

CHAPTER ONE

Why Peace Failed— An Oslo Autopsy

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The tragedy of September 11 and the increasingly violent struggle between Palestinians and Israelis have refocused attention on the continuing Palestinian-Israeli conflict as a primary concern of the Arab world. The Palestinian problem, perhaps more than any other, resonates deeply with Arab and Muslim peoples. According to a recent survey quoted by journalist David Hirst, nearly 60 percent of the people of Saudi Arabia, Kuwait, the gulf emirates, and Lebanon regard Palestine as the “single most important issue to them personally”; for Egyptians this figure rises to 79 percent. Not surprisingly, Osama bin Laden, for whom the Palestinian issue had not appeared primary, stated that Americans will not be safe until Palestinians are safe. Soon after, President George W. Bush and British Prime Minister Tony Blair acknowledged the centrality of the Palestinian question in the current crisis and the need for a viable Palestinian state (although the Bush administration’s hardening toward the Palestinians following the suicide bombings in December 2001 may change this).

It is commonly believed that the failure of the Middle East peace process to resolve the Palestinian-Israeli conflict occurred at the Camp David II summit in July 2000, when Israeli, Palestinian, and American delegates met to reach a final settlement. It was at Camp

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David that Israel supposedly offered the Palestinians an exceedingly generous compromise that came close to an agreement—but which the Palestinians selfishly and foolishly rejected. This perception was reinforced by President Bill Clinton, who publicly blamed Palestinian Authority President Yasir Arafat for the summit's failure. Others have since argued that the summit's failure was not due to the Palestinians alone but to the Israelis and Americans as well, and that the failure of the Oslo peace process was due largely to faulty negotiating styles, poor management of the implementation process, and the unwillingness of right-wing Israeli Prime Minister Benjamin Netanyahu to honor negotiated agreements. Hence, it was the inability to negotiate the terms of the Oslo peace agreements that was the problem rather than the terms themselves.

But the ongoing crisis among Israelis and Palestinians is not primarily the result of a failed summit, poor implementation, or Netanyahu's intransigence: it is instead the result of a "peace" process that by design altered the political, economic, and physical landscape of the Palestinian territories in a manner that intensified rather than mitigated Palestinian dispossession, deprivation, and oppression, and so precluded a fair and workable settlement of the Palestinian-Israeli conflict (irrespective of what might have been agreed to at Camp David II). The egregious outcomes imposed by the Oslo process were not an unfortunate by-product of a fundamentally fair set of agreements but largely a direct result of the terms of those agreements themselves (and Israeli closure policy, a defining feature of the Oslo period), which were fundamentally unfair. Rather than coming close to an agreement, the parties had never been farther apart.

Oslo: Key Terms and Outcomes

The initiation of the Oslo peace process in September 1993 brought with it the hope and expectation among Palestinians and Israelis that a resolution to the conflict was attainable. Yet, in the years between Oslo's inception and its unofficial end in September 2000, when the Al Aqsa uprising began, conditions in the West Bank and Gaza steadily and dramatically deteriorated to a point far worse than during any other period of Israeli occupation, providing the context for the current uprising. Illustrations of this decline include the influx of almost 100,000 new Israeli settlers into the West Bank and Gaza—which doubled the settler population—and the addition of at least 30 new Israeli settlements and settlement-related infrastructure since

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1993. During this time, the government of Israel confiscated over 40,000 acres of Palestinian land—much of it viable agricultural land worth more than \$1 billion—for Israeli settlement expansion and road building. (The latter refers to the paving of 250 miles of settler bypass roads onto expropriated Arab lands designed to connect Jewish settlements and divide Palestinian population centers.)

Palestinian decline is also seen in the institutionalization of closure policy, the measure that had the single most damaging effect on the Palestinian economy and the free movement of people during the Oslo period; closure resulted in significantly heightened unemployment and increased poverty and child-labor rates between 1992 and mid-2000. Perhaps the most striking indicator of Palestinian weakness during this period was the dissection of the West Bank and the Gaza Strip into territorially noncontiguous enclaves that directly resulted from Oslo's terms. According to Amnesty International, by December 1999 the Oslo agreements had created 227 separate areas in the West Bank under the full or partial control of the Palestinian Authority (PA). The overwhelming majority of these areas were less than 2 square kilometers in size with entry and exit controlled by Israeli military checkpoints. The Gaza Strip was divided into three enclaves and surrounded by an electric fence.

