

From Oslo to Taba: What Went Wrong?

Ron Pundak

There are three possible explanations for the collapse of the Israeli-Palestinian peace process that started in Oslo in 1993. One could argue that peace between Israelis and Palestinians is simply impossible. Or one could conclude that peace is possible but the two sides do not yet recognise it as the only viable option, and are therefore not ready to make the necessary painful concessions. But the evidence points to a third explanation. There was, in fact, an opportunity for peace, but it was squandered through miscalculations and mismanagement of the entire process.

The present Palestinian uprising began on the morning after then opposition leader Ariel Sharon's visit to the Temple Mount/Haram al-Sharif on 28 September 2000. The ensuing months of violence and rage were tied, however, to the frustration of the seven years since the signing of the Oslo Agreement. Sharon's visit, and the killing of Muslim worshippers by Israeli policemen on the plazas of Jerusalem's mosques on the following day, was the match that ignited the powder keg which had threatened to explode for years.

From 1996 to 1999, the tenure of former Prime Minister Binyamin Netanyahu, it became clear to the Palestinians that an elected Israeli government might actually not be interested in reaching an agreement on the basis of land for peace, the principle of United Nations Security Council Resolution 242. This, together with the immense gap between the expectations raised by his successor Ehud Barak's government and the grim reality (the continuation of settlements, lives in the shadow of checkpoints, an unstable economic situation and other persistent burdens) had a devastating effect on Palestinian public opinion. The Palestinian public and the 'street' leadership reflected in the *Fatah* organisation – which originally was an enthusiastic supporter of the peace process and of the need to reach reconciliation with Israel – came to the conclusion that Israel did not in fact want to end the occupation and grant the Palestinian people their legitimate rights.

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In particular, from the moment in May 1999 when the five-year period of the interim agreement expired and a permanent status agreement was not even visible on the horizon, the clock began to tick towards the explosion. For Israel, the only way to prevent the detonation was to effect the agreements signed with the Palestinians rapidly and seriously, and to embark promptly on intensive permanent status negotiations. Prime Minister Ehud Barak failed to understand this. His error was twofold: he decided not to implement the third redeployment of West Bank territory to PA control, which represented the single most important element in the Interim Agreement; and although he entered into permanent-status negotiations earnestly and in good faith, he did so on the basis of faulty basic assumptions and in a dilettante fashion which caused their collapse.

The Palestinian leadership shares considerable blame for the crisis. Yet the story of the July 2000 Camp David Summit that is often told in Israel and the United States – of a near-perfect Israeli offer which Palestinian leader Yasser Arafat lacked the courage to grasp – is too simple and misleading. Above all, it is a story that tends to obscure the excruciating difficulties and frustrations of the Palestinian side, which were too often the unnecessary products of flawed Israeli policies. Israelis have to understand those Israeli mistakes and the Palestinian perspectives if the search for peace is to be resumed.

The Netanyahu Years

The breakdown of the Oslo process can be traced back to the early implementation of the 1993 'Declaration of Principles', the so-called 'Oslo Agreement'. What might be called the 'Oslo spirit' had influenced the highest levels of both Israeli and Palestinian leaderships, but had permeated neither to the level of the Israelis who formulated the complicated system of the implementation agreements (the 'Gaza and Jericho Agreement' and the Interim Agreement of September 1995), nor to the Israeli officials who were in charge of negotiating with the Palestinians on translating the agreements into concrete actions.

The 'Oslo spirit' was based on the understanding that the baleful history between Israelis and Palestinians represents an almost insurmountable obstacle for conventional negotiations, taking as a point of departure the existing imbalance of power between the occupier and the occupied that impeded conventional negotiations. For those involved in the initial discussions in Norway the goal was to work towards a conceptual change which would lead to a dialogue based, as much as possible, on fairness, equality and common objectives. These values were to be reflected both in the character of the negotiations – including the personal relationships between the negotiators – and in the proffered solutions and implementation. This new type of relationship was supposed to influence the type and character of Palestinian-Israeli talks which would develop between other official and semi-governmental institutions in the future, as well as future dialogue between the two peoples.

For many years, the two peoples had been locked in a zero-sum relationship, in which every victory by one side was considered a defeat for the other. 'Oslo', by contrast, was guided from the start by efforts to create as many win-win situations as possible, notwithstanding a balance of power that was tipped heavily in Israel's favour.

