

The Oslo Impasse and U.S. Policy:

Small Changes, Big Implications

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Brief Analysis

On the 30th anniversary of the Six Day War, it is clear that the diplomacy designed to resolve a core element left from that conflict—the Israeli-Palestinian dispute - has reached an impasse. Not only has the security cooperation between Israel and the Palestinian Authority envisioned in the Oslo Accords broken down, with only low-level, tactical coordination still in place, but the parties refuse to hold political discussions, let alone negotiations. Miraculously, terrorists have not yet filled the vacuum—except for the brutal murders of Arab land-dealers—but that may say as much about the relationship between the PA and Hamas/Islamic Jihad as about the PA's own anti-terror initiatives.

The U.S. approach to resolving the impasse is to rely on the dogged, determined, though not high-profile, mediation of the Special Middle East Coordinator, Dennis Ross. The principal arrow in his quiver is an appeal to the enlightened self-interest that both parties share in the maintenance of the negotiating process. He has coolly and rationally tried to win agreement for a package of mutual and complementary steps that could deflate tensions and provide a pathway to renewed negotiations. However, because the disincentives to both parties are not powerful enough to convince either to change its current stance, neither has accepted Ross' proposals.

Since then, Egypt has undertaken its own mediation, with U.S. encouragement, capitalizing on its shared tactical interests with Israel and the PA. For Egypt, heightened activism burnishes its pro-peace credentials in the face of criticism from both ends of Pennsylvania Avenue while reaffirming its traditional "bridge" role between Arabs and Israelis; for Israel, working with Egypt helps debunk accusations that it is disdainful of Egypt and the wider Arab world; for the PA, this replaces one mediator (the United States) historically allied with Israel with another much more sympathetic to its own concerns. In the end, however, Egypt's mediation will most likely be just a tactical pause; only the United States can serve as depository of the protagonists' major concessions and progress will only arrive once they determine that their own interests are better served working more cooperatively than they are now.

An alternative strategy? Back in Washington, numerous observers are urging an upgrading of the U.S. approach by replacing the current level of diplomatic engagement with the heavy arsenal of the Secretary of State or the President himself; this could take the form of a secretarial visit to the region, a presidentially-convened Washington

summit, or some other headline-grabbing initiative. This is the option that Yasser Arafat himself sought last month, when—in a remarkable show of cheek for the leader of an erstwhile terrorist organization—he questioned the bona fides of the President's personal envoy. However, even before Arafat's effrontery killed it, the White House and the Seventh Floor of the State Department were known to be cool to this idea.

Such reluctance is both correct and appropriate. Between the handshake on the South Lawn, the balloons floating over Wadi Araba, and the "all-for-one/one-for-all" photo op at Sharm el-Sheikh, the peace process has witnessed enough symbolism, important though the role of symbols may be. Now is the time for Israelis and Palestinians to calculate their own interests and decide their fate accordingly. In that regard, the current impasse resembles the pre-Oslo stalemate in spring 1993, when various parties clamored for heightened U.S. engagement to overcome the sterile exchanges between the Rabin Government and the Palestinians' Madrid delegation. But Washington held firm, remaining loyal to the Madrid ground rules, with the result that Israelis and Palestinians found their own way out, via Oslo. In that respect, though America was not a player at Oslo it was Oslo's unsung hero, with U.S. insistence on the "Madrid rules" having compelled the parties to find their own solution.

That, however, is not the primary rationale for the current U.S. reluctance to engage more deeply today. For President Clinton and Secretary Albright, who are busy with other foreign policy items (e.g., NATO expansion, China, Iran), deeper personal involvement makes no sense without likelihood of success and neither relishes the prospect of the political (domestic and otherwise) battles they assume are necessary to achieve it. That is because a key element of the "big gun" approach—sometimes spoken, often unspoken—is substantial Israeli concessions as part of a larger package that includes Palestinian agreement to resume security cooperation. And for "substantial Israel concessions," read some combination of a suspension of Israeli construction in Jerusalem (i.e., Har Homa) and some form of settlements freeze/curtailment—objectives which, in the past, have bedeviled and frustrated both Democratic and Republican administrations.

