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Dr. Abul Kalam Azad

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**Dr. Abul Kalam Azad**

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# INTRODUCTION

The Middle East peace process, popularly identified as Arab-Israeli peace process, is to be understood in three different Arab landscapes – inside Israel, in Arab states that have made peace with Israel and in Arab states that have not made peace. Hence, the process involves a number of actors with a number of complex issues to be resolved among them. In the first sector, the peace process essentially deals with various issues of discord and acrimony between Israel and th e Palestinian authority among which Israeli withdrawal from the occupied territories in the West Bank and Gaza Strip and final status talks covering issues like Jerusalem, the Israeli settlements and the return of Palestinian refugees stand out to be the most crucial ones. The resolution of all such issues is expected to create the necessary ground for the subsequent creation of an independent state of Palestine in the territories to be vacated by Israel. Towards this end, the negotiations mostly flow from the Declaration of Principles (DOP) signed by Israel and the Palestinian authority as part of the Oslo Accord in September 1993.[1] In the second circle, where peace seems to have been consummated between Israel and Egypt and between Israel and Jordan through respective treaty of peace, the Arab efforts are underway to assess the gains out of their peace with Israel.[2] In the last sphere, the crucial question of return of

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[1] On September 13, 1993, Israel and PLO formally recognised each other and signed the Declaration of Principles (DOP) in Washington on Palestinian interim self-government. The DOP is preceded by long history of negotiations on the official Madrid Track and through the Oslo channel between 1991-1992. The 19-page Declaration is based on 17 articles of Principles and Four Annexes. See Annexe 1.

[2] It should be mentioned that friendship, trust and agreement created between Israel and the Arab countries like Jordan and Egypt through treaties of peace have resulted

Israeli occupied territory in Golan Heights to Syria and Israeli withdrawal from Southern Lebanon are the most pressing issues that the current peace process is confronted with. In addition, in the same sphere, there is now an increasingly felt need that Israel be recognised by all Arab countries including Syria and Lebanon in order to remove the psychological barriers to all peace efforts in the region.

If viewed from a historical perspective, the pursuit of peace in the Middle East would appear to be nothing more than a frustrating exercise in futility. The failure is explained largely by the fact that the general approach to peace in the region failed to prioritize the issue of conflict and hence its resolution. While, from the beginning, an avowed Israeli-Palestinian problem has been at the heart of the conflict and that all other conflicts between Israel and the Arab states find their origin in it, much of the efforts have been expended to establish peace in the spheres outside this main theatre of conflict. The reasons for such *side tracking* are not far to seek. The conflicting and rival claims of Israel and the Palestinians over a piece of territory has been identified as an 'Arab cause' and the regional Arab actors involved in the peace process at various points of time ironically ignored the Palestinians while trying to resolve the differences between themselves and Israel. In effect, the structural enmity between the Israelis and the Palestinians exacerbated much by the cynical policies of the Arab regimes

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in extensive contacts among these countries in the areas like trade, industry, transport, security, tourism etc. However, despite few gains in such fields, the popular Arab masses remain illusive about such gains in individual term. Given the worsening shortage of water-sector improvements, the Arabs remain disillusioned. More important, the Arab frustration is also caused by Israel's policies towards the Palestinians, Lebanese, Syrians and even the Iraqis. See Rami G. Khouri, "The Arab-Israeli Peace Process : Lessons from the Five Years since Oslo", Security Dialogue, Sage Publications, Vol. 29(3), 1998, pp. 333-344.

towards these latter ultimately created a situation where it was difficult to find an answer to the question : '**Peace between whom and for what**? The dilemma, however, could not be expected to continue for long. In recent times, few positive trends in Israel's domestic politics as well as other geo-political, economic and social imperatives, both regional and international, created a new realisation that without a just and proper solution of the most pressing problem as is the Israeli-Palestinian conflict, efforts to solve the remaining problems in the periphery would be futile and without any positive result for a more comprehensive peace in the region. It is by embracing this reality that the current Middle East peace process seems to have attained more relevance and credibility hitherto unnoticed in any earlier peace effort in the region.

It should be mentioned that the Israeli-Palestinian conflict is an **asymmetric conflict** where the parties to the dispute are, on the one hand, an established Israeli authority and, on the other, a group of Palestinian people struggling to establish their ethnic and spatial identity. Although, the historical forces are in support of the later's unbridled struggle for self-determination, national independence and sovereignty within a definite territorial boundary, the fact remains that such a *strategy of state formation within an existing state* confronts certain problems among which extracting *concessions* from the established authority stands out to be the most critical one. However, the peace process invented to deal with the Israeli-Palestinian conflict is not meant to make 'top dog win' and the 'underdog lose' as is generally observed in case of classical conflict resolution of asymmetric conflicts. Given the fact that even in asymmetric conflicts, there are the costs for the 'top dog', the mechanisms of the current peace process have been designed to give some concessions to the weaker party in order to

help it realise few, if not all, of it's legitimate demands. Under the circumstances, *the land for peace* – the underlying policy principle of the current Middle East peace process is to follow a track called '*step by step approach* where discussion and negotiation on the peripheral issues, rather than on the difficult core issues, is expected to make few early agreements and then gather momentum for dealing with the critical issues in the future. As C. Osgood remarks, "In any conflict resolution, a step by step approach offers the parties the opportunity to test each other's good faith and allows for reciprocation ... small tension reducing steps are easier to sustain than one-off solutions in two party conflict".[3]

As one observes, the current events around the ongoing peace process in the Middle East depict two opposing trends in its inner circle. The first being a series of negotiations that have been carried on between Israeli and the Palestinian leadership with few positive results mainly due to redefining of goals, new political entente and confluence of favourable political leaders and circumstances. On the other hand, there is the trend marked by certain obstacles on the way of peace mainly due to the complex and intricate nature of the issues involved in the process. However, the non-resolution of such issues does not necessarily indicate that there is the lack of political will or space between the concerned parties or that they are succumbing to the 'peace spoilers'. In contrast, despite these two opposing trends, the current Middle East peace process with respect to the Palestinian issue continues to serve as a learning process where both Israel and the Palestinian

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[3] Cited in Hugh Miali, Oliver Ramsbothan and Tom Woodhouse, Contemporary Conflict Resolution, Polity Press, Cambridge, 1999, p. 164.

leadership are trying to bridge the gap between their incompatibilities through acceptance and accommodation, notwithstanding many imponderable obstacles on the way. While many elements of such acceptance or accommodation may be insufficiently comprehensive, the parties have not fallen apart and that their main principles and formulas of agreement remain in tact and are being modified, refined and simplified only to arrive at a final agreement sooner or later. This unique flexibility in peace approach has, no doubt, been facilitated by the Oslo peace accord – the touchstone of current Middle East process – that has been framed with due consideration to the dynamics of the conflict, i.e., the asymmetrical position of the parties, their incompatible goals, objectives and conflicting interests, and differing role perception and world view.

## Formulation of Research Problem

In the above backdrop, the paper purports to study the position of the Oslo peace accord vis-à-vis the question of Palestinian statehood – the most pressing, and perhaps, the most critical element in the Israeli-Palestinian conflict. If the accord is lauded for its flexibility, pragmatism and justice, then an inevitable query would be : **do the principles of the accord conform to this goal**? The choice and relevance of this query stems from two fundamental facts. First, the Palestinian movement, which by now, has given distinct meanings to the Palestinian identity, territory and people is seen to be in the final stage for realising its objective of establishing an independent Palestine state in the West Bank and Gaza Strip and that anything short of such an independent entity could ensure neither Israel's acceptance in the predominantly Arab and Islamic worlds nor a permanent peace in the region. Second,

the Oslo peace process, despite investing in Palestinian self-rule nearly all the attributes of statehood including the promise for final status talks that are to determine the contours of the new state, remains silent on the issue. In other words, in the Oslo peace process, the goal of eventual establishment of an independent Palestine state remains unstated but understood.

## Research Literature

The Israeli-Palestinian peace process as per the Oslo accord has been academically treated in various books, research articles, journals and documents. In particular, in recent times, the Journal of Palestine Studies, the Current History, The Middle East Journal and Survival have come up with a wide range of articles on the issue in which the questions of final status talks and of Palestinian statehood, among others, naturally cropped up for discussion. The survey of such literature shows that the discussion on the peace process leading to the question of Palestinian statehood has been hampered by the absence of theoretical reflections on the nature and content of the peace process as floated by the Oslo accord. While, it is true that the question of Palestinian statehood is the most complex among the incompatibilities between Israel and the Palestinian authority, the opportunity to reach the stated goal is always there as the current Oslo based Middle East peace process can be argued to be theoretically well suited to address the question without any rupture in it.

## Structure of the Paper

The paper would consist of three principal chapters, each of few sections. **Chapter I** would deal with few theoretical

reflections on the concept of peace process in general. The discussion would allow a comprehension of the theoretical premise of the study, based on the idea that any peace process, in order to be effective and sustainable, must be invested with certain specific mechanisms to guarantee its continuity. The idea is then to be transposesd in the case of the current Middle East peace process. **Chapter II**, descriptive and empirical in nature, would deal with the question of Palestinian statehood in its historical perspective till the signing of the Oslo peace accord. The purpose of the discussion is to show that the Palestinians, even in an asymmetric conflict with Israel, did never lack peace plans with respect to the question of a separate homeland for them. What they lacked was a workable strategy to implement those plans due to a myriad of political odds and undercurrents amidst which the Palestinian movement had to work from the beginning. The situation, however, has changed creating few imperatives for Israel to negotiate with the Palestinians. **Chapter III,** also descriptive and empirical in nature, would critically deal with some of the important principles of the Oslo peace accord with respect to the question of Palestinian statehood. The purpose of the discussion would be to find out the elements, both positive and negative, that mark the *'land transfer issue'* and the *'final status talks'* considered to be the essential ingredients in constructing a Palestine state. Finally, the paper would end with a general conclusion highlighting the prospect, opportunities and challenges for realising the goal of Palestinian statehood.

# CHAPTER I

## Viewing the Middle East Peace Process from a Theoretical Perspective

In recent times, the flurry of peace activities in several conflict situations around the globe, has aroused the academic interest of a number of scholars and researchers in the field of conflict and peace studies. In this respect, the interest seems to have been generated by certain factors. *First*, the post-Cold War *'peace agenda'* for making the world safe from conflicts seems to have manifested itself in a very tangible form in such maneuvers as peacekeeping, peacemaking, peace operations, peace process, preventive action, peace building etc. While peace has been the common agenda in all such maneuvers, its *modus operandi* has been different in view of the different circumstances of the conflicts.[4] Thus, a peace process based on a methodology of traditional means i.e., negotiation, mediation etc.) called for, upon its failure, 'peace operations' where the parties to the conflict have been brought to the negotiating table to sign an accord under persuasion or coercion and that such accord has been implemented under the supervision of a peacekeeping force. The same conflict could also call for peace-building as consolidation of peace through a broad range of activities like economic and political development, various confidence building measures, education etc., was felt necessary in the post-accord period. Also, to check

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[4] The author formulates the idea on the basis of lectures given by Peter Wellensteen on the theme "Intra-State and Inter-State Conflict and Conflict Resolution : Essential Concepts and Basic Theoretical Approaches" at the Department of Peace and Conflict Research, Uppsala University, Sweden, during the summer programme on 'Peace and Conflict Studies 2000' (May-June).

the intensity of violence in few conflicts, there have simply been few preventive actions in view of their cost-effectiveness in terms of human lives, material destruction and financial resources. In short, in most conflict cases, no particular resolution method was found to be appropriate and it needed a replacement by another one believed to be more appropriate, effective and adequate. *Second,* the peace keeping efforts have witnessed a departure from its traditional focus on resolving international conflicts to a newer focus on resolving internal conflicts as well. Such conflicts have been mostly the internal struggles based on rival claims of competing ethnic, religious, fundamentalist and minority groups.[5] *Third,* along with the rapidly growing world concern for peace and stability, the states and various world bodies, in particular, the Security Council, seem to have revitalised their security enforcing apparatus in a parallel direction.[6] *Finally*, there have been conflicts

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5 During the period 1989-98, there were 108 armed conflicts in 73 locations around the world. Of these only seven were inter-state conflicts, while the remaining were the intra-state conflicts of various nature. See for details Margareta Sollenberg (ed), States in Armed Conflict 1998, Uppsala University Publication, 1999.

6 Since the end of the Cold War, actions approved by the UN Security Council have increased in number and widened in scope. Only five peacekeeping operations were under way in early 1988, but twenty one have been undertaken since then. Thirteen of these twenty one and nine of the most recent eleven operations were directed at internal conflicts. The number of personnel assigned to UN peacekeeping operations has increased by a factor of ten since 1988: from around 7500 to 75,000. Many of these new operations are multifunctional undertakings, involving not just the supervision of cease-fires, but also the demobilization of military forces, the return of refugees, the provision of humanitarian assistance, the establishment of new police forces, the design and supervision of political and institutional reforms, the organization and supervision of elections, and the co-ordination of support for economic reconstruction and development. Michael E. Brown (ed.), The International Dimensions of Internal Conflict, The MIT Press, Cambridge, Massachusetts and London, 1996, pp. 9-10.

where government and inter-governmental bodies, non-governmental agencies, international bodies and regional organisations have been involved, directly or indirectly, in resolving conflicts with multifarious approaches, each different from the other.

In a complex kaleidoscope of conflict and its resolution, one of the very baffling questions for the peace researchers has been to define *peace process* and find out its universally accepted theoretical paradigms. In particular, the fact that conflicts take on a wide variety of forms with multiple conflicting interests and goals among the actors and that the intensity or scale of violence in them depends on the nature of issues and character of parties involved, lead the peace searchers' task for devising resolution mechanisms much complicated. In other words, no general set of accepted principles for preventing conflicts could be formulated till now. Even for resolving conflicts of similar nature, no uniform mechanisms could be suggested. As a result, different approaches have been sought for resolving conflicts of differing nature, depending much on history in context, parties, incompatibilities, symptoms, dynamics and power relations that each of the conflicts represented. However, the common element discernible in all such approaches is the need to bring the violence to an end and lower the level of incompatibility between the disputants. It is around this noble idea that most of the peace processes are meant to have been designed. What then is a peace process? How does one peace process vary in nature and content from the other? At what stage of the conflict does it come for consideration? What is the specificity of the current Middle East peace process? These are some of the questions to be taken up for discussion in the chapter.

## Section I : Defining Peace Process

In most generic sense, peace process denotes the application of one or more of the pacific means i.e, negotiation, mediation, conciliation etc., for settling disputes or conflicts. In this respect, the process is as old as history. The art of negotiation has been a constant practice between the states since long. Similarly, reference to acts of mediation dates back to the time of Homer's Iliad.[7] In ancient China, mediation was an accepted principle for resolving personal disputes and during the period of Greek city states, it acted as a means for resolving inter-Greek City state disputes.[8] And in today's world, no other institution other than the UN itself calls upon its member states to settle their disputes through peaceful means. Article 33 to 38 of Chapter VI of the UN Charter makes the provisions for the peaceful settlement of international disputes. In accordance with these provisions, if there is a likelihood of danger to international peace and security, then the states should resolve their disputes through judicial settlement, negotiation, good office, mediation, conciliation, inquiry or any other peaceful means of their choice.[9]

Although at the operational level, the effectiveness of the above stated pacific means for resolving conflicts between the states as prescribed by international law, has been put into

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7 Shaheen Afroze, Silvia Espindola, Patti Londono, Zondi Masiza and Sasanka Perera, "The Behaviour of the Mediator as a Factor in Conflict Resolution : Perspective of South Asia", essay presented (unpublished) at the Peace and Conflict Studies Programme 1998 at the Department of Peace and Conflict Research, Uppsala University, Sweden.

8 Ibid.

9 S. K. Kapoor, International Law, Central Law Agency, Allahabad, 1985, pp. 612-627.

question, nonetheless, various treaties, conventions and formal declarations between and among states reflect state opinion and show that there are basic principles that states formally recognise and agree to respect. In other words, states value international law and affirm their commitment to it out of a universal need to create the ''rules of the game''.[10] These help them shape expectations, reduce uncertainty and enhance predictability in international affairs. This is more so as conflict becomes a recurring phenomenon to mark the international relations of the nation-states with competing and conflicting national interests. The logic is probably supported by the record of history which demonstrates that of 97 inter-state conflicts between 1919 and 1986, one observes no less than 168 attempts by the contending parties to negotiate, mediate, adjudicate, or otherwise settle their disputes through formal procedures of conflict resolution.[11]

That a peace process highlights the importance of the pacific means of settling disputes gets its clear manifestation in some of the definitions furnished by few experts in the field. Theoretically, as Moonis Ahmar opines, "the peace process is a mechanism or a set of negotiations where the parties involved attempt to avoid war or a war-like situation and wish to settle conflicts peacefully by using techniques like diplomacy, bargaining, secret or open negotiations, tradeoffs and mediation''.[12] Hugh Miall. Oliver Ramsbotham and Tom Woodhouse define peace process in the following words, "Peace processes involve learning (and second-

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10 Charles W. Kegley Jr. and Eugene R. Wittkopf, World Politics : Trends and Transformation (Fourth Edition), St. Martin's Press, New York, 1993, p. 503.

11 Ibid., p. 505.

12 Moonis Ahmar, "Rethinking the Concept of Peace Process', BIISS Journal, Vol. 20, No. 4, October 1999, p. 447.

order learning), with the parties gradually discovering what they are prepared to accept and accommodate. Elements of an agreement may surface in early talks, but they may be insufficiently comprehensive or sufficiently inclusive to hold. They then fall apart, but the main principles and formulas of agreement remain, and can be refined or simplified, until a final agreement is devised. Negotiators and mediators learn from each other and from previous attempts and other peace processes".[13] The International Peace Academy defines peace process as " a long term political activity, where the emphasis is on facilitating reconciliation at the political level among the principal protagonists. Given the long term nature of the process, its beginnings are usually quite small. A great deal of time is spent on building initial trust and confidence and subsequently giving the process deeper roots among civil society even as the negotiations are being conducted. Depending on the needs of the moment, the methods and instruments used to move the process along may be quite eclectic. These often include economic assistance, dialogues on other tracks, accords on non-controversial issues to serve as confidence-building measures, and even peacekeeping. Great emphasis is placed on the participants, not the facilitator or the international community, having a strong sense of ownership about the process, as they are the ones "making or building peace".[14]

While the above definitions furnish us with few theoretical requirements of a peace process, in particular, the willingness of the parties to overcome the impasse and involve themselves in a

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[13] Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, op.cit., pp. 166-167.

[14] Publication of International Peace Academy, New York, 15-21 June, 1997, p. 12.

relentless dialogue with the ostensible aim of narrowing down the gap between their incompatibilities, more important factor to take note of would be: under what circumstances do the actors follow such a strategy of peace to resolve their incompatible goals? In effect, it is out of certain compulsions generated by the very dynamics of conflict that the parties, two or more, seek to foster a settlement based on negotiation, mediation or any other peaceful means. Two important theoretical concepts : *'mutually hurting stalemate'* of Zartman and *'conflict transformation'* by Vayrynen and Galtung may be useful for explaining this situation.[15]

Zartman argues that conflicts are ripe for a negotiated settlement only under certain conditions; the main condition is a mutually hurting stalemate. Both sides must realise that they cannot achieve their aims by further violence and that it is costly to go on.[16] To illustrate his point of view, he cites few empirical examples. Sudan in 1972, Mozambique, South Africa, Colombia, and possibly Angola and Sri Lanka in the mid-1990s negotiated an agreement where both sides perceived themselves to be in a stalemate that was painful to each of them and they saw a better alternative through negotiation. And where the pain of stalemate was bearable or justified as in Angola, Afghanistan and Sri Lanka, and among the Colombian extremists, no settlement was negotiated. Stalemate was absent in cases where negotiations took place and then collapsed; in such cases parties often negotiated for

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15 See for details 'Transformers of Conflict : A Generic Framework'' and ''Ripe Moments'' in Chapter 6, 'Ending Violent Conflict' in Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, op.cit., pp. 152-184.

16 Ibid, p. 162.

other reasons, as in Philippines, the Basque country, Afghanistan in the 1990s, and Eritrea. In some conflicts where stalemate did appear, as in Angola, Lebanon and Sudan in the 1980s, it became a way of life that buried talks, not a deadlock that promoted them.[17]

The 'ripeness idea' has been widely accepted in policy making circles with respect to conflict resolution. Some diplomats, such as Chester Crocker, have deliberately attempted to bring about a 'hurting stalemate' in order to foster a settlement.[18] Others refer to the need for a ripening process to foster ripe moments.[19] Along side, there have also been the theoretical attempts to study the 'ripening process', in particular, the attempt by C. Mitchell to distinguish four different models of the 'ripe moment'.[20] However, it has been argued that the simple hurting stalemate model gives too much weight to the calculation of risks and gains and to the power relationship between the parties without sufficiently taking into account the changes within the parties or changes in the context which may also foster a tendency to negotiate.[21] Vayrynen and Gultang have answers to this through their identification of a number of ways in which conflict transformation takes place. *First*, given the fact that conflicts are embedded in a social, regional and international context – an important factor to their continuation, changes in the context may have few dramatic effects within the parties or in their relationships. *Second*, the conflict structure is the set of actors, issues and incompatible goals or relationships which

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17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid., p. 163.

21 The idea of Stedman cited in Ibid.

constitute the conflict. If the root causes of conflict lie in the structure of relationships within which the parties operate, then a transformation of this structure is necessary to resolve the conflict. *Third*, parties may have to redefine directions, abandon or modify cherished goals and adopt radically different perspectives. This may come about through a change of actor, a change of leadership, a change in the constituency of the leader or adoption of new goals, values or beliefs. *Fourth*, conflicts may witness issue transformation when the parties with conflicting positions change their earlier positions or when issues lose salience or new ones arise. *Finally*, a conflict may witness personal and group transformation when there is a change in the hearts and minds of the parties involved in it.[22]

Thus, the dynamics of a conflict in its transformed stage, create few imperatives and stakes for the parties to resolve the differences over their incompatibilities. In other words, the parties to the dispute feel that there are certain incentives in bringing the conflict to an end for reasons like : i. the conflict becomes unsustainable due to huge costs, both men and material, involved in it; ii. there is the psychological exhaustion due to 'no win' situation in the conflict; iii. the domestic changes in the leadership, civil society and the intelligentsia form a positive opinion in favour of peace; iv. the changes in the international milieu, both regional and beyond, may create pressure for the parties to resort to peace than to confrontation and v. the vistas for overall economic development remain open when a prolonged and protracted conflict over scare

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[22] For an elaborate discussion on the five points see 'Transformers of Conflict ; A Generic Framework', Ibid. pp. 156-158.

resource is given up.[23] As Hugh Miall, Oliver Ramsbotham and Tom Woodhouse remark : "Most conflicts impose massive costs on the societies concerned, so there is usually a large segment of the population which will benefit from the conflict ending. This is a shared interest across the conflicting communities, affecting security and economic welfare. Moderate politicians and constituencies, who may have been silenced or displaced by the climate of violence, will be keen to re-establish normal politics. Ordinary people will welcome a return to peace and wish to put the distress of war behind them. There is, therefore, a large reservoir of potential support that peacemakers should be able to foster".[24]

## Section II : Ingredients of A Peace Process

It should be borne in mind that a peace process involves a very sophisticated method of diplomacy to bring the conflicting parties to some sort of a compromise on their incompatibilities. Its purpose is not limited to keeping the guns silent or reducing the level of violence. Rather, it aims to address the deep-rooted causes of conflict, and as well resolve them. This obviously implies that the behaviour of the concerned parties is no longer violent, attitudes are no longer hostile, and the structure of the conflict has been changed. Failure to do so would not bring the cycle of conflict to an end despite a political settlement or a peace agreement. Despite a 'comprehensive political settlement', in 1990, Cambodia witnessed a high-intensity conflict in late 1996. The peace agreement in Sierra Leone broke down, and a low-

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23 See Moonis Ahmar, op.cit., for further information. The author also puts counter arguments against peace process which is interesting as well.