Yet, this overall change in the nature of the relations was not achieved. Agreements were signed, various responsibilities and spheres of authority were passed on to the Palestinians, but the patronising Israeli attitude towards the Palestinians – one of occupier to occupied – continued unabated. The Palestinians, for their part, tended to underestimate the painful significance for Israel of the murderous terrorist attacks by *Hamas* and the Islamic Jihad, which intensified following the signing of the Oslo Agreement, and of the incitement conducted openly by the Palestinian side. Instead of actively pursuing the inciters and demonstrating a 100% commitment to fighting terrorism and its infrastructure, the Palestinian Authority (PA) in effect tried to have it both ways. It attempted to coordinate counter-terrorist activities with the Israelis while presenting a conciliatory face in its dealings with the terrorist leadership and activists.

According to the timetable set up by Oslo, the three-year tenure of the Netanyahu government (1996–99) should have seen the complete implementation of the interim agreement and successful negotiations on permanent status. Instead, Netanyahu rewrote the rules of the game and from the standpoint of reaching a durable solution, this phase can be summed up in a single word: failure. Palestinians, the Arab world and the wider international community were given every cause to question whether Israel really wanted peace. Nevertheless, political circumstances forced Netanyahu to continue, albeit reluctantly and in limited fashion, the implementation of the process. In particular, the Americans imposed the Wye agreement of October 1998 on him, which eventually brought about the implementation of the second redeployment according to the interim agreement. Yet Netanyahu sabotaged the peace process relentlessly, and made every effort to de-legitimise his Palestinian partners. The main weapon in his campaign against the Palestinians was the mantra that the Palestinian side was not fulfilling its part of the agreements; and therefore Israel would not implement its part. In truth, during Netanyahu's government, both sides committed breaches with regard to the agreement. The Palestinians did not stop the vitriolic propaganda against Israel by radio, the printed press, television and schoolbooks; did not collect the illegal firearms; did not reach an agreement with Israel on the de facto growth of their police force; and did not prove that they were wholeheartedly combating fundamentalist terrorism. But the Israeli breaches were both more numerous and more substantive in nature.

Israel did not implement the three stages of the second redeployment, that is, did not leave territories which were supposed to be transferred to the Palestinians; completed only one section out of four with regard to the freeing of Palestinian prisoners; did not undertake the implementation of the safe route

which was supposed to connect the West Bank and Gaza; repeatedly delayed the permit to build the airport and maritime port in Gaza; prevented the transfer of monies belonging to the PA for extended periods of time; and continued to establish new settlements, to confiscate land for new settlements and to expand existing ones.

The Palestinians were humiliated. The Israeli government's foot-dragging, combined with arrogance in their relations with the Palestinian public and its leaders, undermined their faith in the process. The Palestinian 'street' and its leadership interpreted Israel's policy as seeking to destroy the very core of the Palestinian national dream. The Palestinian message to the Israeli peace camp towards the end of Netanyahu's tenure and the election of Barak was clear: if this trend continued, Israel would find itself without a partner. The *Fatah* movement – the cornerstone of the Palestinian support for peace – would be replaced by *Hamas* as the dominating popular movement.

The Barak Era

The new government of Ehud Barak, which took office in the spring of 1999, was greeted with high expectations. The window of opportunity which had been identified during the Madrid Conference in 1991, and unlocked in Oslo in 1993, was still waiting to be thrown open. In 1999, the political situation in the region was ripe for a breakthrough, but time was scarce. The Palestinian leadership had been able to contain the violence which might easily have erupted during Netanyahu's tenure. The Palestinian public seethed not merely in response to the delaying of the final dates of the interim agreement, but mainly from its growing conviction that the Netanyahu government had no intention of moving towards peace. The average Palestinian in the West Bank and Gaza continued to experience daily humiliation, and new settlements were established both on and off expropriated land. The general perception was of continued occupation.

In spite of the message of a new beginning, the years under Barak did not see the end of the Israeli occupation-oriented mindset, did not bring real Palestinian control over the three million citizens of the PA, did not bring an end to building in the settlements or to the expropriation of land, and did not bring economic growth in the territories. In addition, Barak's repeated statements that he was the only prime minister who had not transferred land to the Palestinians raised questions about his sincerity. Palestinian suspicions increased once it became clear that Barak would not transfer to PA control three villages on the outskirts of Jerusalem – Abu Dis, Al Eyzaria and Arab Sawahra – even after both the government and the Knesset had approved the transfer.

