The Dynamics of “Peace Spoiling” in the Palestinian Territories during the Oslo Years

Introduction

After over half a century since the establishment of the Israeli state, the Israeli-Palestinian conflict still remains unsolved and continues to arouse strong public sentiments throughout the Muslim world. While there have been numerous attempts to bring the two sides to the negotiating table, the most important progress towards peace was made during the Oslo years. The Declaration of Principles is generally considered the most significant achievement, even though it ultimately failed to create an independent Palestinian state and to put an end to hostilities between the two sides. Scholars and policy-makers, however, disagree over why the peace process failed. While some see the Oslo Accords as inherently flawed, others point to the behavior of “spoilers,” who deliberately derailed the peace process.

As this paper will reveal, the concept of “spoiler” is based on some problematic assumptions about the legitimacy and nature of actors, as well as the feasibility and equity of the peace process. Therefore, scholars have increasingly shifted attention from “spoilers” as actors to spoiling as a tactic. Yet spoiling tactics are also not isolated events, and actor strategies are not completely independent of each other and separated from the broader political context. Therefore, I will argue in this paper that we need to think instead of “spoiling dynamics,” in which actors collectively contribute to specific political configurations that weaken the viability, implementation and sustainability of a peace process.

In order to be able to adequately evaluate spoiling dynamics, it is important to understand (1) the nature and conditions of the peace process against which spoiling occurs, (2) the structural conditions that inhibit the feasibility of the peace process, and (3) the ideology and strategies of the main protagonists in a conflict and the dynamics of their interactions. In the Israeli-
Palestinian process, spoiling dynamics occur on both sides. The focus of this paper, however, will be on the spoiling dynamics on the Palestinian side during the Oslo years, from 1993 until the outbreak of the second *intifada*.

The first part of the paper will provide a brief overview of the Oslo Accords, and examine both its accomplishments and its failures. Underlying the inherent weaknesses of the peace process and other structural impediments is important in order to evaluate whether the peace process failed because of specific actors and actions, or whether it was doomed to fail from the start. Against this background discussion, the second part of the paper examines the political dynamics between the three most prominent Palestinian actors during the Oslo years: Fatah, Hamas and the Palestinian Islamic Jihad (PIJ).

This analysis and focus on spoiling dynamics rather than the more narrow focus on spoilers or on specific spoiling tactics will underline the complexities and vulnerabilities inherent in the Oslo peace process, and reveal that all major protagonists on the Palestinian sides contributed in some ways to the political dynamics that undermined the success of the peace process. This case will reveal the dangers in framing the negotiations in ways that give opposition groups veto power yet no stake in either the peace process or in domestic institutions. This analysis also suggests that it is highly problematic to combine the roles of peace negotiator with the role of police officer, and it underlines the importance of maintaining the legitimacy of the actors participating in negotiations. The paper will conclude with some suggestions on ways in which opposition groups might be induced to maintain ceasefires, but it also remains cautious about overly optimistic policy recommendations that ignore the fundamental opposition of some actors to the peace process on ideological grounds.

**The Israeli-Palestinian Conflict**

The Israeli-Palestinian conflict is considered one of the most enduring, intractable and complex conflicts of the contemporary world (Milton-Edwards 2009, 2), animating the imagination and emotions of much of the Muslim world. While the conflict has become intertwined with other conflicts and tensions in the Middle East and in the world (Kriesberg 2001), the core issue is fundamentally about two people whose distinct national identities and aspirations for statehood are tied to the same territory (Milton-Edwards 2009).

