THE OSLO AGREEMENT AS AN OBSTACLE TO PEACE

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The most sophisticated American and Israeli Jewish opponents of the Oslo peace process pay lip service to the agreement while ignoring its political content and insisting that it be understood as a legal document and as a basis for pushing Israeli prerogatives and punishing Palestinian "violations." Substituting adversarial legal standards for the modus operandi of a political partnership is thus a calculated technique for destroying the credibility of the Oslo process and ensuring its demise. Right-wing opponents of Oslo in Israel and in the American Jewish community have implemented this strategy doggedly, with enormous sophistication, and with substantial success.

If the Oslo peace process is considered within the category of other extended processes of negotiation and attempted reconciliation, such as the one that has been underway in Northern Ireland or those that preceded the French withdrawal from Algeria, led to the American departure from Vietnam and the eventual establishment of diplomatic relations between the United States and Vietnam, or resulted in the end of apartheid in South Africa, an interesting and important pattern emerges. If all these are considered, in some sense, as "peace processes," then we can see that success entails transforming a partisan political deal struck between moderate segments of the political systems confronting each other into a legally binding settlement of outstanding issues expressed, within each polity, as a depoliticized array of legal conditions. The implication of this observation is that one can chart the success of a peace process by the extent to which the language of the agreement is treated as a political/diplomatic document whose ambiguities represent resources for those in each polity committed to the principles underlying the agreement, rather than as a set of rules whose contravention will be treated, within each polity, as criminal acts.

My central point here—graphically and, I think, tragically illustrated by the Israel-Palestinian Oslo peace process—is that opponents of the process itself, that is, opponents of the principles of compromise upon which it is based, can interrupt, stall, complicate, and even thwart it by prematurely

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(from the point of view of its supporters) treating the agreement as a legal codex rather than a political framework. This could seem a bit puzzling, since one might assume that passionate opponents of the process would unleash their radical rejection of its terms in order not to give implicit support to its underlying principles. Certainly many opponents of Oslo, and of the other agreements mentioned above, have acted this way. Thus, Jewish settlers and others in Israel's annexationist camp have decried the inevitable sacrifice of Jewish control and sovereignty over precious parts of the Land of Israel. Palestinian opponents usually emphasize the abandonment of the right of return, the humiliating weakness and dependence of the Palestinian entity that is likely to emerge, the Judaization of East Jerusalem seemingly enabled by the agreement, and the continued expansion of Jewish settlements in lands occupied in 1967.

**PEACEMAKING AND PEACEBREAKING**

In polities with regular elections and strong civil societies, shifts in public opinion have real and unavoidable political consequences. In such political systems, a compromise-oriented government's ability to move the whole polity toward an overall agreement rests on its ability to manipulate the mystique of peace and the utopian image of a promised reconciliation that can blur the edges of dissatisfaction with the actual terms of the agreement. In that way, it can help sustain the process during a period when the costs of compromise seem obvious and high and the benefits far away and uncertain. In such societies, the most sophisticated opposition strategy is to attack the process based on a disingenuous acceptance of it—an acceptance based on insistence that "the other side" honor the "terms of the agreement." In essence, the tactic employed is to break the peace by treating the process not as a politically strategic, inevitably adapting, and intrinsically ambiguous framework for incubating trust and reconciliation, but as an array of legalistic and definitive limits for the opposing side versus an array of loopholes and opportunities for the aggressive, adversarial exploitation of opportunities for one's own side. Making the peace, by contrast, requires leaders to recognize between themselves that they have substantially more in common with one another than they do with extreme elements in their own polities. Consequently, they would see their primary task as broadening the bases of support for compromise within their own polities, while protecting the "domestic" political position of their partners. Sophisticated opponents of the process, on the other hand, would take the approach of invoking the rules and standards of an adversarial legal environment. With each "side" portrayed in a bargaining relationship and figured as "united" against its national enemy, every "legal" opportunity within the agreement to constrain, fault, or punish the other side, or to advance one's own side's claims against those of the adversary, is vigorously pursued.
On the Palestinian side, in the case of Oslo, with Palestine's weak civil society and low expectations that elections are capable of changing governments, terrorist attacks and explicit, ideologically based rejection of the whole process may make more sense as opposition tactics. But in the Israeli context, such methods are not the most effective ways to block the road to a historic compromise. There, opponents of compromise who attack the agreement head-on risk alienating those hundreds of thousands of Israelis who were inspired by the image and the promise of the "handshake" and whose conceptions of what might be possible to achieve and forgive were beginning to change. Oslo’s opponents in Israel have thus chosen, for the most part, to pay lip service to the agreement while shifting the discourse about it in a way that, if accepted, would ensure its demise.