24 Hugh Miall, Oliver Ramsbotham and Tom Woodhouse, op.cit., p. 155.

intensity conflict was seet in Guatemala in 1996-97. Despite a cease-fire in Nagorono-Karabakh, the parties remained unable to agree on terms.[25] Licklider finds that civil wars ended by negotiated settlements are more likely to lead to the recurrence of armed conflicts than those ended by military victories.[26] These and other examples can be cited to challenge the conventional view that a conflict ends through victory, cease-fire or peace agreement of any kind to usher in peace. While in such cases, the violence may end, tension and mistrust between the disputants continues to remain in view of the fact that their main issues of contention remain unresolved. In this sense, peace process may be viewed to be a mechanism that in the overall conflict resolving spectrum fall within the category of **conflict resolution** implying that conflicts can be dealt with in an once-and for all or permanent way.[27]

In effect, a peace process suggests that resolution of one conflict does not necessary end other related or emergent conflicts. As a result, the newly emerged conflicts as well seek resolution until a final point is reached when the parties to the conflict feel that the factors that predispose conflict are totally eradicated. In this respect, a given peace process becomes a step by step one involving such conditions as : i. *a pre-negotiation phase* to be marked not only by cessation of hostilities but by positive political and psychological conditions for carrying on talks toward a

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25 Ibid., pp. 153-154.

26 Cited in Ibid., p. 154.

27 Moonis Ahmar sees conflict resolution as an end in itself and peace process as a major step in that direction. While examining the linkage between peace process and conflict resolution what he finds important is the manner is which the former is carried out by the parties concerned. If one party tries to use peace process to create a stalemate or to impose an unfair deal, the situation could be detrimental to the task of conflict resolution.

mutually satisfactory settlement; ii. signing of a peace agreement with clear cut peace agenda; iii. implementation of the terms and conditions arrived at in the peace agreement and iv. making a composite process of post-settlement peace building for constructing a self-sustainable peace. Such novelty in peace process demands that the element of negotiation be given the maximum weight in it.

An important ingredient of peace process, negotiation, in most generic sense, implies a process whereby the parties within the conflict seek to settle or resolve their conflicts. In such a process, only through the settlement of differences through the presentation of views and counter-views, compromise, accommodation, creating areas of mutual interest and common agreement, and the conclusion of some form of accord or agreement, can the adversaries show their rational behaviour in an environment of competing and conflicting national interests.[28] From a strict theoretical perspective, negotiation forms one of the critical

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[28] Fred Charles Ikle (1964), in his standard work on the subject, suggests that it is possible to establish five analytical categories when looking for reasons why actors negotiate to effect outcome. First, in order to extend an agreement that is already in force between them where the original understanding had a time limit. In this way the SALT II agreement was an extension of SALT I. Second, to normalize relationships as when two actors re-establish diplomatic relations. Third, a redistribution agreement involving situations where parties agree to change a particular *status quo*. Redistribution agreements are common after the ending of a war situation. The parties to the conflict may make such arrangements. Fourth, innovation agreements may be reached to establish new actors. The San Francisco Conference approved the establishment of the UN. The Balfour Declaration viewed with favour the establishment of a home for the Jews in Palestine in 1917. Finally, negotiations may be entered into for what Ikle calls 'side benefits'. Parties may negotiate simply in order to establish a clearer perception of each other's goals, and to make propaganda for themselves and their position. These categories are made for purposes of analysis and empirically they may be combined.

elements of T. C. Schelling's bargaining theory that suggests a 'rational value maximising behaviour on the part of the parties involved in a given conflict'.[29] However, the theories of conflict resolution look at negotiation more from an integrative approach that attempts to find ways, if not to reconcile the conflicting positions, at least to meet the underlying interests, values or needs.[30] In this respect, some of the examples of integrative approach are : setting the issue into a wider context or redefining the parties' interests in such a way that they can be made compatible, sharing sovereignty or access to the contested resources, increasing the size of the cake, offering compensation for concessions or trading concessions in other areas and managing the contested resources on a functional rather than a territorial or sovereign basis.[31] In practice, however, negotiation combines bargaining element as well. In such case, parting with a fixed cake may demand concessions through linkage with other issues. In few intra-state conflicts, in particular of ethnic nature, integrative solutions may be elusive, nonetheless, consociationalism, federalism, autonomy, power-sharing, dispersal of power and electoral systems that give incentives to inter-ethnic coalitions offer ways out of conflict in some circumstances .[32]

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29 J. C. Johari, International Relations and Politics : Theoretical Perspective, Sterling Publishers Pvt. Ltd., New Delhi, 1985, p. 133.

30 Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, op.cit., p. 167.

31 Ibid.

32 Ibid., pp.167-168. Although negotiation and mediation are favoured by many policy makers, critics tend to dismiss them in civil wars; negotiation and mediation are seen as doomed and often ethnically unpalatable. See Stephen John Stedman, "Negotiation and Mediation in Internal Conflict' in Michale E. Brown (ed.), op.cit., pp.341-376.

It should be noted that negotiation that takes place in a conflict situation is different from the one that takes place in a friendly and relaxed atmosphere between allied or friendly states. In case of conflict situation, negotiation may entail strenuous parleys, with political pressures or backfires of various kinds and intransigence on the part of one or both parties. There may also be an *impasse* over few issues that are vital and critical in nature. In such case, negotiation remains vulnerable to rupture or deadlock at any stage of the process. One thus finds a causal relationship between a peace process and the element of negotiation where the latter acts as an independent variable whose effect upon the dependent variable, the peace process, is paramount. It can stabilise a peace process, cause changes in it or even bring it to a dead end. In this respect, it is the *continuity factor* which is of interest to the modern political thinkers on the subject.

The stress is given on the *continuity factor* as negotiation process is a very subtle and delicate one, remaining constantly vulnerable to the complex dynamics of the conflict itself. In such a situation, the continuity in negotiation can only be maintained if certain conditions are fulfilled. *First*, the peace process must ensure that its makers have a clear understanding of the causes of conflicts and the issues to be resolved. If the issues pose to be complex and require compromise, then it should not be construed as 'capitulation'. In this respect, as mentioned earlier, there is the need to create what is called a 'pre-negotiation phase' during which the parties are to build confidence and trust in each other to create a base from which they would discover what is common between them and what could be practically achieved, and then to develop the parameters of the accord from the process itself. *Second,* it is extremely important for the negotiators in a conflict

situation to recognise, if situations demand, various international efforts for resolving their conflict. In this respect, 'a peace process should be viewed as a preventive diplomacy through joint undertaking'. If there is the recurrence of events to frustrate the negotiating parties, or that there is the likelihood of future violence, then third party involvement would be crucial for accomplishing the difficult task of getting the peace process back on the track. International efforts may come in the form of third party mediation, peacekeeping, peace operation or peace-building force. Among this, **mediation** would be taken up for a brief discussion later on. *Third*, given the fact that in a peace process a number of critical actors - domestic, regional and international- is involved, a better coordination between them through communication, information and technology should always be on the run in order to avoid misunderstanding which otherwise may derail a dialogue. *Fourth*, negotiators must sometimes bear an impasse with fortitude and wait for time to do its work and provide an outlet. The negotiators should possess a mindset to accept the fact that their talks at the negotiating table may not succeed quickly or even succeed at all. Under pressing conditions, negotiations can be delayed or slowed down, deferred or suspended. They can be threatened with breakdown or allowed to collapse. Such eventualities are to be accepted by the negotiators as part and parcel of the total process.[33] *Fifth*, the participants in the negotiating process must have a very strong sense of ownership about the process as they are the ones 'making or building peace'.

Mediation, to which allusion has been made above, becomes an important ingredient of a peace process not only to keep the

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[33] Burhan Dajani, "An Alternative to Oslo?'', Journal of Palestine Studies, Vol. XXV, No. 4, Summer, 1996, p. 7.

element of negotiation in a continuous process, but as well to give a meaningful substance to the process itself. It is, as Bercovitch says, "a reactive process of conflict management whereby parties seek the assistance of, or accept, an offer or help from an individual, group, or organisation to chanage their behaviour, settle their conflict, or resolve their problem without resorting to physical force or invoking the authority of law".[34] In practice, just as negotiation takes place when at least some of the conflicting parties come to accept that pursuing the conflict is unlikely to achieve their goals, mediation too intervenes at this stage to play few roles in the process i.e., i. it facilitates, organises and assists in continuing a dialogue between the disputants; ii. it acts as a go-between role, where the third party shuttles between the conflicting parties who might not, for political and logistical reasons, be able to physically meet each other; iii. it allows the third party to manage the dialogue and put forward proposals for negotiation. In such case, the third party should be neutral and not biased in favour of any party to the conflict.[35] The success of mediation, in effect, would depend on certain conditions like: i. proper timing implying that it should be effected at the right moment of the ripening of conflict as is the case with negotiation; ii. the mediators should have sufficient political, strategic and economic clout to earn the respectability from the disputants. The formers should look upon the latter as the neutral peace agents who equally have

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34 Taken in a note during the lecture on the theme 'Mediation : Approaches and Concepts' by Kjell-Ake Nordquist, Department of Peace and Conflict Research, Uppsala University, Sweden, during the 'Peace and Conflict Studies Programme 2000. To Kjell-Ake Nordquist, "mediation is the actions by a third party aimed at bringing a conflict to a less violent/unstable level as part of a voluntary management/resolution process".

35 Publication of International Peace Academy, New York, 3-8 September 1996, p. 27.

the stakes in conflict resolution; iii. the disputants should always display an active desire to have a mediation process and show confidence in it.

One can point to a number of cases where conflicts have been settled by negotiation: examples include the ending of apartheid in South Africa, the ending of internal conflicts in Nicaragua, El Salvador and Guatemala, the settlements in Mozambique and Namibia, and in Ethiopia and Eritrea. In such instances, the disputants had to chalk out their respective path to peace with a political vision and moderation towards a negotiated end.[36] Also, there have been the cases where negotiation was brought back into track, by coercion, sanction or reward loses. In such case, the peace process lost its democratic ethos since its underlying spirit seeks to transform democratically seemingly irreconcilable conflicts (zero-sum) into conciliable ones by trying to accommodate rather than overlook the differences. Mediation efforts also record success in many recent instances like Northern Ireland, South Africa and Israeli-Palestinian conflict. In the Northern Ireland case, for example, the Social Democratic and Labour Party (SDLP), Sinn Fein, and the Irish government established communications by sending secret messages through representatives of the Clonard monastery, a religious community, that prepared the ground for the Hume-Adams proposals. The back channel between the Israeli government and the Palestinian leadership, established through the good offices of the Norwegian NGO FAFO broke the impasse in the Madrid talks and led to the Oslo accords.[37] Several examples can be cited to show how

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36 Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, op.cit., p. 155.

37 Ibid., p. 159.

international organisations, governments and NGOs have played several important mediating roles at different stages of the peace process.

## Section III : Dilemmas in Peace Process

The foregoing discussion inevitably shows the delicate mechanisms involved in a peace process. If negotiation and mediation become the essential ingredients in the process, then it is desirable that their protagonists display mutual trust, patience, tolerance, perseverance and prudence. However, all such qualities may not be properly displayed during the course of the peace process as obstacles to it are always formidable. *First*, the parties to a conflict aim to win, and so they are locked in a process of strategic interaction where the question of 'gain and loss' looms large in their respective calculation. Any concession or a withdrawal from a long held position may, therefore, be bitterly resisted. In particular, there may be the **spoilers** who step up efforts to wreck a peace process because their interests are threatened. *Second*, once a peace process is set in motion, a dilemma arises as to whether first to address the core issues of the conflict or the peripheral ones. Given the fact that the process envisages a *step by step approach* for solving all issues of dispute, the preference is normally for the resolution of peripheral issues in the hope of making early agreements and establishing momentum for resolving the more complex issues in the future. These agreements normally constitute 'interim arrangement' and their acceptability depends on the parties' perception of risks and gains involved in the arrangement. Thus, if the arrangement fails to provide incentives to the concerned parties, there is less likelihood for the parties to stay in the process. *Third*, the resolution of the

most critical and outstanding core issues – a necessary condition for a durable and comprehensive peace - cannot remain on the table for an indefinite and uncertain period of time. In particular, a delay in implementing the agreements on interim arrangement, normally considered to be the prelude to a final settlement of core issues, may frustrate the peace makers making them 'peace fatigue' in the long run.

However, the way out of the dilemma is for the parties to agree to move together to the option of peaceful settlement and so reach an option they each prefer to continued conflict. Although, there is no theory to explain the *modus operandi* of a peace process, we have observed how two very important elements like negotiation and mediation can play an important role in peace diplomacy. Probably, the important point to take note of would be that the accord that normally comes out of a peace process represents merely a compromise among the protagonists and that many fundamental issues remain unresolved for a certain period of time, in particular, during the interim period. This may not necessarily indicate that peace diplomacy is confronted with obstinate and mutually irreconcilable positions as in a real peace process, there is the space for the concerned parties to build confidence building measures, agree on procedures or a timetable for moving forward and retain public commitments for making the process a sustainable one. In order to do this, the parties must have sufficient trust, political will and determination, and above all, a commitment. As a result, emphasis is always on the political will and determination and sufficient trust on the part of the protagonists to involve in a *step by step approach* to address the critical issues after addressing the less contentious issues across the table. In effect, there is no 'hurry business' in a peace process and

that the materialisation of it's tangible results may be time taking process. As James A. Schellenburg remarks, "peace process is an exercise where groups or countries with conflicting interests seek to avoid further confrontation through a series of negotiations. Stretched over a period of months and years, peace process requires substantial patience among the parties concerned before the results of that process could be achieved".[38] It is on this logic that the whole superstructure of the Oslo directed Middle East peace process is based. What then are the specifics or distinguishing characteristics of the current Middle East peace process? Does its *modus operandi* fall within a definite theoretical framework?

## Section IV : The Middle East Peace Process and its Theoretical Modus Operandi

It would not be wrong to state that the peace process as a mechanism, incorporating in it a dual strategy of negotiation and mediation, has found its place in the lexicon of international politics since the Camp David Accord of 1978 that resulted in a peace treaty between Israel and Egypt in 1979. At least, since this momentous event, peace process has come to acquire a dimension where resolution of conflict through negotiation and mediation in several phases or steps has been a phenomenon hitherto unknown. As Harold H. Saunders, in the light of his Middle Easter experience, remarks, "Peace process is more than conventional diplomacy and negotiation. It encompasses a full range of political, psychological, economic, diplomatic, and military actions woven together into a comprehensive effort to establish peace between

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[38] Cited in Moonis Ahmar, op.cit., p. 448.

Israel and its neighbours. Progress towards peace depends on breaking down the barriers to negotiation and reconciliation – the other walls. If we ignore the politics of breaking down the barriers, the mediator and negotiators may never have a chance".[39] How does then one look at the current Oslo directed peace process in the Middle East theoretically?

By all logical conclusions, the Middle East peace process is not atheoretical in nature. *A step by step approach* meant to resolve few intractable problems (mostly territorial) between Israel and its Arab neighbours, the process contains negotiation and mediation as the important elements for resolving the conflict in the region. In particular, with respect to the Palestinian issue, the classical model of negotiation as envisaged in the Oslo peace process has enabled the parties to learn about their perception of each other and to look beyond these perceptions to the actuality of the situation. At least, at present, all the parties to the peace process are now working in a political and psychological milieu where organic contradiction that so long existed between them is no longer in existence.

Given the fact that the issues between Israel and the Palestinians are not only of peace and security, but also of more basic questions like sovereignty, territorial integrity and the legal status of the population, care has been taken to give the highest priority to a diplomacy based on negotiation. Israel, that is in control of territory, enjoys advantage over her Palestinian counterparts in the negotiation process, and that any transfer of such occupied territories to the latter need a compromise on the part of the former, and which if taken under pressure would be

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[39] Ibid., p. 444.

viewed as capitulation. As a result, complex and intricate territorial issues involving sovereignty, security, the legal status of the population etc., need a *step by step approach* for solution where *not a definite time schedule*, but certain principles of a peace process like mutual trust, patience, perseverance and prudence are needed. This explains why the Middle East peace process has been designed to include negotiation in phases. In the process, each phase may be slow, incremental and painstaking with many pitfalls and failings in terms of objectives, but then the process is unlikely to stop. As one scholar opines, "talks and parleys help in assessing motives, concerns and aims of each other. They create empathy between negotiators and through frequent meetings enable them to modify their mutually negative and dreadful stereotyped images – the bane of any peace process".[40]

The Middle East peace process has a marked novelty in it. The structure of negotiation, the vital element in the process, is now wider in scope. To overcome the vicious circle of violence, retaliation and hatred, no unilateral measures are now suggested. Direct talks and negotiations within a bilateral framework are now the regular features of the peace process. To this is added a wide number of coordination activities between various groups and individuals within or outside the delegation. Perhaps, no other factor, other than the induction of third party mediation in the Middle East peace process deserves far reaching attention. This model has been premised on the realisation that conflicts in the Middle East have gone out of control and the parties to it, involved in a zero-sum game, are desperate to reach some kind of compromise. In other words, acceptance of a third party mediation

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[40] Maqsudul Hasan Nuri, "Quest For Conflict Resolution in South Asia and Mid-East : Promises and Pitfalls", Regional Studies, Vol. XVII, No.3, summer 1999, pp. 71-88.

implies that concessions and compromise will be made in the long run, if not in the short run. This obviously gives advantage over a bilateral negotiation where the strongest party remains under no obligation or pressure to give any concession to a weaker party procedures and methods. The third party mediation in case of the current Middle East process also has the significance in keeping it alive. As Ambassador Terje Rod Larsen, deeply involved in the Middle East process, remarks, "It is important for the third parties to remain engaged in the process even after the conflicting parties had reached an accord. If events happen that shook the parties' trust in each other, or there was a resurgence of violence on the ground, the third party involvement would be crucial for accomplishing the difficult task of getting the process on track".[41]

Thus, the multi-dimensional intervening factors that impede the *'land for peace'* formula, at one stage or the other, does not, however, make the Middle East peace process inconsequential. The in-built mechanisms of the process have been crafted in such a methodological and professional manner that they are strong enough to cushion the shock caused by a host of negative factors. More important, the on-going peace process in the area is the first of its kind to realise that the Palestinians are not only deprived of basic economic and political rights, but also of statehood. Hence, the overall philosophy that lasting peace in the Middle East would not be achieved unless a comprehensive set of economic and political measures for both Palestinians and Israelis was agreed upon, adhered to, and implemented within an acceptable time framework is the ultimate strength of the current Middle East peace process. In reality, the current Middle East peace process

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[41] International Peace Academy Publication, 3-8 September 1996, p. 27.

transmits a message for Israel, the Palestinian leadership and the Arab countries to take due cognizance of the current political, social and economic realities existing in the region and thereby identity the opportunities or the challenges out of such realities in shaping their spatial identity, social justice and economic well-being.

In addition to the current Middle East peace process, two other important peace processes in the post-Cold war merit attention in so far as conflict resolution is concerned. The transition from apartheid to multi-party elections in South Africa has been, in recent times, one of the remarkable cases of conflict resolution where continuous negotiation between the parties concerned finally led to the restoration of black majority in power. Here, mediation had its role to play. Similarly, the peace process in the Northern Ireland has reached its watershed in the form of Good Friday Agreement in 1998, a step made possible only by negotiation and mediation.

# CHAPTER II

## Israeli-Palestinian Conflict and Peace Making : A Historical Perspective

Any inductive deduction of facts, sifted from the long checkered of Palestine, would reveal that the Palestinians, despite being people with distinct ethnic and spatial identity, have been the victim of the tyranny of history in several of its stages. Various historical forces tended either to deny, keep in abeyance or obliterate this identity in one form or the other. History gave a final blow to the Palestinian identity, both in spatial and ethnic sense, when the ancestral land that these people inhabited was usurped through the erection of a state of Israel therein, and later on, linguistic and religious commonalties forced them to accept an 'Arab identity' rather than a Palestinian identity in those Arab countries where they took refuge following their displacement.

Given the fact that the Palestinians themselves have been the victim of injustice, the onus fell on them to reclaim their lost identity and give it a more tangible shape within definite spatial boundaries, in other words, the creation of a Palestinian home. Despite various impeding forces, the continuity in their struggle for self-determination has not been broken mainly due to their firm conviction that they were on the right side of the law and that their struggle was for a just and legitimate cause on which compromise whatever was possible on its material aspect (adjustment of territories and boundaries etc.) but not on its essence or spirit – recognition to Palestinian distinct territorial and ethnic identity in the form of a homeland for the Palestinians.

The chapter purports to study as how the Palestinians in their conflict with Israel sought to realise the above stated goal. The objective is to underline the point that the Palestinians never *lacked peace plans* with respect to the question of their statehood, what they lacked was a *workable strategy* for realising their goal. The failure, in this respect, is mainly due to the hostile political undercurrents in which the Palestinian movement had to work from the beginning. Also, taking advantage of their weaker position in the conflict with Israel, most of the peace plans floated by the quarters other than by the Palestinians, were antithetical to the peace plans of the later. However, the impasse over the critical question of the Palestinian statehood was broken by the Palestinians themselves, and that the other forces only reinforced to act in favour of a peace process which is to help them realise their goal.

## Section I: Palestinian Statehood vis-à-vis Zionism

Seen from the prism of history, the Palestinians would be found to constitute a distinctive entity by themselves in ethnic, geographical, cultural and political terms since long. Given the fact that such an entity came, by an accident of history, into a direct clash with another entity i.e., the Jewish, over the question of spatial claim, much of the history since then seems to have been coloured by hopes and fear, by wishes and desire, by prejudice and propaganda. Also, the fact that the Jewish claim to the territory inhabited by the Palestinians finds its raison d'être in a religious argument, the history is loaded with emotion, ideological rhetoric and theological feeling. However, it is not our purpose to go deep into the historical baggage except to point out that the conflict

between Israel and the Palestinians erupted following the proclamation of the State of Israel in the British mandated territory of Palestine on 14 May 1948.[42] Since then, two distinct interpretation of the Israeli-Palestinian conflict dominate the literature.

