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## THE TISHREI CLASHES: WHERE DO WE GO FROM HERE?

Daniel J. Elazar

**The Desire for Peace on Both Sides / The Truth about the Tunnel / The Level of the Violence / Similar Strategies; Dichotomous Articulation / Peres and Netanyahu: The Difference / The Future Rests within the "Four Corners" of Oslo / Filling in the Content / Don't Substitute Slogans for Principles**

The violent and deadly clashes that took place between the Palestinians, particularly the Palestinian Police, and the Israel Defense Forces late in the month of Tishrei, in the midst of the Jewish Holidays and actually on the eve of Succot, shocked Israelis, Palestinians, and indeed much of the outside world (or at least so it seems from the news media), each of those groups in their own way. The Israelis were deeply shocked by the Palestinian Police turning their weapons on the IDF and killing 15 Israeli soldiers in the process. No doubt, the Palestinians were shocked by the rapid and very sharp response of the IDF to the clashes. The IDF imposed a closure not only between the Arab and Israeli territories, but between the Arab urban enclaves, cutting them off from one another as well, and brought in tanks, albeit confining them to territory fully left to Israeli security responsibility but overlooking the areas under Palestinian Authority control. The rest of the world was shocked by the eruption of grave threats to a peace process that they had assumed was well underway, even after

the changes introduced by the victory of Benjamin Netanyahu and his center-right coalition in Israel's May elections.

### **The Desire for Peace on Both Sides**

What the recent violence demonstrated, however, was the continued desire for peace on the part of both the authorities and the majority of the Israeli and Palestinian publics, as well as the dangers of new levels of violence coming from the risks that Israel must take and has taken to advance the peace process. This was made evident when the day following the most violent clashes, the Palestinian riots stopped. I would suggest that this was not only because the Palestinian Authority, that is to say, Yasser Arafat, whom everybody agrees has the first and last word in the PA, wanted them to stop and took steps to assure that they would, but because the Palestinian public was also very much concerned about the escalation of violence the day before, and for their own reasons wanted it stopped. They feared for the peace process as

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much as anyone else. The truth is that the overwhelming majority of both Israelis and Palestinians are simply weary. They have had enough of war, and they do not want to see what to most of them appears to be gains for both sides disappearing through missteps.

In certain respects, the violence was inevitable. The fact that Israeli government miscues and misjudgments led to it taking place when it did, and over the issue it did, is another matter. I would venture a guess that Arafat knew that he had to do something very dramatic to get the peace process moving in his direction again and that had to be something violent to get the attention of the world media, and hence of the world and its leaders, and he would have used any pretext to do so. The fact is that, through what seems to have been a tragedy of errors, the Israeli government handed him the best pretext, what looked like an Israeli assault on Muslim holy sites.

### **The Truth about the Tunnel**

The truth is that the so-called Hasmonean tunnel does not come close to undermining any Muslim holy sites, that on the contrary, the new entrance actually turns away from the Temple Mount. Moreover, the tunnel itself has been open for some time, the only thing added was an opening from it to the Via Dolorosa. According to the best available information, the decision to open it was a purely touristic one; that is to say, it was designed to provide a new tourist attraction for the upcoming Succot holiday, a holiday that particularly attracts Christian visitors in the thousands, with the idea of making it possible for more people to visit the tunnel by opening it at both ends and having the second end connect with the Via Dolorosa where Christian pilgrims invariably go. No doubt, at the highest levels, it was considered primarily for its impact on tourism, and hardly given a second thought for its likely political impact. To say that the decision was made in a kind of innocence is not to excuse the terrible mistake made by those highest levels, who should have known better. In this case, innocence is no excuse. What they did was to play right into Arafat's hands, not only giving him the issue he sought, but the best kind of issue that he could have hoped for.

