

Oslo's Mangled Legacy

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Despite their failures, the accords are inextricably linked with the Palestinian national movement and its associated diplomatic/security architecture, so allowing them to collapse completely could make a bad situation worse.

According to a recent poll conducted by the Palestinian Center for Policy and Survey Research, around two-thirds of the Palestinians in the West Bank and Gaza believe that the Oslo Accords harmed Palestinian interests. This should not come as a surprise. After all, twenty-five years after Oslo, the primary Palestinian objective in signing the accords, namely ending the occupation and establishing a Palestinian state, is yet to be achieved. In the intervening years, the Palestinian national movement has become split politically and geographically between a Fatah-ruled Palestinian Authority (PA) in the West Bank and a Hamas-controlled government in Gaza, with both governments facing severe legitimacy crises.

While it is easy to conclude in hindsight that the Palestine Liberation Organization (PLO)'s decision to enter the Oslo peace process was a mistake, examining the political realities at the time of the agreement and the Palestinian gains provided in the accords themselves may draw a more complex picture. Prior to Oslo, the PLO was regionally and internationally isolated and was slowly but surely losing its exclusive control over happenings on the ground. Oslo ended this isolation, allowed for the return of the PLO to the Occupied Palestinian Territories (OPT), and created what looked like a viable path toward independence. Yet there is no denying the fact that Oslo is in severe crisis caused by the failure of negotiations and the poor governance record of the Palestinian Authority. Unless the current trajectory is altered, this crisis may soon morph into a collapse whose implications will likely reverberate beyond the confines of Palestinian politics.

AN UNFAMILIAR NEW WORLD

Given the current Palestinian state of affairs, it is tempting to contrast the bleak present against a rosy imagined past. But the reality for the Palestinians in the early 1990s was far from ideal. By the time the Oslo negotiations were initiated, the Palestinian national movement was at a strategic dead end, with few available options and an unpromising future.

By the early 1990s, the world was changing into something that the PLO and its leader, Yasser Arafat, were not familiar with. Arafat was skilled in using the Cold War to his advantage; he played on the competition between the Soviet and Western blocs to advance the interests of the Palestinian movement while maintaining its relative independence. Similarly, the PLO also played on the tensions and rivalries of the Arab World to gain support from Arab governments while fending off ongoing attempts to co-opt the Palestinian cause in service of any particular Arab state.

As the Cold War began winding down, this approach was no longer viable. For the PLO, the global and regional implications of the new reality were concretely and painfully demonstrated in the aftermath of Saddam Hussein's occupation of Kuwait. Arafat's decision to align himself and the PLO with Saddam—although arguably of little consequence in the context of Cold War dynamics with Arafat famously stating that January 15, 1991, the date set by the UN for Iraqi withdrawal from Kuwait, was "only a date like all other dates"—was a major blow for the PLO. The organization found itself globally and regionally isolated for siding with Saddam.

With no Soviet Bloc to pivot toward, and with Arab unanimity in support of liberating Kuwait, the PLO's diplomatic margin of maneuver was severely curtailed. And with Gulf Cooperation Council countries cutting all ties to, and financial support for, the PLO, the crisis was not only a diplomatic one that could be weathered over time, but also a financial one that had concrete and immediate repercussions.

As the United States launched what was to become the Madrid Peace Conference after the Gulf War, Israel insisted that the PLO not be included in the peace efforts. As the PLO was unable to either impose its presence in Madrid or even scuttle the whole effort, it had to acquiesce to the Palestinians having no separate representation. Instead, they were represented by Palestinians from the OPT who were not members of the PLO under the umbrella of a joint Jordanian-Palestinian delegation.

This demonstrated the weakness of the PLO. In the 1970s, the PLO had robustly and successfully countered Israel's attempt to create an alternative Palestinian leadership in the OPT under the moniker "Village Leagues." Diplomatically, when Egypt and Jordan tried to take a representational role in the Palestinian issue—the former during the 1978 Camp David summit and the latter in the 1987 "London Agreement" meeting—the PLO succeeded in regionally isolating Egypt, and in pressuring Jordan to not proceed with the agreement. Yet, in 1991, the PLO had no choice but to accept what would have been anathema only a few years before.