From the Palestinian perspective, the creation of Israel in a land where they had been the majority was a sufficient triggering point to carry on a liberation movement against the Zionist colonialism. The arguments in favour of their movement may be summarised as follows: i. the Arabs have lived and used Palestinian soil during the last 1300 years; ii. there are no racial or other properties of the Jews that could support their claim to the land from the promise to Abraham and his 'seed' – the Arabs are his seed as much as the Jews; iii. during the various occupations of Palestine throughout history, Palestinians have participated in the local administration at various levels; iv. the British promised during World War I to assist the Arabs in their attempts at achieving national independence. The promise was broken after the war in favour of the British imperialism and Zionism; v. the Jewish immigration, especially from Europe, has threatened the basic cultural character of the area; vi. Zionism is a manifestation of Western imperialism and vii. the Israeli policy of settlements means a quiet expulsion of Palestinians from their land. This is a violation of Human Rights since every people has a right to remain on land they have held as their own.[43]

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[42] See for details, Henry Cattan, The Palestine Question, Croom Helm, London, 1987, pp. 49-51.

[43] Kjell-Ake Nordquist, "Conflicting Peace Proposals", Report No. 24 (Second Edition), Publication of the Department of Peace and Conflict Research, Uppsala University, Sweden, 1990, p. 27

Interestingly, the Zionists too view the creation of the State of Israel as a national movement aimed at saving the Jews from suffering and near-extinction. The arguments in this line are : i. ancestors of the Jews once controlled Jerusalem and surrounding areas; ii. only the Jews have even had an independent nation in the area (under King David and King Solomon); iii. there has always been some Jews living in the area; iv. the Jews have kept alive a cultural attachment to the area; v. Palestine or 'Eretz Yisrael' is similar to the Land of Promise, God's promised land to the chosen people; vi. Jewish settlement in Palestine was based on peaceful purchase of land via the only available authorities, the Turkish Sultan and later the British Mandatory officers; vii. a resort for the Jews after the Holocaust could only be provided in Palestine, whereas the Arabs have vast areas which are open to the Palestinians; viii. the State of Israel was legally founded through a UN General Assembly Resolution in 1947; ix. the Jews offered to live in a shared or partitioned state in 1947 but the Arabs refused; x. the economical and industrial development of the areas has created a right for the Jews to be established there and xi. the superior technological and financial resources of the Jews give them a right to develop the area in the interest of all peoples in the region.[44]

While the Zionist and Palestinian arguments over the disputed area are contradictory in nature, the important factor to note is that they are not incompatible. At least, at first glance, there is a striking symmetry between the parties' interpretation of the conflict : they consider themselves as a 'national liberation movement' and deny the other party any claim to be a 'national

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[44] Ibid., p.26

movement'. Both claim historic rights to a piece of land called Palestine, notably the territory of the British Mandate of 1922, and both aim to establish in the given land their respective state. Finally, both movements claim to represent a dispersed people – the Jews having lived in Diaspora for 200 years, the Palestinians increasingly expelled from Palestine as a result of Jewish occupation of Palestinian lands and the consequent expulsion of Palestinians from the occupied lands. The result being that only a minority of Palestinians now live in the core area.[45]

The conflict between the two parties, thus, became a conflict over *'state formation'* marked by a very conspicuous asymmetry between them. The asymmetry is measured in terms of the level of power of both the parties. While, Israel took little time to grow from a minor, relatively weak nation to the dominant military power in the region, the Palestinians were bereft of any such fortune. In consequence, Zionism achieved its goal of establishing a homeland for the Jews in Palestine, notwithstanding the fact that its state formation process remained incomplete due to the absence of any agreement over its borders with the exception of the Peace Treaty of 1979 with Egypt.[46] In such an asymmetric conflict, the Palestinian goal, even it was well founded and just, could not become the basis for a just settlement as it lacked the ability to interact with competing goals – in particular those of Israel.

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45 Ibid., p.20.

46 The Egyptian-Israeli peace treaty was signed on 26 March 1979 after the signing of Camp David Accords on 17 September 1978. In accordance with the peace treaty, Israel agreed to return the whole of Sinai to Egypt (occupied during the 1967 Arab-Israeli war). The price paid in return was Egypt's recognition of Israel, its abandonment of its original position on Palestinian rights (self-determination and a Palestinian state) and its acceptance of Begin's autonomy plan for the West Bank and Gaza. See for details Henry Cattan, op.cit., pp. 143-149.

As observed in most asymmetric conflicts, the root of the conflict lies not in particular issues or interests that divide the parties, but in the very structure of who they are and the relationship between them.[47] In case of the Israeli-Palestinian conflict, the structure of relationships between the parties has been marked by such an extent of hostility, antagonism and incompatibility that there existed little, perhaps, no scope to address the main root of conflict. In consequence, the parameters of peace in the region, changes or modifications in it, were linked up with the policies and strategies of Israel and its influence over the course of regional developments. Whereas, those peace plans that emanated from the Palestinians were either subsumed in the process or kept in the backburner of Middle Eastern politics. It would, thus, be relevant to see the parallel direction in which the peace efforts floated from these two opposing parties. In this connection, the peace efforts by Israel and Palestinian leadership can be studied in three important phases : i. the first phase starting from 1948 to 1967; ii. the second one starting from 1967 to 1979; iii. the third one starting from 1979 to the Oslo accord.

## Section: II- The first phase (1948-1967)

During the first phase, the UN Partition Plan of November 29, 1947 remained the basis for peace between Israel and the Palestinians. As per the plan, the proposed Jewish state was to constitute 56.47 percent and the Arab state only 42.88 percent of the total area of 26,323 square kilometers (with Jerusalem as an international zone with an area constituting 0.65 percent of the

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47 Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, op.cit., p.12.

total mandated land).[48] While the Palestinians rejected such a proposal on the ground that implantation of a Jewish state in their territory was a violation of all norms of international law, the Jewish leadership rejected it for the reason that the proposal did not envisage the creation of Greater Israel (Eretz-Israel)[49]. Some hard-line Zionist leaders of the time insisted that 'at a minimum all of mandatory Palestine is the Jewish State'.[50] Some even insisted that 'all of the Hashemite Kingdom of Jordan and even parts of adjoining nations cannot be bargained away for peace'.[51] The result was that the partition resolution precipitated the country into anarchy and chaos marked by terrorist attacks launched by both the Arabs and the Jews on one another. As Henry Cattan remarks, "The chronology of events, murders, arson, bombings and massacres during the remaining period of the mandate reads like a sequence of horrors".[52] While efforts were being undertaken to revise the partition plan or find alternative course of action with respect to the future of the mandated Palestine, the political vacuum created by the British relinquishment of its duty as a mandatory power on 14, 1948, provided the Jewish leadership an opportunity to proclaim the State of Israel on the same day. And following the proclamation of the new state, when the Arab armies

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48 Dr. Akmal Hossain, "A Survey of the Palestinian Right of Self-determination" (Thesis defended and submitted to the Institute of State and Law, Czechoslovak Academy of Sciences, Prague, 1977).

49 The idea of a Greater Israel state encompassing the whole Levantine area has flourished in the Zionist movement since its emergence and some still consider it an important task for the movement.

50 Don Peretz, "Israeli Peace Proposals'' in William A. Beling (ed.), Middle East Peace Plans, Croom Helm, London, 1986, p. 13.

51 Ibid.

52 Henry Cattan, op.cit., p. 42.

entered Palestine with the declared intention of saving the Palestinian people from Zionism, the geo-political configuration of the region witnessed drastic changes. The victory of Israel in the first Arab-Israeli conflict (1948-49) extended Israel's *de-facto* boundaries which included the northern, western and southern parts of Palestine thereby meaning that about three quarters of Palestine (77% of the total mandated Palestine) came under the authority of Israel. The remaining portion of land in Arab hand was divided between Egypt (that set up an administration in Gaza Strip between 1948 and 1967), and Jordan which annexed eastern Palestine changed its name to West Bank, the western part of the Jordan river.[53]

In addition to the spatial changes, the conflict also brought about alarming changes in socio-political and strategic situation in the Middle East. *First*, the creation of a Jewish state in the heart of an Arab-Islamic land struck at the very psychology of the Arab general masses. In conviction, the Arabs who co-existed with Jews since long, were not opposed to Judaism. But the way Israel was assisted by the Western powers and the West-based Jewish organisations soon created an overwhelming impression across the Arab world that 'Israel was a symbol of Western colonialism whose culture and tradition sharply contradicted the traditional ideals and values of the Arab society in the region. *Second*, the victory of a nascent state in the face of regular Arab army seemed to confirm the new might of Israel engineered by her higher morale, better equipment and superior organisation. In particular, the Arab countries were dismayed by decline in their political

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[53] Nasser H. Aruri, "Dialectics of Dispossession" in Nasser H. Aruri (ed.), Occupation : Israel Over Palestine, Zed Books Ltd., London, 1984, p. 6.

prestige following their defeat at the hand of Israel in 1948 war. Their anxiety also lay in the fact that the West, henceforth, would always stand on the side of Israel ignoring the Arab cause. *Third*, the war was marked by gruesome cruelties and violations of international law. Scores of Arab villages were razed to the ground and Arab population massacred resulting in a widespread displacement of several hundred thousand Palestinians from Israel. In effect, the mass exodus of Palestinians had practically caused the entire Palestinian social structure to collapse and the Palestinian society in the new diaspora, as Helena Cobban remarks, "was demomoralized, fragmented, angry, and in a mess".[54]

In such an imbalance equation of power, Israeli and Palestinian perspectives of peace reflected inner tension. To Israel, peace in the region was equated with securing its existence. Towards this end, recognition by the neighbouring Arab states was a crucial point in consideration, whereas, accommodation on more substantive issues like the fate of Jerusalem (occupied in 1948 war), the question regarding Israeli borders and the fate of the Palestinian refugees were viewed to be the issues of dispute caused by the Arab refusal to accept the Jewish state. In Israeli conception, there did not seem to exist any entity called the 'Palestinian', let alone the question of their state. Any political dealing with the Palestinians was, thus, totally ruled out by Israel. Whereas, the Palestinians, despite their failure in achieving any specific area where to form a state, did not reconcile themselves to the creation of Israel, which to them was a development utterly threatening and intrinsically hostile. In their perception, peace in

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[54] Helena Cobban, "Palestinian Peace Plans" in William A. Beiling (ed.), op.cit., p. 38.

the region was possible only through the 'deconstruction of the State of Israel' which, in other words, means regaining all territories lost to the latter.

The Palestinian plan, too ambitious in nature, could not be carried out not because of the fact that the Palestinians were stripped of their territory and resources, but because of a lack of effective political leadership to champion their cause. They were equally politically ineffective to think even of such creative solutions as co-existence with Israel. The result was that the 'Palestinian question' became the almost exclusive preserve of the rulers of various Arab states who, from time to time, manipulated it for their own *raisons d'états* .[55] However, it should be noted that the disenchanted and disgruntled Palestinians living in the squalid refugee camps in their Arab neighbourhood always tried to maintain their distinct identity despite their close religious, cultural, social and psychological affiliation with the Arab nations. Being dismayed by the inter-Arab squabbling they were quick in realizing that no Arab state would permit a Palestinian state to be shelved out from its territory nor would an assimilation with the host Arab nations be possible in future. Ultimately, the Palestinians were to address some of the crucial questions themselves like : i. what territories would form the state of Palestine? ii. what would be the position of the Jewish settlers? iii. what would be the diplomatic channel through which their voice be placed in the international fora? iv. finally and most importantly, through what strategy and tactics these unarmed, untrained and dispersed Palestinians would defeat a powerful Israel in future? [56]

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[55] Helena Cobban, op.cit., p. 38.

[56] For detailed answers to the queries raised, see Abul Kalam Azad, "Intifada : The New Dimension to Palestinian Struggle", BIISS Paper 11, January 1990.

As the flux of events suggest, there had not been a proper evolution of a peace plan from the Palestinian side during the period under review. Although, the programme of Pan-Arabism, Arab unity and solidarity of Gamal Abdul Nasser of Egypt (1956-70) added a new dimension to the Middle Eastern politics with few positive implications for the Palestinian cause, the problem arose when the Israeli-Palestinian conflict was clouded as an Arab-Israeli cause under the garb of Arab nationalism as envisaged by Nasser. The label was preferred by Israel for their own purposes and the world community, too, followed the suit. In effect, Nasser's support to the Palestinian cause was an appendix to his overall preoccupation with Israel – the country that he sought to deal with from his own perspective by placing it at the centre of Arab politics during the late fifties and early sixties. [57]No sincere efforts were rendered to uphold the cause of Palestine as a separate entity nor was any attempt made to create a leadership out of the dislocated Palestinians living in several Arab countries. Even the creation of PLO (Palestine Liberation Organisation) in 1964 in Cairo out of Nasser's initiative did not appear to be a whole hearted conviction for the cause of Palestine. It was, on the one hand, a scheme to placate the Palestinians, and on the hand, to keep them on a short leash lest they cause problems with Israel in the future. Although Ahmed Shukairy, a Nasser's favourite is credited with drafting the Palestinian National Charter and for the

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[57] Nasser stringently stood on the point that any compromise with Israel was incompatible with the removal of Israel as a political entity. His hard line policy towards Israel was manifested in several of his ideas floated during that time. He asserted that any war with Israel should be a final, decisive and brief war – an all out war to the bitter end. In this connection, all the Arab states were required to strengthen their respective position through internal reforms – political, economic and social. See for details Abul Kalam Azad, op.cit., pp. 21-27.

first time formulated the idea of Palestinian identiy and Basic Law, nevertheless, much to the dismay of the Palestinians there was no reference to any sovereignty either of the Palestinian people or of Palestinian state in the charter. The stress was laid on the definition of Palestine as an Arab homeland bound by ties of nationalism to the other Arab countries which together with Palestine constitute the greater homeland.[58] At this stage, the PLO's aim and strategy somehow remained shrouded in mystery and the movement lacked a concrete and planned course of action to meet up the challenge posed by Israel. What, probably, the world seemed to derive from Shukairy's vague rhetoric and verbosity is that 'he wanted to drive Israelis into the sea'.[59] Although, such militant and fiery rhetorics were at the back of increasing military activities by the Al-Fatah group, the PLO during the time of Nasser had, in fact, nothing significant to offer to the Palestinian masses.

Another dismaying fact to be noticed during the first phase is the near absence of efforts by the international community to redress the wrongs committed to the Palestinians. Although, occasional proposals for initiating a peace process between Israel and the Palestinians on the basis of the partition plan were floated, such proposals foundered on the rock of Israel's refusal to accept the validity of the plan. Due to the absence of any international pressure on Israel, all distinctions between the partition borders and the armistice lines had disappeared.[60] Eventually, international consensus also accepted the armistice lines as formal if non-

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58 Alain Gresh, The PLO : The Struggle Within-Towards an Independent Palestinian State, Zed Books, London, 1983, p. 22.

59 Abdullah Frangi, The PLO and Palestine, Zed Books Ltd., London, 1983, p.1000.

60 Don Peretz, op.cit., p. 13.

ratified borders, and all discussion of return to partition ended. With respect to Israel's annexation of Jerusalem, no international efforts were made to make Israel give up the territory except the UN debate on the question in 1949 that concluded an agreement on UN guarantee of the Holy places in Israeli controlled Jerusalem.[61] Also, a series of peace plans highlighting the issue of refugee settlement and repatriation between the period 1947 to 1967 met with Israel's resistance which argued that the return of refugees would undermine national security, dilute the Jewish character of the state and subvert its economy. Interestingly, this argument, till to date, holds true for Israel. Amidst this situation, two Israeli proposals : i. a regional co-operation in the development of markets, exploitation of raw materials, regional irrigation etc., and ii. an offer to make the Middle East disarmed and ensure security through peace treaties between the regional countries practically drew no interest of the Arab world in so far as these measures were to perpetuate the status quo in favour of Israel.

The foregoing discussion suggests that the evolution of peace plans during the first phase by the Palestinian had to face a number

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61 Although Israeli refused to renounce annexation of Jerusalem, it made various proposals intended to accommodate international concerns and the various religions interests in the city. When the Jerusalem question was debated at the UN in 1949, Israel proposed a form of 'functional internationalization' in which it would conclude an agreement with the UN guaranteeing protection of the Holy Places in Israeli-controlled Jerusalem, and providing for a resident UN representative in the city to observe implementation of the agreement. A year later the proposal for 'functional internationalization' was reintroduced with increased status for the UN resident representative. He would be 'sovereign authority of the UN with full control over the Holy Places, including protection, free access, and repairs. A certain degree of extra-territoriality would be conceded by Israel to the UN representative who would have the sole power of decision in disputes between the different religious communities in Jerusalem. Ibid., pp, 13-14.

of predicaments. Those who remained inside Israel as minority was socially shattered and politically controlled, and those who lived in the neighbouring Arab countries were to live at the mercy of the Arab governments. Despite a strong sense of their own nationalism, the Palestinians living in the diaspora had to identify themselves with various ideological currents in the area, i.e., Nasserism, Bathism, Marxism etc. These conditions as William B. Quandt has noted, "did little to foster a sense of purpose and unity among the Palestinian elite".[62] The Palestinians, thus, in disarray could not produce an effective leadership to voice their claim at the regional and international levels. Despite this, judged in the light of general sentiment of the Palestinians both inside Israel and in diaspora, it can be argued that, at least in their imagery, the idea of a Palestine state encompassing the entire mandated area was well anchored, and that any co-existence with Israel was totally ruled out.

## Section III:The second phase (1967-1979)

The evolution of Middle East peace process during the second phase is explained by certain developments that not only radically changed the balance of power in the Middle East but then also the parameters of peace plans by Israel, the Arab countries, the Palestinians and the international community. In this respect, the third Arab-Israeli conflict that records an Israeli victory over the Arabs can be viewed as the watershed development to effect such changes. *First*, as a result of the 1967 war, Israel almost doubled its territory under control. It occupied the Golan Heights from

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62 Cited in Bard E. O'Neill, Armed Struggle in Palestine : A Political- Military Analysis, Westview Press, Colorado, 1978, p.5.

Syria, West Bank of the Jordan River from Jordan, the Gaza Strip from Egypt plus all of Sinai and the East Bank of the Suez Canal. In addition, the old city of Jesrusalem was annexed. The addition of these occupied lands to pre-1967 war Israeli territory seemed to have materialised the idea of **Greater Israel** encompassing the whole Levantine area. This, obviously, generated a new perception of security in Israel in so far as protection and securing of new borders is concerned.[63] In the subsequent period, the new security perception has its most profound influence on any peace plan that originated from Israel. *Second,* the humiliating defeat of the Arab in the hands of Israel exposed the weakness of the Arab world vis-à-vis Israel. The Pan Arab dreams incarnated by Nasser collapsed, whereas Jordan and Syria were to deal with Israel on their own calculation of interests and issues. What is, perhaps, more important is the fate of the Palestinians. So long they had remained outside in scattered refugee camps, but with the occupation of West Bank and Gaza Strip, a significant percentage of the Palestinian population now came to live under direct Israeli occupation. In the new circumstances, therefore, the PLO sensed the possibilities of new forms of action, strategy and tactics[64] Also

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63 A new conception of secure borders emerged based on the Jordan River rather than the armistice lines, which were now perceived as obsolete as the UN partition borders. Jerusalem disappeared from the agenda as a negotiable item after the *de facto* annexation of the former Jordanian sector. The problem of the 1948 refugees, whose numbers had almost doubled due to natural increase, was overtaken by a new exodus from the West Bank.

64 "The receptivity to the notion of people's war was further increased by the spatial and demographic changes affecting the area which Israel controlled. Prior to the war, the idea of conducting a people's war in Israel relying on 300,000 Palestinians living amidst 2.5 million Jews seemed absurd. When the war ended, however, some one million Arabs found themselves under Israeli control and the potential area of

to take note is the degree of independence and the broad based support that the PLO movement came to enjoy after the war. The PLO succeeded in developing a leadership in the diaspora under its unchallenged leader, Yasser Arafat, and a number of Arab states provided the majority of PLO's financial resources and logistical support. *Third*, the international community too now got involved in the peace process. The United Nations Security Council Resolution 242 became the new basis for negotiations and the foundation upon which Israel, the US, the UN and moderate Arab states would construct respective frameworks for peace. The resolution called for Israel to withdraw its armed forces from territories of recent conflict; termination of belligerency and 'respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognised boundaries free from threats or acts of force; and ' a just settlement of the refugee problem'.[65]

How have these variables interacted among themselves in fostering peace in the region? At first, Israel's peace move would be relevance in the discussion. It would not be an exaggeration to say that during the period under review, there was nothing substantial on Israel's part in so far as peace with the Palestinians is concerned. Imbued with new zeal generated by new territorial gain, Israel's policy in the post 1967 period aimed at consolidating

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operations had expanded to include the occupied territories as well as Israel. Consequently, some Arabs concluded that armed struggle in the form of guerrilla warfare and terrorism had become a more plausible course of action". Alain Gresh, op.cit., p. 3.

65 See Annex 2.

its position in the newly occupied territories of West Bank and Gaza Strip. Except for marginal groups like Peace Now Movement, Rakah (the Israeli communist party) and Shelli, no group in Israel was willing to contemplate a total Israeli withdrawal from these areas.[66] In particular, in the political agenda of Likud and Labour parties (that constitute some two-thirds of the electorate), the future of West Bank was given due consideration. Even the Labour party which is an amalgamation of groups with diverse programmes and perceptions about Israel's territorial rights, did not seem to make any compromise on the territorial issue.[67] For the Likud party that was formed in 1973 with a programme to keep territory captured in 1967, the land issue naturally was at the apex of its agenda. As Menachem Begin, former leader of the Likud said : "Israel did not have to annex the West Bank because Judea and Samaria (the biblical terms used by Likud for the West Bank) are an integral part of our sovereignty. Its our land. It was occupied by Abdullah against international law, against our inherent right. It was liberated during the six-day war when we used our right of national self-defense, and so it should be ... You annex foreign land. You don't annex your own country. It is our land. You don't annex it".[68] Along side this determination to keep the occupied lands in possession, there has been an uninterrupted Israeli policy of building Jewish settlements in the territories of West Bank and Gaza Strip. The policy was a calculated attempt by Israel to establish its strong political foothold

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66 Nafez Nazzal, "The Palestinian Perspective of the Future of the West Bank and the Gaza Strip" in Paul Marabtz and Janice Gross Stein (ed.), Peace Making in the Middle East, Croom Helm, London, 1985, p. 81

67 Ibid.

68 Cited in Don Peretz, op.cit., p. 17.

in the occupied areas. Israel could well perceive that without permanent physical presence in these areas, her long term economic and political control of the annexed areas could not be possible.

It is beyond the scope of the paper to go into a detailed discussion on Israel's settlement policy which is a complex and diverse one with many phases in it, except to mention that such a policy reached its crescendo when Likud government headed by Menachem Begin came to power in 1977. Since it's coming to power in 1977, some 70 settlements were built in the West Bank and 10 in Gaza Strip, more than twice as many as were constructed during the decade of labour rule that followed the capture of the territories.[69] Under the circumstances, the issue of Palestinian right to self-determination did not figure at all in any Israeli leadership. The conflict, thus, continued to remain asymmetric in nature as before with the ever strong position of Israel vis-à-vis the Palestinians and an increasing complex structural relationship between the two. Israel regarded the Palestinians as a band of terrorists, whereas the Palestinians regarded Israel as an illegal entity that is likely to be destroyed sooner or later.

