

THE PALESTINE - ISRAELI "PEACE AGREEMENTS"
BETWEEN CHALLENGES AND HOPES

A THESIS PRESENTED BY
AFAT SHA'SHA'A

TO

THE INSTITUTE OF ECONOMICS AND SOCIAL SCIENCES
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF MASTERS
OF INTERNATIONAL RELATIONS

BILKENT UNIVERSITY
AUGUST 1998
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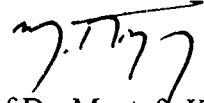
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ABSTARCT

The Palestine-Israeli “Peace Agreements” Between Challenges and Hopes

This study aims to explain the obstacles to settling the Palestinian-Israeli conflict, focusing on the “peace process,” which was launched in 1991, and the agreements signed in 1993 and 1995 between the two parties, which were presumed to convert this perpetual conflict into a “just, lasting and comprehensive peace,” but resulted in a virtual standstill.

A critical analysis of the principles of the agreements, and an assessment of the challenging experience throughout the peace process echo the fact that the agreements did not solve the conflict with its limited, interim principles. And hence, recalling for the mobilization of international law, and implementation of UN Resolutions on the conflict, may contest the obstructions caused by the accords and compel the inauguration of a new epoch of peaceful coexistence for both nations on one land.

Key words: Palestine-Israel conflict, “Middle East Peace Process”, “Oslo Peace Agreements”

ÖZET

Filistin-İsrail “Barış Anlaşmaları” Çelişkiler ve Umutlar arasında

Bu çalışmanın amacı, Filistin-İsrail sorunu çözümü için 1991’de başlatılan “Barış Süreci” ve iki taraf arasında 1993 ve 1995’te imzalanan ve bu süregelen sorunu “adil, kalıcı ve etraflı” bir barış’a dönüştürmesi umulan, ancak tam bir çıkmazla sonuçlanan anlaşmalar üzerinde yoğunlaşarak, bu sorunun çözümündeki engelleri incelemektir.

Anlaşma hükümlerinin eleştirel bir analizi ve barış sürecinde yaşanan zorlu deneyimin bir değerlendirmesi, anlaşmaların sınırlı ve ara çözümler öneren hükümlerinin sorunu çözmekten uzak kaldığı gerçeğini yansıtmaktadır.

Böylelikle, uluslararası hukukun yeniden harekete geçirilmesi ve bu sorun üzerine alınan BM kararlarının uygulanmaması anlaşmaların neden olduğu engelleri aşmayı sağlayabilecek ve her iki ulusun da tek bir toprak üzerinde barış içinde birlikte yaşayacağı yeni bir dönem açılmasını zorunlu kılacaktır.

Anahtar sözcükler: Filistin-İsrail sorunu, Ortadoğu Barış Süreci, Oslo Barış Anlaşmaları.

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Introduction

The Palestinian-Israeli conflict has been a crucial test case for the United Nations Organization, although it was among the first questions addressed by this organization.¹ Despite the Agreements to resolve the conflict, which are hailed internationally as the Peace Agreements, the “just, lasting and comprehensive peace” has not been achieved, considering the facts on the ground that reflect a disturbing reality different from the one addressed to settling the conflict.

A study of the strengths and weaknesses of the agreements and an examination of the relevance of UN Resolutions, on which the “peace process” was based, certainly requires a judgment for promoting more comprehensive resolutions. For instance, the implementation of UN resolutions that put forward the roots of the conflict, lay the foundation for the realization of Palestinian self-determination, and promote the obligations of both the State of Israel and the emerging Palestinian Authority in the Occupied Territories to inaugurate a new epoch of peaceful coexistence for both parties during a period of dramatic transition.

The core of this argument is presenting the historical background of the Palestine-Israeli conflict, and the obstacles to initiate a peace process, in order to outline the factors necessary to inaugurate a peaceful coexistence. Because the simple reality that this process is not working is due to the crucial issues it deferred to the last stage, and to the challenges of implementation, influenced by the global, regional, and individual circumstances which created the “peace process” in 1991. Moreover, these circumstances

influenced the dynamics of negotiations, which were imposed with two of the UN resolutions, and were diverted to new problems on participation and other technical and external interruptions. These new issues became the crux of negotiations; the meetings and negotiations became the goal, and not the means to achieve the peace process.

The bilateral and multilateral peace-making efforts, which began in Madrid “Middle East Peace Conference” in 1991, continued in Washington, D.C. Then in the spring of 1993, secret Israeli-PLO negotiations began in Oslo, Norway. Despite all the obstacles, an agreement was reached in the summer of 1993, and was signed on the White House lawn on September 13, 1993. It was followed by the Rabin-Arafat handshake that symbolized the significance of the Israeli-PLO Declaration of Principles (DOP) which had been signed that day. Israel and the PLO reached a number of agreements on economic and financial issues as well as the early empowerment of the Palestinian Authority in the Gaza Strip and Jericho (the agreed areas for Palestinian Self-Rule).

Nevertheless, progress toward conciliation and peace was fraught with difficulties and complications as each issue endangered discord and debate. The deficiencies of the principles of the agreements as well as the challenges of implementation all undermined the progress of the accords. This eventually drove the “peace process” into a virtual standstill, with each party claiming that the other failed to meet commitments on the agreements. However, assessment of the dramatic experience following the signing demonstrates that unless the crucial issues of settlements, Jerusalem, refugees, self-determination, withdrawal from the occupied territories, and “independence of Palestine”, are discussed and settled, the “just, lasting and comprehensive peace” remains unfeasible.

Thereupon, in chapter one, the dynamics of negotiations between the two parties—which led to the signing of these agreements, will be illustrated in light of the historical background of the conflict. Chapter two will be a critical reading of the agreements and an assessment of their principles and of the crucial issues that were deliberately postponed to the end of the peace process. In chapter three, the crux of implementation and the level of commitment will be clarified by reviewing the post-Oslo experience; an experience of instability and confrontation on several issues that will be identified.

In conclusion, it is unavoidable to looking forward to any alternative except to one that would indeed create the “just, lasting, and comprehensive peace.” Such an alternative is possible by the mobilization of international law and enhancing UN resolutions, which grant both parties equal rights that will finally inaugurate a new epoch of peaceful coexistence.

Chapter 1: Motives behind the Agreements And Dynamics of Negotiations

The road to the Middle East “peace process” launched in 1991 is a phase in the history of the Palestine-Israeli conflict in which various challenges circumvented the process to a genuine peace. The core of these challenges is an extension from the historical background to the prospects for settling the conflict. Yet, global, regional and individual circumstances led to the inception of the process at Madrid in 1991 and influenced the dynamics of negotiations behind the signing of the agreements between Israel and the Palestinian Liberation Organization in 1993 and 1995. Therefore, the understanding of the historical background to the conflict, with extension to the motives behind the signing introduces the obstacles to construct a genuine peace process that could settle the conflict.

1.1 Historical Background of the Palestine-Israeli Conflict

The fact that there is no Palestinian territory to which the Palestinian people belong, is deeply rooted in every step forward on the part of Zionism, served by the imperialist powers. This started with *excluding independence for Palestine* in the secret Anglo-French agreement of 1916,² succeeded with assurances given by the British Government to the World Zionist Organization (WZO) to establishing a national home in areas in East Africa and Argentina as sites for the Jewish national home.³ However, the “Jewry’s tenacious yearning for Palestine as the only acceptable territory for a Jewish national home”,⁴ resulted in what is known as the Balfour Declaration in November

1917. The British Foreign Secretary, Lord Balfour, promised Palestine to the WZO due to “the strategic advantage of gaining a new ally that would help guard the Suez Canal.”⁵

Although a commission appointed by President Wilson, during the Paris Peace Conference in 1919 mentioned that “to making Palestine distinctly a Jewish State [would be] a serious injustice,”⁶ after three decades the Balfour declaration was implemented in a radically transformed Palestine. Anti-Semitism and the Nazi Persecution of European Jewry escalated the immigration of Jews to Palestine.

The British census of 1922 showed a population of 757,182 of whom 83,794 were Jews.⁷ Although “Palestine was fully inhabited by 94% being Palestinian Muslims and Christians and less than 7% Jews,”⁸ the Zionists justified their vision and plans through their famous slogan “a land without a people for a people without a land.” Palestinians were not successfully able to face this imperialistic plan and were defeated in 1948, and the name Palestine that existed as a well-defined unit until 1948 had to be eliminated.

By international law, the UN resolution 181, on 29 November 1947, called for the partition of Palestine. The resolution called for the end of the British Mandate and the partitioning of Palestine into two independent states, an “Arab State” and a “Jewish State” joined by an economic union. The city of Jerusalem was to be put under a separate international regime. This resolution determined that the Jewish State would have more than 55% of the Palestine territory, despite the fact that Jews made up only one-third of the population in 1947, and would include major Palestinian population centers and the richest coastal agricultural land.⁹

Palestinians rejected the partition plan, because while terminating the British Mandate, the international community accepted the transition to another one. Moreover,

the partition was arithmetically erroneous because it did not take the figures and proportions of population and ownership of land into consideration. The Jewish State was to include the most fertile plane and the Mediterranean coast, while the Arab State was assigned mountains and arid regions of Palestine. On the other hand, Israel accepted only one element of the plan, which called for the establishment of a Jewish state. The other elements, which have never been accepted by Israel, include:

1. The creation of an Arab state, whose boundaries are specified.
2. The creation of a special international zone, encompassing the Jerusalem metropolitan area. A detailed map of the international zone of the city of Jerusalem is part of the resolution.
3. The adoption of a constitution for the Jewish state.
4. The creation of an economic union and a joint Economic Board for the two states.
5. No expropriation of land owned by an Arab in the Jewish State shall be allowed except for the public purposes.
6. Palestinian citizens ... as well as Jews and Arabs, who do not hold Palestinian citizenship, reside in Palestine ... shall ... become citizens of the State in which they are resident.
7. Jaffa should be an Arab enclave in the Jewish State.¹⁰

The Refugee Crisis

The creation of Israel led to the displacement of over 700,000 Palestinian refugees in 1947 and 1948 and the subsequent loss of a huge amount of land and other property.¹¹

“An especially bloody, terrorist incident was a Zionist attack on the Arab village of Deir Yasin near Jerusalem. The village which had tried to avoid embroilment in the fighting lost 255 men, women and children in the Zionist attack. Reprisals followed with an Arab attack on a Jewish convoy with 77 killed.”¹²

The first Arab-Israeli war created about three-quarter of a million homeless Palestinian Arabs. The British estimated in February 1949 that about 320,000 Palestinians moved into, or already resided in, the eastern section of Palestine, which was

controlled by the Arab Legion and Transjordan. Approximately 210,000 moved into camps in the Gaza region, 100,000 into Lebanon, and 75,000 to Syria. Some refugees went to Egypt and others to Iraq. Some 150,000 remained within the established Jewish State.¹³

No one in 1948 viewed the refugee problem in long-range terms. Neither Israel nor the Arabs, at least for many years, did very much toward finding a solution. The United Nations Relief and Work Agency (UNRWA) tried to alleviate the refugees' immediate situation. On December 11, 1948, UNGA passed Resolution 194 establishing a Palestine Conciliation Commission, to facilitate the repatriation or compensation of Palestinian Arab refugees.¹⁴ However, in practice, these refugees remained in exile and have thus become the victims of an international neglect of duty to protect their identity as bearers to the right to self-determination in the area proposed for an Arab State as defined in the plan of Partition.

Several issues distracted attention from the problem of the future of Palestine, and the fate of these refugees, such as the emergence of oil in the Arab world, the increasing involvement of the Soviet Union in the Middle Eastern affairs, added to the nationalization of the Suez canal in 1956.

The rise of PLO in 1964

The 1960s marked a period of struggle for national liberation and the end of colonial regimes in many parts of the world. Palestinians understood that tears could neither liberate their homeland, nor feed their refugee families. Mr. Yassir Arafat and his loyalties set out to shape the Palestinian people as a national community. He founded Al

Fatah in 1956. Then under the sponsorship of the Arab League in 1964, the Palestinian Liberation Organization (PLO) was established and appeared to be the embodiment of national aspirations to large numbers of Palestinians. This put the Palestinians on the world map again.¹⁵

Between 1948 and 1967, Palestinian communities on the border of Israel were exposed to constant war. During and immediately after the 1967 War, a second wave of refugees moved outward from the West Bank in the face of Israeli occupation, to the West Bank of the Jordan River. A smaller group moved away from the Golan Heights as that area was occupied.

Out of this disaster, in November 1967 came the Security Council Resolution 242, speaking of Palestinians only as refugees and deliberately ignoring that Palestinians are people who have rights to self-determination. Nevertheless, the PLO accepted 242 so long as it was not isolated from, but taken in conjunction with the other UN resolutions that recognized Palestinian rights.¹⁶

After the 1967 War, Israeli occupation extended to the Sinai Peninsula, the Golan Heights, and all of historical Palestine. However, the possession of new armed forces and weapons by some Arab countries after 1967, coupled with the PLO advocacy of armed struggle and Palestinian self-reliance, all effected Israel's adequacy in protecting Western interests in the region, and of those who supported the establishment of Israel.

After the 1973 War, the UN resolution 338 came out to face the fate of the previous resolutions. Palestinians did not accept this resolution as it indicated that every state in the area should live in peace within secure and recognized boundaries, which does not any way mean the Palestinians since they did not have a state.

The Palestinian National Council, then, called for an independent State *on any portion of historic Palestine*. In February 1969, “the PLO proposed to Israel that a joint, secular, democratic state be created in Palestine. This plan was to be utopian and was rejected.”¹⁷ As Abba Eban, Israel’s ambassador to the UN, recorded; “[there is] no need to run after peace. The armistice is sufficient for us. If we run after peace, the Arabs will demand a price from us – borders [that is, in terms of territory] or refugees [that is, repatriation] or both. Let us wait a few years.”¹⁸

In March 1982, Israel invaded South Lebanon, where the PLO had built a social and military infrastructure. Israel completed the destruction of Beirut, killed thousands of innocent civilians under rocket attacks, in order to strip Palestinians of their national identity and their newly formed national history. The outcome of this invasion dispersed the PLO into eight Arab countries, with Yassir Arafat establishing new headquarters in Tunis.¹⁹ These confrontations between Israel and the Palestinian Lebanese forces resulted in inflation in Israel 400% recovered by US financial aid of US\$4 billion at once.²⁰ The American support to Israel extended to the US veto right in Israel’s favor ever since.

In the late 1980s, the historical uprising --*intifada*-- of the Palestinian youth facing the Israeli army, with stones being felled by bullets, stunned Israel and the whole world. The *intifada*’s goal involved an end to Israel’s military occupation, recognition of the Palestinian people’s right of self-determination, agreement that the PLO should represent Palestinian interests in any political settlement, the eventual establishment of a Palestinian state in the West Bank and Gaza, also the evolution of the idea of a secular, democratic, two-state solution. Only one of these goals was achieved which was recognition of the PLO.

1.2 Imperatives for ending the Palestine-Israeli Conflict

All the above mentioned events not only disinclined the competence of Israel in surviving among adversary neighbors, but also in protecting Western interests in the region, which made Israel a burden on the West. The United States, for example, was not willing to finance a defeated army-- defeated in the sense of not achieving its full objectives. The US Secretary of State, James Baker, in 1989 gave a speech to the Israelis telling them “You have to search for another realistic perspective. If this army is not defensible, your objectives can not be achieved.”²¹ This led to a re-consideration of the Israeli policy, as described by Shimon Perez in his book about the Middle East, that “we [Israel] have to build the ‘economic Israel’ instead of ‘Greater Israel.’”²² Even earlier, with the Shamir government, Israel had already moved towards a change. In 1986 there were clandestine talks between the PLO and Israel. However, these talks did not achieve anything and did not last long.

1.3 The Road to the “Peace Process”

The global changes in the early 1990s created the conditions for a negotiated settlement in the Middle East. In 1991, the collapse of the Soviet Union and the destruction of Iraq reshaped the strategic balance in the Middle East.

Internationally, the collapse of the socialist bloc in Eastern Europe, and of the Soviet Union in particular, removed what for the PLO had been a historic counterweight to the imperial and pro-Israeli designs of the United States in the region. The Soviet collapse also prompted massive Soviet Jewish emigration to Israel with 390,682 Soviet

Jews settling there and in the territories in the years 1990-92.²³ On the other hand the 1991 Gulf War's impact on the expulsion of Palestinians by Kuwait after the Iraqi withdrawal, revealed the fact that lacking statehood, these expelled Palestinians had no where to go.

Moreover, the end of the Cold War ended the financial and diplomatic support from Moscow to Palestinians vis-à-vis Israel. A new world order started headed by the United States who initiated this peace process, due to its certain interests and preferences concerning the outcome of the process. These preferences were “predicated on the assumption that the US has a title to the Arab world's petroleum resources, a privileged access to its markets and waterways,”²⁴ after normalization between Israel and the Arabs is totally achieved.²⁵ As ally and protector of Israel, the US was simply unable to credibly discharge its self assigned mission as the catalyst for peace. This pattern is rooted in a special relationship, transformed into a strategic alliance during a period of three decades, which witnessed a convergence of US strategic interests with Israeli territorial ambitions.

On 6 March 1991, George Bush announced his four-point initiative to solve the Middle East problem: implementation of Resolutions 242 and 338; the **acceptance** of the principle of ‘land for peace’; the legitimate rights of the Palestinian people, and peace and security for the State of Israel.²⁶

Although the “legitimate rights of the Palestinian people” were not in the context of Resolutions 242 and 338, and although there was no indication about the UN resolutions that set out the Palestinian rights, Mr. Arafat immediately welcomed the contents of these initiatives due to several reasons. These reasons were in particular his declining leadership and marginalization in Tunis as well as the rise of autonomous

leadership in the West Bank and Gaza during the *Intifada*. He accepted the imposing US settlement, which specifically avoided taking into account, for instance the UN Resolutions 181 or 194, that stipulate Palestinian right to statehood and repatriation of the refugees.

For Israel, this was the first time since the 1979 peace treaty with Egypt that a number of Arab states seemed ready to conclude peace. It was, also, an opportunity for Israel to normalize and integrate with its neighborhood, as well as to free itself from US pressure on economic leverage. The settlement of the question of Palestine became the main issue for Arabs to re-stabilize the region after the Gulf War. Although the War had demolished the official Arab consensus on Palestine, eroded Arab solidarity, and revealed insecurity in the region, the settlement of the question remained among the main issues.

Palestinian intentions towards reconciliation emerged in the early 1970s, when Arafat declared the establishment of Palestine on any liberated land, as well as in the proclamation of the PLO's acceptance of UN Resolutions 242 and 338, and the implicit recognition of Israel in 1988. However, Israel's response was marginal and not official, coming from the Israeli left.

One Palestinian motivation for peace was the immense result of the years of uprising, which had claimed and maimed thousands of children, women, and men as its victims.²⁷ Moreover, during the 1991 Gulf War, Arafat's support for Saddam Hussein caused a financial and diplomatic disaster for the PLO. The combination of these circumstances gradually led Arafat to decide that a dramatic move was required to rescue the PLO from collapsing. Palestinians had assumed that their rights, enshrined in UN resolutions, would somehow supersede the essence of the peace process. Such changes of

attitude concerning the parties to the conflict helped to accept the idea of a regional peace conference sponsored by the US.

