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The American University in Cairo
School of Humanities and Social Sciences

The Occupier's Autocracy

**A Contextualized Analysis of the Consolidation of Authoritarianism in
the Palestinian Authority**

A Thesis Submitted to
The Middle East Studies Center

In partial fulfillment of the requirements for the
degree of Master of the Arts

By Adam Simpson

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Introduction

The Palestinian struggle for national determination has a long and turbulent history. Recently the subject has garnered more media attention due to the Palestinian Authority's (PA) 2011 push toward membership at the United Nations. But the struggle for Palestinian self-determination at the hands of the PA is problematic when considering its relationship with Israel, the occupying power of Palestine, and the order established between the two parties by the Oslo Accords. The United States and Israel's political recognition of the Palestine Liberation Organization (PLO) facilitated the beginning of negotiations under US auspices. This process ultimately led to the establishment of the PA. The PA is the governing body that was given charge over certain parts of the occupied Palestinian territory (OPT). While it was intended to be an interim political body during the peace process between Israel and the PLO, the PA has persisted through significant tribulation well past its ostensibly temporary status. Yasser Arafat's Fatah party has dominated the PA since its inception, barring the electoral victory of the Islamist party Hamas in 2006. That victory was quickly remedied by a disastrous attempted coup d'état that resulted in the political bifurcation of the West Bank and Gaza Strip. While the PLO long served as an organization dedicated to Palestinian resistance to Israel, notably in the form of armed struggle, since 1991 it has been involved in coordination and cooperation with the Israeli occupier. This relationship is also expressed in the form of governance of the PA. The PA has been the target of human rights organizations' criticism for authoritarian offenses since its establishment in 1994. Many of these abuses come at the hands of the PA's security forces, mandated by the Oslo Accords to manage the Palestinians populations of the West Bank and Gaza Strip.

This thesis will seek to interrogate the relationship between Israel and the PA as it relates to the latter's authoritarian policies. In addition to analyzing what I will refer to as the "formal structure" of the relationship between the Israeli government and the PA (the Oslo Accords), this paper will analyze "informal relations" between the two parties. The informal relations consist of the dialogue and actions undertaken by both the Israeli government and the PA that, while occurring far from the negotiating table, nonetheless have a dramatic influence on policies and practices. Moreover, the informal relations reveal more about the formal structure based on the events that occurred between signings of each of the Oslo documents. Notably, the human rights abuses that the PA perpetrated were ignored by the parameters of the documents. The most powerful negotiating partners, Israel and the United States, could have addressed these issues as the PLO leadership negotiated for the expansion of power and abuses unfolded. The quiet and consistent indifference of the Oslo documents does not suggest that their authors simply failed to be informed by these autocratic developments. The indifference of the documents suggests that their authors were supportive of such trends. In order to highlight the relationship of the formal structure to those informal relations, I will highlight the events that occurred on the ground between the major agreements of the peace process from 1993 to 2000. This time period represents the development of the Oslo order when relations between Israel and PLO were most heavily invested and entrenched in the ostensible reconciliatory efforts of the peace process. Following the outbreak of the second *intifada* relations became more fractious, but nevertheless eventually returned to this pre-established order of PA subservience to Israel. This analysis will demonstrate how PA policy and governance have informed—or failed to inform—the documents of the peace process. All of these efforts are undertaken in order to understand how the

relationship between the PA and Israel, and the strings attached to that relationship, have influenced PA policies and have led to the authoritarian polity that exists today.

The primary interest in this thesis is determining Israel's role in the consolidation of the PA's "mukhabarat state."¹ On the one hand numerous scholars have pointed out the formal constraints and the demands that the Oslo process imposed on the PA.² On the other hand there is a discussion of Arafat's political character, his centralization of power, and his micromanaging of the PA bureaucracy's minutia.³ Notably though, even after Arafat's death, both the authoritarian nature of the PA and the Oslo order have persisted. In spite of certain reforms, the changes to the PA have remained cosmetic and human rights abuses still occur. The PA's authoritarianism is a direct result of the order established by the Oslo Accords that the rhetoric of Israeli and American officials served to clarify and specify as being the prevailing concern of the peace process. Neve Gordon refers to the Oslo Accords as a process whereby Israel subcontracted power to the PLO in order to facilitate its control over the OPT. This thesis seeks to detail how this process took place. Whereas Gordon focuses on the Oslo Accords as the primary mechanism of the subcontracting process, this thesis will highlight events that take place in the space between the signing of the Oslo documents and intimately detail Israel's system control over PA policies and practices.

Frequently, Palestinian, American, and Israeli officials qualify PA human rights abuses as "anti-terror" operations in the name of Israel's security against Islamists, the PLO's main source

¹ Rubenberg, Cheryl. *The Palestinians: in Search of a Just Peace*. (Boulder, CO: Lynne Rienner, 2003), 248.

² Ibid., Gordon, Neve. *Israel's Occupation*. (Berkeley: University of California, 2008). Parker, Christopher. *Resignation or Revolt?: Socio-political Development and the Challenges of Peace in Palestine*. (London: I.B. Tauris, 1999). Rabbani, Mouin. "Palestinian Authority, Israeli Rule." *The Struggle For Sovereignty: Palestine and Israel, 1993-2005*. Ed. Joel Beinin and Rebecca L. Stein. (Stanford, CA: Stanford UP, 2006).

³ Rubenberg, Usher, Graham. *Palestine in Crisis: the Struggle for Peace and Political Independence after Oslo*. (London: Pluto, 1995).

of opposition since its entrance into the Oslo process. However, Palestinians from all corners of the political spectrum have faced such abuses. It is quite possible that this repression is the result of the PLO's attempt to maintain political hegemony over Palestinian politics. The organization has historically been comprised of an assortment of political factions, including communists, socialists, Ba'athists, and Pan-Arabists. There has never been, however, an Islamist faction within the PLO.

While the earliest Islamist groups in Palestine go as far back as the Muslim Brotherhood, their popularity did not crystallize until the first *intifada*. The rise of Islamism was tied to resistance. The popularity of these groups continued to rise after the *intifada*, particularly as the PLO grew closer and closer to Israel. The PLO and Israel began to view these groups—and all other forms of opposition—not as merely a threat to Israeli lives but to the nascent PA and the Oslo process itself. Islamists are the primary target of Israeli and Palestinian rhetoric when it comes to matters of security, the buzzword that all parties, Israeli, Palestinian, and American, use to justify the expansion of security forces and their operations. More broadly, however, this repression targets the PA's opponents, including academics and human rights workers, all of whom the PA has subjected to censorship, arbitrary arrest, torture, and other such violations. Even more broadly, I would characterize this opposition not merely as opponents of the PA, but also of the Oslo process that created it and the occupying power that oversaw that creation.

Historical Background of the PLO

During the Six-Day war of June 1967, Israel occupied the West Bank (formerly under Jordanian control), the Gaza Strip, the Sinai Peninsula (formerly under Egyptian control), and the Golan Heights (formerly under Syrian Control). For the Palestinians living in the area, though,

the Israeli military occupation was the most recent memory in a history of conflict with Zionism. The establishment of Israel in 1948 resulted in the mass expulsion of Palestinian from the new state of Israel. Ilan Pappé makes a particularly compelling argument that the Zionist campaign of Palestinian dispossession amounted to ethnic cleansing.⁴ Pappé intimately details Zionist leaders' to plans and execution of a campaign that culminated in the expulsion of approximately 800,000 Palestinians, the destruction of 531 villages, the depopulation of eleven urban centers, and the perpetration of numerous massacres that aimed to terrorize the indigenous population off of their land.⁵ Consequently there were Palestinian refugee communities in each of the surrounding countries, Lebanon, Syria, Jordan and Egypt. Many of the figures of the PLO, and later the PA, would come from these refugee communities.

Fatah was formed by members of the Palestinian Students Union at Cairo University in 1959 which Anat Kurz links to the 1956 Sinai campaign and the failure of the Pan-Arab ideology to liberate Palestine.⁶ Among the most prominent organizers were Arafat and other Palestinian refugees. Immediately after the founding of the PLO in 1964, Fatah viewed what was at that time a separate organization as a political threat and competitor. Prior to the founding of the PLO, Fatah was more focused on organizing and mobilizing for a future conflict. Located in Kuwait, they were focused on disseminating ideas through their publication *Filastinuna* while organizing with the Palestinian workers there.⁷ Fatah planned a series of stages that would increase their support among Arab leaders and people for a successful campaign of Palestinian national

⁴ Pappé, Ilan. *The Ethnic Cleansing of Palestine*. (Oxford: Oneworld, 2006), xiii.

⁵ *Ibid.*, xiii.

⁶ Kurz, Anat. *Fatah and the Politics of Violence: the Institutionalization of a Popular Struggle*. Brighton (U.K.: Sussex Academic, 2005).

⁷ Baumgarten, Helga. "'Discontented People' and 'Outside Agitators': The PLO in the Palestinian Uprising." *Intifada: Palestine at the Crossroads*. Ed. Jamal R. Nassar and Roger Heacock. (New York: Praeger, 1990), 213.

liberation, but the organization was not necessarily ready to begin armed confrontation.⁸ This underground stage was abandoned in 1965 in a series of attacks on Israeli targets which bolstered its numbers and popularity.

Egyptian President Gamal Abdel Nasser established the PLO in 1964 as an attempt to co-opt the growing Palestinian movement. The organization's first chairman, Ahmed Shuqayri, was a long time client of Nasser's regime. Shuqayri's power was almost exclusively limited to organizing the resistance with surrounding Arab countries, reflecting Nasser's pan-Arab ideology. The PLO would come to include numerous factions from the political spectrum of Palestinian liberation movements. There was a trend in the 1960s of a rise in support for factions whose primary goal was the liberation of Palestine and away from other ideologies, like Pan-Arabism or Ba'athism. The enormity of the loss of the Six Day war marked the ascendance of these "Palestine first" movements. One example that demonstrates the near sightedness of Arab leaders during this period is the First Arab Conference in 1963: Israel was discussed as a problem but the issues facing the Palestinian people and the refugee crisis was ignored. Yezid Sayigh argues that on the one hand the defeat of "secularizing nationalism and socialist ideologies breathed new life into Islam as a force for political opposition."⁹ On the other hand the liberation movement began to shift away from reliance on Arab states. This would be a boon for Fatah, long distrustful of Arab rivalries, that had previously sought to stay removed from the PLO advocating for Palestinian self-reliance and independent action. After the crushing defeat in 1967, Fatah would take control of the PLO. After a series of successful raids and attacks, their popularity began to rise. This was especially the case after the 1967 war that Palestinian, Arabs

⁸ Kurz. 32.

⁹ Sayigh, Yezid. *Armed Struggle and the Search for State: The Palestinian National Movement 1949-1993*. (Oxford: Clarendon, 1997), 143.

more generally, and others viewed as the failure of Pan-Arabism.¹⁰ Many Palestinians and Arabs saw Fatah's performance in the Battle of Karama in 1968, turning Israeli forces back across the border after a single day of combat as heroic. Such acts gave guerilla organizations more influence than that of the Arab League sponsored PLO as the representatives of the struggle for national liberation. The following year Arafat, the Chairman of Fatah, became the Chairman of the PLO's Executive Committee, the beginning of a long history during which he would consolidate power in numerous political positions.

By 1974 the PLO gained enough international legitimacy to be the sole legitimate representative of the Palestinian people at the United Nations. This recognition was contingent on several factors, most notably the operational structure of the PLO. Since its inception and the creation of a constitution in 1968, the PLO's architects, the Nasser regime and Shuqayri, had designed the group to have many of the features of statehood. Along with the creation of the constitution was the revised 1968 charter which called for a secular democratic state over all the land of historic Palestine. Far more than simply the military wing, the PLO had cultivated a large bureaucracy including hospitals, clinics, relief networks and many other apparatuses that fill out the organization. The Palestinian National Council (PNC) served as the legislature and the Executive Committee served as the executive branch. Supported not only by donations and loans (most notably from Saudi Arabia and Kuwait), the Palestinian National Fund (PNF) acts as a taxation system using monies collected by Arab governments from Palestinians working in those countries and transferred to the PLO. What would be critical after the PA's creation in respect to authoritarianism was the military wing of the PLO, the Palestinian Liberation Army (PLA). Marginalized during the era of Nasser's hegemony, the military wing eventually took up several

¹⁰ Kurz.

roles that liken it not necessarily to a military, but to a security branch of the state-in-exile. The PLA developed the role of protecting high ranking PLO officials as well as providing security for foreign officials. Additionally, while its influence was not uniform, the PLO held a lot of sway over its members. As resistance became more frequent it became prudent to communicate with the PLO as the parent organization rather than a specific member group. Furthermore, the pervasive nature of Palestinian guerrilla organizations in Syria, Lebanon, Egypt, Jordan, and Tunisia, required an umbrella organization that presented at least a façade of control, unity and leadership.

Cheryl Rubenberg's 1983 work on the internal structure of the PLO suggests that the political conglomeration's source of legitimacy was popular support.¹¹ This is one of the primary reasons that she was so doubtful of future authoritarian development in the case of a Palestinian state. At this point the power of the PLO was based on clientelism in managing different factions within the organization, but to be clear, representation was not based on taxation or a system of rents as is the case elsewhere in the Middle East. Rubenberg notes several important points regarding the PLO during the pre-state phase in which it was organizing armed resistance to Israel. First, Arafat's position as the leader of such a diverse conglomeration of resistance organizations made committing to a particular ideology impractical as it would alienate competing ideologues. Expanding on that point she notes that Arafat "[treaded] a very thin line" in terms of what policies and paths to pursue and which to neglect, as well as constantly being pushed to reconciliation and persuasion.¹² During this stage many of the member organizations would secede from the organization only to be brought back in. After the PNC Program of 1974

¹¹ Rubenberg, Cheryl. *The Palestine Liberation Organization: Its Institutional Infrastructure*. (Belmont: Institute of Arab Studies, 1983), 14.

¹² *Ibid.*, 16.

called for the establishment of first a small Palestinian state as a staging ground for the appropriation of greater Palestine, the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP) would walk out only to be brought back into the fold later. Other splinter parties, such as Abu Nidal's Fatah Revolutionary Council, would prove intractable and even call for the Arafat's assassination.

The 1974 political program that called for establishing a state at least on part of the land of historic Palestine was a serious shift in the PLO's position. It was controversial among much of the PLO's constituency because it amounted to a compromise on the principle of complete national liberation. This was but one of the many political balancing acts that Arafat was forced to engage, in addition to relations with Arab states. The PLO denounced and shunned Egypt when it made peace with Israel. Under Syria's watch the organization created a safe haven in Lebanon. While the PLO was able to build a sort of state in exile and a network of direct services for Palestinian refugees in Lebanon, it also left them heavily reliant on Syrian support. Pro-Syrian forces caused division and tried to wrestle power away from Arafat so as to incorporate the PLO fully under Syria's power. This infighting was one of many troubles that beleaguered the PLO during the early 1980s in one of its most intense periods of tribulation. Aside from the infighting which would persist, the decimation of the state-in-exile's infrastructure during the Israeli assault on Lebanon in 1982 was an enormous setback for the PLO. This was succeeded by Syria's ouster of the PLO in 1983, after which the PLO left the country for a new base in Tunisia. Unwilling to be subservient to Syria and unable to count on Lebanon as a safe haven, the PLO was left with few options. Egypt and Jordan's cooled relationship with Israel had not changed, but Arafat was still forced to court both states. As a closer relationship with Jordan and Egypt developed, Arafat was forced to cater to his new "moderate" allies. This further alienated

some of the more hardline factions like the PFLP because of the Egypt and Jordan's ongoing relations with Israel and their advocacy of United Nations Security Council Resolution 242 ("Land for Peace") as a solution to the conflict.

Generally, the PLO's conflict with Israel also forced the organization to remain very aloof, often making and breaking alliances with other countries and consequently relocating their headquarters for practical reasons. The early stages saw organization primarily from Jordan, though they were ousted by the Jordanian authority following the events of Black September in 1970 when the Jordanian army assaulted PLO bases in their political offices and in refugee camps.¹³ This was followed in 1983 by their ouster from Syria and Lebanon.¹⁴ In both locations the PLO set up certain degrees of bureaucracy to patronize and serve their constituents in local Palestinian refugee communities, scholars often referring to them as "[states] within a state."¹⁵ They found their new base of operations in Tunisia, far removed from the OPT and the refugee concentrations that they normally operated within. This was the site of their headquarters at the start of the Oslo process.

The Occupation

Under the Oslo Accord's schema of coordination and cooperation, Israel was able to shift responsibility of managing the Palestinian population in the OPT to the PLO—their former enemy. The performance of PA security forces was Israel's ultimate precondition for progress at the negotiating table and the expansion of Palestinian autonomy. This shift was particularly

¹³ Bailey, Clinton. *Jordan's Palestinian Challenge: 1948-1983 ; a Political History*. (Boulder U.a.: Westview Pr., 1984).

¹⁴ Cobban, Helena. *The Palestinian Liberation Organisation: People, Power, and Politics*. (Cambridge Cambridgeshire: Cambridge UP, 1984).

¹⁵ Cobban, 1984. Khalidi, Rashid. *The Iron Cage: the Story of the Palestinian Struggle for Statehood*. (Boston: Beacon, 2006), 177.

advantageous for Israel in that it would ease the burden of occupation, thus making it easier and more cost efficient to sustain.¹⁶ First though it is important to look at the history of the occupation and how it has changed and developed in the past.

Gordon cogently observes that the feature distinguishing the 1967 war from the 1948 war is that while Israel in both cases acquired land by conquest, in the 1948 war the population was displaced while in 1967 most of the population remained. This would require Israel to treat the remaining Palestinians in the West Bank and Gaza Strip in a different manner than the Palestinians that remained within the 1948 armistice lines. After 1948 Israel overtly sought to exert sovereignty over both the population and the land, while in 1967 Israel sought, as then Minister of Defense Moshe Dayan put it, to make the “occupation invisible.”¹⁷ Dayan argued that a “policy of normalization” was preferable to a heavy handed form of occupation. Thus, instead of creating a new bureaucracy, the Jordanian bureaucracy was kept in place with minor adjustments.

Jordan’s role was significant. At the time Jordan still viewed the West Bank and East Jerusalem as Jordanian territory. Israel allowed Jordan’s civil servants to remain at work in the West Bank and for Jordan to keep paying them. The Jordanian government did so, hoping to prolong its presence and influence in the occupied West Bank. In addition Israel held elections in the West Bank in 1976 to elect mayors for various population centers. The continuity of leadership and illusion of self-rule demonstrated were critical features of Dayan’s invisible occupation. Israel regularly pursued this type of power sharing as a way of lessening its burden in terms of maintaining the occupation by utilizing the efforts of outside hierarchy or power

¹⁶ For a detailed analysis of the cost of Israel’s occupation see Hever, Shir. *The Political Economy of Israel's Occupation: Repression beyond Exploitation*. (London: Pluto, 2010.)

¹⁷ Gordon. 71.

structure. It is this type of “outsourcing,” as Gordon puts it, which is again practiced in the creation of the PA. In every case, Israel makes the attempt to transfer responsibility over various aspects of managing the Palestinian population (for example education, healthcare, and security) while maintaining and expanding its control over Palestinian space.

Dayan’s idea of an invisible occupation did not last forever. As Eyal Weizman observes, “Restraint is what allows for the possibility of further escalation.”¹⁸ In 1981 Israel founded the Civil Administration, a body that would take a far more interventionist approach to rule over the population of Palestine, in the words of the first of head of the Civil Administration Menachem Milson, “to free the Palestinian people from the grip of the PLO.”¹⁹ Only a year later (the same year as Israel’s war on the PLO in Lebanon) Israeli military officers replaced Palestinian mayors and dissolved local councils. Palestinian attempts at resistance or dissent were met with arrests, and deportations, particularly when it came to those with a Palestinian nationalist goal. These people and organizations were forced to take their movement underground or operate through fronts such as education associations, healthcare clinics, and charities. Israel met all protests with force and intensified practices like restrictions of movement and curfews. Israel’s creation of the village leagues during this time period allowed for it use an existing system of patronage to interact with the population through an already established hierarchy, the *hamula*. The leader of each *hamula*, called the *mukhtar*, came to serve as an intermediary figure for the Israeli military leadership. In some cases Israel issued arms to the leagues which in turn assisted Israel with arrests and interrogations.²⁰ Unfortunately for Israel, Jordan began to divest itself of its civil functions in the West Bank as Israeli military governors became heads of West Bank

¹⁸ Weizman, Eyal. *Hollow Land: Israel's Architecture of Occupation*. (London: Verso, 2007.) 70.

¹⁹ Gordon. 93.

²⁰ *Ibid.*, 113.

municipalities and Palestinians began condemning the village leagues as collaborators.²¹ This assertion of Israeli sovereignty in the OPT marked a serious shift from the earlier period of the occupation, and eventually led to much greater levels of resistance which Israel continued to meet with force. This resistance would come to a boil in the winter of 1987 with the start of the first *intifada*.

The *intifada* and the Road to Oslo

There were several crises facing both the Israeli and PLO leadership that eventually led to the signing of the Oslo Accords. The grassroots uprising, the first *intifada*, that began in 1987 in the West Bank and Gaza internationalized the issue of Israel's occupation and put tremendous amounts of pressure on the Israeli government.

For the PLO, the *intifada* was both a political blessing as well as a crisis. On the one hand the contemporary position of the PLO was far removed from historic Palestine in Tunisia following the destruction of their political infrastructure in Lebanon and their falling out with the Syrian regime. Some PLO members were boastful of their still considerable power in spite of the organization's exile. Aides of Khalil Wazir, one of the founders of Fatah and long running aide to Arafat said as late as 1986 that Fatah's presence in the OPT was so considerable that "they could instigate demonstrations virtually at will in the occupied territories."²² Despite any power that the PLO or Fatah may have had in the territories, the uprising that began in 1987 had little to do with them. The PLO's exile carried with it practical weaknesses which were exacerbated by the geographic distance from the OPT. The media was already noting the role of Islamists (who had no political representation among the PLO) as well as the rise of a young Palestinian

²¹ Ibid., 114.

²² Sayigh. 614.

movement independent of the PLO. Arafat's power was eroding, threatened by a grassroots movement that would have to be brought under the purview of the PLO, and more directly under the purview of Arafat himself.

In 1988 the PLO moved forward with a Declaration of Independence for a Palestinian state. In 1989 Arafat secured another nomination as Chairman of the Executive Committee. At a Fatah congress in 1989 Arafat created and was appointed to the posts of commander-in-chief and chairman of the central committee, which granted him complete control of the armed groups of the organization. In addition, the size of the revolutionary council and the central committee were expanded further diluting the pool of competitors and opposition. Arafat also put together a Fatah committee responsible for political organization in the OPT and placed it under his personal supervision.

The PLO's co-opting of the *intifada* occurred through a confluence of efforts, some of which were Israel's. Through the Occupied Homeland Affairs Committee, organized from Jordan, and its members in the territories, the PLO was able to organize the Unified National Leadership of the Uprising (UNLU) to control and advise the movement by March 1988.²³ The campaign of beatings and curfews and movements restrictions, only served to embolden the occupied Palestinians in their protests while the campaign of arrests stole away key local members of the UNLU. Meanwhile Fatah cadres were making moves to organize their own demonstrations and protests and assert influence over the group. Arafat started a "chairman's account for the *intifada*" under the PNF, again under his personal purview, to accept donations for the movement even in spite of Arafat's distance from the territories. Sayigh also notes a seedier element to Arafat's push for control in his silence on the Palestinian killings of accused

²³ Ibid., 635

of collaborators. Firstly, this provided yet another way of dealing with political rivals to Fatah and PLO power as well competing with Hamas's legitimacy, as the group was "notoriously active" in the killing of suspected collaborators.²⁴ Meanwhile Hamas's leadership was subject to special consideration with regard to Israel's punitive attention suffering from a large campaign of arrests of the group's leadership and activists in 1989.

Moreover, the *intifada* in the OPT was a grassroots mobilization that challenged the PLO's relevance in their continued failure to truly threaten Israel's power and affect political change for Palestinians under occupation. The tension between the exiled community and the "inside" Palestinians manifested. The Palestinians under occupation faced two political possibilities: a state on only part of historic Palestine or possibly the formation of a federation with Jordan. This is the context of the uprising that the "outside" PLO leadership did not foresee. That the PLO did not initiate the first *intifada* indicates a lack or loss of political control over the "inside" Palestinians. This grassroots movement caught every political actor off guard. The PLO was forced to move rapidly to co-opt the movement as without at least a façade of leadership and control over the uprising their status the rightful representatives and leaders of the Palestinian people would be suspect.

Gordon asserts a colonialist outlook as the key factor in Israel being so surprised by the *intifada*. A book published by Israel's Civil Administration just months before the beginning of the uprising cited the economic development and rise in the standard of living in the OPT since the beginning of the occupation.²⁵ In some respects the Israeli claims of an improved standard of living and rising economic progress were valid, though the work largely ignored the system of

²⁴ Ibid., 637.

²⁵ Gordon, 148.

economic dependence that those policies cultivated as pointed out by authors like Sheila Ryan and Meron Benvenisti.²⁶ Moreover it overlooks the abject lack of political, social, and economic freedom for Palestinian residents in the OPT. Gordon appropriately relates this to the “civilizing mission” shared by other colonialist movements. This outlook prompted a slow reaction from the Israeli military administration.

Yitzhak Rabin, then Israeli defense minister and later the prime minister during the Oslo Accords advocated an “iron fist” policy. Israeli soldiers were armed with batons and sent to disperse numerous crowds. Gordon emphasizes Israel’s emphasis on use of disciplinary power that focuses on the individual in its attempts to control the OPT during the first *intifada*.²⁷ That the Israeli military assaulted protesters with batons as opposed to more lethal means of oppression is one such expression of this form of control. The amount of food was regulated as well, termed as a way of cutting the Palestinian’s “nutritional energy.”²⁸ In 1987 Israel created a database of information to keep track of Palestinians. Israel compared the data against the profile of terrorists and used it as a way of barring entry into Israel—a key factor for a majority of Palestinians who relied on work there for their livelihood. The permits that Israel issued for such entry were set to expire more frequently as well. Information as mundane as age, marital status, and the number of children one had were some of the criteria used to bar Palestinians. The most damning of these criteria were any and all political affiliations. The green line was subject to more regular and intense, at times absolute, closure. This targeting of individuals, as Gordon states, was a key difference between Israel’s response to the second *intifada*, when it targeted the Palestinian population as a whole.

²⁶ Ryan, Sheila. "Israeli Economic Policy in the Occupied Areas." *MERIP Reports* 24 (974): 3-24. *JSTOR*. Web. 28 Apr. 2010. Benvenisti, Meron. *West Bank Data Project: A Survey of Israel's Policies*. (American Enterprise Institute for Public Policy Research. 1984.)

²⁷ Gordon. 12

²⁸ *Ibid.*, 165.

The focus on the individual, even the supposed non-lethal nature of the crackdown did not mean a less costly toll taken from the Palestinian uprising. After five years of the *intifada*, over 1,000 Palestinians had lost their lives, over 45,000 indictments were submitted to Israeli military courts, over 13,000 Palestinians were incarcerated, and some 23,000 were subject to Israel's General Security Service's interrogation—frequently including torture.²⁹ Yitzhak Shamir, the Israeli Prime Minister, reiterated this sort of “zero tolerance” when in 1989 he vowed to settle nearly a million Russian Jewish immigrants from the former Soviet Union in the OPT.³⁰ In addition, these efforts made Israel's occupation much more costly to maintain. The Israeli army was forced to double and then double again its forces in the West Bank, while tripling its presence in the Gaza Strip.³¹ This proved to the Palestinians that the occupation was hardly the temporary endeavor Israel had tried to convince them that it was. Additionally the Israeli approach only served to embolden the Palestinians' resistance and proved to Israel that the old methods of control were financially unsustainable and wholly ineffectual. This led the Israelis to seek a new way to deal with the occupied Palestinians with the start of negotiations with the PLO.