This is the remarkable feature of the current stalemate. For the first time since the Bush-Shamir battle over Israeli settlements and loan guarantees, an ever-growing consensus within the foreign policy "establishment" holds that the most logical way to resolve an impasse in Israeli-Palestinian relations is to convince Israel to change its settlement policy. While the second-tier issues of the Gaza port, the Dahaniya airport, the West Bank-Gaza safe passage and economic closure are important, so this new conventional wisdom goes, only some movement on settlements (as well as on the rules for determining "further redeployments") holds the key to eliciting a renewal of full-scale security cooperation with the Palestinians and thus the prospect of forward progress in the peace process. Most startling about this view is that it holds Netanyahu, not Arafat, as the main stumbling block. The Administration chooses not to pursue this approach because it wants to avoid the bloody political fight it would entail domestically and with Jerusalem, with no certainty of success—not because it questions the logic of this rationale.

The Core Bargain: Doing the right thing for the wrong reason is certainly better than the alternative. But this underlying rationale obscures a basic misperception about the Oslo Accords. Oslo outlines a set of reciprocal commitments between Israelis and Palestinians. From the Palestinians, the basic commitments are:

- to terminate the "armed struggle" irrevocably;
- to fight terrorism and punish violators;
- to resolve all claims and disputes with Israel through peaceful negotiations.

From the Israeli side, the commitments are:

- to recognize of the PLO as the "legitimate representative of the Palestinian people;"
- to withdraw, in increments, from parts of the West Bank and Gaza and permit the creation of a self-governing authority

therein;

- to promise a meaningful "final status" negotiation to settle all outstanding claims, including on Jerusalem.

Israel under Netanyahu has shown little sympathy for what can be termed "the spirit of Oslo"; Har Homa and the tunnel episodes are certainly examples of a muscular exertion of this government's rejection of the type of consultative Israeli-Palestinian "partnership" envisioned under Labor. However, Israeli violations of the letter of the Oslo accords are of second rank. Neither Har Homa nor the tunnel opening are proscribed by Oslo; they may not have been wise but they are not prohibited by Oslo. (The Oslo Accords specifically and deliberately omitted reference to Jerusalem in discussing those areas in which the two sides would avoid acts that may prejudice "final status" negotiations.) On other matters, such as the port, airport and safe passage, Israel has not yet fulfilled its obligations but it does recognize them as such. While some may argue that the spirit and the letter of a "partnership agreement" are inextricably linked, one rarely finds the former in place without the latter. And the absence of Palestinian compliance with "the letter of Oslo" is today the norm. Suspending security cooperation makes conditional a commitment that was irrevocable; it is the latest in a series of fundamental Oslo violations that reaches back to the Labor-era refusal to confiscate unlicensed weapons, the deployment of Palestinian policemen in confrontations against Israeli troops, the release of accused terrorists, the non-response to Israeli requests for their transfer to Israeli jurisdiction, and the unfulfilled promise to complete the amendment of the PLO charter. Without security cooperation and full effort in the fight against terror, Oslo is doomed to failure.

Re-casting U.S. policy: The main reason why recent U.S. mediation efforts have failed is neither Har Homa nor the internal coalition jousting facing Netanyahu; they are sub-plots (though important) in a larger drama. Rather, the main reason is that Arafat has no compelling reason to shift his approach. For him, making a stand leaves him in a "win-win" situation, either reaping the benefits of the international criticism of Netanyahu or possibly reaping the benefits of a heightened U.S. engagement that would entail increased pressure on Netanyahu. Washington's preference for the current level of mediation is correct but its response to Arafat—reject calls for higher level engagement but otherwise talk softly and carry no stick—probably will not make that mediation more successful than it has been so far. In this situation, the most useful change that could be made in the U.S. approach is to disabuse Arafat of the idea that the alternative is heightened U.S. pressure on Netanyahu. On the contrary, to increase the chances of success for Ross' mission—which represents the appropriate level of U.S. involvement at this time—the U.S. needs to signal Arafat that heightened U.S. engagement means getting tough with him.