TACTICS OF PEACEBREAKING IN AMERICA

Right-wing opponents of Oslo in the American Jewish community and in Israel have largely adopted this legalistic strategy—embracing the details of the Oslo agreement to kill the process the Oslo partnership was meant to produce. They have implemented it doggedly, with enormous sophistication, and with substantial success.

This strategy has been especially obvious in the activities of the Zionist Organization of America (ZOA). Before Oslo, Morton Klein, the leader of ZOA, had taken that traditional extension of Herut and Likud in America to new extremes of antipathy toward Palestinians, territorial compromise, and Jewish critics of Israeli policies. In the pre-Oslo period, the ZOA's position was that the PLO was a purely terrorist organization with which it would not be possible to negotiate under any circumstances. After Oslo, the ZOA claimed that its position was not categorically to reject the process itself, but to ensure that the Oslo agreement was honored. Since that time, it has waged a ceaseless campaign in Congress and in the media to define the issue as whether or not Arafat has abided by the "legal" requirements of the agreement. In this way, the ZOA sought to transform the political partnership between the Rabin government and the Arafatist wing of the PLO into an ever more detailed list of opportunities to test and find wanting the good faith and trustworthiness of the Palestinian side. To this end, the ZOA has focused both on actions that under its interpretation of the agreement, the Palestinians were bound to do (such as extraditing "terrorists" and changing the PLO charter) but which they have not done, and on actions that Palestinians were not supposed to do under the agreement (such as increasing the number of arms and armed personnel under the Palestinian Authority's [PA] command or maintaining activity within East Jerusalem) but which they have done.
Employing this logic, it has been easy to convince a substantial number of senators and representatives in the U.S. Congress (foremost among them Benjamin Gilman, chair of the House International Relations Committee) to define setbacks in the peace process as a measure of Palestinian (not Israeli) compliance with the “terms of Oslo.” In turn, these congressmen have embraced the tactic of using “noncompliance” as a means of reducing, delaying, or eliminating American financial, diplomatic, and political support for the PA and for the peace process more generally.

Oslo’s Opponents in Israel

Just as energetically, but often less obviously and more consequentially, the same tactic has been used in Israel by ostensibly independent and nonpartisan groups such as Peace Watch, Independent Media Review and Analysis (IMRA), and the Center for Peace Education. These outfits advertise themselves as dedicated to genuine peace and as advancing the cause by providing technical, objective, and nonpartisan evaluations of the extent of compliance with the terms of the agreement. Their calculated effect, however, has been to undermine the peace process by demystifying its grand claims, by defining public debate over the process as mainly a question of the “trustworthiness” of the Palestinian side in the implementation of details of the agreement, and by pushing Israeli officials toward punishing Palestinian “violations.” The tactical purpose is to weaken the Palestinian partner within the Palestinian community while forcing those Israelis who support the agreement as a political framework to confront a Hobson’s choice between accusations of acting as weaker bargainers than those more fully committed to “Israeli” or “Jewish” interests and abandonment of the rhetoric of historic reconciliation, including the images of peace, prosperity, and acceptance evoked by Shimon Peres’s conception of a “new Middle East.”

Peace Watch is the best known of these groups and makes the most apparently convincing claim to nonpartisanship. It was formed by two rightwing activists in October 1993, just after the Washington meeting between Rabin and Arafat. Its official purpose and declared intention is to foster the prospects for a genuine Israel-Palestinian peace by keeping each side focused on adhering to its commitments under the Oslo accords. To enhance its credibility, at least within different segments of the Israeli population, Peace Watch organizers have enlisted figures with moderate reputations from both the Left and Right—kibbutzniks such as Muki Tsur and Elisha Shapira, rabbis living in West Bank settlements such as Yoel Ben-Nun and Shlomo Riskin, as well as Natan Sharansky. It also, very occasionally, mentions some Israeli violations of the accords. Although the centrists on the Peace Watch board of directors have accepted the logic of “merely facing the facts in order to build a solid foundation for peace,” the activists who created and run Peace Watch, Dan Polisar and Bob Lang, are committed annexationists and opponents of any substantial political compromise between Israel
and the Palestinians. Lang, for example, was formerly spokesman for the Gush Emunim controlled Council of Jewish Settlements in Judea, Samaria, and Gaza. Similarly, Joseph and Aaron Lerner, who operate IMRA, and David Bedein, who directs the Center for Peace Education, are personally and fervently committed to the demise of the Oslo peace process and to thwarting any substantial political/territorial compromise between Israel and the Palestinians.

