THE OSLO ACCORDS AND HAMAS RESPONSE
[CHAPTER THREE]
THE OSLO ACCORDS AND HAMAS RESPONSE

3.1 BACKGROUND OF THE OSLO ACCORDS

The initial Oslo breakthrough and the negotiations that led to it have often been explained in strongly personalistic terms, as the products of a special chemistry – the ‘Oslo spirit’ – that supposedly developed amidst the Woods and Fjords of Norway. Hopefully, though, it should now be clear that, regardless of whether any such benevolent spirit actually existed, the Oslo Accords and process need to be explained in thoroughly structural terms, with an eye to the long-term projects, strategies, policies, and powers of the Israeli state and the PLO. The road to Oslo was a long one for both Israelis and Palestinians. For each it was a matter of gradual change in the thinking marked by bitter internal dispute, outside pressures, and the tragic experience of loss and bloodshed over many decades. For both, in many ways, the Palestinian Intifada that began in December 1987 was the decisive event that led to the Oslo Accords. Many other factors and events, both before and after, played significant roles, but the Intifada may have tipped the scales in favor of the direction that finally brought about the Oslo Accords.

When Israel occupied the West Bank and the Gaza Strip in 1967, since then Israeli elites have been well aware of their looming ‘demographic problem’ – that of how to avoid absorbing too many Palestinians into the Jewish state and thereby undermining its definitively Jewish character. Arnon Soffer, in 1988 stated precisely about this concern:

“‘The number of Palestinian Arabs in the territories and in Israel now reaches 2.2 million, while the number of Jews is 3.5 million. In 12 years, the Arabs will reach 3.5 million, while the Jews will reach 4.2 million. It does not matter whether the Arabs will be 44 or 46 percent of the population. What matters is that it will be a bi-national state. Whoever brings about this situation will be responsible for the end of the Jewish, Zionist state.”

After the occupation, the main response to this problem was to keep the West Bank and Gaza Strip under military rule, thereby denying the newly occupied Palestinian population Israeli citizenship, and preserving the demographic viability of the Jewish state. But this difficult situation could not be maintained for a long time. The other perceived alternative was some form of territorial compromise. The Allon Plan, for example, envisaged Israeli annexation of a third or more of the West Bank, with the remainder, and the most significantly the heavily Palestinian-populated areas, been returned to Jordan.

Limited Palestinian autonomy within the West Bank and the Gaza Strip were advocated in later plans. The 1978 Camp David Accords, for instance, called for Palestinian autonomy in terms which were very familiar to those of the Declaration of Principles. More significantly, the Baker – Shamir – Peres plan of 1989 called for ‘free and democratic elections’ for the Palestinians living in the territories, leading to Palestinian ‘autonomy’ over ‘affairs of daily life’, with Israel retaining control of security, foreign affairs and all matters relating to settlers. This plan noted that there would be no

---


5 For the text, see Walter Laqueur and Barry Rubin (eds), The Israel – Arab Reader: A Documentary History of the Middle East Conflict, (New York: Penguin, 1984), pp. 609-15.

6 Chomsky, Noam, World Orders, Old and New, (London: Pluto Press, 1994), pp. 231-8; See also, William Quandt, American Diplomacy and the Arab – Israeli Conflict Since 1967, (Berkeley:
‘additional Palestinian state in Gaza district and in the area between Jordan and Israel’, the supposition being, as Chomsky views that the Palestinians already have their own state: Jordan. This plan was approved by the Israeli Knesset and became both the formal basis of Israeli policy, and a formative influence on the Oslo process. In other words, Israel had long been considering ways of restructuring its control over the West Bank and the Gaza Strip and of holding elections therein that would afford its occupation and colonization a degree of legitimacy.

Besides this long-term demographic problem, Israeli business elites had also began to campaign for a peace agreement of some sort with the Palestinians. From 1970s onwards, Israel had been undergoing tremendous social, political and economic changes, with the fracturing of the state – centered labor Zionist consensus that had dominated Israel since its inception, and the genesis of the new civil society movements of the religious – nationalist and liberal variants. On the one hand these transformations had seen the rise of Gush Enumin and other religious and ethnically defined political movements and parties. On the other hand, they had also involved the partial liberalization of the Israeli economy away from the etatist institutional forms inherited from the pre-state days (the decline of the Histadrut Trade Union, for example), and consequently, the emergence of the liberalizing elites who no longer defined their or Israeli interests in traditional national security terms.

For the first time in the late 1980s, these liberal business elites started entering into public political discourse, pleading that the Israeli economy needed to attract foreign capital and find new markets (especially Arab), and for this, the moves towards peace were an essential precondition. Many among them insisted for peace terms that would ensure continued economic hegemony over the territories. As the President of Israeli Manufacturers Association observed, ‘it’s not important whether there will be a Palestinian state, autonomy, or a Palestinian – Jordan state. The economic borders between Israel and the territories must remain open’. By no small

---

University of California Press, 1993), pp. 388-92; See also, Charles, D. Smith, Palestine and the Arab

7Chomsky, Noam, Fateful Triangle: The United States, Israel and the Palestinians, (London: Pluto

8 Shafir, Gershon, and Yoav Peled, Being Israeli: The Dynamics of Multiple Citizenship, (Cambridge:
Cambridge University Press, 2002).
coincidence, many of the key Israeli architects of the initial Oslo peace process (Shimon Peres, Yossi Beilin and Yair Hirschfield, for instance) were also leading proponents of economic liberalization; the secret Oslo negotiations, were conducted entirely by civilians, and without the prior knowledge of the IDF. Because of these reasons, the agreement came to place such emphasis on economic cooperation (one commentator even goes so far as to suggest that the Declaration of Principles was primarily an economic document). The initial Oslo Agreement and its terms were at least in part the result of the growing liberalization of Israeli political economy.\textsuperscript{9}

A third and more important cause for the Oslo Agreement was Israel’s growing concern for security problems in the territories. The breakout of intifada in December 1987, which rendered the Gaza Strip and some of the West Bank cities practically ungovernable; moreover during the early 1990s, guns had started replacing stones as the most prominent means of Palestinian resistance, and the security of Israeli settlers and civilians had come increasingly under threat. Leading Israeli figures such as Ze’ev Schiff thus began to advocate ‘security for peace’ plans for the territories, with the Palestinians being granted functional autonomy with their own ‘large police force’ linked in confederation with Jordan.\textsuperscript{10}

Yitzhak Rabin, a traditional labor Zionist ‘security hawk’ not an economic liberalizer, started advocating that the indirect control, rather than direct occupation is the best for the Israel’s security interests. Thus, he started negotiating a deal with PLO that met Israel’s security requirements (this process happening in tandem with the closure of the West Bank and the Gaza Strip, as well as alarming level of military repression), but that did not contradict Israel territorial and economic ambitions.\textsuperscript{11} The Intifada had shown the Israeli public the depth of the Palestinian nationalism and had forced Israelis to think, for the first time, about the oppressive measures of the occupation. Yitzhak Rabin had been elected as Prime Minister on modest peace


platform but he devoted much of his first year in office to quelling Palestinian resistance organized by Hamas. The increased strength of Hamas, with its collaboration with other Islamic opposition groups throughout the region, forced Israeli leaders and gave them reason to consider negotiations with the PLO as a means of defusing the discontent which Hamas drew its strength.\(^{12}\)

While the economic liberalizers played influential role for negotiations and influenced initial Oslo Agreement, it was the security logic of the Rabin and the IDF that ended up more influential: the economic liberalizers just urged for peace; the military establishment was to define its terms. Although, Peres and Beilin were the key figures during the secret Oslo Agreement, the later talks that led to the agreement of the far more comprehensive Gaza–Jericho and Oslo II Accords were due to primarily Rabin and IDF endeavors. The outcome was the creation of a client authority whose functions were primarily repressive, which developed an appalling human rights record, and which had the highest proportion of police to civilians of any political authority in the world.

It is also perceived that the 1992 Israeli elections – and the subsequent formation of an Israeli government that for the first time in the 15 years was not led by the Likud – were landmark to the negotiations of the Oslo Agreement. Certainly it is obvious that the Likud leaders have generally been unwilling to make concessions on the West Bank and Gaza Strip: Begin never had any intention of implementing the Camp David Accords on Palestinian autonomy, and as for Yitzhak Shamir (who preceded Rabin as Israeli Prime Minister), his intentions during Pre-Oslo Madrid negotiations was, as he revealed on leaving office in June 1992, ‘to drag out talks on Palestinian self-rule for ten years while attempting to settle hundreds of thousands of Jews in the occupied territories’.\(^{13}\) Though the original Oslo Accords could have been negotiated and agreed by a Likud government but it would be a mistake to differentiate between the centre left and the centre right of the Israeli political spectrum. Since 1977, Labor and Likud governments have equally supported and

---


extended settlement building programs. They have jointly pressurized PA to extend its repression of Palestinian opposition groups. They have equally supported the maintenance of economic hegemony over the territories. Both have been willing to transfer pockets of territory to the PA within the limited framework set out by Oslo – and if the negotiations under Binyamin Netanyahu’s Likud administration were much more fraught than those that preceded them, this was in large part because Israel had already redeployed from most Palestinian population centers, making the task of further redeployment much more complex.