However, the conflict between Israel and the Palestinians, asymmetric as it was, could not be expected to pay lip service or remain indifferent to the cause of uprooted Palestinians for an indefinite period of time. Beginning from the mid-seventies, there had been an empowerment of the weaker party, i.e., the PLO, to which neither Israel nor the regional Arab countries nor the international community could remain indifferent. The strategy of PLO under the leadership of Yasser Arafat followed a dual course

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[69] For details on Israeli settlement policy, see Abul Kalam Azad, op.cit., pp. 63-67.

– intensification of guerrilla activities and vigorous diplomatic maneuver to cultivate world support for the Palestinian cause. While the sporadic armed guerrilla activities of the Palestinians did have little material impact on the powerful military capability of Israel, they did have their impact on the psychology of Israel as a whole. Before such struggle, the Palestinian issue remained politically invisible and excluded from all agreements and negotiations. But now, the international opinion could not ignore the resistance movement of the Palestinians with indifference. In particular, in the West, where Palestinian armed activities were the subjects of revulsion and condemnation, later on became an important factor to bring to light the Palestinian ability to destabilize an already unstable region that is of significant strategic and economic importance to them.

At the diplomatic front, some of the events following the Arab-Israeli war of October 1973[70] and the Geneva Peace Conference became pivotal in many ways for the Palestinian people.[71] Most notably, there was a considerable advancement in the status of the PLO when the Arab Summit (Rabat) in October 1974 unanimously adopted a five point resolution affirming the right of the Palestinian people to self-determination and to its own homeland and recognizing the PLO as the sole and legitimate representative of the Palestinian People. Such recognition of the Palestinian status was further elevated to a position of diplomatic honour when on November 1974 the UN General Assembly through its resolution 3236 recognised the inalienable rights of the Palestinian people to

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70 The War of 1973 took place as Syria and Egypt, in their bid to recover the Golan Heights and the Sinai Peninsula lost during the 1967 war respectively, launched a surprise attack on Israel. See for details, Henry Cattan, op.cit., pp. 135-149.

71 For details on Geneva Conference, see Ibid.

self-determination, independence and sovereignty along with the right to return to its home and property. By the same resolution, the Assembly conferred on the PLO the status of observer, inviting the organisation to participate in the sessions and the work of the General Assembly and all other international conferences convened under the auspices of the Assembly and other organs of the UN.[72]

However, the achievement of diplomatic victory by Yasser Arafat at different fronts did not influence, in any way, Israel's hard-line and uncompromising policy with respect to land. Therefore, at this stage, Arafat's utmost concern was to influence the Israeli leadership through a diplomacy of moderation much to the disliking of various radical leaders within the PLO. In this connection, the realisation that loomed large in the PLO mind was that any hope of defeating Israel, well equipped with conventional and as well nuclear arms, through a long protracted Palestinian armed struggle would remain simply as an illusion. Consequently, at the diplomatic front, the first ever idea of a Palestine state emanated from the PLO leadership under Yasser Arafat. Such a state was to be democratic, progressive and non-sectarian in all of Palestine - on less than the whole of the territory of mandate Palestine.[73] Israel rejected the idea terming it as a Palestinian ploy to gain world sympathy. Later on, a mini-state proposal envisaging the creation of an independent combatant national authority over every part of Palestine that is liberated was vehemently opposed by Israel on the ground that its borders would be turned into a base of

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72 The Need for convening the International Peace Conference on the Middle East, UN Publication, 1989. Also see for details, Abdallah Farangi, op.cit., pp.142-143.

73 Helena Cobban, op.cit., p. 43.

Palestinian terrorist activities. It is needless to mention here that such a proposal of Arafat was also rejectedd by the PFLP and DFLP leaders terming it as 'capitulationist' and 'rejectionist' idea. Lastly, a great shift was discernible in Arafat's diplomacy of peace when his organisation advocated for a two-state solution – a partition of what was mandatory Palestine into a Palestinian Arab and an Israeli Jewish state. Realism dictated Arafat to further compromise on his two state formula as instead of demanding the UN partition plan boundaries of 1947 as a site for the Palestinians, he now opted for a Palestinian state in the occupied West Bank and Gaza Strip.[74] This proposal met with strong resistance from his radical colleagues arguing for a return to the UN partition plan of 1947.

However, the fact remains that the Palestinian policy of moderation, flexibility and concessions could not fare well in the face of Israel's inflexible and intransigent attitudes. It was Israel's emphatic decision that under no circumstances would it contenance ceding West Bank and Gaza to an organisation which she considered as a mere group of terrorists. Thus, being unable to tackle Israel by his own diplomatic maneuver, the PLO tried to enlist the support of the US, Israel's patron and strategic ally. In this connection, a peace programme enlisting some additional points was floated by the movement, in particular, with the objective of allaying the fear of Begin who said : "If it ( a Palestine state) were established in Judea, Samaria and Gaza, it would not only constitute a direct danger to Israel's security, but to its very

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74 The two-state solution is, in fact, a mini-state type solution but with clearly marked territories, the West Bank and the Gaza Strip.

existence. Such a state would become not only a source for terrorist activities against Israel but also a Soviet base to undermine Western interests in the region".[75] The new points in Arafat's peace programme were: i. the armed struggle would cease if Israel recognises Palestinian sovereignty in the occupied territories; ii. the proposed state will not be a Soviet military base; iii. an indication to change the controversial Palestine Charter once the Palestinians gained their primary rights (a national independent state).[76]

The US administration, while opposed to the concept of a Palestinian statehood, nonetheless sought for a modicum of compromise between Israel and the Palestinian leadership. While expressing objection to Israel's settlement policy in the occupied territories, the US, at the same time, held the position that the PLO had to recognize Israel first as precondition for any talk either with Israel or the US – a position that was totally unacceptable to the PLO. Sensing that the PLO demand went to the extent of creating a separate state in the Jewish state and that there was also an US pressure to deal with the Palestinians in one form or the other, Israeli leadership was quick to subsume the concept of statehood under the garb of autonomy. Thus, under Begin, Likud's peace plans did include certain rights for the Arab inhabitants of the West Bank. These were outlined in his 26 point proposal presented to the Knesset in December 1977. Begin initially offered to terminate the military government in the West Bank and Gaza replacing it with

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75 Don Peretz, "Israeli Policy" in Robert O. Freedman (ed.), The Middle East Since Camp David, Westview Press, Boulder and London, 1984, p. 161.

76 Andrew Mack, "The PLO and the Prospects of Peace" in Mohammad Ayub (ed.), The Middle East in World Politics, Croom Helm, London, 1981, p.91.

administrative autonomy 'by and for' the Arab inhabitants. They would be authorized to establish control over their own domestic affairs in matters of education, social welfare, religion, and the like, under Israel's supervision. The land itself, according to Begin, was a Biblical heritage of the Jewish people and could not be alienated by turning it over to the Palestinian Arabs. Thus, Jews had every right to continued settlement in the West Bank, Gaza and Golan Heights and to the exploitation of their agricultural, water, mineral and other natural resources. Jews living in the West Bank or Judea and Samaria as the region was called by Begin, would not be included in the autonomy arrangement. This arrangement would ease Israel's burden, since local matters would be managed by the Arab autonomous administration rather than by the Israeli military government, which would be terminated. The autonomous administration would have limited authority, leaving concerns such as internal security, Jewish settlements, national lands, and even some economic affairs in Israeli hands.[77] By all logical conclusions, it was evident that Begin's concept of autonomy would assure that a Palestinian state would not be established in Judea, Samaria or Gaza and that Jerusalem would remain united 'forever as the capital of Israel' and Israel would never go back to the 1967 borders.

A new factor in the Middle East peace efforts was the Camp David Accords which were signed on 17 September 1978 between Israel and Egypt under the US mediation. It embodied a framework for peace in the West Bank and Gaza as well as provisions for the Egyptian-Israeli peace treaty. With respect to the former, the accord envisaged some sort 'transitional arrangements' to provide

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[77] Don Peretz, "Israeli Policy" in Robert O. Freedman, op.cit., p. 160.

a five year autonomy period to the Arab inhabitants. Under these arrangements, the inhabitants would enjoy 'full autonomy' and elect a 'self-governing authority (which was described as an administrative council) After three years of such arrangements, negotiations would open to determine the final status of the West Bank and Gaza and its relationships with its neighbours.[78] The concept of autonomy as envisaged in the Camp David Accord, however, contradicted sharply with that of Begin who maintained that autonomy and the powers of the proposed self-governing authority should not go beyond the limited powers as mentioned in his own concept of autonomy. The essential difference was that Begin intended autonomy for *Arab residents of the West Bank and Gaza, but not for the territory.*[79] In addition, the concept of final status as envisaged in the Camp David autonomy was an anathema to Israel as in Israeli official view, the destiny of the lands occupied in 1967 and of the Jews living therein were already decided.

In the final analysis, the experience had been frustrating for the US as the peace plan offered by the Camp David was rejected almost verbatim by Arafat and his followers. The PLO considered the so-called autonomy and self-rule of the Camp David accord as a sedate attempt to liquidate the question of Palestine. In particular,

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78 Henry Cattan, op.cit., p. 146.

79 Quite interestingly, this notion the Israeli leadership derived from Jewish experience in Eastern Europe during the latter part of the nineteenth and early twentieth centuries. The term 'autonomism' was then coined to designate a theory and conception of Jewish nationalism in the Diaspora, in which 'personal autonomy' would be granted to Jewish communities living within the Tsarist and Austro-Hugarian empires with the objective of giving them the opportunity to preserve the religious, legal, social and cultural self-sufficiency. See Don Peretz, "Israeli Proposals" in William A. Beling (ed.), op.cit., pp.18-19.

the arrangement fell far short of its expectation for a separate homeland for which it had been struggling so far.[80] Also, the Arab countries' position on the question of Palestinian autonomy as per the Camp David accord was critical, including Egypt, which always wanted to keep the option of a Palestinian homeland open and not closed.

The policies used by Israel to implement Begin's ideology stirred intense opposition in the Arab world. Furthermore, the measures served to partially increase Israel's international isolation as it became the object of numerous UN General Assembly and Security Council resolutions castigating it for its policies of suppression in the occupied territories and proliferation of settlements in an unbridled manner. Beyond the UN, Israel was also criticized by the non-aligned nations, the European Economic Community (EEC), and diverse Western European countries.

In institutional sense, during the second phase of peace efforts, there had been nothing significant from the international community to resolve the Israeli-Palestinian issue. Although, the

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80 The insignificant rights which are recognised by the Camp David accord in favour of the Palestinians were ridiculed by Fayez Sayegh, then a member of the Kuwait delegation at the UN in the following terms : "A fraction of the Palestinian people (under one third of the whole) is promised a fraction of its rights (not including the national right to self-determination and statehood) in a fraction of its homeland (less than one fifth of the area of the whole) and this promise is to be fulfilled several years from now, through a step-by-step process in which Israel is able at every point to exercise a decisive veto-power over any agreement. Beyond that, the vast majority of Palestinians is condemned to permanent loss of its Palestinian national identity, to permanent exile and statelessness, to permanent separation from one another and from Palestine – to a life without national hope or meaning". Cited in Henry Cattan, op.cit., pp.290-291.

UNSC esolution 242[81] was viewed as a positive measure designed to restore the territorial situation to what it was before the 1967 Arab-Israeli war, and to the extent that it emphasised the principle of the 'inadmissibility of the acquisition of territory by war' and required withdrawal of Israeli armed forces from occupied in the conflict, it was not an all out effort to bring a just and lasting peace in the Middle East. By bypassing and ignoring the basic Palestinian question which the resolution termed as 'a simple refugee problem', the crucial dynamics of the then Middle Eastern politics were not given any consideration, in particular, the questions with respect to the restoration of the national and legitimate rights of the Palestinians and the restitution of their homeland. Also, there had been disagreements between the Arab countries and Israel over the principles in resolution 242 and in interpreting their meaning. In effect, international adoption of the resolution would mean that several previously accepted principles for settlement were to be discarded like: an international regime for Jerusalem, return of Arab refugees to Israel within its pre-1967 frontiers, and use of the 1947 UN Partition Plan as the starting point for determining boundaries.

In a similar vein, UNSC resolution 338 passed after the 1973 Arab-Israeli war, ignored the Palestinians who were at the root of the Arab-Israeli conflict. The subsequent Geneva Peace Conference in pursuance of the resolution succeeded only in concluding certain agreements for the disengagement of the military forces of Israel, Egypt and Syria while keeping the question of Palestine in obscurity. At the conference, the Arab countries could do nothing more other than to persuade Israel to

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[81] See Annex 2.

respect the national rights of the Palestinians which Israel denied arguing that the Palestinian issue was a refugee problem that could be solved through the resettlement of the Palestinians living outside Israel.[82]

Some of the events that marked the end of the peace phase under review seemed to keep the Palestinian problem politically stalemated, in particular, the Soviet occupation of Afghanistan and the war of attrition between Iraq and Iran. In the face of such events with far reaching politico-security and economic implications for a volatile region like the Middle East, the problem of Palestine could not draw due attention, both regional and international. Consequently, the issue remained at its low ebb with the regional and international attention drawn on the newly erupted crises as mentioned.

## Section IV: The Third Phase (1979-1991)

The third phase of Middle East peace process finds its beginning in the Israeli invasion of Lebanon in 1982. The event seemed to bring the issue of Palestine once again to the forefront of Arab politics and unfolded many new realities that the PLO under the leadership of Arafat had to accept. With the loss of its independent base for political and military operation in Lebanon and the lack of Arab interest to defend the Palestinian interests as demonstrated in the Lebanon war, the PLO's only option was now diplomacy. Moreover, the dispersion of the PLO troops to several Arab nations eroded a significant portion of the movement's military effectiveness plummeting down its bargaining power and

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[82] Henry Cattan, op.cit., p. 139-140.

political influence. In such an embarrassing situation, Arafat remained almost without any trusted ally. Even radical country like Syria under whose influence the PLO had to direct its movement throughout the 70s remained half-heartedly committed to the Palestinian cause as indicated by her military inaction during the siege of Beirut.

Despite many predicaments, the essence of Arafat's diplomacy around the question of Palestine showed no compromise on the establishment of a legitimate homeland for his displaced people. However, various diplomatic moves by the other quarters appeared to be incompatible with the aims and objectives that the PLO under Arafat professed. In this connection, mention may be made about the three peace plans floated in the year 1982 soon after the Lebanon war. These plans became a subject of discord and debate within the PLO factions putting its leader in very much a dilemma. While the Arab League Plan[83] of September 1982 and the Brezhnev Plan[84] of the same year were acceptable to the PLO as

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83 The Arab League plan, adopted at the Arab League meeting at Morocco in 1982, was essentially a modified version of the Fahd plan floated in 1981. The provisions of the plan are : i. Israeli withdrawal from all occupied Arab territories including East Jerusalem; ii. dismantling of Israeli settlements in the Arab territories; iii. guarantees of freedom of worship for all religions and rites; iv. affirmation of Palestinian rights of self-determination, and exercise of those rights under their sole representative, the PLO; v. a transition period of a few months during which the West Bank and Gaza would be supervised by the UN; vi. the establishment of a Palestinian state with Jerusalem as its capital, vii. a United Nations Security guarantee for the peace and security of all states in the region including a Palestinian state and viii. A United Nations Security Council guarantee for the implementation of the above principles. See for details, David E. Long, "Saudi Foreign Policy and the Arab-Israeli Peace Process : The Fahd (Arab) Peace Plan" in Willard A. Beiling (ed.), op.cit., pp. 54-66.

84 The Brezhnev Plan is also a two-state solution that envisaged a phased move towards a fully-fledged Palestinian state with most of the characteristics of

these recognised the legitimate rights of the Palestinian people and their establishment of an independent state with Jerusalem as its capital, much doubt and skepticism prevailed over the outcomes of these proposals. By now, the PLO began to mistrust its Arab compatriots who from the beginning used the Palestinian as a bargaining card in various disputes among themselves. Besides, the designing of the Arab League Plan by the conservative Arab countries further seemed to remind the Palestinians of the insincere and fluid attitude possessed by these countries towards them. Side by side, the Brezhnev plan appeared to be another political stunt floated to regain its lost confidence in the Arab world following its occupation of Afghanistan, a Muslim country, and its impotent role in the Lebanon war.

A little attention should, however, be paid to the controversial 'Reagan Plan' (July 1981)[85] which though totally rejected by the PLO, still dominated the thinking of a section of the PLO led by Arafat during the period from the invasion of Lebanon to the final

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sovereignty but with certain treaty restrictions and political orientations. The state should consist of the West Bank and Gaza Strip as defined by the pre-1967 border.

85 The Reagan plan was, in effect, a variation of the theme put forward by the Camp David accord. It reaffirmed the Camp David Agreement as the foundation of US policy in the region. He called upon Israel to make clear that security can only be reached through genuine peace. The Palestinians as well as the Arab states should, on their part, accept the reality of Israel and recognize Israel's right to a secure future. A five-year transition period was outlined in Reagan's proposal beginning after free elections for a self-governing Palestinian authority. During a second period the created Palestinian self-government on the West Bank and the Gaza Strip would be in association with Jordan. Jerusalem should remain undivided, and its final status should be decided upon through negotiation. Kjell-Ake Nordquist, op.cit., pp. 14-15. See the six specific proposals of the Plan in Henry Cattan, op.cit., pp. 297-298. The third proposal states, "The US will not support the establishment of an independent Palestinian state in the West Bank and Gaza, nor their annexation or permanent control over them by Israel".

uprising or Intifada in the occupied territories. Many consider the Reagan plan as the first of its kind to come forward with specific proposals for peace in the Middle East. With due note on Israel's security, the plan envisaged a formation of a self-government by the Palestinians in the West Bank and Gaza Strip in association with Jordan. Under the plan, Jerusalem was to remain undivided and its final status was to be decided through negotiations. The Reagan Plan was essentially like the agreement in the Camp David excepting a new dimension – the Jordanian option which would replace the Palestinians in any future talk. But what appears gloomier is that there is no mention of the inalienable right of the Palestinian people, the right of self-determination and the formation of an independent Palestine state. The terms 'self-government' and 'association with Jordan' were ambiguous. The plan failed to mention whether 'self-government' meant a sovereign or government having limited autonomy under Israeli control or Jordanian control.

It is beyond the scope of the paper to discuss the various factors that brought the Jordanian option in the Palestinian equation. Suffice it to say that the PLO leadership had sufficient reasons to believe that the Reagan plan coincided with Jordan's earlier intention of not creating a Palestinian state within its neighbourhood. Also, in PLO's view, the Reagan plan, in effect, revived the Jordanian interest in pursuing its drive to recover the West Bank at the expense of the Palestinians. It may be mentioned that Israel permitted Jordan to maintain administrative links with the West Bank permitting the later to have its rules and regulations in force. Nearly 50% of Jordan's parliament members were drawn from that area. Despite PLO's suspicion, Arafat showed sheer pragmatism by not totally boycotting Jordan. What he actually

opted for was to find a forum for collaboration with Jordan to dig out a way for talks with the US. Meanwhile, the growing political unrest and agitation in the occupied territories against Israel's settlements and drive to implement the so called autonomy plan of Reagan alarmed Arafat.

In effect, the growing political unrest and agitation in the occupied territories of the West Bank and Gaza Strip, popularly known as *intifada*,[86] symbolises the reaction of the occupied people *en masse* against the repressive policies of Israel during the last 20 years. Among many distinguishing characteristics which have made intifada a qualitatively new phenomenon in the Palestinian-Israeli conflict, the movement's popular nature with a new strategy and the emergence of a new leadership merit attention. So long the Palestinian resistance movement against Israeli occupation was mainly carried out from the PLO bases in the diaspora. The intifada, however, gave credence to the fact that a popular mass base was in existence in the occupied territories to face the Israeli authority in a comprehensive and continuous confrontation. The strategy adopted was not necessarily classical in nature, in other words, confronting Israeli with arms but with large scale protests, minor acts of violence like stone throwing etc.[87] As

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86 The intifada had been the truly grass-roots rebellion in the history of four decades of old Arab-Israeli conflict – a movement that was carried out by a generation of unarmed people and leaders in the Israeli occupied territories of the West Bank and Gaza with the ostensible aim of realizing their long professed goal – a separate homeland for the displaced and uprooted Palestinians. See Abul Kalam Azad, op.cit. and Don Peretz, Intifada, Westview Press, London, 1999.

87 The boys hurling stone at Israeli armoured vehicles, the women abusing the Israeli soldiers in the street and daring them to do their worst, the teen-agers picking up a smoking tear gas shell and throwing it back at the occupying troops – these are some of the images that occurred and reoccurred during the time of intifada. Abraham

well, with intifada, the Palestinian leadership has been diversified with distinct dimensions – internal and external, henceforth, the former being more active with its control over a vast number of internal agitators that included young and old, school boys and girls, intellectuals, peasants, labourers etc,. In the light of this new reality, Arafat, therefore, had to fashion his new peace plans in the subsequent period.

The intifada, indeed, has given Arafat an opportunity to extend an olive branch to Israel for a constructive and comprehensive settlement of the Palestinian issue. The PNC's decision in November 1988 regarding the establishment of a Palestinian state, *inter alia,* on the basis of UN Resolution 181, and his acknowledgement, in December 1988 at the Special UN General Assembly meeting in Geneva, of the UN Resolutions 242 (1967) and 338 (1973) recognising Israel's right to exist and renouncing terrorism, have probably been the watershed developments with respect to peace plans from the Palestinian side. 'These historic decisions clearly reflected a culmination in the transformation of the mainstream Palestinian nationalist movement from total rejection of the Jewish national movement, and of Israel, to finally accepting both'.[88] In particular, the move towards an independent Palestine had been interpreted by Arafat as a bid by the PLO to

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Rabinovitch, an Israeli journalist of Jerusalem Post while writing about intifada said, "Societies are normally held together by a mixture of consensus and fear, but in Gaza Strip and the West Bank it had only been fear. Now the fear is gone, at least among the half of the population born since the six day war in 1967. Young men bared their chests at the soldiers and dared them to shoot". Cited in World Focus, September 1989.

88 Moshe Ma'oz, "From Conflict to Peace? Israel's Relations with Syria and the Palestinians", Middle East Journal, Vol. 53, No. 3, Summer 1999, p. 405.

translate the violent 11 month uprising in the occupied territories into tangible political gain internationally.

However, the grand territorial compromise that the PLO leader made through his proclamation of a Palestine state in only 23% of the mandated territory of Palestine could hardly influence Israel to reciprocate in a similar manner. Israel viewed the PLO's new approach as a mainly tactical one and not a genuine expression of conciliation. On strictly security ground, Israel led by the new Likud-Labour coalition totally rejected it and formulated a new programme that contained the following steps : i. Israel will not withdraw from occupied lands in exchange for peace despite UN Resolution 242. It will add eight more Israeli settlements in the West Bank to the 130 or more already in existence; ii. Israel will never accept a Palestinian state; iii. Israel will never negotiate with the PLO; and iv. Israel will continue to use an iron fist to repress the Palestinians and try to destroy the current intifada.[89]

However, Israel's inflexibility and intransigence were to know limits. At the popular level in Israel, there soon grew an urge to start a dialogue with the PLO, thus adopting a more pragmatic position than their government. Induced by the intifada, the international community, including the US, as well exerted pressure on Israel to come to some sort of negotiation with the PLO and change the *status quo*. More important, the cost of confronting the intifada for Israel had been heavy. Low productivity, staggering inflation, unemployment, drop in foreign investment, decline in tourism, labour unrest and non-functioning of financial institutions were some trends to mark the economy of

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[89] Gleanings from the Press, February, 1989.

