

The Oslo Process: Hebron and Beyond

[*Joel Singer*](#)

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Today's agreement is actually a package that includes: a protocol on security in Hebron and Israel's redeployment, a U.S. "Note for the Record" (reproduced below), U.S. letters of assurance, and a U.S. plan of assistance. Moreover, the accord is comprised of three different elements. It deals first with the present situation in Hebron, it next discusses unfulfilled items from the past, and finally it lists terms for future agreements beyond Hebron. Historically, the Oslo agreements have been in this package form: discussing the current issue at hand, discussing lingering issues, and adding positive commitments for the future. However, the Hebron negotiations were different from previous agreements in two important ways. First, the elements addressing the future became extremely important, if not the most significant part of the negotiations. Second, it took much longer to negotiate this agreement than in the past.

Why Did It Take So Long? In every set of negotiations, it takes a period of time to overcome the barriers of mistrust and suspicion that exist initially between the two sides. The two sides must be clear which items they want to cover and in what order. Before discussing the issues at hand, it is necessary for the negotiators to establish a sense of rapport and to lay down the "rules of the game." The Hebron negotiations were no different. Although the Oslo process has been in existence for over four years, the current set of negotiations represented the first encounter between Likud negotiators and Palestinians. Negotiations stalled as the sides first worked to overcome their mutual suspicions, adding weeks or months to the negotiating process.

Another example of these kinds of problems was in the negotiations over Gaza/Jericho. The original Oslo agreement was negotiated secretly between four Israelis and three Palestinians, but then each side brought thirty or forty negotiators together to conclude the Gaza/Jericho implementation agreement. As a result, it took eight months to conclude the agreement, with the first five months devoted to only 10 percent of the final agreement. In actuality, the two sides spent those five months building trust and searching for common ground. So by comparison the length of time needed to reach the Hebron agreement is not as excessive as it might seem.

Substantive Problems From the outset, Prime Minister Netanyahu and the Likud party opposed the Oslo agreements in their entirety. Ideologically, Netanyahu had to move a long way from his initial stand to reach an agreement on Hebron. Accepting the reality of the situation required time and—compared to the history of others forced to make this kind of philosophical shift—this shift occurred rather swiftly.

There were three different options for Netanyahu to follow regarding the Oslo process:

- 1) Find a way to kill the agreements, initially, or in their implementation. This would have been very easy, especially during the incidents following the opening of the Hasmonean tunnel. After Palestinian policemen shot and killed thirteen Israeli soldiers, Netanyahu was in a very strong position both politically and legally to suspend the agreements, but he chose not to.
- 2) Implement the agreements to the letter during the interim period but adopt a position in the permanent status talks that would make it impossible to come to any agreement, and thus continue indefinitely with the interim situation. This was Menachem Begin's strategy, but not—apparently—Netanyahu's. In the Camp David agreement, Begin had wanted to keep Palestinian autonomy as the permanent solution. Yet when Begin met with Carter, he was persuaded to add a five-year interim plan which would result in negotiations for a final status arrangement. Begin agreed to this, knowing he would never agree to a solution satisfactory for both sides.
- 3) Adopt the general approach of the Rabin/Peres government and seriously work to find an acceptable final solution. This appears to be the strategy Netanyahu is taking.

Perhaps this is a result of the key differences between Camp David and Oslo II. Camp David allowed for a "thin autonomy" giving Israel substantial authority throughout the West Bank. Israeli troops would redeploy one month after the signing of the agreements, but the IDF would retain security authority everywhere in the West Bank with Palestinian police subordinate to Israeli troops.

The Oslo agreements are different from Camp David in two respects. First, under Oslo II the redeployment of forces takes place in stages. Second, Oslo II has elements of partition from its very beginning; areas are clearly defined for Palestinian rule or for Israeli rule, and Israel retains only minimal authority in the Palestinian areas.