Actually, the most visible difference between Likud and Labor governments in their relations with Palestinians has generally lain not in substantive issues of policy, but in presentation and tactics. The Likud appeals to a right wing constituency and thus makes openly expansionist and nationalist gestures, while Labor pursues dovish rhetoric, and undertakes policies that are often very similar.14 The rise and fall of the Oslo peace process, in short, has not simply corresponded to whether Labor or the Likud has been in the power. To the contrary, this process needs to be understood above all as the result of established territorial and security strategy, over which there has been a relatively high degree of national consensus.15

There is another reason which also has been responsible somewhat to pave the way to Oslo Agreement. In 1990, in the midst of Intifada and on the eve of the Gulf Crisis, Israel embarked on the most ambitious program of settlement construction in the occupied territories it had yet undertaken. The settlement program continued during the Madrid Conference and the subsequent peace talks. According to the Bush administration, Israel’s provocative actions in the occupied territories constituted the main hindrance to a successful outcome of the peace process. Israel’s denial to heed United States appeal to freeze the settlements brought the two countries in a bitter dispute that finally drove President Bush to take a step that no U.S. President before him had ever taken; he linked U.S. financial aid to Israel’s willingness to stop the settlements in the Gaza Strip and the West Bank. The policy that Bush pursued was


not new – every U.S. administration since 1967 had shown its disagreement to Israeli settlements in the occupied territories – but Bush was the first to impose that policy.\textsuperscript{16}

The U.S. – Israeli dispute arrived at a climax in February 1992, when the United States proclaimed that it would not sanction a $10 billion loan guaranteed to Israel unless Israel accepts to stop the construction of all settlements in the Gaza Strip and the West Bank. Israeli Prime Minister Yitzhak Shamir was disobedient and asserted that his government would never back down in its determination to populate the occupied territories with Jewish settlers. Shamir inflexible outlook caused the most serious strain in U.S. – Israeli relations since Israel’s formation. All these controversies in which the Shamir’s government was involved got intense public scrutiny during the Israel’s national elections scheduled for June 1992. In a bitterly fought campaign, the Israeli public rejected Shamir’s ideological rigidity and facilitated Yitzhak Rabin’s Labor party an unprecedented victory, bringing back to the office the first Israeli Prime Minister to be born in Palestine.\textsuperscript{17}

Rabin was eager to restore good relations with the United States. Consequently, just after forming the government, he announced a partial freeze on settlement construction, which was far from the complete freeze demanded by the U.S. Bush administration. But it was sufficient to convince the Bush administration that it should promote Rabin’s moderation. When Rabin made his first visit to the United States in 1992, President Bush declared the approval of the $10 billion loan guarantee. While guaranteeing this loan, the United States surrendered some of its financial influence over Israel without securing a total freeze on Israeli settlements.\textsuperscript{18}

For the Palestinians the process that brought them to Oslo could be traced as far back as the early 1970s when a debate was opened within the PLO over the future status of areas of Palestine that would be liberated and a possible relationship with Israel. The idea of creating a Palestinian state confined to the West Bank and the Gaza Strip, a “mini – state” next to, rather than instead of, the state of Israel, namely the

\textsuperscript{17} Ibid.,
\textsuperscript{18} Ibid.,
two-state solution, was proposed by some (including PLO’s backers in Moscow).

After the PLO’s serious setback as a result of Israel’s invasion of Lebanon in 1982, this became a heated and bloody debate within the organization, with some advocates for recognizing Israel and two-state solution, such as Sa’id Hamami and Issam Sartawi, assassinated for pursuing these views. The Lebanon War persuaded many that the Palestinian armed struggle was no match for the Israeli military machine and moreover neither the Arab states nor the Soviet Union was willing to go to war for them. Actually, by 1988 Gorbachev was in power in Soviet Union with entirely new “balanced” policy regarding the Arab–Israel conflict – edging towards renewed relations with Israel and urging Arafat to do the same.

Arafat himself was apparently moving in this direction as evidenced by his attempted rapprochement with Jordan and his overtures to the United States in late 1984 and early 1985. The United States demanded PLO acceptance of UNSC Resolution 242 and explicit recognition of Israel’s right to exist, along with renunciation of terror as condition for opening any U.S. – PLO dialogue. The outbreak of Intifada constituted pressure from below, demonstrating the unsustainable situation of the Palestinians under occupation and demanding a breakthrough. These circumstances – disillusionment with outside (Soviet and Arab) assistance and frustration and depression from inside the occupied territories, brought the PLO’s long debate to its culmination and announcement in the form of the political resolution of the Palestinian National Council in November 1988 accepting Resolution 242 and condemning terrorism followed by a Yasser Arafat speech to a UNGA and press conference in Geneva and explicitly recognizing Israel right to exist in peace and security and renouncing all forms of violence or terrorism. In doing this PLO adopted the two-state solution in what is called “historic compromise” to accept a state only on part (22 percent) of Mandate Palestine.

20 Ibid.,
21 Ibid.,
The agreement neither mentioned Palestinian statehood, nor recognized Palestinians national rights. Rabin and Peres agreed to the Oslo terms while being explicitly opposed to the idea of Palestinian statehood, *(as Rabin said, there is nothing in the accord about a Palestinian state or a capital in part of Jerusalem. I stick to my position: no Palestinian state, Jerusalem must remain united under Israeli sovereignty and be our capital forever...I did not believe there is room for an additional state between Israel and Jordan).*

Israel and the PLO exchanged letters of mutual recognition, yet while the PLO accepted ‘the right of the state of Israel to exist in peace and security’, Israel conversely only recognized the PLO as ‘the sole representative of Palestinian people’. Israel was recognized as a nation-state, the PLO as an organization. Moreover, the reference to ‘the Palestinian people’ was of no importance, as Begin had already accepted the legitimate rights of the Palestinian people, at the Camp David, noting then that he interpreted this as referring not to a people with national rights, but to the inhabitants of the West Bank and Gaza Strip (the U.S. accepted Israel’s interpretation).

The Declaration of Principles opened a process and an interim autonomy period, but involved no commitment on Israel’s part to accepting Palestinian statehood.

The central themes of the Declaration of Principles were in many regards similar to those of the autonomy sections of the Camp David Accords. This attribute was indeed acknowledged by Israel’s negotiators, who unveiled the agreement before cabinet and country as ‘a major improvement over the Camp David Accords’.

Rabin had asserted in the early 1980s that the PLO should be denied a role in negotiations ‘even if it accepts all of the conditions of negotiations on the basis of Camp David Accords’ because the essence of the willingness to speak with the PLO is the willingness to speak about the establishment of a Palestinian state, which must be opposed.

During 1993 this view was no longer held-not, because Rabin has changed his views about Palestinian statehood, but because the PLO had ‘moderated’ its own

---


position to confirm to Israel rejection of Palestinian rights. According to Shimon Peres, ‘there has been a change in them, not us’ as the Oslo Accords was announced; ‘we are not negotiating with the PLO, but only with a shadow of its former self’.

The question that necessarily arises is why it was that Arafat and the PLO now accepted Israel’s Camp David – style peace process.

The reason which forced Arafat to accept Israel’s rejectionist terms was the deterioration in its strength, with the final loss of the PLO’s political backer, the Soviet Union, and perhaps still more importantly the loss of its main financial backers, such as, Saudi Arabia, Kuwait and the small Gulf states because Arafat openly lent his support to Saddam Hussein in the 1990 – 91 Gulf crises. The PLO has been dependent on the financial support provided by Saudi Arabia and other Gulf states but due to the Arafat’s open support of Saddam Hussein, the greater part of this support was withdrawn. Furthermore, after the war approximately half million Palestinians who had been working in Kuwait prior to the Iraqi invasion were no longer welcomed, and hence the majority of them left for Jordan; the PLO had long benefitted from private remittances from Palestinians working in the Gulf, and these also started to dry up. The outcome was that the PLO found itself in financial crisis to the tune of $100 million a year, and started closing several of its diplomatic offices, including some of those at its headquarters in Tunis. Financially and politically isolated, Arafat sought American sponsorship and a deal that would rehabilitate the PLO.

