From Riots to Diplomacy:

Rethinking Principles, Assessing Options

by Robert Satloff **(/experts/robert-satloff)**

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ABOUT THE AUTHORS

Robert Satloff (/experts/robert-satloff)

Robert Satloff is executive director of The Washington Institute, a post he assumed in January 1993.

Brief Analysis

The fact that U.S. and Israeli officials--not Yasir Arafat--announced that the Palestinian leader had ordered a halt to violence in the West Bank and Gaza highlights the failure of the U.S.-led summit meeting in Paris. This underscores the prospect that the al-Aqsa Intifada--as Palestinians have termed the week-long spasm of violence and rioting--is a turning point, not a transitory blip, in the seven-year-old Oslo peace process. To the Clinton Administration, engrossed in the peace process since 1993, this came as a painful setback. Chances are high, however, that the President will wade into Arab-Israeli diplomacy at least once again before leaving office-either for one last push toward agreement or to ward off the accusation that he focused on peace when opportunity beckoned but left a mess to his successor. Much will depend on whether violence actually abates soon, as promised; on Arafat's success in internationalizing the conflict, as his current UN gambit for an international inquiry suggests; on the political fortunes of Israel's Ehud Barak and the potential for a national unity government; and on the outcome of the November election (i.e., will the passing of the baton next January be characterized, by and large, by continuity in policy and personnel [a Gore victory] or reassessments and staffing up lag-time [a Bush victory]?

Two other factors should also play a central role in defining the Administration's next step: a reassessment of key assumptions embedded in the policies of the U.S. government and both Labor and Likud, at least de facto, over the course of the past seven years; and the implications of the rioting for the sort of compromises that seemed possible at the Camp David summit in July or mooted by various actors since then.

Original Oslo ideas called into question:

• That Arafat's promise in his September 1993 letter to then-Prime Minister Yitzhak Rabin committing the PLO to peaceful negotiations as the sole means to resolve disputes was an unalterable, strategic decision. Too many episodes have occurred-the tunnel riots of 1996, the "green light" to terrorism in 1997, the Nakba Day riots last May and this week's al-Aqsa violence are only the headline examples--to continue to overlook Arafat's frequently employed policy of resorting to violence as a political tool. As for the current violence, even the Washington Post-whose Jerusalem-based news reporting had been extremely critical of Israeli behavior early in this crisis-came around to reporting on Wednesday that "There is evidence to support the claim by Israelis that the Palestinian

leadership has orchestrated the militia, as well as civilians and armed Palestinian police, in the rioting..."

• That the experience of Palestinian self-government and incremental territorial enlargement of the Palestinian Authority would moderate the views of each side, so that compromises unthinkable in 1993 would be possible when "final status" was reached: This has proven to be true on the Israeli side, which today is contemplating withdrawal from nine-tenths of the West Bank and the relinquishment of Israeli sovereign claims to the holiest site in Judaism in the pursuit of peace. This has proven to be, at best, only partly true for the Palestinians. They have, on the one hand, made some substantial compromises (such as accepting the idea of permanent West Bank settlement blocs, with 150,000 Jews, within land they had previously claimed); on the other hand, the Palestinians' repudiation of a legitimate Israeli/Jewish attachment to the Temple Mount, willingness to stone Western Wall worshipers, grenade attacks on other religious sites (such as Joseph's Tomb) and frequent appeal to religious-based incitement suggests that historical/cultural/social reconciliation is no more mature today than it was in 1993.

• That the wink-and-nod approach to compliance--negotiating and then agreeing to overlook numerous details of past agreements (such as confiscation of weapons, respect for religious sites, and anti-incitement)-- was in the best interests of the overall process. All Israeli prime ministers since Oslo-Rabin, Peres, Netanyahu and Barak-have subsumed the issue of Palestinian non-compliance to the larger objective of maintaining diplomatic momentum. As a result, the U.S. administration and Congress years ago dropped this issue from the diplomatic agenda, not wanting to seem more orthodox than the Israelis. (Despite its best efforts, the multi-faceted role of U.S. intelligence agencies in this process--as guarantor of minimum acceptable levels of compliance, as adjudicator of disputes, as tutor to Palestinian security services, and as mediator of last resort-may have blurred closer inspection of this issue.)

Camp David compromises, negotiated under U.S. auspices, thrown in doubt due to the violence include:

• That the security of three Israeli settlement blocs inside the Palestinian state, linked by roads to Israel-proper, will be immune from the inevitable ups-and-downs in the political relationship between the two sides. This will require the maturing of a culture of security cooperation ravaged by current violence and that clearly has so far not taken hold.

• That the United Nations Security Council, or its permanent members, might make an acceptable repository for sovereignty on the Temple Mount/Haram al-Sharif, in a plan that accords practical custodianship to the local powers. That even Justice Minister Yossi Beilin denounced the proposal for an "international inquiry" on the current violence because it would be "biased" against Israel underscores the problem with this issue.

• That Israelis would be willing to countenance the repatriation to Israel of significant numbers of Palestinians, even in the context of "family reunification." The disturbing events within Israel's Arab community is almost sure to convince most Jewish Israelis that accepting even more Palestinians will exacerbate an already untenable situation.