The last seven years of the Oslo peace process were shaped primarily by the policy imperatives of the Israeli government with the explicit support of the United States government, and secondarily by those of the Palestinian Authority. Israeli imperatives were three: the solidification of Israeli control over the Palestinian population and resources (notably land and water); the preclusion of Palestinian geographic continuity; and the institutionalization of policies of economic integration with political, social, and demographic separation with the Palestinian people. PA imperatives were also three and fundamentally no different from those of Israel: the demobilization and repression of the Palestinian people and the disempowerment of their institutions; the elimination of all forms of dissent and opposition, particularly to the Oslo accords; and security cooperation with Israel.

The Oslo agreements and the process to which they gave shape were not about peace or reconciliation but about security and Israel's continued control of Palestinian resources. In the words of one Israeli official, "Both sides gained from this [security] cooperation. After all, Israel and the PA have one thing in common. Both want stability, not democracy, in the territories...."¹ Indeed, Prime Minister Yitzhak

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Rabin's decision to allow Arafat to return and establish a governing authority was not based on Israel's desire to see democracy flourish in the West Bank and Gaza, but on the need to devolve responsibility for controlling Palestinians to a body wholly dependent on and accountable to Israel. Just days before the signing of the first Oslo agreement on the White House lawn, Rabin told the political council of the Labor Party that "I prefer the Palestinians to cope with the problems of enforcing order in the Gaza [Strip]. The Palestinians will be better at it than we are because they allow no appeals to the Supreme Court and will prevent the [Israeli] Association for Civil Rights from criticizing the conditions there by denying it access to the area. They will rule there by their own methods, freeing—and this is important—the Israeli army soldiers from having to do what they will do."²

The Oslo process, therefore, did not represent the end of Israeli occupation but its continuation, albeit in a less direct form. The structural relationship between occupier and occupied, and the gross asymmetries in power that attend it, were not dismantled by the accords but reinforced and strengthened. The Oslo agreements formalized and institutionalized the occupation in a manner that was altogether new.

Oslo I: Legalizing Israeli Control

The first Oslo agreement, the Declaration of Principles (DOP), was signed September 13, 1993. It contained several noteworthy features: the removal of international law as the basis for resolving the Palestinian–Israeli conflict, the redeployment of Israeli forces from within circumscribed areas of the Gaza Strip and West Bank (beginning with the West Bank town of Jericho), the delinking of interim and final status issues (whose linkage was a major obstacle for both sides at the 1991 Madrid peace talks), the establishment of the PA, and mutual recognition.

Perhaps the most critical feature of the Oslo process was the abandonment of the entire body of international law and resolutions pertaining to the conflict that had evolved over the last 53 years in favor of bilateral negotiations between two actors of grossly unequal power. The only legal underpinning of the Oslo agreements was an Security Council Resolution 242 (and 338, reaffirming 242), which calls for the withdrawal of Israeli troops from territories occupied in the 1967 war. Israel's interpretation of UN Resolution 242 differed

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from that of the PLO and the international community. Israel viewed 242 as not requiring it to withdraw from all occupied Arab territories, given that the accepted English version of the resolution refers only to “territories” occupied in 1967, but not to *the* territories as is stated in the French version. This ambiguity was deliberate. The Palestine Liberation Organization (PLO) and the majority of the international community regarded Israel as an occupying power and understood 242 as requiring Israel to withdraw from all the Palestinian areas occupied in June 1967.

Given the United States position that negotiations would be based on “land for peace,” Israel understood that it would have to relinquish some land. Its implicit objective was to assure that its interpretation of 242 would be the framework for negotiations. When Arafat signed the DOP and the subsequent interim agreements, he *de facto* affirmed the Israeli position, which has prevailed and is reflected in all the Oslo accords, none of which contains the word “occupation” or acknowledges Israel as an occupying power. The agreements also do not recognize the right of Palestinian statehood, borders, or full equality).