### **The Level of the Violence**

Nevertheless, I would hazard a further guess that Arafat was surprised by the level of violence in reaction when he let his people loose. He should not have been. The Palestinian Police were, after all, terrorist irregulars only a few months or a few years ago, and have

their own understanding of Israel and Israelis, which was not simply shed when they donned the uniforms of the PA. Moreover, the long closure of the territories, despite its gradual relaxation already in progress, had left thousands of Palestinians desperate, jobless, many hungry, and seeing no prospects for change in the near future. They undoubtedly wondered what the peace was bringing them. Hence the area was dry tinder, waiting to catch fire at the first explosion. It did.

As always, the IDF soldiers in the field fought with great bravery and intelligence. But, apparently, there were flaws either in IDF contingency planning to come to their aid if violence should break out or in the execution, and thus Israel had so many casualties in so short a time. The IDF quickly recovered, but it should hardly have been beyond the contingency planning to think that the Palestinian Police might under certain conditions turn their weapons on Israeli troops. It seems that they did not take that sufficiently into consideration. It will take some time and real effort to restore the mutual trust that had been built up between the IDF and the Palestinian Police through their joint patrols and other joint activities.

### **Similar Strategies; Dichotomous Articulation**

These events all followed on the heels of an election that could be said to have demonstrated an acceptance of the Rabin-Peres strategy. The results seemed to show that the ambiguities of Oslo II had merit but needed to be placed on the right foundations, based on peace with security rather than visions of a new Middle East, and better articulated as such. One can hardly blame Peres for avoiding full articulation of his plan or its premises, since he had every good reason to believe that the Arabs would buy it as long as it was not stated publicly to be what it was. That is, to be blunt, that they did not have to make concessions publicly.

The plan provided that during the interim period, the Palestinian Authority would get a very substantial percentage of the Arab population and perhaps even a majority of the West Bank under its jurisdiction, but in such a way that Israel would keep clear strategic and security control over the area as a whole. Let me reiterate, this was a good idea, right for Israel, and good for the Palestinians too, since it would enable them to continue to build their nation while continuing their close economic ties with Israel. There were signs that Peres seems to have seen this interim plan as at least close to the final territorial division of the country.

Of course this was not articulated as such, in public.

No doubt he was right not to, but then so many silences about his intentions and so much underarticulation of his plans has undermined him not only in the eyes of the majority of the Israeli public, especially the large majority of Israeli Jews, but also led to his credibility being undermined in the Palestinian camp when the Palestinian street woke up to the underlying elements implicit in Oslo II. Indeed, in the days and weeks immediately following the election, journalists in contact with the upper echelons of the Palestinian leadership on a continuing basis discovered that they had begun to grow weary of what they saw as Peres's "duplicitous" no less than the Israelis, which has indeed been one of Peres's great political dilemmas throughout his entire career.

To get things done in Israeli or Middle Eastern politics, one has to maneuver very cleverly. Peres has been extraordinarily successful in getting things done by just that method, but at the same time, those maneuvers, sooner or later, lead to just about everyone seeing the person who undertakes them as a manipulator or worse, which is the price that Peres has paid in the macro process for a success in the micro. Understanding this about the man allows us to evaluate his work more accurately and in most respects more favorably, but it does not solve his problem.

### **Peres and Netanyahu: The Difference**

This evaluation, of course, does not account for Peres's visions of the new Middle East which, while not at all undesirable, are far beyond what was possible or likely to be possible in the region, if even Israel's minimum security was to be maintained. Hence, the first thing on the new Prime Minister Netanyahu's agenda was to reestablish the peace process on a new basis, emphasizing a better vision of what Israel needed in the way of peace with security. Netanyahu spent the first two months of his term doing just that. By the end of those two months he had more or less completed the task, having convinced the Arabs and the world, for better or worse, that this would be done.

In the process, Netanyahu ran into strong opposition within his own camp, from those totally opposed to the Oslo agreements, led by Benyamin Zeev Begin, a minister in his own government, and Uzi Landau, the chairman of the key Knesset committee dealing with these issues. Those two men are not only totally skeptical of the peace process with the Palestinians, but are men of immense rectitude and moral standing in Israeli politics, and especially in their own Likud party. Neither suffers from the equivocal personal reputation

that is part of Netanyahu's baggage. While the Prime Minister overcame this opposition almost immediately, he undoubtedly figured its continuing presence into his calculations for the long run. Hence, instead of moving more quickly to advance the peace process at the beginning of September, when he should have, he let matters drag on through the Jewish holiday season, by which time it was too late and others, in particular Yasser Arafat, took them in hand.