For the average Palestinian, the 'fruits of peace' were hardly encouraging: closures which were interpreted as collective punishment; restrictions on movement which affected almost all Palestinians; a permit-issuing system for travel which mainly hurt people already cleared by Israeli security; mistreatment at IDF and Border Police checkpoints often aimed, intentionally, at PA officials; a dramatic decrease in employment opportunities in Israel; the

creation of new pockets of poverty; water shortages during the summer months in contrast to water abundance in the neighbouring Israeli settlements; the destruction of Palestinian homes while new houses were built in the settlements; the non-release of prisoners tried for activities committed before Oslo; Israeli restrictions on building on Palestinian land outside Areas A and B, which are under full civil Palestinian control; and the establishment of Bantustan-like enclaves, controlled according to the whim of Israeli military rule and on occasion dictated by the military's symbiotic relationship with the settlers' movement. The settlers, for their part, did everything within their power to obstruct the spirit and letters of the Oslo agreement. The result was a relentless struggle over land resources, with the settlers often receiving the tacit backing of the IDF and the civil administration in the West Bank (a majority of whose staff are themselves settlers).

This difficult situation was magnified by deep Palestinian disappointment over the PA's governing style and the discovery of corruption among Palestinian politicians, administration, and security and police organisations. These institutions treated the Palestinian public in an undemocratic manner, and the public came to hate the political élite which had been imported from Tunis, as well as the local leadership which rapidly followed the corrupt example set by the 'Tunisians'. As tension between the 'street' and the senior officials continued to grow, it proved convenient for the PA to blame Israel for every problem which arose.

Precisely at this delicate and complex point, the PA should have reassessed its relationship with the Palestinian public, as well as its relations with the Israeli public. Without the support of these two constituencies any hope of peace and stability was lost. *Vis à vis* the Palestinian public, the PA should have cleaned the stables: implemented radical reforms; created transparent and trustworthy financial systems; fired corrupt senior officials; reorganised the institutions of the PA; and fostered an enthusiastic state-building enterprise which would attract Palestinians from abroad to join the national effort. The PA did none of this. Chairman Yasser Arafat continued to rule by the obsolete authoritarian methods imported from Tunis.

The Palestinian leadership's attitude towards the Israeli public was just as flawed. Instead of promoting messages which would bring home to Israelis the nature of the Palestinian problem and the many difficulties Palestinians faced, the Israeli public was met with declarations of war (*jihad*), terrorist attacks, belligerent and anti-Semitic propaganda. Egypt's President Anwar Sadat and Jordan's King Hussein had worked hard to capture the hearts of Israelis. This idea was alien to Arafat. Neither he nor the Palestinian leadership did anything to seduce the Israeli centre-left, a constituency that represented the Palestinians' natural sympathisers.

This Palestinian negligence made it easier for Barak to stick with the status quo. Official Israeli institutions continued – often without being aware of it – to place more obstacles in the way of implementation of the various agreements, and hinder development in areas handed over to PA control and responsibility. Israel imposed economic restrictions and hindered the development of

industrial zones. The Israeli side insisted that security considerations were always paramount. Thus, frequent closures were imposed on the West Bank and Gaza, which prevented the Palestinian population from injecting an essential flow of funds to the Palestinian economy through regular work in Israel. Closures became the prevailing norm, an instinctive reaction to almost any terrorist attack, imposed even when not required by security considerations. It has since been demonstrated that the relation between closures and the deterrence of terrorism was minimal, as apparently most of the more serious attacks occurred while closures were in effect. They were instead employed as a psychological device aimed at the Israeli public, proof that 'something' was being done against the Palestinians.

Moreover, Israel's political leadership was fearful of revealing to its public the necessary truth about the implementation of the Oslo accords: namely, that the entire process was intended to result in a permanent status agreement, its essence being a peace agreement through the creation of a Palestinian state in the majority of the occupied territories, with its capital in Arab East Jerusalem, and a respectable solution to the refugee issue.

The Policies and Politics of Ehud Barak

Barak confused the Palestinian leadership. On the one hand, he appeared serious and determined to reach a permanent status agreement that would include all outstanding issues. On the other hand, he seemed to speak in a right-wing code. A former minister in the Barak government, Haim Ramon, has observed that:

When Barak said 'we cannot give assets if there is no permanent status agreement,' he used right-wing terminology. One of the problems was that Barak promised them [the Palestinians] and didn't deliver. Barak refused to implement the agreement on the third redeployment as Israel had promised [in the Interim Agreement of September 1995]. He said, 'if we give, they will receive and will not be satisfied'.¹

Barak's first political move was to force the Sharm el-Sheikh Agreement of September 1999 on the Palestinians, according to which the third redeployment would be postponed in order to include it within the envisioned Framework Agreement to be concluded not later than February 2000. Ultimately, however, and contrary to the agreement, Barak failed to implement the third redeployment. The logic was similar to that which guided his criticism immediately after the Oslo Accords in 1993, when he was Army chief of staff: Israel should not relinquish assets before it was certain of the nature of the final agreement. While the basic logic of Barak's approach can be either accepted or challenged, the fact is that this approach was presented to the Palestinians along with public declarations announcing his affinity for the leadership of the National Religious Party (NRP) and the settlers, and that UNSCR 242 does not include the West Bank and Gaza. The Palestinians concluded that Barak – much like Netanyahu – was not willing to reach a fair agreement.