When the PLO declared the state of Palestine in 1988, it was in the context of a two state solution. Arafat spoke for his second time in front of the UN General Assembly asserting the demands of the PLO as:

Our PNC reasserted the need for Israel's withdrawal from all the Palestinian and Arab territories it occupied in 1967, including Arab Jerusalem; the establishment of the Palestinian state; the annulment of all expropriation and annexation measures; and the dismantling of the settlements established by Israel in the Palestinian and Arab territories since 1967...³²

²⁹ Ibid., 158.

³⁰ Sayigh. 639.

³¹ Ibid., 619.

³² "Text of Arafat's Speech to the UN General Assembly, 1988." *Middle East: MidEastWeb*.

Nigel Parsons argues that "...by 1988 the institution *required* the formulation of an acceptable national project if the PLO were to retain its authoritative leadership within the Palestinian polity."³³ This move also allowed the organization to begin courting the United States. While the PLO succeeded in grabbing the reins of the *intifada*, it was not certain how long it might retain them.

The PLO at this time was facing a tremendous crisis due to a vastly diminished budget. After the fall of the Soviet Union the PLO had begun supplanting much of their financial needs with money from Saddam Hussein's Iraq. However the PLO's public support of Hussein's 1991 invasion of Kuwait landed them in hot water with other financial backers in the Gulf. The government of Kuwait nearly completely expelled the Palestinian workers from the country after its liberation later in the year and their remittances would no longer be sent back to the OPT. The leaders of Gulf countries stopped their donations to the PLO and aid to the OPT crashed from eight million Jordanian dinars per month to only 700,000.³⁴ The PLO's personal budget was halved. First and foremost this was a serious blow to what Rubenberg describes as Arafat's neopatrimonial system that he used to control and sway PLO members. Due to Arafat's blunder in supporting Hussein there was a decline of PLO services and a scaling back of PLO forces, drawing criticism and calls for reform not merely from the OPT or the PLO, but Arafat's own Fatah group.³⁵

By 1991 Arafat announced that Palestinian statehood was "only a stone's throw away."³⁶ Whether to present a façade of political optimism or out of genuine conviction, Arafat made

³³ Parsons, Nigel Craig. *The Politics of the Palestinian Authority: from Oslo to Al-Aqsa*. (New York: Routledge, 2005), 41.

³⁴ Sayigh. 653.

³⁵ Ibid., 655.

³⁶ Ibid., 639.

several such comments during the decade that he served as head of the PA. At this juncture, Sayigh asserts, Arafat's power over the PLO was absolute.³⁷ Most forms of opposition within the PLO were rapidly diminishing. The Syrian affiliated parties' influence was little to none within the OPT, and the fall of the Soviet Union and later Saddam Hussein weakened many leftist parties. Additionally, the question of armed struggle, pursued for so long by the PLO, seemed inconsequential in the face of the progress made by the largely nonviolent *intifada*.

For Israel, the Oslo Accords mollified the damage done to its reputation in international opinion by the Israeli army's brutal crackdown of the uprising. It was also a move to create a new order of occupation whereby Palestinians managed it. Israel's former enemy, the PLO, now had the potential to be of some use to it, acting on their behalf to control the Palestinian population. This effort to use the PLO is consistent with Israel's history of utilizing what Sean McMahon refers to as "acceptable interlocutors" in order to achieve certain strategic objectives.³⁸ In this way, the human rights criticisms and administrative efforts of this new component of occupation would not be Israel's burden, but rather the Palestinians'. The PLO publically celebrated the chance at self-rule as a victory in the struggle to liberate Palestine. However, in the end, the occupation did not cease; it was simply reorganized.³⁹ The Oslo process installed the returning exiles of the PLO not as a pre-state authority, but rather as a new component of the reorganized system of occupation.

The Oslo documents constantly repeated the PA's ultimate mandate as Israel's security, though practically these security goals were realized as repression. The Palestinian people became the not just objects of Israeli maltreatment but also of the brutality of Israel's

³⁷ Ibid., 654.

³⁸ McMahon, Sean F. *The Discourse of Palestinian-Israeli Relations: Persistent Analytics and Practices*. (Routledge 2010. New York), 130.

³⁹ Gordon. 170.

subcontractor, the PA. Israel's power dwarfed the PA, and it was able to considerably expand its colonial infrastructure in the OPT without any serious obstacles. Indeed, the PLO, the sole legitimate representative of the Palestinian people and champion of Palestinian national rights, was now legally committed to protecting the oppressor. "In a legal sense," writes Brynjar Lia, the PA security forces "appeared to be nothing but a subordinate branch of the Israeli military."⁴⁰ Lia elaborates that the "main duty" of these security forces "was the protection of Israeli security and colonial interests in the occupied territories."⁴¹ In the West Bank and Gaza Strip, PA security forces confronted Palestinian critics of either component of this order, either the PA that enforced the status quo or the Israeli overlord that gave it the power to do so.

"Security" is a concept that is repeated often in the Oslo documents and its overwhelming presence in the dialogue between Israeli and PA officials requires some discussion. The emphases on "security issues" and "security forces" are all aimed at securing the Oslo order. As E.H. Carr so convincingly argues, "security" is the "watchword" of those seeking to preserve the status quo, which in the case of the OPT from 1993 to 2000 was the Oslo order.⁴² During this time period both the PA and Israel were committed to maintaining this status quo. The PLO's legacy was deeply entrenched in the gamble of the peace process while for Israel the status quo served as suitable veneer of reconciliation while the colonial efforts continued and the PA bureaucracy subsidized the cost of the occupation. Consistently, Israel praised and encouraged PA repression under the guise of "watchwords" like "security" and "counterterrorism" to confront the opponents of the Oslo order branded as "terrorists" and "militants." Similarly, as

⁴⁰ Lia, Brynjar. *A Police Force Without a State: A History of the Palestinian Security Forces in the West Bank and Gaza Strip*. (Reading: Ithaca, 2006), 273.

⁴¹ *Ibid.*, 3.

⁴² Carr, Edward Hallett. *The Twenty Years' Crisis: 1919-1939. An Introduction to the Study of International Relations*. (London: Macmillan, 1981), 151.

demonstrated below, on numerous occasions the PA justified its repression by explaining that it prevented Israeli incursions and reoccupation, a threat that Israel continued to emphasize.

The contextual approach of this thesis functions to illuminate how Israel's power over the PA was asserted and negotiated during the first decade of Palestinian autonomy. Chapter one contains a detailed analysis of the Oslo documents and sets the foundation for the more contextualized approach that the following chapters use to analyze Israeli-PA relations and interactions. It highlights the structures set up to form the Oslo order which mandates the PA to control the Palestinian population as the precondition for progress at the negotiating table. Chapter two contextualizes events that occur between the signing of the 1994 Agreement on the Gaza Strip and Jericho Area and the 1995 Israeli-Palestinian Interim Agreement. During this time the PA's scope was limited just to the certain areas of the Gaza Strip and the West Bank city of Jericho. However the events that occur in the OPT and the statements made by Israeli and Palestinian officials reveal in more detail the intent of the Oslo documents. The PA's actions during this time period contradicted the articles of the Oslo documents that called for a democratic interim polity, but were consistent with Israeli rhetoric regarding their intentions for the PA. It would have been possible to revise the existing order and place constraints on the PA's autocratic style of governance at the signing of the Interim Agreement, but instead the PA is drastically over most of the urban centers in the West Bank, in essence, legitimizing the PA's authoritarian practices. Chapter three analyzes events that occur between the signing of the Interim Agreement and the 1998 Wye River Memorandum. The PA's autocratic policies—consistent with Israeli and American demands—did not change, but were instead broadened so as to include more of the Palestinian population under their purview. The Wye River Memorandum did not address the PA repression that became more pervasive, but rather

expanded a system of oversight to ensure that the PA remained firm on the Israeli “watchwords” of “militants” and “terror.”

This contextualized analysis of the Oslo Accords provides a unique insight into Israel’s role in the development of the PA’s autocratic policies. One might criticize the Oslo Accords for failing to react to PA human rights abuses or that the architects of Oslo perhaps willfully ignored these transgressions; however, I argue that the Israeli and American powers that authored the Oslo documents were indeed fully informed of such transgressions. The autocratic nature of the PA was exactly what was intended under the Oslo Accords and the PLO’s return from exile. The persistence of PA abuses is in no way an indication of any kind of ignorance: it is an indication of US-Israeli intentions for the PA and approval of its repression.

Chapter 1:

The Constitution of the Occupier's Autocracy

Plans for Palestine

The Palestine Liberation Organization (PLO) and the government of Israel embarked upon a new era of diplomatic relations in the early 1990s. It was a historic change in the conflict between Israel and the Palestinians. Formerly affirming armed resistance as the path to national liberation, the PLO now sought to achieve a state through negotiations and diplomacy. However, while the Oslo process entailed merely the possibility of the realization of PLO goals, for Israel it marked the actual realization of longstanding aims and plans for Palestine.

At several junctures Israel has sought to “outsource,” to use Neve Gordon’s terminology, the responsibility of population control while maintaining “strategic” control over certain areas. Consistently, these areas have included positions in the Golan Heights, the Jordan Valley, and an undivided Jerusalem. Israel has consistently rejected incorporating Palestinian or Arab populations that might already reside in these desired locations “to preserve [Israel’s] Jewish character.”¹ In 1976, then Israeli Defense Minister Yigal Allon made one such proposal in an issue of *Foreign Affairs*.² Called the Allon Plan, this proposal highlighted a strategy for “defensible borders” that has influenced Israeli policy making to this day. Norman Finkelstein convincingly referred to the Allon Plan as being the Oslo Accords’ “operative framework.”³ The Allon Plan proposed the introduction of Jordanian rule over parts of the West Bank while Israel, through a rigorous settlement plan developed positions along the Jordan River and Dead Sea

¹ Allon, Yigal “Israel: The Case for Defensible Borders.” *Foreign Affairs*. Vol. 55, No.1. October 1976. Pp.38-55.

² Ibid.

³ Finkelstein, Norman G. “Securing the Occupation: The Real Meaning of Wye River Memorandum.” NormanFinkelstein.com. 28 November 1998. Web. 15 April 2012.

effectively enveloping what was left of the West Bank. While Jordanian rule did not come to fruition, the settlements proposed did. The map provided by Allon offered a very neat set of lines that would shrink the West Bank inward from the pre-1967 borders while providing a corridor of Jordanian sovereignty that conveniently cedes Jericho—and the Arab residents therein—to Jordanian control. The Allon Plan even allowed for Jordanian control of “the city of Gaza, and its environs, which is heavily populated by Palestinian Arabs,” to comprise a part of this “Jordanian-Palestinian unit.”⁴ Notably this proposal excluded a role for Egypt, which ruled Gaza between 1948 and 1967, while Israel would annex the southern half of the Gaza Strip. Most important about the Allon Plan is that it states Israel’s interests explicitly as its national security and its Jewish character.

Two years after Allon’s proposal was spelled out in publication, Israeli-Egyptian relations had turned toward peace. When the two parties’ relationship had thawed to the point where an agreement could be reached, Israeli Prime Minister Menachem Begin and Egyptian President Anwar Sadat convened at Camp David in 1978 to work out arrangements and agreements pertaining to their future relationship, as well as working to resolve “the Palestinian problem.”⁵ The Camp David Accords made certain stipulations for the future of Palestinians that clearly demonstrate long-sought Israeli strategic objectives that the Oslo Accords finally realized. For one, the document goes a long way to deny as much Palestinian input as possible. Any effort toward establishing a self-governing authority in the occupied Palestinian territory (OPT) would be a collaborative effort between Israel, Egypt, and Jordan. Any Palestinian representative would be co-opted into the Egyptian or Jordanian delegations, as they were at the 1991 Madrid Peace Conference. Foreshadowing the Oslo Accords, the self-governing authority

⁴ Allon.

⁵ Camp David 1978.

is to establish a “strong police force” which was to include Jordanian citizens and mandated to take “all necessary measures” to “assure the security of Israel and its neighbors.”⁶ This “strong police” force is the primary mechanism that the Oslo Accords established to enforce a very specific order upon the OPT, notably, one which imposes the security of Israel as the primary concern for the Palestinian autonomy.

The Order and Process of Oslo

In early September 1993 the secret negotiations between the PLO and the government of Israel produced its first documents. Prime Minister of Israel Yitzhak Rabin and PLO Chairman Yasser Arafat exchanged what are popularly, if inaccurately, referred to as the Letters of Mutual Recognition. While the letters exchanged were brief, they set the stage both for the Oslo era and for the dynamic between the Palestinians and Israelis as they moved forward into new diplomatic territory. Arafat, for his part, recognized Israel’s right to exist, accepted United Nations Security Council (UNSC) resolutions 242 and 338, renounced armed struggle and declared contrary articles of the Palestinian Covenant to be invalid. Rabin was much briefer in his letter; he recognized the PLO as the representatives of the Palestinian people and agreed to negotiations. UNSC resolution 242 was passed following the 1967 war in which Israel conquered the Gaza Strip, the Golan Heights, the Sinai Peninsula and the West Bank. It called upon Israel to withdrawal from all occupied territories in exchange for national recognition from its neighbors as well as peaceful relations. UNSC resolution 338 was passed after the 1973 Yom Kippur war during which Egypt attacked Israel’s position in the Sinai Peninsula before being beaten back, and called on the implementation of resolution 242. United Nations General Assembly (UNGA) resolution 194 followed the war of 1948 and called for the return of all Palestinian refugees

⁶ Ibid.

displaced by Israel's campaign of dispossession. This resolution, and along with it the right of return for Palestinian refugees, were completely ignored in the letters, which were in no way mutual. Arafat essentially recognized Israeli sovereignty at least over the state of Israel, and for all intents and purposes over all of historic Palestine. The Palestinian right of self-determination was nowhere to be found in any of the official documents.

By 13 September, the two parties were able to flesh out legalistic terms for the relationship in the Declaration of Principles (DoP). The aims of the DoP were stated "to establish a Palestinian Interim Self-Government Authority, the elected Council..., for the Palestinian people living in the West Bank and Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338." This further emphasized Oslo's departure from UNGA resolution 194.⁷

This document marks the beginning of what is commonly referred to as the Oslo process. It is the document that founds the Oslo order, the system and framework by which Israel and the Palestinian Authority (PA) will interact to manage the Palestinian population. The imbalance of power between the two parties is the most problematic feature of this agreement. While Arafat had consolidated his absolute power within the PLO, the PLO's political power was at an all time low. The weakness was undoubtedly the result of political blunders and misfortune, such as the support of Saddam Hussein during his invasion of Kuwait and the recent collapse of the Soviet Union. The PLO was near bankrupt in terms of fiscal and political support; meanwhile Israel, while dealing with public relations backlash of the first *intifada*, had the unwavering diplomatic, economic, and military support of the United States, the "honest broker" of the peace

⁷ DoP, Article 1.

process. The Oslo order, simply explained, is the system whereby the PA is responsible for the “security” of Israelis in order to proceed politically, economically, and existentially.

The time frame was as follows: an interim period would last for five years and its beginning date would be contingent on Israeli withdrawal. Permanent status talks were to begin in the third year and were to include issues such as the status of Jerusalem, the fate of the refugees, the final arrangement of borders, the PA’s foreign relations, the resolution of the Israeli settlement issue, security arrangements, and “other issues of common interest.”⁸

The Agreement on the Gaza Strip and Jericho Area, signed on 4 May 1994 further added to the operation and function of the PA. Under much disagreement Rabin and Arafat came to terms at the signing in Cairo. The primary disagreement and its result demonstrate Israel’s power in the negotiations. In mid-December it was reported that Arafat and Rabin were having difficulties determining how big the self-rule area would be in Jericho.⁹ Arafat wanted the entirety of the Jericho district, approximately 133 square miles. Rabin was only willing to allow eighteen. By the time of signing, the maps presented transferred a Jericho district comprising only twenty-four square miles. Arafat added a handwritten note to the end of the agreement expressing his contention over the size of Jericho, but in the end both his note and his grievance were inconsequential in the face of Israel’s power.¹⁰ The size of the Jericho area, and any other area for that matter, would be what Israel dictated it would be. In any event, the powers and structure of the PA were further delineated by the Gaza-Jericho agreement. It would consist of twenty-four members responsible for legislative, executive, and judicial responsibilities as long

⁸ DoP, Article 5.3.

⁹ Hedges, Chris. "Rabin and Arafat Fail to Remove Last Obstacle to Start Self-Rule." *The New York Times*. The New York Times, 13 Dec. 1993. Web

¹⁰ Hedges, Chris. "Mideast Accord: The Overview; Rabin and Arafat Sign Accord Ending Israel’s 27-Year Hold on Jericho and the Gaza Strip." *The New York Times*. The New York Times, 4 May 1994. Web

as the PLO would provide Israel with the names of these members and notify them of any changes thereof.

On 29 August 1994, the Israeli and Palestinian leadership signed the Agreement on Preparatory Transfer of Powers and Responsibilities that expanded the powers of the PA into mostly civil affairs to prepare it for taking over more responsibilities from Israel. Referred to as the Early Empowerment Agreement, the accord extended PA jurisdiction into the spheres of education and culture, health, social welfare, tourism, direct taxation, and value added tax (VAT) collection on locally produced products. This document signals a significant step toward increased Palestinian power and management of certain civil affairs, while benefitting Israel in more significant ways. Notably, this extension of PA power effectively meant a further reduction of Israeli visibility and presence, reducing the cost of managing these civil spheres. The costs would fall on the Ad-Hoc Liaison Committee (AHLC), the international body of donors whose money was meant to assist the startup of the PA, though the essential nature of their financial input persists until today. The Israeli Civil Administration, however, would continue to play a role in support and assistance to the incoming Palestinian administration, transferring administrative property and equipment, along with a PLO promise to retain Palestinians employed by Israel's Civil Administration.

The next agreement was signed on 29 September 1995. The Israeli-Palestinian Interim Agreement was meant to set the groundwork for a massive augmentation of the Palestinian self-rule project that would expand authority over the majority of the Palestinian population by the end of the year. Between 13 November and 27 December, the PA's jurisdiction expanded to include the major cities of Jenin, Tulkarm, Bethlehem, Nablus, Qalqilya, and Ramallah, including numerous villages and towns in the West Bank. One of the primary objectives of this

particular document was to set up the basic structures of Palestinian self-rule that would facilitate the reduction in Israel's Civil Administration and military government. The most significant mechanism was the lines drawn throughout the West Bank and Gaza Strip. The Interim Agreement officially divided the occupied territories into Areas A, B, and C. In Areas A (2.7 percent of the West Bank), the PA would have both administrative and security control. In Areas B (25.1 percent of the West Bank), the PA would have administrative control while sharing security control with Israel. Finally in Area C (72.2 percent of the West Bank), Israel would have exclusive control.¹¹ In practice, the determination of these areas was left at the discretion of Israel. What is more, as Jeff Halper notes, the intense constriction that went along with the divisions led to a system of containment in which Israel was able to control the territories more effectively with fewer boots on the ground.¹² This scheme allowed Israel to contain the Palestinian population by limiting the PA autonomy to an incredibly small space, and enforcing a permit regime for travel between autonomous areas. Checkpoints, roadblocks, special access roads, and illegal settlements all served to further divide and constrict daily operation in the occupied territories.

The Interim Agreement is similar to the Gaza-Jericho agreement in that it serves as a blueprint for PA operation, but was much more expansive than the previous agreement. Additionally, while meant to be a temporary measure, the PA that this document constructed would be much more permanent in the absence of final-status talks. To that end, the document effectively served as the constitution and basic law of the PA, especially so in the early years when Arafat refused to sign the Palestinian Legislative Council's constitutional proposals.

¹¹ Gvirtzman, Haim. "Maps of Israeli Interests in Judea and Samaria Determining the Extent of the Additional Withdrawals." Bar-Ilan University. Web. 15 April 2012.

¹² Halper, Jeff. "The 94 Percent Solution: A Matrix of Control." *Middle East Report* 216 (2000): 14-19.

The PA, under the framework of these first agreements of the Oslo Accords, became an integral part of Israel's occupation. For one, the PA bureaucracy claimed a part in the permit regime. Palestinians seeking work in Israel would now be required to apply to the PA, after which the PA would provide Israel with a list. Finally, Israel would refuse or agree to issue a permit. The Oslo Accords put numerous limitations and rules on the Palestinians, which the PA was meant to enforce. Some of these rules and limitations simply served to distinguish and separate Palestinians from Israelis. For instance, the annexes regarding civil affairs of both the Gaza-Jericho Agreement and the Interim Agreement mandated that "The color of all [natural] gas cylinders in use by Palestinians in the West Bank and the Gaza Strip shall be different than that in use in Israel and by Israelis."¹³ This concept of separation between Israelis and Palestinians was a recurring ideological point for Rabin's Labor Party. After the documents sufficiently distinguish the peoples from one another, it mandates measures that are clearly meant to enforce the sovereignty and dominance of Israel over the land: "The Palestinian side shall ensure that no construction close to the settlements and military locations will harm, damage or adversely affect them or the infrastructure serving them."¹⁴ There are no such restrictions upon Israeli settlement construction and expansion in regard to Palestinian rights. One of Gordon's most salient points is demonstrated clearly here: that Israel's restructuring of the occupation in the wake of the Oslo Accords is, at its core, an attempt to pass off the responsibility for the Palestinian population onto the PA, while Israel maintains the rights and responsibilities associated with Palestinian space.

Israel's responsibility for the Palestinian population is further absolved in articles 22 of the Gaza-Jericho Agreement and 20 of the Interim Agreement. The articles state that any

¹³ Interim Agreement, Annex 3, Article 15.3

¹⁴ Interim Agreement, Annex 3, Article 27.3.a

judgments made by a Palestinian court against Israel will be paid by Israel. However, the PA will immediately reimburse Israel of the cost of said judgment. Effectively, these articles place the financial burden of these judgments onto the international donors whose money made up the majority of the PA's budget.

The city of Hebron was included in the Interim Agreement, but required a different set of regulations, due to the fact that it was the only major Palestinian city to hold Israeli settlements within its boundaries. Indeed Hebron had a fractious past; it was the first settlement constructed (on confiscated land) following the 1967 war and has been the site of frequent clashes between the native Palestinians and Israeli settlers.¹⁵ The Hebron Protocol of 15 January 1997 was the first peace process document produced during the leadership of Prime Minister Benjamin Netanyahu. In a similar manner to the Interim Agreement, the Hebron protocol draws lines throughout the city. The H-1 area is to be under Palestinian control with Palestinian-run checkpoints and Joint Mobile Units consisting of Palestinian and Israeli troops. The H-2 area is under full Israeli control.

Finally, the Wye Memorandum was signed on 23 October 1998. The purpose of the Memorandum was to settle the ongoing disputes over the transfer of land, long delayed by the Netanyahu government. Numerous issues were adjusted slightly in this memorandum and will be discussed further below. One of the most significant facets of this agreement is that it signaled the formal entry of the United States into the process from its status as the so-called "honest broker" to a new position of oversight over various Palestinian security efforts.

The Structure of the Palestinian Authority

¹⁵ "Hebron Settlements." Temporary International Presence in the City of Hebron. Web. 15 April 2012.

The Council referred to in the DoP was what would become the Palestinian Legislative Council (PLC). Its membership was defined in the Interim Agreement as comprised of eighty-two members. Its jurisdiction was specified as the West Bank and Gaza Strip, “a single territorial unit, whose integrity will be preserved during the interim period.”¹⁶ At the departure of Israeli forces from Gaza and Jericho, the Israeli Civil administration was to hand over power to the “authorized Palestinians,” meaning the PLO leadership if not Arafat and his cohorts exclusively. The existence of the council was contingent on elections that were not to be held until 20 January 1996 with the PLC being inaugurated on 7 March 1996. What this effectively meant was that power was concentrated in the hands of “the authorized Palestinians” for a period just shy of two years from the time the Arafat’s exiled loyalists returned to Gaza and Jericho as leaders, bureaucrats and police. The powers transferred would include the spheres of education and culture, health, social welfare, direct taxation, and tourism, in addition to the construction of a police force. The PLC, though this applies to the PA in general, is barred from foreign relations including the establishment of embassies and consulates abroad as well as foreign embassies established within PA jurisdiction. Relations are permitted only with donor countries “pertaining to regional development plans, cultural and scientific and educational agreements.”¹⁷ The Interim Agreement goes on to put similar limits on even the PLO’s foreign relations as they relate to Council activity.

Additionally, Israel is given significant oversight over PLC legislation as well as an effective veto power. Through a long and rather muddy process, this right of veto is enshrined in the Gaza-Jericho Agreement and reiterated elsewhere in other Oslo documents. All legislation, controversial or otherwise, is to be passed off to a subcommittee that will decide on whether said

¹⁶ DoP, Article 4

¹⁷ Interim Agreement, Article 9.5.a

legislation is within PA jurisdiction or consistent with the agreement or not, perhaps being referred to a joint process in which Israeli and Palestinian judges decide together on the legislation. Legislation's entry into force is contingent on the approval of this subcommittee. The review board must decide whether or not it "seriously threatens Israeli interests protected by this agreement and that the entry into force of the legislation could not cause irreparable damage or harm."¹⁸ This explicitly enshrines the PA's protection for Israeli interests, and is a far cry from the DoP's provision that "[the Council] shall determine its own internal procedures."¹⁹ It goes without saying that there are certainly no methods of oversight regarding Israeli legislation, which would have an inevitably greater effect on the land and people in the OPT. After the PLC was actually elected, the body rejected this stipulation and notified Israel only on ratified laws. This stipulation illustrates Israel's intention of intimate supervision of the PA's governance.

The President of the PA was mandated with the appointment of an executive committee, made up of council members subject to the council's approval. This move, in theory, would give the council a significant framework of executive power, if not at least executive oversight. Under this framework, Palestinians were also given the right to apply to relevant courts for a review of PLC or executive power. However, these measures of inter-governmental oversight proved to be irrelevant in the face of Arafat's centralization of power and the disdain with which the PA security forces treated the courts system.

The jurisdiction of the PA is limited to Areas A and B with a few qualifications. First of all, Israeli settlements, military installations and Israelis in general are exempt from this jurisdiction. Enshrined in the Gaza-Jericho Agreement, the definition of "Israelis" was to

¹⁸ Agreement on the Gaza Strip and Jericho Areas, Article 7.6

¹⁹ Agreement on the Gaza Strip and Jericho Areas, Article 4.1

“include Israeli statutory agencies and corporations registered in Israel.”²⁰ This clause effectively ceded ultimate sovereignty in the OPT to Israel and granted not only Israeli persons with immunity from Palestinian law, but Israeli corporate interests as well. No other nationalities are granted this level of exemption and VIP status.

The jurisdiction of the Palestinian judiciary is limited so as not to “cover actions against the state of Israel including statutory entities, organs and agents.”²¹ They are given free use of all roads and crossing points in the OPT and may pass through PA checkpoints “unimpeded.”²² Additionally, Israelis are immune to Palestinian police inspection in Area B, as police may not pull over Israelis or ask for their identification save for the intervention of the Israeli military. PA security personnel are forbidden from arresting or detaining Israelis in custody. In such cases when Israelis are caught committing a crime, PA police may detain them in place while awaiting the arrival of Israeli forces to handle the matter. Additionally, in order for Palestinian courts to execute judgments against an Israeli, they must have the consent of the Israeli police.²³ An Israeli citizen cannot be party to an action in a Palestinian court as the defendant unless that individual consented to Palestinian jurisdiction. Meanwhile, Israeli citizens are given free rein to act as a plaintiff in these courts. In the event that a judgment is made against an Israeli, Palestinian courts may execute judgments against Israelis only “where the Israeli Police notifies the Palestinian Authority that it has no objection,” and only in those judgments which do not interfere “against the freedom of Israelis (e.g., imprisonment orders, restraining orders).” This, at least was the policy put in place by the Gaza-Jericho Agreement; the Interim Agreement amends this all together, stating that only the Israeli police may issue and affect orders regarding the

²⁰ Gaza-Jericho Agreement, Article 1.c

²¹ Gaza-Jericho Agreement, Annex 3, Article 3.4; reiterated in the Interim Agreement, Annex 4, Article 3.3

²² Interim Agreement, Annex 1, Article 9.3.c

²³ Gaza-Jericho Agreement, Annex 3, Article 4.4

imprisonment and restriction of travel for Israelis.²⁴ This special status arrangement reflected Rabin and the Labor party's preference for an apartheid-like scheme of distinction and separation between Palestinians and Israelis. By prejudicing the PA legal system in the OPT and making Israelis first class citizens there, PA sovereignty was thus an illusion from the outset. The Palestinian people were subjugated to Israeli military rule, and the Oslo Accords made no effort to change this reality; it followed naturally that the Oslo process subordinated the PA to the Israeli government.

