory, but essentially not to have anything to do with the population.

Plan B seems to have the least support among the Israeli elite. It was proposed by the former general and Minister of Defense, Ariel Sharon, who bears the responsibility for the Lebanon invasion of 1982, and who today is the Minister of Infrastructure. He drafted a settlement plan for the colonization of the occupied territories<sup>64</sup>; the Palestinians would keep four larger enclaves concentrated around the cities of Nablus, Ramallah, Hebron and Gaza, while 90 percent of the Jewish settlers would be integrated within the territory of the State of Israel. Sharon's plan foresees a further separation between Israelis and the densely populated Palestinian centers. One should not exclude the possibility of Sharon succeeding with his ideas, as was confirmed by the redeployment plan decided upon by the Israeli Cabinet in mid-January 1998.

Plan C was drafted by the Jaffee Center for Strategic Studies under its former director, Joseph Alpher. This plan, however, has no chance of being realized, because the political development has already proceeded further than that stipulated in the plan. According to the plan, some 89 percent of the territories would fall under Palestinian sovereignty and document Israel's readiness to compromise. However, East Jerusalem in its entirety, as well as the settlement blocs of Ma'ale Adumim, Giv'on, Etzion and Shomron - territories of central meaning for the Palestinians - would not be included.

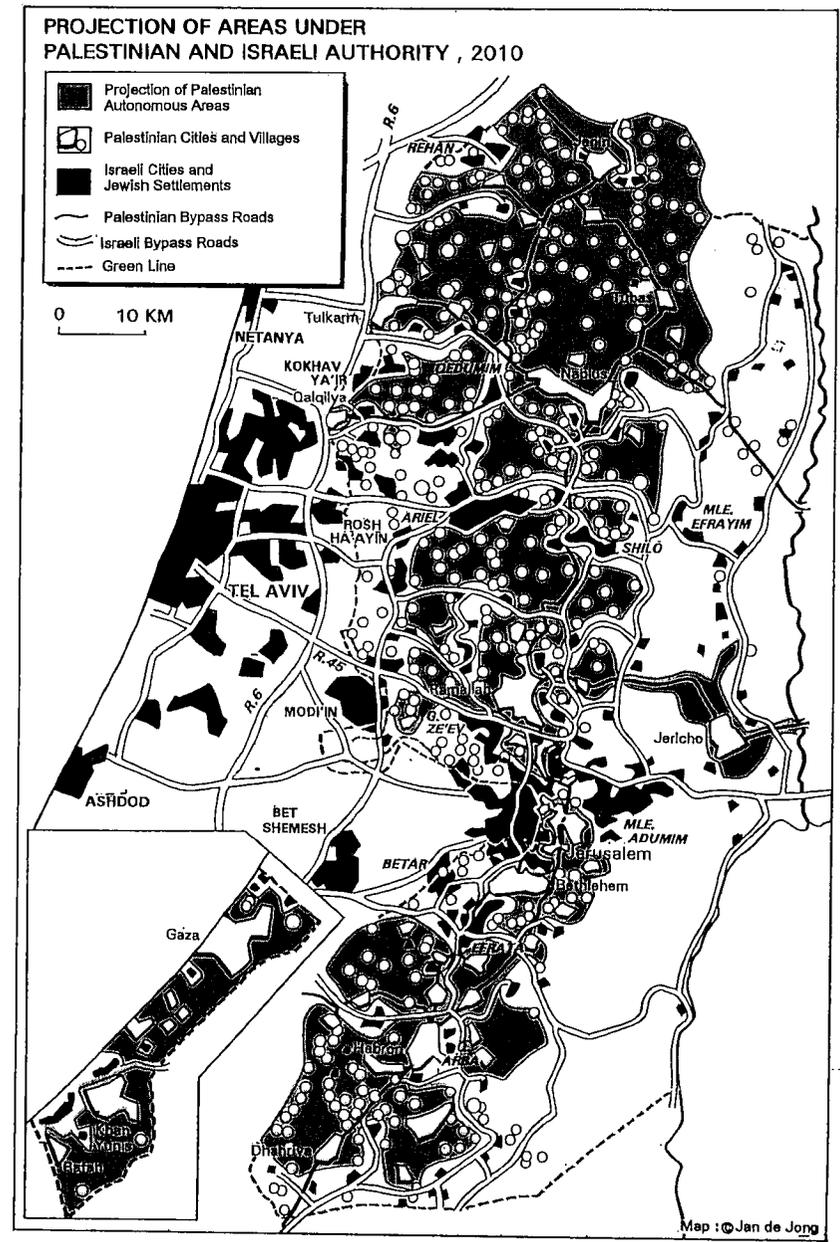
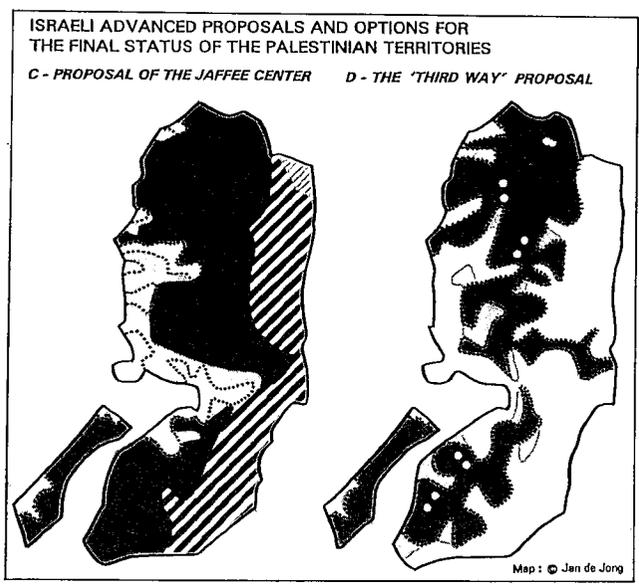
<sup>63</sup> Jan De Jong, "Palestine after Oslo: Borderlines between Sovereignty and Dependency", in: *Beyond Rhetoric: Perspectives on a Negotiated Settlement in Palestine, Part Two*, ed. by The Center for Policy Analysis on Palestine, Washington, DC, 1996, p. 8.