A SHIFTING POLITICAL MAP

As the PLO's diplomatic standing was hitting a nadir, its hold on Palestinian politics was also slipping. Part of the PLO's initial appeal that allowed it to emerge in the late 1960s and early 1970s as the sole legitimate representative of the Palestinian people was its ability to organize Palestinian populations, primarily the refugees, and to concretely mobilize resistance to Israel. The logical place for the PLO to base itself was Jordan, which had the largest Palestinian populations of both refugees and residents of the West Bank and the longest border with Israel. However, as the PLO gained strength, it began to challenge the Jordanian state, leading to its expulsion from the country after the Black September confrontations between the PLO and the Jordanian Armed Forces in 1970. It then moved to Lebanon, where it soon became embroiled in the country's civil war and was eventually expelled in 1982 after the Israeli invasion of Lebanon. By the mid-1980s the PLO was based in Tunisia, a country around 1,400 miles away from the OPT with a negligible Palestinian population.

As the PLO was pushed farther from the theater of operations and from concentrations of Palestinian refugee populations, challengers began to emerge and its grip on Palestinian affairs began to weaken. This was dramatically demonstrated by the outbreak of the First Intifada, when confrontations between Israeli forces and Palestinians that started in Gaza in early December 1987 quickly spread to the West Bank and East Jerusalem.

The very outbreak of the intifada, which was not planned or even anticipated by the PLO, was a challenge to the organization. The speed by which Palestinians in the OPT created coordination, support mechanisms, and identifiable leaders for the intifada signaled a weakening of the PLO's control over Palestinian politics. While these leaders paid allegiance to the PLO and continued to regard it as the legitimate leader of the Palestinian people, the fact that they emerged outside the PLO and were not under its direct control was seen as a cause for concern by Arafat and his colleagues. Indeed, much of Palestinian politics in the pursuing years was dedicated to bringing these leaders under the PLO's control, or—falling short of that—marginalizing them.

The outbreak of the intifada also introduced a new organized strand in Palestinian politics, namely Islamism in the form of the Hamas movement, launched a few days after the outbreak of the intifada. While still a minor irritant at that point, Hamas was tapping into a growing Islamist trend that was gaining traction throughout the Arab World in the 1980s. By refusing to join the PLO, Hamas challenged the legitimacy of the former's claim to sole Palestinian representation.

NAVIGATING A PERFECT STORM

Diplomatically marginalized and witnessing early cracks in its control over its own national politics, the PLO had to act or face possible demise. This sense of urgency was not simply due to the challenge these developments posed to Arafat's authoritarian tendencies—though this of course cannot be discarded—but also touched on a strategic concern for the PLO and the Palestinian cause.

Much of the history of the Palestinian national movement was spent fighting for the Palestinian ownership of their representation from the grasp of neighboring Arab states that wished to co-opt their cause whether directly (as in the case of the Camp David Accord or the London Agreement) or indirectly via Palestinian proxies, primarily those encouraged or created by the Baath regimes in Syria and Iraq. Similarly, the PLO fought hard to be recognized as the sole legitimate representative of the Palestinian people, and the emergence of Hamas and of independently minded leaders in the OPT was seen as a threat to that hard-won wide recognition.

The first step the PLO took was to ensure that the Palestinian delegates to Madrid (and subsequent talks in Washington D.C.) made no progress. Still committed to the PLO and themselves wary of being used to weaken Palestinian representation, these delegates deferred to Arafat's instructions to take rigid positions, and the talks soon stalled. But this spoiler strategy was not sustainable over time, and it became clear to the PLO leaders sitting in Tunis that their only option was to strike an alternative direct deal with Israel. With this in mind, the chance to begin a direct back channel with Israelis in Norway was an opportunity that could not be missed.

THE OSLO ACCORD GAINS

While the incentive for entering into the Oslo process was the lack of viable alternatives, the decision to sign the accords was based on the substantive gains to the Palestinians provided in the agreement itself. Specifically, the Oslo Accords offered the Palestinian side three major benefits. First was gaining recognition by Israel. While that came with a quid pro quo, namely the PLO's recognition of Israel, this price was the natural extension of the PLO's 1988 decision to recognize UN Security Council Resolution 242, for which much of the heavy lifting was already done. On the other hand, Israeli recognition of the PLO as "the representative of the Palestinian people" brought a number of benefits for the PLO. Namely, it ended Israel's occasional attempts to foster alternative Palestinian leadership, whether through the "Village Leagues" in the 1970s or more recently the Palestinian delegates to

Madrid. While these attempts failed—through public rejection in the case of the Village Leagues or by refusal of the delegates themselves in the case of Madrid—the mutual recognition put an end to this ongoing threat.