In Article 3 of the DoP, the first reference to the incoming Palestinian police force is mentioned as “ensuring public order” during elections.²⁵ However, the purpose is expanded upon as to “guarantee public order and internal security,” mandating the construction of “a strong police force.” The qualification of the police force's strength will become more ominous as the security forces are put into action and the term is repeated in subsequent agreements.²⁶ However, it is emphasized that Israel will maintain sovereignty of “overall security of Israelis for the purpose of safeguarding their internal security and public order,” effectively giving the Israeli military the right to make incursions into autonomous areas whenever it chooses. It is curious to note that the security forces of the PA are set into an odd framework of constraints and duties. On the one hand Israel retains responsibility for “defending against external threats,” meaning that the PA security forces are not to constitute an army or military of any kind; they are confined solely to the function of civil police.²⁷ However they must be armed adequately enough so as to deal with threats to Israel's security, namely militants that are armed well beyond the capacity of most other civil police forces. This odd framework resulted in a police force that was

²⁴ Interim Agreement, Annex 4, Article 4.3.c

²⁵ DoP, Article 3.1

²⁶ Gaza-Jericho Agreement Article 7.1 and 9.1; Interim Agreement Article 12.1 and 14.1

²⁷ DoP, Article 8

prone to excess. In September 1995 there was one member of the security forces for every fifty people in Gaza, one of the highest ratios in the world.²⁸ This excess demonstrates that the Palestinian police were not established to be an ordinary police force that exercised typical police functions. The PA security forces were to monitor and control the population as well as surveil and prevent resistance to the status quo, namely the Israeli occupation and the PA's role as an Israeli enforcer.

The PA police force's capacity is essential for the future expansion of Palestinian self-rule, as the "redeployment" of Israeli forces was "commensurate with the assumption of responsibility for public order and security," later qualified "for Palestinians." These responsibilities include acting "systematically against all expressions of violence and terror," as well as arresting and prosecuting "individuals who are suspected of perpetrating acts of violence and terror."²⁹ They are spelled out even more thoroughly in the annexes. Another display of thoroughness is the parameters set for the Palestinian security forces. The Gaza-Jericho Agreements mandate the establishment of four branches, the Civil Police, Public Security, Intelligence and Emergency Services and Rescue to a total of 9,000 police personnel. The Interim Agreement expanded this force to 30,000 members while adding the Preventive Security Services and Presidential Security services as well. The Oslo order's establishment and recognition of security services is better discussed in the context of events on the ground detailed in the following chapter. There is a great amount of detail that is put forward in the annexes regarding the provisions of the police forces. The number of pistols, rifles, machine guns (all of a specific caliber), and vehicles are spelled out exactly for each of the twenty-five police stations

²⁸ Bhatia, Shyam. "Arafat's growing secret police tighten their grip on Palestinians." *The Gazette*. 7 September 1995.

²⁹ Interim Agreement, Annex 1, Article 2.1.

established under the Interim Agreement. The same meticulous detail is given in the Hebron Protocol for the security arrangements of that city. While the Oslo order would mandate that the PA be the Israeli client in the OPT, Israel's detailed specification and information regarding the PA security forces intimates that Israel preferred a short leash. Additionally the thoroughness with which the security forces were established by the Oslo documents indicates that this was a prevailing concern that was dealt with in a very careful and meticulous fashion.

The two sides are assigned certain mutual responsibilities, the most notable of which is that each party "actively prevent incitement to violence" and "abstain from incitement, including hostile propaganda."³⁰ These measures are qualified to include such acts perpetrated by individuals, groups, or organizations. The definitions of the terms "incitement" and "hostile propaganda" are apparently left to the imagination: the PA later used them to justify certain measures against freedom of expression.³¹

Israel's security responsibilities within this frame work are "to carry the responsibility for external security, as well as... for overall security of Israelis for the purpose of safeguarding their internal security," as well as security within the settlement areas.³² The Interim Agreement elaborates that Israel "will have all of the powers to take the steps necessary to meet this responsibility," explicitly framed as "the overriding responsibility for security for the purposes of protecting Israelis and confronting the threat of terrorism."³³ This clause essentially gives Israel the right to safeguard its internal security by conducting operations in Palestinian territory.

³⁰ Interim Agreement, Article 22.1 and Annex 1, Article 2.3.b

³¹ To be discussed in Chapter 2.

³² Interim Agreement, Article 10.4

³³ Interim Agreement, Article 8.1 and Annex 1, Article 5.3.a

How these responsibilities interacted with the duties of PA security forces is a matter of considerable importance. Palestinians were implicitly made to be the object that all security forces would act upon in order to ensure the security of Israel. The PA and Israel overlapped in their emphasis on Palestinians as the abject threat in the OPT despite their victimization by an Israeli occupation that was fast approaching its thirtieth year. Rather than an overlap, there was a vacuum where the security of Palestinians was concerned; the PA had no power whatsoever to act against Israelis due to a perceived threat to Palestinians in spite of a long history of violence perpetrated by the Israeli military and illegal settlers in the OPT. Additionally, uniformed Israeli military personnel are not to be stopped under any circumstances and are never required to produce identification.³⁴ Israeli soldiers were set up in an undefined space where they were granted ultimate authority in the land of the autonomous areas, but were still portrayed to be clearly distinct from and superior to its residents.

Both Israel and Palestine are obligated by the Gaza-Jericho agreement to “exercise their powers and responsibilities... with due regard to internationally accepted norms and principles of human rights and the rule of law.”³⁵ However there are certain limitations on this policy as well, particularly in the Wye Memorandum. First, the observance of human rights and rule of law is only mentioned in the context of the Palestinian police, while no such statement is made about Israel’s military forces in this later document. Second the implementation of human rights norms is tellingly prefaced with the phrase “without derogating from the above.” This clause—more explicit than ever before—prioritizes the operation of Palestinian police, first and foremost at all costs for the security of Israelis, before “the need to protect the public, respect human dignity,

³⁴ Interim Agreement, Annex 1, Article 11.4.f

³⁵ Agreement on the Gaza Strip and Jericho Areas, Article 14

and avoid harassment.”³⁶ The Oslo process thus created a Palestinian subject whose human rights were effectively irrelevant and a Palestinian client whose primary concern was the security and sanctity of the Israeli occupation.

Cooperation, Coordination and Oversight

The Oslo Accords mandated a very rigorous process of coordination between the PA and the government of Israel. News headlines consistently suggested that there were fractious, hostile relations between Palestinian and Israeli leaders such as “Israel, Palestinians trade blame on fight” or “Palestinians walk out of negotiations.”³⁷ However, while further down the hierarchy of leadership there was likely a similar level of tension, the general dynamic between the two parties at lower levels, most notably that of security coordination was productive, if not amicable. While the effect of this coordination was the natural retreat of Israeli presence and visibility, Israeli power was maintained as Palestinians stepped into their new positions in the Oslo order. Eyal Weizman cogently sums up this process:

Under the Oslo Accords, Palestinians were still, as before, subjugated to Israeli security domination in that they were exposed to the threats of its military actions, but encouraged to believe themselves the subject of their own political authority. (This had the effect of directing Palestinians’ anger and frustration for the deterioration of their freedoms and economy at their own Palestinian Authority rather than at Israel.)³⁸

While the Palestinians were offered this illusion of political autonomy, there was a continuous process of Israeli supervision and participation of the PA, particularly with regard to the security forces.

³⁶ Wye Memorandum, Article 2.C.4

³⁷ “Israel, Palestinians trade blame on fight.” *The Augusta Chronicle*. 4 July 1998. Helm, Sarah. “Palestinians break off talks with Israel.” *The Independent*. 3 November 1993.

³⁸ Weizman, Eyal. *Hollow Land: Israel's Architecture of Occupation*. (London: Verso, 2007), 144

Article 10 of the DoP established Joint Israeli-Palestinian Liaison Committee as the topmost structure in the hierarchy of the cooperative mechanisms. The Liaison Committee's main function was to "deal with issues requiring coordination, other issues of common interest, and disputes." This hierarchy encompasses twenty committees and organizations dedicated to various fields of cooperation and coordination, from security to economics to civil affairs, by the signing of the Interim Agreement.

Many of these cooperative mechanisms were established in the Gaza-Jericho agreement that marked the very beginning of Palestinian self-rule, and the Interim Agreement considerably expanded upon them. A Joint Security Coordination and Cooperation Committee for Mutual Security Purposes (JSC) was established comprising no more than seven members from both parties. The duties of the JSC included making policy recommendations to the Liaison Committee, coordination of responses to specific security issues, "providing a proper channel for exchanging information between the two sides, needed to solve security problems" and providing directives for District Coordination Offices and Joint Regional Security Committee.³⁹ The JSC is the forum in which security plans are developed to "ensure full coordination between the Israeli military forces and the Palestinian Police," while handling resolution of disputes regarding alleged violations of security cooperation. In addition the JSC coordinates all arms, ammunition, and equipment given to PA security forces, as well as those weapons permitted for Palestinian civilian use and registered with the PA. Notably, there is no provision whatsoever for limitations to be set upon Israeli settlers living in the OPT that were often well-armed by the Israeli military.

³⁹ Interim Agreement 1, Article 3.b.

Two Joint Regional Security Committees (RSC) were also established, one in the West Bank and the other in the Gaza Strip. Their duties were essentially to serve as an intermediary between the District Coordination Offices and the JSC. The offices of the RSC were to run twenty-four hours a day to provide a constant line of communication between the PA and Israel, while also serving as a regular meeting point between the commanders of the Israeli military forces and the Palestinian police in the West Bank or Gaza Strip.

District Coordination Offices (DCOs) were established immediately in Gaza, Khan Yunis and Jericho in the Gaza-Jericho Agreement, while the Interim Agreement established offices in Jenin, Nablus, Tulkarm, Qalqilya, Ramallah, Bethlehem, and Hebron. The DCOs were regularly informed of various incidents regarding security in the OPT. Any time the PA security forces were inclined to use their rifles rather than their pistols, they were required to confer first with the DCO. In the event that PA security forces wished to move through Area B, they were required to provide the DCO with a detailed itinerary of their operation with such information as the number of policemen, weapons carried, vehicles used, routes (Palestinian roads only), and length of travel before arriving at their destination and returning. The DCO is then to inform PA police of their approval within one day of the request or two hours in case of emergencies.

The DCOs also dealt with different aspects coordination operations like Joint Patrols and Joint Mobile Units and directed the Liaison Bureau that oversaw passages and crossing points. In addition, the DCOs served as yet another data gathering institution that would submit reports up to the JSC for each respective district. The Joint Patrols were comprised of two teams of four Palestinian and four Israeli security personnel each separated into two different vehicles. Their primary duty was to “monitor continuously movement within their area of operation with a view

to preventing incidents that may threaten or endanger persons using the roads.”⁴⁰ Eleven Joint Patrols were established by the Interim Agreement to patrol various roads in the occupied territory, the Israelis leading with their vehicle while in Areas B and C, Palestinians leading with their vehicle in Area A. The Joint Mobile Units were established to be rapid response patrols charged with dealing with events involving both Israelis and Palestinians as well as patrolling “at random on agreed roads as directed by the relevant DCO.”⁴¹ Finally, the DCOs coordinated the movements of Palestinian civilians as well. Their offices were where decisions were made about granting permits to Palestinians for travelling to Israel for work.

In addition, the Oslo order mandated a significant amount of information sharing between the PA and Israel. The Early Empowerment Agreement marked the first major step in this direction. This agreement spells out quite clearly, though primarily in the fine print—the annexes—the PA’s duty to continue surveillance of the Palestinian population on Israel’s behalf. The health sphere is mandated to provide information about births, deaths and any injured or deceased due to explosions or gunfire, in addition to the transfer of any corpse deemed deceased by unnatural causes.⁴² The sphere of social welfare is mandated to provide information on juvenile criminal offenders, in addition to maintaining “a positive working relationship in all aspects, including general and professional training, and the exchange of information.”⁴³ Safeguarded is the Civil Administration’s “continued authority... to exercise their powers and responsibilities with regard to security and public order, as well as with regard to other spheres not transferred,” allowing for Israeli intervention on such pretexts. This stipulation is reiterated throughout the annexes of the agreements, ensuring that matters of Palestinian health and social

⁴⁰ Gaza-Jericho Agreement Annex 1, Article 2.3.e.

⁴¹ Gaza-Jericho Agreement Annex 1, Article 2.4.c.1.

⁴² Early Empowerment Agreement Annex 2.

⁴³ Early Empowerment Agreement Annex 3.

welfare do not derogate from Israel's "continued authority." Many of these "exchange of information" programs, with exception to the population registry, were absent in the previous Gaza-Jericho Agreement and Declaration of Principles. These points are particularly important because they ensured reduced Israeli cost in tandem with the continued possibility, if not sovereign right, of Israeli intervention, all while forcing Palestinians to take on the responsibilities of surveillance and record keeping for the Israeli military government.

The Interim Agreement further elaborated on this system of surveillance. Along with the population registries, Israel is to be updated on "any change of residence of any resident."⁴⁴ The Israeli Central Bureau of Statistics and the Palestinian Central Bureau of Statistics are to share information, though one wonders what information Israel would provide or what information the PA would request thereof. The Oslo order additionally mandates the PA to give the RSC a list of names of police officers, license plates of police vehicles, as well as serial numbers of all weapons. Additionally, the PA is to provide Israel with information about vehicle registration and drivers licenses of all Palestinians within its jurisdiction.

The role of record keeping is particularly troubling due to Israel's use of such information and databases in the past. This is demonstrated most troublingly by the fact that Plan Dalet, the Israeli plan that was implemented to expel Palestinians during the 1948 war, was made possible by the village files compiled by the Jewish National Fund.⁴⁵ This database gave the Zionist militias information about the resources and geography of Palestinian villages and their inhabitants. During the first *intifada*, and other periods of confrontation, such information was used to deny freedom of movement to Palestinians based on dubious comparisons to the life

⁴⁴ Interim Agreement, Annex 3 Article 28.10.

⁴⁵ Pappé, Ilan. *The Ethnic Cleansing of Palestine*. (Oxford: Oneworld, 2006), 17-22.

histories of terrorists.⁴⁶ The detailed knowledge that Israel was able to gather about the Palestinian population, no doubt assisted by the PA, facilitated Israeli military operations during the second *intifada*, including the reoccupation of Palestinian cities.⁴⁷

As mentioned above, the Wye Memorandum also incorporated American oversight of the PA. The PA was to take part in security bi-weekly meetings with US officials regarding their anti-terror activities, informing their new American partners about the specific actions taken including efforts to outlaw “terrorist” organizations (explicitly including non-militant wings that provided social services), prosecute those suspected of abetting terrorists, collect illegal weapons, and prevent incitement. Finally, there was a tri-lateral US-Palestinian-Israeli committee established that also met bi-weekly to “deal with any impediments to effective security cooperation and coordination and address the steps being taken to combat terror and terrorist organizations.”⁴⁸

Finally, there is the Palestinian judiciary. Its place in this section regarding cooperative and coordinative apparatuses bears some discussion. While an effective judicial system is paramount to any democratic society, the Oslo accords has very little to say on the matter. Given the amount of attention and detail given to the operation of the PLC, the security forces, the executive and further stipulations on minutia like gas cylinders, there is surprisingly very little detail on the state of the Palestinian legal system. The legal system under the remit of the PA is established thusly: “Subject to the provisions of this agreement, the Council shall, within its jurisdiction, have an independent judicial system composed of independent Palestinian courts

⁴⁶ This comparison was described in the introduction.

⁴⁷ Weizman. 195-196.

⁴⁸ Wye River Memorandum. Article 2.B.3.

and tribunals.”⁴⁹ Little else is said on the matter and certainly not comparable to the explicit instructions and limitations placed up on PLC legislation. Considering the amount of detail put into the establishment of the PA security forces and the extreme emphasis on their duties to rigorously surveil and contain the Palestinian population, the establishment of a powerful judiciary was essential in order to establish a democratic rule of law. However, the Oslo Accords, or rather its authors, remained silent on the issue; a democratic rule of law was simply not the point.

First we should understand that at the time of the PA’s establishment, the Palestinian legal system was a complex conglomeration of laws that existed in historic Palestine, many of which are still in effect. These systems include customary law, Ottoman law, British law, Jordanian law (in the West Bank), Egyptian law (in the Gaza Strip) and Israeli military rules. This confusing mass of legal prescriptions would only be complicated further by the Oslo documents and any PLC legislation that would come to pass. The Oslo agreements, for their part, had really only two issues in mind when addressing the Palestinian legal system: limitations and parameters of jurisdiction and cooperation with the Israeli government. The matter of PA jurisdiction is defined easily enough within the Interim Agreement’s Areas schema, and its power, or more properly its lack thereof, over Israelis has already been noted.

The Palestinian judiciary’s cooperation with Israel’s judicial system is however thoroughly detailed in the agreements. The Palestinian judiciary is required to serve summons and subpoenas on Israel’s behalf as well as execute orders issued by Israel’s courts, including search warrants, orders for the production of documents and seizure orders.⁵⁰ Such stipulations

⁴⁹ Interim Agreement. Article 9.6.

⁵⁰ Gaza-Jericho Agreement, Annex 3, Article 2.8.a.

are framed as being mutual responsibilities, that each court recognizes the orders of the other. This type of framework is hardly a measure of equality, however, as the parties are in no way equal to one another in terms of jurisdiction or power. While the Oslo agreements discussed the issue with a presumption of symmetry, it is impossible to imagine the circumstances where Israel would execute a search warrant issued by a Palestinian court within its own boundaries on one of its own citizens.

Israel's control over some of the most vital flows of PA revenue served to enforce all of this coordination and cooperation. The Early Empowerment Agreement allowed the Israeli Civil Administration to collect certain taxes on the PA's behalf such as: property taxes after "deducting the sums due to the municipalities;" income taxes on Israelis "in respect of income accrued or derived in the West Bank;" deductions of Israeli remittances to Palestinians; seventy-five percent of income taxes collected from Palestinians working Israel or in settlements and military locations; and VAT taxes taken from Israeli businesses located outside settlements in the occupied territories.⁵¹ In particular the taxes collected from Palestinian workers who were employed in Israel were particularly vital, considering the large number of Palestinians that depended on such work. At various points during the peace process and beyond Israel withheld this money in order to ensure compliance from, or apply pressure to, the PA.

Conclusion

The Oslo Accords and the subsequent so-called "peace process" would eventually crumble following Ariel Sharon's visit to the Temple Mount in September 2000, but the interim political entity and the order between the PA and Israel that it established persists until today.

⁵¹ Early Empowerment Agreement Annex 5 and 6.

While the possibility of self-rule was an exciting moment for many Palestinians, it is important to bear in mind Israel's primary interest in the agreements. First, the priority of security—a euphemism for Israel's population control—is clearly reflected in the Oslo agreements. The peace process had set up a system where two bodies were mandated to establish security for Israeli citizens while those same two bodies were also mandated to control the lives of Palestinians. PA security forces are told to ensure security for Israelis while Israel safeguards a right to intervene where it believes the PA fails; Palestinians have no such protector. In order to maintain this truncated "self-rule" the Oslo order mandated the PA to prevent resistance to the occupation of its own people. At several points, Israel has publicly informed the media about plans and preparations for retaking territory transferred to PA administration as a way of frightening PA officials into compliance.⁵²

Additionally, the level of coordination and cooperation between the PA and Israel raises serious questions on Israel's involvement in the management of PA affairs. Given the day to day interaction in DCOs, RSCs, JSCs, the bilateral bi-weekly meetings, the tri-lateral bi-weekly meetings, and a host of other forums of interaction and oversight given to Israel and its principle ally, the United States, Israel has had a very intimate level of participation with PA activity. This level of involvement between the PA and Israel suggests that Israel had a continuity of awareness and control of PA activity. That this activity regularly included human rights abuses without any criticism or pressure to change from the Israeli government bespeaks an acceptance if not an approval of said activity. This hierarchy though, more clearly demonstrates how the emphasis on security directly relates to the longevity of the status quo, as they represent artifacts of the Oslo era (in addition to the PA itself) that persist unto today.

⁵² "If Peace Process Fails, Israel Might Retake Gaza." *Buffalo News*. May 25, 1994. Web. Walker, Christopher. "Israel unveils plan to retake troubled West Bank towns." *The Times*. September 30, 1996. Web.

As for the PA's governance, Oslo marked a troubling departure from the "democratic Palestinian state" called for in Fatah's original charter. Amaney Jamal argues that "Oslo's stipulations demanding security for Israelis at all costs" was the impetus behind the strong centralization of authority in the PA and the crackdown on opposition movements.⁵³ Barry Rubin makes a similar claim, though he downplays the PA's authoritarian nature.⁵⁴ Naturally these opposition movements would consist of the militants that might threaten Israel's security. Groups like Hamas, Palestinian Islamic Jihad and others that were Islamist and outside the purview of the PLO certainly fit this category, but many other peoples of many other political affiliations would incur the PA's disdain. The departure from democratic ideals is due to the order established by the Oslo Accords, the base of power for the PA was determined very differently from that of the PLO. Whereas the PLO was constantly attempting to please as many of its member parties as it could at a given time, "In the interim context," Christopher Parker writes:

the greatest portion of PA power is circumscribed not by accountability to the society in which it operates, but rather to external actors and international agreements. The balance of power within the context of the peace process means that the PA must hold itself accountable to external demands which often seem to contradict the hopes associated with self-rule on the street.⁵⁵

The PA was primarily accountable to Israel and the United States whose support and approval heavily influenced the generosity of European donor countries that subsidized a significant portion of the PA budget.

⁵³ Jamal, Amaney A. *Barriers to Democracy: the Other Side of Social Capital in Palestine and the Arab World*. (New Jersey: Princeton UP, 2007), 11.

⁵⁴ Rubin, Barry M. *The Transformation of Palestinian Politics: from Revolution to State-Building*. (Cambridge: Harvard UP, 1999), 3.

⁵⁵ Parker, Christopher. *Resignation or Revolt: Socio-Political Development and the Challenges of Peace in Palestine*. (London: I.B. Taurus, 1999), 133.

Despite the moniker of “peace process” and the ostensible goal of reconciliation, the Oslo order at best galvanized Israeli supremacy and at worst cultivated conflict and tension between Israel and the PA. Mouin Rabbani notes: “Oslo’s fatal flaw... [was] that it [was] neither an instrument of decolonization nor a mechanism to apply international legitimacy to the Israeli-Palestinian conflict, but rather a framework that [changed] the basis of Israeli control over the occupied territories in order to perpetuate it.”⁵⁶ Rather than being an instrument of decolonization it emboldened Israel’s settlement expansion under a disingenuous veneer of the “peace process.” Nils A. Butenshon, however, takes issue with the now pervasive phrase: “The present situation is a process of conflict, not a peace process; it is a process whereby each square mile, village and city of the Gaza Strip and West Bank and each symbol of authority and sovereignty of the land of is contested.”⁵⁷ In the sum total of the Oslo Accords, the notion of Palestinian sovereignty over any area or aspect of PA governance and Palestinian life is precluded all together. In the civil spheres, the PA answered to Israel as the bookkeepers of its surveillance programs; in the field of security, the PA served as Israel’s enforcer. Israel’s domination of the PA was part of a gross power imbalance described by Glenn Robinson as a “hegemonic peace” in which “the only leverage Palestinians had over Israel was the autonomy to say “no” to Israeli proposals... In the final analysis, it was Israel that controlled what would happen—or not happen—on the ground.”⁵⁸

The Oslo documents have set up an order in which Israel has the overriding authority in nearly all facets of Palestinian life in the OPT. This order has persisted even beyond the end of

⁵⁶ Rabbani, Mouin. “A Smorgasbord of Failure: Oslo and the Al-Aqsa Intifada.” *The New Intifada: Resisting Israel’s Apartheid*. By Roane Carey. (London: Verso, 2001), 75.

⁵⁷ Butenschøn, Nils A. “The Oslo Agreement: From the White House to Jabal Abu Ghneim.” *After Oslo: New Realities, Old Problems*. By George Giacaman and Dag Jørund Lønning. (London: Pluto, 1998), 24.

⁵⁸ Robinson, Glenn. “The Peace of the Powerful.” *The New Intifada: Resisting Israel’s Apartheid*. By Roane Carey. (London: Verso, 2001), 112-113.

the Oslo process and the violence and bloodshed of the second *intifada*. The primary components of the Oslo order are Israeli supremacy and concomitant PA subservience which indubitably resulted in the repressive measures of the PA. Under an illusion of Palestinian autonomy, the repression of the population was the precondition for the expansion of the PA, if not the determining factor of its survival.

Chapter 2:

Advancing the Peace Process:

From Gaza-Jericho Agreement to Interim Agreement

“Security” Services

I was arrested twice and held by four different police forces without charge or trial. I said to the police chief, ‘Where is the law?’ He said, ‘We are the law’.¹

Following the Declaration of Principles (DoP) in September 1993, Rabin was on thin ice politically with numerous sectors of his constituency. Accused of “hoodwinking” the Israeli public following his promise not to negotiate with the reviled PLO, Rabin took to the defense of Israel’s former enemy, explaining how useful the Palestinians self-governing authority could be to Israelis.² Rabin explained:

I’d rather the Palestinians coped with the problem of enforcing order in Gaza. The Palestinians will be better at it than we were, because they will allow no appeals to the Supreme Court and will prevent the [Israeli] Association for Civil Rights from criticizing conditions there by denying it access to the area. They will rule by their own methods, freeing, and this is most important, the Israeli army from having to do what they will do.³

In October Rabin re-emphasized the point that a self-governing Palestinian entity, monitored by Israel and acting on its behalf, would control the population “without problems caused by appeals to the High Court of Justice, without problems made by the [Israeli human rights monitor] B’Tselem, and without problems from all sorts of bleeding hearts and mothers and fathers.”⁴ These statements explicitly demonstrate Oslo’s purpose: the PLO, in spite of its previous position as a champion for Palestinian resistance and rights, would be the subcontractor

¹ *Prolonged Political Detention, Torture and Unfair Trials*. Amnesty International. 1 December 1996.

² Haberman, Clyde. “MIDEAST ACCORD; Next Challenge for Rabin: Selling The Accord To Israelis.” *The New York Times*. 2 September 1993.

³ Massad, Joseph. *The Persistence of the Palestinian Question*. (New York, NY: Routledge, 2006). 98.

⁴ Chomsky, Noam. “A Painful Peace.” *Z Magazine*. January 1996.

for Israeli oppression in the occupied Palestinian territories (OPT). Israel's intention to outsource the role of population control to Palestinians was debated openly in the Israeli press. Ze'ev Binyamin Begin, a right wing Likud MK and son of former Israeli Prime Minister Menachem Begin, criticized this strategy in an op-ed in *The Jerusalem Post*: "The idea was to subcontract Israel's security to the PLO terror experts" who would have none of the obstacles provided for by a liberal democracy "interfering to block extreme measures."⁵ One Palestinian security official even boasted of the Palestinian's capacity in this regard: "Say someone has carried out an attack—maybe he's my neighbor or one of my family. We'll know the details without working hard. *Local people can control the population best.*"⁶ Israel had a function in mind for the PA, particularly for its security forces, and this was made quite clear: to control the Palestinian population with little to no restraint or regard for human rights.