As prime minister, Barak's first strategic mistake was the decision to defer the Palestinian track in favour of an attempt at a peace agreement with Syria.

The manoeuvre could have appeared logical to Barak and his advisers at the time. But in light of the dismal relations that had developed between the Netanyahu government and the Palestinians, and in light of initial Palestinian fears regarding Barak's intentions, he should have initiated a special meeting with Arafat – who expected such an invitation. The prime minister could have explained his priorities and discussed possible measures of reassurance – such as initial redeployments or releases of prisoners – which might have alleviated the burden on the Palestinian leadership and public during an uncertain waiting period.

Instead, Barak single-mindedly followed the Syrian track to its dead end. Moreover, primarily to maintain his coalition with the NRP, the prime minister rejected Arafat's request to freeze the construction of settlements during negotiations – although Barak did announce that no new settlements would be established. When settlers began constructing dozens of illegal hilltop strongholds, which the Palestinians considered new settlements, Barak missed an opportunity to send a clear message to the Palestinians and the settlers alike by removing the strongholds through legal means, up to and including force. Barak preferred to haggle with the settlers in order to remove some, retain others or move some of the remaining strongholds to other locations. From the Palestinian point of view, the message was clear – Barak would continue with the settlement policy and not confront the settlers – even if that was not, precisely, what the prime minister meant to convey.

Barak was not opposed to a peace agreement with the Palestinians. He was honest, serious and sincere in his quest to conclude a fair permanent status agreement. Although emotionally sympathetic to *Gush Emunim*, the settlers' movement, and mentally conditioned by his 35 years in the military, Barak was rationally 'left-wing'. On all matters relating to permanent status, he positioned himself to the left of many of the leaders of the peace camp. He understood that the occupation corrupts Israel, and he understood the Palestinian desire for a state. He even admitted, on television, that if he were Palestinian he would almost certainly have become a freedom fighter in one of the terrorist organisations. However, this ambivalence – the contradiction between his emotions and his rationality – created a dissonance that amplified his natural inability to market almost any policy.

One of Barak's problems was that he rejected the multi-stage strategy developed in Oslo. His 'all or nothing' approach could have succeeded if it were accompanied by confidence-building measures towards the Palestinian public and the development of a personal relationship with its leaders. If Barak had invited them on his 'all or nothing' journey, while fostering a supportive environment of confidence and hope, we would by now have an agreement. But another of Barak's major faults was his inability to develop personal relations with the Palestinian leadership, and especially with Arafat. Rabin and Peres, each in his own way, had been able to create intimate working relations with Arafat, the personal nature of which provided a safety net during crises. Barak disparaged the value of such an approach: during almost two weeks of talks at Camp David, Barak refused to hold a one-on-one meeting with Arafat.

Under the circumstances, Arafat's distrust of Barak was not surprising. The Palestinian leader was at one point quoted as saying: 'Barak is worse than Netanyahu'. The alternative to establishing personal rapport with Arafat would have been to create a special relationship with Abu Mazen, Arafat's deputy, but here, too, Barak failed.

Barak's difficulties in working with the Palestinians were not so different from those he encountered in managing domestic Israeli politics. The issues were different, but the Barak style was essentially the same. After the 1996 elections, he established a non-partisan team to negotiate the assembly of a government coalition. Barak effectively excluded the Labour party leadership from the process and alienated his partners. The government was finally assembled just two days before the 45-day limit, leaving everyone angry, suspicious and exhausted – except for Barak, who kept smiling. He ruined his relations with Uzi Baram and Ra'anana Cohen (two pillars of the Labour Party); appointed Yossi Beilin and Shlomo Ben Ami to positions (Justice and Internal Security) which did not match their qualifications and appointed Haim Ramon as a Minister of little importance in the Prime Minister's Office. He also attempted to keep Shimon Peres out of the government. After forming the government, however, he was obliged to create a special position for Peres as Minister for Regional Cooperation. He tried to bypass Avrum Burg by nominating someone for the position of Chairman of the Knesset who had little chance of winning, and finally, bestowed ministries of high socio-economic importance upon coalition partners instead of his own party. In response to problems that emerged from coalition negotiations, Barak replied that he could not be pressured or blackmailed. If he blinked now, he said, it would impair his ability to negotiate with President Assad.