A review of the various Oslo agreements clearly demonstrates that Israel successfully established itself as the sole authority that would determine which land areas it would yield to the Palestinian Authority. The major confirmation of the Israeli position was the Hebron Protocol. When Arafat signed the protocol in 1997 he conceded the Palestinian interpretation of 242 forever since the protocol gave Israel the right, supported explicitly by the United States, to decide for itself from which of the occupied territories it would withdraw and from which it would not. Furthermore, the final status issues, such as borders, refugees, Jerusalem, and settlements, which lie at the core of the conflict, were not subject to the provisions of the DOP but were instead relegated to a later phase set to begin in May 1996. However, not until Camp David II did Israel actually agree to make some commitments regarding key Palestinian national demands (for example, the status of Jerusalem and the return of Palestinian refugees). In the interim, both the Labor and Likud governments created many “facts on the ground”—the construction and expansion of settlements and the vast network of bypass roads, for example—that compromised negotiations greatly. Settlement expansion and land confiscation were not expressly prohibited by the DOP.

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Contrary to accepted belief, the PA had no legal power to stop Israeli measures. In fact, under the terms of the 1995 Oslo II agreement, which extended limited self-rule to the West Bank, the Palestinian Authority gave its legal seal of approval to the confiscation of certain Palestinian lands for the paving of Israeli bypass roads. In this and many other ways, the Oslo agreements did not aim to end the occupation but to normalize it. Thus, under the DOP's terms, the primary task of the new Palestinian Authority was to implement rather than to negotiate interim arrangements, and to manage the occupation for Israel.³ That the PA quickly revealed itself to be repressive and corrupt was not unwelcome by Israel or the United States.

Although Israel and the PLO traded “mutual” recognition by signing the Oslo I agreement, no power symmetry exists between them. Israel, a fully sovereign state, possesses total power, and the PLO-PA, the acknowledged representative of the Palestinian people, possesses virtually none. By reducing the conflict to power negotiations between two such unequal parties, the Oslo agreements reflected Israeli strength and Palestinian weakness, and not the application of accepted international law or universal standards of justice. In this regard and far less known is the fact that under the terms of Oslo I, Israeli military law—including the Israeli military government and approximately 2,000 military orders in effect before Oslo during direct Israeli occupation—remained the legal framework for governing the West Bank and Gaza after Oslo. Thus, although the PA was assigned responsibility for various sectors of activity such as education and health, final authority over the territories, particularly regarding security and the economy, remained wholly with Israel. Furthermore, by agreeing to Israeli military government control over the West Bank and Gaza Strip, the PA, ipso facto, accepted both the existence and legitimacy of Israeli occupation.

Oslo II: Territorial Bifurcation

The second Oslo agreement, the “Interim Agreement,” was signed September 28, 1995. A key feature of Oslo II was the division of the West Bank into three areas, each under varying degrees of Palestinian or Israeli control.

The territorial division of the West Bank legalized in the Oslo II agreement was first carried out in the Gaza Strip just one month after the famous handshake between Rabin and Arafat on the White House

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lawn. In the Taba negotiations that took place in October 1993, Israel presented and eventually implemented a plan that grouped Jewish settlements in Gaza into three blocs that included the lands between the individual settlements. These blocs, combined with a network of bypass roads and military bases, comprise around a third of Gaza's land, now home to 6,000 Israeli settlers. The remaining two-thirds of Gaza, cut into cantons, was left to 1.1 million Palestinians, leaving roughly 128 Israelis per square mile in Gaza compared to 11,702 Palestinians per square mile.

With Oslo II, the Gaza arrangement was extended to the West Bank in the form of Areas A, B, and C. Area A, which initially consisted of seven major Palestinian towns, is under the total civilian and security control of the PA. Area B comprises the remaining Palestinian population centers (excluding some refugee camps) where civilian control resides with the PA and security control with Israel, which effectively places Area B under Israeli jurisdiction. Area C, which incorporates all Israeli settlements, "state lands," and Israeli military bases, remains under the total control of Israel. By mid-2000, Area A comprised 17.2 percent and Area B 23.8 percent of the West Bank; Area C incorporated the remaining 59 percent. In practical terms, therefore, by the time of the Camp David summit, Israel actually controlled almost 83 percent of the West Bank according to the terms of the Oslo agreement. Critically, all Palestinians in the West Bank presently live within six kilometers of Area C lands.⁴