The implications, while perhaps grisly, are not entirely new to Israel's history of expansion and military adventure. Israel established the village leagues, mentioned above, to facilitate its control over the OPT. The South Lebanon Army (SLA), an Israeli client in Lebanon from 1982 to 2000, was another example. Neve Gordon sums up the benefits of "outsourcing":

From a legal perspective, the employment of subcontractors is effective since it obfuscates the connection between Israel and the contravening act, making it extremely difficult to hold Israel legally accountable for violations and sanctions. From a political perspective, outsourcing is beneficial because even if the abuses are exposed, they are frequently presented to the public as having been perpetrated by someone else. Finally, the use of subcontractors is economically advantageous because it enables the violator to avoid legal prosecution and political embarrassment, both of which can have an unfavourable effect on capital.⁷

⁵ Begin, Ze'ev Binyamin. "Territory for Terror." *The Jerusalem Post*. 16 June 1994. Web.

⁶ Emphasis added. Kershner, Israel. "Mr. Security." *The Jerusalem Report*. 18 May 1995.

⁷ Gordon, Neve. "Outsourcing Violations: the Israeli case." *Journal of Human Rights*. Vol. 1. No. 3. September 2002.

For Israel, the deal brokered with the PA was perhaps even more beneficial than the order it had established with the SLA. The PA subcontractors would be funded by international donors, rather than from Israel's own coffers as the SLA was. Israel's key ally, the United States, gave the PA forty-five million dollars between 1993 and 1995, earmarked specifically for the police forces.⁸ In addition, Israel would still maintain control over the PA's income through their role of transferring (or withholding) essential sums of money from Palestinian laborers to the PA. The PA was not portrayed as an Israeli client, but rather as an Israeli partner in peace; this partner would not be subject to *orders* dictated by Israel, but to satisfying the *preconditions* dictated by Israel. Practically, however, the result was the same. The imbalance of power between these two "partners" and Israel's persistent control over the OPT meant that these preconditions were mandatory for continued negotiations as well as continued PA operation.

The Gaza-Jericho Agreement mandated that the police force total 9,000 Palestinians, specifically stipulating that 2,000 would be recruited locally and 7,000 coming from abroad. This particular number was the source of some negotiation, though one speculates that there was not much tension involved. Originally Israel proposed a force of around 6,000 for the two initial areas of Palestinian self-rule, while the PLO called for a force of 10,000.⁹ Israel's bargaining power, boosted considerably by the United States, was such that Israel was able to dictate fairly strict terms to the Palestinians regarding the size of their territory without much revision. It follows naturally that Israel could have done more to limit the number of police.¹⁰ That all of these policemen were PLO loyalists—more often specifically Fatah loyalists—was as much a matter of pragmatism as it was nepotism. Even with the introduction of Palestinian "self-rule"

⁸ *Palestinian Authority: Human Rights Under the Palestinian Authority*. Human Rights Watch. July 1996. Web.

⁹ Makovsky, David. Pinkas, Alon. "Rabin: We'll accept 8,000 Palestinian police." *The Jerusalem Post*. 24 February 1994

¹⁰ See previous chapter, "The Constitution of the Occupier's Autocracy"

and the significance, even if only symbolic, of this achievement, the PLO and the Palestinian populations, both abroad and in the OPT, were not entirely sold on the prospects of Oslo and Arafat's call for the end of armed resistance. Notably those members of the DFLP (from within the exiled PLO) and Hamas (from the Palestinians under occupation) would remain staunch opponents of the Oslo process and would present Arafat with a significant threat to his authority. Arafat's own Fatah party had significant portions, particularly those still residing in the OPT, that were quite skeptical, if not outright opposed, to the new Oslo order.

Arafat's solution was to engage the opposition with a carrot and stick policy. Arafat incorporated some naysayers into the PA, particularly within the security forces. Mohammad Dahlan, born in Khan Yunis and later deported by Israel, was one of the founding members of the Fatah Hawks, a resistance group that formed during the first *intifada*. Members of the group expressed a willingness to resume armed confrontations with the Israeli army, in no small part due to the fact that Israel remained on the hunt to arrest and execute their members and leadership.¹¹ Arafat was able to win over many members of the group by first announcing Dahlan's return to Gaza as "his senior representative." Dahlan would soon become head of the Gaza wing of the Preventative Security Services in Gaza, a notorious security service created outside the mandate of the Gaza-Jericho Agreement.¹² Previously obstinate members of Fatah, among other factions, would find their loyalty more elastic after Dahlan's appointment and the prospect of a steady paycheck in the service of the PA security forces.¹³ The stick was of course still on the table, as less amenable members of the Fatah Hawks, not to mention organizations such as Hamas and Islamic Jihad that remained outside the PLO purview, would soon learn.

¹¹ Pinkas, Alon. "Rabin: Fatah Hawks defy Fatah leadership." *The Jerusalem Post*. 7 February 1994.

¹² "2 Deportees, fugitives to get autonomy posts." *The Jerusalem Post*. 23 December 1993.

¹³ Gradstein, Linda. "Fatah Hawks Look for new Role After Peace Deal." *All Things Considered*. National Public Radio. 3 February 1994.

The Palestinian police first officially set foot in Jericho and Gaza on 11 May 1994, though they were present as early as October 1993. Marching theatrically through Jericho (with noted Fatah Hawks among them) the small, newly formed police wore a motley sort of uniform consisting of official fatigues and unofficial sneakers, all under Israeli army supervision and with its consent.¹⁴ Those members who came from the diaspora were held at the Rafah border where the Israeli military took fingerprints and issued police identification cards. The following month there were already tensions between the Palestinian people and the new security forces, many of whom were from the exile community handpicked by Arafat as loyal members of the Palestinian Liberation Army and Fatah.

Some Gazans... complain of imperious treatment by officers who were trained in Egypt, Iraq and other Arab countries and who learned there to expect respectful obedience from the populace, even to be addressed with embroidered honorifics alien to most Palestinians.¹⁵

Naturally, the Gazans' previous experiences with authorities did not predispose them to respond well to "honorifics" or "respectful obedience." It is important to note the tension between the so-called "outsiders" and the "insiders," as this issue would persist and resurface. One Palestinian security official went so far as to acknowledge "a cultural gap" between the insiders and those formerly exiled Palestinians meant to police them.¹⁶

Outside the purview of the Gaza-Jericho Agreement, the Preventive Security Services (PSS) was established in 1994. I have found no record of Israeli criticism of the establishment of this bureau in spite of this violation. Headed by the aforementioned Dahlan in Gaza, and Jibril Rajoub in the West Bank, the PSS would quickly become one of the most feared organizations

¹⁴ "Palestinian police put best foot forward." *The Jerusalem Post*. 29 October 1993.

¹⁵ Haberman, Clyde. "Palestinians Learn to Police Their People, and the People Learn to Accept It." *The New York Times* 16 June 1994.

¹⁶ Ibid.

run by the PA. Rajoub would boast of his secretive organization's extensive reach in the West Bank, claiming offices in all of its cities, again in spite of the Gaza-Jericho Agreement's established limitations and again without Israeli criticism. Rajoub's aide explained that "Preventive Security has no official presence yet outside Jericho, but when you're talking about Preventive security, you're talking about Fatah. And they are everywhere, in every camp, town and village."¹⁷ The PSS quickly became infamous for kidnapping residents from all over the West Bank and secreting them away to Jericho for interrogation.

Criticism arose after one such instance when the PSS kidnapped a man from Nablus and released him to his family ten days later with a broken jaw leg. Prior to the incident, it was discussed in the both the Palestinian and Israeli press that Ya'acov Peri, head of Israel's General Security Services (GSS), and Amnon Lipkin-Shahak, Israeli Chief of Staff, had met with Rajoub and reportedly gave him "a free hand" in the territories.¹⁸ Such instances of abduction were not uncommon. Moreover they would have been near impossible without Israeli cooperation—if not consent—with PSS members passing through areas not under official Palestinian administrative control. While Rajoub denied that he was allowed to operate outside of Jericho, he later admitted, "[The PSS] offices are everywhere... every city and every camp and town in the west Bank."¹⁹ There is a tension highlighted here in the disavowal and public boasting of PSS operations beyond the limits of the Gaza-Jericho Agreement. On the one hand, the PA leadership wanted to be viewed as sovereign from Israel while seeking the approval of the Israel and the West. Israel on the other hand sought to maintain control of the PA and intensify their control of

¹⁷ Hutman, Bill. Rodan, Steve. "Order in Jericho – Part I." *The Jerusalem Post*. 19 May 1995.

¹⁸ Hutman, Bill. Rodan, Steve. "Rajoub hasn't lived up to PA, Israeli expectations." *The Jerusalem Post*. 19 May 1995.

¹⁹ Appleman, Hilary. "Palestinian undercover police chief ready to take over." *Pittsburgh Post-Gazette*. 23 July 1995.

the Palestinian population. Thus the PSS continued to deny its extralegal operation only to brag about it again. In April 1995, Israeli soldiers followed a few “suspicious” men back to a Hebron office to find PSS agents going about their business there. The Israeli army soldiers quickly began confiscating equipment and interrogating the agents. Immediately, “Rajoub reacted angrily and called senior Israeli officials. Within hours, the soldiers left the offices, with their commanders calling it a mistake.”²⁰ The Israeli human rights organization, B’Tselem, subsequently sent a letter to the office inquiring as to its nature. Their response was a letter with official PA stationery; the letter was marked as coming from the PSS in Hebron and written by “Jibril Al-Bakri, Head of Palestinian Preventive Security, Hebron.” In spite of the stationery and the titles, the letter denied the existence of PSS operations outside the autonomy zones.²¹ Despite this nonsensical disavowal, Rajoub’s aide summed up the operation of the PSS in the West Bank and Israel’s position toward it: “[The PSS has] no written approval to operate, but the Israelis know we are there, and if they wanted to they could stop us.”²²

Not operating in Jerusalem seems to have been the only restriction that Israel was determined to place upon the PSS. In an apparent kidnapping in 1994, three of Rajoub’s West Bank agents abducted Samih Samara, head of Palestinian TV, from the American Colony Hotel in Jerusalem and took him to Jericho for questioning. Samara was at first abducted/arrested on suspicion of “immoral activity,” though the scandal that followed prevented any elaboration on behalf of security forces.²³ Israeli police in Jerusalem were furious over the infraction of Israeli sovereignty in Jerusalem, and were initially determined to press charges. The Israeli police subsequently detained Rajoub’s agents. The lawyer representing the three agents did not bother

²⁰ Hutman, Bill. Rodan, Steve. “Order in Jericho – Part I.” *The Jerusalem Post*. 19 May 1995.

²¹ Eid, Bassem. Felner, Eitan. “Neither Law Nor Justice.” B’Tselem. August 1995.

²² Hutman, Bill. Rodan Steve. “Order in Jericho – Part II.” *The Jerusalem Post*. 19 May 1995.

²³ Hutman, Bill. “Police want to charge Rajoub’s bodyguards with kidnapping.” *The Jerusalem Post*. 26 September 1994.

to deny that Samara was abducted, insisting that Samara was kidnapped by some other PSS agents, not her clients. Samara later denied that any abduction took place, before fleeing to Gaza, hoping to escape Rajoub's reach in the West Bank.²⁴ In October, Israeli police arrested four other alleged PSS agents for capturing and beating a Palestinian man before turning him over to Israel's GSS.²⁵ Rajoub denied that they were his men, but admitted to operating in the city saying that Israel police were not looking after Palestinians there properly. Despite Samara's retraction, Israel persisted with the charges for several months, allowing for the agents to be released unto house arrest. However by February 1995 the charges were reduced from kidnapping to assault, then dropped altogether after the one PSS agent still summoned to trial refused to appear before the Israeli court in Jerusalem. When asked why Jerusalem police had not simply requested the Liaison Office in Jericho to make a formal request, police spokesmen simply declined to comment.²⁶ Eventually, of the three arrested for kidnapping, one was sentenced by Israeli courts to one year in jail. Additionally, there were around twenty Palestinian security members arrested in East Jerusalem in January 1995. B'Tselem noted the reason for this confrontation, stating that, "Israel enforces the law on PSS agents only because their actions challenge Israel's sovereignty [over East Jerusalem], and not because they harm the well-being and security of Palestinian residents, for which Israel is responsible."²⁷ The message this sent was that the Israeli government had no problem with the acts perpetrated by the PSS. Its only quarrel with such actions was that they should not impinge on Israel's declared sovereignty over Jerusalem; they should only occur in Palestinian areas.

When questioned about his "successes," Rajoub replied:

²⁴ Hutman, Bill. "Samara denies being kidnapped." *The Jerusalem Post*. 5 October 1994.

²⁵ Hutman, Bill. "Arafat sending Rajoub abroad to ease tension with Israel Police." *The Jerusalem Post*. 3 October 1994.

²⁶ Hutman, Bill. "Rajoub bodyguard evades police again." *The Jerusalem Post*. 28 February 1995.

²⁷ *Neither Law Nor Justice*. 9/1995

I don't think I have to give details, but the issue of security everywhere has always depended on the head. Then it's a matter of details—training, instructions and so on. It depends on the charisma of the people in charge. I don't want to exaggerate [my personal standing]. The main figure in the West Bank is Fatah.²⁸

The main figure within Fatah was undeniably Arafat. Renowned and derided for his micromanagement of the PA, he played a very personal, hands-on role in the operation of his security services, particularly the highly secretive PSS. In June 1994, Rajoub had a confrontation with the overall commander of the PA's police forces General Nasr Youssef when he refused the General's orders and explained that he was accountable only to Arafat.²⁹ In 1996 Amnesty International attempted to evaluate the de jure hierarchy of the PA security forces, noting simultaneously that "in theory" General Nasr Youssef, Head of Public Security, is the commander in chief of the security forces, while "in theory" the governors of each specific district have jurisdiction of those same security forces.³⁰ Regardless of such theories the ultimate control of the Palestinian security forces was as Rajoub said, Fatah, which was controlled by Arafat. Indeed Arafat brought a guerrilla unit with him to the territories, Force 17, and implemented the squad as his Presidential Guard. This particular unit did not bother with any pretexts of authoritative hierarchy; the unit was solely responsible to Arafat and performed numerous duties often overlapping with existing security forces, such as interrogations, arrests, and hands-on coordination with Shin Bet.³¹

The period between the Gaza-Jericho Agreement in May 1994 and the Interim Agreement in September 1995 demonstrated the failure of Palestinian police and the new intelligence services to safeguard the basic human rights of their new constituents, the

²⁸ Kershner. 18 May 1995.

²⁹ "Police feud imperils Palestinian security." *Boca Raton News*. 18 June 1994.

³⁰ Amnesty International. 1 December 1996.

³¹ Borowiec, Andrew. "PLO troops, Israeli agents cooperate; Jews fear Arafat will turn on them." *The Washington Times*. 20 September 1995.

Palestinian people. In August 1994, Palestinian police implemented a curfew, in an echo of the despised Israeli practice, in Rafah. The measure followed a brutal, senseless police assault on a wedding party that resulted in one death and eight other gunshot wounds.³² Major General Ghazi Jabali, the police commander in Gaza, refused to acknowledge the brutality of the assault. He alleged that police had fired into the air to disperse the crowd as they chased a criminal through the revelers. This incident, though, offers a microcosm for understanding the function of the Palestinian police, to capture fugitives without any restraint or compunction. Additionally, during the period between the two agreements, six Palestinians died in police custody, all of whom were being held by either the PSS or a second intelligence outfit, General Intelligence (GI).

Fighting Terror

The primary responsibility of the Palestinian security forces, if not the PA in general, was to combat all forms of armed resistance to the Israeli occupation. Israel historically branded any form of resistance as terrorism, and with the commencement of the Oslo process, the PLO affirmed this definition. The pressure on the PA to crackdown on terrorists, as defined by Israel, was continuous. Just following the signing of the DoP in October 1993, Rabin criticized Arafat for not doing more to control Palestinian militants, seven months before Palestinian police would officially arrive in Gaza and Jericho.³³ The Israeli right, for its part, was content to brand the Palestinian police themselves as a “terrorist army;” this was not entirely inaccurate when considering their human rights record and the widespread whispers of intimidation, though this was certainly not what the right meant.³⁴ Whenever PLO negotiators sat down with their Israeli

³² “Curfew imposed.” *Herald-Tribune*. 22 August 1994.

³³ Haberman, Clyde. “Rabin and Arafat to Discuss Details.” *The New York Times*. 6 October 1993.

³⁴ Lewis, Anthony. “Abroad at Home; Opponents of Peace.” *The New York Times*. 20 June 1994.

counterparts, they were repeatedly told that the PA's "counterterrorism" successes would be the deciding factor in progressing the peace process. In February 1995, when Israelis and Palestinians sat down to discuss the prospect of pullbacks, Foreign Minister Shimon Peres bluntly stated, "Take care of terror and we'll take care of everything we promised."³⁵

What is more, Israel condemned, if not forbade, any chances of a diplomatic resolution to militant opposition. The most popular organization opposed to the Oslo Accords and negotiations with Israel was Hamas. Its basic position was that it would be willing to negotiate with Israel based on complete military and settler withdrawal from the West Bank and Gaza Strip. This position is in harmony with the rhetoric of PLO negotiators, and it is not inconceivable that Hamas and other groups might have been willing to negotiate on this position, as the PLO has. And while a PA-Hamas dialogue existed throughout the self-governing period, Israel's position on such a dialogue—a peace with Hamas—rarely shifted. Prior to the Gaza-Jericho Agreement PLO officials were meeting with senior Hamas members to sketch out a ceasefire agreement with Israel. Hamas leaders publicly said that they would be willing to refrain from attacks on Israel from within PA-controlled territory. While this is certainly no absolute ceasefire, this agreement would have been tantamount to a success in terms of Israel's security objectives regarding Palestinian self-rule. Nabil Shaath, a prominent PLO negotiator even intimated his intension to extend this type of ceasefire to be more all encompassing, beyond even the incoming PA's jurisdiction.³⁶ However, Israel made it clear that it was not interested in such terms. Rabin emphatically stated that there would be "no agreement on the Gaza-Jericho accords if a PLO-Hamas deal came about." In the preceding weeks, the Israeli army corroborated this

³⁵ "An Arab regime, like others." *The Economist*. 18 February 1995.

³⁶ Helm Sarah. "Middle East: Hamas seeks alliance with PLO." 23 April 1994

statement with an arrest campaign that rounded up 400 Hamas and Jihad “sympathizers.”³⁷ Observers referred to this as a “veiled warning” to the PLO to reject any cooperation with Hamas.³⁸ Arafat subsequently stuck to a demand that Hamas explicitly accept the Oslo Accords as a condition for mutual cooperation, essentially demanding Hamas to lay down its political vision for Palestine.³⁹ On other occasions Rabin was more direct about Israel’s opposition to Palestinian reconciliation, “the PLO must choose between Hamas and peace.”⁴⁰ Israeli administrations have continued to reiterate this statement until today.

The PA conducted widespread waves of arrests at numerous junctures. Following a series of drive-by attacks in Gaza on Israeli settlers in August 1994, forty Palestinians described in the Western media as “Islamic activists” were arrested and subsequently released with no charges filed.⁴¹ In February 1995, as Arafat and Rabin met to discuss future agreements and the prospect of Israeli withdrawal and PA expansion, Israeli and Palestinian security forces were working in tandem to punish “terrorists.” After an Israeli was ambushed and killed by the DFLP, the PA arrested sixty-three members of the group as well as twenty-one members of Islamic Jihad for good measure. Meanwhile, Israel had been on a similar campaign arresting around 2,400 Palestinians in the West Bank deemed by the media to be “Islamist sympathisers.”⁴² Later in April Rabin explicitly said that the continuation of the peace process depended on Arafat’s commitment to fighting terrorism, criticizing the PA for a recent suicide bombing that killed seven Israeli soldiers and an American college student. Arafat responded with a massive arrest

³⁷ “Israel arrests 400 Arabs in predawn raid on terrorists.” *The Toledo Blade*. 20 April 1994.

³⁸ *Ibid*.

³⁹ Immanuel, Jon. “Arafat rejects truce with Hamas.” *The Jerusalem Post*. 16 April 1995.

⁴⁰ Immanuel, Jon. “Rabin’s Warning.” *The Jerusalem Post*. 14 October 1994.

⁴¹ “Islamic unit to be reined in.” *Reading Eagle*. 21 August 1994.

⁴² “An Arab regime, like others.” *The Economist*. 18 February 1995.

that resulted in 250-300 more “Islamic sympathizers” tossed in jail.⁴³ While sixty were released almost immediately with no charge, the remaining waited in Gaza prisons, also without charge. Rabin, for his part, only spurred Arafat’s regime further, “If they cannot keep order in Gaza, how are they going to do it in Jenin, Tulkarm, and Kalkilya?”⁴⁴ Diab Allouh, head of the PLO’s media and culture office remarked:

I have just been on a tour of Gaza Central Prison, and it really hurts me to see how many of my fellow Palestinians are being held in the same prison where I was held by the Israelis. But the reality is that the opposition groups are encouraging people to engage in military operations which are against the law.⁴⁵

Allouh’s comments are apt. These prisoners, after all, were not “terrorists,” or in any event there was most often no evidence to support such charges, many were eventually released. They were members of “opposition groups” opposed to the Oslo order, the Israeli occupation and the PA’s role within it. The arrest waves were often arbitrary; prisoners that were held rarely had charges filed against them and rarely saw a lawyer, much less a trial. The strategy employed by the PA was to cast a wide net, often based only on suspected political affiliation. This was similar to Israel’s policy of collective punishment, albeit on a smaller scale. Scores of Palestinians, in some cases hundreds, were locked away with no charges based on the actions of a few.

In October 1994, Rabin laid “the true test for the Palestinian Authority” at Arafat’s feet when Nachshon Wachsmann, an Israeli soldier, was kidnapped from Israel. Foreign Minister Shimon Peres additionally added, “The way this matter is handled will have grave implications for the future. All signs indicate that [Wachsmann] is in Gaza, and the Palestinian Authority must

⁴³ “Get Them.” *The Economist*. 22 April 1994.

⁴⁴ Chesnoff, Richard. “A grim way to make peace.” *U.S. News & World Report*. 24 April 1995

⁴⁵ Battersby, John. “Trying Terrorists Takes Toll on Arafat’s Drive for Peace.” *Christian Science Monitor*. 27 April 1995.

act.”⁴⁶ Wachsman’s hostage tape was released to Reuters journalists in Gaza, who were detained and questioned by the PA for nearly a week without charge. The PA’s response to Israel’s challenge was swift. Within a day over 300 suspected members or sympathizers of Hamas were imprisoned and subjected to interrogation. Rabin referred to these arrests, based on association rather than evidence, with reserved approval as “a start.”⁴⁷ Arafat had viewed the kidnapping as an assault on his personal power, vowing at a police graduation ceremony that he would “not allow any defiance.” His spokesmen defended the crackdown explaining that “the lives and properties and the freedoms of the entire population are in jeopardy,” implying an impending, more lethal Israeli onslaught.⁴⁸ He went on to explain that the extreme measures were necessary to preserve the PA itself. Hamas demanded that Israel release some 200 political prisoners as well as one of the group’s founders, Sheikh Ahmed Yassin. As Israel officials publicly announced that they were considering the deal, they were preparing a squad of elite commandos to raid the kidnapper’s known location.⁴⁹ That location, awkwardly enough, was found to be only a few hundred yards from Israel’s Central Command, north of Jerusalem—far beyond the PA’s autonomy zones.⁵⁰ The information was supplied by Rajoub, who publicly denied involvement at the time.⁵¹ The raid ended in the deaths of Wachsman, an Israeli soldier, and three Palestinian militants. In this bloody aftermath, the PA continued its crackdown arresting fifty more Hamas members and sympathizers.⁵²

Rajoub’s cooperation with the Israeli authorities is one example of the continuing exchange between the security forces. In February 1995, PSS and Shin Bet foiled a plot to bomb

46 Livni, Tzipora. “Rabin’s Warning.” *The Jerusalem Post*. 14 October 1994.

47 “Arafat Cracks Down After Man Kidnapped.” *The Mount Airy News*. 14 October 1994.

48 Ibid.

49 Dunn, Ross. “5 die as failed rescue bid puts peace at risk.” *Sunday Age*. 16 October. 1994

50 Lynfield, Ben. Beeston, Richard. “Rabin acts to mend relations with the PLO” *The Times*. 17 October 1994

51 Hutman, Bill. Rodan, Steve. “Order in Jericho – Part I.” *The Jerusalem Post*. 19 May 1995.

52 Dunn. 16 October 1994.

the Allenby Bride, with Israeli security officials acknowledging and praising the PA's cooperation and coordination in past instances as well.⁵³ All the while, Rabin's government continued to push Arafat further, linking security performance with the prospect of PA expansion.⁵⁴ This criticism was a direct attack on the PA's power as derived from its illusion of sovereignty. It delegitimized them by questioning their efficacy and casting doubt over the prospects of both the PA and the peace process. Additionally there was little to no regard to how this "security performance" was qualified. It did not matter to the Israeli leadership that the PA was holding hundreds of Palestinians in jail without charge or trial. In fact Israel was doing this as well with their policy of "administrative detention." That the PA proved effective at preventing terror attacks is a fact that Israeli officials admitted from time to time. However, numerous human rights abuses were carried out by the very same PA security forces. That Israel nonetheless continued to applaud all of their actions and call for greater efforts while failing to distinguish between counter-terrorism and despotism is revealing. The PA was not simply meant to assist counter-terrorism operations, but to facilitate the Israel's occupation by managing the population without the impediments of liberal democracy.

Fighting Democracy

Article 13 of the 1964 Fatah Constitution states its goals as "establishing an independent democratic state with complete sovereignty on all Palestinian lands, and Jerusalem as its capital city, and protecting the citizens' legal and equal rights without any racial or religious discrimination."⁵⁵ The Oslo order facilitated the abrogation of such democratic notions. During the sixteen months that passed between the Gaza-Jericho Agreement and the Interim Agreement,

⁵³ "Palestinian troops thwart militants." *Victoria Advocate*. 5 February 1995.

⁵⁴ Chesnoff. 24 April 1995

⁵⁵ 1964 Fatah Constitution.

Arafat took numerous steps to consolidate authority under his own personal purview. While Arafat delegated some tasks to others (mostly Fatah loyalists and other members of the PLO returnees), decisions were made and carried out most often at Arafat's own personal command. Arafat arrived in the OPT in July of 1994, but by August Arafat's micromanaging was already taking a toll. One aide remarked: "he is tired. He insists on handling every decision himself. We all told him this is a mistake, but he wouldn't listen. The *an-Nahar* business and so many other decisions are becoming a matter of misplaced pride."⁵⁶

The "*an-Nahar* business" refers to just one instance of anti-press activities the PA pursued. Masked men raided the office of *al-Nahar*'s editor in August 1994 demanding that he stop publishing "anti-Arafat propaganda."⁵⁷ Nabil Aburdaina, Arafat's spokesman first elaborated that "the line of the newspaper contradicts the national interest of the Palestinian people."⁵⁸ The reason for the publication's closure was later determined to be a result of its "pro-Jordanian stance," and after a public statement affirming its loyalty to the PA, the paper reopened in August.⁵⁹ Following a series of turbulent protests calling for the release of prisoners held by the PA in November 1994, PA police similarly began confiscating numerous newspapers in Gaza upon their arrival only to release them hours later. While police commander Ghazi Jabali blamed the delay on Israeli checkpoints, Yasir Abdel Rabbo, manager of the PA's Information and Culture portfolio, affirmed that the delays were "a decision by the authority at the highest level."⁶⁰ After the Hamas-run publication *al-Watan* printed material comparing PA practices to

⁵⁶ Ibrahim, Youssef M. "Some Gazans Fearful Arafat Could Choke Off Democracy." *The New York Times*. 7 August 1994.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ "Arafat Allows Paper to Publish Again After Loyalty Pledge." *The New York Times*. 6 September 1994.