Israel during the Palestinian uprising.[90] In other words, in theoretical terms, the conflict with the Palestinians started showing signs of 'ripening process' for Israel as the costs, both in men and money, became unbearable for sustaining the *status quo*.

The Palestinian-Israeli conflict also witnessed few changes at the systemic and sub-systemic levels which brought about a transformation in the conflict itself. The end of the Cold War following the demise of the Soviet Union, and the emergence of the USA as the single most Superpower bore significant strategic implications for the region. The New International Order born out of the debris of the Second Gulf war in the region created a new dent in the US policy with respect to the settlement of few disputes in the region. The US from the long term perspective of securing its safe access to oil resources of the region, guaranteeing Israel's security, cultivating friendship with the countries that joined her in the Operation Desert Storm against Iraq, and above all projecting its credible image as the lone Superpower, felt it an imperative to reshape the strategic balance in the Middle East without the

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90 The uprising took a large chunk of Israel's expenditures on military head. Official Israeli figures show that in 1988 the uprising cost Israelis nearly $600 million due to increased military expenditures. Despite the austerity programme to cut down inflation and promote production, the Israeli government has not been able to deal with the severe blows to its economy at the macro level by uprising. The statistics for 1988 show that GSP (Goods and Services Produced) rose by only 1.6 percent, the slowest growth since 1982 and sharp drop from the 5.2 percent GDP growth recorded in 1987. As a result, unemployment rate rose high and the consumers were hard hit economically. In the first few months of 1989, Israel's Gross Domestic Product (GDP) did not show any growth in Israel's economy. Exports and imports fell significantly with a corresponding decline in private investment, internal consumption and industrial production. Unemployment rose to 8.2 percent in March 1989 after an average of 6.4 percent last year. Tide (Weekly), July 30, 1989. See for details, Abul Kalam Azad, op.cit., pp.88-89.

countervailing influence of the Soviet Union. In this regard, a negotiated settlement between Israel and Arab weighed heavy in the US calculation.

It is also pertinent to take note of the change brought about by the Second Gulf war in Israel's obsession with security in military and territorial terms only.[91] The sophisticated weapons used in the war went to prove wrong the traditional strategic belief of Israel that territorial buffers around her would act as *cordon sanitaire* against an external attack. In this respect, the hitting of Israeli cities by Iraqi launched scud missiles during the course of the war may have created a new dent in the security thinking of Israel. In particular, there has been a growing realisation in the Israeli society that *power is not the same as security*. While Israel may be powerful in terms of its sinews of war, both in qualitative and quantitative terms, she, in the ultimate analysis, remains insecure in view of the recurring Arab hostility vis-à-vis her. As a result, for Israel, the most efective way out of this continuing dilemma was to concentrate on peace making energies with the Arab countries in order to establish correct international relations between and among them. Concomitant with these realities, the new era of *realeconomik* in the post-Cold War period had its positive effects on the regional politics of Middle East as well. Like in other regions of the world, the countries of the region as well felt it a necessity to show interest in the potential for economic co-operation and integration in the region.

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[91] See Efraim Inbar and Shmuel Sandler, "The Changing Israeli Strategic Equation : Towards a Security Regime", Review of International Studies, Cambridge University Press, Vol. 21, No. 1, January 1995, pp. 41-59.

Thus, intifada which set the political agenda for the peace process was further reinforced by another positive factor i.e., the change of actors in Israel, for moving towards a more comprehensive peace in the region. In other words, all the changes combined, brought the parties to a point at which they were prepared to consider a negotiated settlement. Towards this end, the experience of various past peace efforts as taken up for discussion above, could not have been without few of its lessons for the peace makers. In particular, there had been the realisation that any peace effort in order to be genuine and conducive to peace and stability in the region, must address the crucial question of Palestinian statehood. By logical conclusions, it is the Palestinians and not the neighbouring Arab countries who would represent their cause in a direct interaction with Israel.

Given the fact that Palestinian statehood entails Israeli withdrawal from the occupied territories, the focus of the peace process would have to be on development of a *formula for sharing the land* between the two peoples. As empirically seen, the precise terms for sharing the land between the Palestinians and Israel could not be determined despite the fact that it involved justice for the former and historical rights for the latter. In such case, what is required, as Walid Khalidi says, "is pragmatic justice which takes cognizance of the imperatives of both equity and reality and embraces both the changes brought about by the evolution of time and the historical context in which the changes took place".[92] The terms of future settlement were, therefore, required to be framed to

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92 Herbert C. Kelman, "Creating the Conditions for Israeli-Palestinian Negotiations", Journal of Conflict Resolution, Vol. 26, No. 1, March 1982, p. 45.

address the basic concerns of the parties by redressing the wrongs committed to the Palestinians and paying due concern to Israel's quest for security. Also, given the fact that 'justice to the Palestinians' means resolution of few complex and intricate issues, the peace mechanisms were to be fashioned in a way so as to deal with them not in one 'single sweep' but in a *'step by step approach'*. This could be expected to give the parties an opportunity to test each other's good faith, create incentives to stay in the peace process and sustain the process till all complex issues are resolved. It had, therefore, been the general expectation of all that such realities would have their respective meaning, weight and substance in the future peace process between Israel and the Palestinians. Towards this end, the signing of the Oslo accord in 1993 between the two via the Madrid talks in 1991 may be viewed to be a watershed development in the peacemaking history of Middle East.

# CHAPTER III

## The Oslo Peace Process and the Palestinian Statehood

The Oslo accord signed between the Palestine Liberation Organisation (PLO) and Israel on 13 September 1993 is preceded by a long series of negotiations between the two parties dating back to the Madrid conference held on 30 October 1991.[93] The process finds its origin in the US idea of holding 'Middle East Peace Talks' on bilateral deals between Israel and its Arab neighbours. Both the parties, after having engaged themselves in a conflict for nearly 52 years, have shown determined commitment to resort to multi-sectoral negotiations while keeping the option of mediation open in order to bring negotiations back to track once they are deadlocked or face an *impasse*. This suggests that the concerned parties to the Israeli-Palestinian conflict and the third party, the US, committed themselves politically to a process of peaceful settlement, manage spoilers who seek to block the process, and return after each setback to fresh mediation or negotiation. From theoretical point of view, negotiation and mediation are, therefore, the essential ingredients of the Oslo peace

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93 The Madrid Conference established a new framework for continuing negotiations, replacing the 1973 Geneva Conference as the blueprint for future negotiations on Middle East conflicts. For the first time, all parties to the Arab-Israeli dispute, Israel, Syria, Lebanon and a joint Jordanian-Palestinian delegation sat face à face for talks. In the beginning, Israeli-Palestinian negotiations on the official Madrid track encountered severe obstacles, in particular, due to terrorist attacks and military raids in the occupied territories. At last, the breakthrough came with the conclusion of a secret peace deal between the PLO and Israeli through a secret channel proposed by Terje Roed Larsen, a Norwegian social scientist. The highly secret negotiations ended up with the conclusion of the much expected 'Declaration of Principles for Palestinian Self-rule, at Washington on 13 September 1993.

process – incorporated mainly to define the direction of the process towards realising its two fundamental principles i.e., *land for peace* and *non-acquisition of territory by force.*

Given the fact that the *'land for peace strategy'* involved a myriad of complex issues, a political settlement in this respect was chalked out in two phases. In the first phase, the Israelis dramatically shifted from their earlier position by recognizing the PLO as the 'representative of the Palestinian people'. In exchange, Arafat recognised Israel's right to exist, reiterated his acceptance of UN Security Council Resolutions 242 and 338 and agreed to give up all acts of terrorism in the West Bank and Gaza Strip. In this connection, he pledged to change the articles of the Palestinian Covenant that contradict these principles. This change in mindset led Israeli to accept the Palestinian Interim Self-Governing Authority (PISGA) that was to be set up in Gaza and Jericho (West Bank) following its withdrawal from the areas. The authority was to be extended further to other areas of the West Bank in the future. In this connection, to facilitate the extension of the PLO's power base, the agreement set out a five-year timetable for Israeli withdrawal from the occupied territories and troops redeployments. In the second phase, the deferred talks on permanent status negotiations covering such critical issues like the right of return of Palestinian refugees, the future borders of the Palestinian entity, the future of Jewish settlements in the occupied territories and the question of Jerusalem, all of which lay at the root of the conflict, will resume but not later than the beginning of the third year of the interim period between the Government of Israel and Palestinian people representatives.

Interestingly, in neither of the two phases, does the question of Palestinian statehood figure. The critics, therefore, draw from the Oslo process a very grim picture about the prospect for an independent Palestine state in the future. Certain arguments may justify their disillusionment. *First*, the UN General Assembly Resolution 181 which has been the basis of an independent Palestine state and its legitimacy has been kept out of the peace basket, whereas, the UN Security Council Resolutions 242 and 338 that make allusion to the Arab-Israeli conflict with no bearing on the Palestinians have constituted the base of the Oslo peace process. *Second*, not only that there is no mention about a 'national home for the Palestinians' in the Oslo process, but then in the very preamble to the DOP, there is the mention only of 'mutual legitimate and political rights' but not the national rights of the Palestinians or their right of return enshrined in UN Resolutions. *Third*, there is no mention of an 'end to occupation'[94] and withdrawal is referred to as withdrawal from the West Bank city of Jericho and Gaza Strip, and not from the West Bank, where deployment from population centres would take place. Moreover, this partial and limited withdrawal would not necessarily end the Israeli military control in the areas due to security reasons. As a result, Israel would continue to maintain its status as a *de facto* sovereign even in Gaza and Jericho. In effect, the skeptics see the

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[94] The PLO's recognition to Israel gave the latter an opportunity to clear the obstacles on the way of getting the Zionist entity recognised in the area. Whereas Israel's recognition to the PLO was not contingent on ending the occupation or allowing the Palestinians to exercise sovereign rights in the territories. "The so-called mutual recognition was thus asymmetrical and non-reciprocal. The agreement, in effect, predicted on the assumption that the Palestinians were the party that had done wrong and must apologize for resistance to a military occupation, effectively construed as acts of random violence". Naseer Aruri, "Oslo's Muddled Peace", Current History, January 1998, pp. 7-18.

entire Oslo peace process as some kind of an arrangement that did very little to bridge the innate asymmetry and the imbalance between the PLO and Israel. Their allegation goes that Israel, because of its undeniable stronger position vis-à-vis the PLO tried to dictate terms on the latter, thereby leaving a disequilibrium in the strategic goals of the two parties.

In contrast to the above, there are the optimists who view the peace process from an entirely different logic. In their view, the mechanisms of the Oslo peace accord give the parties an opportunity to reach fruition in a negotiated settlement, be it at whatever stage of the current conflict resolution process. In particular, they discover that gradual breakdown of suspicions and the build-up of mutual confidence in each phase of the peace process would eventually pave the way for more audacious and far reaching accommodation in the permanent-status negotiations. And if, as argued earlier, nothing short of an independent Palestine State in the Gaza Strip and West Bank could ensure peace and stability in the region, then permanent status negotiations cannot probably deconstruct this reality. Certain arguments may go to support the point. *First*, the Declaration of Principles (DOP) incorporated in the Oslo peace accord is to be viewed as an open-ended and incremental process because anything more ambitious, in other words, meaning a definitive settlement, was politically impossible at the time the parties signed the accord. While for Israel, the very term 'Palestinian state' was a taboo, the PLO could not insist on including the strategic aim towards an independent state due to its overwhelming asymmetric position vis-à-vis Israel. However, there had always been a PLO conviction that the DOP was a charter for eventual Palestinian statehood, if not in its letter,

at least in spirit.[95] *Second,* the issues in the permanent status negotiation as designated by the DOP like borders, Jewish settlements and Jerusalem – all are essentially the questions that fall within a framework for deciding the size and location of a future Palestine state. These questions may have been logically different from the core principle of statehood not specified as a separate issue in the DOP, but inevitably they are the ones to occupy a central position in the Israeli-Palestinian negotiating agenda. *Third,* that any resolution of the long simmering Israeli-Palestinian conflict is not possible without a some kind of a Palestine state is not only vindicated by the regional and local political forces but by the Oslo peace process itself which has catapulted this emerging reality by recogising the Palestinian Authority as a political entity with a territorial base (initial withdrawal from Gaza and Jericho in June 1994, and enlarged by Israel's redeployment from the major West Bank towns in the last few months of 1995). This self-rule or Palestinian autonomy on the ground was, thus, not a full peace settlement, but only a step towards one. As former US Secretary of State Henry Kissinger has recently pointed out, '' the outside world would increasingly endow that autonomous entity with attributes of statehood''.[96] *Finally,* at leas in principle, the process has not deviated from its

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95 'Yasser Arafat, arriving in Gaza for the first time in 25 years rightly and philosophically told the cheering crowds that he too thought that the DOP was a bad agreement, "but it is the best deal that we could get in worst situation". Delwar Hossain, "Palestinian-Israeli Conflict After the Oslo Process "Changes and Continuity", Journal of International Relations, Vol. 2, No. 2, January-June 1995, pp. 69-105.

96 Mark A. Heller, "Towards a Palestinian State", Survival, Vol. 39, No. 2, Summer, 1997, p. 6.

operative central policy principle – *land for peace*. As will be indicated later on, the progress in this respect has been slow and below expectation not due to Israel's refusal to give back the Palestinian teritories, but rather due to few issues among which the security factor being the dominant one came to disturb the peace process in its operational level. In addition, there have been the anti-Oslo elements or the peace spoilers that on ideological, religious and nationalistic grounds were apathetic to any peace process.

However, despite all above arguments, the truth remains that the Oslo peace process is devoid of any clue or reference to an independent Palestine state. If so, then an inevitable query would be: how would the process then address the issue of Palestinian statehood? If the Oslo peace process was set in motion not to create a Palestine state in haste but rather to lay the groundwork for such a state in the future through the creation of Palestinian self-rule, then has this groundwork fallen short of expectation? What then are the various inter-related and interconnected complex issues that have led to a multiplication of incompatibilities between Israel and the Palestinian leadership? What would be the way out for them from this situation? These questions would be addressed in this chapter by throwing light on few crucial developments in each phase of the peace process beginning from the Oslo to the Camp David summit of July 2000. The *land factor* would figure prominently in the discussion.

## Section I: Oslo I and the Palestinian Self-rule –An Uncertain Phase of Peace

At the outset, it should be mentioned that the Palestinian-Israeli conflict being an asymmetric one, the self-rule or the autonomy that the Oslo peace accord envisaged for the PLO was meant to empower the weaker party through granting of certain concessions, in particular, on the *question of land.* After all, the autonomy as envisaged in the accord was not to be like Begin's autonomy of the late seventies which, as mentioned earlier, meant autonomy for persons and not for territory. And this, in Israel's view, would retain the country's sovereignty, including control over public land and water resources as well as the right of settling Jews in the area, and would never permit any 'foreign sovereignty over Judea, Samaria and Gaza. The new autonomy, however, has a significant territorial dimension, as by all logical arguments, the PLO was not ready to exercise self-rule in the Israeli occupied territories. Also, to the Palestinians, dismantling of occupation was a prelude to a future establishment of Palestine state, guaranteeing its national rights and security. Thus, as per the DOP, Israeli withdrawal was to be effectuated first from the Gaza Strip and the West Bank city of Jericho (contiguous to Jordan) to enable the PLO establish its self-rule, and the deadline to this effect was 13 December 1993.[97] The Gaza-Jericho model was to be applied to other areas of the West Bank in subsequent stages with a view to further extending the power base of PLO's self-rule in territorial sense.

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[97] Dr. Shashi Shukla, "Palestinian Self-Rule: Prospects for Peace", Foreign Affairs Reports, Indian Council of World Affairs, New Delhi, January-February 1995, pp. 1-15.

It may be mentioned here that Israeli withdrawal from 365 sq. km of Gaza territory could give the Palestinian Authority a control over 770,000 population, and from Jericho, a control over 20,000 population, a miniscule portion of one million Palestinians living in the West Bank.[98] Even this mere territorial sacrifice on the part of Israel met with obstacles when, to the dismay of all, the deadline (13 December 1993) passed without any agreement on the required protocol for Israel to begin withdrawing from the mentioned areas. At the operational level, the issues that eventually cropped up to delay the implementation of self-rule in the first phase are i. the definite area of Jericho city from which Israel would effectuate its withdrawal, ii. control over border crossing between the West Bank and Jordan after Israeli withdrawal from Jericho city (the city being contiguous to Jordan border); iii. control over border crossings between the Gaza Strip and Egypt ( 10% of the territory under Israeli control after its withdrawal).[99]

In effect, Israel's overall gesture towards any linkage between *self-rule and territory* is to be to seen from its classical perspective of seeing the territorial dispute with the Palestinians. In Israeli perception, the territorial dispute with the Palestinians is different from the ones that she has with the other Arab countries. In the latter case, territorial disputes are required to be solved by Israel by dealing with sovereign Arab countries that lost territories to the former following few past wars. Whereas, in case of its dealing with the Palestinians, Israel is required to deal with people under its direct occupation and as well meet their demand of *'state formation'*. In consequence, a number of factors influenced the

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98 Delwar Hossain, op.cit., p.76.

99 Ibid.

Israeli leadership, if not to stop the process of withdrawal from the occupied territories, at least to delay it notwithstanding the fact that the factors that precipitated the peace were still in place.

Of all the factors, it is Israel's security concern that has largely influenced its withdrawal policy. In this respect, two diametrically opposite positions of the concerned parties is to be noted. Whereas, to the Palestinians, security could be assured by the phased dismantling of the occupation as per the land for peace formula, for Israel, occupation was a non-issue and security was of the utmost importance.[100] In Israel's perception, security is two-dimensional, external and internal. Thus, for maintaining external security, Israel wanted an exclusive control over all exit and entry points of the country. Whereas, the internal dimension of security implied perpetual protection of the Jewish settlements in the areas from where Israeli withdrawal was to take effect.[101] By all indications it was, therefore, clear that the land for peace as a strategy had to follow modalities mostly as per Israeli direction

The peace process, already vulnerable to mutually irreconcilable interpretations of withdrawal and security between the PLO and Israel, experienced another jolt during the first phase when the extremist and militant activities of the peace spoilers, the Hamas from the Palestinian side and the extremist Jews of Israel and the West Bank created a tense atmosphere inside Israel as a protest against the peace process in general.[102] Finally, the

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100 Naseer Aruri, op.cit., p. 8.

101 Ibid.

102 It should be mentioned that both in Israel and in Palestine, there are the parties that have been opposing the peace process from the very beginning. Among Israel's

massacre of twenty nine Palestinians at Hebron by a Jewish settler in February 1994 [103]and counter-attacks on the Jews by the Hamas following the incident soon created a pretext for casting aspersion more on the credibility of Arafat in managing his own people that on Israel's capability in managing the extremists and fanatics. The accusation against Arafat was high and there had been the general dissatisfaction even among the Jewish peace supporters that the

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Jewish population, opposition to the Oslo Accords included the extreme right-wing parties and groups and their followers, Kahane, Chai, Kach, Gush Emunims, the Settlers Council, the National Religious party (NRP), the Tzomet and Moledet Parties, and initially also the Likud Party. They strongly rejected the Oslo agreements and a future Palestinian state for the following reasons: ideological convictions regarding Eretz Israel, and the unity of Jerusalem under Israeli sovereignty; security concerns regarding Palestinian terrorism as a strategic menace to Israel; and deep apprehension of the fate of the Jewish settlements on the West Bank and the Gaza Strip. Moshe Ma'oz, "From Conflict to Peace? Israel's Relations with Syria and the Palestinians", Middle East Journal, Vol. 53, No. 3, Summer 1999, p. 408. On the Palestinian side, the Hamas movement is firmly against the PLO-Israeli peace accord. The movement has set out on a course of extremism and militancy. Already, some resentment has grown among the Palestinians who feel they have little to show for their autonomy except for a 10,000 strong police force. More and more Palestinians, not necessarily Islamist fanatics, are convinced that Israel has no intention of allowing Arafat to establish an independent state, let alone granting him a part of Jerusalem. Arafat, in exile, was much more powerful than Arafat "the chariman of the Limited Palestinian Authority". See Jagdish P. Sharma, "Palestine Since the Oslo Accord" in V. D. Chopra and M. Rasgotra (ed.), Genesis of Regional Conflicts : Kashmir, Afghanistan, Cambodia, West Asia, Chechnya, Gyan Publishing House, New Delhi, 1995, pp. 268-275.

103 On 25 February 1994, Baruch Goldstein, a Jewish settler, massacred 29 Palestinian Muslims at the Tomb of the Patriachs in Hebron, which includes a mosque. Simultaneously, a concerted campaign against the Labour-Meretz government and its policy was initiated by the right-wing groups, while several rabbis issues religious edicts calling on Israeli soldiers to disobey orders to remove Jewish settlements in the territories. In addition, public protests were organized by militant Jews, who heckled and threatened Labour leaders, particularly Prime Minister Rabin. Moshe Ma'oz, op.cit., p. 408.

Palestinian leader did little to contain the extremism in Palestinian politics. At this critical juncture, it seemed that even the PLO's hope for establishing its self-rule on a minimum amount of land (Gaza-Jericho) would soon founder on the rock of dissension between the concerned parties. This is indicated by the fact that by the end of 1993, delegation from Israel and Palestine, failed to arrive at a consensus not only over the details of the interim phase, but also over the resolution of few contentious issues as stated above.[104]

However, the prospect for negotiation was kept open and instead of completely reversing the Oslo process, attempts were made to revive it with more stringent security conditions. Thus, at least, in theory it was proved that negotiations are not likely to break down if the parties agree to a partial withdrawal from their initial positions. This withdrawal may not necessarily be symmetrical and that one side may be found to submit to demands made of it without seeking an adequate quid pro quo. The essential point about such withdrawal or compromise, as Kenneth Boulding has pointed out, is that all parties must appreciate that the price of conflict is higher than the costs of reducing demands.[105] As the subsequent events suggest, the PLO, mainly due to its weaker position vis-à-vis Israel, could do little other than to accept this reality. Thus, even if the structure of the conflict between Israel and the PLO has shifted with their mutual recognition, the conflict as a whole continued to remain asymmetric.

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[104] The delay in the transfer of authority was not only a sign of the inability of Israel and the PLO to reach agreement on the outstanding issues : it also highlighted the practical and logistical difficulties the Palestinians faced in assuming this responsibility. Delwar Hosain, op.cit., p. 79.

[105] Dictionary of International Relations, p. 356.

## Section II : From Cairo Agreement to Oslo- II - A Mixed Blessing for the PLO

The revived DOP also known as Cairo Agreement or the Gaza-Jericho Agreement was signed in May 1994 providing for Palestinian self-rule in Gaza and Jericho as envisaged in the original text of the DOP. The agreement is preceded by a several rounds of meetings between President Arafat and the Israeli leaders, Yitzhak Rabin and Shimon Peres. It may be mentioned that the May agreement was the culmination of a series of events among which PLO-Israeli Accord on Economic co-operation signed in April 1994 at Paris should not go unnoticed. This gesture of co-operation went to confirm that despite wide political discrepancies between the two, prospect for co-operation in non-political areas was not closed. This also created confidence in each other for more mutual political reforms in the future. Looking from this angle, the Cairo Agreement may be viewed to be a significant political development in translating the Oslo promise into a reality.

