

# The Oslo Accords, 1993 and 20 years on: Israeli and Palestinian dilemmas

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## ■ Executive summary

A number of different and somewhat contradictory motivations were behind the search of the Israeli and Palestinian leadership in 1993 for a secret back channel to negotiate an acceptable solution to the decade-long conflict. The consequences of the first *intifada* played a decisive role. Due to these contradictory motivations and emerging splits within the Palestinian polity (within Fatah and the Palestine Liberation Organisation and between Fatah and Hamas), the Oslo Accords did not give the Palestinians what they expected, i.e. a sovereign and independent state. Instead it contributed to a continuation of the occupation under a new cover. Twenty years later the parties to the Accords still face the same contradictory motivations. The splits in the Palestinian polity are more severe than ever, undermining a united struggle for independence. Future prospects for a viable and just solution seem bleak. For the Palestinians, nothing less than independence, the end of the occupation, and the right of return for millions of refugees is acceptable. For the Israelis the battle is between, on the one hand, continued occupation, unrest and resistance; a continuing role of prison warden; a Jewish state with a minority that will soon be a majority, but stripped of its national rights; and continued ethnic cleansing, or, on the other hand, a dignified future, either as two equal states or one state with two equal peoples.

The Oslo Accords, signed between the state of Israel and the Palestinian Liberation Organisation (PLO) on September 13th 1993, outlined a five-year process to reach an agreement between the parties on future relations and arrangements. Nothing was said about the final result and the establishment of a sovereign Palestinian state. Nothing was also said about an end to Israeli settlement construction in the occupied territories, the right of return for refugees or the future state of Jerusalem. The PLO recognised Israel's right to exist, while Israel recognised the PLO as the official representative of the Palestinians. This uneven recognition said a great deal about the difference in strength of the two parties and their ability to influence any future dialogue.

The Palestinian leadership had worked towards a dialogue with Israel for many years. When Norwegian diplomats asked Yasir Arafat for his view on the U.S. requesting Norway to be Israel's new supplier of oil after the revolu-

tion in Iran, which until then had been the main Israeli supplier, Arafat expressed no objections, on one condition: at a convenient time Norway should assist the PLO in setting up a secret back channel with the Israelis (al-Jazeera English, 2013).

## Setbacks for the PLO

In the first Gulf War (1990) Arafat and the PLO supported Iraqi leader Saddam Hussein. As a result a number of Arab countries suspended their financial transfers to the organisation, while Palestinians were expelled from a number of countries, resulting in remittances from these countries to the occupied territories falling dramatically. The PLO and the Palestinian population felt the severe consequences of this and of the isolation forced on them.

After the Israeli occupation of the West Bank and Gaza in 1967, important social and economic changes took place in

the occupied territories. A substantial number of people – more than 200,000 at their highest levels – joined the workforce in Israel, moving from day labourers in local agriculture to wage labourers in construction, agriculture and services in Israel. This subsequently made a substantial Israeli workforce available for the steadily growing military industry in that country. In parallel, universities were established in the occupied territories. Youth from the villages and refugee camps were given the opportunity to obtain a higher education, and a “home-grown” intelligentsia was born. These major developments were important for the development of the first *intifada*, which broke out in 1987. A national leadership emerged in the occupied territories that focused on the end of the occupation and oppression. This leadership took over the role of uniting and mobilising the population, thus undermining the traditional role of the landed and urban elites (Bauck, 2013). At the same time, these changes initiated the emergence of new national elites who would later take leading positions in institutions such as municipalities and governorates.

In the Madrid/Washington negotiations that started in 1991 under the auspices of U.S., the Palestinians were represented in the Jordanian delegation by key figures from the occupied territories. Their main spokesperson, Dr Haidar Abdel Shafi from Gaza, reiterated the importance of a total cessation of all settlement constructions to coincide with any negotiations. This was not to the Israelis’ liking. Even if there were frequent contacts with the PLO in Tunisia, these representatives from the occupied territories hogged the limelight, while Arafat and the PLO remained outside the talks.

Arafat and the PLO, in exile in Tunisia, saw these developments as threats. The PLO and its member organisations were present both in exile and in the occupied territories, but what emerged were diverging views regarding the focus on the struggle. The insiders focused on ending the occupation and oppression, while the exiles saw recognition, visibility and symbols of statehood as key. Initial signs of serious splits within Fatah/the PLO emerged between what scholars have named the “Old Guard” (those living in exile) and the “Young Guard” (those leading the *intifada* in the occupied territories) (Shikaki, 2002).