Netanyahu faces two problems. Substantively he has agreed to something that is not to his advantage. By accepting a series of three redeployments, slightly postponed from the original timetable, he will find himself with fewer and fewer assets with which to bargain in "final status" talks. This will have one of two implications: either it will expedite the permanent status agreements and push them to completion before the last phase of redeployments, or else it will force a postponement of the final phase of redeployments.

A Win-Win-Win-Win Agreement Because there were no fundamental changes to the original Oslo agreement, Hebron provided Arafat with a "win." Yet because Netanyahu was also able to postpone the final phase of redeployments, and improve some aspects of the security situation for Israeli settlers in Hebron, he also deserves a "win." Throughout the negotiations, the United States played a significant role, potentially a bad sign that the two sides are no longer able to talk directly to one another, but a plus for Washington, at least in the short run, by demonstrating Washington's continuing importance in the process. During the negotiating process President Mubarak showed the world that an agreement will only be passed when he approves it, a "win" for Cairo and Egypt's standing in the Arab world. Finally, King Hussein was able to play an important constructive role at the last minute, breaking the deadlock and bringing the negotiations to a close.

The signing of the Hebron package moves the process forward in a positive direction. The two sides are now poised with a road map to address the remaining issues on the Israeli-Palestinian agenda. While there still remains the potential for terror attacks and other problems throughout the upcoming talks, the Hebron agreement confirms the Oslo Process as the only acceptable route to resolve the Israeli-Palestinian conflict.

This Special Policy Forum Report was prepared by Lauren Rossman. The unofficial text of the U.S. "Note for the Record" appears below.

NOTE FOR THE RECORD (unofficial text) The two leaders met on January 15, 1997 in the presence of the U.S. Special Middle East Coordinator. They requested him to prepare this Note for the Record to summarize what they agreed upon at their meeting.

Mutual Undertakings: The two leaders agreed that the Oslo peace process must move forward to succeed. Both parties to the Interim Agreement have concerns and obligations. Accordingly, the two leaders reaffirmed their commitment to implement the Interim Agreement on the basis of reciprocity and, in this context, conveyed the following undertakings to each other:

Israeli Responsibilities: The Israeli side reaffirms its commitments to the following measures and principles in accordance with the interim Agreement:

Issues for Implementation 1. Further Redeployment Phases: The first phase of further redeployments will be carried out during the first week of March. 2. Prisoner Release Issues: Prisoner release issues will be dealt with in accordance with the Interim Agreement's provisions and procedures, including Annex VII.

Issues for Negotiation 3. Outstanding Interim Agreement Issues: Negotiations on the following outstanding issues from the Interim Agreement will be immediately resumed. Negotiations on these issues will be conducted in parallel: Safe Passage; Gaza Airport; Gaza port; Passages; Economic, financial, civilian and security issue; People-to-people 4. Permanent Status Negotiations: Permanent status negotiations will be resumed within two months after implementation of the Hebron Protocol.

Palestinian Responsibilities: The Palestinian side reaffirms its commitments to the following measures and principles in accordance with the Interim Agreement:

1. Complete the process of revising the Palestinian National Charter 2. Fighting terror and preventing violence a) Strengthening security cooperation b) Preventing incitement and hostile propaganda, as specified in Article XXII of the Interim Agreement c) Combat systematically and effectively terrorist organizations and infrastructure d) Apprehension, prosecution and punishment of terrorists e) Requests for transfer of suspects and defendants will be acted upon in accordance with Article II(7)(f) of Annex IV to the Interim Agreement f) Confiscation of illegal firearms 3. Size of Palestinian Police will be pursuant to the Interim Agreement. 4. Exercise of Palestinian governmental activity, and location of Palestinian governmental offices, will be as specified in the Interim Agreement. The aforementioned commitments will be dealt with immediately and in parallel.

Other Issues: Either party is free to raise other issues not specified above related to implementation of the Interim Agreement and obligations of both sides arising from the Interim Agreement.

Prepared by Ambassador Dennis Ross at the request of Prime Minister Benjamin Netanyahu and Ra'ees Yasser Arafat.

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