Besides this, Arafat and the PLO in Tunis also faced internal Palestinian challenges from political movements and leaders within the territories. The PLO had been based in Tunis ever since 1982, after Israel’s invasion of Lebanon had forced it to leave West Beirut; housed in Tunis, the PLO was 1000 miles away from Palestine,

28 Ibid., p. 542.
and more ineffectual than ever. The Intifada in part represented a response to this – an attempt by Palestinians within the West Bank and the Gaza Strip to take the lead in resisting Israeli occupation – and thus constituted a challenge both to Israel and the PLO. This challenge came first of all from the Unified National Leadership of the Intifada, which was formed without Tunis’s backing, and was only later controlled by it. But it came increasingly too from emergent Palestinian Islamists movements, most notably Hamas, which as the Intifada progressed took an even more active role in resisting the occupation, and became a threat the PLO’s prestige, credibility and status as ‘sole legitimate representative of the Palestinian people’ (Hamas lay and still lies outside the PLO umbrella). Thus began a series of conflicts between the PLO ‘outsiders’ in Tunis and Palestinians ‘insiders’ within the territories.\(^ {32}\)

In the aftermath of the Gulf Crisis, the (George H.W) Bush administration embarked on an extensive effort to attain a resolution of the Arab – Israel conflict. The proposed instrument of the conflict resolution was an international peace conference mutually backed by United States and Soviet Union. The historic gathering started in Madrid on 30\(^ {th}\) October, 1991. It brought altogether for the first time, delegates from Israel, the Palestinian community, and the neighboring Arab states that have not yet recognized Israel’s right to exist – Lebanon, Jordan and Syria to discuss peace. The Madrid Conference also focused attention on the Palestinian representatives, which was composed of “insiders” – that was the Palestinians who inhabited and worked in the occupied territories and thus denied the PLO as official representative of Palestinian people in these negotiations.\(^ {33}\) This delegation received international attention and acclaim as the media friendly face of the Palestinians. Although under instruction from Tunis, they increasingly acted independently. Moreover, they held a firm line on many issues, being only willing to assent to a phased process, for instance, on condition that Israel must accept Palestinian self-


determination and statehood as its final destination. Shimon Peres judged that Arafat would be much more compliant than the inside negotiators, being ‘convinced that if Arafat was allowed to return and rule in Gaza and Jericho...he would yield, for the time being, on virtually everything else. This included Palestinians core issues’. Shimon Peres thus set about trying to establish secret contacts with Arafat. As for the PLO chairman, the Oslo negotiations and process enabled him to bypass and undermine the Madrid delegation, and to reestablish control of the Palestinian national movement.

Arafat was able to reestablish this control, and to push through the Oslo deal, testifies to how personalized his rule of the PLO had become. It had not always been like this. His leadership style had always to some extent been autocratic; PLO decision – making had nevertheless long been constrained by the demands of its Arab supporters. Moreover, important policy decisions were generally made, in accordance with the PLO’s constitution, within the 400 member Palestine National Council (PNC) and the much smaller Palestinian Central Council (PCC). However, after the Gulf War much of this changed. As the PLO’s financial and political crisis deepened, so the influence of external backers decreased, and so the influence of Arafat and associates grew stronger. Arafat was thus able to conduct secret talks without having consulted the PNC, an act that was evidently unconstitutional. It is due to this reason that Chomsky refers to this Declaration as the ‘Israel – Arafat Agreement’.

As the Oslo Accord was premised above all on Israel’s security concerns and territorial ambitions, so too was it only arrived at because of the weakness of the PLO in relations to its unyielding and powerful adversary. This same power imbalance continued throughout the Oslo process and to inform and structure Israeli – Palestinian relations. Once the PLO had accepted the initial Oslo terms, there was little that it could do change this imbalance of power, or to redirect the process. It was

---

up to Israel to decide what concessions it was willing to make – and if the Palestinians wanted the process to move along quickly, they would just have to accept them. Throughout the course of negotiations, Israel’s security doctrines thus always prevailed – as Uri Savir reports, Palestinian negotiations had received ‘specific instructions from Arafat’ to accommodate the Israelis on ‘every aspect’ relating to security. Security, it might be noted, is seemingly the preserve the Israelis only. The Palestinians were only granted right to extent that they complemented Israel’s security, territorial and economic strategies, and its perceived ‘vital national interests’.  

3.2 THE ACCORDS

Secret talks had begun in January 1993 between the Israelis and the PLO at the invitation of the Norwegian government. These meetings were conducted over an eight – month period and brought what became known as the “Oslo Accords”. These clandestine (“back channel”) negotiations were conducted while the Madrid Conference sputtered into limbo. On August 20, 1993, the accord was announced in Oslo. On Monday, 13 September 1993, the accord was signed on the South Lawn of the White House with President Clinton as overseer and sealed with historic handshake between Prime Minister Yitzhak Rabin and the PLO chairman Yasser Arafat.  

Oslo Accord was not a peace treaty or a final settlement of any kind rather it was a series of agreement with “Interim Arrangements” for the West Bank and the Gaza Strip until the conclusion of an agreement on the final status of these territories. The underlying concept was that the two sides were not yet ready for a

full peace agreement, and therefore, an interim period was needed during which to build mutual trust.

However, this basic concept was fraught with a number of problems: one, an illusion that peace had been reached, with an accompanying expectations of changes on the ground – when in fact peace had not yet been negotiated and therefore reality on the ground could not live up to expectations;\(^{42}\) two, having left the final status of the territories for future negotiations meant that goal was undefined, a matter of particular importance for the Palestinians for there was no mention of what the end result would be for them; and three, although the interim period was to be limited in time, to five years, this provided a relatively extended period for opponents to a final settlement to disrupt the entire process and bring it to a close. Thus, trust which one might expect to be the result of a peace agreement and a period of reconciliation was made a pre-condition for such an agreement.

The following are the agreements that made up what is known as the “Oslo Accords”:

- Letters of Mutual Recognition between the Israel and the PLO – 9, 10 September 1993
- Agreement on Gaza Strip and the Jericho Area (“Cairo Agreement”) – 4 May 1994
- Agreement on Preparatory Transfer of Powers and Responsibilities – 29 August 1994 (additional agreement 28 August 1995)
- Protocol Concerning the Redeployment in Hebron – 15 January 1996
- Wye River Memorandum – 23 October 1998
- Sharm el-Sheikh Memorandum – 4 September 1999.

The Letters of Mutual Recognition were in many ways the most important of all the documents because they represented the historic breakthrough and constituted the only irreversible move in the whole process: mutual recognition.

Yasser Arafat letter to Rabin stated the PLO’s recognition of “the right of Israel to exist in peace and security”, to accept United Nations Security Council Resolutions 242 and 338, to renounce the use of violence and other acts of terrorism and to change those parts of the Palestinian National Charter which were inconsistence with these commitments.43

Yitzhak Rabin’s letter to Arafat came in response to these commitments. In fewer words and with fewer commitments, but no less significantly, the Israeli Prime Minister presented the government decision to “recognize the PLO as the sole representative of Palestinian people”. Thus, Israel acknowledged the Palestinians as a nation. Israel could no longer claim that there was no such thing as a Palestinian people; they were a nation, with a national movement. No longer could Israel try to find quislings in the occupied territories with whom to deal – the only representative was now the PLO. Besides this, Israel could no longer pretend that the Palestinian problem was one solely of refugees (as preferred to in Resolution 242) – a specific if difficult issue – but rather, people and as such possessing basic rights such as the right of a people to freedom and self-determination even if this was not stated explicitly.