1.4 Inceptions of the Process

Meetings and negotiations between the Israelis and Arabs including Palestinians, to resolve the crux of their perpetual conflicts, created new obstacles and problems. The Palestinian representation at the peace conference was the first problem facing this process. In order to negotiate with the Palestinians, Israel conditioned its attendance on the Palestinians' participation as part of a Jordanian delegation that excluded members of the PLO, residents of East Jerusalem and diaspora Palestinians. Israel had demanded that the PLO should reinstate its recognition of Israel in clear and uncertain terms, renounce terrorism, and reject several controversial sections of the PLO Covenant.²⁸

This indicates that Israel had no intention to recognize the Palestinians as a sovereign nation, but only as a delegation whose attendance was necessary to resolve the Middle East conflict. The Palestinians, for their part, felt it was essential to expand their delegation to include representatives from East Jerusalem and the diaspora. However, they accepted the principle of a joint Jordano-Palestinian delegation, provided that the Palestinian component was on an equal footing with the Jordanian one, and that it received a separate invitation.²⁹ They insisted on clear recognition of the PLO, but did not demand a similar renunciation of terrorism from Israel.

However, the denial of recognizing the Palestinians as a nation was more obvious as the settlements were expanding in the occupied territories. In July 1991, Israeli settlement boosted. Israel asked the United States for \$10 billion worth of loan housing

guarantees.³⁰ President Bush urged the Congress to defer consideration of the new Israeli aid until January 1992, and Prime Minister Shamir was warned that Israel's loan request would be rejected unless Israel agreed to freeze its settlement activities in the occupied territories.

In September 1991, Baker met with Israeli and Palestinian leaders to review conditions for the parties' participation in the Middle East peace talks. Baker described the Madrid Conference as talks that would be followed by direct negotiations to end the state of war between Israel and its neighbors. His attempt was to reach a compromise, which would eventually lead to Palestinians' self-determination and, as it was based on resolution 242, would also end occupation from the lands occupied in 1967.

On 30 October 1991, the Madrid Conference was held, bringing together Israel, the Palestinians, Syria, Egypt, Lebanon, and Jordan. The conference marked an important breakthrough in that it was the first public, official meeting between Israel and its Arab neighbors. By marrying bilateral and multilateral peace-making efforts, it was conceptually different from previous attempts to resolve the conflict.³¹

The Madrid conference began ceremonially with a three-day session by 14-member official delegations. The Jordanian/Palestinian delegation had 14 representatives respectively. The Palestinians also sent a six person advisory team that had no official standing, but coordinated policy with the PLO. Some Palestinians considered that as a progressive achievement.

President Bush and Mikhail Gorbachev opened the conference. Bush called for peace based on security for Israel and fairness for the Palestinians. He said, "territorial compromise is essential for peace" and that only direct talks between Israelis and Arabs

could bring peace; the superpowers could not impose it.³² Israeli Prime Minister Yitzhak Shamir recounted the history of the Jews and argued that the cause of conflict was not territory but Arab refusal to recognize the legitimacy of Israel.³³ He did not mention the occupied territories or Israeli settlements. Palestinian delegation head, Haidar Abd al-Shafi, asserted that the Palestinians were willing to live side by side with the Israelis and accept a transitional stage, provided it led to sovereignty. He called on Israel to give the displaced Palestinian refugees, of 1967, the right to return and to stop settlements.³⁴ Jordan's Foreign Minister, Kamal Abu Jaber, rebutting a common Israeli view, declared that Jordan has never been and will not be Palestine.³⁵

The opening session was followed by bilateral negotiations between Israel and each of the Arab delegations. The conference was an important step on the road to peace in that it involved direct, bilateral, public and official peace negotiations between Israel and its Arab neighbors.³⁶ The negotiations in Madrid scheduled the implementation of Palestinian self-governance for October 1992. However, this did not happen because of several obstacles. In Madrid, bilateral negotiations between the parties to the conflict created new obstacles to a discussion on peace and on the territories' future. For example, Shamir proposed to the Arabs 'peace for peace' not 'land for peace'. He mentioned his regret "if the talks focus primarily and exclusively on territory."³⁷ He suggested that this was the quickest way to an impasse. On the other hand, the Palestinian delegation considered the settlements in occupied territories illegal, and insisted on linking its acceptance of the concept of an interim period, preceding final status negotiations, to an Israeli decision to come to terms with Israel's legal status in the West Bank and Gaza.³⁸

Negotiations between Israel and the Palestinians were conducted in phases,

beginning with talks on interim self-government arrangements, with the objective of reaching agreement within one year. Once agreed, the interim self-government arrangements were to last for a period of five years, beginning the third year of the period of interim self-government arrangements. Negotiations were to take place on permanent status on the basis of Resolutions 242 and 338. Israeli negotiators continually focused on the specifics of Palestinian self-government -- such as the nature of an 'autonomous' authority, its structure and legislative power -- while avoiding any discussion of substantive issues such as the applicability of UNSCR 242 to the process or the idea of transition from the 'interim' period of Palestinian self-government' to a final status settlement.³⁹

Subject to this provision, the Palestinians' acceptance of autonomy was a major concession on their part and one which they agreed to only as a temporary measure to overcome the obstructions and ensure the success of the negotiations. By adopting this policy, the Palestinians demanded, in return for their concession of accepting autonomy as a national phase, a halt to Jewish settlements in the occupied Palestinian territories, thus preventing Israel from exploiting the time required for negotiation and the autonomy period by continuing its 'Israelization' of these territories and from making the potential outcome of the negotiations essentially meaningless.

Bilateral negotiations began in Madrid and continued in Washington, D.C. between Israeli and Syrian, Lebanese, and the Jordanian-Palestinian delegations. At the same time a series of multilateral talks began to make some progress in defining and addressing the technical issues within their purview. In December 1991, the Washington summit conference was held between Arab and Israeli negotiators. The US did not

intervene to mediate the discussions. The Shamir government's tactics of intransigence continued between Madrid and Washington: new settlements were created in the occupied territories, and the settlers occupied more Palestinian houses in East Jerusalem.⁴⁰ Moreover, Yitzhak Shamir made more statements hostile to territorial concessions and to the creation of a Palestinian state. His government authorized Jewish settlers in the occupied territories to form an armed militia to enforce its will even in Palestinian villages. On 2 January 1992, a new Israeli budget was adopted which provided for the construction of 5,000 new housing units in the occupied territories⁴¹

The bilateral talks in Washington moved ahead at a slow pace in 1992. Although the bilateral discussion had no meaningful progress, none of the parties involved in the talks dropped out so as not to be held responsible for a deadlock in the process. The Palestinians discovered that their jurisprudence of the Palestine question, based largely on international law, was not the same jurisprudence that Israel was willing to apply. Nor was it the same jurisprudence that governed the Madrid process.

Consequently, all the Palestinians could do was to struggle to prove that they had rights, but they were blamed by the US administration for being unrealistic at the talks. "The US administration suggested that they focused on specific proposals rather than present general schemes that were part of an overall plan."⁴² Shimon Peres also accused the Palestinian "team", for being "disorganized and incapable of making even the most minor decision without referring to Arafat in Tunis for instruction."⁴³ The conference was closed after brief rounds of talks between Israel and its Arab neighbors and the Palestinians of the occupied territories.

1.5 Obstructions halting the process

The peace process was brought to a halt by Israel's deportation policy of Hamas activists. The Rabin government, on 17 December 1992, deported 413 Palestinians affiliated to Hamas for a one-year period, exiling them to the no-man's-land just north of Israel's Lebanese "security zone". Their expulsion led to international condemnation and another Security Council resolution censuring Israel. "The UN Security Council unanimously condemned the action taken by Israel, and demanded that Israel, the occupying power, ensure the safe and immediate return to the occupied territories of those deported."⁴⁴ This action immediately scuttled the post-Madrid negotiations in Washington, and pitched the territories into their worst period of violence since the *intifada*.

Under US pressure, Israel modified the expulsion orders, permitting a few deportees to return and scheduled a phased repatriation of the others.⁴⁵ In light of subsequent political developments and agreements reached with the US administration, the PLO then decided to return to talks in Washington. Yet, the Palestinian delegation to Peace Talks, presented the following conditions/questions to resume the talks.

- Since the reference in UNSCR 242 to the land occupied by Israel in 1967, is there any reason to question the fact that the land is actually occupied, hence subject to the principle of withdrawal?
- Since the term "occupied territory" as used by the US refers to the West Bank, including Jerusalem and the Gaza Strip, is there any reason for violating the territorial integrity of the land or fragmenting it?
- Since the US does not recognize Israel's annexation of East Jerusalem and the expansion of its municipal boundaries or any other illegal unilateral act to change the status of Jerusalem, is it not imperative on the US then to prevent Israel from carrying out such actions, particularly the settlement activities in and around the city of Jerusalem, and the city's siege and isolation as a form of de facto annexation?

- Should not East Jerusalem be part of the interim self-government arrangements [instead of leaving] the fate of the whole city to be determined in the final status negotiations?
- Since the purpose of interim phase negotiations is to bring the occupation to an end and to effect the peaceful and orderly transfer of authority from Israel to the Palestinians, does this not mean the establishing of a genuine self-governing authority with legislative, executive, and judiciary powers, and not just partial functional or executive tasks?
- Since the settlement activities are not illegal (by international law and international humanitarian law) but also obstacles to peace, as well as being unilateral actions that violate the terms of reference and preempt the final outcome, should the US accept such actions or allow Israel to continue their perpetuation knowing that they threaten to sabotage the whole peace process?
- Since the US position continues to be that this process should achieve the legitimate political rights of the Palestinian people, how does the US define these rights?⁴⁶

Despite the fact that these questions were crux of the conflict, the US responded in a Draft of “Israeli-Palestinian Joint Declaration of Principles”, suggested that the Palestinian interim self-governing authority had functional rather than territorial jurisdiction. The US offered different versions of the draft proposals on the Palestinian authority in occupied territories. Meanwhile, clandestine meetings between Israel and the PLO started in Oslo, Norway.

The Oslo channel, a series of 14 secret meetings between PLO officials and Israeli government advisors and academics began in late January 1993 and stretched over to the next eight months. These meetings were hosted and facilitated by Norway’s Minister of Foreign Affairs Johan Jorgen Holst and social scientist Terje Rod Larsen.⁴⁷ Out of these meetings the Oslo accords were born.

In 1993, the Knesset lifted the ban on Israeli contacts with the PLO. Once the ban on the contacts was lifted—the next day – talks began in earnest in Oslo. It was this secret Norwegian mediation that secured the Declaration of Principles between the two

adversaries. They started to negotiate the Declaration of Principles to guide the negotiations on an interim self-government authority.

The two sides agreed on the interim period, that the Palestinian Interim Self-Government Authority would exercise its territorial jurisdiction in the occupied territories that were not under Israeli control on June 4, 1967 including Jerusalem.⁴⁸ During their February 1993 meetings, both parties agreed on the Gaza Strip. In fact, the agreement on Gaza was not an achievement of the negotiating process, since for many years Israel's leaders from both the Likud and the Labor government had spoken of the need to withdraw from the Gaza Strip. David Ben Gurion had described "Gaza [as] a cancer that every healthy body must get rid of it to prevent it from spreading."⁴⁹ So, to get 'Gaza out of Tel Aviv', it was necessary to get Israeli troops out of Gaza. Since Hamas guerrillas were killing Jews, and Hamas was strong in Gaza, 'separation' from Gaza would mean a separation from 'terror,' especially that few Israelis had any kind of ideological attachment to Gaza, unlike areas of the West Bank and Jerusalem. Even Rabin, in an unguarded moment in December 1992, mused before an American Jewish delegation that he wished Gaza would 'disengage itself' from Israel and then 'sink' into the Mediterranean.⁵⁰

However, the PLO pointed that the first phase of the agreement must signal in tangible terms that the self-government would be taking effect on the West Bank and not just in Gaza.⁵¹ The Palestinians could not accept Gaza alone, and they demanded Arab east Jerusalem, and the heart of the occupied West Bank. The Israelis refused, and then settled on the poor quiet, but ancient city of Jericho as the seat of the Palestinian

government. Some Palestinians considered this achievement a victory, while others were disappointed.

The Palestinian delegation went to the talks armed with the negotiating plan adopted by the political leadership during the previous rounds, with the aim of reaching agreement on a “declaration of principles”. With the start of the talks, agreement was reached on forming working committees for land and water. However, it became clear to the Palestinian delegation that Israel was still relying on its old tactics in dealing at the negotiating table. “The Israeli negotiator uses three languages: the first, behind the scenes, which is very generous; the second, at the negotiating table, which is more cautious; the third, on the document, which is extremely intransigent and hard-line.”⁵²

1.6 Inception to Oslo I

August 1993 was a critical month for the negotiations that took place during that time and ended in a serious crisis. After specifying the points of disagreement, such as final status, the withdrawal of the Israeli military government, and Israel’s responsibilities regarding security control of bridges, the dialogue moved on to the question of mutual recognition. At the end of their meetings and negotiations, the two parties signed the first agreement of the Declaration of Principles on 13 September 1993.

Letters of recognition were signed almost three weeks after the PLO-Israeli draft Declaration of Principles (DOP) was initiated in Oslo in August 1993, and finalized in Paris by the same Israeli and PLO negotiators who had worked out the DOP. The letters opened the way for the signing of the final agreement on 13 September 1993. The letters were on plain paper without letterheads (an Israeli requirement because of the two

parties' unequal status). In the exchange of these letters, Israel recognized the PLO but qualified that recognition by limiting the context to the task of representing only those Palestinians who live in the West Bank and Gaza in the talks to be held within the framework of the Madrid process. The PLO, on the other hand, granted full recognition to the State of Israel. This recognition, however, was not conditional on ending the occupation or allowing the Palestinians to exercise sovereign rights in the territories.

The Declaration of (DOP) was an agenda of items that Israel and the PLO agreed to discuss within the context of peace settlement.

And yet, the text of the agreement was signed at the White House following the Israeli-PLO mutual recognition by Israeli Foreign Minister Shimon Perez and PLO Executive Committee member Mahmud 'Abbas. The final agreement was identical to the draft, prepared by the US, except for one change, added just before the ceremony: in the preamble, the words "the Palestinian team" changed to read "the PLO team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference.)"⁵³

1.7 Conclusion

After the inception of the process at Madrid, it became clear that regional and global imperatives, mainly the Gulf War and the collapse of the Soviet Union had created a meeting point between Israel and the PLO. However, negotiations between the two parties, based on the principle of 'land for peace' and UN Resolutions 242 and 338, were diverted to new problems on participation and other technical and external interruptions. Hence, meetings and negotiations became the goal and not the means to achieve the principles of the process. Accordingly, a Declaration of Principles, that is hailed as the

‘Oslo I Peace Agreement,’ was signed in 1993 to set out basic principles and a timetable for negotiations concerning both the establishment, for a transitional period, of a Palestinian Interim Self-Government Authority in the Gaza Strip and the town of Jericho, and for the negotiations on ‘permanent status’.

And yet, while the core of the conflict is the problem of nationhood, of land and of legitimacy, the outcome of negotiations was an interim agreement whose aim was to create the right conditions for further negotiations. The following chapter will elaborate and assess the agreed and the disagreed principles between the two parties.

Chapter 2: The Agreed and the Disagreed Principles Of the Peace Agreements

The road from Madrid to Washington to Oslo and then to Cairo has spelled number of Agreements between Israel and the PLO: the Declaration of Principles (known as Oslo I/DOP) on 13 September 1993, the Cairo Agreement on 4 May 1994 and Oslo II on 28 September 1995.

The Declaration of Principles is an agenda for negotiations, covering a five-year 'interim period'. The plan aims to establish an interim self-government authority in the form of an elected council in the West Bank and Gaza, which would provide a peaceful and orderly transfer of authority from Israel to the Palestinians. It further aims to create the right conditions for negotiations on the final status of the occupied territories. The formulae based on two UN resolutions emerged in the DOP was further developed in Oslo II.

2.1 Principles of Oslo I

The Declaration of Principles introduced new elements that included international observation of the future election, the granting of legislative authority to the council, and permitting Palestinians who live in East Jerusalem to participate in the election process. The agreement sets forth a speedy timetable for Palestinian self-rule (Article III and annex I). Although the core of conflict with Israel had always been land, specifically (and after the PNC of 1988, officially) the territories occupied in 1967, the issue of territoriality in the DOP was deeply ambiguous.⁵⁴ The Declaration lacks the clarity of a

map' although this was what most Palestinians had insisted that the peace process was all about; it only provides the commitment of a calendar. What was new in the Declaration was the procedure for Palestinian autonomy, especially Israel's pledge to redeploy from the Gaza Strip and the West Bank town of Jericho as the 'first step'.

The declaration elaborates on the conduct of general elections in the territories in order to create a self-governing council whose function is to carry out the interim arrangements. It also outlines an array of responsibilities for each side. Under the plan, the Palestinians would govern their own affairs in all spheres of daily life and provide for their own internal security. Israel, for its part, would retain responsibility for external defense as well as the security of Jewish settlements and Israeli civilians. The debate over elections sets up what will probably be the most significant political struggle of the interim period. Either Israel will succeed in imposing on the Palestinians an autonomy whose primary goal is to secure Israel's security and territorial interests, or the Palestinians will manage to wrest the rudiments of a law-based democratic polity to resist the Israeli vision and lay the bases for future national sovereignty.

The status of Jerusalem is to be unchanged throughout the five-year period of interim self-rule, but is to be raised in the course of negotiations on the permanent status of the territories. However, the agreement leaves no doubt that Israel would not forsake its demand that Jerusalem remains its undivided capital under Israeli sovereignty.⁵⁵

On the positive side, the arrangements over water (Article 6 and annex II) are remarkable for tangible measures of cooperation, including the principle of 'transboundary water-transfers', which the annex further specifies. The 'average annual quantities give Israelis approximately 80 percent and Palestinians 20 percent of the West

Bank water. Israel succeeded in forcing the Palestinians to accept the right of water “management” alone, and the same amount of water as was supplied to the Gaza Strip in the past, provided that for 28 years Israel enjoyed exclusive control over the sources of water west of Jordan River.

2.2 The Disagreed/Postponed Principles

The framework of the Peace deal left all matters relating to sovereignty outside the scope of negotiations for the interim phase. Thus discussion of major issues such as Jerusalem, the still expanding settlements, and land issues were to be deferred for several years, as well as the final condition of the Palestinian entity without any guarantee for establishing an independent Palestinian State at the final stage.

2.2.1 Self-Determination

It is striking that the Declaration does not mention self-determination, either directly or explicitly, or indirectly; the only two UN texts to which it adverts are the famous Security Council Resolutions 242 and 338, and none of them mention self-determination. Only a vague reference to the Palestinian right to self-determination might be extracted from Article III (3), where reference is made to ‘the realization of the legitimate rights of the Palestinian people and their just requirements’. However, by itself this clause is enigmatic with regard to the final granting of self-determination to the Palestinians.

For *internal* self-determination, the Declaration in Article III (1 and 3) stipulates that:

1. In order that the Palestinian people in the West Bank and Gaza strip may govern themselves according to democratic principles, direct, free and general

political elections will be held for the Council [of the Palestinian Interim Self-Government Authority] under agreed supervision and international observation, while the Palestinian police will ensure public order.

3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

Yet, the Declaration is silent about external self-determination, in particular on whether the Palestinians will attain independent statehood, or some form of association with one of the existing States (e.g., Jordan or even Israel), or both⁵⁶. However, various provisions stipulate that the primary goal of the Declaration is to lead to the attainment of a 'permanent status' through the aforementioned Security Council resolutions.

These resolutions' fundamental objectives are the following:

- I. the 'establishment of a just and lasting peace in the Middle East'
- II. the 'withdrawal of Israel armed forces' from occupied territories as a consequence of the 'inadmissibility of the acquisition of territory by war'
- III. 'respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area
- IV. 'a just settlement of the refugee problem'.