With the establishment of the government, his approach did not change. He alienated supporters and addressed serious domestic problems only when they had reached a point when they could barely be solved. He handled the strike of the physically disabled and the teachers' strike in a similarly dilatory manner. Towards the Israeli-Arabs, of whom 95% had voted for him, he was condescending from the start. He established no framework for cooperation with the Arab parties or the Arab leadership on the municipal, social and religious levels. The problem was not a lack of will, honesty or vision, but Barak's failings as manager.

Permanent Status Negotiations

The Oslo accords were supposed to set in motion a process leading to peaceful coexistence by way of a Permanent Status Agreement between Israel and the PLO. One serious uncertainty was whether such an agreement could resolve all outstanding issues outlined in the Oslo accords: including Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with neighbours, and other 'generic issues' such as water and economics. The alternative was an agreement under which very difficult issues – Jerusalem, refugees, territorial questions – would be postponed for further negotiation.

However, Oslo made very clear that all issues – and especially the most sensitive and problematic – had to be placed on the negotiating table. Postponement of any of them was possible, but had to be agreed by both sides. And it should have been clear to Israel that the Palestinian side was only willing to consider a comprehensive package addressing all issues of permanent status. Israeli debate on whether it was correct for Barak to discuss Jerusalem and refugee issues is therefore irrelevant.

Outstanding issues would have, in any event, left an agreement hostage to extremists on both sides. While implementation perhaps would have needed to be gradual, the 'end state' of a Permanent Status Agreement had to be clear. Moreover, despite all the problems and complexities, all of the players – Israel the Palestinians, the Arab World including the rejection front, and the international community – were ready for an historic step. Barak's decision to try for one was both justified and sound.

Yet, upon entering the negotiations, Barak remained unconvinced that Israel had a true partner for peace in the Arafat leadership. He still felt he had to determine whether the Palestinian leadership had made a strategic, rather than a tactical, choice in favour of the peace process, and whether a critical mass of the Palestinian public was ready to support that choice. Barak did not understand that while trying to 'remove Arafat's mask in order to see if Arafat could make tough decisions', he actually unveiled an ugly Israeli face which had not been conditioned to pay the necessary price for peace. Barak himself was in fact prepared to go all the way in order to reach an agreement, and to lead Israel towards making the necessary concessions. He was not prepared, however, to do what was necessary on the ground in order to prove his intentions to the other side, and his political statements maintained a hard-line edge.

Barak's negotiating strategy was completely wrong. For the Palestinian leadership and a majority of the public were willing to strike a deal and to make the necessary concessions, but they needed from Israel clear negotiating positions and evidence that the relationship of the occupier to the occupied would actually change. Barak should have presented the principles underlying what eventually became his proposed solutions (mainly regarding the territorial issue) in the early stages of negotiations. This would have provided the Palestinians with an incentive to move forward, and their leadership with an opportunity to convince their suffering public that there was light at the end of the tunnel. Instead, Barak dragged his feet and treated the talks like a Persian market. Abu Mazen – the Palestinian architect of the Oslo accord and a politician with great experience and understanding who wanted to be the Palestinian figure leading the negotiations – repeatedly recommended that the general principles guiding the Permanent Status Agreement be established at the outset. Israeli agreement to this would have turned Abu Mazen into a strategic partner with the political strength to carry the weight of negotiations on his shoulders. But Barak, fearing he would 'expose' his positions too early in the game, rejected this proposal. The tragic result was that when Barak did

expose his positions at the end of the negotiations, it was too late. The Palestinians did not trust him, had no confidence in what he was offering, and Barak in fact ended up weakening the Israeli position by offering concession after concession without receiving anything in return.

Barak also erred by relying on the recommendations of senior government officials who were disconnected from Palestinian realities, and who advised him that it would be possible to close a deal on one of two options:

- a Palestinian state in all of Gaza and 80% of the West Bank, with an annexation of 20% to Israel and without territorial exchanges in return;
- a Palestinian state in all of Gaza and 70% of the West Bank, with an annexation of 10% without territorial exchange, leaving the rest (20%) for future negotiations.

Other experts, and the intelligence community, did not believe that the Palestinian leadership had any margin for territorial concessions. They emphasised that Arafat's condition for accepting an agreement was 100% of the territories, with certain exchanges in order to accommodate Israel's special needs and the realities that had developed on the ground over 30 years of occupation. Barak failed to grasp that from Arafat's and the Palestinian point of view, the Palestinians had already made the most important territorial concession. They had accepted for the first time the principle of achieving a Palestinian state on only 22% of mandatory Palestine. Yet Barak proceeded with territorial proposals that humiliated the Palestinians and had no chance of becoming the basis for a viable agreement.

