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Obituary for the Oslo Accords

R.I.P. Sept. 13, 1993 - Sept. 28, 2000

by Francis A. Boyle

3 July 2002

CounterPunch

Oslo is dead. Generals Barak and Sharon deliberately killed off Oslo on 28 September 2000 when they knowingly instigated the Al Aqsa Intifada by desecrating the Haram-Al-Sharif. When Barak could not compel President Arafat into permanently accepting the Oslo Agreement as the "final solution" for the Palestinian People at the Camp David II negotiations in July, he and Sharon decided to revert to inflicting raw, naked, brutal force that would culminate in the planned reimposition of Israel's outright military occupation upon the West Bank. All of the subsequent violence between Israelis and Palestinians is directly attributable to this malicious decision undertaken jointly by Barak ("Labor") and Sharon ("Likhud") with the full acquiescence of the United States government (under both Clinton and Bush Jr.) every step of the way.

The Israeli/American destruction of Oslo was only a matter of time. There was never any good faith on the part of the Israeli government and the United States government when it came to negotiating a just Middle East peace settlement with the Palestinians going all the way back to the preparatory work for the convocation of the 1991 Madrid Conference by the Bush Sr. administration. American bi-partisanship at work directed against Palestine and the Palestinians.

When the Israeli government finally tendered a proposal for an interim peace agreement to the Palestinian Delegation to the Middle East peace negotiations in Washington D.C. in 1992, the Palestinian Delegation rejected it because it constituted nothing more than an apartheid Bantustan for the Palestinian People. Akin to the legal chicanery that the Afrikaners had unsuccessfully attempted to impose upon the Black People in the Republic of South Africa. Or the "Indian reservations" that the United States has so far successfully imposed upon its Indigenous Peoples. Not surprisingly, the United States government fully supported Israel in its attempt to impose this apartheid Bantustan upon Palestine and the Palestinians.

Nevertheless, the Palestinian Liberation Organization applied enormous political pressure upon the Palestinian Delegation and in particular its Head, Dr. Haider Abdul Shaffi, to accept the Israeli Bantustan proposal right then and there in Washington, D.C. This he adamantly refused to do. But it then became incumbent upon Dr. Abdul Shaffi to produce an anti-Bantustan model that would (1) protect and promote the Palestinian right to their own independent and viable nation state; (2) be negotiable in good faith with Israel; and (3)

convince the PLO leadership in Tunis that these twin objectives could be accomplished. It was my great honor and pleasure that Dr. Abdul Shaffi and the Palestinian Delegation turned to me at this critical time in their Nation's history in order to devise this Palestinian alternative to the Israeli Bantustan proposal.

This I did by means of oral briefings and later a formal Memorandum of Law dated 1 December 1992 that was addressed to the Palestinian Delegates to the Middle East Peace Negotiations as well as to the top political leadership of the PLO then headquartered in Tunis. This lengthy Memorandum was translated into Arabic for review, consideration, and approval by the PLO Executive Committee, which serves as the Provisional Government of the State of Palestine, whose President was at the time and still is Yasser Arafat. My Palestinian anti-Bantustan model was approved by the Palestinian Delegation to the Middle East Peace Negotiations as well as by the PLO leadership in Tunis. In other words, there was an officially approved Palestinian alternative to Oslo. So there did indeed exist a "choice."

Because of its historical significance, the Board of Editors of the distinguished Arab Studies Quarterly decided to publish this Memorandum in full in their Volume 22, No. 3, Summer 2000 Issue, together with a brief editorial Note. While going through this Memorandum, the reader should understand that the Israeli proposal severely criticized therein would later become the Oslo Agreement. In other words, this 1 December 1992 Memorandum provided the PLO leadership with a detailed roadmap of precisely what was wrong with Oslo, what would be the negative consequences of Oslo, and why Oslo would inevitably fail. Indeed, this 1 December 1992 Memorandum repeatedly predicted the failure of the Israeli proposal that would later become the Oslo Agreement, which was signed by President Arafat at the White House on 13 September 1993.

All of this analysis was well-known to President Arafat, Dr. Abdul Shaffi, the Palestinian Delegation to the Middle East Peace Negotiations, and the PLO Executive Committee well before 13 September 1993. It was for this reason that Dr. Abdul Shaffi and several of the Palestinian Delegates refused as a matter of principle to attend the 13 September 1993 White House signing ceremony. They knew Oslo was a Bantustan and thus wanted nothing at all to do with it. Hence, contrary to some news media accounts and academic speculation, President Arafat knew exactly what he was signing on 13 September 1993. He had been fully informed and properly advised. But he signed on to the Oslo Bantustan anyway.

In our conversations before Oslo was signed and afterwards, the greatest fear and concern shared by Dr. Abdul-Shaffi and me was that Oslo would set off a Palestinian civil war. This would not have bothered the Israelis and the Americans one bit. But to his great credit, so far President Arafat has refused to ignite a Palestinian civil war in the name of enforcing the Oslo Bantustan.

Precisely because President Arafat would not do their dirty work for them, the Israelis and the Americans then turned upon him. Both the Israelis and the Americans have decided to jettison President Arafat in preference to installing some Palestinian quisling willing to become the "chief" of a Palestinian Bantustan where he would employ its "reservation police force" in order to suppress the Al Aqsa Intifada. I doubt very seriously that the Israelis and the Americans will succeed at imposing their nefarious objectives upon Palestine and the Palestinians without violent resistance. What the ultimate consequences might be I cannot

predict at this time. But the longer the United States government enables Israel to torment Palestine and the Palestinians, the progressively less likely a comprehensive Middle East peace settlement becomes.

In this regard, having served as Legal Advisor to the Palestinian Delegation to the Middle East Peace Negotiations from 1991 to 1993, and in a similar capacity to the Syrian Delegation to the Middle East Negotiations during their First Round held in Washington, D.C. during 1991, I can state unequivocally that if there had been good faith on the part of the governments of Israel and the United States back in 1991, there could have been negotiated a comprehensive Middle East peace settlement between Israel, on the one hand, and Palestine, Syria, Lebanon, and Jordan, respectively, on the other, no later than by the end of 1993. The conclusion is inexorable that the governments of Israel and the United States were never seriously interested in obtaining a comprehensive and just Middle East peace settlement in the first place. Rather, Israel's perpetration and prolongation of its "low intensity conflict" against Palestine and the Palestinians as well as against Lebanon, the Lebanese, and Palestinian refugees involuntarily living in Lebanon suit the interests of the interpenetrated security-military-industrial-complexes that really control the governments of the United States and Israel.

Of course, from the Palestinian perspective, there is nothing "low intensity" about their just struggle for national survival against the Israeli-American juggernaut. And there are signs that Sharon would like to unleash a major new war against Lebanon and Syria just as he did in 1982 when as Israel's "Minister of Defense" -- truly Orwellian! -- he got the proverbial "green light" from the Reagan administration to do so. Right now the "governments" of the United States and Israel are plotting to launch catastrophic aggression against Iraq, giving Sharon cover to initiate yet another round of ethnic cleansing against the Palestinians by driving their West Bank inhabitants into Jordan. This incredibly volatile situation could readily degenerate into another regional war for the entire Middle East along the lines of 1948/1967/1973.

Francis A. Boyle, Professor of Law, University of Illinois, is author of *Foundations of World Order*, Duke University Press, and *The Criminality of Nuclear Deterrence*, Clarity Press.

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See Also:

- The Al Aqsa Intifada and International Law, by Francis A. Boyle, 30 November 2000
- Palestine, Palestinians and International Law, by Francis Boyle, 31 March 2002