The agreement contained detailed arrangements for Israeli withdrawal from Gaza and Jericho and the deployment of 9000 strong Palestinian police force. Also, an appointed Palestinian National Authority (PNA) would take over from the Israeli military administration for managing Palestinian affairs with the exception of security and foreign affairs. Lastly, elections were to be held in July 1995, in Gaza and the whole of West Bank for electing democratically a Palestinian legislative council. The pledge to extend the self-rule to the remaining parts of the West Bank was as well reiterated.[106] The moving of the PLO institutions

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[106] Forty seven years of Israeli occupation ended in Jericho on May 13, 1994, when Israel handed over the West Bank town police station and the main government offices to the Palestinian police. The Palestinian flag was duly raised on the

and military forces from the outside to the inside (and the concurrent recentering of Palestinian politics inside) and the building of representative political institutions in Gaza and the West Bank with the approval of Israel, for the first time gave an opportunity to the Palestinians to express themselves as an independent political entity – a fact recognised not only by Israel but by the international community as well.[107] In Israel, the peace efforts started showing signs of optimism as Israeli public support in favour of it mounted high. Even the prospect for a future Palestine state remained solid as long as personal security of each Jew was maintained, Palestinian terrorism was curbed and the agreements with the PLO were implemented in an orderly way for the benefit of both the parties. Following the establishment of self-

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buildings. On May 17, 1994 Israel handed over control of the daily administration of Gaza and Jericho to the Palestinians when Israeli Brigadier Dov Gazti and the Palestinian negotiator, Mr. Freijal-Kheiri, signed the handover document at a brief ceremony. The documents transferred control of the Israeli-run civil administration's 38 departments to the PLO in the two areas. The Palestinian self-rule authority took over the responsibility for health, education, environment, infrastructure and day to day administration for the million or so Palestinians living in the Gaza Strip and Jericho. On May 18, Israeli troops completed the pullout from the Palestinian autonomous areas in the Gaza Strip, signifying transfer of military and security responsibilities. Jagdish P. Sharma, op.cit., pp. 269-270. Arafat and many other returned to the occupied territories early in July, the president taking up residence in Gaza city. The takeover of seven West Bank towns in late 1995/early 1996 was followed in january 1996 by elections to the Palestinian Legislative Council and the presidential post. In the run-up to elections, Arafat was careful to replace the leadership of Fatah with loyalist cadres and persons from the so-called notable class, while he himself was elected president by 88% of the vote. Arafat's party, Fatah gained a majority of the seats in the legislative council. Josa Karre, Statehood and the Palestinian Authority : Considerations on Stability, Department of Peace and Conflict Research, Uppsala University, Sweden, 1999, pp.22-23.

107 See 'Reflections on the Peace Process and a Durable Settlement : A Roundtable of Views' in Journal of Palestine Studies, University of California Press, Vol. XXVI, No. 1, Autumn 1996, Issue 101, pp. 5-26.

rule in Gaza and Jericho, Israel's position in the Arab world improved considerably: it signed a formal peace treaty with Jordan, followed by the establishment of economic and consular relations with other Arab countries – Morocco, Tunisia, Qatar, and Oman. As one analyst remarks, "Israel also benefited economically and diplomatically from growing international investments, and increasing sympathy among the world community, including some Muslim countries. Consequently, by late 1995 there appeared to be a sense of cautious optimism regarding the Oslo process among both Israelis and Palestinians, while various teams were cooperating to advance common interests and mutual understanding in the fields of business enterprises, academic research, educational and cultural issues, and the like".[108]

However, beneath jubilation and optimism, few factors were soon to cap the possibility of further extending the Palestinian self-rule to the rest of the West Bank. While, there is no denying the fact that the nature of authority that the Palestinian parliament was to enjoy was constricted and that it was limited to few spheres like education, culture, health, social welfare, direct taxation and tourism, the more frustrating aspect is the *territorial dimension* of the new accord. Israel was allowed to deploy forces in and around the areas from where it effectuated its formal withdrawal on the pretext of protecting the Jewish settlements. As a result, there was the provision for Israeli to take up the responsibility for overall security in Jericho and Gaza even during the interim phase in which Arafat had set up his Palestinian authority.[109] However, Israel's quest for security did not end up here. Article VIII of the

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[108] Moshe Ma'oz, op.cit., p. 407.

[109] Naseer Aruri, op.cit., p. 9.

DOP was expeditiously used by the Israeli authority to justify its responsibility for 'defending Israel against threats – both external and internal.'[110] Towards this end, the PLO needed to acquiesce to Israel's demands for building further settlements in the West Bank and to Israeli jurisdictional interpretation of land transfer.

That Israel used Article VII (5) of the DOP to argue that settlements constituted an internal Israeli matter[111] was mainly to placate the Jewish peace spoilers who remained utterly dissatisfied with the new authority that the PLO has been enjoying in Gaza and Jericho. Under the circumstances, there has been the Israeli insistence that any further withdrawal from the West Bank is not possible as Articles V and VI of the DOP stipulate only redeployment, and not withdrawal, from certain areas of the West Bank.[112] The land transfer issue, thus, started getting more stiffer and, Israel refused to implement the Cairo Agreement that, as mentioned earlier, envisaged further extending the Palestinian self-rule to other areas of the West Bank. Instead, Israel consolidated its physical presence in most of the remaining parts of the two regions. This included a spectacular expansion of settlements in Jerusalem, closing the links between Gaza and the West Bank and reinforcement of settlements throughout the occupied territories including the establishment of new military posts and check-points. 'All these contributed to transforming the areas under Palestinian control into a series of Bantustans under siege'.[113]

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110 Settlements were also a major stumbling block to extending the Gaza-Jericho agreement to the West Bank, as provided in the DOP, because of Israel's reluctance to jeopardize its numerous settlements there. Ibid.

112 Ibid., 10.

113 See 'Reflections on the Peace Process and a Durable Settlement : A Roundtable of Views', op.cit., pp. 12-14.

Under the circumstances, the peace process became stalemated and there had been the need to revive it through a new interim agreement, called the Oslo II.

However, what remains intriguing is that the Oslo II further complicated the withdrawal scenario by incorporating in it the 'redeployment factor'. In other words, no area in the West Bank was to witness Israel withdrawal in true sense as subsequent Israeli redeployment was to replace it in the occupied territories. Also, on the question of dismantling the Jewish settlements in the West Bank, the DOP II was silent as such dismantling was antithetical to Jewish conception of security. Perhaps, no other move other than Israel's decision to divide the West Bank into three zones (see map, page no. 132), reflects its determination to annex as much territory as possible in the West Bank.[114] The Oslo II divided the West Bank into three zones. Zone A consists of the main towns (2.8 % of the total occupied land) was to be placed under direct Palestinian control where the Palestinian authority was responsible for administering only 26% of the population of the occupied territories. The responsibility entrusted to the Palestinian Authority was in the fields as internal security, public order and civil affairs (the only exception was made for Hebron, the only Palestinian city having an Israeli settlement in the down town area. Hebron's status was deferred, along with that of 300 villages designated as Area B). Zone B that comprises 70% of the West Bank population with 28% of the territory was placed under joint Palestinian-Israeli control with the former being responsible for public order while the latter retaining the responsibility for overall security affairs with the ostensible aim of protecting the settlements. The area was

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[114] Naseer Aruri, op.cit., p. 10.

to be turned to the Palestinians partially. Zone C was composed of mostly rural land comprising nearly 70% of the total West Bank that included Israeli settlements and areas reserved for future Israeli multi-fold infrastructures and Israeli military zones. There has been the provision for turn-over of portions of Zone C to the Palestinians during the interim period.[115] What is important to note here is that even if there is the provision for Israeli withdrawal from Zones B and C respectively, there is the simultaneous provision for Israeli redeployment from in these areas. And the degree of such redeployment as per the Oslo II was left open-ended.

In effect, the Oslo II set in a process a complex hierarchy of functions and responsibilities whose implementation posed to be difficult task due to complicated jurisdictional questions involved in it. In particular, a Gaza and Jericho type withdrawal was not possible at an early date as dispute arose from which quarter would Israel withdraw first. The PLO preferred Israeli withdrawal mostly from Zone C as it is the largest chunk of territory under the latter's occupation. However, no effective negotiations have been undertaken to help the PLO realise its goal notwithstanding an agreement that further portions of Zone C would be eventually turned to the Palestinian control eighteen months after the convening of the Palestinian parliament. The failure to hold such negotiations is mostly attributed to the intra-party differences in the PLO and Israel. On the Palestinian side, while the majority of the inhabitants living in Gaza and the West Bank preferred the deal outlined by the Oslo II, those living outside Palestine and in the refugee camps rejected it, as did the Islamic militant groups. On

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[115] See Ibid. and Michael Sterner, "The Peace Process Revitalized", Current History, January 2000, pp. 4-5.

the Israeli side, an acute and bitter debate developed over the accord, followed bloodily by the assassination of Rabin by a Jewish extremist in November 1995. In the midst of such internal crisis, a new constellation of political forces in Israel soon assumed power to alter the course of peace process and of negotiation. As a result, one notices that talks that should have been held to resolve this and other major issues have been suspended at one stage leading to a resumption in another and this in turn has produced new and more complex agreements. ''The final outcome has been, as Naseer Aruri remarks, ''a multiplication of the problems arising from the influx of new agreements and the inevitable emergence of new conflicts over interpretations''.[116] In the process, the *land for peace strategy* suffered the most.

## Section III : Oslo III – The Palestinian Statehood in Captivity

The electoral defeat of the Labour Government led by Shimon Peres and the entry into power by the Likud party led by Benjamin Netanyahu in May 1996,[117] in whose election campaign 'crusade against the peace process' reigned supreme, kept the peace process oscillating between a complete collapse and a fresh start. As Hugh

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116 Naseer Aruri, op.cit., p. 7.

117 Netanyahu's election represented a watershed in Israeli politics: it was for the first time that the people had directly elected a prime minister. Previously, it was the task of the Israeli president to decide who should be asked to form the government, given the election results. Although Netanyahu won by a slim margin, he was able to claim a political mandate independent of the outcome of Israeli parliamentary elections. Given the narrow margin of the ruling coalition, the government needed the support of the small parties, which were able as a result to exercise disproportionate influence over government policy. This was true, for instance, with regard to the National Relgious Party, United Torah Judaism, Shas and Tsomet, all parties which advocated an activist settlement policy. Likud hawks such as former Defence Minister Ariel Sharon also supported that policy. Strategic Survey 1997-98, IISS Publication, London, pp. 144-145.

Miall, Oliver Ramsbotham and Tom Woodhouse remark, "With a Likud government in power, determined to maintain and extend Israeli control in the occupied territories, the peace process almost ground to a halt. The combination of a spoiler in power on one side and active spoilers in opposition on the other was devastating for further progress. Yet, for domestic and international reasons, neither side was willing wholly to reject the Oslo accords. A considerable part of the public on both sides still supported the process, and the violence that might accompany a complete breakdown was a chillying prospect".[118] Thus, as in South African case, the peace process in the Middle East created its own momentum, although in the Israeli-Palestinian case it reached a sticking point so formidable that many felt it could break down any time.

However, it should be noted that Binyamin Netanyahu did not intend to cancel the Oslo Accord other than modifying it through the induction of two important concepts in the peace process. In other words, he saw the peace process as a continuum in which *security* and *reciprocity* would have their fundamental positions,[119] thereby bringing the Oslo peace process much closer to the advantage of Israel. The logic underlying these twin concepts had been that Israel would have the absolute right to withhold withdrawal from the occupied territories in any pretext of its security. Towards this end, Israeli security susceptibility to Palestinian activities, if needed justification, would strictly follow the line of interpretation of the former. Thus, through a revised peace accord, known as Oslo III or the Hebron Agreement (15

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[118] Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, Contemporary Conflict Resolution, Polity Press, Cambridge, p. 176.

[119] Naseer Aruri, op.cit., p. 10.

January 1997), Israel retained the right, following partial redeployment from Hebron,[120] to determine the extent of territory and the number of forces that would be required in case of future redeployment from Zone B that remains under joint Israeli-Palestinian control. This, in other words, meant that Israel would be under no compulsion to withdraw troops from the occupied territories within the meaning of UN Resolution 242.[121] In more concrete terms, Israeli showed its clear intention of not withdrawing from an inch of territory in the Zone C.

It may be mentioned that '*more than half of the West Bank* has been designated by the Netanyahu cabinet as necessary for Israel's security'.[122] The green light to such claim was provided by the US that wholeheartedly supported the 'peace for security' policy of Israel. The former, therefore, endorsed the latter's right to withdraw or redeploy in accordance with its security requirements as identified during the interim phase.[123] The reciprocity obligation as per the Oslo III, on the other hand, put the onus on the Palestinian Authority to pay due consideration to all security matters to which Israel is susceptible. Such consideration was to precede any future Israeli withdrawal from the additional areas in the West Bank. It may be mentioned that since Netanyahu came to

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120 The succeeding events of 1997 made it clear that Israel's redeployment from most of Hebron as a result of the agreement signed on 15 January was not an example that would be followed in further implementation of the Oslo Accord. Thus, it was premature for an enthusiastic Arafat to tell his Palestinian supporters on 20 January: "We have concluded a peace agreement with the entire Israeli people ... The 87 Knesset votes in favour of the agreement represent a new reality in the Middle East". Strategic Survey-1997-98, pp. 144-145.

121 Naseer Aruri, op.cit., p. 11.

122 Stratetic Survey-1997-98, p. 145.

123 Naseer Aruri, op.cit.,

power, he has been accusing Arafat for his failure to curb terrorism in Gaza and the West Bank and meet certain responsibilities[124] deemed necessary for the security of the Israelis.

The security factor added further to the complexity of Israeli withdrawal from the occupied territories when Netanyahu vowed to continue Jewish settlement activity in Jerusalem and double the number of Jewish settlers in the occupied territories by building or expanding Jewish settlements.[125] These activities were in conformity with his election campaign in which the *issue of irreversibility of the settlement projects* received much publicity as his topmost political agenda. In effect, 'Netanyahu's policy on settlements has served to assure religious and ultra-nationalist parties that he was not the kind of political leader who comes to power on the basis of a tough political programme, only to make major concessions later. However, it confirmed the worst expectations of the Palestinians and the Arab leaders that Israel's policy under Netanyahu would renege on the 'land for peace formula' adopted by former Prime Minister Yitzhak Rabin and his successor, Shimon Peres'.[126]

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[124] Palestinian responsibilities included an end to all resistance activities ranging from terror to political commentary (described as 'incitement and hostile propaganda) and the apprehension, prosecution and transfer to Israel of all suspects.

[125] The support of Jewish settlements and the right of Jews to settle in the 'greater land of Israel' loom large in Netanyahu's statements and in the political platforms of the parties that form the ruling coalition in Israel. According to the Israeli newspaper, Ha'aretz, the Jewish settler population of the West Bank grew by 7.45% during the first ten months of 1997. This was the equivalent of a 9% growth rate for the year, only slightly down from the 9.4% increase in 1996. According to Israeli statistics, the Jewish population in the West Bank has reached over 155,000. The largest growth came in areas near sizeable Palestinian centres in Nablus, Ramallah and Bethelham. Strategic Survey –1997-98, p. 145.

[126] Ibid., p. 146.

Therefore, the new government's unwillingness to relinquish Israel's sovereignty over the city of Jerusalem[127], plan to envisage further Jewish settlements in the occupied territories, and as well an expressed intention to curb the Palestinian authority during its self-rule régime, began to have few negative impacts for the peace process as a whole. All stated measures were enough to show Netanyahu's antipathy towards any Palestine statehood.[128] This irked the Palestinians very much for the reason that priority to Israeli security, born mainly out of electoral politics, took precedence over their security, sovereignty or territorial integrity. In other words, they sensed an absence of 'reciprocity' from the Israeli side. Thus, for sometime, the peace process was seen to have lost its credibility and substance and the two communities, the Israelis and the Palestinians, were left in a vacuum on the

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127 To demonstrate Israel's determination to maintain control of the eastern part of Jerusalem, in September 1996 Netanyahu ordered the opening of the Hasmonean tunnel near the Temple Mount (al-Haram al Sharif), and in March 1997 started construction of a new Jewish neighbourhood on Har Homa (Jabal Abu Ghunaym) on the southeastern outskirts of Jerusalem. These unilateral actions provoked violent reactions and terrorist actions by Palestinians as well as clashes between Palestinian and Israeli troops, causing many deaths on both sides. The Har Homa construction halted the Palestinian-Israeli Oslo peace process, drew wordwide condemnation of Israel, and considerably worsened Arab-Israeli relations. Moshe Ma'oz, op.cit., p. 409.

128 Netanyahu's opposition to the idea of a Palestine state finds its origin in the Likud Party's revisionist zionism which believed that Israel had the right to possess all the land between the Mediterranean Sea and the Jordan River and a bit more as well. Even after the Madrid talks brought in the idea of Palestinian self-government, the older generation ideologues of this party thought that they could hold the line at just that: some sort of self-government but definitely short of a state. This sort of conceptualisation stemmed from the belief that no other people than the Israelis had the right to the land between the river and the sea and that the granting of statehood to another people who were also, unfortunately living there constituted a dilution of this ideological commitment. See Kesava Menon, "Peace of the Unequals", World Focus, Vol. 18, No. 1, January 1997, p. 19.

future direction of their co-existence. In particular, Arafat's predicaments were more as he was not in a position to show the Palestinian people any real fruits of peace. This gave an opportunity to the Hamas militants to gain more credibility among the Palestinian masses. Arafat, caught between Israel and Hamas, with very little power or influence to change the course of events, warned : "The peace process is about to breathe its last breathe". However, despite, these unhappy developments, the regional and international dynamics forced the new Likud government of Netanyahu to revive the peace process somehow in different colour and texture. In other words, there was the need for Oslo IV to keep the peace process in its right track. In the process, the land factor too witnessed a change in the new arrangement.

## Section IV : Revival of The Peace Process

The need to revive the moribund peace process was generated by the growing polarisation between Israel and the Palestinian Authority. The disillusionment and despair of the Palestinian Authority, caused by Israel's unilateral action on redeployment, withdrawal and settlement building reached its pinnacle when Arafat threatened to declare, after the expiry of the interim period, an independent Palestine state in May 1998. Fearing that such action could spark off serious violence in Israeli polity with serious negative effects on the peace process,[129] the US administration

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[129] In the absence of real progress, on the Interim Agreement, Arafat's proposal for declaring an independent Palestine state was to have potentially serious ramifications for the whole fabric of Israeli foreign relations, especially with Egypt and Jordan. Given the fact that there had been frequent clashes between the Israeli Defense Forece (IDF) and the Palestinian Security Service (PSS) on more than one occasion and civilian violence between the Palestinians and the Israelis was a daily phenomenon in the occupied territories, any such radical move on the part of the

succeeded in cajoling both the parties to come to a negotiating table for having talks on the issues related to redeployment, withdrawal, settlement and even the final status.[130] In consequence, in October 1998, after strenuous negotiations, the Wye River Memorandum (Oslo IV) was signed between Arafat and Netanyahu on an understanding that the latter would budge a little from his earlier *anti-land for peace formula.*

Given the fact that Netanyahu came to endorse the principle of land for peace formula at the Wye meeting with his Palestinian counterpart under the US mediation, continuous efforts were rendered to draw out Israel's commitment to the exact amount of land in terms of percentage that it would finally give up in favour of the Palestinians. So long, this percentage could not be elicited due to a series of setbacks that Israel's withdrawal policy suffered in each phase of the peace process. Under the Wye memorandum, the land transfer scenario attained a new dimension as for the first time, Israel agreed to transfer 13% from Area C, the largest portion of the West Bank territory under its occupation. Out of 13%, 1% was to be transferred to Area A and 12% to Area B. In addition, there had been the commitment to transfer 14.2% from Area B ( joint Israel-Palestinian control) to area A.[131] In the final calculation, upon a total implementation of the Wye agreement, the Palestinians were to have full control over 40% of the total West Bank area (18.2% in areas C and A + 21.8 in jointly controlled

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Palestinian Authority was, therefore, expected to have serious repercussions on Israeli and Palestinian societies respectively.

130 It is assumed that President Clinton organised the talks, more out of an intention to divert the attention of the US press, public and political system from his personal scandal involving Monica Lewinsky than out of a sincere desire to add anything tangible to the Middle East Peace process.

131 Strategic Survey-1998-99, ISSS Publication, London, p. 156.

Area B). The withdrawal was to be effectuated in three successive phases during which the Palestinians were asked to carry out a number of security measures as per the Israeli direction i.e., complete the process of amending the PLO Charter, reduce the Palestinian police force to a number agreed upon by Israel, prevent violent and hostile activities etc.[132]

Although, the land envisaged by the Wye deal is much lesser than the amount that the original homeland for the Palestinians presupposed, Arafat, under most pressing circumstances, considered it to be the best one. In effect, his main objective was to keep the peace process afloat and gain as much as possible from his co-operation with the US. However, optimism seemed to dissipate soon. Within a month of signing the Wye accord, and after only a minor transfer of land (2% of the Area C to Area B and 7.1% of Area B to Area A), Netanyahu suspended implementation of the agreement, under pressure from the ultra-right parties and in anticipation of Israel's national elections on 17 May 1999.[133] The blame was thrown on the Palestinians for not carrying out their

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[132] Also the Palestine Authority was required to present a detailed work plan for the registration of weapons, the confiscation of prohibited weapons, and the arrest and prosecution of suspected terrorists, and the rearrest of those already convicted, who had managed to escape or otherwise avoid the completion of their prison terms. Ibid., p. 157.

[133] The Wye River Memorandum drew criticism from the Israeli right wing parties and the extremist Jews from the beginning. They were opposed to any compromise on the land issue with the Palestinians. Equally was their dissatisfaction with the PLO leadership over its ineffective control over the militant section of the Hamas. It may be mentioned that during the last phase of Netanyahu's regime, the PLO cracked down seriously on the infrastructure of the Hamas and made preparations to convene the Palestinian National Council (PNC) and other bodies in Gaza in order to rescind the offensive clauses of the Charter. But nothing could appease those elements in Israeli who have been apathetic to any peace that entails compromise on land with the Palestinians.

security obligations and to placate the extreme Jewish rightists, he at best agreed to the creation of a Palestine state in Gaza and in less than half of the West Bank, to be encircled or divided by Jewish security zones and settlements and crossed by an Israeli east-west road. In other words, Netanyahu proposed for what is called cantonisation of the West Bank. This plan envisages that the 'West Bank will be crisscrossed by a series of roads and Jewish settlements so that each pocket of Palestinian habitation is isolated from the others. Each canton thus formed would be a self-governing entity but without territorial contiguity, there would in effect be no viable state'.[134] In effect, Netanyahu projected the image of a leader with no concrete policies towards the peace and his bitter relations with the PLO and the US stood as an obstacle on the way of carrying on effective negotiation and mediation. Finally, his unpopularity at home caused mainly by his failure at the peace front, brought decisive victory for the labour party of Ehud Barak in the election of 1999.