### Israel’s image under attack

The first *intifada* had made the Palestinian struggle and suffering visible to the world, and Israel’s image was badly damaged. The occupied Palestinians won the image battle. When Israel occupied the West Bank and Gaza in 1967 they inherited from the Ottoman Empire, the British Mandate, and the Jordanians and Egyptians a network among the urban and landed elites that they used to govern the occupied population. This was to a great extent lost as a new informal leadership that was far less willing to co-operate with the occupier emerged during the *intifada*.

For Israel, the vision of gaining control of all the land from the Mediterranean Sea to the Jordan River had been in the making since the birth of the state in 1948 (Pappé, 2013). Security, the economy, the region’s history and religion were all elements affecting this desire. At the same time Israel felt that its isolation both in the region and internationally resulting from the bad image that had increasingly emerged because of the occupation had to be changed. It had to develop alternative methods to control the territories and a rioting population, or the occupation had to end. An economy exposed to international fluctuations and sensitivities would easily experience setbacks. At a time when the country was developing a military and security industry aimed at the international market, any unnecessary setbacks had to be avoided.

There was need for a rethink both in Tunisia and Tel Aviv, and important questions had to be asked concerning how to get back to centre stage (by the PLO) and how to change a poor image to allow continued control of the territories using different tools (by Israel).

### Negotiations – a way out for both sides?

Negotiations were in the air, given the ongoing Madrid/Washington talks. A solution to the “Mother of All Conflicts” was on the wish list in the West. For many years the Palestinian leadership in exile had worked towards a secret negotiation channel with Israel. Now this could be an option that would break the isolation, secure the economy and allow the PLO to re-enter the driving seat in terms of the liberation struggle. For Israel it became urgent to break its isolation and emerge internationally as a dignified state and an acceptable trading partner. To change the way the occupied territories and people were controlled opened the possibility of remaining loyal to the policies laid down from 1948, retaining any conquered territory, and at the same time appearing on the world stage as being ready to find solutions (Pappé, 2013).

The secret Oslo channel was to become the way out of an unwanted situation for two leaderships – the occupier and the occupied. The Oslo Accords became the tool for Israel to continue its occupation, but with a Palestinian face. It even got the international community to pay for its occupation through the former’s support for the Palestinians and the Palestinian Authority that was to be established. With the Oslo Accords the PLO in exile returned to the occupied territories with “control” of Gaza and Jericho under the agreement on Palestinian autonomy. The leadership of the first *intifada* was sidelined. There was no agreement establishing a sovereign Palestinian state within the 1967 borders, which were accepted as the “borders” of the occupied territories by most countries, apart from Israel. There was no agreement to stop building and expanding Israeli settlements on occupied land. There were no assurances of the right of return of Palestinian refugees, who at the time totalled more than five million and were living under sometimes very miserable conditions in

refugee camps in neighbouring countries. There was no agreement on how to divide water rights, implying that Israel would continue to draw on major groundwater resources beneath the West Bank.

Of the Accords, the Palestinian-American linguistics professor Edward Said stated in 1993: “The PLO had reduced itself from a national liberation movement to a small municipality” and “It [the Accords] is the decay of the PLO leadership against the cunning of Israel” (Shlaim, 2001; al-Jazeera English, 2013).

### Contradictory aspirations

With the signing of the Oslo Accords and the establishment of the Palestinian Authority (PA), which governed Gaza and Jericho with Israeli permission and under Israeli control, both Israel and the PLO leadership started an uneven struggle through negotiations to define future prospects for the two peoples concerned.

For Israel it became more and more obvious that the defence of the Jewish state with control over as much of the territory between the Mediterranean and the Jordan River as possible played a crucial role in its thinking, in line with policies outlined in 1948. In light of this, the PA would play an active role in strengthening the security of the Israeli population – both settlers and the inhabitants of Israel proper.

The PA struggled to prove to its citizens that the decisions it had taken at Oslo would benefit a future sovereign Palestinian state. It struggled to defend itself against accusations that it was willing to sell out major Palestinian concerns, like the right of return for the refugees, and Jerusalem as the future capital of the Palestinian state. After six years, frustration over the lack of progress in attempts to end the occupation and protests against an increasingly corrupt and elitist administration resulted in the outbreak of the second *intifada* in September 2000.