⁶⁰ Greenberg, Joel. "Palestinian Authority Holds Up Delivery of Newspapers in Gaza." *The New York Times*. 1 December 1994.

the Israeli occupation, the author was sentenced to two years in prison for sedition and the paper was shut down.⁶¹

In addition to intimidating the press, the PA treated human rights organizations in a similar manner. Rajoub, for instance, referred to Bassem Eid, head of the Palestinian Human Rights Monitoring Group and author of numerous B'Tselem publications, as an "Israeli police agent."⁶² Eid believed these accusations to be an allegation of collaboration and a threat on his life. Raji Sourani, another human rights activist, was arrested after midnight from his home in Gaza in February 1995 after publishing an article criticizing Arafat's grossly unfair State Security Courts (SSCs). Attorney-General Khaled Qidra explained to Sourani that "the chairman feels completely offended that you have communicated such incredible insults."⁶³ An Arafat aide later warned him to "keep a low profile in the media." Remaining critical of the PA, Sourani was fired from the Gaza Center for Rights and Law in April 1995, the four member board of directors for the Center cited "professional reasons" for his dismissal.⁶⁴ Arafat's involvement was denied but Hanan Ashrawi, director of the Palestinian Independent Commission for Citizens' Rights, suggested that the dismissal was a part of a pervasive trend of "silencing and intimidation," including "a smear campaign" claiming that human rights activists were "financed from abroad and were foreign agents."⁶⁵ The notion that human rights workers were in league with "foreign agents" is unfounded. More accurately the PA was the party largely funded from abroad and served as agents of Israel's occupation. Sourani and Eid, prior to the invention of the PA, were critics almost exclusively of Israel's occupation and its colonial efforts.

⁶¹ "Palestinian Court Sentences Hamas Leader." *The New York Times*. 15 May 1995

⁶² Immanuel, Jon. "B'tselem demands PA, human rights groups condemn Rajoub's remarks on fieldworker." *The Jerusalem Post*. 27 August 1995.

⁶³ Gellman, Barton. "Arafat Critics Harassed in Gaza Strip." *The Washington Post*. 11 April 1995.

⁶⁴ Immanuel, Jon. "Lawyer fired after criticizing Arafat." *The Jerusalem Post*. 5 April 1995.

⁶⁵ Ibid.

Not long after the arrival of PA security forces in May 1994, in June police were cracking down on free speech, particularly among Islamists. Police in Khan Yunis issued an order for local imams to stop “mingling politics and religion in their sermons,” though due to substantial outrage at the order, the police were forced to relent and the order was discarded.⁶⁶ The PA attacks on freedoms of the press, speech, and expression shared a common factor. While some of the targeted parties had tenuous connections to militant groups, the preponderant message was one of opposition and criticism of the new Oslo order.

During the remarkably fractious time of the Wachsmann incident, there were large protests demanding that Islamists held in PA prisons be released with protesters shouting “No to the police state! No to the prison!”⁶⁷ The PA managed to allay the protesters at this point by releasing sixty prisoners, though over 200 remained behind bars, without trial or charge, for their suspected political affiliation. Rabin also played a role in the PA’s political relief, lifting the total closure on the Gaza Strip and allowing laborers to once again cross into Israel. One month later however, the protests returned as another PA wave of arrests rounded up 160 more prisoners following a bombing that killed three Israeli soldiers at a checkpoint in Gaza.⁶⁸ The PA’s response was a ban on street protests and a promise of a sustained crackdown against the opposition that the PA identified as Islamist and militant. Frieih Abu Middain, the PA Justice Minister at the time announced: “from now on nobody could demonstrate, nobody could celebrate without permission from the department head of the police in the Gaza Strip.”⁶⁹ Abu Middain elaborated that PA’s reasoning is based on asserting its power, and that if the PA was not firm on the Islamist opposition it would mean “that there are two authorities, and that means

⁶⁶ Haberman, Clyde. “Palestinians Learn to Police Their People, and the People Learn to Accept It.” *The New York Times* 16 June 1994.

⁶⁷ “Thousands riot outside jail in Gaza.” *Pittsburgh Post-Gazette*. 18 October 1994

⁶⁸ Haberman, Clyde. “Palestinian Police Rounding Up Radicals.” *The New York Times*. 15 November 1994.

⁶⁹ *Ibid.*

that everything will collapse—the peace process and the economic situation.”⁷⁰ Following this oppressive measure Rabin called for even firmer action while visiting Israeli troops in Gaza.⁷¹ Uri Savir, Director-General of Israel’s Foreign Ministry reiterated this remark while going further to say that a Palestinian state would be preferable to Israel in terms of controlling militants and that Israel would do all it could to bolster Arafat and his increasingly brutal regime.

But a ban on street protests and an arrest wave were apparently not firm enough. In November, following Friday prayers demonstrators exited Palestine Mosque in Gaza to be met with the PA police force. After the police attempted to seize a loudspeaker van, the protesters began hurling rocks at them. The police subsequently opened fire from the surrounding rooftops killing thirteen people and wounding over 150.⁷² Without a single witness to back up the claim, PA police stated that the “militants” opened fire on them from the mosque. Protesters convened in front of Arafat’s headquarters and were fired upon again. The following day, during protests over the massacre, the Israeli army, for its part, killed four more protesters. Arafat subsequently announced a twenty member panel to investigate the massacre, though privately “Arafat was seething, saying his Islamic opponents had challenged his authority and must be put in their place” for “waging a war” against him.⁷³

In addition to freedoms of speech, expression, and press, due process rights also took a backseat to the priorities of Israel’s security and the PA’s illusion of sovereignty. The process of trials in this early period could hardly be called democratic. There was a need, stressed by Israel, to arrest, prosecute and imprison terrorists, but as Human Rights Watch noted, there was no call

⁷⁰ Ibid.

⁷¹ Binyon, Michael. “Palestinian state ‘better for Israel.’” *The Times*. 16 November 1994.

⁷² Gellman, Barton. “Palestinian Police fire on Militants.” *The Washington Post*. 19 November 1994. “Four killed in Hamas protests.” *Kingman Daily Miner*. 20 November 1994.

⁷³ Ibid.

or mechanism of oversight that mandated these trials be fair.⁷⁴ For a time the PA simply used military trials to try certain opponents. The father of an Imam sentenced to life imprisonment by such a trial remarked, “Military trials in Gaza had been fairer during the years of Israeli occupation. Then families were notified of trial dates, lawyers hired by relatives could see prisoners and sentences could be appealed.”⁷⁵

Though this process of trying civilians in front of a military court was incredibly unjust, Arafat’s regime had an idea that was more despotic, one that was supported and praised by Israel and the United States. In February 1995 Arafat established, by decree, the highly controversial State Security Courts. The tribunal was headed by Brigadier General Abful Fattah Jueidi and assisted by two other military officers. While two of the judges have studied law, none have any experience as judges, in civil courts or otherwise, and were to oversee cases referred to them specifically by Arafat. Arafat’s spokesmen clarified that the courts were based on an existing 1962 Egyptian law rather than Israeli military orders. However, Rabin was quite emphatic about what he intended for the courts’ function: “After the Tel Aviv bombing last October, we held 2,700 Palestinians in administrative detention. If Arafat does that, the future will be good.”⁷⁶ “Administrative detention,” of course, refers to the Israeli practice of holding Palestinians without charge or trial. Referred to as a “kangaroo court” by one observer, the SSCs were grossly unfair: no defense witnesses were called; family members and media were barred from trials; prosecutors chose the defense lawyers who met the defendant for the first time at the beginning

⁷⁴ *Palestinian Authority: Human Rights Under the Palestinian Authority*. Human Rights Watch. July 1996. Web.

⁷⁵ Ibrahim, Youssef M. 7 August 1994.

⁷⁶ “Get Them.” 22 April 1995.

of the trial; the trials often lasted as long as it took for the judges to read the charges and then the sentence; and no appeals could be made.⁷⁷

The establishment of the SSCs was met with an immediate backlash from human rights observers. Human Rights Watch Middle East director Eric Goldstein condemned the establishment of the SSCs saying that “[The PA has] yet to try to make the civilian courts work. To be establishing military courts suggests they are abandoning commitments they have made to protect human rights.”⁷⁸ Sourani condemned them as “the most serious violation of human rights” since the PA’s establishment, warning that it would lead to the “militarization of Palestinian society.”⁷⁹ Human rights monitors such as Amnesty International who were, among others, denied access to the SSC trials noted that they were

...grossly unfair, violating the minimum standards of international law, including the right to have adequate time to prepare a defense, the right to a fair and public trial by an independent tribunal, the right to be defended by a lawyer of one’s choice and the right to appeal to a higher court.⁸⁰

An Israeli closure of the Gaza Strip and West Bank and a demand for a crackdown preceded the establishment of the SSCs, which met raucous praise from the Israeli and US leaderships.⁸¹

When Arafat met with the Israeli leadership pleading that the closure be lifted Peres ordered him to do more to fight terror. He elaborated that developments toward this end “will determine the lifting of the closure.”⁸² Ashrawi criticized Arafat’s bargaining under such conditions stating: “I don’t think the security of the State of Israel is justification for setting up military courts like this... If a closure is used as a punitive measure, we should not set up military courts in response

⁷⁷ Battersby. 27 April 1995

⁷⁸ Parks, Michael. “Palestinian Authority’s record on human rights assailed.” *The Houston Chronicle*. 13 February 1995.

⁷⁹ Greenberg, Joel. “Arafat Critic Is Detained In Gaza.” *The New York Times*. 16 February 1995.

⁸⁰ Greenberg, Joel. “Palestinians Hold Quick, Secret Trials.” *The New York Times*. 3 May 1995.

⁸¹ “Rabin says he won’t halt talks but wants crackdown.” *Deseret News*. 30 January 1995.

⁸² “An Arab Regime, Like Others.” 18 February 1995.

to an illegal measure by Israel.”⁸³ Arafat’s plea to the international community that Israel lift the closure fell on deaf ears as well. Days after his announcement of the SSCs’ establishment the closure was lifted to allow up to 15,000 of the 60,000 Palestinian laborers dependent on jobs in Israel to return to work.⁸⁴ After being briefed on the SSCs, US Vice President Al Gore applauded Arafat, “This is an important step forward in helping build confidence in the peace process by and in the effort by the authorities on all sides to control violence and stop terrorism and defeat the enemies of the peace process.”⁸⁵ Gore additionally defended the breach of due process rights, “I know there has been some controversy over the Palestinian security courts, but I personally believe that the accusations are misplaced and that they are doing the right thing in progressing with the prosecutions.”⁸⁶ He later announced a seventy-three million dollar USAID development package for the Gaza Strip. Rabin gave similar praise, remarking in July that “In the last three or four months [the PA] proved more effective than ever before. This capacity on their part will be the major yardstick in the next phase [of Israeli withdrawal].”⁸⁷

Conclusion

The PA’s attempt to assert its power and authority in the midst of confrontations, with the ultimate power, Israel or Palestinian opposition, color many of its extreme measures. For instance Arafat expressed to an aide after an Islamic Jihad attack on Israel that he considered it “a direct challenge” on his personal authority.⁸⁸ He viewed not just militant aggression as such a challenge but also domestic criticism, which became more pronounced amidst the more tense relationship with Benjamin Netanyahu’s government from 1996-1999. And with the threat of

⁸³ Immanuel, Jon. “PA’s security courts begin working.” *The Jerusalem Post*. 17 February 1995.

⁸⁴ Walker, Christopher. “Israel opens door to Palestinians barred from work.”

⁸⁵ “Arafat vows to back peace by prosecuting terrorists.” *Deseret News*. 24 March 1995.

⁸⁶ *Palestinian Authority: Human Rights Under the Palestinian Authority*. Human Rights Watch. July 1996. Web.

⁸⁷ Battersby. 27 April 1995.

⁸⁸ Haberman, Clyde. “Palestinian Police Rounding Up Radicals.” *The New York Times*. 15 November 1994.

Israeli intervention enshrined in the Oslo Accords and reiterated in Israeli words and actions, the threat to Arafat's power loomed over him. Israel's control and supervision of the PA's actions and policies produced a will on behalf of the Palestinian leadership to firmly deny the existence of such control, to assert their own national character, and claim that those actions, however extreme they may be, however they may serve Israel's interests, were done for the Palestinian people rather than their occupier. When confronted with criticism about the SSCs, Attorney-General Qidra said, "We are not soldiers in the Israeli army. We are defending our security. We are defending our society."⁸⁹ Rajoub boasted that his "accomplishments," creating an atmosphere of intimidation and fear in the West Bank, were done in spite of Israel rather than for it and reinforced the illusion of Palestinian sovereignty:

[The Israelis] try to foil our operations in the other areas in the West Bank, but despite our limited means, we are able to enforce the authority of the National Authority against any violation of law that harms the population, its dignity and security. In addition, we have succeeded in uncovering and destroying large amounts of drugs.⁹⁰

When confronted with a call for a "positive, constructive and nonviolent" dialogue from numerous Palestinians, including Hamas and Fatah, Arafat responded firmly: "Yes to national dialogue, but only on the basis of the agreements with Israel decided by the PLO, the sole legitimate representation of the Palestinian people."⁹¹ This statement is telling because it belies Arafat tenuous position as head of the new autonomy entity. His legitimacy was at this point almost exclusively based on advancing the peace process and expanding PA jurisdiction and minimizing the presence of the Israeli military, if only in cosmetic sense. And while the PLO had long been recognized as the official Palestinian representatives, the strife and criticism coming from within, as well as the Israeli threat coming from without, cast a shadow over Arafat and the

⁸⁹ Greenaway, Norma. "Arafat accused of setting up new police state: Palestinian dissidents denounce arrests by security forces in Gaza." *The Vancouver Sun*. 11 July 1995.

⁹⁰ Neither Justice Nor Freedom 7.

⁹¹ "Get Them." 22 April 1995.

PLO's future as they pursued the path set out by the Oslo Accords. Israeli officials were only too keen to publicly reinforce this point. In November 1994, after the Wachsman incident and in the middle of the fractious Islamist protests that followed, Deputy Foreign Minister Yossi Beilin declared that "The PLO is no longer the only organization around representing the Palestinians, and that is the source of all these troubles."⁹² During the same time period Environment Minister Yossi Sarid warned Arafat in more grim terms: "I assume that Arafat... has reached the conclusion that it's either him or them."⁹³ Qidra went on to elaborate on the PA's confrontation with their Islamist competitors, comparing the PA's campaign against them to David Ben-Gurion's sinking of the *Altalena* in 1948, a ship that was transporting weapons to the Irgun, a rival armed faction. "One of Ben-Gurion's first decisions was to give orders to bomb a ship carrying weapons and about 700 Israelis. We too do not want to have two authorities in the same place."⁹⁴

The PLO's interest in their governance of the PA was thus establishing and asserting what power they had, however derivative of and dependent on Israel it was. This assertion of authority was at once in conflict with the overriding Israeli sovereignty in the OPT and in harmony with Israeli demands for Palestinian autonomy. The PA abuse of human rights and the increasing size PA security forces were listed on the Israeli government's official list of "Major PLO Violations of the Oslo Accords." Yet these violations were not so egregious as to warrant political or economic sanctions of any kind, or to stall the peace process. As a matter of fact, as abuses occurred in real time, they were often met with public praise or private approval. For example, the PSS's campaign of terror and intimidation was well known and the establishment

⁹² Barton. 19 November 1994.

⁹³ Ibid.

⁹⁴ Chesnoff, Richard. 24 April 1995.

of the outfit was in contravention to the stipulations of the Gaza-Jericho Agreement. In spite of this, the PSS was given a free hand to operate outside the boundaries of the nascent PA autonomy and the Interim Agreement enshrined the PSS as a legitimate security force.

In early September 1995, just prior to the signing of the Interim Agreement and the expansion of PA jurisdiction, the first major publication documenting PA human rights abuses was released from B'Tselem entitled *Neither Law Nor Justice*. The report documented numerous violations by the PA security services with an additional chapter set aside for the PSS alone. Additionally, it highlighted Israel's overriding responsibility as the occupying power. That same month, a Palestinian woman on her way home from work at the Israeli Civil Administration in Ramallah was driven off the road and forced into another car by members who identified themselves to shocked passersby as PSS. She was held captive for three days in an abandoned home outside of Ramallah, accused of "sexual immorality and of passing on information to the Israelis."⁹⁵ She was bound, sprayed with tear gas, burned with candle wax, and additionally tortured with a pair of pincers before being stripped naked, hung from a tree by her leg and beaten with sticks and rubber hoses. By this point the PA security forces had expanded beyond their mandate of 9,000 members, with 20,000 police employed in Gaza alone. Six Palestinians had been killed while in police custody and many more had faced imprisonment without charge or trial. At the end of the month on 28 September 1995 Arafat and Rabin signed the Interim Agreement. A closer look at the document reveals that there was no serious reconsideration of the order established by the Gaza-Jericho Agreement which cultivated a brutal autocratic regime in the OPT. Instead, the Interim Agreement gave an extended mandate to this order, and

⁹⁵ Bhatia, Shyam. "Outrage Over Arafat's Torturers." *The Observer*. 3 September 1995

expanded the purview of the PA to all major cities and many smaller villages by the end of the year.

Chapter 3:

Subverting the Peace Process:

From Interim Agreement to Wye River Memorandum

The Cascading Crises of 1996

Shimon Peres took the office of Prime Minister following Yitzhak Rabin's assassination in November 1995 and the signing of the Interim Agreement. Both he and Yasser Arafat were facing elections the following year. Arafat scrambled to start reconciliation talks with Hamas, an effort Israel quietly supported in the hopes of securing a ceasefire until after Israeli elections in May 1996.¹ The PA released Hamas leader Mahmoud Zahar from confinement in early October. Zahar's term in prison was particularly harsh; he was arrested earlier in the year, and spent over fifty days in solitary confinement, losing twenty-five pounds in the process. Zahar openly recalled being beaten with electric wire and sustaining fractures in his elbow, hand, and feet. Despite such treatment the leader seemed open, if not eager to accept Arafat's offer of cooled relations, saying: "The imprisonment, beatings, that is all behind us... Now we are looking forward to a new era in the relationship between Hamas and the Palestinian Authority."² Arafat announced that he planned to release all Hamas prisoners on the condition that they cease attacks against Israel.³ For a moment the future looked relatively peaceful. Zahar made it clear that the ceasefire would continue so long as Israel refrained from attacks on Hamas. In spite of the turmoil of Rabin's assassination, the year ended with the gradual implementation of the Interim Agreement's political map: PA forces entered Jenin, Tulkarm, Bethlehem, Nablus, Qalqilya,

¹ Brown, Derek. "PLO And Hamas Open Dialogue." *The Guardian*. 2 November 1995.

² Abu-Nasr, Donna. "Hamas near accord with Arafat." *Pittsburgh Post-Gazette*. 12 October 1995.

³ Inbari, Pinhas. "Arafat would free Hamas prisoners in exchange for promise that attacks on Israel will cease." *The Jerusalem Post*. 17 October 1995.

Ramallah and other areas designated as part of Area A. Israel “redeployed” to Area C which surrounded the PA’s cities and dominated the majority West Bank land.

The PA held elections on 16 January 1996 amidst this environment of expanding Palestinian self-rule and retreating Israeli presence. Days prior to the election, Peres released 800 Palestinian prisoners and promised to release 400 more within a week. The media noted the move was a significant “boost to Yasser Arafat ahead of next week’s Palestinian elections.”⁴ In all likelihood, Arafat did not need such boost. His political survival and success was firmly linked to progress in the peace process which Palestinians likely perceived as quite robust, given the recent expansion of autonomy. Arafat’s current popularity was such that he only had one opponent, activist Samiha Khalil. Khalil was a popular figure in Gaza, where her family had fled to during the 1948 war, and ran a charitable society there. While “local and international election monitors characterized the election as generally free and fair,” Human Rights Watch noted that candidates were often barred from media access. Arafat had also reportedly pressured other candidates to withdraw.⁵ In the end though, Arafat dominated the elections, gaining eighty-eight percent of the vote to Khalil’s nine percent.⁶

As Israeli elections approached, tensions heated up in no small part due to Israel’s assassination of Yahya Ayash. Israeli authorities long sought Ayash, known as “The Engineer” for his bomb-making skills for Hamas’ military wing. The prospect of killing him in Peres’ run up to elections proved too tempting, even in the face of an ongoing, successful ceasefire with Palestinian militants. On 5 January 1996, a bomb placed in a cellular phone exploded, killing Ayash. Arafat was loud in his condemnation. However on the eve of Palestinian elections the US

⁴ “Israel releases 800 Palestinian Prisoners.” *Tulsa World*. 11 January 1996.

⁵ *Palestinian Authority: Human Rights Under the Palestinian Authority*. Human Rights Watch. 1997.

⁶ Immanuel, Jon. “Arafat wins 88% of vote; 75 % of council to Fatah.” *The Jerusalem Post*. 22 January 1996.

State Department released a report affirming the PA's involvement, in locating Ayash and possibly delivering the device to an interlocutor who then passed it off to the target.⁷ An Israeli spokesperson response to the report was, "I think it's a very interesting twist to the stories I've read up till now. But we really don't comment on Mr. Ayash. Maybe you should ask the Palestinian Authority."⁸ The implications could perhaps have been devastating for Arafat, but he simply ignored the allegation allowing a spokesman to deny it "100 per cent."⁹ For the Labor party, though, the State Department report was a timely election gift. In addition to the assertion that the PA had recently helped Israel to kill a long wanted Palestinian terrorist, the report added that the PA had also thwarted somewhere around eighty suicide attacks in the past year. The Labor party's peace process appeared successful, and their client in the OPT was quite loyal. Indeed by mid February, Labor's right-wing Likud opponent Benjamin Nentanyahu was trailing behind Peres by nearly twenty points.¹⁰

Peres' prospects for victory and Labor's continued role in advancing the peace process would take a serious turn for the worse in late February and early March when Hamas struck back at Israel with two bombings that killed over sixty people. The PA immediately responded by rounding up 110 suspects overnight after the first bombing while Peres vowed to destroy Hamas. Hamas responded by offering a ceasefire on their previous terms of a prisoner release and an end to the Israeli assassinations of their members.¹¹ Even after the Ayash killing Arafat met Hamas leaders in Cairo to discuss continuing the ceasefire; these talks broke down when

⁷ Royce, Knut. "PLO and Israel 'United to Kill Hamas Bomber.'" *The Guardian*. 18 January 1996.

⁸ Ibid.

⁹ Ibid.

¹⁰ Walker, Christopher. "Hamas ceasefire offer rejected by Israeli Cabinet." *The Times*. 21 June 1996.

¹¹ Cockburn, Patrick. "Israel rejects Hamas peace overture." *The Ottawa Citizen*. 2 March 1996.

Arafat honestly admitted that he had no guarantee that Israel would stop its campaign against them.¹²

Peres' government maintained the pressure on the PA, demanding it further contain Hamas. A former head of Shin Bet stated, "Arafat is taking up measures against suicide bombers who are en route to carry out attacks in Israel, and he tries to eliminate attacks, but he is not putting enough pressure on the Hamas leadership."¹³ The PA dutifully continued its crackdown, and indeed made a spectacle of its subcontracted power. Within a week of the first bombing the PA had detained 200 suspects and conducted numerous overnight raids, including one on the Islamic University in Gaza, searching for unlicensed weapons and confiscating "anti-Israeli literature."¹⁴ It is difficult to imagine the criteria used to qualify such literature, especially at a university, when the government of Israel considers the PLO charter anti-Israeli literature. Israeli authorities delivered a list of eleven Hamas leaders and operatives they wanted to see detained, and by 11 March, the PA had eight in custody.¹⁵ Peres praised the cooperation,

I have to say that in recent days Arafat has begun. We're demanding more... I don't want to give grades, but the mosques were checked, imams were arrested and hundreds of heads of Hamas were also arrested and not a insignificant number of heads of Hamas and Islamic Jihad in the West Bank were arrested.¹⁶

This statement, while amounting to a momentary pat on the head for the PA, reiterates the demand for further arrests. However, the bombers came from Israeli-ruled Hebron, its transfer to Palestinian control delayed by the violence. This suggests that Hamas was honoring previous

¹² Cockburn, Patrick. "Arafat arrestes 120 in crackdown on Hamas." *The Independent*. 28 March 1996.

¹³ *Ibid.*

¹⁴ "Palestinian forces hunt for illegal arms." *The Toronto Star*. 29 February 1996. Brown, Derek. "Over 200 Palestinians Held." *The Guardian*. 7 March 1996. Greenaway, Norma. "Palestinians raid Hamas stronghold." *The Gazette*. 7 March 1996.

¹⁵ Hoffman, David. "Palestinians Arrest 3 Hamas Figures." *The Washington Post*. 11 March 1996.

¹⁶ *Ibid.*

promises to Arafat that no attacks would originate from PA autonomy areas.¹⁷ The PA, for its part, did indeed continue to do more. By the end of March estimates marked the number of suspects in PA jails were somewhere between 600 and 900.¹⁸ In early April, Israel somewhat changed positions on negotiating with Hamas, using Palestinian-Israeli intermediaries to contact Hamas leaders in an attempt to reach a ceasefire until after Israeli elections.¹⁹ PA and Israeli officials denied these talks, though Mohammad Dahlan admitted them openly and affirmed Israel's involvement and approval in such efforts.²⁰ The crackdown on Hamas continued, the PA now targeting its civil infrastructure including on one occasion Hamas run clinics and a kindergarten.²¹

While the PA continued this sweeping campaign of detention against its own people, Israel was active as well. A near total closure was imposed on the OPT that continued to be in effect even after Netanyahu's victory and the cessation of militant attacks. Israeli forces also "continued to swarm across the West Bank... rounding up suspected Muslim militants in refugee camps," all with the cooperation of the PA and its security forces.²² Despite the combined efforts of Israel and the PA, Peres' numbers continued to slip in the polls, and Netanyahu's Likud won in Israel's May elections. When confronted for the first time during his premiership with an offer of a Hamas ceasefire on the condition that he release prisoners and lift the ongoing, total closure

¹⁷ Laub, Karin. "Palestinians arrest 110 Hamas militants." *The Patriot Ledger*. 27 February 1996.

¹⁸ Battersby, John. "Arafat tightens screws on Hamas." *Christian Science Monitor*. 25 March 1996.

¹⁹ Battersby, John. "Palestinian Police Force Meets Goals To Disarm, Disband Hamas Militants." *Christian Science Monitor*. 8 April 1996.

²⁰ *Ibid.*

²¹ Amr, Wafa. "Arafat reveals Hamas war declaration." *The Houston Chronicle*. 11 April 1996.

²² Greenaway. 7 March 1996.

of the OPT, Netanyahu, like his predecessor, refused, threatening to reinvade the PA autonomous areas and destroy the peace process.²³

This particular crisis demonstrates the use of militants and violence as political capital. The Likud opposition used the bombings to portray Labor as weak. Israeli attacks on militants were then used to counter this portrayal as evidence of Peres' firmness and strength. Most importantly, the attacks were used to forgo the transfer of Hebron from Israeli to Palestinian control. This was in spite of the fact that the PA had nothing to do with the bombings, and had arrested hundreds of people without charge or trial in an effort to cripple Hamas and secure the safety of Israeli citizens. The political usefulness of these militant groups cannot be denied. This is the primary reason Peres, Netanyahu and subsequent Israeli leaders refuse to negotiate ceasefires with these militant groups.

Hamas had honored a ceasefire since August 1995 and even attempted to maintain it after the assassination of Ayash. Hamas' primary condition for the ceasefire was little more than Israel's participation in it, but an ongoing state of conflict with these militant organizations has certain uses. First, it gives Israel the impetus to stall and forgo negotiations, while the status quo goes unthreatened and Israel is free to continue colonizing Palestinian territory. Additionally, the exaggerated fear of militants gives the PA the impetus to tighten its control over the entire Palestinian population, often as part of an Israeli demand for the resumption of negotiations. While the threat posed by militant groups to the safety of Israelis should be taken seriously, it does not pose an existential threat to Israel, by a wide margin the most powerful, well-armed force in the region. Finally the use of what E.H. Carr referred to as the "watchwords" of the powerful and the advocates of the status quo, is of use here. The terms "militants" and

²³ Walker. 21 June 1996.