Additionally, and perhaps more significantly, Israel's recognition of the PLO opened the door for a serious engagement with the United States—a PLO objective at least since the 1970s. While President Ronald Reagan in 1988 authorized the State Department to “enter into substantive dialog with PLO representatives,” this dialogue was at best halting and was suspended in 1990. Israel's recognition of the PLO changed this and allowed the organization to develop robust, though complicated, relations with the United States. These developments led to a lifting of the PLO's regional isolation and allowed the resumption of relations with, and funding from, Gulf Arab states.

The second major benefit was the establishment of the Palestinian Authority (PA). While the PA has lost credibility with many Palestinians today, its creation as a consequence of the Oslo Accords was a strategic gain and, at the time, a political victory. The PLO's expulsion from Jordan and Lebanon—though in no small part a result of the PLO's own actions—convinced PLO leaders that being the guests of another nation left them vulnerable. Even in Tunisia, where the leaders stayed away from meddling in Tunisian affairs, the situation was less than perfect as the PLO continued to lose relevance due to its distance from the movement's home ground while remaining vulnerable to attacks, whether by Israel or competing Palestinian organizations backed by Arab regimes. The creation of the PA enabled the PLO leaders for the first time to have control over the Palestinian population in the Palestinian territories. Though Oslo only granted limited powers to the PA, and restricted the territory and population on which they were applied, it still gave the authority enough power to reassert the primacy of the PLO over Palestinian affairs.

Today, the PA persists. While much can justifiably be said in criticism of the PA, it has so far proven resilient and is fulfilling important functions for the Palestinians. Governance-wise, Palestinian leaders today manage a significant proportion of the Palestinians' daily lives. While Israel maintains overarching authority, the space for Palestinian self-governance and exercise of political and national life is unprecedented. And despite the PA's inherent limitations, its establishment brought about a measure of stability to Palestinian national institutions better than any previous time in modern Palestinian history.

Despite ongoing tensions with Israel, including a full-fledged Israeli takeover of PA-governed territories during the Second Intifada, the PA still seems less vulnerable to dislocation than the PLO was during its time in Jordan, Lebanon, and Tunisia.

Diplomatically, the international community treats the PA as a recognized address, with numerous international representative offices based in and accredited to Ramallah. If a Palestinian state is to emerge, the PA institutions—while still requiring significant reform and development—are well-placed to provide the state's underpinnings.

And finally, Oslo had enough in it to enable the PLO to create a credible narrative that the accords represented the first milestone toward ending the occupation and creating a Palestinian state. While the accords themselves contain no mention of a Palestinian state, the fact that they recognized the West Bank and Gaza as a single territorial unit and contained a commitment to negotiate the core issues of the conflict allowed a reasonable expectation to emerge that process would end with the creation of a Palestinian state.

Indeed, as the Oslo negotiations progressed, the two-state solution became the subject of near international consensus. While it is easy to take this for granted, it was not always the case. Palestinians and their supporters may have assumed that this will be the end result of the Oslo process, but this was neither explicitly stated in the agreement nor was it necessarily supported by Israeli and U.S. leaders in the early years of Oslo. It took two leaders who are not usually associated with moderation in the public imagination to reach this point: George W. Bush and Ariel Sharon. The mainstreaming of the two-state solution culminated in 2003 when the Security Council unanimously adopted Resolution 1515, envisaging a Palestinian state existing side-by-side with Israel in peace and security.

While this diplomatic consensus will not in itself change realities on the ground, nor bring about the creation of a Palestinian state, it is nonetheless significant. It creates a baseline and has a normative effect in international relations, defining what actions are considered legitimate and what are not. Most importantly perhaps, as reality in the Middle East proceeds in its usual turbulence, with support for and political appeal of a two-state solution fluctuating along the way, this international consensus preserves the two-state concept and provides a starting point for future diplomacy. In this way, the two-state solution has grown to resemble the principle of land for peace enshrined in Resolution 242, which was dormant for a number of years but provided a crucial underpinning for launching negotiations in Madrid when the circumstances permitted.

THE HALF-EMPTY GLASS

While many of the institutions created by Oslo have survived, and some of the principles established therein have become conventional wisdom, it would be Pollyannaish not to acknowledge the deep crisis that the Palestinian national movement is facing. Most Palestinians today do not see a convincing path to independence, and have lost faith in ideologies, leaders, and political institutions—and many of those same Palestinians lay the blame for this pessimism and cynicism at the feet of Oslo.