The peace process under Ehud Barak was expected to take up the unfinished task of the previous Likud government by handing over nearly 11% of the occupied territories in the West Bank to the Palestinian authority.[135] Under his leadership, the Wye agreement was revised at Sharm el-Sheikh where an agreement was signed to effect the Israeli withdrawal in three stages, all to be completed by

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134 Kesava Menon, op.cit., p. 19.

135 Under the terms of the Sharm el-Sheikh Memorandum, Israel is to transfer 11% of the West Bank or 600 square kilometers (230 square miles) to the Palestinians in three stages, the first troops withdrawal was to begin in the second week of September 1999, the second by November 15 completing the withdrawal by 20 January of 2000. See for details, Md. Abdul Mannan, Israeli-PLO Peace Process : The Long Wait for a Final Settlement, The Independent, Dhaka, 03 November 1999, p. 6.

January 2000. Perhaps, the most important element with respect to the Palestinian question was the acceptance by both Israel and the PLO to enter into immediate negotiations on permanent status covering the complex issues like the status of Jerusalem, the return of the Palestinian refugees and the future of the Jewish settlements.

However, excepting the release of few Palestinian prisoners and the opening up of safe passage between Gaza and the West Bank, Barak's government made no substantial progress on the issue of land transfer. In particular, there has been no effective withdrawal from the Area C as stipulated in the Wye agreement. Whereas, the withdrawal from the Area B (under joint Israeli-Palestinian control) has been vague giving no contiguity to the territories held by the Palestinians. Subsequently, the gap between the two parties over the issue has been so wide that no efforts have been rendered to bring the issues of final status on the table despite the increasing demand from the Palestinian side to do so. In effect, the 'land transfer issue' under Barak got obstructed not only by the security considerations as in the past, but another new consideration i.e., retain territory as a leverage over the Palestinians in the final status talks. Given the fact that by Barak's time, patience and tolerance of the Palestinians were to know their limit with respect to the final status talks, Israel sought to hold as much territory in its hand as possible as a bargaining chip against the Palestinians in the final status talks. Whereas, the Palestinians' desire has been to have contiguous territory turned over to them free of Israeli control before actually holding such talks. This could, at best, give them some sort of strength in any future talk with Israel on the issues related to final status. In effect, Barak belongs to that school of thought which believes that *'no land before the start of final negotiations talks'*.

The internal differences within the leadership, of both Israel and the PLO, the pressure of peace spoilers on them, and the mounting frustration and disappointment of the Palestinians finally led the peace process to find its way out, under the US mediation, to another round of negotiations at Camp David between the two parties. The background to the Camp David summit is, however, different. It took place against the verbal threat by Arafat indicating his intention to declare an independent Palestinian state by September 13, 2000.[136]

The foregoing discussion reveals how each time the peace process reached an impasse, it somehow was revived by this or that accord as the parties to the conflict felt it necessary not to let their incompatibilities go non-addressed. If viewed critically, one would probably discern two trends, both negative and positive, as associated with the Oslo peace process. *First*, if the Oslo process was intended to give territorial expression to Palestinian nationalism, then one can doubtlessly say that very little has been done in this respect. The transitional period of Palestinian self-rule did not witness any timely and systematic withdrawal of Israeli forces from the occupied territories and the dismantling of settlements therefrom. Rather, much to the dismay of all, there has been an increase both in Israeli conquest of land and in building settlements, in particular, after the arrival of the Likud party into

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[136] The Palestinian Central Council (PCC) has given its backing to President Arafat's plan to declare an independent Palestine state by September 13 regardless of whether a final peace accord is reached with Israel. In a statement, Arafat making 13 September the deadline for an Israeli Palestinian peace treaty said, "The PCC announces to the Palestinian people, the Arab nations and to the world nations its determination to declare an independent state with holy Jerusalem as its capital by the end of the interim period which finishes on 13 September 2000". The Independent, 05 July 2000.

power. Since territory was under occupation, inevitably the people under occupation could not be expected to enjoy full sovereignty. It would not, probably, be an exaggeration to say that the PLO had virtually no authority in the Zone C, controlled exclusively by the Israeli authority. No withdrawal has been effected from this area that constitute nearly 70% of the West Bank. In Zone B where Israeli withdrawal was followed by subsequent redeployment of forces, the authority of the PLO has been limited as security control has been shared with Israel. Only in Zone A that constitute merely 3% of the West Bank area, the PLO had full control over its seven major towns. And in Gaza, the unfortunate part has been the Israeli control over the Jewish settlements that occupy 10% of the territory despite PLO's authority over 65% of its inhabitants.[137] Also, the lack of geographical contact between the Gaza Strip and the West Bank and of territorial integrity between different Palestinian zones in the West Bank put serious limitations on Palestinian sovereignty. In the latter case, the Palestinian rule consisted of scattered chunks, with Israeli controlled areas, settlements, roads and IDF-checkpoints in their midst. 'Each area thus became an island and could be closed off separately from

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[137] Israel was to be in charge of the Jewish settlements which occupy 10% of Gaza, though the settlers form less than 0.5% of the Gaza's population. In addition, Israel were to control all access roads to the settlements. Even in transferred areas, Palestinians could stop Israeli cars, and could detain Israeli drivers involved in mishaps only under authority of a joint Israeli-Palestinian patrol. However, in Israeli-occupied Arab-Palestinian territories, Israel had sole power. All this naturally bred a feeling of despair among Palestinians that they were discriminated against. Palestinian leader Yasser Arafat returned to the Gaza Strip on July 12, 1994 to take up permanent residence and run the limited self-rule government. Earlier, he was sworn in as the Chairman of the new Palestine Authority, which will govern the Gaza Strip, the Jericho district on the West Bank and eventually the whole West Bank under agreement between the Israelis and the PLO. Jagdish P. Sharma, op.cit., p. 270.

outside in so-called internal closures, in addition to the total or blanket closures not infrequently imposed. Also general restrictions are enforced upon mobility in and among the Palestinian areas'.[138] *Second*, to the utter dismay and frustration of all parties concerned, at no phase of the peace process have efforts been rendered to discuss the various issues within the final status framework.[139] While it is true that the land transfer issue created a myriad of problems on the way of determining the future borders of Palestinian entity, no modalities have yet been drawn to deal with other pressing issues like the status of Jerusalem and the return of Palestinian refugees living in diaspora. Thus, developments around these critical issues continue to remain till to date a subject of speculation and guess.

However, the peace process, viewed from a positive angle, reveals certain facts contrary to what has been discussed above. *Firstly* given the complex nature of the issues between Israel and

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138 The restricted jurisdiction was allowed to the Palestinian Authority (PA) under the Oslo 1, Gaza-Jericho, and Oslo II accords (whose terms were essentially dictated by the Labour negotiators) in the miniscule fraction of the West Bank and Gaza territory. Given the expansion of settlements and strategic roads alluded to it, it is easy to conclude that Labour's vision of an "independent" and "sovereign" Palestine state basically involved small islands under restricted and conditional Palestinian control in the Israeli-dominated sea of the West Bank and Gaza Strip, along the lines of the current situation that grew out of the Oslo II. 'Reflections on the Peace Process and a Durable Settlement : A Roundtable of Views', Journal of Palestine Studies, op.cit., p. 8.

139 See for details, Nafez Nazzal dominated sea of the West Bank and Gaza Strip, along the lines of the current situation that grew out of the Oslo II. 'Reflections on the Peace Process and a Durable Settlement : A Roundtable of Views', Journal of Palestine Studies, op.cit., p. 8., "The Palestinian Perspective on the Future of the West Bank and the Gaza Strip" and Howard Adelman, "Palestinian Refugees and the Peace Process" in Paul Marantz and Janice Gross Stein (ed), Peace Making in the Middle East : Problems and Prospects, Croom Helm, London, 1985, pp. 80-129.

the Palestinians, it seems that no agreement with respect to their solution has been considered as sacrosanct. Our preceding discussion reveals how at one stage talks have been suspended only to be resumed at a later stage and this, in turn, has produced a new and more complex agreement. Although the net result has been the reinforcement of problems arising from the influx of new agreements and the conflicts over their interpretations, nonetheless, the process of negotiations has not stopped and that it has been taking place in phases. In the process, each phase may have been slow, incremental and painstaking with many pitfalls and failings in terms of objectives, but the then the process is an on-going one. The fact that, in recent times, the Oslo I has been salvaged by five more 'supplementary Oslos' is a pointer to the case. *Secondly*, at no stage of the peace talks, there lies an attempt to suppress the question of Palestinian statehood. Although in Israeli parlance, the concept of Palestinian statehood remained in a concealed form, but their willingness to withdraw from the occupied territories, albeit within a complex structure of conditions and preconditions and changing modalities, bears ample testimony to the fact that the gesture was a step for facilitating the emergence of a Palestinian state. In this connection, what remains to be decided are the nature, form and content of such state. Israel, perhaps, realises it well that the Palestinians would not be content with the self-rule only. Had the self-rule been sufficient to placate the Palestinians, then a Gaza-Jericho type withdrawal would have taken place in other areas in the West Bank by now where the Palestinian Authority's exercise of certain power would have been of little concern to Israel. What can, thus, be argued is that Israel is dilly-dallying the creation of a Palestine state rather than diverting itself from the very operative central policy principle of the peace process – *land for peace*. The reasons for this are mostly tactical rather than

strategic as the issues that are to precede the creation of a Palestine state have not yet found their way into the negotiating table. *Thirdly,* the interim period is to be viewed as one of Palestinian self-rule marked by democratic tolerance, coexistence and building of confidence building measures. Despite the fact that the Palestinians achieved very little in tangible sense, nonetheless, the spirit of peace has not died down except among few of the peace opponents. This has been a great success for Arafat's leadership with a message for Israel that its best interests can equally be served by sticking to peace process rather than withdrawing from it. In this sense, the Oslo may be said to have provided a psychological ground for both the parties to overcome the barriers on the way of their co-existence. Towards this end, one cannot probably underestimate the role of the civil societies, the human rights activists and the NGOs in bringing a rapprochement between the Palestinian and the Israeli societies. This living spirit of co-existence is expected to be one of the potential factors in any just and legitimate solution to the Israeli-Palestinian conflict in the future.

## Section V: Self-rule in Oslo Peace Process – Has it been a Dress Rehearsal for a Palestinian State or not?

The peace process, a function of diplomacy, has to respond to a number of variables for its sustainability, i.e., the dynamics of domestic, regional and international politics, the nature of leadership, the threat from the peace spoilers, the intervening issues of multifarious nature, calculations of gains and loses etc. Viewed in this light, the Oslo peace process is found to have worked in an extremely difficult and complex situation. The earlier observation shows how negotiation at every step became tortuous,

in particular over the issue of Israeli withdrawal from the occupied territories, due to a number of factors among which the Israeli security factor had its predominance. Also, one observes, how the failure of the Palestinian Authority and Israel to come to a consensus on the interim arrangements kept the final status talks in complete oblivion in all successive phases of the peace process. This obviously generates pessimism among a number of observers and analysts who see a Palestine state in the West Bank and the Gaza Strip with no territorial base and its proposed capital, the eastern part of the 'open city of Jerusalem' under continuous Israeli occupation. And in simple arithmetic calculation, it becomes more frustrating when one finds that Arafat, who through his proposed Palestine state, settled for a mere 23% of mandated Palestine, thereby making a concession by giving up claim to 77% of the mandated Palestinian territory, has now settled for a Palestine state that would comprise an amount of land much below 23% after accepting 40% withdrawal from the occupied areas in the West Bank. As a result, most observers find the Palestinian movement in a situation where the concessions it made to Israel by renouncing claims to the greater part of the historical fatherland does not appear to have ensured, in exchange, attainment of the desired objective. And in making such concessions, the PLO is as well blamed for straining its natural ties with a significant portion of the Palestinian people. Thus, out of frustration and desperation, the school of pessimist observers and analysts visualise the likelihood of a deadlock over the question of Palestinian statehood and a 'permanent Palestinian autonomy' under Israeli control as the ultimate *fait-accompli* for the Palestinian people. This, they view, is supported by the very dynamics of the situation on the ground that show the development of a Palestinian entity in a

semiautonomous noncontiguous enclaves under overall Israeli control.[140]

However, as against the view of the pessimist observers and analysts, one that is held by the optimists now seems to have its prevalence over the former. This school of thought sees *Palestinian self-rule not as an end in itself but as a means to a greater goal i.e., the creation of full Palestinian statehood.* The argument probably finds its rationale in the very dialectics of history which as observed earlier reveal, at no point of time, any compromise on the part of the Palestinians on the question of their legitimate movement for self-determination and independence. And in recent times, the process of institution building and the establishment of Palestinian Authority (PA) in the cities of the Gaza Strip and the West Bank with functioning executive, legislative, judicial and security structures exhibit some of the state-like attributes that the Palestinian Authority now enjoys. As Human Rights and Policy analyst Anthony Chase notes, "Of course, a Palestinian state has not yet been established. Though the PA's president, Yasser Arafat, has hinted that he will announce the establishment of a Palestinian state if negotiations with Israel break down, this is a political decision which can only be taken in the context of the Oslo accords. Nonetheless, in a *de facto* sense, the Palestinian Authority fulfills the international legal requirements of a state, as defined in the Inter-American Convention on Rights and Duties of States (the Montevideo Convention) of 1933. The PA has a permanent population (unlike some of the micro-states which strain the UN's principle of sovereign equality); the PA has a

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[140] 'Reflections on the Peace Process and A Durable Settlement : A Roundtable of Views', Journal of Palestine Studies, op.cit., p. 13.

defined territory (at least as much as Israel); the PA has an effective and even relatively democratic government (unlike a dissolving government such as Zaire's); and the PA has the capacity to enter into relations with other states (in fact, it conducts more active foreign relations than many larger states). It would seem that, despite the restrictions on PA sovereignty embedded in the Oslo accords, the PA is a state in all but a formal, *de jure* sense".[141]

In effect, idea like above has been expressed in a wide of range of scholarly articles relating to the 'Israeli-Palestinian conflict' in journals like Survival, Journal of Palestine Studies, Current History, The Middle East Journal etc. As Mark A Heller, in his article entitled 'Towards a Palestinian State' remarks, "The PA already enjoys numerous state-like attributes. These include purely symbolic elements, some of them taken over from the PLO or from expressions of Palestinian identity predating the PLO – for example, a flag and national anthem. More significantly, there are also several substantive manifestations of statehood: effective control of territory (about 1800 square kilometres) and people (almost all of the approximately 2.4 million Palestinians in the West Bank and Gaza); functioning executive, legislative, judicial and security structures; widespread international recognition and separate representation in a broad range of international institutions and organisations; and governmental legimisation through elections generally free and fairer than those in most states in the Arab world. Indeed, the PA already has greater effective independence of action than at least one recognised Arab state – Lebanon".[142] A thought-provoking, and somewhat different idea

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141 Josa Karre, Statehood and the Palestinian Authority, op.cit., p. 23.

142 Mark A. Heller, op.cit., p. 8.

has been expressed by Josa Karre in the following words, "The international system's fundamental idea of inviolable state does not necessarily coincide with those internal characteristics of a state frequently taken for granted in European-style nation-states. This is an important alleged reason of chaos, collapse and conflict. This gap has been diagnosed in a context of states which have recognition but are unable to uphold sovereignty domestically (mainly in Africa). On the other hand, entities have emerged which have not gained sovereignty but who are capable of performing some of the functions of statehood. The Palestinian Authority is one possible example of such an entity. The Palestinian Authority is not a state but upholds many functions and attributes of statehood, and hopes to claim or attain recognition".[143]

The nomenclature of present Palestine state as quasi-state, semi-independent state, de facto state, half-state like entity etc., is applied in order to indicate the antithesis of "juridical statehood" or "negative sovereignty", which in turn are equivalents of "weak states" in Holsti's terminology. [144]Such weakness is mainly due to the fact that the PA is a new political construction with many constraints on the way, in particular, its vulnerability to the stronger party in the conflict on the issue of territory. Or else, the Palestinians by now clearly express their *idea of a state* and possess *institutional attributes* of a state as well. Given the advanced stage of the Palestinian state-building process and the international and regional dynamics involved in it, even a peace spoiler like Binyamin Netanyahu and his senior advisor, David Bar-Illan, expressed their willingness to consider a Palestinian

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143 Josa Karre, Statehood and the Palestinian Authority, op.cit., p. 6.

144 Ibid., p. 7.

state, albeit one with limited sovereignty.[145] The question, therefore, is not to challenge the need for Palestinian statehood but to devise mechanisms for proclaiming it.

The possibility of the naissance of a full-fledged Palestine state any time owes a lot to the positive dynamics of the Oslo peace process which has dealt with the principle of Palestinian self-determination not at a normative level, but at a very practical level by giving these people an opportunity to crystallize their identity politically, economically and socially. While, it is true that due to absence of talks on the final status issues, the shape of a final Palestine state continues to remain a matter of conjecture, nonetheless, it can be said that in present context, solutions like autonomy, bi-national state, cantonised state or transfer are no longer feasible and practical with respect to any solution of the long Israeli-Palestinian conflict.[146] Also, there are the floating ideas that a Palestinian state could resemble such admirable modern examples as Austria (neutral by treaty), Finland (neutral by geographic necessity) or Costa Rica (forswearing a military establishment). Whatever may be few wild guesses and speculations with respect to the future Palestine state, the ultimate crucible for determining such a state would be its **effective sovereignty.** Towards this end, the success of the Palestinians would depend much on the extent of concessions that they can derive from Israel in the final status talks.

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[145] Efraim Inbar and Shmuel Sandler, "The Risks of Palestinian Statehood", Survival, Vol. 39, No. 2, Summer, p. 23.

[146] Read the interesting ideas about these solutions in Ghassan Salame's article in 'Reflections on the Peace Process and a Durable Settlement : A Roundtable of Views', Journal of Palestine Studies, op.cit., pp.22-24.

## Section VI : Camp David Summit– A Step Towards a Palestine State

The Camp David summit that took place between the Palestinian and the Israeli leaders under the US mediation in July 2000, intended to break the impasse over the peace process, caused mainly by several flaws in Israeli withdrawal policy from the occupied territories and a total absence of final status talks all along the period of negotiations from the Oslo I down to the period of the recent summit. In particular, the need to address the final status issues was greatly felt by the concerned parties as the continuation of *status quo* in Israeli-Palestinian relations was felt to be totally undesirable. Also, Arafat's pronouncement that he would make a unilateral declaration of an independent Palestinian state in September 2000, has aroused new concern of the international community with respect to the future of the on-going peace process in the Middle East. Needless to mention here that such declaration will gain more credibility than the one that the leadership of Arafat in diaspora made in 1988 in the midst of Intifada. The new declaration would be made under very different circumstances in that it would now come from an independent Palestinian body living in its own territory and not in the neighbouring state. The relevant questions, therefore, are: what has been the tangible gain for the PLO out of the Camp David summit that till to date remains with a territorial base, whose size is much below the amount designated for it for erecting a Palestine state? Also, the fact that the interim period could not address the complex and critical issues relating to the permanent status negotiations, mainly for reasons like recrimination over the implementation of the interim agreements and accusation of bad faith, what efforts

have been taken with respect to such issues at the Camp David summit?

Many observers and analysts are of the opinion that the immediate tangible gain that Arafat might have scored out of his threat of declaration of an independent Palestine state is to bring Israel and the US into the negotiating table for talks on the final status issues. Towards this end, the holding of the second Camp David under the US mediation may be considered to have served Arafat's purpose. In particular, the fact that the issue of Jerusalem, the most perplexing and complex one, figured prominently in the discussion between the three parties, Israel, the Palestinian Authority and the US, marks a vivid departure from the Israeli earlier position that views Jerusalem as the eternal, indivisible and invincible city of Eretz Israel. At least, the summit by raising the issue on the table, has attested the idea that the *Palestine state too can have its capital in parts of Jerusalem.*

However, despite the blackout on many of the summit decisions, it has become clear to all that no progress has been recorded on the crucial question of Jerusalem. The issue faltered on the conflicting claims of the PA and Israel. While Arafat demanded sovereignty over the entire city of East Jerusalem, which is to become the capital of his proposed Palestine state, Barak hinted to give him no more than authority over few municipal districts in the city. In addition, the two sides had not agreed on borders for a future Palestine state and the number of refugees who would be allowed to return. But then the gap on these issues is expected to be bridged once the fate of Jerusalem is decided.

In effect, all peace talks including the one at the Camp David reveal a glaring fact that the formula to resolve the Israeli-Palestinian conflict has concentrated more on devising tough choices than on offering politically acceptable compromises on several issues. In other words, as generally understood in theoretical sense, the conflict transformation between the two parties has not yet passed through the process of transcendence, where compromise and withdrawal (giving up few goals) are mostly to be shown by the party having control over the resources whatever.[147] Eventually, the Palestinians with their weaker position, have been the party to accept most of the hard choices. The fate has been the same for the Palestinians even at the recently held talks at Camp David.

It is now being speculated that on other issues too like border, Jewish settlements, and Palestinian refugee, the prevalence of Israeli security factor might compel the Palestinian authority to accept more compromises in the future. For example, with respect to the refugee issue, Israel feels that Palestine state would be unable to accommodate 3.5 million Palestinians living in the diaspora. The ultimate result would be pouring of these people into Israeli territory so as not only to dilute the Jewish character of Israel but also to disturb internal peace and harmony. Israel, thus, seeks to restrict the number of Palestinian entries into Palestine or even deny that the Jewish state is responsible for any plight of the refugees. Similarly, the issue of Jewish settlements, in particular in the West Bank, involves a 'give and take' policy' between Israel

[147] The author formulates the idea on the basis of lecture given by Peter Wellensteen on the theme 'Conflict Resolution' at the Department of Peace and Conflict Research, Uppsala University, Sweden, during the summer programme on 'Peace and Conflict Studies 2000' (May-June).

and the Palestinian. The settlers would be required either to move or remain in place under Palestinian jurisdiction. With respect to the issue of territory, the negotiations are likely to centre on : who gives what and who gets what? And concerning the fixation of boundaries of a future Palestine state, certain readjustment may be necessary if Israel insists on controlling the strategic points in the West Bank as per its traditional security doctrine. Finally, there is the water quarrel which is as old as the history of the conflict itself. Here too, Israeli for all obvious reasons, controls nearly 80% of the water resources in the West Bank and the Gaza.

However, both Israel and Palestinians are not expected to live peacefully with the incompatibilities as mentioned above. In particular, if the emergence of a Palestine state is just few miles away, then negotiations for arriving at politically acceptable formula on the individual issues would either precede or follow the declaration of an independent Palestinian state by the PLO. While many studies from different quarters have put suggestions like extraterritorial status to the Jewish settlements under Palestinian control, a neutralised and dimilitarised Palestine, a Palestine state with defense and security control in Israeli hand, no restriction on the return of refugees to the West Bank in exchange for 'relinquishment of their right of return to Israel', the division of Jerusalem into two or three parts etc., more important for the parties would be to overcome their incompatibilities through few mechanisms and procedures that might at least theoretically invoke: i. *shift in priorities*: while it is rare that a party will completely change its basic position, but it could well make a shift in what is his highest priority . This may open for ways in which the other side can reciprocate; ii. *shared control*: the parties may

decide to rule together over the resources that are in dispute, i.e., the economic resources; iii. *horse-trading*: one party may get all it demands on one issue, whereas the other gets all of its goals on another issue.[148]

In the final analysis, it should be mentioned that a conflict resolution at one stage needs certain fundamental actions that would be strategic in making the process a more dynamic and effective one and in leading it in a direction different from the earlier ones. In any conflict, these are actions by the parties which are strategically important for bridging their gaps and discrepancies. In case of the Arab-Israeli conflict, Egypt's peace treaty with Israel, mutual recognition of PLO and Israel, Jordan's peace treaty with Israel and the Palestinian self-rule as per the Oslo accord may be considered to be the rare examples of such strategic actions in the past. It is, therefore, rational that negotiations on final status talks witness few similar strategic actions by the parties concerned. As the current scenario reveals, the Oslo peace process is found to remain at its sticking point where the parties are required to find urgently the ways around obstacles, drawing on internal and external support, establish procedures and learn from the flaws of previous agreements.