“terrorists” are emphasized in the same manner that Israel utilizes the idea of security. That militants and terrorists threaten security is evident in their definitions, but it is no coincidence that Palestinian dissidents and other critics of the Oslo order are silenced as they threaten the status quo; dissidents and critics are conflated with militants and terrorists. Dissidents that question the legitimacy the PA invariably threaten the Oslo order and therefore become as much a challenge to Israeli power as they are to the PA’s legitimacy. In this way, it could be argued that Palestinian critics of Arafat’s autocracy are a bigger threat to Israeli power than any militant could be.

Netanyahu’s administration was distinguished in several ways from its Labor predecessors. Initially, the new Prime Minister remained aloof on his views and concerns on the Palestinians. He eventually elaborated his outlook after months of ignoring his Palestinian partners, explaining that he was elected to “negotiate differently and toward a different end.”²⁴ That he negotiated differently is putting it mildly. As a matter of fact Netanyahu did not negotiate at all until the crisis with the Palestinians reached critical levels of clashes, not with Islamic militants but with PA security forces. During his campaign he vowed that he would not meet with Arafat unless he considered it vital to Israel’s security, a stark contrast to Peres and Rabin’s regular meetings.²⁵ Save for one occasion when Netanyahu’s adviser Dore Gold secretly met with Arafat, Netanyahu stayed true to his vow for the first three months of his administration.

That he negotiated toward a different end is questionable. Netanyahu’s primary difference in this regard is that he emphasized the PA’s duty of population control, termed as

²⁴ Rubin, Trudy. “Netanyahu’s Unclear Intentions.” *Buffalo News*. 20 March 1997.

²⁵ Appleman, Hilary. “Netanyahu aide confers with Arafat.” *Sun Journal*. 29 June 1996.

security and counter-terrorism, to an even greater degree than his predecessors. Cabinet Secretary Danny Naveh summarizing the position, said, “The principal message that has been passed on... is the need for the Palestinian Authority to conduct a continuous, unconditional and unchanging struggle against terrorism.”²⁶ This “principal message” was surely informed by the PA’s short history of human rights abuses and the character that any “struggle against terrorism” would have; it should not be said that this information did not matter, because certainly it did. The “principal message” was for the PA to expand its operations and all of the repressive measures that they entailed.

Netanyahu and the Likud party had opposed Labor’s peace process, but their ultimate aims for “Greater Israel” were not that different. Netanyahu explained his government’s position on negotiations saying, “I think there is a third choice between unbridled self-determination and military subjugation,” allowing for “functional powers” such as voting for representation and determining internal policies and collecting taxes, but “without powers to threaten Israel.”²⁷ Those deprived powers included control over airspace, borders, the existence of a military force, an independent foreign policy and control over water resources.²⁸ When questioned about Palestinian territorial contiguity he dismissively said: “It’s something I think about.”²⁹ These statements were essentially an echo of the Allon Plan which was Labor’s blueprint for the Oslo Accords. The sum of this “third choice,” while perhaps not “military subjugation,” was nonetheless a comprehensive sort of “bridle.” Netanyahu’s ostensible alternative would leave Israel with the power to direct and control the undefined and amorphous polity that he proposes. Similar to the choice of military subjugation, this third choice dismisses the possibility of a

²⁶ Ibid.

²⁷ Rubin. 20 March 1997.

²⁸ Ibid.

²⁹ Ibid.

Palestinian state. This rejection is the primary difference between Netanyahu's plans for Palestine as opposed to Labor's plan.³⁰ Labor governments often offered the possibility of Palestinian statehood as a teaser, though they too publicly dismissed it on several occasions.

After Israeli elections were concluded, the campaign of arbitrary arrest subsided, but now the PA was still faced with its aftermath. It is estimated that the PA held over 1000 political prisoners during the spring crisis, though the PA did release a few detainees during this time.³¹ However, in July 1996 Netanyahu made it clear that he would not ease the ongoing closure on the OPT if Arafat released any more prisoners.³² In this regard Likud again shows its remarkable solidarity with Labor policies, in this case the disdain of due process rights for Palestinians held in Palestinian jails.

The PA continued its usual business of cracking down on protests and jailing dissidents. One of the more publicized cases was that of Dr. Eyad Sarraj, a human rights activist and director of the Palestinian Independent Commission for Citizens' Rights who was arrested three times in six months. The final time Sarraj was beaten and held for seventeen days in a jail cell "hardly bigger than the man himself" on a bogus charge of drug possession.³³ The PA's intimidation had an impact: after his release Sarraj said that he would remain critical of the PA, but he would use language that was "not too controversial."³⁴ By the end of July around 800 of the suspects detained during the spring crisis were still languishing in PA jails without charges,

³⁰ One should bear in mind that I am referring to Netanyahu's policies in the context of his first term as Prime Minister in the late 1990s, rather than his second term during which he has been forced to admit the possibility of a Palestinian state, albeit "demilitarized."

³¹ "Mr. Arafat's Repressive Rule." *The New York Times*. 8 September 1996.

³² "Police break up protest of Palestinian Authority." *The Houston Chronicle*. 14 July 1996.

³³ Prusher, Ilene R. "One Palestinian Dissident Free, But Rights Abuses Still Pervade." *Christian Science Monitor*. 28 June 1996.

³⁴ *Ibid.*

trials or legal counsel.³⁵ Hamas, the admitted perpetrators of the spring bombings, claimed that only 300 were their members.³⁶ Mahmud Jumayel had been detained in Tulkarm since December 1995 without charge or trial and then transferred to a Nablus prison where he was tortured to death on 31 July. According to Amnesty International, an autopsy suggested that Jumayel was hung upside down by the ankles and beaten with electric cables for around three hours at the hands of the Coast Guard.³⁷ Nablus, it should be noted, is landlocked, and the Coast Guard had no jurisdiction there and certainly no legitimate reason to be interrogating prisoners. The Coast Guard was set up under the Interim Agreement and was ostensibly confined to Gaza's coastal areas. Jumayel was released to a Nablus hospital after his torture, brain dead with a body suffering from internal bleeding and covered in lacerations and burn marks.³⁸ After information of his death went public, two of his torturers were subsequently convicted of his murder by a SSC in a typically abrupt and unfair trial and sentenced to ten and fifteen years respectively.

Following Jumayel's death, Palestinians expressed their anger at police headquarters in Tulkarm where numerous prisoners were staging a hunger strike. The protesters began throwing rocks at the police; the police responded with a volley of live fire and tear gas, killing one and wounding fifteen. The PA alleged that Hamas had staged a prison break before opening fire on protesters.³⁹ Though the PA released twenty prisoners to appease the demonstrators, more than 100 others were arrested in the aftermath.⁴⁰ Jamal Hadaideh, the brother of the victim slain during the protest, was among the released prisoners. He reported

³⁵ "Mr. Arafat's Repressive Rule." July 1996.

³⁶ Dunn, Ross. "Israel on alert as Hamas calls for anti-Arafat uprising." *The Times*. 5 August 1996

³⁷ "Palestinian Authority: Death in custody of Mahmud Jumayel." *Amnesty International*. 31 August. 1996.

³⁸ Nolen, Stephanie. "Palestinian anger at death of activist after jail beating." *The Independent*. 2 August 1996.

³⁹ Musa, Imad. "Hamas Calls 'Intifada' against Arafat." *Pittsburgh Post-Gazette*. 5 August 1996.

⁴⁰ Greenberg, Joel. "West Bank Arabs Complain of New Oppressor." *The New York Times*. 5 August 1996

Israeli officers never shoot at Jews when they break up a demonstration. Jewish blood is sacred, while Palestinian blood is desecrated. We've sacrificed for Palestine, and we expect the authority to protect us. Instead, people are saying that we have a new occupation -- it only speaks a different language.⁴¹

A leaflet was subsequently released, apparently by Hamas, stating:

To respond to the authority in Tulkarm, our people should rise up against this collaborating authority... Arafat's Authority has tried—through repression of freedom, assassination, arrest campaigns, and choking of free opinion—to force us to accept weak agreements that are broken by the Zionists every day... Hamas, which has refused to be dragged into in-fighting despite all the provocations, sees the Tulkarm and Nablus incidents as the beginning of a popular intifada against an authority which has sold itself to the occupier.⁴²

Though local Hamas leaders denied the leaflet's authenticity, its content resonated with a broader critique. Several media outlets could not help but note "scenes reminiscent of the seven-year uprising that began in 1987" against the Israeli occupier, now directed at the Palestinian leadership. Later it was revealed that Hamas had its own internal problems, with some members calling for an *intifada* against the PA, while others opposed such an internal confrontation.⁴³ Nablus shopkeepers organized a general strike against the PA as Palestinians once did against the Israeli military government during the first *intifada*. It was the first time such a measure was directed at the PA. PA security forces, like the Israeli army before them, ordered them open.⁴⁴

Israel, for its part, ordered its troops to assist with medical services but avoid confrontations. Security coordination, however, continued and the Joint Security Committee met in Ramallah in the midst of the crisis.⁴⁵ This demonstrates that while Israel was keen to stay as removed from the demonstrations, it still sought to bolster and coordinate the PA's grip on the Palestinian population.

⁴¹ Ibid.

⁴² Imad. 5 August 1996.

⁴³ Gellman, Barton. "Arafat's Security Police: A New Occupation." *The Washington Post*. 20 August 1996.

⁴⁴ "Riot against Arafat, Hamas leaflet urges Militants challenge Palestinian Authority." *The Globe and Mail*. 5 August 1995.

⁴⁵ Dunn. 5 August 1996.

Israel provided the embattled Arafat with a boon when the government announced the construction of 900 apartments in a settlement north of Jerusalem in the West Bank. Arafat quickly seized this opportunity to divert attention back to Israel. The announcement, he stated, was commensurate to a declaration of war. Arafat ordered his own general strike and a protest at the Al-Aqsa Mosque in Jerusalem.⁴⁶ His call was met with a lukewarm response, and the Haram al-Sharif was only slightly more crowded than usual.⁴⁷ Arafat even announced the release of some 120 prisoners in an attempt to appease his constituency.⁴⁸ Netanyahu responded by subsequently criticizing the PA's perceived leniency toward militants in his first meeting with Arafat in early September.⁴⁹

At the end of the month, Netanyahu announced the completion of a tunnel built under the Western Wall in Jerusalem, and the al-Aqsa Mosque. The tunnel had been planned for years, only to be discarded when deemed too controversial. Netanyahu revived the project which was completed in secret at night.⁵⁰ The PA and others noted the provocative nature of the announcement, and suggested that it prejudiced the status of Jerusalem in contravention of the Oslo Accords. Riots broke out across the OPT including East Jerusalem, and Israel took steps to crush the protests directly, opening fire with live ammunition in some cases.⁵¹ It should be noted that in places under Israeli control, East Jerusalem and Hebron, the Israeli army was, for the time being, avoiding such lethal measures.

Palestinian police in a few areas joined the melee and began firing at Israeli soldiers. Both sides exchanged accusations as to who shot first: Israel maintained that its soldiers were

⁴⁶ "Arafat Toughens His Talk Toward Israeli Government." *St. Louis Post-Dispatch*. 29 August 1996.

⁴⁷ Gellman, Barton. "Police, Apathy Subdue Arafat's Protest." *The Washington Post*. 31 August 1996.

⁴⁸ Schmemmann, Serge. "Palestinian Security Agents Ban Book." *The New York Times*. 25 August 1996.

⁴⁹ Katzenell, Jack. "Netanyahu, Arafat meet, ease tension." *Pittsburgh Post-Gazette*. 5 September 1996.

⁵⁰ "Arafat calls Jerusalem tunnel project 'a crime.'" *Hamilton Spectator*. 25 September 1996.

⁵¹ "Arab Police and Israeli Soldiers Trade Fire." *St. Louis Post-Dispatch*. 26 September 1996

using rubber coated bullets until Palestinian police began firing, prompting them to switch to more lethal ammunition. Palestinian police accused Israel of bunkering down on hilltops before opening fire with live ammunition. They could not stand idly by, they explained, while unarmed protesters were being fired on.⁵² Arafat continued to push attention to Israel, announcing another general strike (this time with more success) and criticizing Israeli brutality. At the end of the first day of the Tunnel Riots, seven Palestinians were dead, including two policemen, and more than 350 were wounded.⁵³ Israeli tanks and helicopters entered the West Bank for the first time since the peace process began. During the violence Netanyahu initially refused to cut short his European political tour, but finally relented, agreeing to meet with Arafat and declaring his intent to resume the momentarily discarded peace process.⁵⁴ The final tally for the violence was nearly eighty deaths.

The crises of 1996 represent a dramatic shift for the PA that inevitably led it down a more authoritarian path. The violence of the spring resulted in a massive crackdown on alleged “militants.” However the prisoners were held on little more than suspicion: most prisoners were not charged or tried. This led to frictions between the PA and its constituency. The Netanyahu administration’s dismissal of the peace process resulted in an additional crisis of legitimacy for the PA. The transfer of power in Hebron, due in March 1996 according to the Interim Agreement, had stalled pending demands from Peres and Netanyahu to commit a greater effort to Israel’s security, an effort which was generally measured in the quantity of prisoners held without evidence or charge. Arafat was thus put in a position whereby he had to choose between placating Israeli or Palestinian demands. Israel demanded the retention of dubiously held

⁵² “Arab Police And Israeli Soldiers Trade Fire.” *St. Louis Post-Dispatch*. 26 September 1996.

⁵³ *Ibid.*

⁵⁴ Schmemmann, Serge. “Netanyahu and Arafat, and the Political Burdens of Their Stubbornness.” *The New York Times*. 27 September 1996

prisoners in addition to capturing more; the Palestinians demanded a functioning justice system and the rule of law. Arafat could not assuage both of them, but if he failed to satisfy Israel, the result could have been unilateral Israeli actions such as military incursions or economic sanctions. As he attempted to appease Israel's demands, more Palestinians began to criticize his regime and the Oslo order. Arafat's legitimacy became more and more tenuous as the peace process continued to stall. This crisis, in spite of the Hebron Protocol in January 1997 and the slow, partial transfer of power that followed festered for years to come and resulted in the doubling of human rights complaints filed against the PA in 1998.⁵⁵

PA Power Versus Israel

As has been discussed, Netanyahu put immense political pressure on Arafat by refusing to continue negotiations, at least initially. However, the construction and expansion of settlements persisted throughout his administration. Regardless of meetings (that remained irregular) or perceived progress in negotiations (which were repeatedly put on hold), Israel's continued colonial efforts indicated to most Palestinians that the peace process would not lead to Palestinian independence or sovereignty, much less a Palestinian state. According to the Israeli Central Bureau of Statistics, the Likud party's settlement record at this time period was similar to that of its Labor predecessors. During Rabin and Peres' term in office the total number of settlers in the OPT increased by a relatively comparable level with Netanyahu's administration.⁵⁶ This, perhaps, says more about the Labor party than anything else. Known as "dovish" and champions of a freeze on settlements, the Labor administration in fact increased the settler population in the

⁵⁵ Assad, Samar. "Human rights complaints in Palestinian areas increase sharply." *The Associated Press*. 8 March 1999.

⁵⁶ Due to Israel's mid-year elections it is difficult to obtain a concrete number for each respective Labor/Likud administration. "Israeli Settler Population 1972-2006." Foundation for Middle East Peace. Web. 15 Apr. 2012.

Gaza Strip, the West Bank, East Jerusalem and the Golan Heights. Labor, it could be said, had the political tact to lie about their intentions, whereas Likud's Netanyahu was often quite boisterous about theirs.

On 26 June 1996, during his first week in office, Netanyahu affirmed the “unqualified right of the Jewish people to settle in the land of Israel.”⁵⁷ Shortly thereafter, Netanyahu created the Ministry of Infrastructure to be headed by Ariel Sharon.⁵⁸ Sharon's job essentially consisted of finding routes for Jewish-only bypass roads and making arrangements on the West Bank's water resources. More broadly Sharon was given a “free hand” in overseeing the “natural growth” of existing settlements and the construction of new ones.⁵⁹ In early August, as Palestinians began challenging the autocratic policies of the PA, Netanyahu's cabinet lifted the fake settlement freeze enacted by his predecessors.⁶⁰ As the Prime Minister relented and finally met Arafat in September, he walked away from the meeting under fire from his right-wing base and hence announced the sale of 3,000 West Bank apartments. David Bar-Ilan, a member of Netanyahu's cabinet, explained that the meeting with Arafat was “a necessary homage” to the peace process as Netanyahu moved to “strengthen the [Jewish] communities of Judea, Samaria, the Golan and Gaza.”⁶¹

The Hebron Protocol was another such “necessary homage.” Netanyahu, again allaying the fears of the settlers in his right-wing base, stated in November during negotiations over the city: “When the army jeeps pull out of Hebron, the mobile homes will pull into the

⁵⁷ Schweid, Barry. “Netanyahu to Arabs: I'll talk, but don't push” *Pittsburgh Post-Gazette*. 26 June 1996.

⁵⁸ Greenberg, Joel. “Sharon Joins Netanyahu's Cabinet at Last.” *The New York Times*. 9 July 1996.

⁵⁹ Lichfield, John. “Netanyahu juggles ideology with deal-making.” *The Independent*. 26 September 1996.

⁶⁰ “Netanyahu allows growth of settlements.” *Austin American-Statesman*. 3 August 1996.

⁶¹ Gellman, Barton. “Netanyahu balances Arafat handshake with West Bank settlement.” 6 September 1996.

settlements.”⁶² Sharon simultaneously announced his intention to build two new settlements in the West Bank that could accommodate up to 100,000 settlers. In December the Israeli Knesset passed a bill declaring West Bank settlements a “national priority” and further subsidized their existence in the OPT.⁶³ There were many such announcements in 1996 and more would follow during Netanyahu’s administration, in spite of the concerns of Palestinians and the pressure of the US Clinton administration. The PA’s presumption of sovereignty, and potential thereof, was rapidly undermined and the prospects for real independence seemed to grow only dimmer.

The effects of this more combative, aggressive relationship with Likud had several outcomes, notably in PA’s security actions. It seems that during the Likud administration, the PA became more aware of the fact that the only real interest Israel had in them was “security cooperation,” and this became a more pronounced bargaining tool. On one occasion the resumption of security cooperation lasted only a day before the PA froze the regular meetings following Israel’s announcement of 30,000 new settlement homes in East Jerusalem.⁶⁴ However, the Palestinian security forces were still committed to their duty of population control. In one instance the PA police used gunfire and a human chain to break up a Palestinian demonstration that ventured too close to Israeli soldiers. But the Palestinian security leadership was quite clear about the prospects of coordination and cooperation in such an atmosphere. Dahlan told reporters, “We stopped the security activities and intelligence co-operation as a result of Israeli violations of the agreement by continuing to establish settlements. We will not accept or deal with Israeli conditions and will treat them as if they didn’t exist.”⁶⁵ Rajoub echoed him and insisted: “Palestinian security cooperation was buried with the first bulldozer that went up on

⁶² Katzenell, Jack. “Report says Netanyahu vows to expand settlements.” *The Times Union*. 8 November 1996.

⁶³ Miller, Marjorie. “Israel Claims West Bank For Settlers.” *Palm Beach Post*. 14 December 1996.

⁶⁴ “Israel demands crackdown on militants.” *Waycross Journal-Herald*. 24 March 1997.

⁶⁵ Cockburn Patrick. “Deadlock over Israeli security.” *The Independent*. 25 March 1997

Jabal Abu Ghneim... There will not be security coordination as long as there is no political coordination.”⁶⁶ Similarly in August 1997 Dahlan refused to meet with Israeli security officials until a closure imposed on Gaza was lifted.⁶⁷

While it certainly did not ameliorate relations, it was, even if only in symbolic and desperate way, an assertion of PA independence and even a form of resistance to Israeli colonialism that could afford the PA some political capital. However, this type of confrontational atmosphere did not influence PA-Israeli intelligence sharing. The two parties convened to conduct joint counter-terror operations on several occasions.⁶⁸ Indeed in spite of the tensions the rules of the game had not changed. One US official speaking on condition of anonymity explained that “Israel wants the PA to pick people up on terror grounds... and doesn’t care how they’re taken off the streets.”⁶⁹ One Israeli Knesset member from the left-wing Meretz party derided the Likud government, accusing it of using the PA as “our interrogation branch.”⁷⁰

Netanyahu was able to stall the peace process quite effectively by continuing to demand a crackdown on “militants,” though his government was certainly aware of how pervasive PA arrest campaigns had been. In this way, Netanyahu continually applied pressure on the fragile PA, as Arafat’s security operations could not adequately satisfy his demands. At issue, from the beginning of his term until after the Wye River Memorandum and even his electoral defeat, were a series of transfers from Areas C to B and B to A. After a bombing in Jerusalem in July 1997, Netanyahu not only imposed a closure on the OPT but also withheld tax monies due to be

⁶⁶ Appleman, Hilary. “Palestinians: No cooperation, no talks.” *Herald-Journal*. 25 March 1997. “Security depends on peace talks, Palestinian says.” *Milwaukee Journal Sentinel*. 26 March 1997.

⁶⁷ Bushinsky, Jay. “Dahlan: No security cooperation with closure in force.” *The Jerusalem Post*. 3 August 1997.

⁶⁸ Erlanger, Steven. “Clinton Will Insist Netanyahu Stick to Palestinian Issues.” *The New York Times*. 16 January 1998. “ Hamas members’ killing: was it a rubout or luck?” *The Vindicator*. 14 September 1998.

⁶⁹ Horan, Deborah. “Rights: Human Rights Suffer Without Palestinian Constitution.” *Inter Press Service*. 4 December 1997.

⁷⁰ Hirschberg, Peter. “The Dark Side of Arafat’s Regime.” *The Jerusalem Report*. 21 August 1997.

transferred to the PA. Netanyahu stated emphatically: “The immediate mission of the Palestinian Authority is to control terrorism if they want to save the peace.”⁷¹ However, Arafat was in a tense position. First there was the most recent corruption scandal involving the misappropriation of millions of dollars, but there were also reports circulating about a man in Nablus who had died of gangrene after police tortured him and then barred him from medical treatment.⁷² Abdel Aziz Shaheen, a member of Arafat’s cabinet, rejected the demand for a crackdown, declaring, “We are not collaborators for Netanyahu. Arafat will not obey, and if he obeys, we will not obey Arafat.”⁷³ Despite this prospect of internal schisms, Arafat arrested around 200 suspected members of Hamas in early September. By 15 September Israel began releasing the withheld tax money.⁷⁴

One of the more revealing cases of Israeli-PA battles over power was the Wadi Qelt murders.⁷⁵ On 18 July 1995 two Israelis were killed in Wadi Qelt as they went bathing in a spring. The Popular Front for the Liberation of Palestine (PFLP) was suspected to have orchestrated the murders, though the group never confirmed or denied their involvement. Israel quickly apprehended one member of the group, Jamal al-Hindi. Al-Hindi initially confessed to participating in the crime as well as to the identity of three other accomplices after interrogators prompted him. Israel passed the information off to the PA, who swiftly detained two of them, Shaher and Yusef al-Rai’.

⁷¹ Assad, Samar. “Arafat: Israel blocking peace; Netanyahu says Palestinian chief holds key.” *Chicago Sun-Times*. 15 August 1997.

⁷² PA corruption is discussed in greater detail below. Hirschberg. 21 August 1997.

⁷³ Assad. 15 August 1997.

⁷⁴ “Palestinian Authorities pressured, make arrests.” *The Houston Chronicle*. 10 September 1997. “Israel Agrees to Transfer Funds Due Palestinians.” *The Washington Post*. 15 September 1997.

⁷⁵ The following narrative is taken from Lein, Yehezkel. Capella, Renata. “Cooperating against Justice.” *B’Tselem*. July 1999.

After over a week in detention without charge, they were hauled before a PA prosecutor who accused them of the murders. The cousins denied the allegation and offered to be transferred to Israel for trial. After PA officials failed to convince them not to undertake such a transfer, the cousins were brought before a SSC. Following a fifteen minute statement from the prosecutor the al-Rai' cousins were convicted of “damaging Palestinian interests, disturbing the peace process, and distributing political pamphlets;” the murders in Wadi Qelt were never brought up during the proceedings.⁷⁶ Israel released Al-Hindi despite his confession, and he quickly recanted, alleging that he had given it under torture. Israel did not, however, cease their demands that the al-Rai' cousins be transferred into Israeli custody. In January 1998, Netanyahu referred to the al-Rai' cousins release as proof of a PA policy that allowed terrorists to walk free from jail. However a month later reporters interviewed the cousins—still in prison.⁷⁷ Per the specifications of the Wye River Memorandum, Israel handed the PA a list of names that they wanted imprisoned or extradited; the al-Rai cousins' names appeared on this list in spite of the suspect nature of the arrest and conviction.

The issue of extradition had long been the subject of contention between Israeli and Palestinian security services. Israel argued that the PA was mandated to transfer suspected criminals to Israel under the Oslo agreement. For the PA, this was politically impossible. One of the PA's primary concerns was the release of Palestinians held in Israeli jails, thus they could not be seen handing over more Palestinians to Israeli custody. The PA also referred to the Oslo Accords: “If the individual requested is detained in custody or is serving a prison sentence, the side receiving the request may delay the transfer to the requesting side for the duration of the

⁷⁶ Ibid., 10

⁷⁷ Laub, Karin. “Palestinians say they are not freeing prisoners secretly.” *The Associated Press*. 3 February 1998.

detention or imprisonment.”⁷⁸ This, B’Tselem argues, is one of the primary concerns for the rushed SSC trials, to avoid extraditing prisoners to Israel. Dahlan explained the PA position in September 1995:

We made a decision at our highest levels with the approval of Arafat of course, that we shall not extradite our people to Israel, even if those wanted are members of Hamas. We do not want the history of our people to include that we extradited Palestinians to Israel. Transfer of our people to Israel will prejudice the interests of the Palestinian Authority in the internal-Palestinian sector, the Arab world, and the Islamic world.⁷⁹

On 22 October 1998, Rajoub said emphatically that “[the PA] will never extradite any Palestinian.”⁸⁰ The next day, in Maryland the Wye River Memorandum was passed reaffirming the Palestinian commitment to do just that, if only in writing. Regardless of whether the PA would abide by the clause that mandated prisoner transfers to Israel, Israel still acted to assert its authority in the matter. One example is from November 1997 when Israeli forces pulled over Palestinian police and relieved them of two Hamas fugitives. Nearly a year later, with the Preventive Security Services (PSS) beginning to meet with the CIA for further cooperation with Israel, Rajoub was still bristling about the incident.⁸¹

Netanyahu’s criticism of the PA’s “revolving door” jail charged the PA with arresting “terrorists” only to release them. The credibility of this allegation is based on certain premises. The first assumption is that these detained “terrorists” are convicted or in any sense proven to be the danger Israel says they are. Amnesty International, Human Rights Watch, B’Tselem, and other human rights groups have defined the PA’s detention policy as arbitrary since its inception in 1994, as the government of Israel was well aware. PA prisoners were often arrested for little more than connection to certain political groups. For instance, the Rai’ cousins were affiliated

⁷⁸ Gaza-Jericho Annex III, Article II.7.f.2

⁷⁹ Lein. Capelle. 1999

⁸⁰ Assad, Samar. “Palestinian suspects still a sticking point.” *The Globe and Mail*. 22 October 1998.

⁸¹ Dudkevitch, Margot. “CIA, PA security officials to meet tonight.” *The Jerusalem Post*. 8 September 1998.

with the PFLP, but the group has a political as well as a military wing. Many organizations have this sort of internal division including Fatah and Hamas. Israel, however, made no such distinction and pressured the PA to avoid such a nuanced approach. The PA complied and began raiding Hamas civil institutions. This pressure was informed by transmitting lists of suspects to the PA as well as specific calls for crackdowns. Thus Israel's definition of "militants" translates well beyond the confinements of the actual perpetrators or organizers of attacks. In addition, these groups were not simply terrorist outfits. They were members of the PLO, and their goals were the liberation of Palestine and resistance to Israeli occupation and colonialism; that they disagreed with Arafat's path of negotiation and political subjugation is a matter of opposition to the Oslo order.