Unlike Arafat, Rabin made no commitments in the letter beyond recognition. This was actually a reflection of the asymmetry and weakened position of the PLO, a liberation movement facing a state – and a state which had full backing from the only super power the US, one that had already in the past dictated the only terms acceptable to Israel for dealing with the PLO. Actually, the additional commitments in the Arafat’s letter were of a more temporal nature – they could be in some cases were reversed. Recognition of a right, however, was not a revocable measure even if implementation were subject to debate or challenge at a later time. Mutual recognition was the minimum requirement for the opening of peace process.44

44 Ibid.,
Declaration of Principles on Interim Self-Government Arrangements (“Oslo I”) was far from a peace agreement but rather a “Declaration of Principles” (DOP), a framework or blueprint as it were, for temporary arrangements by which the territories were to be administered pending the determination of their final status. The title contained the words “Self-Government Arrangements”, reminiscent of the various plans for Palestinian autonomy that had been raised by Israel in the past. In fact, the Declaration of Principles was very similar to those of the autonomy plan proposed by Menachem Begin in the Camp David talks with Egypt in 1978 and in some aspects also the Rogers Plan of 1969. Factually, Declaration of Principles was a guideline for autonomy, even relatively autonomy. However, the signing ceremony of Declaration of Principles was a powerful symbol of historic reconciliation between the two sides and they agreed “to put an end to decades of confrontation and conflict, recognize their mutual rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement”.45

The Declaration of Principles first article stipulated that the interim arrangements were for a limited transitional period of five years. Transition to what was not stated in as much as that was to be determined by the final status negotiations. But the time limits of five years, with final status of negotiations to begin no later than three years from the beginning of the transition was the most important point. Whatever the final status turned out to be, Israel would not be permitted to drag out either negotiations or the interim period indefinitely as various leaders and parties in Israel had sought in the past, and presumably would continue to seek future. Yet there was no guarantee that the final status would in fact be a total end to Israeli rule over the West Bank and the Gaza Strip. Nor, of course, was there any guarantee that the final status would meet all of Israel’s demands, although the asymmetry of the two sides placed Israel in a better position.

The time table was a gradual transfer of power from Israel to the Palestinians in four stages. The entire “Oslo Process” would start only with stage one, in which governing powers would be transferred in the Gaza Strip and Jericho. This was to be

completed in a period not more than six months. Israel had preferred with Gaza Strip alone, but the PLO fearing a division and possible loss of continuation of the process on the West Bank, insisted upon Jericho as well as at this stage. Stage two, to follow immediately, would be transfer of some civil authority (e.g., education, health, welfare, tourism, local taxes etc.) to the Palestinians throughout the entire West Bank.46 In the third stage a formal interim arrangement would be negotiated for implementation of the DOP, including delineation of the powers of a self-governing Palestinian authority and elected council, election procedures and similar measures. All of the above stages were to be completed in nine months which will begin with the withdrawal of Gaza Strip and Jericho. Fourth stage, the final status of negotiations will begin, as soon as possible, but no later than beginning of the third year – which came to May 1996, three years after the actual withdrawal from Gaza and Jericho. These negotiations were to deal with the issues of refugees, settlements, security, borders, water and Jerusalem.

Aside from the time table and many clauses regarding procedures during the interim period, such as elections, services, public order, and liaison, the DOP laid down certain guiding principles of lasting importance. The three most important of these were as follows.

1. Nothing done or agreed upon during the interim period was to prejudice or pre-empt the outcome of the final status negotiations (Article V-4).

While not spelled out, this could mean, and probably was interpreted by Palestinians to mean, that lands expropriated, Jewish settlements expanded or created, areas that continued to be held by Israel and other such measures would not be binding or permanent. Since Palestinians had been unable to get anything into the DOP regarding a freeze on settlement building (the Israeli negotiators claimed that there was no need for this since the ruling Labor Party had already

introduced a freeze on new settlements),\textsuperscript{47} this clause was the most important to counter Israeli settlement activity.

2. The area referred to, specifically the jurisdiction of the elected Palestinian authority, with certain exceptions left for final negotiations, was to be the West Bank and Gaza Strip which were to be viewed as “a single territorial unit, whose integrity will be protected during the interim period” (Article IV).

3. Disputes with regard to interpretation or implementation of the DOP and subsequent agreements during interim period were to be resolved through negotiations via an Israeli – Palestinian liaison committee or by means of arbitration or other agreed means (Article X, XV).

These three core principles of Oslo Agreements were designed not only to govern the interim period but also to preserve conditions favorable to the final status negotiations. In other words, these principles were meant as precondition to both sides that neither side would try to take advantage of the period in question in order to improve its own position or harm the other side. Thus, they expressed lack of trust, in fact the high degree of mistrust, ongoing between the two parties at that time. Other important clauses such as security, Israeli redeployments, and safe passage, will be dealt with below.

\textbf{The Paris Protocol}, negotiated when the withdrawal from Gaza Strip and Jericho started in April 1994, was a comprehensive document drafted to regulate economic relations between Israel and Palestinians as well as between the West Bank and the Gaza Strip. Although it did not provide for the economic union but it established understandings for a limited customs union, transfer of goods, taxes and monetary relations.\textsuperscript{48} It also provided a provision for monthly transfer of revenues by Israel to the PA from various direct and indirect taxes (such as VAT, petrol tax, and taxes for health and social scrutiny) collected by Israel which amounted to approximately sixty percent of Palestinian yearly budget. However, the Paris Protocol


remained in effect, although not fully implemented and was later called into question by Israel with regard to post – disengagement Gaza.49

**Gaza Strip – Jericho Area Agreement** of 4 May 1994 and the preparatory transfer of powers and responsibilities of 29 August had not been especially called for in the DOP and legally have not been necessary. They were primarily the result of repeated delays, disputes and haggling over complementation procedures, necessitating for more detailed attention to the measures introduced in this interim period, including the Palestinian institutions, security matters, safe passage, and specific issues which had risen such as missing persons and the details of the actual transfer of powers from the Israeli civil administration to the Palestinians.

The scheduled withdrawal from Jericho and the Gaza Strip, which was to signal the commencement of the time table, had not yet begun, and therefore the Gaza – Jericho Agreement called for an accelerated withdrawal within three weeks. Another element in the Gaza – Jericho Agreement was a clause regarding “prevention of hostile acts” and terrorist attacks conducted by Hamas and the Islamic Jihad which started immediately after the signing of DOP. This clause also stipulated protection of settlers and Palestinians from mutual attacks, which had also been taking place. Confidence building measures were taken in the Gaza – Jericho Agreement by promised prisoners’ releases. Israel agreed to release five thousand prisoners within a five-week period and to negotiate further prisoners release. An important innovation of the Gaza – Jericho Agreement was the provision for the deployment of a Temporary International Presence (TIP) of 400 persons from five to six donor countries for a six month period. TIP was to consist of “observers, institutions and other experts”; its role and authority were to be negotiated by Israel and Palestinian authority (PA).50

After over the two years from the signing of DOP, on 24 September 1995, at the Egyptian Red Sea Resort of Taba, the **Interim Agreement on the West Bank and the Gaza Strip** was negotiated and signed. Four days later, on 28 September 1995, a ceremony at the White House with Rabin, Peres, and Arafat made official

---


what became known as Oslo II, or the Taba Accord (also known as the “second phase”, or the “Interim Agreement on the West Bank and the Gaza Strip”).

It annexed the clauses in the DOP and measures governing the creation of the Palestinian Authority, elections to the Palestinian Council, safe passage between the Gaza Strip and the West Bank, air and sea ports for Gaza Strip, as well as repeating the basic principles or DOP, which were also included in all the previous agreements but no yet complemented such as, release of the Palestinian prisoners, security arrangements and the abrogation of parts of the PLO charter as promised in Arafat letter to Rabin.

The major innovation of the Interim Agreement was the redeployments of the Israeli Defense Forces (IDF) from Jenin, Nablus, Tulkarm, Qalqilyah, Ramallah, and Bethlehem, and 450 towns and villages. Israel will redeploy in Hebron, except where necessary for Israelis security. Israel will be responsible for external security and the security of Israelis and settlements. Three subsequent redeployments were to take place at six-month interval over a period of eighteen months. The area evacuated would be divided into: area A – to be under full Palestinian control (six cities); area B – Palestinian civil responsibility; and area C – full Israeli control. Area A and B were expected to contain the vast majority of Palestinian population. Arafat mentioned that most of the Zone C was soon to be the Palestinian. Israel’s view was different: “In an endeavor to reassure Israelis, Foreign Minister Peres stated that under the accord, Israel would maintain control of 73 percent of land, 80 percent of water, and 97 percent of the security arrangements- a statement that only intensified Palestinian anxiety”.

However Jerusalem, specifically East Jerusalem, was to be handled had long been a problem. The Palestinians viewed Jerusalem (that part of the city that had been

---

under Jordan prior to the 1967 war) as part of the West Bank and the political, civic, social and cultural centre of the area. Israel, which had annexed the eastern part of the Jerusalem (1967) and legislated its status as the unified capital of Israel (1980), refused even to discuss the status of city. Keeping this view in mind, the PLO agreed that Jerusalem would be dealt with independently from the rest of the West Bank in the final status negotiations and the Transfer of Powers specifically excluded Jerusalem from the Jurisdiction of the West Bank.\footnote{Galia Golan, \textit{Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement}, (Princeton: Markus Wiener Publishers, 2007), pp. 21-23.} Responsibility for religious sites will be transferred to the Palestinians, with freedom of access and of worship guaranteed. Israel will increase water allocated to Palestinians. Further increase to be based on increase in resources developed through international funding and channels, including the U.S. – Palestinian – Israeli forum.\footnote{Clyde Mark and Kenneth Katzman, \textit{The Palestinians: Current Issues and Historical Background}, (New York: Nova Science publishers, Inc., 2003), p.102.} Most importantly, the PLO insisted on a clause permitting East Jerusalemites to vote for Palestinian Council. Israel was continuously avoiding having this concession but it was included in the Oslo II.\footnote{Galia Golan, \textit{Israel and Palestine: Peace Plans and Proposals from Oslo to Disengagement}, (Princeton: Markus Wiener Publishers, 2007), p. 23.}

There were complicated regulations regarding the movement of the Palestinian Police and joint Israeli – Palestinian patrols, with the Palestinians permitted to maintain a strong police force consisting of 18,000 in the Gaza Strip and 12,000 in the West Bank. The amounts and types of their equipment and weapons were specified in the Agreement.