The promise of liberation through diplomacy generated tremendous excitement and hope in the early years after the 1993 and 1995 Oslo accords, only to be dashed in the face of repeated failures to reach a negotiated two-

state solution. And not only has diplomacy failed to secure independence, even the visible changes in the lives of Palestinians in the early and mid-1990s are a thing of the past, with advocates for diplomacy today hard-pressed to point to any concrete deliverables in recent years. In the process, public faith in the efficacy, and even legitimacy, of diplomacy has severely eroded.

It is also worth noting that the traditional alternative—a return to armed resistance using violence and terrorism—also proved ineffective. Palestinians paid a steep price during the Second Intifada. After three wars between Israel and Hamas in Gaza, which only produced disastrous results for Gaza's population, the idea that independence will be achieved through armed action has lost all credibility. Even Hamas today seems content to limit its demands from Israel to the improvement of living conditions in Gaza.

Oslo's failure to end the occupation is not only impacting the credibility of diplomacy as a tool, but is causing a loss of faith among Palestinians in the two-state solution. As negotiations began to falter in the 1990s and early 2000s, most Palestinians still viewed the two-state solution as the desired outcome but began to grow skeptical about the chances of attaining it. Ironically, as the two-state solution developed even further into a subject of international diplomatic consensus, it was losing support on the ground.

It can be argued that such an outcome was inevitable with or without Oslo. After all, entering into Oslo was largely a result of the Palestinians' realization that while armed resistance and adopting maximalist, inflexible diplomatic positions helped bring the Palestinian issue into the global center stage, these approaches were not going to result in a resolution of the issue. Yet, such counterfactuals pale when faced with the reality that the current strategic impasse happened in the context of Oslo. Today, it is hard to find Palestinians who do not blame Oslo for their predicament.

While the failure of diplomacy can be blamed on both parties (and many others in the international and regional community), another factor that contributed to the demise of Oslo can only be attributed to the Palestinians themselves, or rather, the PA's abysmal record of governance. Running a movement in exile, PLO leaders did not have to confront the challenges of governing beyond the organization's apparatus and the relatively few Palestinians who came into direct contact with it during its years in exile. Similarly, most Palestinians did not experience first-hand the excess that characterized the lives of many in the PLO's senior circles.

The establishment of the PA pursuant to Oslo changed this reality. Arafat and company set up the PA in ways that were modeled along the lines of many other Arab countries: corruption was rife, government jobs were doled out as a way to ensure political loyalty, and senior leaders' coteries disregarded the law and provocatively flaunted their privilege. The Palestinian public perception of their leaders began to shift slowly but steadily away from idolization to suspicion and even resentment. While this was not a linear process—Palestinians always had to balance their skepticism of their leaders' domestic performance against support for these same leaders in the quest to confront and end the occupation—it ultimately amounted to a major factor in the deep erosion of these leaders' credibility and legitimacy, especially as hopes for ending the occupation began to fade.

Arafat managed to navigate this and maintain his own image among Palestinians largely intact. This was due to a number of factors: his history as the founding father of the modern Palestinian national movement; his inclusive, though by no means democratic, style of governance where dissent was tolerated up to a point and stakeholders were engaged and had access to him; and his ability to skillfully brandish the "resistance" card. Under Arafat, public frustration with the PA's poor governance may have led to growing opposition to him and to Fatah, yet it did not translate into the Palestinian populace questioning his—and by extension the PA's—legitimacy.

Arafat's successor, Mahmoud Abbas, does not enjoy these same assets. While Abbas started his term allowing for a reform process to proceed under Prime Minister Salam Fayyad, he eventually reversed course. He lacked Arafat's historic standing and charisma, is intolerant of disagreement and criticism, and is more comfortable engaging with world leaders than he is with engaging constituencies. Under Abbas, frustration with the PA's governance came to the forefront.

Hamas initially benefited from the PA's failure to provide good governance, and presented itself as the alternative, successfully running its 2006 parliamentary campaign on a clean governance platform. Once Hamas violently wrested control of the Gaza Strip from the PA in 2007 and became the sole governing authority there, its promise of good governance proved elusive. While its inability to provide services could, at least initially, be explained away by the isolation imposed on it by Israel and the international community, its corruption, nepotism, and authoritarianism were almost indistinguishable from the PA's own patterns of governance.

Most Palestinians became equally disenchanted with Hamas and the PA, a feeling that was only deepened by the two sides' unwillingness to reconcile after the 2007 rift. Much political energy and capital was expended by both sides trying to blame each other for the failure of reconciliation. And while these talking points resonated with their respective core supporters, for most Palestinians they sounded like excuses to maintain the status quo of national disunity. The public's view of then who is to blame for the lack of unity fluctuates slightly depending on circumstances. Yet, a solid majority consistently blames both parties and has grown to believe that both organizations are driven by factional considerations, not national interests.