This will require Washington to send a different sort of message to Arafat than has been the norm since Netanyahu's election last year. In retrospect, the U.S. never fully absorbed the significance of that vote. For better or worse, after one architect of Oslo was tragically felled by an assassin, the other, Shimon Peres, was rejected by a slim majority of Israeli voters—and by a large majority of Israeli Jews. While most Israelis may accept the idea of peace with the Palestinians as well as the price (i.e., territorial compromise) necessary to achieve it, an even larger majority were incensed that the implementation of a process designed to enhance security in fact detracted from it, with the Palestinians gaining territory in the process. Despite Secretary of State Christopher's early pledge to "adapt" U.S. policy to this new situation, Washington gave Netanyahu time to adjust from "campaign mode" to "governing mode" but it did not modify its own peace process approach. An appropriate U.S. shift would have been a greater emphasis on compliance, especially regarding terrorism and security cooperation. However, U.S. policy has been hamstrung by an inability to grade Palestinian compliance on a sliding scale and to demand improvements in particular areas; instead, U.S. law requires the Administration to give a pass-fail, thumbs-up/thumbs-down judgment of compliance. Since no U.S. official wants to sidetrack the process altogether by giving Congress cause to de-certify the PLO as an interlocutor and suspend U.S. aid, the Administration is left defending the PLO virtually across-the-board. This, in turn, is read by the Palestinians as an endorsement of their behavior, an impression which no number of private demarches can repair.

Just since President Clinton's second inaugural, examples of U.S. statements and actions that cumulatively (if inadvertently) signaled Arafat that the U.S. condoned his behavior include:

- welcoming Arafat to the White House as a near head of state in March, during a visit in which no public statement was made by U.S. officials regarding compliance;
- praising Arafat's "admirable restraint" in not advocating violence against Har Homa (Michael McCurry, March 3);
- reducing Arafat's Oslo counter-terror obligation to a "commitment that he will not encourage violence" (Nicholas Burns, March 20);
- engaging in a self-destructive public debate with Israel over intelligence warnings about Arafat's "green light" to terrorism;
- avoiding reaffirmation of Washington's view that Israel has the right to define the extent of redeployments unilaterally;
- and a curious reticence to refer to the set of mutual obligations Israelis and Palestinians made to each other in the U.S.-drafted "Note for the Record" appended to the Hebron accord.

Improving U.S. Policy: If the Administration's objective is to "make Oslo work," that process begins with a reaffirmation of the core Oslo bargain—"for Israel, security; for Palestinians, recognition+self-government+a promise of meaningful final status negotiations." In terms of U.S. policy, the most useful place to start is to supplement a defense of Ambassador Ross' bona fides with clear signals to Arafat that the only alternative to the current U.S. approach is a more assertive public U.S. critique of his own Oslo violations. That is the necessary first step.

A useful second step would be for the Administration and Congress to re-examine legislation regarding PLO compliance to permit wider latitude in grading Palestinian behavior. This could be done in any number of ways, e.g., topically (assessing compliance in political, economic, legal and security categories) or chronologically (assessing whether the PA is doing a better job this year than last). The goal would be to turn compliance into an activity, not an act, and to measure it honestly as a way to identify misdeeds and encourage greater compliance. Freed of the all-or-nothing constraint of current U.S. law, the Administration could then have a much healthier relationship with the PA, not the minuet of winks, nods and raised eyebrows which characterize the current approach.

In the end, these are just two small improvements in U.S. policy. Implementing them may not alter the basic calculus of the regional parties, but it will have large implications for the faulty inner logic that is surrounded by the positive outer shell of the U.S. approach to the peace process.

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