Here we have the other side of the dilemma — how what cannot be articulated can bring about new dangers, in this case, two very different ones. First, articulation in general could lead to alienation of various Israeli and Palestinian elements such as the Israeli left and those Palestinians who have accepted the very fact of the peace process already as a great compromise on their part. The other difficulty is a tradition long endemic in the Likud, a movement failing if you will, and that is the tendency to excessive articulation, to believe that whatever they want to do should be articulated and made open, even when they do not have the capacity to do it in practice, not to mention the fact that the very articulating will make it even more difficult for them.

Thus the same first two months of the Netanyahu government were filled with unhelpful statements about expanding Israeli settlements in the territories and strengthening the settlers' ability to resist the Palestinian demands, when in fact even the new government did not think in terms beyond allowing existing settlements to resume a more active program of construction within their present boundaries and the strengthening of the infrastructure that connected those settlements and would make them more secure. While those actions were admittedly at a lower level during the years of the previous government, they continued to have been done, even if not articulated. The Palestinian leadership seems to have more or less made its peace with the fact that there would be a continued Israeli presence wherever Israelis had settled in the territories, but they were not prepared to concede that publicly, at least not at this point. Articulation then was inflammation.

### **The Future Rests within the "Four Corners" of Oslo**

After the dust of the violence had begun to settle, two conclusions were clear. One, all those living in the historic Land of Israel — Israelis, Palestinians, and Jordanians — remain in the same boat, but not all are rowing together or are even agreeing on the direction in which to row. Still, the wisest heads among the observers of the scene increasingly understand that being in the same boat demands working out ways to

at least minimally row together.

For example, the idea which the late Yitzhak Rabin advocated so openly while he was Prime Minister, of segregating the two peoples and closing off contact between them, something that seemed impossible when it was suggested, has now been clearly demonstrated to be absurd, at least in the eyes of those who care to look. A starving Palestinian population on Israel's doorstep, that for security reasons has to be in the continued presence of Israeli troops, coupled with the geometrically increasing influx of foreign workers arriving in the country both legally and illegally, most showing no desire or willingness to leave after having come to experience what for them are the fleshpots of Israel, is seen as no solution to the problem of either Israelis or Palestinians, but rather an aggravation in one way or another to both.

At the same time, every day it becomes more apparent that, barring some huge upheaval that no one wants, the Oslo agreements are here to stay and that daily cooperation at all levels is a *sine qua non* of their later successful implementation in the real world. Both of those are extremely important. There are increasing references to those agreements as having a kind of constitutional character. That is to say, while they are flexible, that flexibility has to be within what has been called by Secretary of State Warren Christopher "the four corners of the Oslo agreement."

The significance of this may not be fully understood by those who are hearing that phrase for the first time. In the contemporary world, every polity, whether considered a sovereign state in international law or an autonomous entity of some kind, is moving toward some combination of shared jurisdiction and cooperative relationships with other polities, especially its neighbors. Many have discovered that the only way to survive within the new arrangements into which they have entered for those purposes is to begin to give those arrangements a constitutional character and meaning of their own; that is to say, a form of organic law more difficult to revoke or even to change without engaging in constitutional politics rather than regular politics, and requiring the special consent of all parties to the agreement including those bound by it and those outside parties who are its guarantors in many cases. The term that has come into use among those who design and implement such agreements is "bound by the four corners of the agreement," or lodging what up to now has been referred to as sovereignty "within the four corners" of such an agreement.