The emergence of competing nationalist ideologies and the historical roots of the conflict can be traced back to the end of the nineteenth century, when persecuted Jews from Eastern Europe and Russia fled to Palestine, which at the time was an Ottoman Province. Milton-Edwards (2009) points out that this large-scale immigration occurred at the same time that Western Europeans also became interested in the region for spiritual, cultural, economic and strategic reasons. The renaissance in romantic Christian association with Zion led to a growing sympathy for the Jewish nationalist cause, which was partly why Great Britain signed the 1917 Balfour Declaration, supporting the establishment of a Jewish national home in Palestine (even though Britain had also secretly agreed to different terms with the French and Arabs).
After the First World War, the newly created League of Nations gave Britain the Mandate for Palestine. In turn, Great Britain handed over the issue of Palestine to the United Nations after the Holocaust and the end of the Second World War. The United Nations proposed a Partition Plan, and after British withdrawal, Israel declared independence in 1948. It is the creation of the Israeli state that perhaps is the clearest starting point of the Israeli-Palestinian conflict, and the border and nature of the Israeli state that continue to be the most contested issues and the heart of the conflict.

After the 1948 Arab-Israeli war, the Palestinian territory was dismembered between Jordan, Egypt and Israel, and after the 1967 war Israel occupied the West Bank, Gaza, Sinai, Golan Heights and it expanded the Jerusalem boundaries. While several attempts have been made to negotiate a peace settlement that would ultimately lead to the creation of a Palestinian state, the September 1993 Declaration of Principles, also known as Oslo, represents a main turning point and the most significant step towards peace. The famous September 13, 1993 handshake between Rabin and Arafat on the White House lawn heralded the Oslo Accords as the beginning of a new era. Beyond the media fanfare, however, Oslo had both sign of great promise and severe weaknesses.

The Oslo Peace Process

A Chronology of the Peace Process

The early 1990s proved propitious for peace building for several reasons. First, the Palestinian uprising (intifada), which started in 1988, was imposing escalating costs on Israel. Second, the PLO’s popularity and financial support from the Arab world began declining after Fatah decided to support Iraq’s invasion of Kuwait. And last but not least, after the end of the Cold War the American hegemon adopted new roles in international affairs, and it became more involved in the Israeli-Palestinian conflict (Farsoun and Aruri 2006). In 1991, H.W. Bush declared that the new American policy towards the Middle East would pursue Israeli-Palestinian peace on the basis of UN Resolution 242, and Secretary of State James Baker began pushing for negotiations (Tessler 2009).

The first prelude to Oslo was an international conference in Madrid in 1991, which brought together Israel, Egypt, Syria, Lebanon, Jordan and a Palestinian delegation. The United States threatened to withdraw a $10 billion loan guarantee to Israel if the latter refused to participate, signaling that it would make support to Israel conditional on participation in the peace process.

The Madrid conference provided an opportunity for Israeli and Arab representatives to meet face to face and discuss substantive issues, and it established a framework for ongoing multilateral negotiations to address regional issues (Tessler 2009). The conference established five working groups (water, refugees, security and arms ctrl, environment, regional and economic development) and a Steering Committee, which consisted of the United States, Russia, Canada, Japan, the European Union, Israel, Jordan, Egypt, the Palestinian Liberation Organization (PLO), Saudi Arabia and Tunisia. The peace talks continued throughout 1992 and the early 1993, even though no agreements were reached. Nevertheless, the timing seemed ripe for peace-building.
In June 1992 Labor came to power in Israel, declaring that it would not build any new settlements, and in December 1992 the Knesset passed a bill that removed a ban on unauthorized meetings with members of PLO (Tessler 2009). On the ground, however, tensions were rising, as Palestinians continued clashing with the Israeli Defense Forces, and as the Israeli army sealed off the Palestinian territories and imposed curfews on much of Gaza and some parts of the West Bank (Tessler 2009, 757). Against this background, the PLO began engaging in secret negotiations with Israel, which were facilitated and hosted by the Norwegian Foreign Minister. It was these secret negotiations, which began in August 1993, which ultimately led to the Declaration of Principles in September 1993 and the infamous White House lawn handshake on September 13.

The Oslo Accords marked a turning point in Israeli-Palestinian relations, providing a framework for peace negotiations that both sides agreed upon. However, while the Accords were heralded as a new era for the peace process, and while the White House hand shake made it seem that a peace agreement had already been reached, Oslo was merely a starting point, a plan of action that deliberately deferred decisions on all difficult and substantive issues. Instead, what Oslo provided was a timetable for the implementation of interim solutions and for negotiations on final status issues. The main issues of contention - Jerusalem, settlements, right of return, security arrangements, borders, and relations with other states – were left for future negotiations.