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[148] The author formulates the idea on the basis of lecture given by Peter Wellensteen on the theme 'Conflict Resolution' at the Department of Peace and Conflict Research, Uppsala University, Sweden, during the summer programme on 'Peace and Conflict Studies 2000' (May-June).

## CONCLUSION

Following the break-down of the Camp David summit, the future of the Middle East peace process seems to remain in a perilous state between its continuation and final death. In particular, the failure on the part of Israel and the Palestinian leadership to reach a politically acceptable solution on the status of Jerusalem – considered to be the most pressing issue within the framework of final status talks – has generated a new sense of pessimism and despair with respect to further success of the peace process in the upcoming days. There is the skepticism among a number of analysts and observers that the remaining issues related to final status like the fate of the Palestinian refugees, the future of Jewish settlements and the future borders of Palestinian entity would, probably, meet with similar fate in the future due to avowed differences between the parties over these issues too. Under the circumstances, a stalemate is expected to continue over the Middle East peace for an indefinite period of time.

However, at this critical juncture of Middle East peace history, any stalemate over the peace efforts would not be a desirable phenomenon. The imperatives for peace are now being increasingly felt at three levels – domestic, regional and international. At the domestic level, the political and economic suffering of the Palestinians, aggravated further by their sense of deprived statehood, cannot be expected to continue for long. The reality that the ultimate creation of a fully independent Palestine state is a prerequisite for comprehensive peace and stability in the Middle East is known to Israel by now. Towardss this end, both the

parties have invested politically and psychologically to set out the parameters of their co-existence in different phases of negotiations from the Oslo peace accord to the Camp David summit. During the course of the negotiating process, they have learnt to trust each other, discover their common interests and incompatibilities and then develop the parameters of peace from the process itself. Thus, it would be too risky to back away from the process when some gains have been achieved. The only alternative to the peace process at the moment would be either renewed violence or another intifada in Israel. Both would attain serious dimension as the militant Palestinian Hammas movement claims support among a significant segment of the Palestinian population. For Israel, the adverse effects of a second intifada would be more catastrophic than those of the earlier intifada during the late eighties in both economic and political terms.

At the regional level, the imperatives for peace are still more as the Arab countries would like to see an end to their vulnerability to Israel. In particular, they have, over the years, observed an imbalance between their accountability to Israeli needs and the Israeli gaps in compliance with various UN Resolutions and peace agreements. As a result, in none of the three peace tracks of the current Middle East peace, has there been any substantive progress. While in the inner track, many interim issues remain unresolved, in outer circles, peace seems to remain in an *impasse* over Israel's territorial problems with Syria and Lebanon. Even those countries that have made peace with Israel would like to see few gains of the Oslo peace process in terms of not only 'doing business with Israel' but also in few territorial concessions to their

fellow Arab neighbours. The widespread Arab sentiment at present is an aggrieved one due to failures of the last few years of peace making. This deserves serious analysis and appreciation before the current Middle East peace process enters the next stage. In effect, if security is Israel's main obsession, then through expansion and establishment of peace agreements, a positive change may take place in Israeli strategic thinking. Also, the peace process bears economic incentives for the region. The ongoing peace process in the Middle East has generated considerable interest in the potential for economic co-operation and integration in the region, in particular, among the parties to this process. There already exists among the Palestine Authority, Israel and Jordan bilateral economic agreements and this triad as one analyst remarks, "may eventually prove to have performed for the Middle East economies a catalytic role similar to the one the Benelux countries performed for Western Europe". As a result, the economic costs of breaking the current peace process would be prohibitively high. To this is added the question of resource sharing, in particular, water. In order to develop effective *regional water structures*, peace with Syria is of utmost necessity. The facts that there had been the 'water wars' between Syria and Israel in the 1950s and in 1964 and that Israel's diversion of the Jordan prompted a special Arab Summit in 1964 where PLO saw its *naissance*, are known to those well acquainted with the Middle Eastern affairs. Also, internally, peace between Israel and the Palestinians is necessary for effective and equitable sharing of water resources, whether through water importation, desalination or ground water development.

The imperative for peace is also felt by the international community, as in recent times, peace activities have become increasingly intense in several forms and manifestations. At a time, when 'pledge to keep the world safe from conflicts' appears as a living global agenda, the Middle East cannot probably remain out of it. In particular, the international community no longer wants a revival of Arab-Israeli conflict when progress, however little it may be, has already been made in few peace agreements between the parties concerned. In this connection, the constant concern of the EU with regards to a just and amicable solution of the Arab-Israeli conflict draws one's attention. Also, the UN, various other world bodies, governmental and non-governmental organisations, peace research institutes etc., are deeply concerned about the continuity of peace in a volatile region as is the Middle East.

The above imperatives naturally point to the fact that there can be no turning back from the peace process that has been launched out of a promise to address the mutual concerns of Israel and its Arab neighbours. In so far as the question of Palestinian statehood is concerned, the need for it is no more challenged in view of the reality that only *self-determination and a Palestine state* and not *autonomy* can bring a comprehensive peace in the region. While at present, there is lot of speculation and debate about the contours of a permanrnt status negotiation leading to a final creation of Palestine state, the important point at the current stage would be to give a new life to the peace process by maintaining its *continuity* through the twin mechanism of negotiation and mediation. Given the fact that in a given peace process, there are the 'turning' and 'sticking' points and that even the best-engineered political

settlements can collapse, it is the *continuity factor* that can resuscitate the process and allow the parties concerned to renegotiate on the 'sticking points' or on the settlements deemed insufficient. Thus, the road to negotiation, in case of the Israeli-Palestinian conflict, should be a new process of successive approximations in which the parties, driven by incentives of peace, would be required to move towards a fair, equitable and credible solution to the century-old conflict between them. Towards this end, there is the need for more political will and determination coupled with a sense of compromise and accommodation.

## Annex : 1

### Declaration of Principles on Interim Self-Government Arrangements:

The Governments of the State of Israel and the P.L.O team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) ("the Palestinian-delegation"), representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognise their mutual legitimate and political rights, and strive to live in peaceful co-existence, and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process. Accordingly the two sides agree to the following principles:

### Article I : Aim of the Negotiations:

The aim of the Isreali-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council, (the "Council)" for the Palestinian people in the West Bank and the Gaza strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council resolutions 242 and 338.

It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338.

**Article II : Framework for the Interim period:**

The agreed framework for the interim period is set forth in this Declaration of Principles.

**Article III : Elections:**

1. In order that the Palestinian people in the West Bank and Gaza strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council, under agreed supervision and under international observation, while the Palestinian police will ensure public order.

2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding elections not latter than nine months after the entry into force of this Declaration of Principles.

3. These elections will constitute a significant interim preparatory step toward the realisation of the legitimate rights of the Palestinian people and their just requirements.

**Article IV: Jurisdiction:**

Jurisdiction of the Council will cover West Bank and the Gaza strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and the Gaza strip as a single territorial unit whose integrity will be preserved during the interim period.

**Article V: Transitional Period Permanent Status Negotiations:**

1. The five-year transitional period will begin upon the withdrawal from the Gaza strip and Jericho area.

2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Isreal and Palestinian people representatives.

3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlement, security arrangements, borders relations and cooperation with other neighbours, and other issues of common interest.

4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or pre-empted by agreements reached for the interim period.

**Article VI: Preparatory Transfer of Powers and Responsibilities:**

1. Upon the entry into force of this Declaration of Principles and the withdrawal from the Gaza strip and the Jericho area, a transfer of authority from the Israeli military government and its Civil Administration to the authorised Palestinians for this task, as detailed herein, will commence. This transfer of authority will be of preparatory nature until the inauguration of the Council.

2. Immediately after entry into force of this Declaration of Principles and the withdrawal from the Gaza trip and Jericho

area, with the view to promoting economic development in the West Bank and Gaza strip, authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation and tourism. The Palestinian side will commence in building the Palestinian police force, as agreed upon. Pending the inauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

**Article VII : Interim agreement**

1. The Israel and PLO will negotiate an agreement on the interim period (the "Interim Agreement")

   The Interim Agreement shall specify, among other things, the structure of the Council, the number of its members and the transfer of powers and responsibilities from the Israel military Government and its Civil Administration to the Council. The Interim Agreement shall also specify the council's executive authority, legislative sd, a Palestinian Environmental Authority, a Palestinian Land Authority and a Palestinian Water Administration Authority and any other Authorities agreed upon in accordance with the Interim Agreement that will specify their powers and responsibilities.

5. After the inauguration of the Council, the Civil Administration will be dissolved and the Israeli military government will be withdrawn.

**Article VIII: Public Order and Security:**

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

**Article IX: Laws and Military Orders:**

1. The Council will be empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it.
2. Both parties will review jointly laws and military orders presently in force in remaining spheres.

**Article X : Joint Isreali-Palestinian Liaison Committee:**

In order to provide for a smooth implementation of this Declaration of Principles and any subsequent agreements pertaining to the interim period, upon the entry into force of this Declaration of Principles, a Joint Israel-Palestinian Liaison Committee will be established in order to deal with issues requiring co-ordination, other issues of common interest and disputes.

**Article XI: Israeli-Palestinian Cooperation in Economic Fields:**

Recognising the mutual benefit of co-operation in promoting the development of the West Bank, the Gaza strip and Israel, upon

the entry into force of this Declaration of Principles, an Israeli-Palestinian Economic Co-operation Committee will be established in order to develop and implement in a co-operative manner the programmes identified in the protocols attached as Annex III and Annex IV.

**Article XII : Liaison and Cooperation with Jordan and Egypt:**

The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and co-operation arrangements between the Government of Israel and the Palestinian representatives, on one hand, and the Governments of Jordan and Egypt, on the other hand, to promote co-operation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this committee.

**Article XIII: Redeployment of Israeli Forces:**

1. After the entry into force of this Declaration of Principles, and not later than the eve of elections for the Council, a re-deployment of Israeli military forces in the West Bank and the Gaza Strip will take place, in addition to the withdrawal of Israeli forces carried out in accordance with Article XIV.

2. In re-deploying its military forces, Israel will be guided by the principles that its military forces should be re-deployed outside populated areas.

3. Further redeployments to specified locations will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian police force pursuant to Article VIII above.

**Article XIV: Israeli withdrawal from the Gaza Strip and Jericho Area:**

Israel will withdraw from the Gaza strip and Jericho area, as detailed in the Protocol attached as Annex II.

**Article XV: Resolution of Disputes:**

1. Disputes arising out of the application or interpretation of this Declaration of Principles, or any subsequent agreements pertaining to the interim period, shall be resolved by negotiations through the Joint Liaison Committee to be established pursuant to Article X above.

2. Disputes, which cannot be settled by negotiations, may be resolved by a mechanism of conciliation to be agreed upon by the parties.

3. The parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both parties, the parties will establish an Arbitration Committee.

**Article XVI: Israeli-Palestinian Cooperation Concerning Regional Programmes:**

Both parties view the multilateral working groups an appropriate instrument for promoting a "Marshall Plan" the regional programmes and other programmes, including special programmes for the West Bank and Gaza Strip, as indicated in the protocol attached as Annex IV.

**Article XVII: Miscellaneous Provisions:**

1. This Declaration of Principles will enter into force one month after its signing.
2. All protocols annexed to this Declaration of Principles and Agreed Minutes Pertaining thereto shall be regarded as an integral part hereof.

**Annex I (Dop)**

**Protocol on the Mode and Conditions of Elections :**

1. Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides.
2. In addition, the election agreement should cover, among other things, the following issues:
   a. The system of election.
   b. The mode of agreed supervision and international observation and their personal composition and

c. Rules and regulations regarding election campaign, including agreed arrangements for the organising of mass media, and the possibility of licensing a broadcasting and TV station.

3. The future status of displaced Palestine who were registered on June 4, 1967 will not be prejudiced they are unable to participate in the election process due to practical reasons.

## Annex II (Dop)

## Protocol on withdrawal of Israeli Forces from the Gaza Strip and Jericho area:

1. The two sides will conclude and sign within two months from the date of entry into forces of this Declaration of Principles, an agreement on the withdrawal of Israeli military forces from the Gaza Strip and Jericho area. This agreement will include comprehensive arrangements to apply in the Gaza Strip and the Jericho area subsequent to the Israeli withdrawal.

2. Israel will implement an accelerated and scheduled withdrawal of Israeli military force from the agreement of the Gaza strip and Jericho area beginning immediataly with the signing of the agreement on the Gaza strip and Jericho area, and to be completed within the period not exceeding four months after the signing of this agreement.

3. The above agreement will include, among other things:

   a) Arrangements for a smooth and peaceful transfer of authority from the Israeli military government and its Civil Administration to Palestinian representatives.

b) Structure, powers and responsibilities of the Palestinian authority in these areas, except external security, settlements, Israelis, foreign relation, and other mutually agreed matters.

c) Arrangements for the assumption of internal security and public order by the Palestinian police force consisting of police officers recruited locally and from abroad (holding Jordanian passports and Palestinian documents issued by Egypt.) Those who will participate in the Palestinian police force coming from abroad should be trained as police and police officers.

d) A Temporary international or foreign presence, as agreed upon.

e) Establishment of a joint Palestinian-Israeli Co-ordination and Co-operation Committee for mutual security purposes.

f) An economic development and stabilization programme, including the establishment of an Emergency Fund to encourage foreign investment and financial and economic support. Both sides will co-ordinate and cooperate jointly and unilaterally with regional and international parties to support these aims.

g) Arrangements for a safe passage for persons and transportation between the Gaza Strip and Jericho area.

4. The above agreement will include arrangements for co-ordination between both parties regarding passages: a Gaza-Egypt and b. Jericho-Jordan.

5. The offices responsible for carrying out the powers and responsibilities of the Palestinian authority under this Annex II and Article VI of the Declaration of Principles will be located in the Gaza strip and in the Jericho area pending the inauguration of the Council.
6. Other than agreed arrangements, the status of the Gaza strip and Jericho area will continue to be an integral part of the West Bank and Gaza strip and will not be changed in the interim period.

## Annex III (Dop)

**Protocol on Israeli-Palestinian Cooperation in Economic and Development Programmes:**

The two sides agree to establish an Israeli-Palestinian Continuing Committee for Economic Co-operation, focusing, among other things on the following:

1. Co-operation in the field of water, including a Water Development Programmer prepared by experts from both sides, which will also specify the mode of co-operation in the management of water resources in the West Bank and Gaza strip, and will include proposals for studies and plans on water rights of each party, as well as on the equitable utilisation of joint water resources for implementation in and beyond the interim period.
2. Co-operation in the field of electricity, including an Electricity Development Programme, which will also specify the mode of co-operation for the production, maintenance, purchase and sale of electricity resources.

3. Co-operation in the field of energy, including an Energy Development Programme, which will provide for the exploitation of oil and gas for industrial purposes, particularly in the Gaza strip and in the Negav, and will encourage further joint exploitation of other energy resources. This programme may also provide for the construction of a Petrochemical industrial complex in the Gaza strip, and the construction of oil and gas pipelines.

4. Co-operation in the field of finance, including a Financial Development and Action programme for the encouragement of international investment in West Bank and the Gaza strip, and in Israel, as well as the establishment of a Palestinian Development Bank.

5. Co-operation in the field of transport and communication, including a programme, which will define guidelines for the establishment of Gaza Sea Port Area, and will provide for the establishing of transport and communication lines to and from the West Bank and the Gaza Strip to Israel and to other countries. In addition, this programme will provide for carrying out the necessary construction of roads, railways, communication lines, etc.

6. Co-operation in the field of trade, including studies and Trade Promotion Programmes which will encourage local, regional and inter-regional trade as well as a feasibility study of creating free trade zones in the Gaza Strip and in Israel, mutual access to these zones and co-operation in other areas related to trade and commerce.

7. Co-operation in the field of industry, including Industrial Development Programmes, which will provide for the

establishment of joint Israel-Palestinian Industrial Research and Development Centers, will promote Palestinain-Israeli joint ventures, and provide guidelines for co-operation in the textile, food, pharmaceutical, electronics, diamonds, computer and science-based industries.

8. A programme for co-operation in and regulation of labour relations and co-operation in social welfare issues.

9. A Human Resources Development and Co-operation Plan, providing joint Israeli-Palestinian workshops and seminars and for establishment of joint vocational training centers, research institutes and data banks.

10. An Environmental Protection Plan, providing for joint/or co-ordinated measures in this sphere.

11. A programme for developing co-ordination and co-operation in the field in the field of communication and media.

12. Any other programme of mutual interest.

## Annex IV (Dop)

### Protocol on Israeli-Palestinian Cooperation Concerning Regional Development Programmes:

1. The two sides will co-operate in the context of the multilateral peace efforts in promoting a Development Programme for the region, including the West Bank and Gaza Strip, to be initiated by the G-7. The parties will request the G-7 to seek the participation in this programme of other interested states, such as members of the Organisation for Economic Co-operation and Development, regional Arab States and institutions, as well as members of the private sector.

2. The Development Programme will consist of two elements:

a) and Economic Development Programme for the West Bank and the Gaza Strip, b) a Regional Economic Development Programme.

**(A) The Economic Development Programme for the West Bank and the Gaza strip will consist of the following elements:**

1. A Social Rehabilitation Programme, including a Housing and Construction programme.
2. A Small and Medium Business Development Plan.
3. An Infrastructure Development Programme (water, electricity transportation and communication etc.)
4. A Human Resources Plan.
5. Other programmes.

B. The Regional Economic Development Programme may consist of the following elements:

1. The establishment of a Middle East Development Fund, as a first step and a Middle East Development Bank, as a second step.
2. The Development of a joint Israeli-Palestinian-Jordanian Plan for a coordinated exploitation of the Dead Sea area.
3. The Mediterranean Sea (Gaza)-Dead Sea Canal.
4. Regional Desalinisation and other water development projects.
5. A regional plan for agricultural development, including a co-ordinated regional effort for the prevention of desertification.
6. Interconnection of electricity grids.

7. Regional co-operation for the transfer, distribution and industrial exploitation of gas, oil and other energy resources.
8. A regional Tourism, Transportation and Tele-communications Development plan.
9. Regional Co-operation in other spheres.

3. The two sides will encourage the multilateral working groups, and will co-ordinate towards its success. The two parties will encourage intersectional activities, as well as pre-feasibility and feasibility studies, within the various multilateral working groups.

The annexes are followed by three pages of minutes specifying understandings and agreements in the preceding articles.

**Source** : Emirates News 16.9.93 quoted in Arab News and Views (New Delhi) dated October 15, 1993, cited in VD Chopra & M Rasgotra (ed.), *Genesis of Regional Conflicts,* Gyan Publishing House, New Delhi, 1995, pp. 251-261.

## Annex : 2

## UNSC Resolution 242 : Its Main Provisions

Resolution 242 purposed to lay down a formula for a just and lasting peace in the Middle East. It emphasized the inadmissibility of the acquisition of territory by war and affirmed that the fulfillment of the principles of the Charter required the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

i. Withdrawal of Israeli armed forces from the territories occupied in the recent conflict.

ii. Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

**The resolution further affirmed the necessity:**

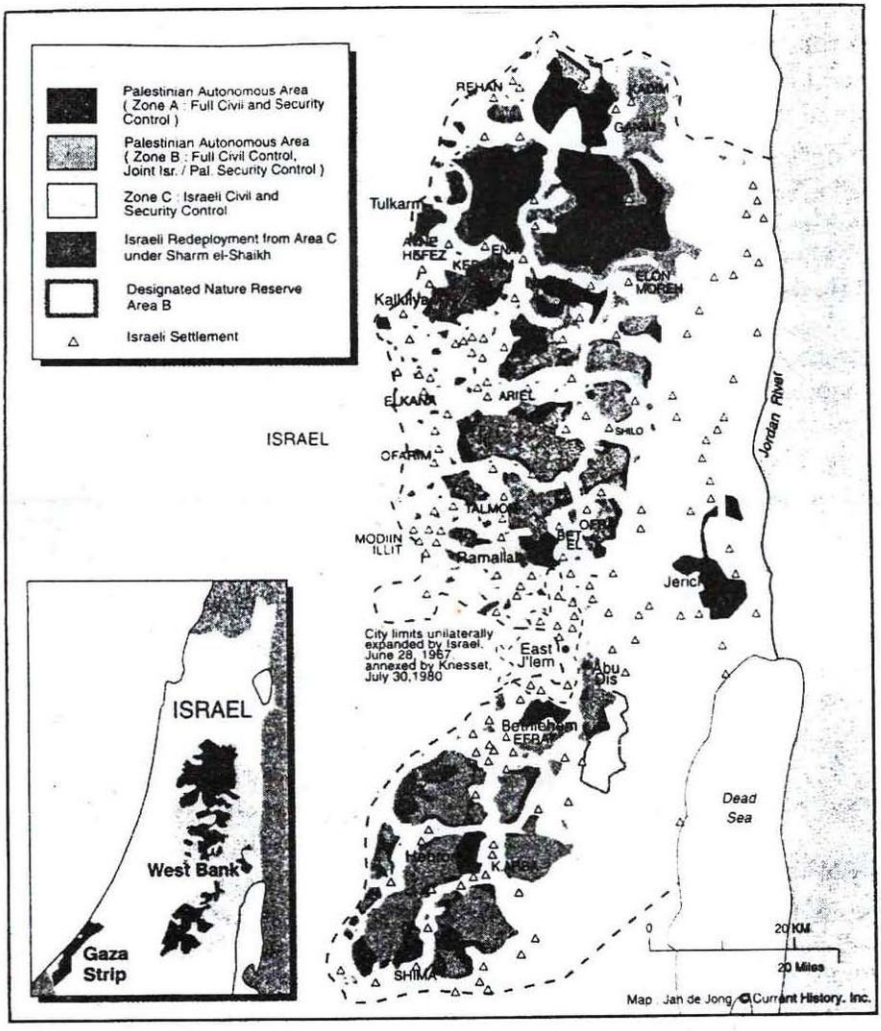
i. For guaranteeing freedom of navigation through international waterways in the area:

ii. For achieving a just settlement of the refugee problem;

iii. For guaranteeing the territorial inviolability and political independence of every state in the area, through measures including the establishment of demilitarized zones.

Finally, the resolution requested the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contact with the state concerned, in order to promote agreement and assist efforts to achieve a peaceful settlement in accordance with the principle of the resolution.

**Source :** Henry Cattan, The Palstine Question Croom Helm, London, 1988, p. 112.




*Source : Current History, January 2000, p. 7*