Thus, while the absolute area under full or partial Palestinian control had increased, these areas were noncontiguous and remained isolated cantons separated by areas under the complete jurisdiction of Israel. Under this scenario, even if Palestinians had been given authority over 90 to 95 percent of the West Bank—as allegedly proposed by Israeli Prime Minister Ehud Barak at Camp David II—they would have had five enclaves isolated from each other by several Israeli settlement blocs, along with highways, industrial infrastructure, and army checkpoints. Additionally, many individual settlements are in the midst of these Palestinian enclaves themselves. Under Barak's offer, therefore, the Palestinian state would consist of the northern, central, and southern West Bank enclaves, some isolated areas of East Jerusalem under autonomous or sovereign control by Palestinians, and at least two-thirds of the Gaza Strip.

Crucially, Palestinians would not have control over borders—internal or external—to the West Bank or Gaza. That control would remain with Israel; Palestine's only borders would be with Israel.

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Thus, Barak's supposedly generous offer at the Camp David summit basically aimed to enlarge the geographic areas under Palestinian authority while maintaining their geographic fragmentation and isolation. In this way, the division of the West Bank into territorial sections, itself inconceivable in other national contexts and illegal under international law, would give Israel a new mechanism with which to ensure control over Palestinians and their resources even if a Palestinian state is declared. The question remains: Under these conditions, what kind of state could it be?

Settlement expansion has been a key factor in fragmenting Palestinian lands. By 2000, Palestinian built-up areas in the West Bank (including East Jerusalem) comprised no more than 5 percent of the territory, while the built-up area of the settlements (including East Jerusalem) covered 1.8 percent. This reflects the scale and rapidity of Israeli settlement construction since 1967 and the myriad restrictions on Palestinian development. Despite promises to reduce and even halt the expansion of settlements as part of his commitment to the Oslo peace process, Prime Minister Barak engaged in policies that did just the opposite. Barak's 2001 budget earmarked \$500 million for settlements and, according to official data from Israel's housing ministry, Barak's government began construction of 1,943 housing units in the West Bank and Gaza in 2000, the largest number in any year since 1992.⁵ The Palestinian Authority, corrupt and mismanaged, conceded to and approved these and other Israeli policies from 1994 on, facilitating the status quo.

With the Oslo II agreement, Israel gained legal control over a majority of the West Bank, something it had sought since 1967. The territorial divisions agreed to in the second Oslo accord established the framework for a final settlement in the West Bank that would preclude any territorial continuum for a future Palestinian state and ensure the continued presence of the Israeli occupation in some form. Moreover, by accepting the division of the West Bank according to the provisions of the accord, Yasir Arafat accepted the legitimacy of Israeli settlements in the occupied territories.

The Hebron Protocol: Defining New Precedents

The first Oslo accord brokered by Israeli Prime Minister Benjamin Netanyahu's government—the Hebron Protocol—was signed on January 15, 1997. It introduced some important departures from earlier accords and set new precedents for future negotiations.

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According to the protocol, the city of Hebron was divided into two parts: H1 and H2. Israel redeployed from 80 percent of Hebron or H1, home to 100,000 Palestinians, and retained full control over the remaining 20 percent or H2, where approximately 250 to 400 Israeli settlers, protected by the Israeli army, live among 30,000 Palestinians. H2 is the downtown, commercial area.

The Hebron Protocol contains no reference to UN Resolutions 242 or 338 as the legal framework for negotiations. Furthermore, in a letter appended to the document from former United States Secretary of State Warren Christopher, the United States explicitly pledged its full support for Israel's interpretation of its obligations under these accords, which stipulate that Israel alone will decide the timing and scope of any future redeployments. Furthermore, such redeployments are to be conditioned on Palestinians meeting their responsibilities as defined by Israel.⁶

Hebron's division into two parts created an important precedent for the further division of Palestinian lands into isolated enclaves on territories where Palestinians expect to achieve statehood. The PA's acceptance of an armed Israeli settler presence in a predominantly Arab population center also established another precedent for the permanence of Israeli settlements throughout the West Bank and Gaza and, by extension, for the bifurcation of Palestinian lands that results from the presence of those settlements. The protocol also makes clear and concrete the right of Israel to decide unilaterally, and not through negotiations, when and how it will fulfill its obligations.