The Israeli offer at Camp David was based on a map which included an annexation of approximately 12% of the West Bank without territorial compensation. Unlike Rabin, who had agreed, in the October 1994 peace agreement with Jordan to exchange territory in a 1:1 ratio, Barak tried to impose an unbalanced agreement. Towards the end of the talks, the Americans made clear to the Palestinians that the maximal Israeli offer included an annexation of 9% and a compensation of 1%. The version presented in retrospect by Israeli spokespersons, claiming that Barak at Camp David offered 95% and an additional 5% in compensation, or alternatively 97% and another 3% compensation, is an attempt at rewriting history.

Barak is a man with amazing powers of concentration and analysis, used to coping with novel and stressful situations. He may have failed precisely because of these qualities. His approach to negotiation had elements of arrogance and the fallacy that he alone understood the 'big picture'. His strategic vision and historical insight failed him as he attempted to impose his operating style on partners who were not ready for it.

Barak also recruited the Clinton administration to this end. In retrospect, it seems that the American administration – and in particular the State Department – contributed to the negotiations' failure. The traditional approach of the State Department, which prevailed throughout most of Barak's tenure,

was to adopt the position of the Israeli Prime Minister. This was demonstrated most extremely during the Netanyahu government, when the American government seemed sometimes to be working *for* the Israeli Prime Minister, as it tried to convince (and pressure) the Palestinian side to accept Israeli offers. This American tendency was also evident during Barak's tenure.

With time, President Clinton and the White House staff developed a more profound understanding of the Palestinian position. This understanding was eroded, however, by the Palestinian behaviour at Camp David, which consisted of foot-dragging, passivity and contradictory positions within the delegation. This behaviour obviously left a negative impression on Clinton, especially in contrast to the huge steps undertaken by Barak, who broke old Israeli taboos and took great personal and political risks. Thus, Clinton's public statement at the close of the talks – blaming the Palestinian side for their failure – was understandable. Clinton was personally disappointed, and probably also motivated by the desire to assist Barak, a friend, who was in a difficult political situation at home. Nevertheless, Clinton should have been less emotional and more presidential, and should have understood three basic realities:

- First, the Palestinians were not prepared to complete the negotiations during a single summit which took place three to five months before the date set in the Sharm el-Sheikh agreement for the end of negotiations.
- Second, the Israeli concessions, while indeed far-reaching, were also far from the minimum which would have enticed the Palestinians to sign an agreement.
- Third, cornering Arafat was a mistake, almost certain to push him into actions at odds with the requirements for successful negotiations.

Barak's all-or-nothing concept of Camp David – the 'summit to end all summits' – backfired on him. The Palestinians were opposed to the talks from the beginning, and had to be dragged into them by US Secretary of State Madeleine Albright and President Clinton. The Palestinians believed that the time was not ripe, and that the two sides were not yet ready and had not exhausted the pre-summit negotiations. Arafat was unaware that Barak intended to pull rabbits out of his hat; when these were produced, the Palestinians were not ready with concrete responses. From Arafat's point of view, July was too early to reach an agreement. His timeline was September or November, with a preference for the latter. Tactically, his goal was to continue with discrete negotiations, like those in Stockholm prior to Camp David, until the end of the summer – in an effort to produce a joint document leaving only a few open issues for the leaders' decision. Then he would have held a number of summit meetings which would reach their climax after the American elections. By then, the president would have been unencumbered by political obligations to his vice-president and to his wife, who was campaigning to become a US Senator.

When the summit was forced upon him, Arafat requested that it be one in a series of meetings which would enable him to build a coalition for an agreement, both within the Palestinian political élite and the Palestinian public. Neither the Israelis nor the Americans sufficiently appreciated this requirement. Yet there was a clear precedent: towards the end of the negotiations in Oslo in the summer of 1993, Abu Mazen and Abu Ala were also busy building an internal Palestinian coalition. This effort had enabled Arafat to declare his support for the agreement. The Palestinian leadership was then able to use the combined force of Arafat's and the coalition's support in order to market the agreement to the lower echelons of the leadership and to the Palestinian public. Without such an internal coalition composed of elements within *Fatah* and the PLO, Arafat cannot sign anything.