In order to attain these objectives, some sort of independent international status for the Palestinians needs to be established. Hence, the final status of the Arab territories occupied by Israel should be the achievement of independent statehood. How will the right to external self-determination be exercised? The Declaration states that the 'permanent status' of the West Bank and the Gaza Strip shall be the subject of negotiations between Israel and the 'Palestinian people representatives' (Article I and V.2), and that these negotiations must start 'not later than the beginning of the third year of the [five year] interim period' (Article V.2).

Everything is left to the agreement of the parties concerned. In particular, the Declaration does not spell out the possible final options: independent statehood free from

any military or territorial occupation, e.g. right of passage for Israeli troops or nationals, Israeli jurisdiction over Israeli settlements, the maintenance of Israeli military bases, the obligation for the Palestinians not to militarize certain areas, free integration into another State; or free association with another State.⁵⁷

The vague character of these expressions gives a different interpretation. For instance, ‘full autonomy for the inhabitants’ was interpreted by Israel to mean ‘personal autonomy’, whereas for Palestinians ‘territorial autonomy’ meant the autonomy of the West Bank, the Gaza District, and East Jerusalem. Similarly, the expression ‘self-governing authority’ was taken by Israel to denote an authority exercising powers and providing services ‘normally associated with the administration of the services and facilities of a particular group of people’. For Israel, the occupied territories were entitled to remain under the Israeli army and military administration in certain specific areas in the West Bank and the Gaza Strip. Israel contended that it would not divert itself of those powers, for its military administration would continue to be the source of authority for the self-governing bodies in the territories in question.⁵⁸

2.2.2 Security

The issue of security –internal and external-- and its relationship to occupation was not clear. For the Palestinians, security would be assured by the phased dismantling of the occupation, the exchange of land for peace, and eventual implementation of national and human rights. For Israel, occupation was a nonissue while security was the most important issue, as maintained in Article VIII of the DOP: “...the council will establish a strong police, while Israel will continue to carry the responsibility for

defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.”

The external dimension of security would enable Israel to proceed in the manner of a *de facto* sovereign, responsible for all points of exit and entry. The internal dimension, meanwhile, would shift daily policing from the Israeli army to the Palestinian Authority’s (PA) police. This was very well explained by the ex-Prime Minister Rabin: “I prefer the Palestinians to cope with the problem of enforcing order in the Gaza Strip. The Palestinians will be better at it than we were because they will allow no appeals to the supreme court – They will rule there by their own methods, freeing –and this is most important—Israeli army soldiers from having to do what they will do.”⁵⁹ Consequences of this dimension were severe, because it turned to confrontation between Palestinians and the PA, as will be illustrated in the following chapter.

2.2.3 Crucial Issues in Oslo I:

The Declaration leaves open uneasy questions. Crucial factors made the Oslo accords vulnerable to disagreements, causing new stalemates and creating new agreements. Another crucial issue was in Israel’s recognition, in the preamble to the declaration, of “mutual legitimate, and political right,” but not the national rights of the Palestinians or their rights of return enshrined in UN resolutions. The agreement was, in effect, predicated on the assumption that the Palestinians were the party that had done wrong and must apologize for resistance to a military occupation, effectively construed as acts of random violence. The “recognition” of the Palestinians by Israel actually acknowledged only the organization representing the Palestinians for negotiating the process, i.e., the PLO.

Moreover, there was a clear absence of any reference to the exchange of land for peace. The Declaration implies that the West Bank and Gaza are “disputed” rather than occupied territory, thus implying that Israel has an equal right to lay claims to the land. This led to disagreements over the DOP’s meaning and implications.

Haidar Abd al-Shafi, head of the Palestinian delegation, argued that the notion of ‘disputed’ rather than ‘occupied’ territory pervaded every aspect of the DOP. In his criticism, Haidar abd al-Shafi argued that, the DOP’s gravest flaw was that it failed ‘to address Israel’s illegal claim to the occupied territories’; if the territories were not ‘occupied’, then they must be disputed – the contention of every Israeli government since 1967. Even where Palestinians were granted limited jurisdiction – over the ‘five powers’, for instance – this refers to ‘Palestinians in the territories’ but not the territories themselves. Abd al-Shafi said: “... we helped confer legitimacy on what Israel has established illegally.”⁶⁰ At the time of Oslo, these lands comprised 65 percent of the West Bank and 42 percent of Gaza. ‘Withdrawal’, in other words, meant redeployment. More critical was Edward Said who denounced the agreement as ‘an embarrassment’ that had reduced the PLO from a liberation movement to a ‘small town council’.⁶¹ Among pro-Oslo Palestinians, Fatah’s leader Marwan Barghouti said: ‘Gaza-Jericho will not automatically lead to national independence, but the political space it opens up enables us to set off an irreversible dynamic [towards independence] through the new national mechanisms set in place.’⁶² The optimists believed that the return of the exiled PLO leadership and cadre could only strengthen and unify this new national struggle. However, Mohammed Abbas, the PLO executive Committee member, acknowledged that

Oslo ‘could lead to a Palestinian state or a catastrophic liquidation of the Palestinian cause’.⁶³

Another crucial issue was withdrawal. In the declaration, withdrawal was referred to as from the Gaza Strip and the West Bank City of Jericho, but not from the West Bank, where only redeployment from population centers would take place. Moreover, withdrawal would not abolish the military government, because Israel did not acknowledge its status as an occupier (Article XIII and Annex II).

One more crucial issue was the source of authority that remained vested in the occupation regime. The Palestinian parliament was granted quasi –legislative power only over education, culture, health, social, welfare, direct taxation and tourism (DOP, Article VI.2). This excluded the Israeli settlements and the network of roads connecting these settlements with each other and with Israel proper, Jerusalem, and military locations. Moreover, the legislative power granted to the Palestinian parliament was made subject to a review process in which Israel has an effective veto. (DOP, Article VI.1)

Not only these issues were crucial factors, but also together with other circumstances, consisted challenges to the achievement of true peace. These issues have contributed to the inevitable fragility of all of the succeeding agreements. The imbalance of power produced highly unbalanced agreements. This has led to opposition, which has been expressed in violence, including assassinations and suicide bombing.

2.5 From Oslo I to Oslo II

In the West Bank, and after the Hebron massacre⁶⁴, Faisal Hussein and Bashir Barghouti called for ‘a reformulation of the DOP to include discussion of settlements

now rather than after the interim period.’ For Hussein, Hebron had made this not an option but a necessity. ‘Israel has a choice’, he said. ‘It can have peace in the territories or it can have settlements in the territories. But it can no longer have both.’⁶⁵

After several months of long and protracted discussions on implementing the DOP, Israel and the PLO reached a number of agreements on economic and financial issues as well as the early empowerment of the Palestinian Authority in the Gaza Strip and Jericho. An optimistic reading of the Paris Economic Protocol contains the notion of a Palestinians-Israeli partnership based on political cooperation and free trade. Transforming limited autonomy into economic sovereignty will take Palestinian resourcefulness and ingenuity and require generous and sustained support from the international community. Critics of the protocol argue that political dependency cannot but mask economic dependency, because the freer the Palestinian market, the greater will be Israel’s economic domination of it. This pessimistic reading of Paris rests less on its textual detail than on recent Israeli practice in three Palestinian economic sectors and on the essentially neo-colonial vision that drives it.⁶⁶

Both the optimistic and pessimistic readings of the protocol acknowledge that in the short term, self-rule can only consolidate Israel’s hold over the territories’ economy. For optimists, such integration will develop and modernize the Palestinian economy laying the bases of economic sovereignty provided the PNA can set in place the right infrastructure conditions.⁶⁷ The pessimists argue that “given the grossly uneven relationships between the Israeli and Palestinian economies, the borders will be ‘open’ for Israel to penetrate Arab markets but ‘closed’ to the Palestinians to trade in any market other than Israel’s.”⁶⁸

In 1994, the two parties signed the Cairo agreement and the so-called Early Empowerment agreement, all of which had been prompted by deadlocks over border control (the security issue) and source of authority. After Rabin's insistence that Article VIII of the DOP had given Israel responsibility for "defending against external threats, as well as... for overall security of Israelis,"⁶⁹ Rabin confirmed Israeli responsibility for overall security even in Jericho and Gaza in the interim phase in which Arafat had set up his Palestinian Authority.

In Cairo on May 4, 1994, the agreement spelled out the first details of Palestinian self-government, but a full program remained to be worked out over the next five years. The major points in the Cairo agreement called for complete Israeli withdrawal from the Gaza Strip and Jericho within three weeks (except from areas required for security of Jewish settlements). Israel would retain authority over settlements in these areas, keep a military base on the Egyptian border and control certain roads linking Jewish settlements with Israel. On the other hand, the PLO undertook that, within two months of the date of the inauguration of the council, the Palestinian National Council could convene and formally approve the necessary changes in regard to the Palestinian Covenant (Article XXXI.9).

Israel applied the same security agreement in 1994 to establish a precedent regarding settlements. Sixteen Gaza settlements with 4,000 residents, occupying 18 square kilometers were given an additional 22 square kilometers of land to provide them with a "security zone" and a measure of continuity.⁷⁰ Israel used Article VII (5) of DOP to argue that settlements constituted an internal Israeli matter. Settlements were also a major stumbling block to extending the Gaza-Jericho agreement to the West Bank, as

provided for in the DOP, because of Israel's reluctance to jeopardize its numerous settlements there.

The result was a stalemate, which required a new version of the DOP, known as the interim agreement, or Oslo II, signed in September 1995. A major factor in that stalemate was Israel's insistence that Articles V and VI of the DOP made a distinction between Gaza and Jericho, where there is a requirement to "withdraw" Israeli forces, and the West Bank, where there is a requirement only to "redeploy" from certain areas and not from the entire West Bank.

Details of the agreement were confirmed at Taba, Egypt, on September 18, 1995 and Arafat and Prime Minister Rabin signed the agreement in Washington on September 28, 1995. Oslo II was concluded and a document initialed. The final settlement is likely to be a more or less exact copy of the Interim Agreement [Oslo I].

2.6 Principles of Oslo II

The Oslo agreement is defined under the two pillars that constitute it: elections, and the rule of law through the various individual freedoms and their protection by the police and courts.

Article X.1 of the agreement made a necessary connection between the elections and Israeli withdrawals: "the first phase of the Israeli military forces redeployment will cover populated areas in the West Bank -- cities, towns, villages and hamlets ... and will be completed prior to the eve of the Palestinian elections, i.e., 22 days before the day of elections."

This connection between withdrawal and elections was not clear on what should

happen first, although Article III.4, stipulates that “the PLO must call for election immediately following the signing of this agreement to take place at the earliest practicable date following the redeployment of Israeli forces.”

Depending on the nature, stability and results of an electoral process which was running well behind the maximum “nine months after the entry into force of the Declaration of Principle” (Article III.2), a decision would need to be made by America and Israel about whether a Palestinian State emerges, or whether Jordan will be the principal sovereign power. This was an issue whose result could not be predicted with accuracy. However, the general view was that if a Likud government ruled Israel, the answer could be the latter, and Jordan will recover, on paper, the territory it controlled before 1967. If Israel continued to be ruled either by a coalition government or by a Labor-dominated one, there could be a small Palestinian State.⁷¹

2.7 Crucial elements in Oslo II

Negotiations to conclude a full peace agreement between Israel and the Palestinians were to have begun in May 1996 and completed by 1999. However, this phase of negotiations was to include the most difficult issues, such as the borders between Israel and the Palestinians, the political status of Palestine, the fate of Jewish settlers in the territories and Palestinian refugees. Many of the issues remained in dispute and until now has not been entirely solved such as: “security” arrangements in Hebron, the lack of a clear timetable for the redeployment of the Israeli Army, the land expropriations to accommodate the building of “by pass roads”, the limited scope of the authority, and the question of the release of political prisoners.

Land: According to the agreement, Israeli forces were to be withdrawn from three regions in the West Bank. The first phase of Israel's re-deployment was to leave Palestinians with territorial jurisdiction over 30 percent of the West Bank. Further deployments were promised in the future but their extent was not specified (Article 29). And within the areas coming under Palestinian territorial jurisdiction, Israel continued to claim undefined 'legal rights' (Article XXXI). Israeli leaders say that there could only be a redeployment of troops from Jericho and the Gaza Strip.

The Interim Agreement essentially creates three separate areas, which differ in terms of who rules them: Area A includes a number of cities that will be "fully" under Palestinian control. Area B –comprising some 640 villages and refugees camps, which will be under "joint" control. That is, Israel will have definitive control over security matters, while the Palestinians will have responsibility in the civil realm. Area C – the Israeli settlements as well as all of the major traffic arteries in the West Bank, will remain under exclusive Israeli control. This category also includes "state land", which comprises approximately half of the land in the West Bank. Israel refused to hand it over to the Palestinian Authority during the interim period, claiming that "this is an issue that touches on the permanent settlement, because it is connected to sovereignty over the territory."⁷²

The interim agreement does not define the territorial authority of the Palestinian Authority. At the same time it does define the boundaries of the Palestinian collectivity for election purposes, and these boundaries include "liberated territories" [Area A], Area B and Jerusalem. In other words: "the West Bank and Gaza are defined ethnically but not geopolitically."⁷³

Related to the “land” issue is the Israelis’ notion of autonomy, which was the very antithesis of the Palestinian position. For the Israelis, it was to mean only limited autonomy, covering persons and not territory, the outcome of the interim phase was intended to sanction the application to the Palestinians of a status reducing them from a nation to a mere minority, with no right to sovereignty over, or legal and historical tie to, their territory, which would then be deemed to be an integral part to Israel.⁷⁴

Security: Israel retains ‘responsibility for external, as well as responsibility for overall security of Israelis (Article XII). In the name of security Israel is thus free to pursue any Palestinian anywhere (Annex, Article V).

The Clinton administration has effectively enunciated a new policy that considers Israel’s territorial needs and security requirements to be intertwined and their relationship determined by Israel. It has thus endowed Israel with the express power to redeploy in accordance with its security requirements as it “identifies” them itself during the interim phase.

The second major gain for Israel in the Hebron agreement (Oslo III) is what the United States refers to as “reciprocity”, a term introduced into the lexicon of Mideast diplomacy by Benjamin Netanyahu. Since he became Prime Minister, Netanyahu has accused Arafat of failing to live up to his commitments, thus justifying an agreement that he had opposed. The reciprocity obligation that is part of “Oslo III” places the onus on the Palestinian Authority, which must convince Israel that it is “capable and willing to comply with its security responsibilities” before Israel is “obliged to transfer additional areas of the West Bank to Palestinian jurisdiction.”⁷⁵

Rule of Law: Although the principle established in the DOP is repeated in Article XIX, requiring both Israel and the Palestinian Council to give “due regard to internationally-accepted norms and principles of human rights and the rule of law,” (Article XII.1) there is not much by the way of institutional arrangements to help put the principle into practice. In contrast, there is a repetition of the need for “a strong police force” (Article XIV.1)

No one as yet knows how the so-called mixed jurisdiction will be administered, in that whether there will be one law for Israeli settlers, another for Palestinians. There is still a great deal of uncertainty as to what law the PLO will be administering.

Jewish Settlements: By 1998, the future of Jewish settlements in the occupied territories is still in doubt. At the time of Rabin and his successor Shimon Peres, they refrained from discussing plans to remove the settlers. Indeed, they continued projects started by the previous Likud government to enlarge and develop settlements in the greater Jerusalem region, extending well into the West Bank. The settlers formed a powerful political bloc with support from Likud and parties to its right and large Jewish constituencies in the diaspora.

Looking at the practice since Oslo, the general trend for settlements has not stopped, although there must be particular reluctance to allow new Jewish settlers to move too far within the territories. Even in the case of Jerusalem, where the process of Jewish colonial settlement had never been put in question, the political outcry resulting from state confiscation of a huge piece of land and redeployment of the Israeli government in May 1995 hides a qualitative change brought about by the peace. As a

senior Israeli minister once put it: “we are not building bypass roads just to abandon them in two or three years.”⁷⁶

Jerusalem: The text of Oslo II leaves Jerusalem’s fate for the permanent status negotiations (Article XXXI). However, to judge by the map appended to the accord, Jerusalem is already a closed issue. The official map of Oslo implicitly places Jerusalem within Israel. All major Israeli political parties were determined to maintain Jerusalem as their national capital, under Israel’s exclusive jurisdiction.

Rabin sent a direct shot across Arafat’s bow on the issue that it was non-negotiable: “We have come from Jerusalem, the ancient and eternal capital of the Jewish people.”⁷⁷ The statement is charged with political meaning, as Rabin was claiming Israeli control of Jerusalem – forever. The Israeli plan in Jerusalem is well known and old, and there is, on the other hand, no official Palestinian plan for, or a consensus on Jerusalem. There is a chronic situation of neglect in the case of Jerusalem.

The rationale behind leaving discussion on Jerusalem until the last is that with all else resolved there would be too much at stake not to gain agreement over Jerusalem. Israel believes that there will be more to be lost by the Palestinians at this stage and therefore Israelis will have the advantage in pressing their case. Considering the contemporary Jewish settlements that limit the Palestinian land in cantons, this compromise will lead to annexation of Jerusalem and its Judification.

Refugees: The problem with the agreements (and Resolution 242) was ignoring those whom the process leaves out. This concerns the central historical problem in Palestine,

which has resulted from repeated displacement of Palestinians and waves of refugees from 1948 onwards.⁷⁸

The question of refugees, like Jerusalem, has remained a complex problem. Palestinian refugees are confronted with a series of challenges. Over half the dispossessed Palestinian population – about 3.5 million people—does not reside in the West Bank or Gaza, and according to the peace process, has little hope of repatriation or compensation for what they have lost or suffered. Many are stateless refugees eking out a below-subsistence existence in camps in Lebanon, Jordan and Syria, without the right to work or leave.

Obviously, the diaspora in the Arab world is significant. By order of importance this is composed of 300,000 to 400,000 Palestinians in Lebanon, a similar or slightly smaller number in Syria, then the significant population of Jordan, and, in orders of thousands, the remainder of the Gulf Palestinian migrants, and those in Egypt and North Africa.

Refugees' civil and social rights including those of prisoners' and martyrs' families – are neglected. The frustration and disappointment created thereby make refugees susceptible to the promises of resettlement, such as naturalization and camp rehabilitation programs.

Fifty years have passed without much change in the situation of the Palestinian refugees. Their hopes, dreams, and perspectives have been in tears over lost homes, and shelters of the refugee camps, despite the fact that the whole peace process is based on Resolution 242, to solve the issue of these refugees.

Conclusion

The framework of the agreements between Israel and the PLO reflect ambiguity on arguable issues of territory, self-determination, security, settlement, Jerusalem and the refugees. As never before, the State of Israel *operationally* accepted the PLO and Arafat as diplomatic equals. Yet, *textually* there is no acknowledgment whatsoever of Palestinian sovereignty over the occupied territories, and no implication about the refugees or the issue of Jerusalem, despite Resolution 242 and the map appended to the accords. The drawbacks of these agreements are even more obvious when looking at the challenging experience of both Palestinians and Israelis after the signing of these agreements, which will be the subject of the next chapter.

Chapter 3: The Post-Oslo Challenging Experience

Sitting at the negotiating table conveys the impression to the international community that there is an actual peace process going on, and so there is nothing to worry about. However, the unpleasant experience of several crises, like the deportation crisis of 1993, the land expropriation crisis of 1995, the tunnel crisis 1996, and the settlement crisis of 1997, proved that the Oslo agreements' failure was in signing limited, interim principles before finalizing the permanent Declaration of the Principles. Historic mistakes committed in the Oslo accords were not only the deferring of crucial issues, but also not containing a forceful mechanism to implement the principles signed.