Closure Policy

The Oslo peace process and the conditions it imposed were directly linked to, and shaped by, Israeli closure policy, which has had a devastating impact on the Palestinian economy and people. The period between the start of the peace process in September 1993 and the beginning of the Al Aqsa uprising in September 2000 was a time of increasing and virtually uninterrupted economic decline for the majority of Palestinians living in the West Bank and Gaza Strip.⁷ Arguably, not since the beginning of Israeli occupation in 1967 had the Palestinian economy been so weak and its people so vulnerable. In fact, when measured against advances made by other states in the region, the Palestinian economy is weaker today than it was 33 years ago. The economic reality of the Oslo period is defined by the

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continuation of preexisting structures of dependency and de-development and by the introduction of new structures, particularly closure, that have exacerbated an already weakened economic base.

Although the Israeli government first imposed closure in early 1991, it was in March 1993, in response to heightened violence by Palestinians against Israelis inside Israel, that closure became a permanent administrative measure. Closure has since become an institutionalized system in the Gaza Strip and West Bank and, almost nine years after it was introduced, has never been lifted, although its intensity is subject to change.

Initially and most harshly imposed by Labor governments, closure restricts the movement of people, labor, and goods, and has produced a double dissection of the occupied territories: one, demographic, and the other, economic. Demographically, closure has severed most movement between the West Bank and Gaza. By 1998, virtually all demographic (and commercial) interaction between the territories had ceased. Furthermore, closure prohibits Palestinian access to Jerusalem. By early 1998, less than 4 percent of Palestinians living in the West Bank and Gaza Strip had permission to enter Jerusalem (and hence, Israel). As a result, Israel's closure policy physically has separated the northern and southern regions of the West Bank, whose primary road connections pass through Jerusalem.

Closure has three forms: general, total, and internal. General closure refers to the overall restrictions placed on the movement of people, labor, goods, and the factors of production between the areas described earlier; it is typically accompanied by long delays at border crossings and by prolonged searches. Total closure refers to the complete banning of any movement between the West Bank-Gaza Strip and Israel and other foreign markets, and between the West Bank and Gaza; it is typically imposed in anticipation of or after a terrorist attack in Israel. Internal closure refers to restrictions on movement between Palestinian localities within the West Bank (and Gaza Strip) itself, and was made possible by the geographical cantonization of the West Bank formalized in the Oslo II agreement. Thus, although closure was imposed several months before the implementation of Oslo, the accords, in effect, legalized and institutionalized closure as a policy measure.

Between 1993 and 1996 (considered the euphoric height of the Oslo process), the Israeli government imposed 342 days of total closure in the Gaza Strip and 291 days of total closure in the West Bank. Thus, for almost one-third of each year between 1993 and 1996, Palestinians

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were prohibited from any physical or economic movement outside the West Bank and Gaza, and on the remaining days were subject to closure in a less extreme form.

The economic effects of closure have been enormous. In 1996, for example, losses derived from closure amounted to 39.6 percent of Gaza's GNP and 18.2 percent of the West Bank's GNP. Furthermore, the World Bank estimated the economic damage caused by closure policy to be between 11 and 18 percent of gross national income in the West Bank and between 31 and 40 percent in the Gaza Strip annually between 1994 and 1996. More recently, the World Bank stated that with the sealing of the Palestinian borders that followed the outbreak of the Al Aqsa uprising, "the Palestinian economy has been decimated."⁸ In the first four months of the uprising, the Palestinian economy lost more than \$1.15 billion primarily in production and income in an economy that produces only \$5 billion annually; by June 2001, that loss had reached \$5.2 billion.

Perhaps the most immediate and dramatic effect of closure has been the high and fluctuating unemployment rates and declining income levels among Palestinian workers in Israel. Between 1992 and 1996, the average unemployment rate among Palestinians increased from 3 percent to 28 percent. The highest levels occurred during total closures. Following the total closure of March–April 1996, for example, 66 percent of the Palestinian labor force was either unemployed or severely underemployed. As the closure was eased, unemployment levels decreased but still remained high, standing at 10 to 20 percent in the West Bank and 18 to 30 percent in the Gaza Strip between 1997 and 1999. By mid-2000, unemployment stood at a striking 25 percent among Gazans and 10 percent among West Bankers. With the current intensification of closure policy, Palestinian unemployment levels have risen to between 35 and 50 percent, according to the World Bank and official Palestinian sources.