The main activity of these groups, while stressing their "Joe Friday" interest in "only the facts," is to discover and publicize technical information regarding violations of the peace agreements. These violations can be used by right-wing politicians and by the press to create and strengthen perceptions that the Palestinians are "not living up to their commitments under Oslo" and/or that the Israeli government is forsaking its own rights under the agreement. Their material is made available to the public through Israeli and international wire services, widely distributed op-ed pieces, and the Internet. It includes taped interviews and speeches of Palestinian leaders portrayed as revealing but not-widely-circulated evidence of their nefarious intentions; detailed lists of PA security violations, including constantly updated data on the number of police and weapons held by the PA in excess of the levels stipulated in the accords; lists of "terrorists" whom the PA refuses to extradite to Israel; lists of Palestinian actions in East Jerusalem and elsewhere which can be interpreted as violations of the accords; analyses of Palestinian failure to "annul" the PLO charter; and interviews with Israeli officials in which their reluctance to punish the PA for infractions are exposed and ridiculed. It also includes detailed analyses of how the exact terms of the interim accords can be aggressively interpreted to permit Israeli settlement and land expropriation activity, armed intrusions by Israeli forces into Palestinian areas, and territorially minuscule "withdrawals" while requiring such burdensome and constricted behavior by Palestinians as to make Palestinian implementation of the accords impossible.

Not surprisingly, Benjamin Netanyahu used material produced by Peace Watch extensively in his election campaign. Various settler groups and other right-wing opponents of the peace process, both in Israel and in the United States (including especially the ZOA), regularly draw on the materials distributed by Peace Watch, IMRA, and the Center for Peace Education. Their press releases and analyses are also commonly cited in the mainstream media as authoritative.

When criticized for being partisan in their effects, these groups respond by stressing the facticity of their reporting, their resolve to separate their personal views from their analyses, and their bottom-line commitment to "simply" measuring "compliance." But what they have figured out and learned to apply in practice is what I am here seeking to outline in theory: that the same ambiguities in the agreement (Is it a legal or political document? Is it between Israel and the Palestinians or between the Peace Camp in Israel and Palestinian moderates?) that can serve the interests of the moderates can also
serve the interests of opponents of the peace process. The crucial issue is the effectiveness with which public discourse can be shaped and oriented.

**The Strategy's Success**

In this context, it is striking how successful these activists have been. Since the summer of 1996, there has been a tripartite division within the Netanyahu government (and possibly within Netanyahu himself) between those, such as David Levy, inclined to resume the Oslo process as a partnership with the PLO but without the myth and romance of Peres’s “New Middle East”; those, such as Yitzhak Shamir and Beni Begin, for whom nothing has changed, “the sea is still the sea and the Arabs are still the Arabs,” and for whom Oslo or any agreement is, in principle, anathema; and those who have favored offering lip service to the peace process in deference to the opinions of the majority of Israelis, while in fact using a “work-to-rule” approach to the Oslo accords to destroy the Oslo process. It is this third option that the Netanyahu government, after many zigs and zags, has clearly chosen. It involves treating the agreements not as a basis for an evolving partnership, but as an array of legalistic and public relations weapons that can free Israel of its commitments, prevent further transfers of territory to Palestinian control, and delegitimize Arafat and the idea of a Palestinian state in the mind of Israeli public opinion.

For those still committed to preserving opportunities for the success of Oslo, there is no greater responsibility than to analyze, theorize, and explain the complex and dynamic relationship between legal and political aspects of peace agreements designed to end protracted conflicts. Only thus can the disingenuousness of the current Israeli government’s policies be established and combatted.