

President Clinton's Sharm al-Shaykh Declaration:

A Textual Analysis

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Brief Analysis

President Clinton announced bare-bones understandings today on Israeli-Palestinian ceasefire-plus-disengagement. The test of success of this understanding will be in the swift and full implementation of its objectives on the ground, with today's shooting at a Jewish neighborhood in Jerusalem boding ill for the success of this process. Even if fully implemented, however, this understanding is unlikely to lead to a renewal of "permanent status negotiations" where the parties left off their post-Camp David diplomacy three weeks ago.

Use of a presidential statement as a vehicle for conveying the understandings raises questions about their durability. Clearly, at least one of the parties was unwilling to sign onto a joint communiqué or in any other way directly to signal support for the understandings Clinton announced.

Context Each of the principals--Ehud Barak and Yasser Arafat--came to Egypt having dropped their preconditions for attendance but determined to achieve their own gains in the talks. For Barak, those primary objectives were securing a clear call from Arafat for end to violence, avoiding an international commission of inquiry, and achieving a pathway back to diplomacy. For Arafat, the primary objectives were getting Israel to pull back from sites in Zone B that abut Palestinian urban centers and have been scenes of clashes; to lift the closure on the territories, the safe passage route and the Gaza airport; and to win a full internationalization of the conflict, including an international inquiry.

President Clinton: "Our primary objective has been to end the current violence so we can begin again to resume our efforts toward peace. The leaders have agreed on three basic objectives and steps to realize them. First, both sides have agreed to issue public statements unequivocally calling for an end of violence. They also agreed to take immediate concrete measures to end the current confrontation, eliminate points of friction, ensure an end to violence and incitement, maintain calm and prevent recurrence of recent events. To accomplish this, both side will act immediately to return the situation to that which existed prior to the current crisis in areas such as restoring law and order, redeployment of forces, eliminating points of friction, enhancing security cooperation and ending the closure and opening the Gaza airport. The United States will facilitate security cooperation between the parties as needed."

- That the two leaders did not themselves issue a call for end of violence, either separately or together, is the most important disappointment of the Sharm summit. Clearly, this is something that Arafat was unwilling to do, in contrast to Barak's repeated calls for an end of violence over the last two weeks. More than any other achievement, this glaring fact undermines the summit's accomplishments. After the great investment placed by the United States in the development of the Palestinian Authority--and the personal investment of President Clinton in the relationship with Yasser Arafat--the fact that the Palestinian leader still has not issued a statement on end of violence represents a profound setback to U.S. Middle East diplomacy. Whether Arafat issues such a statement soon will be the first test of how meaningful are the understandings Clinton announced.

- As noted, the operational objective of the Sharm summit was to restore the status quo ante September 28, in terms of Israeli troop deployments, security cooperation, and the closure of land and air routes in and out of the territories. A confidential security annex to the President's statement maps a step-by-step timeline for implementing in reciprocal fashion these various steps. Importantly, the communiqué does not address any problems inherent in the status quo ante itself, i.e., the presence of an armed militia on the Palestinian side (tanzim), that were major contributing factors in the outbreak and spread of the violence. Nor does the communiqué specifically refer to the re-arrest of Hamas/Islamic Jihad detainees or to the prosecution of those people, on both sides of the conflict, guilty of crimes in the course of the violence, such as the perpetrators of the lynching against Israeli soldiers or violent acts by Israeli civilian settlers.

- Unlike numerous past communiqués on Israeli-Palestinian issue, this declaration does not include traditional language in which the parties abjure unilateral acts outside the negotiating process, which has normally meant to refer to a declaration of independence (on the Palestinian side) and expansion of settlement activity (on the Israeli side). It is unclear whether the absence of such language meant that the topic was raised and the Palestinians refused to rule out UDI.

- The commitment of the United States to assist in security cooperation, if needed, is a reference to the mechanisms worked out in Paris by CIA Director George Tenet for, among other conflict-resolution measures, the creation of situation rooms manned by Israeli and Palestinian security personnel to respond immediately to changing situations. Those Paris agreements lasted one day before they were overtaken by events on the ground.

President Clinton: "Second, the United States will develop, with the Israelis and Palestinians, as well as in consultation with the United Nations secretary-general, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence. The committee's report will be shared by the U.S. president with the U.N. secretary-general and the parties prior to publication. A final report shall be submitted under the auspices of the U.S. president for publication."

- This section represents a compromise between Israel and the PA. While the Palestinians did not win a full international inquiry, they did get a measure of internationalization: Kofi Annan will play a role in the "fact-finding" process from its beginning (helping to nominate the investigators) to the end (vetting the report prior to publication). No timeline is suggested for the work of the "fact-finding committee."

- Interestingly, the text suggests a contradiction between two types of U.S. role: the opening sentence implies that the source of authority for the "committee" will be the United States; the last sentence, however, suggests that the United States will submit the final report for publication to some other body--the Security Council? the office of the secretary-general?

President Clinton: "Third, if we are to address the underlying roots of the Israeli-Palestinian conflict, there must be a pathway back to negotiations and a resumption of efforts to reach a permanent-status agreement based on the U.N. Security Council Resolutions 242 and 338 and subsequent understandings. Toward this end, the leaders have agreed

that the United States would consult with the parties within the next two weeks about how to move forward."

- The idea of a two-week consultation period is designed to lower the temperature on the Arab side in advance of this weekend's Arab heads-of-state summit and to postpone discussion inside Israel about the creation of a Labor-Likud national emergency government. This is not a two-week period for implementation of this understanding, however, which needs to produce change on the ground within hours if it is to have any integrity in the eyes of the key domestic constituencies inside Israel and the Palestinian areas.

- It is not inconsequential that, after the last two weeks, the parties--via President Clinton--have reiterated their belief in the need for a resumption of negotiations toward a "permanent status agreement" to resolve their core differences. Interestingly, however, there is no direct reference to the Madrid process, the Oslo accords, the Camp David summit talks, or even the one agreement reached between Barak and Arafat, last year's Sharm al-Shaykh agreement. This could suggest that alternative routes to "permanent status" might be contemplated.

Robert Satloff is executive director of The Washington Institute.



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