The growing unrest in the occupied territories gave the Israelis an excuse to re-enter the cities in Palestine that had earlier been transferred to Palestinian administration. The limitations on the PA's power were exposed to its citizens and the world. An election in 2006, due several years earlier, demonstrated the reduced support for the PLO and Fatah. Palestinians were obviously demanding a much tougher stance against the occupation and the occupier. With an intervention from the major Western powers, the winner of the election, Hamas, was isolated in Gaza, while the loser, Fatah, continued to receive international support and rule the West Bank under Israeli

auspices. Democracy lost credibility among Palestinians in the West Bank and Gaza Strip. Fatah-controlled security forces were used both to fight Hamas and strengthen Israeli security; Palestinian security was not on the agenda. The PA's legitimacy deteriorated even further.

### Future prospects

Ending the occupation, and attaining freedom and the right to live as equal citizens of a sovereign state and to be stateless no longer, with freedom of movement and economic development, have been major concerns all along for the Palestinians. For them, any political solution should include the millions of refugees spread around the world, while Jerusalem should be the capital of Palestine.

The leaders of the PLO engaged in dialogue with Israel have been backed up against a wall for several years. They are criticised by their own citizens for their willingness to sell out vital Palestinian demands – al-Jazeera caused a scandal in the Middle East in 2011 when a number of documents were leaked that revealed how the PA was giving away Palestinian rights and lands (al-Jazeera 2011). When President Abbas announced some months ago in an interview with Israeli TV that he accepted he would not be able to return to Saffad, his village in Israel, refugees living in Lebanon and elsewhere saw this as a signal that they would not be able to return home either, contrary to what the UN promised the Palestinian refugees in UN Resolution 194.<sup>1</sup> This statement caused massive protests against the PA leadership, resulting in the PLO's legitimacy being seriously weakened. With the internal splits in the PLO and Fatah still present and the struggle for influence being waged with Hamas, Abbas today has minimal – if any – leverage to sell a serious compromise with the Israelis to his electorate. At the same time Abbas is forced to negotiate without any assurances that settlement building will stop, but if he does not negotiate he faces the danger of losing major international support. Hamas sees the same negotiations as futile talks that are aimed at cracking down on the Islamists in the West Bank and reinforcing the siege of Gaza.

In Israel, views have diverged. A key concern is to protect the Jewish state, the only one in the world. Since 1948 there has been a strong aspiration to establish Eretz Israel on all the land between the Mediterranean Sea and the Jordan River. Proceeding with the settlement project and creating “facts on the ground” seem to be part of the Israeli strategy to reach these goals. In September 2013 Deputy Defence Minister Danny Danon recommended in the *New York Times* that Israel should annul the Oslo Accords due to their meagre results, and that a three-state negotiation

<sup>1</sup> The first formal move towards the recognition of a right of return was in UN General Assembly Resolution 194 passed on December 11th 1948, which in Article 11 stated: “Resolves that the refugees wishing to return to their homes and live at peace with their neighbours 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 loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.” UN General Assembly Resolution 3236, passed on November 22nd 1974, declared the right of return to be an “inalienable right”. However, General Assembly resolutions are not binding in international law, and the Oslo Accords deliberately omit any mention of these resolutions (<[http://en.wikipedia.org/wiki/Palestinian\\_right\\_of\\_return](http://en.wikipedia.org/wiki/Palestinian_right_of_return)>).

involving Egypt and Jordan should be established to find a solution to the Palestinian problem. Autonomy was the most he could offer the Palestinians (Danon, 2013).

An underlying wish to move the Palestinian population across the borders to neighbouring countries cannot be excluded as part of this solution. This resonates with frequent statements by Israeli politicians down through resent history. Because demographic developments would become unfavourable for the Jewish majority in Eretz Israel in the near future, the danger that “apartheid” could replace “democratic” as a defining characteristic of the Israeli state haunts Israeli leaders. They have experienced being a pariah internationally already, and do not wish to make this situation worse.

Well aware of these demographic developments, the Palestinian leadership is aware of the Israeli leaders’ worries about Jews becoming a minority in a future combined Israel and Palestine. Prime Minister Netanyahu acknowledges this when he states that a two-state solution is the only viable one for Israel. In recent years the vision of a one-state solution has been brought to the table by Palestinian leaders in an attempt to increase pressure on the Israelis. International leaders have warned that a one-state solution is a non-starter due to Israel’s fierce stand regarding the Jewishness of the Israeli state. What is difficult to know for sure is what the threat of one state for two people could cause the Israelis to do. They know that international governance can be played with or ignored when you have powerful allies. Rather than the end of the Jewish state, we might see the end of important elements of international law.