Israel's pursuance of confiscating Palestinian land, demolishing houses and expelling Palestinians from the whole region in Jerusalem, the policy of torture which is approved by the highest Judicial committee in Israel (the High Court of Justice),⁷⁹ and the response to peaceful Palestinian marches by retaliating with live ammunition, as well as preventing Palestinian's from entering Jerusalem and imposing a closure on the Palestinian towns and villages along with the policy of collective punishment, are but few actions indicating no sign of peace, or of a coming peace.

3.1 Violence and Suicide Bombing

On 25 February 1994, an Israeli settler, decided to unload his Galili rifle in Hebron's al-Ibrahimi mosque, shooting dead 29 Palestinians at prayer. The magnitude of this act rocked both Israeli and Palestinian political establishments, but also became

evident in Hebron's bloody aftermath, at least to Palestinians in the West Bank and Gaza, that Oslo had not established peace, and rose doubts about the possibilities to achieve it. In eight days following the massacre, 33 Palestinians were killed by the army as protests erupted in Gaza, Jerusalem, Nablus, Ramallah and, of course, Hebron. Over a million Palestinians were confined to the West Bank and Gaza as Rabin sealed off the territories, once more sending their perilous economies into freefall. Most provocative of all, Rabin curfewed for nearly six weeks Hebron's 120,000 Palestinian residents – the victims of the massacre, to ensure the safety of its 450 Jewish settlers. The Hebron massacre brought to a head what many Palestinians viewed as the fatal flaw of the whole Oslo package: its defense on the issue of Israeli settlements.⁸⁰

As the tension escalated, on 6 April 1994, a West Bank Palestinian rammed a car full of explosives into a crowded bus station in the Israeli town of Afula, killing eight and wounding 40 others. In a statement claiming responsibility, Hamas said that ending the attacks was 'conditional on Israeli settlers quickly leaving the West Bank and Gaza'.

On 14 August 1994, in two separate operations outside Gaza's Gush Qatif settlement, Hamas guerillas killed one Israeli and injured five, causing a spilt between the Palestinian National Authority's police and intelligence branches. The political leadership had to identify a clear-cut policy on how to deal with the armed opposition elements and use of weapons. The Israelis were livid. 'The entire agreement with the PLO was predicated on the understanding that the PLO must combat terrorism and its perpetrators' said Rabin. 'If Yassir Arafat is unable to fulfil his part, why should Israel continue implementing agreements when there is no certainty that he could later comply with them?'⁸¹

The exchange of threats among Hamas and PLO, Israel and PLO, Hamas and Israel, was working against the agreements as well as the project of peace. The killing of Israelis inside sovereign Israel lit the fire beneath Rabin. Israeli domestic opinion thus usually demanded that Arafat did something to curb 'fundamentalist terror'. However, 'Hamas's terrorist activities contain two main political messages'. The first was to Arafat and the PLO as not to dare to ignore them; the second was to the state of Israel as to negotiations with the PLO do not constitute the final word and that Hamas must also be taken into account.⁸²

However, bombing was not limited to the Islamists but also against them. On 2 November 1994, an Islamic Jihad activist in Gaza, Hani Abed, opened his car door and triggered an enormous explosion. All Palestinian groups, including Fatah, were convinced his assassination bore the fingerprints of an Israeli hit job. A week later, in a bleakly predictable aftermath, Jihad member Hisham Hamad detonated himself outside Gaza's Netzarim settlement killing three Israeli soldiers.⁸³ At a 'crisis' meeting in Madrid, Rabin reportedly told Arafat that any more incidents like Netzarim and the IDF would 'fire indiscriminately' on Palestinians in Gaza 'regardless' of the Palestinian police.⁸⁴

Regarding these warnings, the PNA escalated its measures against Hamas and Islamic Jihad. However, they continued to carry out such operations of suicide bombing, as they believed in struggle until death.

On July 24, 1995, a Palestinian suicide bomber blew up a bus in which he was riding near Tel Aviv, killing passengers and injuring more than twenty.⁸⁵ It was commonly thought that Hamas was responsible for the bombing. Rabin, Peres, and other

government ministers repeatedly emphasized that they do not hold Arafat responsible for this action, since he has proven his desire and ability to suppress the Islamic opposition.

One of Hamas' leaders in Gaza, declared in the wake of the bus bombing: "For the time being we in Hamas have not changed our policy regarding the carrying out of the attacks. Why should we change this policy? After all, the occupation still exists, the settlers have not been chased away, the prisoners have not been released, and Israel is still holding on to Jerusalem."⁸⁶

However, not only the religious Islamists opposed the process violently, but also the religious Jews. On 2 November 1995, a right-wing extremist Jew shot Rabin to death in protest of the agreement. On March 1996, Hamas suicide bombing killed 33 people in Jerusalem and Tel Aviv. The Palestinians suspended the talks and so did the Israelis, due to two other suicide bombings which took place in West Jerusalem.

3.2. Redeployment

According to the agreement, Israeli forces were to be withdrawn from three regions in the West Bank. The first phase of Israel's re-deployment should leave Palestinians with territorial jurisdiction over 30 percent of the West Bank. Further deployments were promised in the future without specifying their extent. In three separate areas, created by the Interim Agreement, implementation of deployment of Israeli troops was not carried out as agreed. Shimon Perez stated: "It must have surprised the Palestinians by indicating that "Gaza first", in Israeli view, need not necessarily mean a commitment now and implementation only after many months, or even years."⁸⁷

In Area A, with about a third of the Palestinian population in the six largest

towns, constituting between 3 and 5 percent of the area of the West Bank, full administrative authority was turned over to the Palestinian Authority. In Area B, including over 400 Palestinian villages and rural areas, about 25 percent of the West Bank's area, the Palestinians assumed administrative and police authority. To pass from Area A to Area B, however, requires Israeli approval. Redeployment of Israeli forces from Area B occurred prior to the Palestinian Council elections in January 1996. Sparsely settled or uninhabited Area C, constituting over two thirds of the West Bank, includes Israeli settlements and military areas, and these were to remain under Israeli control until establishment of the council. Then Israel was to begin a phased further redeployment in six-month stages to be completed by the end of 1997. This process was suspended after Hamas bombings of February and March 1996.

It is worth recalling that Israeli Prime Minister Shimon Perez had used the spate of suicide bombings during the winter of 1996 to delay the three-stage redeployment that was to have taken place between March 1996 and September 1997 as required by Oslo II. In June 1996, Prime Minister Benjamin Netanyahu came to office with reservations about the entire "peace process." He declared intent to renegotiate the Oslo agreements in line with his campaign slogan--"peace with security," a euphemism for annexation.⁸⁸

When pressed for a deadline for completion of the redeployment, Netanyahu offered the end of 1999. Jordan and the United States persuaded him to make it mid-1998, which would still give him an additional year over the agreed deadline. Thus, the only concessions that Netanyahu made were to scale down his expanding unilateral demands, and to make a partial redeployment from Hebron. In return, Arafat agreed to another list of concessions, some of which inflicted major damage to a position already

battered by Oslo I and Oslo II. Redeployment from area A, in accordance with Oslo II, was carried out in the winter of 1996, leaving Hebron intact. After one full year, during which Israel failed to redeploy any troops from Area A and B or from Hebron, and while Area C remained under total Israeli control, an agreement was finally reached in January 1997 that is tantamount to an Oslo III. For Netanyahu, the Hebron agreement was a vast improvement over Oslo II.

Netanyahu's triumph in the Hebron agreement was largely related to Arafat's acquiescence to the American decision to cede to Israel the right to determine the extent of territory and number of forces that would be affected by the required redeployment in Area B during the interim phase, which means that Israel is no longer committed to withdraw troops from occupied Arab territories within the meaning of UN Resolution 242. Herein lies the real difference between the two Israeli governments: Labor was willing to allow Arafat to take home something he could call a state – although the fact that the settlements and Area C (70 percent of the West Bank) would firmly negate statehood, was to be overlooked. In contrast, the government of Benjamin Netanyahu seems unwilling to accommodate even the necessary diplomatic ambiguities in order to give Arafat some trappings to take home.

At present, Netanyahu's best offer to Arafat is a redeployment from between 6 and 8 percent of the West Bank on the condition that Arafat agree to move directly to negotiations on a final settlement. This would fall short of what the American administration considers a "significant and credible" redeployment, and would also enable Netanyahu to escape the obligation to make three further redeployments before the final settlement. For its part, the Palestinian Authority has been insisting that each further

redeployment constitute about 30 percent of the remaining land in the West Bank under Israel's control. All this does not augur well for the prospects of a satisfactory settlement, and could increase the likelihood of another collapse and thus another context for yet a new agreement with more pressure for additional Palestinian concessions and more conflict over interpretations.

3.3. Palestinian Authority (PA)

The agreement's main principle was to establish an interim self-government authority in the form of an elected council in the West Bank and Gaza. Under the plan, a democratic Council would govern Palestinian affairs and provide for internal security, while the Palestinian police would ensure public order.

However, after the foundations for self-government were put in place, the widespread hopes for democracy in Palestine have not been realized. Indeed, the governing Palestinian Authority in the West Bank and Gaza strip is characterized by personalized, authoritarian politics. Evidence is abundant. Both local and international human rights groups have rebuked the authority for abuses committed by plenty of autonomous security and police forces.

The Palestinian Authority have adopted a number of techniques learned originally from their Israeli occupiers, including arresting individuals without charge and detaining them without trial under the guise of "administrative detention." More significant in the long term than the common violations of human rights are the manner in which the PA has attacked institutional life in the West Bank and Gaza, and the way in which power and politics have become personalized. The anti-institutional nature of the PA can be

seen in its behavior toward both governmental and non-governmental organizations (NGOs).

Another common explanation for PA authoritarianism is based on the containment of Hamas, the fundamentalist Islamic group. Because, it is argued, that Hamas extremists will resort to any method, including terrorism, to undermine peace with Israel, the PA has to be ruthless in crushing Hamas-- including employing undemocratic measures-- in order to maintain peace. This argument not only avoids discussions as to why Hamas (and others) oppose the Oslo process, but also misses the point of the real reasons for PA's authoritarianism. The Palestinian Authority sometime feels obliged to take certain actions against Palestinian rights. They sometimes violate and punish people because of their political affiliation. In the West Bank and Gaza, one can observe arbitrary humiliations, curfews and so forth typical of Israeli rule curtailed, yet with Arafat's rule, in which citizens' rights especially in the realm of civil freedoms are absent. It is a real disappointment that leaders have been arrested, detained, or pointedly questioned by security and police forces and about the activities of their NGOs and their personal politics.

Above all Arafat was held responsible to Israel for order in Gaza (a headache for Israel) thus turning him in the eyes of his people into Israel's man.⁸⁹ The pressure on the Palestinian authority to act as a proctor of Israel's security contradicts the aim of negotiations and a true peace process. It is tragic that today Palestinian Authority is holding its own people under administrative detention, cracking down on dissent, arresting people for what they believe and for groups they belong to, rather for allegedly having committed specific acts. This is precisely what the international community has

held Israel accountable for during the past 27 years, and today the Palestinian leadership is asked to do the same thing. Such pressure removes violence and opposition--terror--forward.

Between their foundation in April 1995 and the end of 1997, “the courts tried and sentenced 46 Palestinians for direct and indirect involvement in anti-Israel terror acts.”⁹⁰ The months after Oslo saw an increase in fighting over national institutions and the scarce resources they marshalled. Palestinian police rounded up 350 Hamas ‘suspects’ without charge or reference to any due process of law. They ‘severely interrogated’ Palestinian journalists. The International Human Rights organizations and the Palestinian community protested against the PNA in carrying out illegal and political arrests among the Palestinian opposition forces,⁹¹ as the limited self-rule produced 40,000 policeman and bureaucrats, and not even a small scale state structure.⁹²

When it comes to health, sanitation, education, tourism, and the like, the National Authority is going to have limited scope to run matters to the best of its abilities. The consequences of this were evident. Because of twenty-seven years of brutal military occupation there are no Palestinian institutions really ready for even limited self-rule. The press has been full of details suggesting incompetence, the absence of funds, as well as the Palestinian police force’s inability to uphold order, and a general air of half-hearted festivity combined with almost total anarchy.⁹³

Added to these, corruption has been the rule of economic monopolies over the importation of basic key commodities. The right to trade invariably has been given to companies owned by families of important PA officials. Selective PA officials have made their economic fortunes in the past few years as a direct result of their political standing.⁹⁴

3.4. Land Confiscation/ House Demolition

One might assume that with the signing of the Declaration of Principles, Israel would cease any construction of settlement housing, since the Declaration contemplated negotiations about the settlements at the time of the determination of the final status between the two parties. However, even after the signing, Israel continued to build housing in the settlements.⁹⁵ Most Jewish settlements in the occupied territories are built on lands taken for security purposes or declared state lands by Israel. By 1993, and the signing of the Oslo accords, two-thirds of the West Bank and half the Gaza Strip had been confiscated from or otherwise made off limits to Palestinians.⁹⁶

Land confiscation began under the labor Party rule immediately following the 1967 war. Land confiscation accelerated dramatically when the conservative Likud Party came to power in 1977. Confiscation took many forms, from direct and “legal” expropriation to the use of land for “security” reasons. The process of land expropriation has continued wholesale, amounting now to more than seventy percent of the West Bank.⁹⁷

Since 1988, Israel demolished more than 2000 Palestinian houses either for security reasons or for failing to have a permit, issued by the Israeli government primarily for Israeli citizens. The burden of the proof was not on the state to show that these were indeed state lands but on Palestinians to prove private ownership.

During the first six months of 1997, Human Rights organizations issued more than 40 petitions to halt demolishing Palestinian houses in the West Bank. But there are hundreds of houses still liable to be demolished. Since the Oslo Accords in Washington in September 1993, more than 513 Palestinian houses have been demolished and the

Israeli policy of collective house demolition is still continuing.⁹⁸ Israel had confiscated over 80,000 dunums⁹⁹ of Palestinian land, most of it in the Jerusalem area—which was ruled off-limits by Israel.¹⁰⁰

However, the International Human Rights organizations voiced their objection to the pressure campaigns carried out against the Palestinian people and its National Authority. They demanded the International community and especially the US government to compel the Israeli government to stop all imposed punishments. Israel argued that the settlers themselves established the settlements on their own, and that the Geneva Convention prohibited settlements only to the extent that settlement displaced local residents.¹⁰¹ However, those arguments are weak because the government provided the land and funding for the settlements. Moreover, the Geneva Convention did not prohibit the settlement only where incoming settlers displaced local residents but prohibited it under any circumstances.¹⁰²

3.5 Political prisoners

There is support internationally and locally for the immediate release of the Palestinian administrative detainees, and also Article XVI and Article 2 (C.) of annex 7 of Oslo II stipulate the release of the detainees. Yet, 4,000 Palestinian political prisoners still languish in Israeli jails, 280 of them are being held without charges or trial under administrative detention order.¹⁰³

It is worth recalling that before Nelson Mandela agreed to sign an agreement with the white South African government, he demanded that all the political prisoners be released. As a former prisoner, he knew very well that no peace agreement could be

legitimate and sustainable without freeing those who struggled with him to obtain freedom. The release of the administrative detainees is not a legal issue but rather a political one. In contrast to expanding settlements or demolishing houses, a prisoner release would be an immediate message to the Palestinians of seriousness to “talk peace.”

3.6. Israeli Defense Forces (IDF)

Between February and May 1993,

the IDF killed 67 Palestinians in the Gaza Strip alone, including 29 in May, making it the bloodiest month of the uprising. A staggering 1,522 were wounded, 98 per cent of them from live ammunition. Ten ‘search operations’ left 450 people homeless or, as one Gazan put it, ‘refugees from refugee camps.’ Property damage amounted to about \$50 million. Palestinians were beaten, their homes raided, their communities curfewed. Most human rights searchers simply gave up counting. By the time of Oslo, there were 17,000 Palestinians in Israeli jails; most of them rounded up in the preceding nine months.¹⁰⁴

The report from Human Rights Organization shows that in its first few months the Labor government took more lives (especially the lives of children) than any previous Likud government.¹⁰⁵ On 26 September 1993, the IDF launched an operation in Gaza, which left 17 houses destroyed, 16 arrested and the summary execution of two Hamas activists. Asked whether such actions were in the spirit of Oslo, IDF Chief of Staff, Ehud Barak, countered that ‘the more terrorists are arrested before the IDF pull out, the easier should be the task of the new Gaza [i.e., Palestinian] police’.¹⁰⁶ This is supported by James Baker’s remarkable speech, whose main point seemed to be that the top Palestinian priority today was not independence, statehood, or human rights, but Israeli security. “If autonomy doesn’t improve security for Israel”, he said, “there will be no Palestinian autonomy”.¹⁰⁷

3.7. Economic Blockade/ and Gaza's Economy

Israel's strategic aim has been to achieve a higher degree of economic integration with the Arab world to gain greater access to Arab markets, and to breach the 46-year-old Arab economic boycott of Israel. For Israel's capital, breaking the boycott affords the greatest prize of peace with the Palestinians, particularly if it argues the elimination of the boycott in which foreign firms with major trade relations with Arab countries are penalized for trading with Israel.¹⁰⁸

On the other hand, The Palestinian economy suffered during the interim period more than it did during the past 27 years. By the fifth anniversary of the Oslo signing of the agreements, the Palestinian economy had been significantly damaged. The economic challenge after the peace process is formidable. This meant increased poverty, high unemployment (and permanent unemployment for a widening part of the labor force), rising levels of child labor, constrained trade relations, a further distortion of market forces, and an increasing need for relief and social assistance. The expropriation of land and water, the integration of Palestinian labor into the lowest degree of the Israeli workforce, the restructuring of Palestinian trade toward Israel, fostered extreme economic dependency on Israel, especially with regard to labor and trade. By 1987, for example, more than 70 percent of Gaza's labor force was working inside Israel and 90 percent of its trade was confined to Israel.¹⁰⁹ For Israel, the plentiful supply of cheap labor, as employing Palestinians (primarily in the agrarian cultural and construction sectors), helped the economic boom. For Palestinians, even the discriminatory wage rates provided an income well above what could be made at home.

Initial expectations of economic prosperity emerged from the 1993 Declaration of

Principles (Oslo I) and the Economic Protocol, or the Paris Agreement. These two documents, along with the 1995 Interim Agreement (Oslo II), defined a legal framework for Palestinian economic activity, especially economic relations with Israel. Despite the removal of certain restrictions imposed during the military occupation, the majority of restrictions remains in force during the interim period and cannot be modified or replaced by the governing Palestinian Authority.

It should be noted that from 1996 to 1997, approximately 75 percent of all new jobs derived from employment in Israel and with the Palestinian Authority, only 25 percent of jobs were created in the private sector, which also has experienced the highest level of job destruction. The total closures of February-March 1996 and August-September 1997, however, undermined whatever economic recovery had taken place. The Israeli government officially justifies closure as a security measure.

Unlike in the past, however, closure has virtually cut off the West Bank and the Gaza Strip from each other and has separated their two populations. As a result, the West bank-Gaza trade has diminished and the performance of Palestinian agriculture and manufacturing has weakened. Palestinian households have clearly felt the cumulative effects of economic depression, rising unemployment, and closure, illustrated by a decline in wage rates and lower average consumption level.