As part of Oslo, the Gaza and Jericho Plan called for the assumption of Palestinian administrative responsibility for Gaza and the Jericho area within ninety days and the withdrawal of Israeli troops by April 13, 1994. A new Palestinian police force was to assume responsibility for domestic security and public order, whereas issues related to external security, settlements, Israeli citizens, and foreign relations were to remain under Israeli jurisdiction. A joint Palestinian-Israeli Coordination and Cooperation Committee was also established to resolve security questions and arrange for safe passage of people and goods between Gaza and Jericho. Additionally, a Palestinian Interim Self-Government Authority was to be established. This institution would take the form of a Legislative Council, which would be able to enact legislation and establish appropriate administrative and regulatory agencies, such as a Palestinian Development Bank, the Palestinian Land Authority, The Palestinian Water Administration, and the Gaza Sea Port Authority. Oslo also provided for the establishment of an Israeli-Palestinian Economic Cooperation Committee in order to promote coordination in areas like water, electricity, energy, finance, transportation and communications (Tessler 2009).

Regarding the most difficult issues that divide the Palestinians and the Israelis, the only provisions included in Oslo was that negotiations to resolve the final status should begin no later than two years after Israeli withdrawal from Gaza and Jericho. Furthermore, the transition period, which was not to exceed five years, should end with the conclusion of a permanent settlement that would be based on UN resolutions 242 and 338 (Tessler 2009).

The signing of the Declaration of Principles was followed by more meetings between Rabin and Arafat and Israeli and PLO officials in Tunis, Cairo and Taba throughout the fall, and by meetings of some of the working groups established in Madrid. The first changes on the ground began to be seen in late October, when Israel released the first ten thousand prisoners, and when the Palestinians began building a police force. At the same time, forty-three countries pledged
approximately two billion dollars in aid for economic development in the West Bank and Gaza. Thus, this time period was marked by high levels of optimism regarding the prospects for peace.

Sparked by Oslo, by April 1994 Israeli and Palestinian delegates also signed the Paris Protocol for economic development. In May 1994 the Cairo Agreement transferred authority from Israel to the PLO in Gaza and Jericho, and established the Palestinian Authority (PA). In August 1994, the Agreement on the Preparatory Transfers of Powers and Responsibilities transferred to the Palestinian Authority control over education, culture, health, social welfare, tourism, direct taxation, and the Value Added Tax on local production (Tessler 2009).

In January 1995 Arafat met with the Israeli Foreign Minister to discuss Palestinian elections and other issues such as issuing passports and permitting passage for students. In May 1995 the PA acquired jurisdiction over banking, energy, industry, and labor in the West Bank. The August 1995 Protocol on Further Transfer of Powers and Responsibilities gave the PA power and responsibility in commerce and industry, gas, petroleum, insurance, postal services, local government, and agriculture (Tessler 2009).

By September 1995 Israelis and Palestinians signed what became known as Oslo II, the Oslo Interim Agreement. Oslo II provided for the redeployment of Israeli military forces, the transfer of further responsibility to the PA and the election of the Palestinian Council. According to this Agreement, the Palestinian territories were divided into three categories. Area A was constituted of the major cities in the West Bank, Jericho and Gaza, and Palestinians were to take over civilian and security control. Area B included smaller towns, villages, refugee camps, and hamlets (containing about sixty-eight percent of the Palestinian population), and the Palestinians were to assume administrative authority, whereas Israel was to retain overall security responsibility (Tessler 2009, Cordesman 2005, 4). Area C included Israeli settlements, military bases and state lands, constituting about sixty-eight to seventy percent of the West Bank (Cordersman 2005, 4), and Israel was to retain sole control over both civilian and military affairs (Tessler 2009, 764-766). Altogether, areas A and B constituted about twenty-seven percent of West Bank exclusive of East Jerusalem, and it gave the PA responsibility for about ninety-seven percent of the Palestinian population of Gaza and WB, exclusive of East Jerusalem (Tessler 2009, 766).