Commentators more and more frequently declare the two-state solution to be dead. They focus on the facts on the ground that make a future Palestinian state fragmented and unsustainable. To dismantle major settlements in the West Bank would require strong political will from the Israeli authorities and substantial international pressure on Israel, neither of which is likely to happen.

For the Palestinians there is no option apart from becoming citizens of an independent and sovereign state with full national rights, security, freedom of movement and prospects of economic development. Whether this can be realised in a state for Palestinians or in one for Jews and Palestinians remains to be seen

Regardless, a substantial change in attitude and readiness to act is needed, not least on the part of the U.S., Israel’s major ally, and the European Union, the country’s major trading partner. The legitimate right of the Palestinians to statehood and to live in a sovereign state as equal citizens has to be granted, while Palestinian security should be seen as being as important as Israeli security. Just as in 1947 the UN through its General Assembly took the responsibility to divide the British Mandate Palestine into two states – one for Jews and one for Arabs – so the

international body should take the responsibility today to cater for a solution that pays equal respect to the legitimate rights of both the Palestinians and Israelis.

## The alternatives

Among Palestinians, further frustrations after 20 years of hopes never being met and new postponements are not advisable. One cannot exclude the possibility that a third *intifada* might erupt if no move towards a cast-iron solution occurs (Amayreh, 2013). Any further concessions from Palestinian leaders to Israeli demands will undoubtedly erode what is left of the PA’s legitimacy.

Among the Israeli leadership there is obviously hope that, over time, foot dragging and keeping talking about autonomy for the Palestinians will remove all challenges, or perhaps remove the Palestinians. To date Israelis have been able to use legal tools combined with economic sanctions and the use of military means to control the occupied territories. They have also managed to make international law irrelevant. But their image has received some serious blows, not least from the war in 2008-09 and the attack on the Turkish aid flotilla on May 31st 2010.

The Israeli attempt since 1993 to establish a Palestinian-administered occupation has lost credibility. Israel is facing the possibility that the cost of the occupation will be transferred back to the occupier. The readiness among Western states to continue financing the Palestinian administration is evaporating. Questions and concerns are being raised among diplomats working in Palestine over how long they will continue to finance projects for Palestinian refugees that are being destroyed by Israel. It might seem as if the only pressure they are ready to put on Israel in this situation is to leave them with the bill for the occupation and the occupied population.

For Israel, the occupation has also become an economic asset. Its military and security industry has developed to the third largest in the world and can advertise that its equipment has been tested in real situations, i.e. the occupied territories. This was shown on a number of occasions when Israeli drones displayed in drone exhibitions in Washington, DC were tested on Palestinians in Gaza. A recent Israeli film, *The Lab*, showed how the occupation has become an important asset for the military industry. If we add the consumer industry established to supply around 4.5 million Palestinians in Gaza and the West Bank, we see substantial economic interests supporting a continuing occupation.

For the leaders of the PLO and Fatah who have to manage the dialogue with Israel, keeping the negotiations alive has become their life insurance, providing a certain assurance that international funds will still be available to pay for the PA. In September 2009 former Palestinian prime minister Salam Fayyad launched his two-year programme to build institutions that would prove to the international commu-

nity that the Palestinians were capable of running a state. If no state comes out of these efforts, the PA could be dissolved and Israel would be left with responsibility for the occupation. In 2011 the Palestinians received international acceptance from the International Monetary Fund and the World Bank, but they did not get a state – and the PA survived. It must be admitted that strong incentives have developed over the past 20 years to keep the PA going. Too many people have become dependent on its ability to provide an income and generate influence; indeed, the Palestinian elite has become tied to the PA project.

Since the signing of the Oslo Accords the Palestinian polity has experienced increasing splits. Within Fatah the leaders of the first *intifada* – the “Young Guard” – oppose the leaders from exile – the “Old Guard”. At the same time political squabbling between Fatah and Hamas has turned into armed confrontation, fuelled by international support. The unity of the Palestinian populace and its mobilisation for independence and sovereignty have been undermined. The PLO leadership has lost much of its standing among the Palestinian population, as has Hamas after it took control of Gaza in 2007.

Both Israel and Palestine have their backs against the wall. For the Palestinians the question is one of dignified existence in a sovereign state, extinction or forced removal. Without national unity the struggle will be difficult. For the Israelis the choice seems to be between dignity without a distinct Jewish label, and continued travel through the desert of managing an occupation and battling with continuous unrest, with a blossoming armaments industry, but a lousy international reputation.

The Palestinians cannot live with anything less than freedom. How long the Israelis can live as prison wardens remains to be seen.

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