In some instances PA officials were uncomfortable with Israel's "security" demands. This discomfort was often related to deep seated fears and insecurities regarding their relationship with Israel. Regarding criticism of the PA jail system having a "revolving door," Rajoub replied:

We can't arrest people without cause. We aren't going to make arrests without specific information... I am not working for the Israelis. I am not receiving instructions from the Israelis. I am working for my people. The Israelis are making a stupid mistake by telling me to arrest people blindly. We are not the police state the Israelis want us to be.⁸²

Unfortunately the PA's human rights record reveals the exact opposite: that the PA was indeed a police state as the Oslo order mandated it to be. If one is to argue that the PA did not arrest people "without cause," one must admit that the causes were often dubious and unsubstantiated. In some cases the causes amounted to suspected political affiliation or were the result of a confession obtained by torture at the hands of Israel or the PA. This state of denial, informed by

⁸² Goldberg, Jeffrey. "From Peace Process to Police Process." *The New York Times*. 14 September 1997.

an aversion to accusations of collaboration, was a key component of the ongoing power struggle between the PA and Israel. While any and all power the PA had was derived from Israel and Israel remained the ultimate sovereign power in the OPT, the PA's desperate facade of sovereignty inevitably pushed it further toward the repression of its own people.

PA Power Versus Palestine

The PLC was elected on 16 January 1996. The Council was comprised of eighty-eight members and with many opposition groups boycotting the elections Fatah swept a majority of its seats with official candidates as well as independents. Despite the majority rule of Arafat's own party though, the PLC sought very quickly to assert itself. Inaugurated in March amidst the intense closure and counter-terror operations that Israel imposed on the PA, the PLC was confronted with an Arafat seeking to assert his personal authority where he could. At the inaugural session, the PA President called upon the new PLC members to swear their oath of office before him; the PLC refused.⁸³ A quick vote was held, the body's first, and it was agreed that the PLC members would swear their oaths, in the absence of a constitution, before their fellow council members.

It was only the beginning of the PLC's tension with Arafat. In May, Marwan Kanafani, Arafat's former spokesman and newly elected PLC member, inquired about Arafat's criteria for selecting cabinet members. Arafat tersely replied that, "It's not your business."⁸⁴ By July, the PLC was growing just as irritated about the state of Palestinian prisoners in PA jails as their constituency. The PLC demanded that Arafat release those being held without charge. Arafat agreed to form a committee to investigate the matter, though by mid August the PLC had

⁸³ Benda, Susan. "Palestinians and Democracy Their Legislative Council asserts itself, challenges President Arafat." *The Christian Science Monitor*. 16 July 1996.

⁸⁴ "Arafat refuses to name his new cabinet." *The Jerusalem Post*. 9 May 1996.

reiterated this demand on ten separate occasions, all of which Arafat and the security forces ignored as they were free to do in the absence of a constitution.⁸⁵ On one occasion security personnel barred six PLC members from entering a local chamber of commerce to discuss the issue of PA prisoners; one member remarked that the order “must have come from Arafat.”⁸⁶

The issue of a constitution, or the lack thereof, also escalated tension between Arafat and his legislature. As early as April 1996, the PLC members tackled the issue of creating a Basic Law, at the very least for the interim, pre-state period. The PLC passed a resolution demanding that Arafat hand over his draft of the Basic Law, crafted in the previous year by his Justice Ministry, so that it could be reviewed by the PLC.⁸⁷ After three weeks of receiving nothing, the PLC moved forward on its own.

The primary concerns of the drafting committee were “increasing human rights protections, closing loopholes and further specifying procedures.”⁸⁸ However, Arafat was not ready to begin a discussion that would limit or even demarcate his powers. He told the council that the issue of the Basic Law was one for the PLO’s National Council to decide. The National Council, he argued, represented Palestinians everywhere, whereas the PLC was merely the representative of Palestinians in the OPT. The PLC rejected this notion, but as a compromise Ahmed Qurie, newly elected as Council Speaker, suggested that they discuss the matter of the Basic Law one chapter at a time, an approach remarkably similar to Israel’s.⁸⁹ Arafat’s response was to order the PLC not to discuss the matter until he returned from a trip to Damascus in early

⁸⁵ Immanuel, Jon. “Palestinian cancel council meeting.” *The Jerusalem Post*. 13 June 1996. Patrick Cockburn. “Arafat holds all the power despite Palestine’s elected assembly.” *The Vancouver Sun*. 16 August 1996.

⁸⁶ *Ibid.*, 8-16-1996

⁸⁷ Brown, Nathan. “Constituting Palestine: The Effort to Write a Basic Law for the Palesitnian Authority.” *Middle East Journal*. Vol. 54, No.1. 2000.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

August; the PLC voted to ignore that order. By June 1996 the PLC had prepared the first draft of the Basic Law and submitted it to Arafat. Arafat simply ignored the document. The PLC provided two more readings, with the final version being passed and sent to Arafat in October 1996. The document would sit on his desk for years.

There is some speculation on why Arafat refused to deal with the Basic Law. The most obvious and probable answer is that the Basic Law would have limited his powers by giving the PLC and executive demarcated powers and perhaps strengthened the judiciary. These measures would restrain what was previously Arafat's power to rule by decree. At one point Saeb Erekat, a PLO negotiator and now PLC representative to Jericho, told reporters that the Basic Law represented a "special case" and that Arafat had "good reason" for not ratifying it, however he refused to elaborate leaving the matter a mystery.⁹⁰ The Minister of Social Affairs Intisar al-Wazir offered an alternative explanation, however dubious. She said that the reason Arafat did not ratify the Basic Law was as a result of Israeli pressure.⁹¹ Reasons for Israeli opposition to the Palestinian Basic Law included its declaration of Jerusalem as the capital of Palestine; its potential cap on the PA's "security" efforts in the extralegal fashion envisioned by Rabin; and finally, a Basic Law would be an iteration of a state, which Israel and Netanyahu in particular had opposed. On the other hand, this un-evidenced claim also presupposes that Arafat would not have gone against Israel's wishes and ratified the Basic Law. The Declaration of Principles (DoP) had named construction of a Basic Law as one of the few powers explicitly laid out for the Council. However the PLC thus far had not been complying with Oslo Accords by sending their proposed legislation off for Israeli approval, asserting Palestinian "sovereignty" instead by

⁹⁰ Schenker, David. *Palestinian Democracy & Governance*. (Washington, D.C.: Washington Institute for Near East Policy. 2000), 29.

⁹¹ *Ibid.*, 29.

notifying the Israeli authorities only after a bill had passed.⁹² What is true in any case is that passing the Basic Law would have certainly placed limits on Arafat's power. Israel's role in the paralysis of the Basic Law remains, unfortunately, primarily a matter of conjecture.

Arafat's dismissive handling of the Basic Law was part of his wider method of dealing with the PLC. For instance, by the end of 1997 Arafat had ratified only some of the bills that the PLC had passed leaving thirty-seven to be ignored.⁹³ In 1997 a PLC investigation concluded that eighteen government ministers were corrupt after the comptroller's report found that somewhere between 326 and 800 million US dollars had been misappropriated.⁹⁴ The PLC's investigation did not dare include investigating Arafat's personal office, but did go as far as demanding trials for some accused ministers, as well as a new cabinet. Arafat waited eight months before considering changes to his cabinet. When he announced his new cabinet it contained few changes and retained nearly all of the ministers implicated in the corruption scandal. After months of arguments over the issue, the PLC relented and approved his cabinet in a vote of fifty-five to twenty-eight.⁹⁵ Husam Khader, the Nablus representative, on one occasion jokingly proposed that the PLC declare Arafat God of Palestine before being shouted down.⁹⁶ He said later, "I don't want to trick myself into thinking that we have institutions, laws and rules. We go through the motions. We argue, we bargain. We have procedures and votes and lobbyists of a kind. Yes, the council dances beautifully. But in the dark."⁹⁷

⁹² Ibid., 101.

⁹³ Dudkevitch, Margot. Najib, Mohammed. "PLC members threaten Arafat with vote of no confidence." *The Jerusalem Post*. 24 December 1997.

⁹⁴ Hirschberg. 21 August 1997.

⁹⁵ "Palestinian lawmakers OK Arafat's Cabinet." *San Antonio Express-News*. 10 August 1998.

⁹⁶ Sontah, Deborah. "Palestinians Gingerly Find a Democracy." *Pittsburgh Post-Gazette*. 14 December 1998.

⁹⁷ Ibid.

In addition, Arafat and his security forces continued to ignore the judiciary. Arafat was forced to fire Attorney General Khaled Qidra following allegations that he was taking bribes in exchange for releasing prisoners held without charge in summer 1997.⁹⁸ His successor, Fayez Abu Rahmeh, pledged to review all cases of detention without trial. Initially Abu Rahmeh's term as Attorney General looked bright, immediately ordering the release of eleven members of Hamas who had been held without charge or trial for over two years. However, Palestinian police disregarded the order, and as the men walked out of jail they were rearrested by the PSS, remaining in detention until the end of the year.⁹⁹ But the crisis that beset the PA had widened the base of dissidents from far beyond Hamas and other militants groups. It was not just "militants" who questioned the PA's authority, but more and more often Palestinian citizens unaffiliated with any political group. In July 1997, Dahlan's PSS arrested a professor at al-Azhar University in Gaza for asking his students a question about corruption in the PA and their university; his students' test answers were also confiscated.¹⁰⁰ After being beaten, the professor was brought before an SSC where he was accused, tried and convicted of spying for Israel. Abu Rahmeh ordered the man's release in September, but Dahlan refused saying that as a military court, the civil sector had no jurisdiction. Eventually the university professor was released in November by Arafat's order after he was hospitalized during custody.¹⁰¹ Arafat's security forces ignored a total of twenty-seven court orders between 1996 and 1998.¹⁰² In one instance, Arafat dismissed a Chief Justice from his post over such an order.¹⁰³ Abu Rameh resigned from his post in March 1998, citing executive "interference and obstruction" of his duties.¹⁰⁴ It seemed that

⁹⁸ Hirschberg. 21 August 1997.

⁹⁹ *Amnesty International Report 1998 – Palestinian Authority*. Amnesty International. 1 January 1998.

¹⁰⁰ Horan. 4 December 1997.

¹⁰¹ Amnesty International. 1 January 1998.

¹⁰² Sontag. 14 December 1998

¹⁰³ Ibid.

¹⁰⁴ "Palestinian AG resigns his post." *The Irish Times*. 6 May 1998.

Arafat was content to ignore his resignation as he had his orders, accepting the outgoing Attorney-General's resignation three months later.

Freedoms of expression and press fared no better. In one high profile case Daoud Kuttab, recent recipient of the International Press Freedom Award, was jailed for little more than televising particularly heated debates between the PLC and Arafat.¹⁰⁵ He was arrested for over a week in Ramallah after pointing the finger at Arafat when his PLC broadcasts were jammed. After a five day hunger strike, he was released.¹⁰⁶ In another stunning move, PA security forces began confiscating copies of Palestinian intellectual Edward Said's books, enforcing a ban on the author's work which was critical of Arafat, the PA, and the broader Oslo order.¹⁰⁷

Conclusion

A popular joke these days tells of a man who walks around Gaza blaming Arafat for everything that goes wrong. He's arrested and beaten until he agrees to stop blaming the president. On his release, his family tells him of the news that Arafat's wife, Suha, is pregnant. "It's not Arafat's fault, he's not responsible!" he yells instinctively - and is immediately rearrested and beaten.¹⁰⁸

The PA's place in the Oslo order became increasingly unsteady and uncertain during the more controversial term of Netanyahu. As a result the PA attempted to claim sovereignty in many ways that were autocratic. The al-Rai' case is illustrative. That the two were convicted based solely on an Israeli interrogation that included torture is of course appalling, but the political motive for their incarceration was simply that the PA did not want to bow to Israeli pressure to extradite them. The result was essentially a PA assertion that Palestinians ought to have their rights violated by Palestinians, not by Israelis. This is the PA's desperate and empty illusion of

¹⁰⁵ Nolen, Stephanie. "Palestinian Authority detains award-winning journalist." *The Globe and Mail*. 22 May 1997

¹⁰⁶ Dudkevitch, Margot. "Kuttab Relishes Freedom." *The Jerusalem Post*. 29 May 1997.

¹⁰⁷ Schmemman. 25 August 1996.

¹⁰⁸ Hirschberg. 21 August 1997.

sovereignty that the PA attested to in order to avoid the reality of its subcontracted power and its dependence on the occupier of Palestine. While these assertions of power were PA initiatives, by and large this paradigm refers directly back to what Labor leader and “peace” pioneer Rabin had in mind. Indeed, the PA did not allow appeals to a higher court, or if they did that court order was simply ignored; the PA disregarded human rights criticism as well, responding to critics and dissidents only with beatings and incarcerations. That Arafat turned his disdain toward the press and the legislature was unarticulated in Israeli rhetoric, but nevertheless was a very natural emanation of this order.

The Wye River Memorandum only reinforced this status quo while serving as a façade of political development. The memorandum allows for additional American mechanisms of oversight in the overemphasized field of security cooperation, though it is not concerned with any mechanisms ensuring due process or the protection of any other rights for that matter. By March 1997, it was estimated that PA security forces had expanded to approximately 60,000 members.¹⁰⁹ While Israel pointed this out as a breach of the Oslo Agreements before the meeting in Maryland, they were content to walk away with simply a list of names rather than a reduction.

As Arafat’s political survival became more tied to moving the peace process forward, it followed, due to Israeli pressure, that his regime further commit to the repression of its own people. Israeli settlements continued to expand, and this only served to enforce a sense of urgency as they continued to encroach on any future Palestinian territory. The option of Israeli closure remained on the table and was frequently implemented as a method of control as well, constricting the Palestinian public as their leadership was being called to crack down on the Oslo order’s dissidents. In addition, the Netanyahu government made numerous threats, the most

¹⁰⁹ “Arafat, A New Dictator in the Middle East.” *The Observer*. 2 March 1997.

flamboyant of which involved a “secret” military exercise that the press was invited to, in which the IDF staged a mock battle featuring Israeli soldiers reoccupying a cardboard Nablus, sending make-believe Palestinian policemen scurrying away in defeat.¹¹⁰ This persistent threat of reoccupation was tantamount to the political liquidation of the PA, as well as the PLO leadership. This era of political stagnation served to erode popular support for Arafat and the peace process he was so linked to. Even with Ehud Barak’s electoral victory, and the return of the Labor party, in May 1999 the disastrous effects of this time period led inevitably to the frustrations that boiled over in 2000 with the outbreak of the second *intifada*.

¹¹⁰ Bhatia, Shyam. “West Bank War Games Belie Peace Talk.” *The Guardian*. 29 1996.

Conclusion:

The End of the Oslo Process

On 15 May 1999, the events and marches commemorating the *nakba* were relatively muted affairs in the occupied Palestinian territories (OPT). It included fanfare of tear gas, rubber bullets and volleys of rocks, but at the end of the day the number of participants was in the hundreds, with no injuries or arrests reported.¹ The Palestinian police were there, after all, forming a human chain to contain the commemorators. The previous year, the commemoration was not so quiet; Israeli military forces killed ten Palestinians and wounded approximately 400 with “non-lethal” rubber-coated metal bullets.² But the 1999 commemorators were mindful of Israeli elections to be held on 17 May, and were apparently as ready to be rid of Likud and Benjamin Netanyahu as the Israelis were.

The Labor party, realigned with two other center left parties, was reformatted as One Israel and won only twenty-six of 120 Knesset seats. During incoming Prime Minister Ehud Barak’s campaign to form a coalition he released a ten point plan. With a single point he preempted most of the Oslo framework’s final status issues: Jerusalem, the plan affirmed, would remain undivided. Any agreement made with the Palestinians would not result in a military withdrawal from the occupied Palestinian territories (OPT); Israeli settlers would also remain in the OPT illegally under Israeli sovereignty.³ Barak sought to form a broad coalition; he would eventually form his government with members from both the left and right of the Israeli political

¹ “Demonstrators, Troops Clash In The West Bank.” *The Augusta Chronicle*. 16 May 1999.

² Rodan, Steve. Dudkevitch, Margot. Najib Mohammed. “Nakba demonstrations most violent since 1996.” *The Jerusalem Post*. 15 May 1998.

³ “Barak Puts Coalition Carrot Out.” *The Associated Press*. 25 May 1999.

spectrum, and even attempted a failed courtship with the Likud. Palestinians, incensed at Israel's relentless colonial and expansionist policies, protested throughout the OPT in June, demanding a stop to Israeli settlements.⁴ Israeli soldiers, using "non-lethal" ammunition, fired on protesters resulting in one Palestinian death.

By the time Barak's One Israel coalition took over in July 1999, Netanyahu had transferred two of the thirteen percent of the territory promised in the Wye River Memorandum.⁵ In addition, while Netanyahu had promised the release of three sets of 250 Palestinian prisoners held in Israeli jails, by the end of his term he had released 150 common criminals and not one political prisoner.⁶ While Barak initially signaled that he would implement Israeli agreements, he quickly reversed this position, hoping to delay the issues of prisoners, land transfer, and safe passage routes to the ever-delayed final status talks.⁷ This position was informed primarily by the imbalance of powers between the Israeli government and the Palestinian Authority (PA). The message was clear; Israel could withhold its commitments and use them as bargaining chips while the Palestinians had no such option.

Barak did, however, begin meeting Palestinian leaders, which led to the September 1999 Sharm El Shiekh Memorandum. Described as "more symbolic than substantial," it did little more than affirm Israel's land transfer commitments under the Wye Memorandum.⁸ Prior to the first land transfer that month, the PA had full or partial control of just twenty-nine percent of the West Bank.⁹ The goal, after two more subsequent transfers of power, was for Palestinians to have full security and civil control over just eighteen percent of the West Bank (the Interim Agreement's

⁴ Isstayah, Nasser. "1 killed in Palestinian protests." *Chicago Sun-Times*. 4 June 1999.

⁵ Wilkinson, Tracy. "Reviving Mideast talks: Leaders Vow to Work For Peace." *Lakeland Ledger*. 12 July 1999.

⁶ "Barak and Arafat haggle up to the wire." *The Economist*. 2 September 1999.

⁷ Wilkinson. 12 July 1999

⁸ Trounson, Rebecca. "Israel hands over land to Palestinians." *Chicago Sun-Times*. 12 September 1999.

⁹ Ibid.

Area A), sharing a further twenty-five percent with Israel (Area B).¹⁰ On 11 September, Barak's government approved a transfer of seven percent of the land from Area C to Area B, allowing an expansion of PA administrative control, albeit over a "sparsely populated" area of 160 square miles.¹¹ This was to be the basis for final status talks: Israel controlled over half of the West Bank while demanding to retain major blocks of settlements, which continued to expand at an alarming rate. At the end of September, it was revealed that 2,600 new housing units were constructed in just two months of Barak in office, in comparison to Netanyahu's rate of 3,000 per year.¹²

The PA went on with its usual business, pursuing its mandated "security commitments." In addition to the usual roundups of suspected Islamists, the PA also confronted critics from other sectors of society. In November 1999, twenty influential members of Palestinian society, including nine PLC members, released a statement entitled "A Cry from the Homeland" criticizing the PA for its "tyranny and corruption."¹³ Within a week the eleven civilian signatories of the document were arrested, and some were released to house arrest.¹⁴ Arafat publicly threatened to rescind the PLC immunity and imprison its signatories as well; nothing came of these threats. However masked gunman did shoot and wound one legislator, Muawiya Masri; he believed this to be directly related to his signing of the petition.¹⁵ Numerous protests called for the release of the signatories, including one that PA police prevented because it was

¹⁰ "Middle East Accord: Terms of the Wye Agreement." *The Independent*. 4 September 1999

¹¹ Abu Jobein, Najib. "Israel transfers more land to Palestinians." *The Patriot Ledger*. 10 September 1999.

¹² Sontag, Deborah. "Barak's Ministry Outpaces Netanyahu's on New Settlements." *The New York Times*. 28 September 1999.

¹³ Orme Jr., William A. "7 Palestinians Arrested for Criticism of Arafat." *The New York Times*. 29 November 1999.

¹⁴ Daragmeh, Mohammed. "At mass rally, Arafat foes defiantly press cause." *The Associated Press*. 4 December 1999.

¹⁵ Matthews, Mark. "Arafat, Palestinians treading a bumpy road to democracy." *The Baltimore Sun*. 2 December 1999.

organized by Hamas.¹⁶ While the protests began as a criticism of the PA's response to the petition, they quickly changed into criticism of the PA's record on free speech and due process.¹⁷

In early 2000, Israeli Deputy Defense Minister Ephraim Sneh, stated, "The level of Palestinian Authority cooperation is better than ever. They are doing more than they ever have done to prevent attacks."¹⁸ This positivity was due to PA successes in assisting Israel's prevention of attacks in Tel Aviv, Netanya, and Jerusalem.¹⁹ Numerous other officials indicated that there was vibrant relationship in terms of security cooperation between the Israeli military and the PA following Israel's recent change in leadership.²⁰ The revived relationship was in no small part due to the Labor party's return. Relations between Israelis and Palestinian became much more amicable, and Barak made public efforts to repair the peace process.

However, the nature of negotiations did not really change. In January 2000, the two sides had come together to finally agree on which land to transfer to PA control for the second batch; it was described as "an unpopulated swath of the Judean Desert."²¹ In April, Palestinian negotiators met with Israeli officials to discuss the upcoming final status talks. Yasser Abed Rabbo, a PLO negotiator, noted that the Israeli proposal amounted to little more than Palestinian "islands in an Israeli ocean."²² This Palestinian complaint was not new. Indeed Arafat voiced a similar critique while negotiating the Gaza-Jericho Agreement. When presented with the shrunken "island" of

¹⁶ Daragmeh. 4 December 1999.

¹⁷ Ibid.

¹⁸ Budein, Dana. "Terrorists haven stormed by troops." *Pittsburgh Post-Gazette*. 3 March 2000.

¹⁹ Wilson, Gemma. " Hamas and security forces clash in Israel." *The Guardian*. 2 March 2000.

²⁰ Lahoud, Lamia. "PA force raid Hamas hideout in Tulkarm." *The Jerusalem Post*. 7 March 2000.

²¹ "Land transfer dispute resolved." *The Globe and Mail*. 5 January 2000.

²² "Negotiator: Palestinian 'Islands' Unacceptable." *The Augusta Chronicle*. 3 April 2000

Jericho, and Israel's refusal to seriously negotiate on the size of the city, Arafat reacted with suspicion and disdain saying: "We will not live in Bantustans."²³

In July 2000 Israel presented its plan to the Palestinians at Camp David with the approval of the Clinton administration. Numerous media outlets and prominent political commentators praised Barak's proposal as "a generous offer."²⁴ Under this plan, Israel would annex numerous portions of the West Bank.²⁵ The Jordan Valley annexation would include not just the strip of land on the western side of the Jordan River, but would also encroach southward and around the West Bank's 1967 border, with an arm snaking out to collect Israel's Hebron holdings. The other annexations included numerous settlement blocs, the largest of which were Ma'ale Adumim and Ariel. These annexations, in tandem with existing roadblocks and expanding bypass roads, amounted to three enclaves (or Bantustans) in the West Bank. The northern enclave contained Qalqilya, Tulkarm, Jenin and Nablus; the central enclave contained Ramallah and Jericho; the southern enclave encompassed Bethlehem and the Palestinian side of Hebron; and finally there was a fourth enclave in the Gaza Strip. Israel would control the borders of these enclaves in both their access to one another and their access to Israel and other neighboring states.

In addition to the Palestinian enclaves that Barak offered to call a state, he also rejected seriously addressing the issue of the right of return for Palestinian refugees, and offered the PA "signs of sovereignty" in Jerusalem while Israel would maintain "residual sovereignty."²⁶ To sum up, Barak made an offer that Arafat could not accept. The borders were unsustainable, and under

²³ Haberman, Clyde. "Rabin Says Israel Is in No Hurry to Resume Talks With the P.L.O." *The New York Times*. 3 January 1994.

²⁴ Sontag, Deborah. "Stalled but Alive, Peace Talks on Mideast Reach 10th Day." *The New York Times*. 21 July 2000. Rubin, Barry. "In Israel's interests." *The Jerusalem Post*. 8 August 2000. "Time for Arafat to ante up." *The Jerusalem Post*. 11 August 2000. Friedman, Thomas. "No Symmetry: Israel's Barak has offered unprecedented compromises, but Palestinian leader Yasser Arafat has yet to do his part." *The Gazette*. 18 September 2000.

²⁵ The maps used to form the following analysis come from "The Reality of Barak's "Generous Offers."" Gush Shalom. 2001.

²⁶ "Home from Camp David." *The Economist*. 29 July 2000.

the plan Palestinians would forfeit sovereignty over airspace and territorial waters. The Palestinians were being asked to concede some of their most important national rights, like the status of refugees and Jerusalem, and accept Israel's "generosity." After over six years of confined Palestinian autonomy and PA oppression in the name of Israel, the Oslo process had nothing more to offer than the terms of further Palestinian surrender and subjugation to Israel. That these terms were refused is no surprise to any fair-minded observer. The implosion of the possibility for political and diplomatic negotiation as a path to Palestinian self-determination was a major factor in the second *intifada* that began in the following months.

International media and domestic observers discussed the threat of violence and its potential effects on Arafat's regime, both before and after the Camp David talks. Arafat's popularity was at an all time low before the meeting, and one poll put him in second place as the most trusted Palestinian leader; "nobody" took first place.²⁷ Bassem Eid explained the PA's precarious position going into the Camp David talks: "If violence erupts, I believe it would be directed not only at the Israeli military but against the PA as well, which is why Arafat doesn't want it."²⁸ One journalist reported that Arafat's legacy was on the line, and that the result of the Camp David talks could "determine whether the Palestinians view Arafat as a hero who forged them into a nation, or a traitor who sold them out."²⁹ After Arafat's rejection of Barak's offer, his popularity amongs Palestinians sharply increased, though observers were wary nonetheless of his capacity to stop any violence that might be on the horizon.³⁰ Israel, for its part, simply took

²⁷ Derfner, Larry. "Arafat's Camp David baggage." *The Jerusalem Post*. 14 July 2000.

²⁸ Ibid.

²⁹ Morris, Nomi. "Outcome of summit could shape Arafat's legacy." *The Philadelphia Inquirer*. 8 July 2000.

³⁰ "Home from Camp David." *The Economist*. 29 July 2000

further steps to militarize the settlements in OPT; the Israeli army issued machine guns and sniper rifles to settlers³¹

On 28 September, Ariel Sharon and other Likud members of the Knesset visited the Haram al-Sharif, the third most sacred site in Islam, under the protection of 2,000 armed police and soldiers.³² Referred to as the Temple Mount by Jews and Christians, the Haram al-Sharif is the former location of the first and second temples, the latter of which was destroyed nearly 2,000 years ago. Muslims consider the Haram al-Sharif to be the third most holy site in Islam and the place where Muhammad ascended to heaven in his famous Night Journey to paradise. Less than a week earlier, Sharon wrote an editorial in *The Jerusalem Post* criticizing Barak's meager "signs of sovereignty," demanding that Jerusalem remain undivided.³³ Sharon stated that his small army's visit was not a provocation, but rather "a message of peace," though he went on to make it clear that the issue was about Israel's sovereignty over the holy site.³⁴ Sharon's personal history included the massacres of Palestinians in Qibya in 1953, Sabra and Shatila in 1982, and more recently oversaw Israeli settlement expansion during Netanyahu's administration. His legacy was that of Israeli brutality and colonization, and one observer remarked: "If it had been any other politician it would have been different."³⁵ Indeed, the worshippers at the Haram al-Sharif for Friday prayers, were incensed and shouted at Sharon and his entourage, "Murderer, go home!"³⁶ The result of Sharon's visit was a spark that sent the Oslo process up in flames and

³¹ Ibid.