After the signing of Oslo II, the Israeli redeployments proceeded in stages. In November the PA assumed control over Jenin, in December over Tulkarem, Nablus, Qalqiliya, Bethlehem and Ramallah (Tessler 2009, 766). However, the Hebron redeployment was repeatedly postponed under pressure from settlers (Tessler 2009, 766).

After Rabin’s assassination in November 1995, Netanyahu’s Likud government stalled the peace process, reinforced closures and tight security measures, and allowed settlements to expand. Ben-Ami suggests that there was a “macabre complicity between Arafat and Netanyahu in bringing about the total collapse of mutual trust and the dissolution of the tools of dialogue and peacemaking” (Ben-Ami 2006, 218). While tensions on the ground persisted (as I will discuss in more details in the subsequent sections), under pressures from the Clinton administration, Netanyahu and Arafat signed the Hebron Accords in January 1997, attempting to resuscitate the peace process and agree on the withdrawal of the army from Hebron. The Protocol Concerning
the Redeployment in Hebron called for the redeployment of Israeli forces from eighty percent of Hebron. Two days after signing the protocol, Israeli forces began withdrawing, and the Palestinian police took over security patrols.

Throughout 1997 and 1998 it looked like Oslo was dying, in spite of continued American attempts to revive the peace process. In spite of deteriorating relations, however, the two sides came once again together to sign the Wye River Memorandum in October 1998. In return for stricter Palestinian measures against terrorism and apprehension of the perpetrators of violence, Israel agreed to transfer an additional one percent of area A and twelve percent of area B, and agreed to turn 14.2 percent of area B into area A. The Memorandum also called for establishing a committee to address the third phase of further redeployments, for promoting economic development in the Palestinian territories, for renewing negotiations on safe passage between West Bank and Gaza and for resuming permanent status negotiations (Tessler 2009).

A few days after the Memorandum was signed Israel redeployed troops in Jenin and released two hundred and fifty Palestinian prisoners. However, terrorist attacks ultimately led Israel to suspend negotiations and the implementation of agreements (Kurz 2006). In November, Netanyahu in fact opened bidding for the construction of Har Homa, and Israeli neighborhood in East Jerusalem (Tessler 2009).

By 1999 when Barak came to power, the Palestinians were convinced that “Oslo was not a process that could lead to the end of the occupation, but at best to the redeployment of Israel’s forces in a West Bank planted with Jewish settlements” (Ben-Ami 2006, 229-230). The Sharm el-Sheikh Memorandum and the Camp David talks were attempts to revive the peace process, but they ultimately failed and underlined the political deadlock, increasing the “sense of futility that already prevailed in the territories” (Kurz 2006, 137).

Sharm al-Sheikh created a timetable for the implementation of outstanding commitments of signed agreements and called for the resumption of permanent status negotiations. Israel was to transfer seven percent of land from area C to area B (which occurred in September), two percent from area B to area A and three percent from area C to area B (which occurred in November), one percent from area C to area A and five percent from area B to area A (which both occurred in January of 2000). By the spring of 2000, the Palestinians were in full control of 18 percent of West Bank, exercised civilian or administrative control in another 23 percent, and only 40,000 Palestinians did not live in areas A or B (Tessler 2009, 797). In return for these redeployments, the PA was to report on the collection of illegal weapons, arrest terrorist suspects, and criminalize the importation, manufacturing, unlicensed sale, acquisition of possession of firearms, ammunition or weapons (Cordesman 2005, 8).