<sup>64</sup> For Sharon's settlement plans see Assaf Adiv/Michal Schwartz, *Sharon's Star Wars: Israel's Seven Star Settlement Plan*. Jerusalem 1992.



Map 5

Map 6



Map 7

Plan D claims to offer a real compromise between Israeli security and development interests and the ideas of the Palestinians. The ideas of the Third Way Party, a Labor Party splinter group, which has spoken out in favor of a return of the Golan, might represent the greatest possible area of agreement in Israel. One of the advantages of this plan is that it guarantees 'relative continuity' between the area inhabited by the Palestinians and the 'Jewish neighbors'. Inspired by the Allon and the enclave plans, this plan wanted to further limit the Arab residential areas, but at the same time remove them from direct Israeli administrative control. With the exception of the Old City of Jerusalem, East Jerusalem was to be put under the autonomous administration of the Palestinians. Besides this, a rural road was foreseen to connect the north with the south of the West Bank as well as Jericho and the autonomous areas with Jordan. It is useful to put Plan D in a larger context in order to gain a better understanding of what the Palestinian territories will look like in the future. It is worth noting in this respect that the ideas of the Labor Party are only slightly different to those of the Likud bloc.

Map 7 gives an outlook until the year 2010. As can be seen from this map, the Palestinian territories are disintegrating into different cantons. The first one, in the north, centers around the city of Nablus, followed by three smaller ones in the center around the cities of Ramallah, Bethlehem and Jericho, and a southern canton around the city of Hebron. These cantons could be connected to Gaza and Rafah through a narrow corridor; however, other areas with important resources would be cut off from them. Such areas include agricultural land, land for construction purposes, and water resources. This fragmentation would be to the particular disadvantage of East Jerusalem and the Gaza Strip because both regions have the potential to become a metropolis from which commerce could be conducted and industrial produce be exported. The example of the Jerusalem district illustrates this well: originally, the district made up one third of the West Bank. According to existing plans it would be divided into three fragments and comprise not more than 30 percent of the original area. Through the expansion of Jewish settlements and the construction of bypass roads the Palestinian cantons would be further fragmented and cut into pieces. Due to the Israeli expansion, the land for the Palestinians between the Mediterranean Sea and the Jordan River undergoes a further shrinkage.

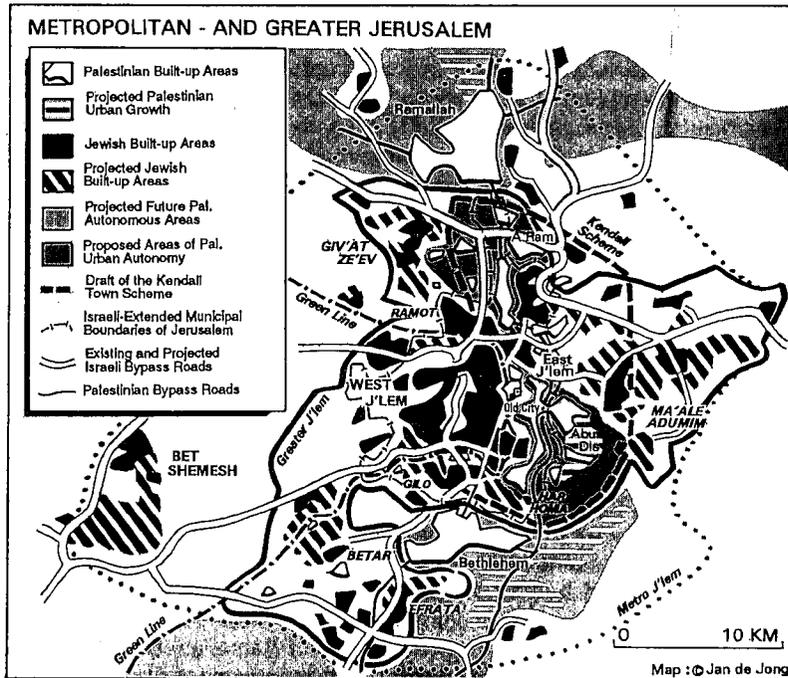
Clearly visible on the map is the metropolitan core of the region, which stretches from Ashdod in the south to Netanya in the north and from there eastwards to Nablus and down until Efrat in the south of the West Bank. Tel Aviv and Jerusalem form the economic backbone and the gate to the hinterland. This 60-square-kilometer area is of central significance for

both Israelis and Palestinians. It is currently under huge pressure to expand, in order to absorb the population growth projected by Israel for the year 2010 of an additional two million people. So far, metropolitan life has been concentrated in Tel Aviv and on the coast, but the settlements of Bet Shemesh, Modi'in and Rosh Ha'ayin could expand into the West Bank, the hinterland. In addition, a new road, Road No. 6, is being constructed from the south to the north. The roads system that connects the settlements and the military bases would secure the control over the Palestinians, even after a further redeployment.