³² Dan, Uri. "Huge Security for Israeli Hard-Liner." *The New York Post*. 28 September 2000.

³³ Sharon, Ariel. "Barak's last trump." *The Jerusalem Post*. 22 September 2000.

³⁴ Lahoud, Lamia. "Rajoub warns of riots if Sharon visits the temple." *The Jerusalem Post*. 28 September 2000.

³⁵ Williams, Emma. "Cycle of violence." *The Gazette*. 8 October 2000.

³⁶ Dan. 29 September 2000.

ignited the second *intifada*, called the Al-Aqsa *intifada*, after the mosque that sits atop the Haram al-Sharif. Within three days twenty-seven Palestinians were killed and 700 were wounded.³⁷

Barak publicly called for restraint and demanded a ceasefire, but by then the hopes of Arafat being able to enforce such a demand were vastly diminished. Faisal Husseini, a PA official, admitted that “[the PA has] reached a point where we cannot control the people.”³⁸ Arafat’s role in the Oslo order had already earned him the brand of collaborator on more than one occasion; in the face of so much Palestinian death during the *intifada*, there was absolutely no way he could preserve his personal power, which Israel was formerly keen on bolstering, while continuing to participate in Israeli repression. When Arafat did call for a ceasefire in early October, it was almost completely ignored.³⁹ Activists from Arafat’s own Fatah party were some of the major participants in the clashes and would remain so throughout the second *intifada*. Notably though, these cadres were largely under the leadership of the Tanzim, an armed offshoot of Fatah comprised of the younger “inside” Palestinians rather than the former exiles.⁴⁰ However, one such activist clarified his affiliation saying, “We are not from Hamas or Fatah any longer. We are all together, we are fighting for Jerusalem and a Palestinian state.”⁴¹

Recently Israel released a report citing the confession of Marwan Barghouti, a former PLC member and Tanzim leader now serving four consecutive life sentences in an Israeli prison. Barghouti stated that Arafat’s role was quite distant, though he had given a quiet consent to the armed militias in the face of the Israeli reoccupation and military offensive of the second

³⁷ Keinon, Herb. Lahoud, Lamia. “Barak to Arafat: violence can’t be a negotiating tool.” *The Jerusalem Post*. 2 October 2000.

³⁸ Sennott, Charles. “‘Battle for Jerusalem’ leave 12 more dead.” *The Gazette*. 2 October 2000.

³⁹ Kiley, Sam. “Arab youths defy Arafat’s ceasefire call.” *The Times*. 4 October 2000.

⁴⁰ Horovitz, David. “Israeli-Palestinian fighting continues despite ceasefire.” *The Irish Times*. 4 October 2000.

⁴¹ Kiley. 4 October 2000.

intifada.⁴² Arafat was distant from the planning, most likely because he sought to resume the political process and return to the order imposed by Oslo. However in 2002 Arafat was effectively imprisoned in his partially destroyed headquarters as a result of an Israeli siege until 2004 when he died.

Israeli-PA Oppression

It is important to distinguish the responsibilities of both parties in the PA's autocratic governance. One might say that the PA alone is responsible for the PA's repressive conduct. Indeed, this was Israel's position as early as 1996 when the Netanyahu administration listed the PA's human rights abuses as a violation of the Oslo Accords.⁴³ Sharon reiterated this position during the height of the second *intifada* when he refused to negotiate with the PA until it made significant reforms towards democratization and transparency.⁴⁴ This demand of course disregards Israel's intimate role in the Oslo order and the pressures exerted upon the Palestinian leadership during the so-called interim period.

The imbalance of power between Israel and the Palestine Liberation Organization (PLO) at the start of the peace process allowed Israel to dictate the terms of PLO's return to the OPT, but there were certain conditions on their installation as rulers of the autonomous areas. First, there were the prescriptions of the "strong police force" that manifested themselves as far back as the first Camp David negotiations in 1978 and were subsequently reiterated in the Oslo Accords. Mandated with the responsibility to "guarantee public order and internal security," the security forces of the PA were emphatically charged with the duty of population control. Israeli

⁴² Harel, Amos. Issacharoff, Avi. "Barghouti gave orders to terror groups with Arafat's silent approval, Israeli documents reveal." *Haaretz*. 19 April 2012.

⁴³ "Major PLO Violations of the Oslo Accords." Israel Ministry of Foreign Affairs., 25 Oct. 1996. Web. 15 Apr. 2012.

⁴⁴ "Sharon: Palestinians must reform." *Tulsa World*. 15 May 2002.

rhetoric reinforced this obligation, precluding concerns for such impediments as human rights law and judicial review and generally prioritizing Israeli interests. There was an extreme emphasis in the Oslo Accords on the Palestinian population as the primary threat to order and peace in historic Palestine. Despite nearly thirty years of Israel's belligerent occupation that continually repressed the population and constrained their society economically and politically, the Oslo Accords branded the Palestinians as the objects of Israeli and PA surveillance and offensives. The practices of PA security forces often entailed arbitrary arrest, harassment, intimidation, and torture. The Israelis did not criticize these practices or press for their reform; they lauded and legitimized them with diplomatic and economic support and in subsequent negotiations.

Furthermore, Rabin and the United States subsequently pressed for the establishment of the grossly unfair State Security Courts (SSCs) and went on to praise their results. A military tribunal headed the SSCs and, rather than operating within the framework of a democratic judiciary, they functioned as a body that enforced the brutal and unfair practices of the security forces. In 2003 the SSCs were abolished and, Interior Minister Hani al-Hassan admitted that "from the outset, the establishment of this court was not legal."⁴⁵ This was not a new revelation. The SSCs were designed to operate outside of a democratic framework in a manner that mirrored Israel's administrative detention police. Raji Sourani, a human rights advocate, explained the security courts succinctly: "[The SSCs] were not a Palestinian idea—it was the Israelis who pushed for them and the United States who supported and praised them."⁴⁶

⁴⁵ Hass, Amira. "PA says Palestinian State Security Cour has been abolished." *Haaretz*. 8 March 2003.

⁴⁶ Battersby, John. "Trying Terrorists Takes Toll on Arafat's Drive for Peace." *Christian Science Monitor*. 27 April 1995.

This type of praise was critical to the PA's survival. The performance of security forces, however brutal and unlawful, was not simply a component of the Oslo process; it remains—until this day—the Israeli precondition for negotiations. Israel consistently referred to population control as the foremost challenge that the PA must confront if it wished to continue negotiations. As Mouin Rabbani notes, “Most of the violence meted out by [Arafat's] security forces was aimed at improving the [PA's] standing with Israel and the West rather than directly bolstering his rule.”⁴⁷ This emphasis on security (for Israelis, not Palestinians) translated to a framework whereby political capital was defined by the actions of the security forces and traded for progress at the negotiating table. This political currency included a myriad of the PA's well-documented and systematic human rights abuses. Nonetheless, Israel, whether governed by Labor or Likud, had no problems accepting such a currency and more often than not demanded more.

The PA was mostly acquiescent to this demand, due in no small part to the constraints imposed upon it by Israel's continued campaign of colonization. Between 1993 and 2000, the population of Israeli settlers in the OPT expanded from 281,800 to 387,859, a growth of nearly forty percent.⁴⁸ This ongoing encroachment on Palestinian territory spurred the PA to do whatever was needed to make progress in negotiations, believing that the longer the peace process continued the smaller any potential Palestinian state would be. Israel was able to act in such a way because of the immense imbalance of power between itself and the PLO. As the peace process went on through the 1990s and even as it continues today, Israel has only benefitted from delayed and failed negotiations. At the outset of the peace process, Rabin made it clear that Israel was in no rush. “Let them sweat,” he said of the PLO negotiators, intimating that

⁴⁷ Rabbani, Mouin. “Palestinian Authority, Israeli Rule: From Transitional to Permanent Arrangement.” *Middle East Report*, No. 201. Oct-Dec. 1996. 6

⁴⁸ “Israeli Settler Population 1972-2006.” Foundation for Middle East Peace. Web. 15 Apr. 2012.

Israel could take as much time as it liked until it reached “a satisfactory agreement.”⁴⁹ Actually, the negotiations that have yet to realize Palestinian national rights or create a foundation for peace represent not a series of failures for Israeli colonial ambitions, but a rather a series of successes: the costs of maintaining the occupation are significantly lower; Israelis played a diminished role in the mechanisms of population control; the international public image of Israel’s ongoing occupation was absolved by the disingenuous veneer of reconciliation and resolution; and “facts on the ground” like illegal settlements and the illegal wall became further entrenched in the landscape of the OPT. This is why Ilan Pappé argues that the Oslo Accords were an “Israeli peace” that effectively allowed Israel near complete freedom of action, with particular emphasis on supposedly final-status issues, whereas Palestinians were forbidden even to verbally address the same issues.⁵⁰ While the PA framed many of its oppressive measures with a facade of Palestinian sovereignty, in essence trying pointlessly to assert its power in the midst of powerlessness, those abuses did not violate the great trust agreed upon between Israel and the PLO; it was in fact completely consistent with it.

Finally, in a legal sense, as noted by numerous human rights organizations, in spite of the dressings of independence and autonomy that the PA was granted, the West Bank, the Gaza Strip, and East Jerusalem, remain occupied territories. Human Rights Watch states that

During this interim period, Israel remains an occupying power, bound by the provisions of the Hague Regulations as well as the IV Geneva convention... Israel, as the occupying power, is obliged to respect humanitarian law not only in its direct contact with Palestinians from the self-rule zones... The Hague regulations also impose a more general obligation to attend to the welfare, economic and otherwise, of the protected population as a whole.⁵¹

⁴⁹ Haberman, Clyde. Rabin Says Israel Is in No Hurry to Resume Talks With the P.L.O.” *The New York Times*. 3 January 1994.

⁵⁰ Usher, Graham. “An Israeli Peace: An Interview with Ilan Pappé.” *Dispatches from Palestine: The Rise and Fall of the Oslo Process*. (Pluto, 1999).

⁵¹ “The Gaza Strip and Jericho: Human Rights Under Palestinian Partial Self-Rule.” *Human Rights Watch*. 1 February 1995.

This clearly affirms that Israel is responsible not only for its “direct contact” but for the general treatment of the occupied population, which would include the PA security forces’ treatment of Palestinians. When a Palestinian is arbitrarily imprisoned or subjected to torture at the hands of the PA, such treatment reflects on Israel as the occupier; this is especially the case when such treatment becomes as systematic as it has under the PA. That Israel, along with its American and European allies, held so much influence and control over PA conduct and operation only reinforces this responsibility. Moreover, Israel’s overriding responsibility as the occupying power only elucidates the PA’s position not as an alternative to Israel’s occupation, but as a component of it.

A contextualized analysis of the development of the Oslo Accords is revealing. The PA was first confined only to Gaza and Jericho, and human rights monitors were quick to point out the PA’s autocratic style of governance. Israel and the United States were the dominant parties at the negotiating table; it would have been a simple matter to pressure the PA into complying with international law, and making democratic reforms. The relentless consistency between the agreements and the system of control they imposed upon the Palestinians reveal that international law and democratic reforms were not priorities if they were concerns at all. Rather than reformulating a system in which human rights violations prevailed with near impunity, the authors of the Interim Agreement expanded this system to nearly all major Palestinian urban centers. Abuses continued following this agreement, now on a larger scale. The Wye River Memorandum incorporated US officials into the system of oversight to ensure PA security compliance, and it would have been just as easy to oversee the implementation of the rule of law; again such concerns were ignored and the issue of human rights and international law was explicitly spelled out so as “not to derogate” from the PA’s repressive efforts to contain the

population. The consistency of the agreements in their silence on the abuses committed by the PA can only be unequivocally interpreted as consent and encouragement of such practices.

The Persistence of the Oslo Order

4 May 1999 was a quiet day. Arafat, contrary to his numerous promises, did not declare a Palestinian state on the projected date of the end of the Oslo process. Neighboring Arab states, Western governments and even the Palestinian Legislative Council (PLC) all pressured him to avoid such a declaration.⁵² The Oslo process, beleaguered by the Likud administration, was battered again at the hands of Barak in July 2000; two months later it would be unceremoniously discarded amidst the violence of the second *intifada*. However, the Oslo Accords imposed an order upon the occupied territories and upon the relationship between the PA and Israel. Far from being a document that is meant to transfer power, the purpose of the Oslo Accords was to subordinate power. Under this scheme, Israel was undoubtedly the stronger party, whereas the PLO's entrance into the occupied territory was purely dependent on Israel's "generosity." All Palestinian national rights were explicitly put on hold pending final status talks which were subsequently dependent on relieving the occupier's burden of population control. What power the PA had was exercised only with the consent and supervision of Israel, who reserved the right to override whatever "signs of sovereignty" might appear in the West Bank, usually in the name of security and self-defense. Security for the Palestinians became a politically worthless concept, while the entire process of ostensible peace and reconciliation hinged entirely on the safety and comfort of Israeli citizens. The continuity of Israeli power was guaranteed, now that it had been subcontracted to the PA, successfully co-opting the primary body of Palestinian anti-colonial resistance, the PLO

⁵² Sontag, Deborah. "A Deadline Passes with No Palestinian State." *The New York Times*. 9 May 1999.

This power imbalance and the order it imposed was enshrined in the Oslo Accords and persisted during and after the upheaval of the second *intifada*. Indeed, one could argue that the connection between the PA's authoritarianism and the security of Israelis has only become stronger and more apparent since the second *intifada*. The United States soon became myopically focused on all things "terror" in the aftermath of the September 11 attacks in 2001, followed by a similar focus on neo-conservative adventurism and state-building. Under US patronage, Israel soon took up the criticism of the PA's governance and demanded reform as a precondition to the end of hostilities, the resumption of negotiations, and the Israeli redeployment following its reoccupation of Palestinian autonomous areas. These reforms however remained primarily cosmetic. Even when the Palestinian Basic Law was ratified in 2002 security forces continued to make arbitrary arrests and hold prisoners in the face of court orders to do otherwise and in spite of the independent judiciary that the Basic Law enshrined.⁵³ When the state security courts were abolished in 2003, the PA simply returned to trying civilians in military courts; the verdicts were the same, as was the lack of due process rights.⁵⁴ It became immediately necessary to find a replacement for Arafat. Besieged in his Ramallah compound while his health was deteriorating, Arafat's ability to serve as an "acceptable interlocutor" was coming to an end.⁵⁵ Fatah leader Mahmoud Abbas would rise to power in the newly created post of Prime Minister in 2003 and finally to President in 2005. Eventually, however, Abbas returned the PA to the same autocratic practices that existed from 1994-2000.

While the PA's dismal human rights record of the 1990s persisted, Israel was free to continue its colonial and expansionist policies. One major development was the West Bank

⁵³ "Amnesty International Report 2003 – Palestinian Authority." *Amnesty International*. 28 May 2003

⁵⁴ "Amnesty International Report 2004 – Palestinian Authority." *Amnesty International*. 26 May 2004

⁵⁵ McMahon, Sean F. *The Discourse of Palestinian-Israeli Relations: Persistent Analytics and Practices*. (New York: Routledge, 2010).

barrier. Called a “security fence” by Israeli officials, the barrier was planned to envelop the entire West Bank while encroaching far past the green line into Palestinian territory through a structure of chain-link fence, barbed wire, and concrete walls. The Palestinian city Qalqilya is completely surrounded by a concrete barrier eight meters high. The result of the West Bank barrier was the de facto annexation of the Ma’ale Adumim and Ariel settlements, among others, that signified Israel’s unilateral implementation of the 2000 Camp David proposals without the establishment of a Palestinian state, dysfunctional or otherwise. Israel cites the purpose of the wall as security to protect Israelis from Palestinian militants during the second *intifada*. However in July 2002, Israel’s state comptroller reported that “[Israeli military] documents indicate that most of the suicide terrorists and car bombs crossed the seam area into Israel through the checkpoints,” indicating that there was little reason to believe that the wall would stop suicide attacks.⁵⁶ Additionally, the violence of the *intifada* did not deter the expansion of settlements; the population of settlers in the OPT increased by 40,000 between 2000 and 2004.⁵⁷ The PA was as powerless as ever to prevent these unilateral actions. In response to this colonial offensive, US President George Bush acknowledged the “new realities on the ground, including already existing major Israeli population centers,” essentially granting Sharon a free hand to do as he liked with the OPT.⁵⁸ This recognition of settlements was a wild departure from previous policy that had decried them, albeit timidly, as illegal. Against a backdrop of violence, Israel was able to significantly expand its illegal infrastructure in the OPT while reoccupying Palestinian autonomous zones with the explicit consent of the United States.

⁵⁶ *Request for an Advisory Opinion: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. International Court of Justice. July 2004.

⁵⁷ "Israeli Settler Population 1972-2006." Foundation for Middle East Peace. Web.

⁵⁸ “Bush Letter to Sharon Recognizes “Facts on the Ground.”” *The Foundation for Middle East Peace*. May-June 2004. Web. 20 April 2012.

In 2005 Israel acted unilaterally once again implementing a plan for the “disengagement” of Israel from the Gaza Strip. The plan proposed that Israel dismantle the existing settlements and remove all settlers and military personnel from the Gaza Strip. “As a result,” the plan stated, “there will be no basis for the claim that the Gaza Strip is occupied territory.”⁵⁹ However Israel maintained the right to “supervise and guard the external envelope on the land,” which translated to control over borders, the flow of goods, and the Gazans’ freedom of movement, essentially revising Israel’s relationship to the Gaza Strip as more akin to a prison warden. In spite of the evacuation of nearly 8,000 settlers from the Gaza Strip, Israel’s colonial policies remained robust. In the West Bank alone, the settler population increased by over 24,000 from 2004 to 2005.⁶⁰

In 2006 the elections for the PLC were held in the territories and the result was a substantial victory for Hamas, the Islamist party that had been the target of so many PA crackdowns. Out of a total of 132 seats, Hamas won seventy-four to the Fatah party’s forty-five with the remainder scattered amongst smaller parties. Israel immediately announced that it would be withholding the monthly fifty-four million US dollars in taxes due to the Palestinian Authority.⁶¹ The Quartet (the United States, the United Nations, the European Union, and Russia) began withholding the much-needed aid that accounted for nearly one billion dollars in 2005.⁶² The outgoing parliament, still dominated by Fatah, passed legislation that vastly broadened the powers of the President, ensuring that the executive would be able to control the dreaded Hamas

⁵⁹ “The Disengagement Plan.” *The Foundation for Middle East Peace*. May-June 2004. Web. 20 April 2012.

⁶⁰ “Israeli Settler Population 1972-2006.” *Foundation for Middle East Peace*. Web.

⁶¹ Lavie, Mark. “Hamas facing sever tests even before it takes over Palestinian government.” *The Associated Press*. 29 January 2006.

⁶² Knudsen, Are. Basem, Ezbidi. “Hamas and Palestinian Statehood.” *Where Now for Palestine?: the Demise of the Two-state Solution*. Ed. Jamil Hilal. (London: Zed, 2007) 188-209.

legislature.⁶³ These powers included returning the control of security forces back to the President whereas they were formerly transferred to the Prime Minister as a check on presidential power. Additionally, the outgoing PLC established an executive appointed committee that could overrule all legislation passed by the legislature. Incoming Hamas lawmaker, Abdel Aziz Dueik remarked, “They are trying a white coup d’état.”⁶⁴ The red coup d’état, however, was not far off.

Even before the elections, American officials had made it clear that a Hamas victory would not be tolerated and continued to back Fatah “strongman” Muhammad Dahlan. Recently appointed to the post of national security advisor, Dahlan targeted Hamas’s membership with detention, beatings and other methods that he had retained since his time as head of Gaza’s Preventive Security Service (PSS).⁶⁵ After Hamas’s victory, US Secretary of State Condoleezza Rice would meet with Abbas, Dahlan, and others to plot the future of the Palestinian political landscape, and ultimately the forced ouster of Hamas was the chosen path.⁶⁶ First, the United States and Fatah colluded with Israel and Egypt to transfer weapons to Fatah’s security forces.⁶⁷ Then in 2007, Dahlan and Fatah launched the Israeli-American sponsored attack on Gaza; the Fatah coup failed spectacularly. However, the end result was just as preferable for returning to the status quo preferred by Israel and the US: Hamas was efficiently contained in the “disengaged” and blockaded the Gaza prison while Fatah remained in the West Bank, Israel’s preferred client in maintaining the Oslo order.

63 Laub, Karin. “Abbas consolidating powers to make it harder for Hamas to rule.” *The Associated Press*. 14 February 2006.

64 Nissenbaum, Dion. “Abbas given new powers.” *Pittsburgh Post-Gazette*. 14 February 2006.

65 Rose, David. “The Gaza Bombshell.” *Vanity Fair*. Apr. 2008. Web. 16 Dec. 2010. Online.

66 Ibid.

67 Harel, Amos, and Avi Issacharoff. “Israeli Defense Official: Fatah Arms Transfer Bolsters Forces of Peace.” *Haaretz*. 28 Dec. 2006.

Bush's 2003 "Roadmap" plan was not terribly different from the Oslo Accords and played into the same watchwords that had defined the previous era ("security," "terror," "militants," etc.). The Roadmap also established an American training program for Palestinian security forces, made most famous (or infamous) under Lt. Keith Dayton. "The Dayton Forces" participated in Dahlan's mission in Gaza, as well as in the grizzly aftermath in the West Bank. Hamas flags were openly banned, and any perceived support of the group could result in a brutal interrogation from the CIA-trained PSS or the General Intelligence Service.⁶⁸ The year of the coup may have been the most bloody time period for the PA security forces, but the brutality and abuse have persisted.⁶⁹ Human Rights Watch noted that in 2010 alone, over 100 allegations of torture had been leveled against the security forces in the West Bank; this is in addition to the eight prisoners who died in custody during 2009.⁷⁰

Most disturbingly, Dayton bragged about the efficiency of his students' performance even in the face of Operation Cast Lead in December 2008-January 2009 that claimed the lives of 1,419 Palestinians in the Gaza Strip.⁷¹ Dayton remarked that the Palestinians were so well armed in the task of population control that "The IDF also felt... that the [Palestinian security forces] were there and they could trust them. As a matter of fact, a good portion of the Israeli army went off to Gaza from the West Bank... That shows the kind of trust they were putting in these people now."⁷² While the Israeli offensive raged in Gaza, the West Bank leadership banned protests in solidarity with Palestinians in Gaza as "pro-Hamas," and in one instance broke up

⁶⁸ Cobain, Ian. "CIA Working with Palestinian Security Agents." *The Guardian*. 17 Dec. 2009.

⁶⁹ "Amnesty International Report 2008: Palestinian Authority." *Amnesty International*. 28 May 2008.

⁷⁰ "West Bank: Reports of Torture in Palestinian Detention." *Human Rights Watch*. 20 Oct. 2010.

⁷¹ "Confirmed figures reveal the true extent of the destruction inflicted upon the Gaza Strip." *Palestinian Centre for Human Rights*. 12 March 2009.

⁷² Dayton, Keith. "Program of the Soref Symposium Michael Stein Address on U.S. Middle East Policy." *The Washington Institute for Near East Policy*. 7 May 2009.

such a protest with tear gas and batons.⁷³ Operation Cast Lead and the 2007 coup were significant trials for the Oslo order that the PA was able to persist through. The PA's connection to Israel was so strong that it cracked down on Palestinian outrage directed at one of the most bloody military campaigns in its people's recent history. More recently these forces assaulted peaceful protesters demonstrating in solidarity with the revolutions in Egypt and Tunisia in early 2011.⁷⁴

The Oslo order is rather unique in its persistence and the pattern that it has created. Israel was first able to co-opt a fading PLO, formerly dedicated to armed resistance, to police and control the occupied Palestinian population. The carrot for the PLO was the prospect of Palestinian self-determination, albeit at the cost of Palestinian oppression. While Likud's efforts certainly were of no help to the peace process, Labor's 2000 Camp David plan shows that whatever "signs of sovereignty" Israel was offering at the beginning of the Oslo process was a far cry from national liberation and independence. When the illusion of a political resolution was shattered, armed struggle again returned to the fore including members from numerous Palestinian factions. When the Oslo process imploded, its order remained. Israel, as it had numerous times before and would again after, brutally displayed its military might and eventually the *intifada* and the PA were crushed. Though the Bush administration's Roadmap included demands of democratic reform for the PA, the Oslo order remained largely untouched. The prospects for political resolution were again subverted in 2007 during the Western-backed coup that resulted in the political bifurcation of the West Bank and Gaza Strip. During Operation Cast Lead, Israel again flexed its muscles and more or less crushed Hamas' chances at armed

⁷³ Hass, Amira. "Palestinian security forces break up Gaza protest." *Haaretz*. 11 January 2009. Nammari, Dalia. "Palestinian police ban pro-Hamas protests." *Brattleboro Reformer*. 3 January 2009.

⁷⁴ "Palestinian Authority: Thugs, Police Abuse Peaceful Protesters." *TTKN News*. 18 February 2011. Web.

resistance, not to mention the Gazans' chances for a normal life. The Oslo order was modified: Gaza became a prison left to starve save for Israel's occasional direct and brutal intervention; the West Bank took up the now familiar routine of the autocratic and repressive rule practiced in the 1990s. Throughout all of these ups and downs, through military and diplomatic confrontations, Israeli colonization and expansion continues. As this status quo has persisted, so too has the primary watchword of security gone unchanged. Israel's "security" is still the preponderant concern discussed by Israeli and US officials, and, as it did from 1993 to 2000, it remains another name for Israel's power.

Currently the PA is making a unilateral attempt to gain statehood recognition from the United Nations. However so long as the Oslo order defines the status quo, such an effort is problematic. The PA's relationship with Israel essentially means that even in the event of the creation and recognition of a Palestinian state (and thus far the United States has decidedly denied that prospect) this state would be created and would operate according to Israel's parameters. While the PA's unilateral attempt at statehood represents a political effort toward self-determination, it is consistent with the cyclical nature that has dominated the political developments since the founding of the Oslo order. The PLO formerly advocated armed resistance to Israel's policies of colonialism. The Palestinian people took up the first *intifada* as another mode of resistance, which was predominantly nonviolent. Consequently, the forum of political negotiations opened to the PLO. After these political negotiations foundered on Barak's "generous offer" and were crushed altogether by Sharon's provocation, the second *intifada* began which contained a significant amount of armed and nonviolent resistance. Israel was able to eventually crush these efforts with the assistance of the newly reformatted PA under President Abbas. And today the PA has returned to political attempts at self-determination.

This effort is apparently opposed by Israel and the United States—the latter wielding tremendous political power at the UN. Based on a reading of the history of the Oslo order, from the Oslo process to the Roadmap, it is clear that Israel’s preferred strategy is to avoid serious confrontations on a political and diplomatic level with Palestinians, preferring to dictate its terms while demanding concessions. Israel has historically offered to “concede” very little if anything at all, while international law would view such “concessions,” like a return to the 1967 borders, the return of the refugees, and the relinquishment of East Jerusalem, as mandatory. When frustrations boil over into conflict, the Israeli army crushes what resistance there is and returns the Oslo order to the sponsorship of “acceptable interlocutors.” In this context we may say that the title of preferred interlocutor has shifted from Arafat to Abbas, but yet a broader view would suggest that the client is the same formerly exiled PLO, dominated by Fatah. The return to this order inevitably means a return to continued Israeli colonization and a shrinking Palestinian space.

There are few alternatives to this cycle. If the PLO were to concede all of the Palestinians’ rights, it would certainly not lead to a settlement, however unjust, but rather result in another violent uprising only to be crushed by Israel’s considerable military power. The alternative is an end to the subversion of political and diplomatic forms of resistance and dialogue by empty final status proposals and international vetoes. These must be allowed to form the basis of a just solution, one that recognizes the rights of the Palestinian people and one that they can accept. If these political attempts at confronting Israel’s occupation and colonialism are again thwarted, this will definitely lead to another attempt at armed and violent confrontations, another bloody Israeli military victory, and an eventual return in one fashion or another to the Oslo order.

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