

From Hebron to Har Homa to Hamas: The Chimera of 'Reciprocity'

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Brief Analysis

As Prime Minister Netanyahu prepares to meet President Clinton on Monday, policymakers and analysts are asking how Israeli-Palestinian relations could plummet from the optimism that surrounded the signing of the Hebron agreement in mid-January to today's violence, brinkmanship and gloominess. Explanations abound—from the controversy surrounding Har Homa construction to the resumption of anti-Israel terrorism to a reversion to lowest-common denominator politics in the Arab world. One key factor, however, revolves around the overlooked issue of "reciprocity" in Israeli-Palestinian relations. The Hebron accord was really two agreements—a technical agreement governing Israeli redeployment from 80 percent of Hebron and a much more ambitious document—the U.S.-drafted, -negotiated and -initialed "Note for the Record"—which laid out a road-map for Israeli and Palestinian mutual obligations over the subsequent eighteen months. This document, dubbed "Oslo III" by some because of its profound implications, called for the "immediate and parallel" implementation of numerous commitments from each side. Yet soon after the ink dried on the agreement, the concept of reciprocity began to fall by the wayside.

To be sure, Israel's decision to build a new neighborhood at Har Homa without laying adequate political groundwork via consultations with the PA (not negotiations, which the Oslo Accords do not require) contributed strongly to an atmosphere of mistrust; but Har Homa is just a piece of the landscape, not the entire story. The post-Hebron period was supposed to be dotted with a series of positive actions from each side to the other, taken within a framework of cooperation. However, the record shows that in terms of obligations each can fulfill on its own, Israel has largely implemented its pledges whereas the PA has done little to fulfill its side of the bargain. This asymmetry is important when considering why there has been a breakdown in the cooperation so necessary for the Oslo process to succeed. Following is a brief assessment of what happened with the "Note for the Record."

Israel's Record: Obligations and Implementation 1) Carry out the first stage of its "further redeployment" within the West Bank by March 7. Israel proposed transferring the status of some nine percent of the West Bank (seven percent from Area B to A, and two percent of Area C to B), but the PA rejected the offer. The United States has supported Israel's contention that the scope of the redeployment is Israel's to determine, though Washington has urged Israel to go well beyond its 9 percent offer for the second and third further redeployments. In theory, Israel could redeploy from these areas unilaterally, though security officials in Israel argue that a security vacuum would result in the

absence of Palestinian cooperation.

2) Release Palestinian prisoners as spelled out in Oslo II. Israel released on February 11 the last group of some 30 Palestinian women prisoners, after they signed promises to refrain from future terror attacks. According to the PA, another 3,500 Palestinian men remain in Israeli jails, 1,800 of whom are eligible for negotiated early release. The fate of the remaining prisoners is to be determined during permanent status negotiations.

3) Negotiate outstanding civil issues, including safe passage between the West Bank and Gaza, a sea port and airport for Gaza, and other "people-to-people" arrangements. On February 16, Israeli Foreign Minister Levy and PA senior advisor Abu Mazen launched negotiations on expanding Palestinian self-government. However, the talks were soon suspended, largely as a result of Har Homa. As a goodwill gesture, Israel decided to allow Yasser Arafat to use the Gaza airport, even though agreement was not reached on regular use of the Dahaniya facility.

4) Resume final status negotiations within two months of the IDF's redeployment from Hebron. Under the Labor government, Palestinian and Israeli negotiators met ceremonially last May to launch final status talks. These talks were scheduled to resume in earnest this March 17, but have not taken place. While Israel has expressed its readiness to restart those talks, Palestinian officials have conditioned talks on the suspension of Har Homa construction.

Palestinian Authority's Record: Obligations and Implementation 1) Complete the process of revising the Palestinian National Charter. The PA has pledged to do this, but has not done so to date. Ten days after signing the Hebron's agreement, Arafat essentially dismissed this commitment, repeatedly saying he would not amend the organization's charter until Israel adopts a written constitution.

2) Fight terror and prevent violence: On March 24, the PA announced that it was halting security cooperation with Israel. Until then, tactical cooperation among security officials had been maintained, despite the Har Homa controversy. No progress has been made toward the transfer of suspected terrorists to Israel. In the interim, the PA has released numerous Hamas activists, for which Arafat was censured by CIA Director-designate George Tenet during his Washington visit, according to the Washington Post.

3) Limit the size of the Palestinian Police to that specified in the Interim Agreement. The Interim Agreement (Oslo II) provides that the total number of Palestinian police should not exceed 24,000 (18,000 in the Gaza Strip and 6,000 in the West Bank). In the course of further redeployments, Oslo permits the number of Palestinian police in the West Bank to expand to 12,000 through joint coordination. The Palestinian Police is actually estimated to number near 40,000, in excess of the 24,000 permitted at this stage of the Oslo Process, some carrying unauthorized weapons. Moreover, the PA has vetted just over half of these policemen with the Israelis, as they are required to do.

4) Limit Palestinian governmental activities and the location of offices as specified in the Interim Agreement-i.e., only in areas A and B, and not in Area C or in Jerusalem. Immediately after the Hebron accord's signing, Arafat reportedly closed several offices in Jerusalem operating under his authority. Israel subsequently charged that PA offices and security organs continue to operate in Jerusalem. A threatened closure order against four such offices was suspended by Israel when the Palestinians submitted legal documents denying any connection with the PA.

Whither Reciprocity? Instead of "immediate and parallel" implementation, fulfillment of Hebron commitments has been largely one-sided, with Israel alone taking the unilateral steps required to implement the agreement; Palestinians have taken neither unilateral steps nor joined Israel in fulfilling the cooperative aspects of the agreement. (e.g., enhanced security cooperation and a move to final status negotiations). Reciprocity began to erode within days after Israel's Hebron redeployment, as PA security forces made clear their intention not to reduce the size of their forces in that city, despite having agreed to do just that. Israel, which too casually allowed the six weeks prior to the first redeployment to slip by without any public demands on Arafat to match its own compliance,

evidently chose not to challenge the PA over this breach for sake of the larger process. But if this looseness regarding reciprocity was meant to engender a sense of goodwill with the PA, perhaps even providing some chits to use when coalition politics would demand steps like Har Homa construction, this was a miscalculation. When Arafat realized that the Arab world could not be cajoled into rewarding Netanyahu for the Hebron agreement, with little progress made in a U.S.-backed "normalization push" in February, the stage was set for the complete unraveling of the Hebron package of mutual commitments. This trend was capped by this week's Arab League recommendation for a renewal of the Arab boycott, suggesting a renewal of a "zero-sum" approach to Arab-Israeli relations - a far cry from Hebron's spirit of reciprocity and cooperation.

Today's challenge is to restore the intricate web of cooperation upon which the concept of reciprocity must be based. This imperative is no less real whether the peace process continues with the interim issues or moves to accelerated final status talks, the proposal-of-the-day. "Final status now" has its own significant drawbacks, the most serious being that no one yet has an answer for what happens if these all-or-nothing talks fail. Yet even if such an approach is adopted and it succeeds, it too will require a mutual commitment to cooperation and to implement both the spirit and the letter of any agreement on the basis of that elusive principle of reciprocity.

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