The foundations for a viable, self-sustaining Palestinian economy have failed to emerge in the wake of the Oslo peace accords. Economic conditions in the Gaza Strip and West Bank have deteriorated markedly, leaving the Palestinian economy weaker now than it was during the *intifada* of 1988-1993, when confrontations between Palestinians and the Israeli army were daily occurrences. It is poverty, not prosperity that increasingly

characterizes the local economic landscape. In early 1996, at least 14 percent of the population of the West Bank and Gaza Strip lived at or below a poverty level of between \$500 and \$650 per person per year. The Palestinians have responded to economic distress in several ways, one of which is an increase in child labor.¹¹⁰

In addition, Israeli closure policy, which was first imposed in March 1993 in response to attacks by Palestinians on Israelis in Israel itself, is the single most harmful external factor affecting the Palestinian economy. The PA has directly contributed to economic pressures through the creation of monopolies. The authority has established at least 13 monopolies in the Gaza Strip, controlling the import of such commodities as flour, sugar, oil, frozen meats, cigarettes, concrete, steel, tobacco, and petroleum. These monopolies are under the control of several individuals in Arafat's inner circle.¹¹¹

Bitter Truths about Gaza: Everything about the Gazan Economy is dependent on Israel, which while integrating Gaza economically separated it physically from Israel. Passage from Gaza and Jericho, sixty miles away from each other, was supposed to have been guaranteed for Palestine; until now it has not been realized, thereby violating the principle granted by the Israelis that the West Bank and Gaza are one territorial and economic unit.

Unemployment is worse now. Israel does not want Gaza because of its population and unemployment problems. It does not show any attempt to balance Gaza and the West Bank. "Unemployment in Gaza is rising to 60%, the streets are only slightly less filthy than before, hope (like food) is in short supply, and Israel can open or shut the borders as it wishes."¹¹²

Where Palestinians trade between themselves or set up small subcontracting outfits whose business is exclusively geared to Israeli firms, Israeli contractors export raw materials for assembly by Gazan subcontractors, who then re-export the products across the Green Line for retail in Israel. Due to Israel's closure and labor substitution policies, and massive structural unemployment, Palestinian labor in Gaza was not only cheaper than Israeli labor in Israel, it was also cheaper than Palestinian labor in Israel.

3.8. Freedom of Movement

The daily experience at the checkpoint be it open or closed, is a circumstance ripe for violence. It is the same as before --before Oslo-- young men with guns barking orders at older men holding cards before their faces, seeking entrance, some are pulled aside for questioning and rough treatment, others secure access. The daily humiliation of the checkpoint is ripe for creating violence and antagonism. In Oslo, this issue was not addressed.

The importance for a Gazan being able to enter Israel to receive proper health care, to get a visa to live or study abroad, to work and earn bread for one's family, are equally important for Palestinians to be able to freely travel from Gaza and the West Bank and the other way around, in order to move agricultural and other products as well as the freedom to enter Jerusalem. Yet, the issue was not settled in the Oslo Agreement.

Despite the necessity of this freedom of movement, Palestinians are dependent upon decisions handed down by the Israeli authority after they are subjected to a long and trying bureaucratic process, which usually ends up in refusal. Israel controls the ability of Palestinians to enter and exit the areas under the jurisdiction of the Palestinian Authority.

The PA has the power only to deny entry, but not to grant official permission.

According to the Oslo Agreement, the police do not have the right nor the authority to do this without a special permit from Israel. Moreover, not only are ordinary Palestinians prevented from moving freely, even the Palestinian police are denied the right to freedom of movement and thus are incapable of effectively carrying out their duties of ensuring public security and order for their people.

3.9 Settlements/Har Homa

In a symposium on the Arab-Israeli Peace, the Arab-American leader James Zogby, stated that:

Settlements is not a building issue. It is a statement of the fact that these buildings will circumscribe Palestinian national rights. Go into the Palestinian villages and understand how many have lost land to the settlements, how many have lost the ability to farm. The West Bank land today is being physically raped. Hills of olive trees are being bulldozed. It happened during Labor and it is happening now.¹¹³

Under the Geneva Civilian Convention, settlements of an occupying power's own citizens may not be located in occupied territory. Thus, the convention appears to be violated by the Declaration of Principles and the interim instruments, which contemplated the continuing existence of the settlements.

Diplomatic trouble emerged almost immediately after the Hebron agreement, demonstrating once again the new agreements do not necessarily repair the situation and might create additional problems. The first was Israel's announcement in March 1997 that it planned to construct a new settlement on the site of Jabal-Abu Ghunaym (known as Har Homa in Israel), south of East Jerusalem.

By agreeing to defer the question of settlements and Jerusalem until the permanent status talks, and by trusting to Rabin's purely verbal pledge to maintain Israel's 'freeze' on new settlement starts in the territories, the PLO leadership has helped to conceal, domestically and internationally, an actual Israeli expansion of settlements in the West Bank that it is now proceeding with, according to Israeli commentators, at three times the pace of settlement construction under the Shamir government.

Since Oslo, Israel has confiscated a further 40,000 acres of Palestinian land, targeting in particular 'Greater Jerusalem' and the existing settlements along the old Green Line, in effect preemptively redrawing Israel's pre-1967 borders eastwards. It has also embarked on the building of a 400-km network of 'settler roads' in the West Bank and Gaza that will, for security purposes, be off-limits to Palestinians.¹¹⁴

Shamir's Likud Party, which came to power in 1977, considered the West Bank to belong to Israel, on the ground that it formed part of the ancient Hebrew kingdom in Palestine. The Likud party asserted a right for Israel to establish settlements anywhere in the West Bank.¹¹⁵ The decision by Benjamin Netanyahu to build at Jabal abu Ghunim (Har Homa) brings Israelis and Palestinians critically close to a point of no return. Coming after the lifting of restraints on settlement and building activities in the West Bank, Har Home finally exposes the harsh realities behind 'negotiations' with the Palestinians, even to those who stubbornly clung to the hope that they would lead somewhere but the present dead-end. Har Homa was a Labor Government project.¹¹⁶ Har Homa is only one of several settlement projects being pushed ahead in the 'greater Jerusalem' area. Others include the Ras Amoud area of Jerusalem, where an American millionaire is financing the construction of 132 units for Jewish settlers.¹¹⁷

Har Homa will choke off the last corridor of land connecting the Palestinians of East Jerusalem with their natural hinterland of the West Bank. All Palestinians fully understand the symbolism of this decision, and which, according to Netanyahu, there no longer is an East Jerusalem.¹¹⁸ With the breaking of ground a new settlement at Jabal abu Ghneim (Har Homa) Netanyahu has thrown the peace process away, and he is sending a message to the world that Israel will do what it pleases in Jerusalem. However, as annexation of the occupied territories is not permitted by international law, and as East Jerusalem is an occupied territory, Israel's measure to extend its legislation there and to incorporate east Jerusalem into Israel's political system remains invalid.

Conclusion

The challenging experience throughout the peace process reflected the fact that before and after Oslo, the conflict remained, and by implication, Oslo would not change it with its limited, interim principles.

The conventional wisdom that Netanyahu has derailed Rabin's peace train is contradicted by the current realities of Israeli politics: irrespective of party label, Israel excludes Palestinian sovereignty, removing settlements, negotiating Jerusalem's status, releasing political prisoners, freedom of movement of Palestinians within the self-rule areas, and dismantling the occupation, thereby upholding the status quo. Netanyahu's policies, therefore, do not repudiate his predecessors' "peace," but only the process. Whereas Rabin and Perez succeeded in enlisting the meaningful participation of their adversaries in the new governance structure, Netanyahu has been less sensitive to Arafat's lust for the trappings of statehood and proudly declared non-negotiability of

virtually all the final status issues.

However, the severe damage caused by the Oslo accords recalls for the mobilization of international attention and the enhancement of the UN resolutions on the conflict to proceed towards a genuine peace.

Chapter 4: Hopes for genuine peace

After more than 50 years of the conflict, tension in the region currently continues, despite the signing of the “Peace Agreements” between the Israelis and Palestinians. That is due to the elements introduced in the Declaration of Principles, whose aim was not to put forward expressions of sovereignty and the modalities for the shift from occupation to self-rule and political independence, but only to create the right conditions for negotiations on the final status of the occupied territories. In addition, the implementation of the Israeli-PLO 1993 DOP has been a slow and tortuous process, characterized by repeated failures. As Yitzhak Rabin mentioned, “the agreements are filled with holes.”¹¹⁹

From many Palestinian perspectives, the agreements and their implementation had *never* been satisfactory, and had always been flawed by the Israeli insistence on solving their security problems (including extensive mechanisms of protection for the settlements) at the expense of basic Palestinian rights.¹²⁰ On a textual level, the Palestinians arguably have actually lost ground in their basic quest for self-determination and statehood, and their case has been disfigured and converted into an administrative case in Oslo and Cairo. The agreements did not represent a principled commitment to peace but allowed Israel to consolidate its position in the occupied territories,¹²¹ reflecting the disparities that the arrangements were one-sided in Israel’s favor.¹²² They contain a number of provisions that arguably protect the rights of the occupied Palestinian population. One such area is the military orders that Israel put into force in the Gaza Strip and West Bank during the occupation. Another is the issue that the parties

agreed in the Declaration to defer to later negotiations, in particular, the status of Jerusalem, Israel's settlements in the Gaza Strip and West Bank and the refugees.

Neither the Declaration of Principles nor the interim instruments referred to the applicability of the international law of belligerent occupation to the territories of the West Bank, including East Jerusalem, which the Israeli armed forces invaded and occupied in June 1967. The United Nations, other governments and many legal scholars have concluded that the Fourth Geneva Convention, supplemented by the other rules on belligerent occupation, is indeed applicable to the territories occupied by Israel.¹²³ Pursuant to Article II of the Cairo Agreement (agreement on Gaza Strip and Jericho area), Israeli military forces have partially withdrawn from the Gaza Strip and from Jericho. Israel retains at least potential control over parts of the territory of the Gaza strip and Jericho area. The 1994 Cairo Agreement (Article 5) contemplated the continued functioning of Israel's military government stating that: "Israel shall exercise its authority through its military government, which for that end, shall continue to have the necessary legislative, judicial and executive powers and responsibility, in accordance with international law."

The extent of territory to come under Palestinian jurisdiction by the time of the last Israeli troop redeployment is not defined in the Agreements. In this connection, recent Israeli statements call particular attention to the omission of the definite article "West Bank and Gaza territory" in every clause of the Oslo agreements dealing with further redeployments and transfer of jurisdiction. This is precisely the same omission "from territories occupied" as opposed to "from the territories occupied" that has so tormented UN Resolution 242.¹²⁴ It resulted in the actual physical fragmentation of the West Bank

and Gaza through the sectioning off of zones and the de facto recognition of the presence of Israeli settlements.

Not only the text of the Declaration of Principles and of the Cairo Agreement but also political reality make it clear that the Autonomous Territories (the Gaza Strip and the Jericho area) lack essential elements of sovereignty. Absence of statehood precludes the Palestinian Authority from exercising powers, which are essential to any sovereign state. Palestinian residents of the Autonomous Territories do not enjoy such protection which only states are capable of extending to their own citizens. Although relations between residents of the Gaza Strip and Jericho area and the Palestinian Authority are not covered by international humanitarian law, it can be argued that the general principles and customary rules of international human rights law are nevertheless binding on any authority, which exercises wide powers over individuals.¹²⁵

Despite the current levels of legal confusion and political manipulation, the right of self-determination does have a discernable core content. Although there may be an overwhelming consensus that a Palestinian right of self-determination under international law exists, there is a notable lack of agreement – or even discussion—of what the exercise of that right by the Palestinians should properly entail. It is perhaps not surprising that, in the overtly political world of any national liberation struggle, the right to self-determination and the right to establish an independent state are routinely invoked interchangeably.¹²⁶

Human rights law depicts self-determination as the right of a people to pursue its political, economic, social or cultural development. Yet clearly this cannot take place in a territorial vacuum. Underlying all contemporary claims to external self-determination

(without exception) is the existence of an attachment or claim to a particular territory.¹²⁷

It can accordingly be argued that in order to be meaningful, the right to exist territorially as a people must logically include the following complementary core elements. First, the right of a people not to be expelled from its land. Second, the right of a people to be free from other forms of demographic manipulation such as the imposition of an alien settler population. “*Prima Facie* the presence of more than one hundred and forty thousand Israeli settlers in the Palestinian occupied territories provides one of the most striking contemporary examples of the threat posed by a settler community to the realization of a people’s right to self-determination.”¹²⁸ The position of the international community is that the West Bank (including East Jerusalem) and the Gaza Strip are occupied territories. Israel is accordingly an occupying power subject to the rights and duties prescribed by the law of belligerent occupation. What did not convince the international community of the legitimacy and 'humanity' of apartheid in South Africa, will ring true for a genuine peace for the Palestinians as well. Therefore the transfer of Israeli civilians and the construction of Jewish settlements violate this law of belligerent occupation, and of the Palestinian right of self-determination.

Although the settlers constitute a mere 6% of the total population of the occupied territories, their presence has significantly altered the demographic balance in key areas. In addition, their presence has perpetuated the displacement of the Palestinian population. Second, the confiscation of land and the appropriation of water resources for Israeli settlements constitutes a flagrant violation of Palestinian rights over their natural resources. Since 1967, more than fifty percent of West Bank and Gaza has been confiscated for settlement or related purposes. Almost a quarter of the population of the

West Bank had all or part of their lands confiscated. The figure includes tens of thousands of Palestinians who depended on agricultural lands for their livelihood.¹²⁹ The discriminatory allocation of water resources has had an equally harmful effect on the agricultural economy of the territories. The territorial areas over which the Palestinian Council has jurisdiction during the interim period consist of Palestinian cantons together with a number of smaller blocks of Palestinian villages divided by areas of high-density Jewish settlement. This 'canton-ization' of a self-determination unit not only violates its right to territorial integrity but may also preclude the option of freely determined independent statehood; as such it undermines the most fundamental aspect of Palestinian self-determination.

On the other hand, given the prolonged nature of both the occupation and settlement of the West Bank and Gaza Strip, it is likely that any demands for dismantling the settlements will be met with a counter claim based on the human rights of the Israeli settlers. A better approach is to formulate criteria for balancing the *individual* human rights of the settlers against the *collective* rights of indigenous people.¹³⁰ In particular, the continued presence of the settlers may serve to preclude the exercise of the right of return of Palestinians refugees, deportees and expellees. By contrast, the human rights consequences of transferring settlers back to Israel proper are not likely to make any Israeli settler (unlike many of the Palestinian refugees or expellees) becoming stateless.

However, the Hebron protocol – and mainly the accompanying American protection of Israel – completed the erosion of 242 and the relevant international laws. Thus, it is no surprise, but rather a logical sequence, that Israel proceeded immediately after the protocol with expanding settlement on land it had expropriated during the 1970s

in East Jerusalem.¹³¹ In fact, by signing the agreements PLO representatives have largely given away the essence of the Palestinian position ‘on the basis of which Palestinian national rights had gained worldwide recognition during the past quarter of a century’.¹³²

When the Israeli government refused to carry out the redeployment from 30 % in the West Bank, the US government proposed 13.1 percent redeployment to unblock the jam in the Oslo process. The realization that the US was unable or unwilling to “pressure” Netanyahu pitched Arafat preparing the diplomatic ground a scenario that goes beyond the US proposal to what would happen if and when “negotiations” and the Oslo framework generally are exhausted as a means to resolve the Israeli-Palestine conflict. The deadline for this is commonly accepted as 4 May 1999, the date when Oslo’s five-year interim period expires and when Arafat has vowed to declare a Palestinian State in the West Bank and Gaza. In other words, the Palestinians will have to rest content with full autonomy over no more than 6.6 % of historical Palestine, nor controlling the land and water reserves, the demobilization of the settlers or the return of the refugees.¹³³

Netanyahu’s interest in delineating the final settlement before carrying out the redeployments led to flood of varied maps of the “comprehensive solution”.¹³⁴ According to Sharon’s map, about 65% of the West Bank will remain under Israeli sovereignty. He does not mind if a miniature-Palestinian state is established.¹³⁵ “He is certain that the Palestinians will give up ‘quantity for quality.’ Therefore, he is proposing a smaller withdrawal than that recommended by Mordechai, the Defense Minister; however, his proposal would give the Palestinians more territorial contiguity.”¹³⁶ According to Mordechai’s map, some of the settlements will not remain under Israeli sovereignty. The

plan does not contemplate the evacuation of settlements, but rather envisions Israel retaining extra-territorial control over them and over access roads. They will thus constitute something like land islands within the Palestinian areas.

Therefore, a defined map is urgent to commence negotiations. Unless Israel halts settlements, and recognize openly and officially Palestinians' right to self-determination and an independent state, no peaceful coexistence seems feasible. To call for a freeze on settlement is no longer enough.¹³⁷ Without a clear recognition by Israel of Palestinians' national rights, facts on the ground can not be negotiated. On the other hand, Palestinians must emphasize their commitment to the principle of peace, and avoid violence because it will be exploited by Israel to punish them further. Peace is achievable if Israel withdrew to its 1967 borders, disarmed all settlers as a preliminary to dismantling all settlements, released Palestinian prisoners and permitted elections to a 'sovereign body' that would represent all Palestinians and process the authority to 'define Palestinian self determination', including the legislative power to repeal or amend the DOP.

The very tasks that faced the Palestinians and their supporters before Oslo remain as compelling as ever: to get rid of the occupation; to get rid of the settlements, and to win sovereignty. Once these goals have been accomplished, then the Palestinians may go on to decide, from a position of power and international support, what kind of relationship they want with Israel. The present-day Palestinian political landscape embraces diverse opinions about how the Palestinian society should be governed, with differing political formulae advanced by nationalists, secular leftists, Islamists, and conservative politicians, some with continuing ties to Jordan. Since the beginning of the *intifada* and the end of the Gulf War, these political groups have been engaged in intense

debate about the future of the Palestinian national movement. The historical alternative is a democratic secular Bi-national State for all the people who live in Palestine regardless of their color, race, sex, and religion. If the world is secular now, it should accept this solution, instead of supporting a theocratic state based upon mythological beliefs.

The type of utopia which will hopefully lead to peace in the future is to formulate, then, a bi-national state based on equalization with regard to the rights of the people living outside, and also dealing with the fundamental historical questions: refugees, land, and the like.¹³⁸ Although the Israeli public opinion is not willing to accept the notion of a joint government under conditions of equality between Israelis and Palestinians, the price of full separation between the two nations is higher than the price of living together, even with all the difficulties.

Moreover, the refugee problem, which constitutes six million scattered in different parts of the world, stands at the center of the conflict. Those refugees have no recognized passports. Nearly two millions who went to Jordan were granted Jordanian passports, yet others who went to Syria, Lebanon or to Egypt got travel documents which caused for them many obstacles to freedom of movement, let alone identity. Certainly, the contemporary situation of Palestinians being undefined citizens can not last forever if the humanitarian and the international law should be applied. The Oslo accords removed the issue from a national, political, collective, and spiritual right for the Palestinian people to a kind of humanitarian aid, for family reunification to occur case-by-case at best. Diaspora Palestinians living in the Gulf or the West are no longer on UNRWA registers. They do not even exist in statistical terms, nor have any studies been commissioned by the talks to quantify them. Regardless of the fact that most of the

Palestinians have passports or citizenship in other countries, the fact that they are called Palestinians and consider themselves as such is guaranteed/provided in several UN resolutions.

Implementation of UN resolutions will be a step towards a genuine peace. Resolution 181 had called for the end of the British mandate and all British presence by August 1, 1948. Two independent States would be created; an “Arab State” and a “Jewish State”, joined by an economic union. The city of Jerusalem would be put under a separate international regime.