From the beginning, the implementation of agreements was continuously delayed, with disputes over a large number of issues such as voting in the East Jerusalem, the size of Jericho, the powers of the Palestinian Authority and Council, safe passage – all together from the beginning of the process and later on, issues such as the growing violence, the PLO Charter, the redeployments and border crossings. Consequently, the first step implementation had taken seven months while it has to be completed in two months which was withdrawal from Jericho and the Gaza Strip, and another four months to reach the formal transfer of civil powers to the Palestinians and another year to get the formal interim agreement. Even the implementation of the Interim Agreement’s first redeployment was delayed over two months.
Israel for its part failed to provide safe passage promised for goods and the people between the West Bank and the Gaza Strip; it failed to release anywhere near the numbers of the prisoners to which it had agreed; it frequently postponed discussions, and most seriously, it continued to build and expand settlements, expropriating land for this purpose and for the paving of bypass roads for the settlers. Despite of all these, when redeployments did take place, Israeli “external security” led to the creation of roadblocks and checkpoints within the territories so that, coupled with a closing of access to East Jerusalem, Palestinians found themselves with less rather than more freedom of movement than prior to the Oslo. And more of the land of the West Bank and East Jerusalem had gone into Israeli hands. Settler violence was also a problem and the most serious of such incidents was the killing of 29 Muslim worshipers in the Hebron mosque by the settler Baruch Goldstein.\(^{58}\)

There were violations of agreements by Palestinians also. Neither Arafat nor the multiple security forces created since 1994 seemed able, or willing to take aggressive measures to curb the violent attacks on Israelis especially by non-PLO Islamists such as Hamas and the Islamic Jihad. Arafat’s failure to control the violence and to alter the PLO Charter made Israeli suspicious. Israeli opponents of the peace process used the upsurge in Palestinian terror to agitate against further troop redeployments or concessions to the Palestinians.\(^{59}\)

On 4 November 1995 – just two months after the signing of the Interim Agreement, Yigal Amir, a Jewish law student assassinated Prime Minister Yitzhak Rabin, at the end of a massive peace rally in Tel Aviv in support of Oslo. Yigal Amir which claimed: divine guidance in his act, as he viewed it, to save Israel and Jewish lives from Rabin’s concession of land to the Palestinians. Shimon Peres assumed the position of Prime Minister and continued with the developments of Oslo II.\(^{60}\) The Oslo Process did not officially end with the election of Netanyahu, but there was no commitment to continue it and there was a declared intention of expanding

\(^{58}\) Ibid., p. 25.


settlements while explicitly ruling out the possibility of Palestinian state or negotiations on Jerusalem.

Tensions rose as the peace process stalled and settlement activity grew. They erupted in the fall of 1996 when Israel opened a tunnel under the Temple Mount (Haram al-Sharif) theoretically to provide better access to Jewish archeological sites. This was a move that have been avoided by Rabin because of the potentially explosive nature of what was certain to be viewed by the Palestinians as a physical threat to the Muslim holy places. A violence breakout throughout the West Bank and Gaza Strip and within three days of riots at least 60 – 80 Palestinians and 15 Israelis were killed. In response to the violence, President Clinton invited Arafat and Netanyahu to Washington for talks which eventually produced a resumption of Israel’s redeployments in the form of the Hebron Protocol.

Hebron Protocol was intended by Netanyahu to revise the previously agreed upon the details of the Israeli withdrawal from eighty percent of the city. However, Arafat insisted with some support from the Americans, that the Protocol deal with and constitute a part of the Oslo Process, including a return to the timetable. As a result of direct intervention by King Hussein of Jordan, the Protocol was signed on 17 January 1997. Politically, the Protocol was significant for the “Note for the Record” that was attached to it due to the Arafat insistence. The Note was the link to the Oslo Accords, committing Netanyahu to continue the process. Once again Israel agreed to carry out the redeployments, prisoners release, provide the safe passage in the West Bank and the Gaza Strip, permit of the creation of the Gaza airport and seaport, economic and other issues. The PLO reaffirmed their commitment to revise their Charter, to fight terror and confiscating illegal weapons and to keep the police force size in line with interim agreement. Permanent status negotiations were to resume within two months after the implementation of the Protocol. The 4 May 1997 deadline for the beginning


of the final status talks was ignored. Actually, the May 1997 date came and went with no final status talks and virtually no progress following the Hebron Protocol.64

**The Wye River Memorandum (1998)** – At the Wye River Plantation in Maryland, on October 15, 1998, the leaders met under U.S. mediation, with Albright and CIA Director George Tenet conducting the summit. On 23 October the Wye River Memorandum was signed in a ceremony at the White House; another footnote to the Oslo. Again, responsibilities were assigned to the two parties.65 Delineates steps were to be taken over a twelve week period to complete implementation of the Interim Agreements specified in “Notes for the Record” that accompanied the Hebron Protocol. Israel will redeploy from territories in the West Bank in exchange for Palestinian security measures. The PA will have complete or shared responsibility for 40 percent of the West Bank, of which it will have complete control of 18.2 percent. Palestinians have ensured the systematic combat of terrorist organizations and their infrastructure. Their work plan will be shared with the United States. A U.S. – Palestinian committee will review steps to counter terrorism. The Palestinians will prohibit incitement to violence and terror and establish a mechanism to act against prosecutors.66

A U.S. – Palestinian – Israeli committee will monitor incitement and recommend how to prevent it. Israeli – Palestinian security cooperation will be full, continuous, and comprehensive. A trilateral committee will meet not less than biweekly to assess threats and deal with impediments to cooperation. The Palestinians will provide a list of their policemen to the Israelis. The PLO Executive and Central Committees will reaffirm the January 22, 1998, letter from Arafat to President Clinton that specified articles of the PLO Charter had been nullified in April 1996. The Palestinian National Council will reaffirm these decisions.67

---


Israel, in return agreed to three redeployments, two, detailed in the accord and another to be later addressed by a committee. The first two redeployments would transfer 1 percent of Zone C to Zone A, and 12 percent to Zone B, 3 percent of the 12 present would be assigned as “Green Areas and / or Nature Reserves” where construction was forbidden. Additionally, 14.2 percent of the Zone B territory would become Zone A. Under these terms, the West Bank’s new allocation (compared to Oslo) would break down as follows: Zone A: 18.2 percent, Zone B: 21.8 percent, and Zone C: 60 percent.

After delays and limited withdrawal from Zone C, Netanyahu’s position was suffering; hard-line politicians criticized his giving land away to the PA, and more moderate and left elements questioned his ability. Netanyahu suspended the Wye Agreements and voted with the Knesset to call early elections.68

In September 1999, there was one more attempt to save the Oslo Accords. Ehud Barak, elected Prime Minister in May 1999, signed a new agreement called Sharm el-Sheikh Memorandum updating the timeline and most significantly calling for drafting for a framework for a final accord within five months and the conclusion of the final status agreement within a year. However, in his priority to conduct negotiations with Syria first, Barak delayed the new timelines of redeployments, finally carried out one more stage of the thirteen percent redeployment promised in the Wye River Memorandum, and thus, in January, announced to Arafat that the remaining stages plus the last as yet undetermined redeployments would be skipped since the final status talks, now getting underway, would take care of the matter. This issue, basically the location of the remaining 6.1 percent to be transferred to the Palestinians under the Wye River Memorandum, was bitterly negotiated via the Americans over the next months but the transfer never took place.69

3.3 HAMAS RESPONSE TO THE OSLO ACCORDS

The announcement of the Oslo Accords shocked the entire Palestinians. Some cheered the advent of statehood. Others accused the PLO of legitimating a


reconfiguration of the occupation in order to save itself from isolation and bankruptcy.\textsuperscript{70} Critics charged that Oslo Agreements neither assured Palestinians statehood nor a settlement freeze. In this view, it instead gave, the more powerful party opportunities to create “facts on the ground” that would prejudice any eventual agreement in its favor. Arafat’s supporters propagated that the Accord was the best available option. They emphasized that the Palestinian – Israeli cooperation could build confidence between the two former enemies. They asserted that this was the Palestinians best hope to convince Israel to relinquish land and accept Palestinian sovereignty in the West Bank and the Gaza Strip.\textsuperscript{71}

Hamas firmly rejected the Accords and mutual recognition of the PLO and Israel. In Hamas’ outlook, these agreements constitute treason to Islam, as they implied the expulsion of Palestinians from their homeland and the legitimization of the existence of the Zionist entity.\textsuperscript{72} According to Hamas spokesperson, the essence of the Oslo Accords was coercion on the weaker (Palestinians) by the stronger (Israel), which was the inevitable outcome of the PLO’s retreat both from Islam and from its National Charter in its willingness to accept limited self-rule. Hamas rejected PLO’s claims that the adoption of a realistic approach to a settlement with Israel would better promote Palestinians interests than clinging to a position of ‘absolute justice’ that was unfeasible in the light of the new world order created by the end of the Cold War and the American victory over Iraq in the Gulf War. These two events left the Arabs with no dependable and powerful ally on the international scene other than the United States.