Rising poverty rates among Palestinians is another painful expression of closure's effect and a stark illustration of economic life during Oslo. The number of poor living below the poverty line (defined as a household of two adults and four children with a per capita consumption of less than \$2.10 per day), comprised around 21 percent of the total Palestinian population in mid-2000, a decrease from almost 25 percent in 1997. However, since the start of the intifada, poverty levels have risen dramatically and quickly: between October 2000 and April 2001, the number of Palestinians living in poverty increased from 650,000 to 2,100,000, or from 21 percent to 64

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percent of the population.⁹ Palestinian families have responded to economic distress in several ways. One has been an increase in child-labor rates, particularly among children 12 to 16 years old. In 1999 the Palestinian Central Bureau of Statistics found that 74 percent of working children under 18 years of age were not enrolled in school, and 73 percent worked in excess of 35 hours per week. Given that children below 18 years of age make up just over 53 percent of the population, the long-term social implications of an increasingly uneducated population are overwhelming.

People also spend a greater percentage of their income on food, deplete savings, incur greater debt, and sell personal possessions to maintain family consumption levels. With the current uprising, economic conditions have deteriorated even further, creating, for the first time in the history of Israeli occupation, a looming humanitarian crisis in the occupied territories. According to the Gaza Community Mental Health Program, 15 percent of all children in the Gaza Strip presently suffer from chronic malnutrition. A survey conducted by the Palestinian Central Bureau of Statistics in May–June 2001 found that 14.2 percent of Palestinian households (or 74,200 people) completely lost their sources of income during the current uprising and approximately 47.4 percent of households reported losing more than 50 percent of their income.

Closure, in effect, is the method by which the Israeli policy of separation has been implemented (a policy that has historical antecedents in the British Mandate period). The idea of separating from the Palestinians—physically and politically (linked only economically in the form of cheap labor and captive export markets)—was revived by, and underlines the substance and implementation of, the Oslo agreements. According to Meron Benvenisti,

The separation... is not only a strategy designed "to remove Gaza from Tel Aviv." It is in fact a complex master plan, which is founded on a dual separation between Palestine in its British Mandate boundaries from the neighboring states; and second, an internal separation between Jewish and Arab demographic blocs within the country. The concrete control (known as "security") of all the international borders, which Israel is succeeding in retaining at the land crossings, the Gaza airport and... seaport, enables it to implement the internal separation.... Control of the external wrapper is essential for the Oslo strategy, because if the Palestinians control even one border crossing—and gain the ability to maintain direct

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relations with the outside world—the internal lines of separation will become full-fledged international borders, and Israel will lose its control over the passage of people and goods. Puncturing the external system will necessitate the establishment of a vast array of physical obstacles, crossing points, and customs barriers between the enclaves of the “internal separation,” and will expose the absurdity of the tortuous and non-contiguous borders of the ethnic cantons on which all the ideas of the permanent settlement are based.¹⁰

Israel currently operates 97 Israeli military checkpoints in the West Bank and 32 in the Gaza Strip. Shlomo Ben Ami, who was Barak’s minister of internal security and chief negotiator at Camp David, maintains that “in practice” the Oslo agreements “were founded on a neo-colonialist basis, on a life of dependence of one on the other forever.”¹¹ There should be no doubt that as long as Oslo and closure remain the defining policy framework for achieving a settlement, Israeli control over the Palestinians is assured.

On the Eve of Camp David II . . .