Regarding the status of Jerusalem --the center of the three monotheist religions— it should be maintained justly and equally. The fact that the city does not belong to them alone, but also to Christians and Muslims who have loyalty to and yearning to worship, can not be transgressed. What was potentially dangerous is Netanyahu’s decision to open an archaeological tunnel in the Old City of Jerusalem in 1996 that left 80 Palestinians and 15 Israeli killed.¹³⁹ Indeed, UN resolution 181 was clear on deciding Jerusalem as an international city, but the Israeli State has been determined about it in its 1980 basic law that Jerusalem “complete and united,” is the capital of Israel, despite strong international opposition and against an unusual vivid resolution of the Security Council. Since then Israel is the only UN member state whose capital has not been recognized by the UN, and its members. Its solution is critical to a durable and lasting peace in the Middle East between Israel and its Arab neighbors, including Palestine.¹⁴⁰

Conclusion

The two documents, one signed in Washington on September 13, 1993, and the other in Cairo on May 4, 1994, created a fundamental change in the Palestinian political terrain and in the very nature of the struggle for a diplomatic settlement, which began more than twenty-five years ago. Oslo is something between a surrender agreement on the part of the Palestinians and one of the international exigencies and pressures imposed on the Palestinian leadership. The Oslo and Cairo accords have already shattered the Palestinian consensus that these negotiations must yield a genuine independence rather than a fractured entity composed of scattered enclaves and “autonomous zones” surrounded by blocs of Jewish settlements.

The crucial legal issue is that unless Israel comes to terms with its status as occupant, within the meaning of international law, it would render any agreement regarding withdrawal, security, sovereignty and human rights completely superfluous. Not only did Israel refuse to make such a commitment in the Oslo agreements, but the Palestinian leadership has also acquiesced in the refusal, thus giving credence to the claim that the West Bank and Gaza are *disputed* rather than *occupied* territory. Hence, Israel assumed an equal right to lay claims to Palestinian land occupied since 1967, while the status of Jerusalem, the still expanding colonial settlements, the land issue and refugees were deferred for several years.

It is evident that by signing Oslo I and II, turned what could have been called Palestine to a small, tyrannical canton, but never a unified democratic state. A resolution of the Palestinian question in accordance with international legitimacy is the establishment of an independent state in the West bank and the Gaza Strip (Security

Council Resolution 181), and the return of the refugees or compensating those who prefer to stay where they are (Resolution 194). All this is supposed to be implemented after the complete withdrawal, not redeployment, of the Israeli forces from what it occupied in 1967.

The notion of a bi-national state is a realistic one, precisely now although not in the sense that this concept had acquired in the 1940s. Because a full separation means a fragment and too small a Palestinian territory, the settlements and Jerusalem and other common interests that require intimate links between Israelis and Palestinians – in regard to employment, the economy, division of resources, and ecology. Therefore, at this moment, struggling for a genuine process of peaceful coexistence between Palestinians and Israelis on one land is more relevant than struggling to see the Oslo Accords implemented in a better way.

ENDNOTES

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- ² *UN report by the Committee on the Exercise of the Inalienable Rights of the Palestinian People*, p:9
- ³ *ibid*, p:10
- ⁴ Pauj De Wart,, Dynamics of Self-Determination in Palestine, (Leiden: E.J.Brill, 1994) p:110
- ⁵ *UN report by the Committee on the Exercise of the Inalienable Rights of the Palestinian People*, p:10
- ⁶ *ibid*, p:13
- ⁷ Dan O'Neill, Peace or Armageddon? (London: Marshall Pichering, 1993) p:36
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- ⁹ *ibid* p:38
- ¹⁰ Ian Bickerton, A concise History of the Arab-Israeli Conflict, (New Jersey: Prentice Hall, 1995, p:230
- ¹¹ Micheal Fischbach, "Peace and the future of Palestinian refugees" *Journal of Palestine Studies*, (Autumn 1997) p:38
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- ¹³ Ian Bickerton, A concise History of the Arab-Israeli Conflict, (New Jersey: Prentice Hall, 1995) p:99
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- ¹⁵ Andrew Gowers, Arafat: the Bibliograhay, (London: Virgin Books, 1994) P:33, 50
- ¹⁶ Hanan Ashrawi, The side of Peace, (New York: Simon & Schuster, 1995) p:83
- ¹⁷ Omar Massalha, Towards the long-promised peace, (London: Saqi Books, 1994) p:39
- ¹⁸ cited in Benny Moriss: 1948 & After, (Oxford: Claredon Press, 1990) p:22
- ¹⁹ Andrew Gowers, Arafat: the bibliograpghy, (London: Virgin Books, 1994) p:98
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- ²¹ translated from "50 years of Occupation", *Rose al-Yousif*, 4 May 1998, p:35
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- ²⁴ Naseer Aruri: The Obstructions of Peace, (US: Common Courage Press, 1995) p:31
- ²⁵ The American Administration supports Israel for purposes of domestic local and external affairs; for the role of the Jewish lobby in the US elections, and exchange of intelligence, the utilization of the Israeli infrastructure and technological expertise and services, and the Israeli participation even outside its frontiers in the event of a crisis involving the Soviet Union. Naseer Aruri, Obstructions to Peace, (US: Common Courage Press, 1995), p:92
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- ²⁸ Ziva Flamhaft, Israel on the road to peace, (Oxford: Westview Press, 1996) p: 36
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- ³⁰ Steven Spiegel, The Arab-Israeli search for peace, (London: Lynne Piennner Publishers, 1992) p: 63
- ³¹ Bernard Reich, Arab-Israeli Conflict and Conciliation,(Westpoint conn.: Greenwood Press, 1995) p:5
- ³² *Ibid*, p: 227
- ³³ *Ibid*, p:227
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- ³⁸ Naser Aruri, "Oslo's Muddle Peace", *Current History* (January 1998) p:8
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- ⁵⁶ Antonio Cassese, Self-Determination of People, (Cambridge University Press, 1995) p:243
- ⁵⁷ *ibid* p:244
- ⁵⁸ *Ibid.*, p:246
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- ⁶⁴ see chapter 3, p:42
- ⁶⁵ Graham Usher, 'The Aftermath of Hebron', *Middle East International*, (4 March 1994) p.
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- ⁷¹ Chibli Mallat The Middle east into the 21st century, (New York: Ithaca, 1996) p:51
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- ⁷³ *ibid* p: 6
- ⁷⁴ Omar Massalha, Towards the long-promised peace, (London: Saqi Books, 1994) p:64
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ANNEX 1

UNITED NATIONS RESOLUTION NO. 194 OF 11 DECEMBER 1948

ESTABLISHING A U.N. CONCILIATION COMMISSION, RESOLVING JERUSALEM SHOULD BE PLACED UNDER A PERMANENT INTERNATIONAL REGIME, AND RESOLVING THAT THE REFUGEES SHOULD BE PERMITTED TO RETURN TO THEIR HOMES

The General Assembly,

Having considered further the situation in Palestine,

1. *Expresses* its deep appreciation of progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. *Establishes* a Conciliation Commission consisting of three States Members of the United Nations which shall have the following functions:

- (a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;
 - (b) To carry out the specific function and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;
 - (c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council Resolutions, the office of the Mediator shall be terminated;
3. *Decides* that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics; the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the Conciliation Commission; States which will constitute the Conciliation Commission;
4. *Requests* the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;
5. *Calls upon* the Governments and authorities concerned to extend the scope of negotiations provided for in the Security Council's resolution of 16 November 1948 and to seek agreement by negotiations conducted either with the conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;
6. *Instructs* the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;
7. *Resolves* that the Holy Places—including Nazareth—religious buildings and sites in Palestine should be protected and free access to them assured; in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the area concerned to give

- appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;
8. *Resolves* that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem *plus* the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Kerim (including also built-up area of Motsa); and the most northern Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;
Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible dates;
Instructs the Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;
 The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;
 9. *Resolves* that, pending agreement on more detailed arrangements among Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;
Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;
 10. *Instructs* the Conciliation Commission to seek arrangements among the governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;
 11. *Resolves* that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss and damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;
Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;
 12. *Authorizes* the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolutions;
 The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards for the protection of the staff and premises of the Commission;
 13. *Instructs* the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations.
 14. *Calls upon* all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all responsible steps to assist in the implementation of the present resolution;
 15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

ANNEX 2

SECURITY COUNCIL RESOLUTION ON PRINCIPLES OF A JUST AND LASTING PEACE IN THE MIDDLE EAST 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just lasting peace in which every State in the area can live in security.

Emphasizing further that all Member States in their acceptance of the charter of the United have undertaken a commitment to act in accordance with Article 2 of the charter,

1. *Affirms* that the fulfillment of the Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both of the following principles:

- (i) Withdrawal of Israel armed forces from territories [*des territoires occupés*] in the recent conflict;
- (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further* the necessity

- (a) for guaranteeing freedom of navigation through international waterways in the area;
- (b) For achieving a just settlement of the refugee problem;
- (c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

ANNEX 3

1973 SECURITY COUNCIL RESOLUTION CALLING FOR CEASE-FIRE AND IMPLEMENTATION OF RESOLUTION 242

The Security Council

1. *Calls upon* all parties to the preset fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;
2. *Calls upon* the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;
3. *Decides* that, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

ANNEX 4

Declaration Of Principles On Interim Self-Government Arrangements September 13, 1993

The Government of the State of Israel and the P.L.O. team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the "Palestinian Delegation"), representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process. Accordingly, the two sides agree to the following principles:

ARTICLE I: AIM OF THE NEGOTIATIONS

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the "Council"), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.

It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338.

ARTICLE II: FRAMEWORK FOR THE INTERIM PERIOD

The agreed framework for the interim period is set forth in this Declaration of Principles.

ARTICLE III: ELECTIONS

1. In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council under agreed supervision and international observation, while the Palestinian police will ensure public order.
2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding the elections not later than nine months after the entry into force of this Declaration of Principles.
3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

ARTICLE IV

JURISDICTION

Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and the Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period.

ARTICLE V

TRANSITIONAL PERIOD AND PERMANENT STATUS NEGOTIATIONS

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.
2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people representatives.
3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.
4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period.

ARTICLE VI

PREPARATORY TRANSFER OF POWERS AND RESPONSIBILITIES

1. Upon the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and the Jericho area, a transfer of authority from the Israeli military government and its Civil Administration to the authorised Palestinians for this task, as detailed herein, will commence. This transfer of authority will be of a preparatory nature until the inauguration of the Council.
2. Immediately after the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and Jericho area, with the view to promoting economic development in the West Bank and Gaza Strip, authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism. The Palestinian side will commence in building the Palestinian police force, as agreed upon. Pending the inauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

ARTICLE VII

INTERIM AGREEMENT

1. The Israeli and Palestinian delegations will negotiate an agreement on the interim period (the "Interim Agreement")
2. The Interim Agreement shall specify, among other things, the structure of the Council, the number of its members, and the transfer of powers and responsibilities from the Israeli military government and its Civil Administration to the Council. The Interim Agreement shall also specify the Council's executive authority, legislative authority in accordance with Article IX below, and the independent Palestinian judicial organs.
3. The Interim Agreement shall include arrangements, to be implemented upon the inauguration of the Council, for the assumption by the Council of all of the powers and responsibilities transferred previously in accordance with Article VI above.
4. In order to enable the Council to promote economic growth, upon its inauguration, the Council will establish, among other things, a Palestinian Electricity Authority, a Gaza Sea Port Authority, a Palestinian Development Bank, a Palestinian Export Promotion Board, a Palestinian Environmental Authority, a Palestinian Land Authority and a Palestinian Water Administration Authority, and any other Authorities agreed upon, in accordance with the Interim Agreement that will specify their powers and responsibilities.
5. After the inauguration of the Council, the Civil Administration will be dissolved, and the Israeli military government will be withdrawn.

ARTICLE VIII

PUBLIC ORDER AND SECURITY

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

ARTICLE IX

LAWS AND MILITARY ORDERS

1. The Council will be empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it.
2. Both parties will review jointly laws and military orders presently in force in remaining spheres.

ARTICLE X

JOINT ISRAELI-PALESTINIAN LIAISON COMMITTEE

In order to provide for a smooth implementation of this Declaration of Principles and any subsequent agreements pertaining to the interim period, upon the entry into force of this Declaration of Principles, a Joint Israeli-Palestinian Liaison Committee will be established in order to deal with issues requiring coordination, other issues of common interest, and disputes.

ARTICLE XI

ISRAELI-PALESTINIAN COOPERATION IN ECONOMIC FIELDS

Recognizing the mutual benefit of cooperation in promoting the development of the West Bank, the Gaza Strip and Israel, upon the entry into force of this Declaration of Principles, an Israeli-Palestinian Economic Cooperation Committee will be established in order to develop and implement in a cooperative manner the programs identified in the protocols attached as Annex III and Annex IV.

ARTICLE XII

LIAISON AND COOPERATION WITH JORDAN AND EGYPT

The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other hand, to promote cooperation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this Committee.

ARTICLE XIII

REDEPLOYMENT OF ISRAELI FORCES

1. After the entry into force of this Declaration of Principles, and not later than the eve of elections for the Council, a redeployment of Israeli military forces in the West Bank and the Gaza Strip will take place, in addition to withdrawal of Israeli forces carried out in accordance with Article XIV.
2. In redeploying its military forces, Israel will be guided by the principle that its military forces should be redeployed outside populated areas.
3. Further redeployments to specified locations will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian police force pursuant to Article VIII above.

ARTICLE XIV

ISRAELI WITHDRAWAL FROM THE GAZA STRIP AND JERICHO AREA

Israel will withdraw from the Gaza Strip and Jericho area, as detailed in the protocol attached as Annex II.

ARTICLE XV

RESOLUTION OF DISPUTES

1. Disputes arising out of the application or interpretation of this Declaration of Principles, or any subsequent agreements pertaining to the interim period, shall be resolved by negotiations through the Joint Liaison Committee to be established pursuant to Article X above.
2. Disputes which cannot be settled by negotiations may be resolved by a mechanism of conciliation to be agreed upon by the parties.
3. The parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both parties, the parties will establish an Arbitration Committee.

ARTICLE XVI

ISRAELI-PALESTINIAN COOPERATION CONCERNING REGIONAL PROGRAMS

Both parties view the multilateral working groups as an appropriate instrument for promoting a "Marshall Plan", the regional programs and other programs, including special programs for the West Bank and Gaza Strip, as indicated in the protocol attached as Annex IV.

ARTICLE XVII

MISCELLANEOUS PROVISIONS

1. This Declaration of Principles will enter into force one month after its signing.
2. All protocols annexed to this Declaration of Principles and Agreed Minutes pertaining thereto shall be regarded as an integral part hereof.

ANNEX I

PROTOCOL ON THE MODE AND CONDITIONS OF ELECTIONS

1. Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides.
2. In addition, the election agreement should cover, among other things, the following issues:
 - a. the system of elections;
 - b. the mode of the agreed supervision and international observation and their personal composition; and
 - c. rules and regulations regarding election campaign, including agreed arrangements for the organizing of mass media, and the possibility of licensing a broadcasting and TV station.
3. The future status of displaced Palestinians who were registered on 4th June 1967 will not be prejudiced because they are unable to participate in the election process due to practical reasons.

ANNEX II

PROTOCOL ON WITHDRAWAL OF ISRAELI FORCES FROM THE GAZA STRIP AND JERICHO AREA

1. The two sides will conclude and sign within two months from the date of entry into force of this Declaration of Principles, an agreement on the withdrawal of Israeli military forces from the Gaza Strip and Jericho area. This agreement will include comprehensive arrangements to apply in the Gaza Strip and the Jericho area subsequent to the Israeli withdrawal.
2. Israel will implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and Jericho area, beginning immediately with the signing of the agreement on the Gaza Strip and Jericho area and to be completed within a period not exceeding four months after the signing of this agreement.
3. The above agreement will include, among other things:
 - a. Arrangements for a smooth and peaceful transfer of authority from the Israeli military government and its Civil Administration to the Palestinian representatives.
 - b. Structure, powers and responsibilities of the Palestinian authority in these areas, except: external security, settlements, Israelis, foreign relations, and other mutually agreed matters.
 - c. Arrangements for the assumption of internal security and public order by the Palestinian police force consisting of police officers recruited locally and from abroad holding Jordanian passports and Palestinian documents issued by Egypt). Those who will participate in the Palestinian police force coming from abroad should be trained as police and police officers.
 - d. A temporary international or foreign presence, as agreed upon.
 - e. Establishment of a joint Palestinian-Israeli Coordination and Cooperation Committee for mutual security purposes.
 - f. An economic development and stabilization program, including the establishment of an Emergency Fund, to encourage foreign investment, and financial and economic support. Both sides will coordinate and cooperate jointly and unilaterally with regional and international parties to support these aims.
 - g. Arrangements for a safe passage for persons and transportation between the Gaza Strip and Jericho area.
4. The above agreement will include arrangements for coordination between both parties regarding passages:
 - a. Gaza - Egypt; and
 - b. Jericho - Jordan.
5. The offices responsible for carrying out the powers and responsibilities of the Palestinian authority under this Annex II and Article VI of the Declaration of Principles will be located in the Gaza Strip and in the Jericho area pending the inauguration of the Council.
6. Other than these agreed arrangements, the status of the Gaza Strip and Jericho area will continue to be an integral part of the West Bank and Gaza Strip, and will not be changed in the interim period.

ANNEX III

PROTOCOL ON ISRAELI-PALESTINIAN COOPERATION IN ECONOMIC AND DEVELOPMENT PROGRAMS

The two sides agree to establish an Israeli-Palestinian continuing Committee for Economic Cooperation, focusing, among other things, on the following:

1. Cooperation in the field of water, including a Water Development Program prepared by experts from both sides, which will also specify the mode of cooperation in the management of water resources in the West Bank and Gaza Strip, and will include proposals for studies and plans on water rights of each party, as well as on the equitable utilization of joint water resources for implementation in and beyond the interim period.
2. Cooperation in the field of electricity, including an Electricity Development Program, which will also specify the mode of cooperation for the production, maintenance, purchase and sale of electricity resources.
3. Cooperation in the field of energy, including an Energy Development Program, which will provide for the exploitation of oil and gas for industrial purposes, particularly in the Gaza Strip and in the Negev, and will encourage further joint exploitation of other energy resources. This Program may also provide for the construction of a Petrochemical industrial complex in the Gaza Strip and the construction of oil and gas pipelines.
4. Cooperation in the field of finance, including a Financial Development and Action Program for the encouragement of international investment in the West Bank and the Gaza Strip, and in Israel, as well as the establishment of a Palestinian Development Bank.
5. Cooperation in the field of transport and communications, including a Program, which will define guidelines for the establishment of a Gaza Sea Port Area, and will provide for the establishing of transport and communications lines to and from the West Bank and the Gaza Strip to Israel and to other countries. In addition, this Program will provide for carrying out the necessary construction of roads, railways, communications lines, etc.
6. Cooperation in the field of trade, including studies, and Trade Promotion Programs, which will encourage local, regional and inter-regional trade, as well as a feasibility study of creating free trade zones in the Gaza Strip and in Israel, mutual access to these zones, and cooperation in other areas related to trade and commerce.
7. Cooperation in the field of industry, including Industrial Development Programs, which will provide for the establishment of joint Israeli- Palestinian Industrial Research and Development Centers, will promote Palestinian-Israeli joint ventures, and provide guidelines for cooperation in the textile, food, pharmaceutical, electronics, diamonds, computer and science-based industries.
8. A program for cooperation in, and regulation of, labor relations and cooperation in social welfare issues.
9. A Human Resources Development and Cooperation Plan, providing for joint Israeli-Palestinian workshops and seminars, and for the establishment of joint vocational training centers, research institutes and data banks.
10. An Environmental Protection Plan, providing for joint and/or coordinated measures in this sphere.
11. A program for developing coordination and cooperation in the field of communication and media.
12. Any other programs of mutual interest.