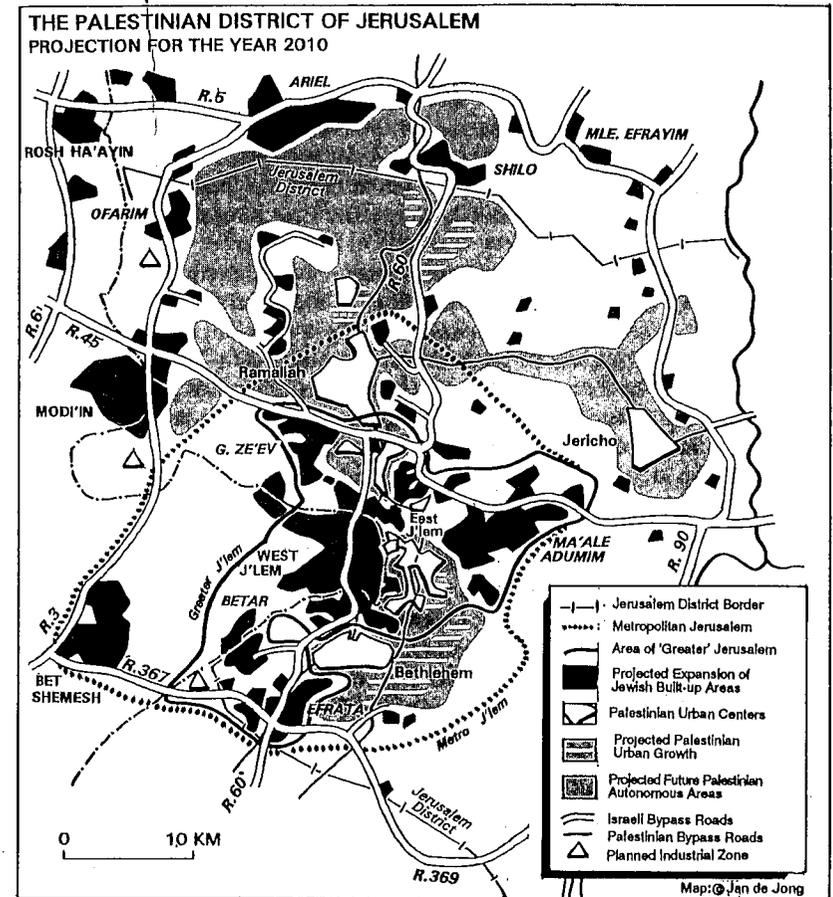
Based on the assumption that Israel will try to keep as many settlements under its direct control as possible, only some ten percent of the settlements in isolated locations will remain, with no more than 7,000 settlers living there. These would live under Palestinian autonomy authority. What is surprising about Netanyahu's 'Allon-Plus' Plan is that the extremist settlements of Kiryat Arba and those in Hebron are excluded from the annexation. Some 95 percent of the Palestinian population are concentrated in approximately 35 percent of the West Bank, and the most the Palestinians can expect is a maximum of 40-50 percent of the West Bank territory as autonomous areas. What effect would such planning have on East Jerusalem, which Israel considers sovereign territory?

The Palestinian district of Jerusalem consists of Ramallah, Bethlehem and the Jericho area. It is this large district that those responsible for drafting the Israeli plan for a 'Greater Jerusalem', drafted by an inter-ministerial committee following the signing of the Oslo Accord in 1994, sought to secure. The document has not yet been published but is already being implemented, i.e., to realize the plan to keep 'Greater Jerusalem' under permanent Israeli control.

As can be seen in the lower left-hand section of Map 9, Road No. 367 from Bet Shemesh meets Road No. 369 near Efrat. Both roads demarcate the 'Trans-Judea' corridor of settlements that has emerged around the Etzion bloc. Road No. 3 (in the west) and Road No. 90 (in the east) together with Road No. 5 in the north form an external ring around the 'Trans-Samaria' corridor of settlements. An inner road system, dominated by Road No. 60, which leads around Ramallah and Bethlehem and links Kiryat Arba (not on the map) in the south and Efrat with Shilo and Ariel in the north, further divides the Palestinian areas. The second inner settlement belt is marked by Road No. 45, which is considered as a future lifeline. What will be the consequences of these plans?



Map 8



Map 9

First, 'Greater Jerusalem' will be connected with the rest of the Israeli settlements. Thus, it will be removed from its isolation and turned into the center of the country, thereby contributing further to the demographic and economic marginalization of the Palestinians. The development plan shows two trends with diametric effects for Jewish and Palestinian growth in the city. It takes some of the pressure off Tel Aviv and directs it to Jerusalem at the expense of the Palestinians, for whom only one 'easing possibility' remains, that is, along Road No. 60, away from East Jerusalem.