By the time the Camp David summit was held, several processes had become permanent features of the Palestinian landscape: 1) the steady confiscation of Arab lands in the West Bank and Gaza; 2) the accelerated expansion of existing Israeli settlements and the construction of new settlements on confiscated lands, bisecting them; 3) the near doubling of the settler population to 200,000 in 10 years; 4) the division of the West Bank and Gaza Strip into cantons disconnected from each other by territories under the control of Israel; 5) the paving of 250 miles of bypass roads onto confiscated lands that further bisect, truncate, and encircle Palestinian areas; 6) the institutionalization of closure policy, restricting movement, locking Palestinians into the enclave structure created by the Oslo accords, and wreaking havoc on their economy; and 7) the construction of myriad checkpoints and barricades throughout the West Bank and Gaza Strip designed to control and further restrict Arab movement. In these policies, Israel relied on the Palestinian Authority and its vast security apparatus to maintain control of the population, suppress any visible forms of opposition, and provide protection for Israeli actions.

By July 2000, the fundamentals of occupation had remained unaltered and the structure of occupation had become more

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entrenched. Separation—internal and external—also was becoming a demographic and political reality. Thus, by that July, the establishment of an adequately sovereign, resourced state was impossible. During the Oslo period, like the one preceding it, Palestinians had little recourse against Israeli measures. After Oslo, however, Israeli actions were defined as the price of peace rather than as a cause for conflict. Within this construct, legitimacy for Palestinians no longer derived from resisting Israeli occupation but from their willingness to accede to it. At Camp David, for the first time since the Oslo process began, the Palestinians refused any further concession.

...And Barak's "Generous" Offer

Through the Oslo process and finally at Camp David, Prime Minister Barak sought international recognition and legal ratification for a form of ethnic separation that extended to all final status issues, including Palestinian statehood, the disposition of land, Jerusalem, and refugees. At the summit, Barak moved directly to final status talks rather than implement a third redeployment of Israeli troops as was mandated under previous agreements. Thus, the PA was placed in a position of discussing permanent-status issues when it controlled only 17.2 percent of the West Bank and between 66 and 80 percent of the Gaza Strip in isolated, encircled enclaves. "Barak's strategy sharpened Oslo's fundamental imbalance of power: whereas final status talks had been contingent on withdrawal from almost all the Occupied Territories, the third (and final) redeployment was now contingent on major Palestinian concessions on final status issues."¹²

Although Barak did go further than any other Israeli leader in breaking the taboo on talking about Jerusalem and the Temple Mount/Haram al Sharif, refugees, and the "return" of territory, his vision of a final settlement—neither generous nor a compromise—did not depart from the one described earlier and consisted of the following general terms:

- Passing reference to UN Resolution 242 and its mandate of full Israeli withdrawal to the borders of June 4, 1967, which effectively transformed a basic legal reference into a nonbinding Palestinian demand.
- The annexation of three large settlement blocs (80 percent of the settlers) and other areas of the West Bank to Israel (although Israel did not specify how it would handle all the settlements), which equaled roughly 10 percent of the West Bank. The

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annexed settlement blocs include around 160,000 settlers who would retain their Israeli citizenship, in addition to 80,000 to 100,000 Palestinians who would likely be disenfranchised. The integration of these three settlement blocs would split the West Bank into four cantons: northern, central, and southern (with the passages between them under full Israeli control), and an encircled and divided East Jerusalem cut off from its Palestinian hinterlands. Under this scenario, Palestinians were denied control over borders with the outside world and over Arab East Jerusalem. Their only borders were with Israel.

In exchange for annexed lands, Israel would “return” around 90 percent of the West Bank in addition to a swapping of land to compensate Palestinians for any additional West Bank lands taken. At least two-thirds, if not more, of the Gaza Strip, the fifth enclave, also would remain under Palestinian control but isolated from the West Bank and Jerusalem. Critically, therefore, Palestinians were offered around 90 percent of the West Bank (which did not include annexed East Jerusalem) and the majority of the Gaza Strip in separated, encircled cantons.¹³ In addition, a sizeable portion of the Jordan Valley would remain under Israeli control.

- Some form of Palestinian administrative autonomy or sovereignty over Arab neighborhoods in East Jerusalem (outlying Arab communities—the outer ring—would have full Palestinian sovereignty, and an inner ring of Arab neighborhoods would have autonomy only), Palestinian sovereignty over the Muslim and Christian quarters of the Old City, and some form of Muslim control over the Temple Mount/Haram al Sharif, with Israel retaining ultimate sovereignty.