A combination of the failure of both major Palestinian parties to provide a compelling vision for liberation, their equally dismal record of governance, and their unwillingness to allow for alternatives to emerge has led to a majority of Palestinians in the West Bank and Gaza to lose faith in national ideas, ideologies, leaders, and political institutions.

FIXING THE FOUNDATION

Oslo presents a mixed picture of undeniable achievements and lasting institutions on the one hand, and diminishing options and disappearing hopes on the other. Unless reversed, the current trajectory is pointing toward a collapse of the Palestinian national movement along with its institutions. Lack of progress on the peace process is eroding the very foundation that the PLO has based itself on since 1988 and on which the PA was created. In the eyes of many Palestinians, the PA is no longer a tool for achieving a compelling national liberation vision but rather a glorified municipal authority. At the same time, corruption, poor governance, and the steady tightening of the domestic political space are chipping away not only at the credibility but also the legitimacy of Palestinian national institutions and leadership, in ways that are not dissimilar to the conditions that led to the Arab revolts a few years ago.

Reforming PA institutions may be difficult but—as demonstrated by former Prime Minister Fayyad—not impossible. Irrespective of whether such moves will lead the Palestinians closer to independence—a matter that was hotly debated in the past—there is no doubt that reducing corruption, improving efficiency, and opening up the political space could remove a major vulnerability from Palestinian politics.

As for the peace process, a permanent peace deal producing a two-state solution would definitively reenergize Oslo concepts and provisions. Yet, such a deal is unlikely given both the weaknesses and divisions within the Palestinian body politic, with no Palestinian leaders today having the political capital necessary to make the hefty concessions needed to reach peace. Also, the current state of Israeli politics and its steady shift toward the right hurt peace prospects.

Instead, the only available option is a series of less ambitious yet concrete steps that impact the lives of Palestinians (and Israelis) such as modestly expanding areas under PA jurisdiction and generally reducing the footprint of the occupation in the West Bank. While such moves fall far short of Palestinian aspirations, they can create a sense of progress, allowing Palestinian leaders to claim that their commitment to diplomacy and non-violence is moving their nation, albeit slowly, toward de-occupation, while giving Palestinians a sense of hope that their future may be better than their present.

The issue of Palestinian unity is more complicated. It can even be argued that true unity is impossible given the irreconcilable nature of Hamas and the PLO's vision for what "liberation" means: a two-state solution versus the destruction of Israel to create a Palestinian state throughout historic Palestine. The two sides also fundamentally disagree on what kind of a state is to be created postindependence—a secular, albeit conservative, one or a theocracy.

While true reconciliation may be elusive, steps can be taken to start addressing the disunity by reintroducing the PA into Gaza. This will not end the divide but will create a new dynamic. Today, the geographic separation of the PLO and Hamas in the West Bank and Gaza respectively causes the split to feel more abstract and removes any sense of urgency or practical implications from it. Moving the PA back to Gaza, even under imperfect conditions, will bring the two sides into contact with one another and force them to address and deal more realistically with their political and security problems.

SLOWLY REVIVING OSLO

Such measures will not immediately revive Oslo, but can buy time and even begin the process of its revitalization. Palestinian institutional and political reform can help rehabilitate the credibility of Palestinian institutions and provide for political dynamics capable of producing leaders with sufficient legitimacy to engage in meaningful negotiations. (Israeli politics, of course, must overcome its own challenges.) Reintroducing the PA into Gaza even under suboptimal conditions can help prevent the Palestinian split from becoming permanent. And modest but concrete steps in the peace process can preserve the idea that cooperation can produce results, and give credence to the value of Palestinian-Israeli peaceful cooperation. Taken together, such developments may be able to create a new reality under which the process started in Oslo twenty-five years ago can finally be concluded.

Getting to that point is of course fraught with uncertainty, but the alternative is grim. Continued stagnation in the peace process and deterioration in internal Palestinian politics and governance are pointing to the erosion and ultimate collapse of Oslo and all its trappings—be they the two-state solution or the Palestinian Authority. The Palestinian national movement as a whole may have become so inextricably linked with Oslo that it may not survive its demise. This would obviously be disastrous for the Palestinians, but it would also create a governance and security vacuum—the damage resulting from which would extend far and beyond the Palestinian arena.

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