Accepting the reality, Hamas argued, it is merely a reflection of defeatism, in as much as the recognition of the reality does not necessarily imply surrender.\textsuperscript{73} Israel and its intentions, as well as the PLO leadership and Arafat were being criticized in political, economic and religious terms. Religiously based arguments were more rare


\textsuperscript{73} Ibid.,
The Oslo Accords And Hamas Response

than on other occasions which was probably a reaction to the very concrete, political and economic threat the accords represented for the Islamists; in fact two thirds of the DOP dealt with the economic questions. Thus, the accord was criticized because it procured a self-rule under Israeli control on two percent of the Palestinian territory, left Al-Quds and the settlements to Israel, and furthermore bridges, roads and checkpoints remained under Zionist security control. The agreement was described as “only another face of occupation”. The head of the political bureau of Hamas, Musa Abu Marzuq stated that it legalizes the occupation because it did not call for its end or the end of the Zionist settlement policy. It was nothing but a ‘new security belt’ for the Zionist enemy.

Indeed, the Israeli acceptance of the peace accords was ‘conspiracy’ to stop Intifada and to prevent any Jihad actions against the occupying power. For this purpose, the Zionist entity may temporarily freeze its expansionist policy of political and economic hegemony over the Arab region. Israel was trying to make concession in order to break Arab boycott and to establish economic links with the Arab countries. The final goal behind it was to reach the energy sources of the region. Hamas denounced the injustice that the Arab boycott of the enemy state was coming to an end at a time when the Iraqi, Sudanese and Jordanian people suffered from international embargo. The Arab states, which are unaware about these dangers, were called to reject the Gaza – Jericho first project; to withdraw from negotiations and to act in accordance with the longing of the Muslim people. The emphasis on the economic aspect of the treaty clearly manifested the Hamas sense of reality. The book of the Shimon Peres, the Israeli Foreign Minister at that time, “Die Versohnung” confirmed the supposition that economic aspect played a vital role on the Israeli side. His repetitive call for a common market in the Middle East, free trade treaties, economic competition and modern marketing became a source of fear for Islamists because they know it well that Arab countries and especially Palestinians were no

---


equal partners for the modern technologised state of Israel that would unilaterally swamp the Arab markets with its products.\footnote{Shimon, Peres, \textit{Die Aussohnung}, (Berlin, 1993), p. 140.}

The Princeton based Professor Edward Said and Abed al-Shafi the head of Gaza’s Economic Development Group, were two leading critics of the Oslo Accords among those Palestinian intellectuals that certainly did not have any relation with Hamas but still stated similar view. Abed al-Shafi stated that Israel wanted the Palestinians to act as a bridge for Israelis to enter Arab markets. Such integration is the precondition if Israel has become an economic as much as a military power in the region.\footnote{Interview, with Salah Abd al-Shafi, In: Middle East Report, January – February, 1994, p. 11ff.} He warned that open borders would open the Arab markets for Israel, but not for Palestinians who could not compete with an economy that in terms of GNP was currently ten times its own size. Edward Said characterized the Declaration of Principles as ‘consolidating Israeli occupation with Palestinian acquiescence’. Edward Said demanded that the Declaration of Principles should be modified on the issues like, Jerusalem, the settlements, the right of return and separations.\footnote{Interview, p. 61. In: \textit{Journal of Palestine Studies}, No. 2 (Winter 1995), pp. 60-72.}

Hamas also criticized Oslo Accords on religious grounds and stated that Israel would never be ready for concessions. The movement talked at length about the Zionist position on Al-Quds. The whole town was considered to be the ‘Eternal Capital’ of Israel. This was characterized as an ‘article of creed’ which could never be changed and which was not even questioned by most pragmatic Zionists.\footnote{Nusse, Andrea, \textit{Muslim Palestine: The Ideology of Hamas}, (Abingdon: Harwood Academic Publishers, 1998), p. 111. See also, \textit{Filistin al-Muslima}, October 1993, p. 19.} The best example of this truth was the fact that the Arabs did not succeed in two years of discussion in even putting the subject on the negotiating table.\footnote{Ibid.,} Thus the continuous fight between the Islamic \textit{Umma} and the Jews was a historical law which taught everybody that the struggle would only end with the definite defeat of the Jews, since they did not accept God’s choice of the Muslims as his ultimate messengers on earth.\footnote{Salah Abd al-Fatah al-Khalidi, \textit{Euphrates and Nile are Islamic Rivers}, p. 55. In: \textit{Filistin al-Muslima}, October 1993, pp. 55-56.}
The *Jihad* is justified not only in religious terms, as a result of the appropriation of Muslim land by Jews, but also in practical terms as Israel understands the language of power and is captive to its own aggressive and patronizing mentality; which negates any basis for compromise. History attests to the duplicitous intentions of the Jews, who rejected the sanctity of the Prophet and the dignity of man and were contemptuous to any law or norm. Since the Oslo Accords contradict the commands of Allah and do not reflect the will of the Palestinian people, they are bound to fail.\(^8^4\) The Accords were not only criticized on the religious ground but also described as a serious setback and dangerous turn in Palestinian national thought.

Despite the various tragedies which the Oslo Accords presented for Hamas, it did not despair. In religious terms, the present ‘Jewish Supremacy’ was a dangerous period of time, but was ‘limited in time’.\(^8^5\) Therefore, the Accords only delay the liberation of Palestine for years by giving Israel the chance to prolong its life for a while. Thus Israel’s goal of “the Greater Israel” from the Nile to the Euphrates and the destruction of the Al-Aqsa Mosque and reconstruction of the Temple would not be achieved in long term. Abu Marzuq also explained that the failure of the Accords was just a matter of time. They were only based on the oral promises from the Zionist side and past experiences had shown that Israelis are lying. Therefore, Hamas announced the Jihad against the enemy would continue as long as one day follows the other. This was not a political choice, but a religious duty and therefore cannot be negotiated.\(^8^6\)

Yasser Arafat and PLO were severely condemned not only for being alienated from the population in the territories, but also acting against the will of huge parts of the PLO itself. A minority that ascended to leadership was said to liquidate the Palestinian question in exchange for personal gains. Hamas claimed that the PLO leadership sold our cause to the Zionists in exchange for millions of dollars. It was said that the Accords were signed only a few days after a PLO functionary had declared that his organization received several million dollars.\(^8^7\) Hamas blamed Arafat

---


\(^8^6\) Bayan Hamas no. 102, In: *Filistin al-Muslima*, October 1993, p. 28.