The Israeli solution for Jerusalem also included the annexation of the main bloc of settlements in East Jerusalem: the Adumim bloc, 120 square kilometers around Ma’aleh Adumim, and the Etzion bloc. Under this scenario, the borders of Greater Jerusalem would have extended as far south as Gush Etzion near Hebron, dividing the northern part of the Palestinian state from the southern. Hence, despite the lack of specifics regarding the disposition of Arab and Jewish neighborhoods in Jerusalem and the Old City, the formulation for Jerusalem proposed by Israel would preclude territorial contiguity and functional economic borders between Jerusalem and the West Bank and between regions within the West Bank.

- A “satisfactory solution” for the refugees, which included no right of return for Palestinian refugees (that is, no choice for refugees

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and no acknowledgment by Israel of its role in creating the refugee problem) except perhaps to the Palestinian state. Barak, however, did discuss the possibility of allowing the return to Israel of several thousand refugee families from Lebanon (out of a total Palestinian refugee population in Lebanon now estimated to be 250,000 to 300,000, itself a small percentage of the 4.9 million Palestinian refugees worldwide) under the family reunification laws. In exchange, Israel wanted Palestinian negotiators to sign an end-of-conflict statement releasing Israel from all further responsibilities for the refugee problem.

- Israel's continued control over the Palestinian economy through the imposition of an Israeli import and indirect taxation regime, which would make it impossible for a Palestinian state to implement external trade or fiscal policies different from Israel's. Israel further insisted on maintaining control over indigenous groundwater resources in the West Bank and Gaza and all economic borders.

Despite their lack of specificity, the Israeli proposals put forth at Camp David, which clearly reflected the terms and parameters of the Oslo agreements, precluded contiguous territory, defined and functional borders, political and economic sovereignty, and basic Palestinian national rights. Israel made it clear that it would not withdraw completely from the occupied territories (that is, withdraw from settlements and from the grid of bypass roads connecting them) or relinquish fully its control over vital areas of Palestinian life, which it deemed important to its own security.

Palestinians, who had already compromised by conceding 78 percent of Mandatory Palestine to Israel, were now being asked to compromise further on the remaining 22 percent that was the West Bank and Gaza Strip. Yet, the actual amount of land returned to the Palestinians was less important than the disposition of that land and who would control it. And there was little if any doubt that such control would remain with Israel. By the time of Ariel Sharon's visit to the Temple Mount/Haram al Sharif, the situation among Palestinians had become untenable. The Al Aqsa *Intifada* was the tragic but inevitable result.

A Concluding Thought

Even if both sides had been able to reach an agreement based on the policy parameters put forth at Camp David, that agreement would

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have failed for one fundamental reason: control over Palestinian life would have remained with Israel and the occupation would have remained structurally intact—two features that underpinned the Oslo agreements. Palestinians seek their own state, which must consist of a contiguous West Bank and Gaza, a connection between them, and only minor adjustments to 1967 borders. Palestinians will no longer tolerate occupation in any form. Yet, occupation remains the structural and policy cornerstone of Oslo, and Oslo, tragically, remains the official framework for future negotiations.

Clearly, a new negotiating framework is needed that must consist of certain elements that were absent in Oslo: dismantling Israel's matrix of control; incorporating the issues of control, sovereignty, and viability as formal elements in the negotiation process; integrating a political solution with current realities on the ground, particularly with regard to land, settlements, Jerusalem, refugees, and borders rather than deferring these issues to the future; incorporating international law and UN resolutions into the negotiating framework to provide Palestinians with greater leverage and protection; eliminating bilateral (power) negotiations in favor of an international framework involving a constellation of nations that includes the United States and the European Union; and addressing the Palestinian refugee issue both in principle and practice.¹⁴

Future negotiations must bring a complete end to Israeli occupation and yield two viable and sovereign states. Anything short of this will fail, and failure will bring greater violence and instability to the Middle East and beyond.

1 Judy Dempsey, "Move to Stop Israel's Policy of Liquidation," *The Financial Times*, January 9, 2001.

2 Yediot Aharanot, September 7, 1993.

3 Dr. Souad Dajani, "What Are the Terms of the Oslo Peace Process?" *Fact Sheet* No. 3 (Boston, Mass.: Grassroots International, Fall 2000).