ANNEX IV

PROTOCOL ON ISRAELI-PALESTINIAN COOPERATION CONCERNING REGIONAL DEVELOPMENT PROGRAMS

1. The two sides will cooperate in the context of the multilateral peace efforts in promoting a Development Program for the region, including the West Bank and the Gaza Strip, to be initiated by the G-7. The parties will request the G-7 to seek the participation in this program of other interested states, such as members of the Organisation for Economic Cooperation and Development, regional Arab states and institutions, as well as members of the private sector.
2. The Development Program will consist of two elements:
 - a. an Economic Development Program for the 'West Bank and the Gaza Strip.
 - b. a Regional Economic Development Program.
 - A. The Economic Development Program for the West Bank and the Gaza strip will consist of the following elements:
 1. A Social Rehabilitation Program, including a Housing and Construction Program.
 2. A Small and Medium Business Development Plan.
 3. An Infrastructure Development Program (water, electricity, transportation and communications, etc.)
 4. A Human Resources Plan.
 5. Other programs.
 - B. The Regional Economic Development Program may consist of the following elements:
 1. The establishment of a Middle East Development Fund, as a first step, and a Middle East Development Bank, as a second step.
 2. The development of a joint Israeli-Palestinian-Jordanian Plan for coordinated exploitation of the Dead Sea area.
 3. The Mediterranean Sea (Gaza) - Dead Sea Canal.
 4. Regional Desalinization and other water development projects.
 5. A regional plan for agricultural development, including a coordinated regional effort for the prevention of desertification.
 6. Interconnection of electricity grids.
 7. Regional cooperation for the transfer, distribution and industrial exploitation of gas, oil and other energy resources.
 8. A Regional Tourism, Transportation and Telecommunications Development Plan.
 9. Regional cooperation in other spheres.
3. The two sides will encourage the multilateral working groups, and will coordinate towards their success. The two parties will encourage intersessional activities, as well as pre-feasibility and feasibility studies, within the various multilateral working groups.

AGREED MINUTES TO THE DECLARATION OF PRINCIPLES ON INTERIM SELF-GOVERNMENT ARRANGEMENTS

A. GENERAL UNDERSTANDINGS AND AGREEMENTS

Any powers and responsibilities transferred to the Palestinians pursuant to the Declaration of Principles prior to the inauguration of the Council will be subject to the same principles pertaining to Article IV, as set out in these Agreed Minutes below.

B. SPECIFIC UNDERSTANDINGS AND AGREEMENTS

Article IV

It is understood that:

1. Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, military locations, and Israelis.
2. The Council's jurisdiction will apply with regard to the agreed powers, responsibilities, spheres and authorities transferred to it.

Article VI (2)

It is agreed that the transfer of authority will be as follows:

1. The Palestinian side will inform the Israeli side of the names of the authorised Palestinians who will assume the powers, authorities and responsibilities that will be transferred to the Palestinians according to the Declaration of Principles in the following fields: education and culture, health, social welfare, direct taxation, tourism, and any other authorities agreed upon.
2. It is understood that the rights and obligations of these offices will not be affected.
3. Each of the spheres described above will continue to enjoy existing budgetary allocations in accordance with arrangements to be mutually agreed upon. These arrangements also will provide for the necessary adjustments required in order to take into account the taxes collected by the direct taxation office.
4. Upon the execution of the Declaration of Principles, the Israeli and Palestinian delegations will immediately commence negotiations on a detailed plan for the transfer of authority on the above offices in accordance with the above understandings.

Article VII (2)

The Interim Agreement will also include arrangements for coordination and cooperation.

Article VII (5)

The withdrawal of the military government will not prevent Israel from exercising the powers and responsibilities not transferred to the Council.

Article VIII

It is understood that the Interim Agreement will include arrangements for cooperation and coordination between the two parties in this regard. It is also agreed that the transfer of powers and responsibilities to the Palestinian police will be accomplished in a phased manner, as agreed in the Interim Agreement.

Article X

It is agreed that, upon the entry into force of the Declaration of Principles, the Israeli and Palestinian delegations will exchange the names of the individuals designated by them as members of the Joint Israeli-Palestinian Liaison Committee.

It is further agreed that each side will have an equal number of members in the Joint Committee. The Joint Committee will reach decisions by agreement. The Joint Committee may add other technicians and experts, as necessary. The Joint Committee will decide on the frequency and place or places of its meetings.

Annex II

It is understood that, subsequent to the Israeli withdrawal, Israel will continue to be responsible for external security, and for internal security and public order of settlements and Israelis. Israeli military forces and civilians may continue to use roads freely within the Gaza Strip and the Jericho area.

ANNEX 5

The Palestinian-Israeli Interim Agreement On The West Bank & The Gaza Strip Washington, D.C. September 28, 1995

The Government of the State of Israel and the Palestine Liberation Organization
(hereinafter "the PLO"), the representative of the Palestinian people;

PREAMBLE

WITHIN the framework of the Middle East peace process initiated at Madrid in October 1991;
REAFFIRMING their determination to put an end to decades of confrontation and to live in peaceful coexistence, mutual dignity and security, while recognizing their mutual legitimate and political rights;
REAFFIRMING their desire to achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process;
RECOGNIZING that the peace process and the new era that it has created, as well as the new relationship established between the two Parties as described above, are irreversible, and the determination of the two Parties to maintain, sustain and continue the peace process;
RECOGNIZING that the aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, i.e. the elected Council (hereinafter "the Council" or "the Palestinian Council"), and the elected Ra'ees of the Executive Authority, for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years from the date of signing the Agreement on the Gaza Strip and the Jericho Area (hereinafter "the Gaza-Jericho Agreement") on May 4, 1994, leading to a permanent settlement based on Security Council Resolutions 242 and 338;
REAFFIRMING their understanding that the interim self-government arrangements contained in this Agreement are an integral part of the whole peace process, that the negotiations on the permanent status, that will start as soon as possible but not later than May 4, 1996, will lead to the implementation of Security Council Resolutions 242 and 338, and that the Interim Agreement shall settle all the issues of the interim period and that no such issues will be deferred to the agenda of the permanent status negotiations;
REAFFIRMING their adherence to the mutual recognition and commitments expressed in the letters dated September 9, 1993, signed by and exchanged between the Prime Minister of Israel and the Chairman of the PLO;
DESIROUS of putting into effect the Declaration of Principles on Interim Self-Government Arrangements signed at Washington, DC on September 13, 1993, and the Agreed Minutes thereto (hereinafter "the DOP") and in particular Article III and Annex I concerning the holding of direct, free and general political elections for the Council and the Ra'ees of the Executive Authority in order that the Palestinian people in the West Bank, Jerusalem and the Gaza Strip may democratically elect accountable representatives;
RECOGNIZING that these elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements and will provide a democratic basis for the establishment of Palestinian institutions;
REAFFIRMING their mutual commitment to act, in accordance with this Agreement, immediately, efficiently and effectively against acts or threats of terrorism, violence or incitement, whether committed by Palestinians or Israelis;
FOLLOWING the Gaza-Jericho Agreement; the Agreement on Preparatory Transfer of Powers and Responsibilities signed at Erez on August 29, 1994 (hereinafter "the Preparatory Transfer Agreement"); and the Protocol on Further Transfer of Powers and Responsibilities signed at Cairo on August 27, 1995

(hereinafter "the Further Transfer Protocol"); which three agreements will be superseded by this Agreement;
HEREBY AGREE as follows:

CHAPTER I - THE COUNCIL

ARTICLE I: Transfer of Authority

1. Israel shall transfer powers and responsibilities as specified in this Agreement from the Israeli military government and its Civil Administration to the Council in accordance with this Agreement. Israel shall continue to exercise powers and responsibilities not so transfer.
2. Pending the inauguration of the Council, the powers and responsibilities transferred to the Council shall be exercised by the Palestinian Authority established in accordance with the Gaza-Jericho Agreement, which shall also have all the rights, liabilities and obligations to be assumed by the Council in this regard. Accordingly, the term "Council" throughout this Agreement shall, pending the inauguration of the Council, be construed as meaning the Palestinian Authority.
3. The transfer of powers and responsibilities to the police force established by the Palestinian Council in accordance with Article XIV below (hereinafter "the Palestinian Police") shall be accomplished in a phased manner, as detailed in this Agreement and in the Protocol concerning Redeployment and Security Arrangements attached as Annex I to this Agreement (hereinafter "Annex I").
4. As regards the transfer and assumption of authority in civil spheres, powers and responsibilities shall be transferred and assumed as set out in the Protocol Concerning Civil Affairs attached as Annex III to this Agreement (hereinafter "Annex III").
5. After the inauguration of the Council, the Civil Administration in the West Bank will be dissolved, and the Israeli military government shall be withdrawn. The withdrawal of the military government shall not prevent it from exercising the powers and responsibilities not transferred to the Council.
6. A Joint Civil Affairs Coordination and Cooperation Committee (hereinafter "the CAC"), Joint Regional Civil Affairs Subcommittees, one for the Gaza Strip and the other for the West Bank, and District Civil Liaison Offices in the West Bank shall be established in order to provide for coordination and cooperation in civil affairs between the Council and Israel, as detailed in Annex III.
7. The offices of the Council, and the offices of its Ra'ees and its Executive Authority and other committees, shall be located in areas under Palestinian territorial jurisdiction in the West Bank and the Gaza Strip.

ARTICLE II: Elections

1. In order that the Palestinian people of the West Bank and the Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council and the Ra'ees of the Executive Authority of the Council in accordance with the provisions set out in the Protocol concerning Elections attached as Annex II to this Agreement (hereinafter "Annex II").
2. These elections will constitute a significant interim preparatory step towards the realization of the legitimate rights of the Palestinian people and their just requirements and will provide a democratic basis for the establishment of Palestinian institutions.
3. Palestinians of Jerusalem who live there may participate in the election process in accordance with the provisions contained in this Article and in Article VI of Annex II (Election Arrangements concerning Jerusalem).
4. The elections shall be called by the Chairman of the Palestinian Authority immediately following the signing of this Agreement to take place at the earliest practicable date following the

redeployment of Israeli forces in accordance with Annex I, and consistent with the requirements of the election timetable as provided in Annex II, the Election Law and the Election Regulations, as defined in Article I of Annex II.

ARTICLE III: Structure of the Palestinian Council

1. The Palestinian Council and the Ra'ees of the Executive Authority of the Council constitute the Palestinian Interim Self-Government Authority, which will be elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip for the transitional period agreed in Article I of the DOP.
2. The Council shall possess both legislative power and executive power, in accordance with Articles VII and IX of the DOP. The Council shall carry out and be responsible for all the legislative and executive powers and responsibilities transferred to it under this Agreement. The exercise of legislative powers shall be in accordance with Article XVIII of this Agreement (Legislative Powers of the Council).
3. The Council and the Ra'ees of the Executive Authority of the Council shall be directly and simultaneously elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip, in accordance with the provisions of this Agreement and the Election Law and Regulations, which shall not be contrary to the provisions of this Agreement.
4. The Council and the Ra'ees of the Executive Authority of the Council shall be elected for a transitional period not exceeding five years from the signing of the Gaza-Jericho Agreement on May 4, 1994.
5. Immediately upon its inauguration, the Council will elect from among its members a Speaker. The Speaker will preside over the meetings of the Council, administer the Council and its committees, decide on the agenda of each meeting, and lay before the Council proposals for voting and declare their results.
6. The jurisdiction of the Council shall be as determined in Article XVII of this Agreement (Jurisdiction).
7. The organization, structure and functioning of the Council shall be in accordance with this Agreement and the Basic Law for the Palestinian Interim Self- Government Authority, which Law shall be adopted by the Council. The Basic Law and any regulations made under it shall not be contrary to the provisions of this Agreement.
8. The Council shall be responsible under its executive powers for the offices, services and departments transferred to it and may establish, within its jurisdiction, ministries and subordinate bodies, as necessary for the fulfillment of its responsibilities.
9. The Speaker will present for the Council's approval proposed internal procedures that will regulate, among other things, the decision-making processes of the Council.

ARTICLE IV: Size of the Council

The Palestinian Council shall be composed of 82 representatives and the Ra'ees of the Executive Authority, who will be directly and simultaneously elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip.

ARTICLE V: The Executive Authority of the Council

1. The Council will have a committee that will exercise the executive authority of the Council, formed in accordance with paragraph 4 below (hereinafter "the Executive Authority").
2. The Executive Authority shall be bestowed with the executive authority of the Council and will exercise it on behalf of the Council. It shall determine its own internal procedures and decision making processes.
3. The Council will publish the names of the members of the Executive Authority immediately upon their initial appointment and subsequent to any changes.

- a. The Ra'ees of the Executive Authority shall be an ex officio member of the Executive Authority.
- b. All of the other members of the Executive Authority, except as provided in subparagraph c. below, shall be members of the Council, chosen and proposed to the Council by the Ra'ees of the Executive Authority and approved by the Council.
- c. The Ra'ees of the Executive Authority shall have the right to appoint some persons, in number not exceeding twenty percent of the total membership of the Executive Authority, who are not members of the Council, to exercise executive authority and participate in government tasks. Such appointed members may not vote in meetings of the Council.
- d. Non-elected members of the Executive Authority must have a valid address in an area under the jurisdiction of the Council.

ARTICLE VI: Other Committees of the Council

1. The Council may form small committees to simplify the proceedings of the Council and to assist in controlling the activity of its Executive Authority.
2. Each committee shall establish its own decision-making processes within the general framework of the organization and structure of the Council.

ARTICLE VII: Open Government

1. All meetings of the Council and of its committees, other than the Executive Authority, shall be open to the public, except upon a resolution of the Council or the relevant committee on the grounds of security, or commercial or personal confidentiality.
2. Participation in the deliberations of the Council, its committees and the Executive Authority shall be limited to their respective members only. Experts may be invited to such meetings to address specific issues on an ad hoc basis.

ARTICLE VIII: Judicial Review

Any person or organization affected by any act or decision of the Ra'ees of the Executive Authority of the Council or of any member of the Executive Authority, who believes that such act or decision exceeds the authority of the Ra'ees or of such member, or is otherwise incorrect in law or procedure, may apply to the relevant Palestinian Court of Justice for a review of such activity or decision.

ARTICLE IX: Powers and Responsibilities of the Council

1. Subject to the provisions of this Agreement, the Council will, within its jurisdiction, have legislative powers as set out in Article XVIII of this Agreement, as well as executive powers.
2. The executive power of the Palestinian Council shall extend to all matters within its jurisdiction under this Agreement or any future agreement that may be reached between the two Parties during the interim period. It shall include the power to formulate and conduct Palestinian policies and to supervise their implementation, to issue any rule or regulation under powers given in approved legislation and administrative decisions necessary for the realization of Palestinian self-government, the power to employ staff, sue and be sued and conclude contracts, and the power to keep and administer registers and records of the population, and issue certificates, licenses and documents.
3. The Palestinian Council's executive decisions and acts shall be consistent with the provisions of this Agreement.
4. The Palestinian Council may adopt all necessary measures in order to enforce the law and any of its decisions, and bring proceedings before the Palestinian courts and tribunals.
 - a. In accordance with the DOP, the Council will not have powers and responsibilities in the sphere of foreign relations, which sphere includes the establishment abroad of embassies, consulates or other types of foreign missions and posts or permitting their establishment

in the West Bank or the Gaza Strip, the appointment of or admission of diplomatic and consular staff, and the exercise of diplomatic functions.

- b. Notwithstanding the provisions of this paragraph, the PLO may conduct negotiations and sign agreements with states or international organizations for the benefit of the Council in the following cases only:
 1. economic agreements, as specifically provided in Annex V of this Agreement;
 2. agreements with donor countries for the purpose of implementing arrangements for the provision of assistance to the Council ;
 3. agreements for the purpose of implementing the regional development plans detailed in Annex IV of the DOP or in agreements entered into in the framework of the multilateral negotiations; and
 4. cultural, scientific and educational agreements.
 - c. Dealings between the Council and representatives of foreign states and international organizations, as well as the establishment in the West Bank and the Gaza Strip of representative offices other than those described in subparagraph 5.a above, for the purpose of implementing the agreements referred to in subparagraph 5.b above, shall not be considered foreign relations.
5. Subject to the provisions of this Agreement, the Council shall, within its jurisdiction, have an independent judicial system composed of independent Palestinian courts and tribunals.

CHAPTER 2 - REDEPLOYMENT AND SECURITY ARRANGEMENTS

ARTICLE X: Redeployment of Israeli Military Forces

1. The first phase of the Israeli military forces redeployment will cover populated areas in the West Bank - cities, towns, villages, refugee camps and hamlets - as set out in Annex I, and will be completed prior to the eve of the Palestinian elections, i.e., 22 days before the day of the elections.
2. Further redeployments of Israeli military forces to specified military locations will commence after the inauguration of the Council and will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian Police, to be completed within 18 months from the date of the inauguration of the Council as detailed in Articles XI (Land) and XIII (Security), below and in Annex I.
3. The Palestinian Police shall be deployed and shall assume responsibility for public order and internal security for Palestinians in a phased manner in accordance with Article XIII (Security) below and Annex I.
4. Israel shall continue to carry the responsibility for external security, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.
5. For the purpose of this Agreement, "Israeli military forces" includes Israel Police and other Israeli security forces.

ARTICLE XI: Land

1. The two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period.
2. The two sides agree that West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations, will come under the jurisdiction of the Palestinian Council in a phased manner, to be completed within 18 months from the date of the inauguration of the Council, as specified below:
 - a. Land in populated areas (Areas A and B), including government and Al Waqf land, will come under the jurisdiction of the Council during the first phase of redeployment.

- b. All civil powers and responsibilities, including planning and zoning, in Areas A and B, set out in Annex III, will be transferred to and assumed by the Council during the first phase of redeployment.
 - c. In Area C, during the first phase of redeployment Israel will transfer to the Council civil powers and responsibilities not relating to territory, as set out in Annex III.
 - d. The further redeployments of Israeli military forces to specified military locations will be gradually implemented in accordance with the DOP in three phases, each to take place after an interval of six months, after the inauguration of the Council, to be completed within 18 months from the date of the inauguration of the Council.
 - e. During the further redeployment phases to be completed within 18 months from the date of the inauguration of the Council, powers and responsibilities relating to territory will be transferred gradually to Palestinian jurisdiction that will cover West Bank and Gaza Strip territory, except for the issues that will be negotiated in the permanent status negotiations.
 - f. The specified military locations referred to in Article X, paragraph 2 above will be determined in the further redeployment phases, within the specified time-frame ending not later than 18 months from the date of the inauguration of the Council, and will be negotiated in the permanent status negotiations.
3. For the purpose of this Agreement and until the completion of the first phase of the further redeployments:
- a. "Area A" means the populated areas delineated by a red line and shaded in brown on attached map No. 1;
 - b. "Area B" means the populated areas delineated by a red line and shaded in yellow on attached map No. 1, and the built-up area of the hamlets listed in Appendix 6 to Annex I; and
 - c. "Area C" means areas of the West Bank outside Areas A and B, which, except for the issues that will be negotiated in the permanent status negotiations, will be gradually transferred to Palestinian jurisdiction in accordance with this Agreement.

ARTICLE XII: Arrangements for Security and Public Order

- 1. In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council shall establish a strong police force as set out in Article XIV below. Israel shall continue to carry the responsibility for defense against external threats, including the responsibility for protecting the Egyptian and Jordanian borders, and for defense against external threats from the sea and from the air, as well as the responsibility for overall security of Israelis and Settlements, for the purpose of safeguarding their internal security and public order, and will have all the powers to take the steps necessary to meet this responsibility.
- 2. Agreed security arrangements and coordination mechanisms are specified in Annex I.
- 3. A Joint Coordination and Cooperation Committee for Mutual Security Purposes (hereinafter "the JSC"), as well as Joint Regional Security Committees (hereinafter "RSCs"), and Joint District Coordination Offices (hereinafter "DCOs"), are hereby established as provided for in Annex I.
- 4. The security arrangements provided for in this Agreement and in Annex I may be reviewed at the request of either Party and may be amended by mutual agreement of the Parties. Specific review arrangements are included in Annex I.
- 5. For the purpose of this Agreement, "the Settlements" means, in the West Bank - the settlements in Area C; and in the Gaza Strip - the Gush Katif and Erez settlement areas, as well as the other settlements in the Gaza Strip, as shown on attached map No. 2.