U.S. Secretary of State Warren Christopher put the

matter very clearly before the parties in the period between October 2-3, 1996, and the resumption of direct Israel-Palestinian negotiations on October 6, 1996, when he stated that the Oslo agreements have great flexibility and there is considerable room to maneuver, but the maneuvering must be done within the four corners of the agreement. Thus he indicated to one and all that at least from the perspective of the United States, the agreement has acquired a kind of basic law status that can only be changed with the consent of all parties and is best left formally unchanged, with whatever modifications and implementations worked out between the parties. In effect, he warned Netanyahu that the latter's statements in terms of the need to modify the agreement in the terms of the old international relations would not be accepted by Israel's great ally. At the same time, the statement also indicated to Arafat that the United States would expect an adaptation of the agreements through implementation accords that would treat Israel's security needs as real.

### Filling in the Content

So, the parties to the Oslo agreements are left with the task of filling in its content, procedures, and institutions while leaving the agreements themselves formally intact. That is not a process of a day, but a step-by-step process that will take place over the next many years, and will be the subject of much negotiation both at the macro level of policy and the micro level of implementation on the ground. While every situation is unique, certainly the Israel-Palestinian-Jordan situation is truly special. The negotiators and implementors can learn from the experiences of others, at least about the pitfalls and what kinds of contents, procedures, and institutions are needed. These are likely to include meetings with heads of government or their equivalents to set overall policy and determine the parameters of what can be done on any issue within the four corners of the agreement, meetings of government ministers or their equivalents to work out details of implementation policy, and many, many meetings on the ground, ranging from joint patrols and joint technical committees to meetings of senior officials to work out all the specifics and technical details that must be utilized to make any part of the agreement work.

Ultimately, there are likely to be two or three sets of "councils" that emerge as the basis for a long-term institutional framework. At the highest level will be the "council" which may include the guarantors in some way, as well as those bound by the agreement, to deal with high policy problems or situations. On a second,

somewhat lower, level there will need to be councils of ministers or those responsible for policy-making in specific functional areas to work out details, implement policy, or to initiate the process of making the larger policy decisions. These may develop on a functional basis. On the third level there will be the joint technical committees to work out and implement the details, and flag the problems requiring dealings at higher levels.

All three will become increasingly institutionalized as time passes and, hopefully, will provide the institutional and functional basis for making the agreement work. Much of what they do will allow for a period of confidence- and trust-building, and trial and error, to see what can be done and what cannot. The whole matter requires much patience. Obviously such patience is in short supply on all sides in this situation; herein lies the challenge. It also points to the danger of moving too quickly or too slowly to final agreement negotiations. While the call for such negotiations on the part of a number of political leaders is understandable, raising issues to be dealt with before they can be, especially when there are risks to be taken, can destroy the whole process. The peoples in this particular neighborhood tend to get very nervous about their respective futures and for good reason. Nevertheless, a very steady hand is needed at the tiller if we are ever going to be able to row together and in the same direction.

#### **Don't Substitute Slogans for Principles**

So, too, is it a mistake for either the parties or the world to make slogans into principles. Simplistic views such as that the whole matter is one of "land for peace" are not helpful. Prime Minister Netanyahu is more correct when he suggests that the issue is "peace for peace," but he errs if he does not see that the territorial component of peace is a very basic and serious one. Territory is certainly one pillar of peace, but there are others, political and economic, and perhaps cultural and social as well. Let us understand that the territorial, economic, and political pillars are the most important, at least at this time.

One of the virtues of having more than one pillar is that what happens in one can affect what will happen in the others, thus allowing something like three times the flexibility than if matters are pushed together into only one pillar. Thus, all those who try to simplify the issue beyond its reality potentially damage the whole process, perhaps beyond repair. All three pillars are of vital importance to the parties, even though the world tends to focus on the territorial issue as the more visible one. So once again we are back to the questions of what needs to be said and what should be kept quiet, what should be done now or what should be done later, a steady hand on the tiller and the inventiveness necessary to either melt or outflank the obstacles, rather than be forced to deal with them head on. Fortunately, difficult as each of those requirements is, and even more difficult to see them combined, the situation does offer a field in which the possibilities exist.

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