\(^8^7\) Ibid.,
of giving up ‘part after part of the Palestinian National Institutions in the hope of becoming ‘village chief of Gaza – Jericho’ which meant the right to rule in the service of enemy.\textsuperscript{88}

The submissive and profit oriented leadership of the PLO sold the whole fatherland at low price because it was tired of fighting.\textsuperscript{89} This treacherous project was seen to make clear to everybody that Arafat’s leadership did not represent the Palestinian people but only itself.\textsuperscript{90} According to Edward Said, all Arafat wanted was acceptance by the Israeli and American side: they were not interested in fighting, or being equal, they just wanted the white man to say they were okay. All Arafat got in Said’s eyes from the Israelis was a mandate to enforce what they call their security. The PLO succeeded in being the first national movement in history to sign an agreement to keep occupying power in place. He called for boycott of and non-cooperation with the Palestinian National Authority (PNA). Hamas and Said called for Intifada to be continued.\textsuperscript{91} Arafat was condemned for only pursuing his personal interests. Thus there was no more difference between the PLO leadership and the other Arab regimes that were rejected because of their self-enrichment and their neglect of national interests. The supposedly Islamic right for disobedience of an unjust ruler was invoked: Hamas will not recognize a leadership that imposes cooperation with the Zionist enemy on our people.\textsuperscript{92}

Hamas leadership repeatedly instructed its cadres to reiterate to the Palestinian public that the Oslo Accords was illegitimate and inconsistence with UNSC Resolution 242, which stipulated Israel’s withdrawal to its pre 1967 borders. Hamas began to emphasize the PA’s failures and mismanagement, particularly of the humiliating Israeli demand that Arafat and PA act forcefully against the Islamists. Hamas interpreted Israel’s attempts to use the PA as a means to enhance its security as an absurdity that validated every attempt by Hamas to intensify the struggle against the Gaza – Jericho Agreement by means of mass protest and violent struggle everywhere against the Israeli occupation. Thus, whereas Hamas had been accelerating its attacks against Israel’s forces withdrawing from Gaza Strip, it

\textsuperscript{88} Bayan Hamas no. 103, In: Filistin al-Muslima, November 1993, p. 7.
\textsuperscript{90} Bayan Hamas no. 102, In: Filistin al-Muslima, October 1993, p. 28.
\textsuperscript{92} Interview with Sheikh Sa‘ih, In: Filistin al-Muslima, November 1993, pp. 13-14.
assumed a “wait and watch” position during the first few months of the PA, to test limits of its freedom of action under the new authority.\(^93\)

Thus, in November 1993, within two months of Oslo, Sheikh Yassin wrote an open letter from prison in which he raised the possibility of a ceasefire of ten or even twenty years with Israel, if Israel would withdraw from the occupied territories. Citing the example of the Islamic Movement in Israel, which takes part in municipal elections under Israeli occupation (and, since 1996, in general elections), he also suggested “challenging the legislative institutions from within” by participating in the electoral process planned for establishing an autonomous Palestinian Council. He encouraged his followers to oppose the Accords “by all possible civilized means”, a formula understood to signal recognition of the framework of the future Palestinian Authority and to encourage limited armed resistance.\(^94\)

However, in the light of political changes resulting from the DOP, Hamas reassessed its strategy. Despite the debates about elections, political parties and democracy, Hamas remained committed to a continued Jihad against Israel, including revenge attacks. Hamas and Islamic Jihad were responsible for the deaths of approximately 120 Israelis in the first sixteen months after signing of the Oslo Accords. The presence of Palestinian Authority backed by a local police was unable to prevent Hamas from launching attacks on Israeli targets; the organization remained committed to its Jihad against Israel.\(^95\)

Hamas military strategy was modified, however, due to the Hebron Massacre. On 25 February 1994, an Israeli settler, Baruch Goldstein, killed 29 Muslim worshipers and wounded some 200 others. A religious Jew from the settlement of Kiryat Arba in Hebron had entered the Ibrahimi Mosque and opened fire on the Muslim worshippers. Hamas vowed to avenge the lives of the “innocents of the Ibrahimi Mosque”. In a leaflet entitled “the settlers will pay for the massacre with the blood of their hearts”, Hamas claimed to avenge the deaths by taking “a life for a life”. The violence, now directed – significantly – not at military but at civilian targets

---


inside Israel’s Green Line. Five suicide attacks followed during the next eight months: Afula (7 April), Hadera (14 April), Ramla (26 August), West Jerusalem (9 October), and the Dizengoff Centre in Tel Aviv (19 October). The Israeli toll was 35 people dead and more than 135 injured.\(^6\)

Hamas justified its attacks as defensive and not as direct attempts to sabotage a popular peace process. Hamas hoped to preserve its radical base by affirming its ideological legitimacy and aura of armed resistance while simultaneously avoiding any damage to its mass popularity among the general Palestinian population. By continuing armed struggle, Hamas was able to preserve its identity and its legitimacy because its definition of illegitimate peace further allowed defensive resistance. Hamas retaliatory violence was widely supported because it was perceived as the best means to redress Israeli assassinations.\(^7\)

With Hamas’ attacks on Israeli targets and Arafat’s arrival in Gaza in July 1994, the PA was under great pressure from Israel to crack down on the Hamas. Inside Gaza, tensions from the operations were already high when the Qassam Brigades, the military wing of Hamas kidnapped an Israeli soldier, Nahshon Wachsman, in the West Bank on 9 October 1994, demanding as ransom the release of Hamas prisoners, including Sheikh Ahmed Yassin. Israel demanded that Arafat must take immediate action. Escalating the repression to the highest level since it had taken office; the PA arrested 400 Hamas activists in the Gaza Strip, including one of the co-founders, Ibrahim Yazuri. Pressure from Israel was compounded by a history of factional infighting between Fatah and Hamas, making it increasingly problematic for Arafat to secure an Islamist pledge not to engage in acts of violence in the areas of Palestinian autonomy.

From 1990 onwards, there had been sporadic clashes between the two factions both in the West Bank (particularly Nablus and Tulkram) and in the Gaza Strip. After a moratorium in April 1994 on collaborator killings – which had constituted the bulk of the Gaza killings until 1992 – Hamas decided to flex its muscles at the PA by killing two more collaborators in June and July. This was followed by Islamic Jihad’s


killing of three Israeli soldiers on 11 November 1994 – significantly, within the Gaza Strip – to avenge the death of Islamic Jihad leader Hani Abed, almost certainly at the hands of Israeli authorities. The grave crisis between the Islamists and the PA that followed erupted in a bloody clash at Gaza’s Palestine Mosque on 18 November and seemed to presage the possibility of a civil war. The Palestinian police lost control, killing 14 people and wounding 270. Hamas emerged from confrontation with great credit on account of its ability to retain its followers.

Another flashpoint came on 2 April 1995 when a large explosion demolished half a building in the Shaykh Radwan district of Gaza City, killing seven, including a leading activist of the Qassam Brigades, Kamal Kahil, wanted both by Israelis and PA. The PA accused Hamas callously building a bomb factory in the heart of Gaza’s most densely populated areas, while Hamas blamed “the Arafat authority and Zionist” responsible for killings and threatened that Qassam Units will respond quickly and painfully to the criminal bombing of the building. Whatever the truth of the matter, there was widespread belief that there had been a PA involvement.

Consequently, exactly after one week of the explosion, suicide bombers of Hamas and Islamic Jihad struck within two hours of each other near two Israeli settlements in Gaza, killing eight people and injuring more than forty. Islamic Jihad military wing called its attack a “heroic suicide operation” and a “gift to the souls of the martyrs of the criminal Shaykh Radwan massacre”, while Hamas issued a communiqué urging Israeli settlers to leave the Gaza Strip “before they were buried in its soil”. The PA arrested 200 Islamists, ordered all factions to hand over their weapons, and activated its State Security Court for the first time, which held secret nighttime sittings to hand down harsh sentences on the Islamists. The members of Islamic Jihad received 15 – to – 25 year sentences. Jordan also agreed to crackdown on Hamas activities there – its most far-reaching act being the expulsion of Musa Abu Marzuq. The effects of the new dynamic were becoming apparent. Hamas’s Gaza leadership realized that the prevailing circumstances are leading towards a civil war which was unacceptable.

99 Ibid.,
100 Ibid.,
Israel’s repeated retaliation for Hamas’ suicide bombings by confining the entire Palestinian population to the West Bank and Gaza Strip compelled the PA to reach an agreement with Hamas on the matter of armed struggle. However, the PA – Hamas dialogue conducted in summer and fall of 1995 to settle their differences – including the dispute over the use of violence against the Israel- was marked by the PA’s effort to buy time and peace with Hamas at the expense of its commitment to Israel under the terms of 1994 Cairo Agreement to prevent terrorist attacks from its area. Hamas’s and PA’s position therefore may have been affected by relatively wide public support for violent actions against Israel. The difference between Hamas and the PA was demonstrated by the PA’s minister of planning, Nabil Sha’ath. While Sha’ath urged for freezing armed operations and giving diplomacy a chance, Hamas leader Mohammad al-Zahar asserted that the employment of arms was legitimate and that the parallel use of war and peace was possible. Hamas was willing to offer only to cease its military operations in and from the Gaza Strip for a period to be agreed on by the two parties. In October 1995, before the actual negotiations began, the PA’s draft agreement had already taken a vague position contending that Hamas was “committed” to put an end to the military operations from the PA’s territory, or refrain from taking credit for them in anyway.101 Despite lengthy negotiations, Hamas refused to give up the armed struggle, and at the end of the Cairo talks in December 1995, the two parties were unable to sign an agreement. However, the head of the two delegations were able to issue a communiqué, implying that Hamas would try to avoid embarrassing the PA. Accordingly, Hamas would halt military operations against Israel from PA – controlled areas and refrain from publicly announcing or admitting responsibility for them.