In the period leading up to Camp David, the Palestinian leadership was engaged in an internal struggle over who would lead the negotiations. This was also connected to the competition over who would be the heir to Arafat. Israel did not know how to manoeuvre in this context, and was seen to be involving itself in internal Palestinian politics. One of the Americans' worst mistakes was that they appeared to be doing something similar: grooming Mohammed Dahlan, the Head of Preventive Security Forces in Gaza, at the expense of Abu Mazen, number two in the PLO. This competition had a negative effect on the functioning of the Palestinian delegation, the members of which tried to outbid each other in voicing intransigent positions.

Insufficient preparation and amateur conduct were not confined to the Palestinian side. The Israelis arrived at the summit without being prepared on the complex and sensitive issue of Jerusalem. Barak justified the lack of preparation with the fear that 'leaks' would expose him to political attacks for being ready to divide the city. The negotiators were not familiar with the details of possible solutions or with the physical terrain in and around Jerusalem. This mistake was exacerbated when the prime minister directed the summit discussions to an exaggerated focus on Jerusalem and, specifically, on the most sensitive issue of the Temple Mount/Haram al-Sharif. The logic of the negotiations required the opposite approach. The Palestinians were prepared to reach an agreement on all the other issues, and to leave the two most sensitive issues (the Temple Mount and the right of return of the Palestinian refugees) for the end of the negotiations. This set-up would have provided both sides with a clear balance of the gains and losses involved, and also would have provided an incentive to reach an agreement on these most sensitive issues. Instead, Barak added fuel to the fire in the form of an Israeli demand to change the religious status quo in the area of the Haram al-Sharif by building a Jewish synagogue within the boundaries of the sacred compound. Such an act had not been contemplated for 2000 years, since the destruction of the Temple in 70 A.D.

It should be emphasised that the Palestinians too made extremely significant mistakes with regard to these two issues – mistakes which rendered the Israeli public suspicious of the Palestinians' strategic aims and accelerated the erosion of support for Barak. Arafat and the Palestinian negotiating team

should not have expressed doubts about the importance and holiness of the Temple Mount for the Jewish people. The legitimate Palestinian claim for sovereignty over the Haram al-Sharif was not strengthened by the inconsiderate attempt to ignore the historic Jewish connection to the site. The second mistake was even worse. Excited Palestinian declarations regarding the right of return of every refugee to the State of Israel created a suspicion among the vast majority of the Israeli public, from left to right, that it was still the Palestinian intention to eradicate the Jewish state. This looked like an attempt to destroy the foundation on which Oslo was based: the principle of two states for two peoples, the mutual recognition of the right to self-determination of the Palestinian people, and the legitimacy of a national home for the Jewish people. Climbing the moral high-horse of a total right of return constituted a reversion to far more extreme positions than the Palestinians had put forward since Oslo. In practice, the real Palestinian position on this issue during the negotiations was far more moderate and pragmatic. However, the Palestinians had touched upon two highly sensitive Israeli nerves: the religious and the national. It was a major blow to the negotiations.

Palestinian negotiating tactics were also unhelpful, and tended to undermine those Israelis who were trying to convince the prime minister to go the full distance in order to reach an agreement. The Palestinians changed the head of their delegation on several occasions, and presented demands which later turned out only to represent the positions, and reflect the interests, of the negotiator at the time. Throughout the negotiations, the Palestinian team conveyed a feeling that there was no end to Palestinian demands and that this pressure would continue to increase as an agreement came closer. Those who negotiated with the Palestinians in the past were familiar with this tactic, which is designed to extract every possible concession prior to signing. The Israeli negotiators, however, felt that the rug had been pulled out from under them.

As negotiations advanced, Barak understood that to reach an agreement he had to improvise as negotiations proceeded. This was reflected in the nomination of Advocate Gilad Sher as chief negotiator and that of minister Shlomo Ben-Ami as the head of the Israeli delegation while allowing them wider room to manoeuvre. Further 'corrections' occurred immediately following Camp David, when it became clear that the negotiations with the Palestinians could and should be continued, even though the prime minister earlier had announced his Camp David proposals to be null and void. The subsequent Israeli proposals came much closer to a possible fair deal. At the same time, Barak realised that he should make use of more experienced people, whom he had refused to involve in the past. This resulted in the establishment of the peace cabinet which included ministers Shimon Peres and Yossi Beilin, who had gained vast experience since the beginning of the Oslo process, but until the inception of the cabinet were out of the negotiating loop. Beilin's involvement in the last-minute negotiations at Taba apparently came too late.