ARTICLE XIII: Security

1. The Council will, upon completion of the redeployment of Israeli military forces in each district, as set out in Appendix 1 to Annex I, assume the powers and responsibilities for internal security and public order in Area A in that district.
 - a. There will be a complete redeployment of Israeli military forces from Area B. Israel will transfer to the Council and the Council will assume responsibility for public order for Palestinians. Israel shall have the overriding responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism.
 - b. In Area B the Palestinian Police shall assume the responsibility for public order for Palestinians and shall be deployed in order to accommodate the Palestinian needs and requirements in the following manner:
 1. The Palestinian Police shall establish 25 police stations and posts in towns, villages, and other places listed in Appendix 2 to Annex I and as delineated on map No. 3. The West Bank RSC may agree on the establishment of additional police stations and posts, if required.
 2. The Palestinian Police shall be responsible for handling public order incidents in which only Palestinians are involved.
 3. The Palestinian Police shall operate freely in populated places where police stations and posts are located, as set out in paragraph b(1) above.
 4. While the movement of uniformed Palestinian policemen in Area B outside places where there is a Palestinian police station or post will be carried out after coordination and confirmation through the relevant DCO, three months after the completion of redeployment from Area B, the DCOs may decide that movement of Palestinian policemen from the police stations in Area B to Palestinian towns and villages in Area B on roads that are used only by Palestinian traffic will take place after notifying the DCO.
 5. The coordination of such planned movement prior to confirmation through the relevant DCO shall include a scheduled plan, including the number of policemen, as well as the type and number of weapons and vehicles intended to take part. It shall also include details of arrangements for ensuring continued coordination through appropriate communication links, the exact schedule of movement to the area of the planned operation, including the destination and routes thereto, its proposed duration and the schedule for returning to the police station or post. The Israeli side of the DCO will provide the Palestinian side with its response, following a request for movement of policemen in accordance with this paragraph, in normal or routine cases within one day and in emergency cases no later than 2 hours.
 6. The Palestinian Police and the Israeli military forces will conduct joint security activities on the main roads as set out in Annex 1.
 7. The Palestinian Police will notify the West Bank RSC of the names of the policemen, number plates of police vehicles and serial numbers of weapons, with respect to each police station and post in Area B.
 8. Further redeployments from Area C and transfer of internal security responsibility to the Palestinian Police in Areas B and C will be carried out in three phases, each to take place after an interval of six months, to be completed 18 months after the inauguration of the Council, except for the issues of permanent status negotiations and of Israel's overall responsibility for Israelis and borders.
 9. The procedures detailed in this paragraph will be reviewed within six months of the completion of the first phase of redeployment.

ARTICLE XIV: The Palestinian Police

1. The Council shall establish a strong police force. The duties, functions, structure, deployment and composition of the Palestinian Police, together with provisions regarding its equipment and operation, as well as rules of conduct, are set out in Annex I.
2. The Palestinian police force established under the Gaza-Jericho Agreement will be fully integrated into the Palestinian Police and will be subject to the provisions of this Agreement.
3. Except for the Palestinian Police and the Israeli military forces, no other armed forces shall be established or operate in the West Bank and the Gaza Strip.
4. Except for the arms, ammunition and equipment of the Palestinian Police described in Annex I, and those of the Israeli military forces, no organization, group or individual in the West Bank and the Gaza Strip shall manufacture, sell, acquire, possess, import or otherwise introduce into the West Bank or the Gaza Strip any firearms, ammunition, weapons, explosives, gunpowder or any related equipment, unless otherwise provided for in Annex I.

ARTICLE XV: Prevention of Hostile Acts

1. Both sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property, and shall take legal measures against offenders.
2. Specific provisions for the implementation of this Article are set out in Annex I.

ARTICLE XVI: Confidence Building Measures

With a view to fostering a positive and supportive public atmosphere to accompany the implementation of this Agreement, to establish a solid basis of mutual trust and good faith, and in order to facilitate the anticipated cooperation and new relations between the two peoples, both Parties agree to carry out confidence building measures as detailed herewith:

1. Israel will release or turn over to the Palestinian side, Palestinian detainees and prisoners, residents of the West Bank and the Gaza Strip. The first stage of release of these prisoners and detainees will take place on the signing of this Agreement and the second stage will take place prior to the date of the elections. There will be a third stage of release of detainees and prisoners. Detainees and prisoners will be released from among categories detailed in Annex VII (Release of Palestinian Prisoners and Detainees). Those released will be free to return to their homes in the West Bank and the Gaza Strip.
2. Palestinians who have maintained contact with the Israeli authorities will not be subjected to acts of harassment, violence, retribution or prosecution. Appropriate ongoing measures will be taken, in coordination with Israel, in order to ensure their protection.
3. Palestinians from abroad whose entry into the West Bank and the Gaza Strip is approved pursuant to this Agreement, and to whom the provisions of this Article are applicable, will not be prosecuted for offenses committed prior to September 13, 1993.

CHAPTER 3 - LEGAL AFFAIRS

ARTICLE XVII: Jurisdiction

1. In accordance with the DOP, the jurisdiction of the Council will cover West Bank and Gaza Strip territory as a single territorial unit, except for:
 - a. issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis; and
 - b. powers and responsibilities not transferred to the Council.
2. Accordingly, the authority of the Council encompasses all matters that fall within its territorial, functional and personal jurisdiction, as follows

- a. The territorial jurisdiction of the Council shall encompass Gaza Strip territory, except for the Settlements and the Military Installation Area shown on map No. 2, and West Bank territory, except for Area C which, except for the issues that will be negotiated in the permanent status negotiations, will be gradually transferred to Palestinian jurisdiction in three phases, each to take place after an interval of six months, to be completed 18 months after the inauguration of the Council. At this time, the jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for the issues that will be negotiated in the permanent status negotiations. Territorial jurisdiction includes land, subsoil and territorial waters, in accordance with the provisions of this Agreement.
 - b. The functional jurisdiction of the Council extends to all powers and responsibilities transferred to the Council, as specified in this Agreement or in any future agreements that may be reached between the Parties during the interim period.
 - c. The territorial and functional jurisdiction of the Council will apply to all persons, except for Israelis, unless otherwise provided in this Agreement.
 - d. Notwithstanding subparagraph a. above, the Council shall have functional jurisdiction in Area C, as detailed in Article IV of Annex III.
3. The Council has, within its authority, legislative, executive and judicial powers and responsibilities, as provided for in this Agreement.
 - a. Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council, powers and responsibilities not transferred to the Council and Israelis.
 - b. To this end, the Israeli military government shall retain the necessary legislative, judicial and executive powers and responsibilities, in accordance with international law. This provision shall not derogate from Israel's applicable legislation over Israelis in personam.
 4. The exercise of authority with regard to the electromagnetic sphere and air space shall be in accordance with the provisions of this Agreement.
 5. Without derogating from the provisions of this Article, legal arrangements detailed in the Protocol Concerning Legal Matters attached as Annex IV to this Agreement (hereinafter "Annex IV") shall be observed. Israel and the Council may negotiate further legal arrangements.
 6. Israel and the Council shall cooperate on matters of legal assistance in criminal and civil matters through a legal committee (hereinafter "the Legal Committee"), hereby established.
 7. The Council's jurisdiction will extend gradually to cover West Bank and Gaza Strip territory, except for the issues to be negotiated in the permanent status negotiations, through a series of redeployments of the Israeli military forces. The first phase of the redeployment of Israeli military forces will cover populated areas in the West Bank - cities, towns, refugee camps and hamlets, as set out in Annex I - and will be completed prior to the eve of the Palestinian elections, i.e. 22 days before the day of the elections. Further redeployments of Israeli military forces to specified military locations will commence immediately upon the inauguration of the Council and will be effected in three phases, each to take place after an interval of six months, to be concluded no later than eighteen months from the date of the inauguration of the Council.

ARTICLE XVIII

Legislative Powers of the Council

1. For the purposes of this Article, legislation shall mean any primary and secondary legislation, including basic laws, laws, regulations and other legislative acts.
2. The Council has the power, within its jurisdiction as defined in Article XVII of this Agreement, to adopt legislation.

3. While the primary legislative power shall lie in the hands of the Council as a whole, the Ra'ees of the Executive Authority of the Council shall have the following legislative powers:
 - a. the power to initiate legislation or to present proposed legislation to the Council;
 - b. the power to promulgate legislation adopted by the Council; and
 - c. the power to issue secondary legislation, including regulations, relating to any matters specified and within the scope laid down in any primary legislation adopted by the Council.
 - a. Legislation, including legislation which amends or abrogates existing laws or military orders, which exceeds the jurisdiction of the Council or which is otherwise inconsistent with the provisions of the DOP, this Agreement, or of any other agreement that may be reached between the two sides during the interim period, shall have no effect and shall be void ab initio.
 - b. The Ra'ees of the Executive Authority of the Council shall not promulgate legislation adopted by the Council if such legislation falls under the provisions of this paragraph.
4. All legislation shall be communicated to the Israeli side of the Legal Committee.
5. Without derogating from the provisions of paragraph 4 above, the Israeli side of the Legal Committee may refer for the attention of the Committee any legislation regarding which Israel considers the provisions of paragraph 4 apply, in order to discuss issues arising from such legislation. The Legal Committee will consider the legislation referred to it at the earliest opportunity.

ARTICLE XIX: Human Rights and the Rule of Law

Israel and the Council shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally-accepted norms and principles of human rights and the rule of law.

ARTICLE XX: Rights, Liabilities and Obligations

- a. The transfer of powers and responsibilities from the Israeli military government and its civil administration to the Council, as detailed in Annex III, includes all related rights, liabilities and obligations arising with regard to acts or omissions which occurred prior to such transfer. Israel will cease to bear any financial responsibility regarding such acts or omissions and the Council will bear all financial responsibility for these and for its own functioning.
- b. Any financial claim made in this regard against Israel will be referred to the Council.
- c. Israel shall provide the Council with the information it has regarding pending and anticipated claims brought before any court or tribunal against Israel in this regard.
- d. Where legal proceedings are brought in respect of such a claim, Israel will notify the Council and enable it to participate in defending the claim and raise any arguments on its behalf.
- e. In the event that an award is made against Israel by any court or tribunal in respect of such a claim, the Council shall immediately reimburse Israel the full amount of the award.
- f. Without prejudice to the above, where a court or tribunal hearing such a claim finds that liability rests solely with an employee or agent who acted beyond the scope of the powers assigned to him or her, unlawfully or with willful malfeasance, the Council shall not bear financial responsibility.
- a. Notwithstanding the provisions of paragraphs 1.d through 1.f above, each side may take the necessary measures, including promulgation of legislation, in order to ensure that such claims by Palestinians, including pending claims in which the hearing of evidence has not yet begun, are brought only before Palestinian courts or tribunals in the West

Bank and the Gaza Strip, and are not brought before or heard by Israeli courts or tribunals.

- b. Where a new claim has been brought before a Palestinian court or tribunal subsequent to the dismissal of the claim pursuant to subparagraph a. above, the Council shall defend it and, in accordance with subparagraph 1.a above, in the event that an award is made for the plaintiff, shall pay the amount of the award.
 - c. The Legal Committee shall agree on arrangements for the transfer of all materials and information needed to enable the Palestinian courts or tribunals to hear such claims as referred to in subparagraph b. above, and, when necessary, for the provision of legal assistance by Israel to the Council in defending such claims.
1. The transfer of authority in itself shall not affect rights, liabilities and obligations of any person or legal entity, in existence at the date of signing of this Agreement.
 2. The Council, upon its inauguration, will assume all the rights, liabilities and obligations of the Palestinian Authority.
 3. For the purpose of this Agreement, "Israelis" also includes Israeli statutory agencies and corporations registered in Israel.

ARTICLE XXI: Settlement of Differences and Disputes

Any difference relating to the application of this Agreement shall be referred to the appropriate coordination and cooperation mechanism established under this Agreement. The provisions of Article XV of the DOP shall apply to any such difference which is not settled through the appropriate coordination and cooperation mechanism, namely:

1. Disputes arising out of the application or interpretation of this Agreement or any related agreements pertaining to the interim period shall be settled through the Liaison Committee.
2. Disputes which cannot be settled by negotiations may be settled by a mechanism of conciliation to be agreed between the Parties.
3. The Parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both Parties, the Parties will establish an Arbitration Committee.

CHAPTER 4 - COOPERATION

ARTICLE XXII: Relations between Israel and the Council

1. Israel and the Council shall seek to foster mutual understanding and tolerance and shall accordingly abstain from incitement, including hostile propaganda, against each other and, without derogating from the principle of freedom of expression, shall take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction.
2. Israel and the Council will ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation.
3. Without derogating from the other provisions of this Agreement, Israel and the Council shall cooperate in combating criminal activity which may affect both sides, including offenses related to trafficking in illegal drugs and psychotropic substances, smuggling, and offenses against property, including offenses related to vehicles.

ARTICLE XXIII: Cooperation with Regard to Transfer of Powers and Responsibilities

In order to ensure a smooth, peaceful and orderly transfer of powers and responsibilities, the two sides will cooperate with regard to the transfer of security powers and responsibilities in accordance with the provisions of Annex I, and the transfer of civil powers and responsibilities in accordance with the provisions of Annex III.

ARTICLE XXIV: Economic Relations

The economic relations between the two sides are set out in the Protocol on Economic Relations, signed in Paris on April 29, 1994, and the Appendices thereto, and the Supplement to the Protocol on Economic Relations, all attached as Annex V, and will be governed by the relevant provisions of this Agreement and its Annexes.

ARTICLE XXV: Cooperation Programs

1. The Parties agree to establish a mechanism to develop programs of cooperation between them. Details of such cooperation are set out in Annex VI.
2. A Standing Cooperation Committee to deal with issues arising in the context of this cooperation is hereby established as provided for in Annex VI.

ARTICLE XXVI: The Joint Israeli-Palestinian Liaison Committee

1. The Liaison Committee established pursuant to Article X of the DOP shall ensure the smooth implementation of this Agreement. It shall deal with issues requiring coordination, other issues of common interest and disputes.
2. The Liaison Committee shall be composed of an equal number of members from each Party. It may add other technicians and experts as necessary.
3. The Liaison Committee shall adopt its rules of procedures, including the frequency and place or places of its meetings.
4. The Liaison Committee shall reach its decisions by agreement.
5. The Liaison Committee shall establish a subcommittee that will monitor and steer the implementation of this Agreement (hereinafter "the Monitoring and Steering Committee"). It will function as follows:
 - a. The Monitoring and Steering Committee will, on an ongoing basis, monitor the implementation of this Agreement, with a view to enhancing the cooperation and fostering the peaceful relations between the two sides.
 - b. The Monitoring and Steering Committee will steer the activities of the various joint committees established in this Agreement (the JSC, the CAC, the Legal Committee, the Joint Economic Committee and the Standing Cooperation Committee) concerning the ongoing implementation of the Agreement, and will report to the Liaison Committee.
 - c. The Monitoring and Steering Committee will be composed of the heads of the various committees mentioned above.
 - d. The two heads of the Monitoring and Steering Committee will establish its rules of procedures, including the frequency and places of its meetings.

ARTICLE XXVII: Liaison and Cooperation with Jordan and Egypt

1. Pursuant to Article XII of the DOP, the two Parties have invited the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote cooperation between them. As part of these arrangements a Continuing Committee has been constituted and has commenced its deliberations.
2. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder.
3. The Continuing Committee shall also deal with other matters of common concern.

ARTICLE XXVIII: Missing Persons

1. Israel and the Council shall cooperate by providing each other with all necessary assistance in the conduct of searches for missing persons and bodies of persons which have not been recovered, as well as by providing information about missing persons.
2. The PLO undertakes to cooperate with Israel and to assist it in its efforts to locate and to return to Israel Israeli soldiers who are missing in action and the bodies of soldiers which have not been recovered.

CHAPTER 5 - MISCELLANEOUS PROVISIONS

ARTICLE XXIX: Safe Passage between the West Bank and the Gaza Strip

Arrangements for safe passage of persons and transportation between the West Bank and the Gaza Strip are set out in Annex I.

ARTICLE XXX: Passages

Arrangements for coordination between Israel and the Council regarding passage to and from Egypt and Jordan, as well as any other agreed international crossings, are set out in Annex I.

ARTICLE XXXI: Final Clauses

1. This Agreement shall enter into force on the date of its signing.
2. The Gaza-Jericho Agreement, the Preparatory Transfer Agreement and the Further Transfer Protocol will be superseded by this Agreement.
3. The Council, upon its inauguration, shall replace the Palestinian Authority and shall assume all the undertakings and obligations of the Palestinian Authority under the Gaza-Jericho Agreement, the Preparatory Transfer Agreement, and the Further Transfer Protocol.
4. The two sides shall pass all necessary legislation to implement this Agreement.
5. Permanent status negotiations will commence as soon as possible, but not later than May 4, 1996, between the Parties. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.
6. Nothing in this Agreement shall prejudice or preempt the outcome of the negotiations on the permanent status to be conducted pursuant to the DOP. Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions.
7. Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.
8. The two Parties view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period.
9. The PLO undertakes that, within two months of the date of the inauguration of the Council, the Palestinian National Council will convene and formally approve the necessary changes in regard to the Palestinian Covenant, as undertaken in the letters signed by the Chairman of the PLO and addressed to the Prime Minister of Israel, dated September 9, 1993 and May 4, 1994.
10. Pursuant to Annex I, Article IX of this Agreement, Israel confirms that the permanent checkpoints on the roads leading to and from the Jericho Area (except those related to the access road leading from Mousa Alami to the Allenby Bridge) will be removed upon the completion of the first phase of redeployment.
11. Prisoners who, pursuant to the Gaza-Jericho Agreement, were turned over to the Palestinian Authority on the condition that they remain in the Jericho Area for the remainder of their sentence, will be free to return to their homes in the West Bank and the Gaza Strip upon the completion of the first phase of redeployment.

12. As regards relations between Israel and the PLO, and without derogating from the commitments contained in the letters signed by and exchanged between the Prime Minister of Israel and the Chairman of the PLO, dated September 9, 1993 and May 4, 1994, the two sides will apply between them the provisions contained in Article XXII, paragraph 1, with the necessary changes.
 - a. The Preamble to this Agreement, and all Annexes, Appendices and maps attached hereto, shall constitute an integral part hereof.
 - b. The Parties agree that the maps attached to the Gaza-Jericho Agreement as:
 - a. map No. 1 (The Gaza Strip), an exact copy of which is attached to this Agreement as map No. 2 (in this Agreement "map No. 2");
 - b. map No. 4 (Deployment of Palestinian Police in the Gaza Strip), an exact copy of which is attached to this Agreement as map No. 5 (in this Agreement "map No. 5"); and
 - c. map No. 6 (Maritime Activity Zones), an exact copy of which is attached to this Agreement as map No. 8 (in this Agreement "map No. 8");are an integral part hereof and will remain in effect for the duration of this Agreement.
13. While the Jiftlik area will come under the functional and personal jurisdiction of the Council in the first phase of redeployment, the area's transfer to the territorial jurisdiction of the Council will be considered by the Israeli side in the first phase of the further redeployment phases.