

Barak-Clinton:

Early Issues on the Palestinian Track

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Jul 13, 1999

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Brief Analysis

President Bill Clinton and Prime Minister Ehud Barak have vowed to recreate the personal partnership and strategic coordination that characterized the late Yitzhak Rabin's term of office. On the Palestinian track, however, much has happened since 1996 to change the nature of the Oslo process. New agreements -- over Hebron and at Wye River -- sliced the incremental process of withdrawals envisioned in Oslo II into even narrower slivers, adding new obligations and complexities. Washington's role has evolved, both in terms of a deepening bilateral relationship with the Palestinian Authority and as arbiter between Israel and the PA. The PA itself has developed its own governmental structure and civil society, borrowing both the good (a popular thirst for good governance and civil liberties) and the bad (rampant corruption, state monopolies, and authoritarianism) from what it sees in neighboring states. And Israel has passed through a period of Likud rule which, for all its difficulties, saw Oslo's concept of "territorial compromise" gain wide national legitimacy. Each of these developments poses new opportunities as well as new challenges for advancing toward a "final status" accord.

From Oslo to Hebron to Wye: Since the last time a Labor prime minister met President Clinton, the peace diplomacy has focused more on mechanisms for implementing past agreements, including injecting the concept of reciprocity into the negotiations, than on forging accords that break new ground. In retrospect, given the roller-coaster events of 1995-1996 -- from the narrow Knesset passage of Oslo II to Rabin's assassination to the series of terrorist bombings inside Israel -- slowing the pace of negotiations so public opinion can catch up with the negotiators may prove to have been fortuitous. Indeed, inside Israel, the May elections produced a Knesset in which only four members -- the hard-right National Union -- were ideologically opposed to any territorial concessions, and Barak was subsequently able to form a government that commands the effective support of three-quarters of parliament (the seventy-five-seat coalition plus the support of the rabidly secular Shinui party and the anti-Zionist Arab parties).

Even so, the 1996-1999 period did produce two important agreements, the Hebron Accord of January 1997 and the Wye River Memorandum of November 1998. Both these agreements address unfinished business of the September 1995 Oslo II accord. Hebron provided for the implementation of Israel's redeployment from the last of seven West Bank cities -- the first six having been completed under Shimon Peres's brief premiership -- and sketched a roadmap for future negotiations. Wye bundled the first and second of Oslo II's three "further redeployments" (FRDs) into three mini-stages, each of which was coupled with a set of Palestinian actions to fulfill commitments long neglected under Oslo II.

Confusing as it sounds, it is important to recall that the "third redeployment" that Barak is reported to have asked Arafat on Sunday to fold into a future "final status accord" is different than the third stage of Wye implementation; that "third FRD" is, as defined by Oslo, supposed to leave Israel in control of only Jerusalem, settlements, and "specified military locations," in advance of final negotiations on borders between Israel and a Palestinian entity. According to Wye, Israel and the PA were to define the scope of that "third FRD" in a committee that would convene immediately upon the coming-into-force of the agreement, together with the formal resumption of "final status talks," which witnessed their symbolic inaugural session in May 1996. So far, neither has happened. Since Oslo II was initialed, Barak opposed the idea of a "third FRD," because it would leave Israel with few territorial bargaining chips with which to enter "final status negotiations." As a result, then-Interior Minister Barak abstained on the cabinet vote in October 1996.

Today, fulfilling outstanding obligations is the first order of Israeli-Palestinian business. At the same time, a mere recitation of the list of outstanding obligations provides a powerful rationale for accelerated movement toward "final status" negotiations:

Principal Palestinian commitments that have not been fulfilled, or that have been fulfilled only in part, include registering and confiscating illegal weapons; outlawing the "support structure" of "all organizations . . . of a military, terrorist, or violent character"; bringing the size of Palestinian police under the ceiling of 30,000; responding, whether affirmatively or not, to Israeli requests for transfer of terrorist suspects; convening the legal committee envisioned at Wye; convening the people-to-people committee envisioned at Wye; and permitting the full reactivation of all Oslo II standing committees. From the Hebron accord, the Palestinians still must act on the excessive size of their police, respond to requests for transfer of suspects, and refrain from any governmental activity outside those territories specified in Oslo II (that is, not in Jerusalem).

Principal Israeli commitments that have not been fulfilled, or have been fulfilled only in part, include completing the second and third sub-phases of redeployment; opening the southern land-passage route; completing talks on the northern land passage route; and concluding talks for the construction of the Gaza port. Additionally, Israel recognizes it must implement a commitment on the further release of Palestinian prisoners, although this was not actually included in the text of the Wye accord. In the city of Hebron, Israel still must open a main downtown street to Palestinian traffic and open a city-center market adjacent to a Jewish neighborhood, as it promised in the Hebron accord.

Coupled with the need for enhanced security cooperation to confront likely new terrorist threats, these two lists provide ample room for the invigoration of the Israeli-Palestinian relationship in coming weeks.

Settlement Activity: One area of political tension -- both between Barak and PA chairman Yasir Arafat and, perhaps, between Barak and Clinton -- concerns settlement activity. For Palestinians, restricting Israeli settlement activity is, along with redeployments and prisoner releases, their top priority. When Binyamin Netanyahu was prime minister -- and even in the first days of Barak's tenure -- the Clinton administration seemed to echo this demand by referring to settlement activity as "destructive." (During his press conference with Egypt's President Hosni Mubarak, Clinton

himself referred to "destructive" settlement activity just moments before his gaffe on the Palestinian right of return.) Expectations are high among Palestinians that this is one area where Barak will differentiate himself from Netanyahu, but so far all signs point to a more robust support for settlement activity under Barak than was the case under his mentor, Rabin.

Barak, of course, has reiterated Rabin's promise not to uproot any settlements in advance of a "final status agreement" and -- with the coalition support of the National Religious Party, Shas, and Yisrael Ba'aliyah -- he has gone much further than Rabin in support for existing settlements. For example, whereas the Rabin government's 1992 guidelines specified that certain development towns inside pre-1967 Israel should "be preferred" over certain West Bank and Gaza settlements in terms of government subsidies and support, Barak's guidelines state that government services to all settlements will be "equal to those offered to residents of all other communities in Israel." And despite promising no new settlements and committing himself to review specific settlement-related decisions of the outgoing government, Barak has not gone down the Rabin route of differentiating between "security" settlements and "political" settlements, as was the case in the early Oslo period. Moreover, Barak promised Natan Sharansky in coalition talks that he would permit wildcat caravan settlements near existing communities to remain untouched. How the United States handles Barak's expression of the Israeli national consensus on settlement activity -- support for existing settlements, yes; building new settlements, no -- will be a strong indication of how much room the administration will give Barak to move on other fronts of the peace process.

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