This development will also have consequences for the Palestinians in demographic terms. The Palestinian population in the Jerusalem district will double by the year 2010. At the same time, there are plans to increase the number of Jewish settlers in East Jerusalem to 800,000. This population development can be looked at from two angles: from the perspective of the West Bank, the Palestinian share in the district would be reduced to 60 percent of the total population, which in turn would concentrate in 30 percent of the area. Looking at the population development of the entire territory, which is to remain Israeli (including the settlements of Bet Shemesh, Modi'in, Rosh Ha'ayin and West Jerusalem), the Jewish population in the Jerusalem district would increase to 1.6 million, equivalent to a Jewish population majority of 60 percent. There is no need to emphasize that such a development would not allow an independent Palestinian economy to evolve. The fact that the planned industrial parks will be located at the furthest edge of the area near the settlements of Ofarim, Modi'in and Betar will only add to the inefficiency of the Palestinian economy.

Finally, one should have a look at the development of East Jerusalem. Map 8 shows the actual and the projected growth of the city, including the roads system. It also shows how the future prospects of the Palestinians are being destroyed and how an attempt is being made to isolate East Jerusalem from the other Arab cities. The Old City of Jerusalem with its immediate environs serves as a starting point. The area marked by the dotted line represents metropolitan Jerusalem, as opposed to 'Greater Jerusalem', which is primarily Jewish territory. Independent Palestinian urban development was impeded by considerable expansion of the city boundaries after 1967 and the *de facto* annexation of East Jerusalem, which was only 'legalized' by a law in 1980. The next step was the expropriation of one third of the newly added territory for 'public purposes', i.e., the construction of the settlements of Ramot and Neve Ya'acov. Furthermore, an adjacent area was declared 'reserved open territory', which meant that it, also, could not be used by the Palestinians. Concretely, only less than 15 percent of East Jerusalem remained, with dramatic consequences for the current housing shortage. This could result in a reduction of the natural population growth in the region.

Although the Judaization of East Jerusalem is being pursued at full speed, the Israeli side can never be completely sure of whether East Jerusalem will continue to belong to Israel in the future. Therefore, the settlement blocs around the city are of crucial significance. Currently the belt is being closed with the new settlement of Har Homa, and efforts are being made to bring an additional 120,000 settlers to East Jerusalem, which would increase their total number to 300,000. Parallel to this there are attempts to re-direct the growing Palestinian population from East Jerusalem to the suburbs.<sup>65</sup> In addition, there is a silent form of 'ethnic cleansing' under way, whereby the ID cards and thus the residency rights of Palestinian East Jerusalemites are being revoked.

The prospects for Palestinian sovereignty over the eastern part of the city are likely to diminish even further. If there should be any possibility for Palestinians to influence development, then it will only come in the form of a very limited autonomy, just as the one that has evolved in the West Bank and Gaza Strip.

The following chapter will demonstrate the way in which the Israeli policy tries to deny the Palestinians their right to an independent state. Presumably, such a policy is colliding with the human rights of a people that have been forced for the past 31 years to live under occupation. Although there is a development in the region called the 'peace process', it has nothing to do with 'peace' in the true sense of the word. This process has led only to the emergence of a Palestinian administration that cares little about the rights of its own people. The PA is obliged to implement the security agenda that has been forced upon it by Israel, regardless of rights and the law. Although a limited Palestinian self-administration exists in some parts of the occupied territories, Israel still influences the life of the majority of the Palestinians. Even in the 'autonomous areas' it is eventually Israel who decides and repeatedly, human rights are violated.

<sup>65</sup> See especially for Jerusalem: Jan de Jong, "Reading between the Lines of Palestinian Strategy on Jerusalem. 'To Save What Can Be Saved'", in: *News from Within*, XII (1996) 5, p. 9-14.