Implications for U.S. Policy If the peace process were an academic exercise, undertaking such a reassessment might result in a decision to scrap the process altogether. But in the real world, the peace process is not something that can be turned on or off. Indeed, the term itself is misleading--it suggests a two-dimensional, linear move from war to peace rather than the three-dimensional development of a multi-faceted fabric of relations (ranging from conflict to competition to cooperation, and sometimes all three) between Israelis and different Arab parties. Viewed this way, the United States has a strong interest in continuing to take the lead role in advancing the "peace process"--both for its intrinsic value to Israel and other U.S. allies and for the benefits it accrues to the United States by alleviating tension among regional states and actors.

Nor is "Oslo" itself something that can be replaced in favor of an alternative strategy. For a brief moment, on the morrow of his inauguration in June 1996, Benjamin Netanyahu had the option of scuttling Oslo. But rather than go down that route, he chose to, in his words, "improve" Oslo--slow down Israeli concessions, demand reciprocity, etc.

Today, all parties (including the current Likud leadership) recognize that there is no strategic alternative to the Oslo model, regardless of the flaws that have emerged in the original reasoning and in the implementation of agreements to date.

The key question for the balance of the Clinton Administration is to choose from among four different peace process strategies, all of which grow out of the Oslo paradigm:

1) To proceed with the Camp David strategy of seeking a "framework accord" that addresses all final status issues or, perhaps, a lesser accord that defers one or two items. The current crisis, it should be recognized, owes itself in part to the high-risk/high-gain decision--advocated by Barak, endorsed by a willing Clinton, opposed by Arafat--to move from an albeit flawed incrementalism into the perhaps premature search for final status. If the Administration believes that opportunity can emerge from the current crisis, that Arafat has attained new standing among Palestinians to accept compromises previously rejected, that Barak can contemplate concessions today beyond those offered at Camp David, that there is no time left to invest in confidence-building efforts to heal wounds opened by the recent violence, and--most of all--that Arafat retains a strong interest in reaching a peace deal soon, then this is the path to follow.

2) To conclude that pursuing final status may still be premature and to opt instead for a return to the step-by-step approach. If the Administration believes that the parties can freeze the near-agreements achieved at Camp David; that there is diplomatic room for moving forward incrementally without ruling out any final option dear to one or the other party; that achieving further interim accords (without calling them such) short of an "end of conflict" agreement would be acceptable to the Israelis; that de facto deferring the Jerusalem would be palatable to the Palestinians; that security cooperation, anti-incitement efforts, joint economic projects and people-to-people initiatives can be undertaken alongside modest further territorial withdrawals without regard to the shape of a final agreement; and that Arafat can be compelled/convinced to postpone indefinitely a unilateral declaration of independence, then this is the path to follow.

3) To decide that the old approach is no longer tenable and that the Camp David approach is too premature and to opt instead for a process of "coordinated unilateralisms." This is an effort to achieve a soft landing from the current crisis, in which the parties, through quiet U.S. diplomacy, achieve understandings that limit the collateral damage from actions taken outside the process of direct negotiation--for the Palestinians, a declaration of independence that may make a political claim to territory up to the 1967 line but that seeks to exert authority only in zones currently under full or partial Palestinian control (about 40 percent of the West Bank); for the Israelis, an extension of Israeli law to those portions of the West Bank that Israel wants to retain in a "final status accord;" and the commencement of state-to-state negotiations on outstanding issues, including the disputed border. If the Administration believes that the two sides could sustain tacit understandings when their written accords have been routinely flouted; that the Palestinians value statehood and sovereignty so highly that they are willing to maintain the unhappy status quo on Jerusalem and other issues; and that Israel could support, even tacitly, an independent Palestinian state that emerges outside the negotiating process, then this is the path to follow.

4) To rule out each of these approaches as impractical and opt instead for the parties to sort out problems for themselves, confident in the belief that each independently--and the two together--will eventually turn again to Washington. This would, in practice, invite a series of uncoordinated unilateral acts, which run the risk of spiraling out of control. If the Administration believes that the risk of chaos is less than the likelihood that the two parties would, upon staring into the abyss, decide to return to a U.S.-led process; that leaders on both sides have the standing and interest to prevent a descent to violence; that the diplomatic and security problems facing each would be easier to address after the cards are shuffled via a series of unilateral acts; that domestic and international politics would permit such an inherently risky approach; and that President Clinton could sit on the sidelines and let this run

its course, then this is the path to follow.

None of these options is good--either for the Clinton Administration or the future of the process (the two are not identical); the best option is the least bad. Factoring in Israeli politics to the U.S. calculus is critical: the option of "final status now" (option 1) is only possible with the current Barak-led minority government; the middle options--a return to step-by-step (option 2) and coordinated unilateralisms (option 3)--are best pursued with a Labor-Likud national unity government; and "benign neglect" (option 4) would be bad under both though worse with a NUG. Analytically, the third option seems to offer the greatest near-term potential but it would require an extraordinary effort for a President that must be depressed at the thought of spending his closing days picking up the pieces from a near-success gone awry.

Whatever path is chosen, the efforts undertaken by both the next Administration and the balance of this one need to be infused with the sobering lessons from a reassessment of the core principles that have governed this diplomacy for so long.

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