The Taba negotiations, which took place days before Barak's government lost the elections, proved that a Permanent Status Agreement between Israel and the Palestinians was within reach. The distance between the two sides

narrowed during the last week at Taba, and the climate of the discussions was reminiscent of the approach adopted during the Oslo talks. This led to dramatic progress on almost all the most important issues. On the delicate issue of Palestinian refugees and the right of return, the negotiators achieved a draft determining the parameters and procedures for a solution, along with a clear emphasis that its implementation would not threaten the Jewish character of the State of Israel. In the territorial dimension – which constitutes the main basis for any agreement – the new maps presented by the two sides were closer than ever before to an agreed border line. Israel reduced its demands to 6% but still insisted on merely symbolic and minimal territorial compensation, while the Palestinians agreed to an Israeli annexation of approximately 3% along with a territorial compensation of the same amount. The talks did not end in a violent disagreement, but rather in the feeling that the time remaining would not enable the two sides to reach a written and signed agreement, and that the only option was to continue negotiations after the election. Had the Taba approach been tried from the outset of Barak's tenure, we could today be on the road to peace.

The Intifada

Since 29 September 2000, the peace process has been in a state of collapse. The second Palestinian *intifada* has left both populations deeply shaken, precipitating Barak's downfall and the breakdown of permanent-status negotiations. This disaster is the result of a double miscalculation. The Palestinian side reached the mistaken conclusion that the Israeli public and Barak were not prepared to pay the price necessary for a genuine peace. Both the Israeli public and the prime minister were in fact willing to go the necessary distance, on the condition that the Palestinians expressed publicly the conciliatory positions which they had stated privately, and that they demonstrated determination in combating terrorism. The Israeli side, for its part, reached the mistaken conclusion that the Palestinians were bent on destroying the Zionist state both from within and without. In reality, the Palestinians had not altered the basic position they had held since 1993: a two-state solution, with a non-militarised Palestinian state along 1967 borders, and a pragmatic solution to the refugee problem.

The *Fatah* and the *Tanzim* (the local organisational base of *Fatah*) have constituted Arafat's support on the road to peace which he has followed since September 1993. The *Fatah* leadership believed in the Oslo agreement as the platform for a 'liberation of the land' through a just peace. They therefore took upon themselves to market the agreement to the public, and assumed a moral responsibility for its implementation. Once they reached the conclusion that the process was not leading towards the fulfilment of these goals, they felt that they bore the responsibility for a barren process and even an historical trap. For seven years, they had defended the peace process and fought for it in Palestinian towns, villages and refugee camps, against opposition from the right (*Hamas*) and left (the rejection front). Once they concluded that Israel

wasn't a partner for peace, that the negotiations were being dragged out, that building in the settlements had accelerated and that the hope for a state had evaporated, the explosion was only a matter of time. Given that still considers itself a movement for national liberation, *Fatah* preferred to lead the uprising rather than to be dragged into it by *Hamas*.

It is the duty of Israelis to understand the situation from the Palestinian perspective. As long as the Palestinian public maintained hope, based on the continuing negotiations, the Palestinian leadership could convince it that there was light at the end of the tunnel. Once the public saw this light had been extinguished, frustration and despair took control, and the *intifada* erupted.

Conclusion

This is a rather tragic account of mismanagement and miscalculation. Yet the Oslo process and the options it offered for a permanent status agreement were faulty by design. Rather, the Oslo approach and objectives were introduced during Yitzhak Rabin's tenure, but were never truly implemented.

The insincere and incomplete implementation during Netanyahu's administration, and the mismanagement of permanent-status negotiations under Barak, were the two main obstacles to reaching an agreement. Other obstacles included Israeli insensitivity to the suffering of an entire people possessed of a collective pride and struggling to gain national liberation from continuing occupation; Palestinian insensitivity to the influence of terrorism on the Israeli public; the destructive effect of anti-Israeli incitement and propaganda; and an immature Palestinian political system which employed double talk and generally performed in a negligent and unprofessional manner. In combination, these factors have produced sustained violence.

The possibility of an agreement remains. The Oslo process brought about a historical change in the Israeli-Arab conflict, including the peace agreement with Jordan and a process of recognising Israel's legitimacy by the Arab world. The process also created an Israeli-Palestinian consensus on a two-state solution based on 1967 borders. The beginnings of a foundation for a comprehensive and lasting peace were being laid, but have crumbled. The fault was not the unwillingness of Israeli and Palestinian communities to reach an agreement, but poor management of the process. If the two sides can recognise and learn from their mistakes, it should be possible to renew the negotiations and to reach a Permanent Status Agreement: the first leg on the long and difficult journey to reconciliation between the two peoples and peace between their two states.

Notes

¹ Interview in *Zman Tel Aviv*, 2 March 2001.

Projection of West Bank Permanent Status, Camp David, July 2000 (Approximation based on Israeli and Palestinian sources.)