It was against this backdrop and fear of confrontation with the PA as a result of Israeli pressure on Arafat to eliminate Hamas and its social and religious infrastructure that Hamas leaders had repeatedly proposed, since 1995, a conditional ceasefire with Israel, to stop the bloodshed of innocents of both sides. Although many of the Hamas’s political leaders spoke out in favor of such a ceasefire, they did not agree on its terms. The terms mentioned by Hamas’ leaders in the West Bank and the Gaza Strip were the release of all Palestinian prisoners, removal of the economic

closure of the occupied territories, the ejection of the all settlers, and an end to the persecution of Palestinians. In any case, such an agreement would have to be signed by the PA – not Hamas – and Israel. Following a ceasefire, Hamas was reportedly willing to negotiate indirectly with Israel on a time limited truce conditional on a full Israeli withdrawal to its 1967 borders, including Jerusalem, and the dismantling of all the Israeli settlements in the occupied territories.\(^2\)

However, on 5 January 1996, Israeli Intelligence Agency (Mossad) assassinated Yahiya Ayyas, famously known as “the Engineer”. Ayyas was the chief bomb maker for Hamas and responsible for a number of suicide bombings. The daring assassination using a hidden bomb in a mobile phone and involving a betrayal by close aide was a shock to Hamas. This followed the assassination of Islamic Jihad leader Fathi Shiqaqi in Melta on 26 October of the previous year. Thus, there were two deaths to avenge – deaths that had caused immense anger among Palestinians of all persuasions. Ayyas’s funeral was attended by nearly a hundred thousand people – the largest gathering in Gaza’s history. Hamas unleashed four suicide bombings inside Israel which resulted in killing approximately 57 and injuring over 130 Israelis.\(^3\)

The attacks put Arafat under unprecedented pressure to destroy Hamas and Islamic Jihad, root and branch. Some 1,200 suspected Islamists were arrested, the Islamic University of Gaza and about thirty Hamas institutions were raided, and the Gaza Mosques were put under PA control. The notorious torture of detainee in Palestinian custody began. Meanwhile, Israel reinforced its long closer on the territories, with disastrous consequences for Palestinians. On 3 March, an unknown group calling itself the “disciples of Yahiya Ayyas” claimed the responsibility of first three attacks and fourth having claimed by Islamic Jihad.\(^4\)

Hamas justified its attacks as defensive and not as direct attempts to interrupt the Oslo peace process. Hamas was fully aware about the fact that it could not sabotage the peace process indefinitely. Hamas was competing against Fatah and to

\(^2\) Ibid., pp. 71-2.


\(^4\) Ibid.,
cope with the growing popularity of Arafat and the PA. The circumstances favored Hamas’ competitors. International support, the popularity of peace process, and Israel’s position towards the PA weakened Hamas position inside the territories. Hamas tried to avoid a direct confrontation with the PA and negotiated with it. Ultimately, Hamas had to back down from violent confrontation with Israel because of the PA’s dominant positions and capacity to arrest and detain Hamas leaders and activists. Hamas agreed not to conduct any attacks from PA’s territory: at the same time it was able to act from Israeli controlled territory, a move calibrated with the PA to strengthen the latter’s hand in negotiations with Israel over the size and speed of territorial concessions and redeployments respectively. This allowed the movement to continue limited attacks against Israel.105

The entire period of Oslo Peace Process revealed a pattern that continues to this day: Hamas had calculated its strategy on a cost-benefit basis and recognized the limits of its power. Jihad turned out not to be an ultimate goal but a political instrument wielded by political considerations.106 Hamas capability to distinguish between an all-out struggle and practical considerations depend to a large extent on its leadership prestige and authority to justify the deviations from the movement’s doctrine. It is in this context that the religious concept of sabr (self – restraint, patience) proved useful in justifying current policies by adjusting to the change of political environment. Sabr was enlisted to avoid confronting realities without acquiescing to them. It has been defended by the postulation that the true believers will eventually prevail, no matter how desperate the present. The future will reward the believer, but he must be patient (“Allah is with the patient”). Sabr, therefore, was meant to justify the temporary acceptance of and adaptation to, reality. This principle has been presented in the Islamic writings in the context of Islam’s ultimate victory regardless of its weakness at present.107 Thus, maintenance of the organization was the main concern in the group’s decision making and a necessary contribution to the protection of the movement’s centre of gravity. Hamas adapted to the circumstances in order to preserve its base and popularity within the broader Palestinian public.

105 Ibid.,
107 Ibid.,
Violence was a political means to an end and its use did not exclude political compromise.

On 28 September 2000, Likud Party candidate Ariel Sharon made a controversial and well–publicized visit to Haram al-Sharif on Temple Mount in Jerusalem. Palestinian considered this visit a deliberate provocation and began rioting, thus marking the end of the Oslo Peace Process and the beginning of another chapter in the long history of uprising against foreign occupation – Al-Aqsa Intifada.\(^{108}\)

The uprising was also a revolt against PA’s failure to deliver good governance and an end to occupation and settlements in the territories. At the end of 1990s, public opinion swung against the PA and the peace process.\(^{109}\) Consequently, the PA had lost much of the popular goodwill it had received upon its arrival. The PA and Fatah, in the eyes of majority of Palestinians, proved to be inept, corrupt and autocratic. Israeli settlements increased, further proving to the Palestinians that the PA was unable to constrain Israel despite its concessions to the latter. In short, all the internal Palestinian developments seemed to confirm Hamas’s pessimistic narrative of the Oslo Peace Process.\(^{110}\)

The outbreak of the Al-Aqsa Intifada presented Hamas with a golden opportunity to take a leadership position in Palestine’s factional competition. Not only did the Palestinians feel a common grievance with the failure of the Oslo Peace Process: after the escalation of the violence they felt the common threat from the excessive force used by the Israelis. In return, this allowed Hamas to legitimize its suicide attacks against Israeli civilians. As polls have shown, the support for suicide attacks increased after Al-Aqsa Intifada, as the Intifada gained momentum.\(^{111}\) Hamas now had an incentive to win the public’s support by accelerating its suicide bombings.


The Israeli counter actions radicalized the Palestinian population even more. Palestinian fatalities created a public opinion in favor of escalating violence. The failure of the Oslo Accords and tit-for-tat violence of Al-Aqsa Intifada strengthened militants within Hamas internal and external leadership, leading to their decision to participate in the Al-Aqsa Intifada with full force. This policy marked a shift away from the earlier one of the limited violence negotiated with the PA. Hamas, ever aware of popular sentiment, sought to position itself as the avenger of the Palestinian suffering.112

Overall Hamas’ view has been that the Oslo Accords and any peace talks are worthless as long as their design is built around a balance of power where the fulfillment of Israeli demand tops the agenda. Hamas repeatedly advocate that these are capitulation treaties, not peace agreements. According to Hamas, the failure of the Oslo Accords was inevitable and the reasons are as follows:

Oslo proponents claimed for months following its signing that it would bring an end to occupation of Palestine and therefore, Palestinians need no longer to carry an armed struggle against Israelis. But eight years after Oslo Accords, the following have been the main obstacles to peace:

1. The territories occupied in 1967 are still occupied.
2. More than ever, the West Bank and the Gaza Strip have been carved up, mutilated and turned into isolated islands of human concentrations, or cantons, administered on behalf of the Israelis by Palestinian Authority.
3. Existing illegal Jewish settlements continue to expand and now one has been erected.
4. Jerusalem is being expanded and de – Arabized.
5. Large areas of land have been confiscated to allow for the construction of by-passes for exclusive use of Jewish motorists and especially settlers who illegally live on confiscated Arab land.
6. Thousands of Palestinians continue to be detained in Israeli prisons.
7. Several forms of collective punishment continue to be adopted by Israelis including the demolition of Palestinian homes, the closure of entire areas and

the enforcement of economic blockades, the destruction of Palestinian infrastructures and uprooting the trees and corps.

8. The economic conditions of Palestinians are direr than ever before.

In other words, the Oslo Accords has not improved the conditions of Palestinians under occupation and does not seem to promise any better future. The claim that armed struggle was no longer needed has been refuted by reality, provided credence to the Hamas argument adopted before Oslo Accords that armed struggle is the only real means of liberation. Hamas claims that by refusing ill-designed peace process it upholds Palestinian rights and remains their sole defender.113

---