The concessions made by the Israeli side led to significant settler protests in Jerusalem (in June 2000), and also led to the collapse of the governing coalition in Israel. The Camp David Summit in July 2000 was a new attempt to address the issues of borders, settlements, security, Jerusalem and refugees, but it was not only rejected by the Palestinian side, it was not even accepted as a basis for negotiations. During the summit, the Israeli side pushed for including the largest

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1 Cordesman 2005 reports that Palestinians only had full or partial control over 39.8 percent of the West Bank after the three redeployments (9).
number of settlements yet into Israel, and presented a map that would have divided the Palestinian territories into three noncontiguous blocks.

After the failure of Camp David there were further attempts to resume back-channel negotiations, but by September 13, 2000 it became evident that the Israelis and the Palestinians had failed to meet the Oslo deadline for a final status peace deal. The ultimate coup the grace that put an end to Oslo was the eruption of the intifada at the end of the month.

Accomplishments and Failures of the Oslo Accords

As this succinct chronology of the Oslo years reveals, the period from 1993 to 2000 included numerous attempts to bring the two sides to the negotiating table. Some suggest that the mutual recognition demonstrated by signing the Declaration of Principle and the ceremonial handshake provided an essential starting point as it dissolved a fundamental grievance on each side by recognizing each other’s existence and claim to statehood (Kriesberg 2001, 383).\(^2\) Oslo established some elemental principles for the peace process: the mutual recognition between Israel and the PLO, the principle of Israeli withdrawal and transfer of power to the Palestinian Authority, and the principle of a peace timetable (Farsoun and Arouri 2006). From this perspective, given the level of mutual mistrust, the incremental nature and open-ended character of Oslo was also important in order to develop mutual confidence and trust along the way (Kriesberg 2001, 388).

In spite of these posited benefits, and in spite of the changes on the ground that did occur during the Oslo years, there is a general consensus that the Oslo peace process also had some fundamental weaknesses in the way it was conceived, the way negotiations played out, and the way it was implemented.

Regarding the conceptualization of the Declaration of Principles, some see the incremental nature of the Accords as highly problematic rather than beneficial, especially since there were no detailed plans or milestones for actions (Farsoun and Aruri 2006, Cordesman 2005). As Cordesman (2005) points out, Oslo was based on the assumption that Israel and the Palestinians could move forward and “reach a full peace without formal arrangements for strong and continuing outside support and mediation” (1).

This is perhaps even more problematic since the issues of borders, Jerusalem, settlements and right of return are not only the key points of contention on which both sides are unwilling (and for domestic reasons often unable) to make many concessions, but also issues directly related to Palestinian sovereignty. Oslo was conceptualized so as to create a Palestinian governing authority, but during the “transition” period it primarily placed on this Authority the costly and difficult responsibility of administration without any concrete plans about how and when Palestinian sovereignty will materialize. On a more fundamental level then, the Declaration of

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\(^2\) While the ceremonial aspect of the Oslo handshake was important as reflecting an acceptance of the “other” from which future negotiations could proceed, one can also wonder whether this ceremony raised public expectations too high, and presented Oslo as more than it was set out to do. While the handshake seemed to signify the end of an era and a resolution of conflict, Oslo itself was merely the beginning of an era, and the first step in a long and arduous process of negotiations.
Principles and all subsequent negotiated agreements are seen as offering insufficient concessions and rights to the Palestinians, and ultimately as incapable of creating a sustainable Palestinian state.

One such criticism (which also emerged from the head of the Palestinian delegation during the negotiation process) is that Oslo did not commit Israel to a well-defined plan of action and did not require Israel to end settlements (Tessler 2009, Cordesman 2005). Cordesman (2005) argues that Oslo only offered Palestinians land for peace under severe restrictions, and it was not structured in a way that gave the Palestinians dignity or sovereignty.

Farsoun and Aruri (2006), for example, argue that in spite of redeployments the Gaza-Jericho and the Cairo agreements still left the West Bank and Gaza still under the authority of the “military occupation regime,” which had exclusive authority in many policy areas (246). Furthermore, Oslo II only gave the PA “limited civil autonomy over less than 4 percent of the area of historic Palestine” (250), the Hebron Agreement legitimized the division of Hebron and the existing Israeli settlement at the city’s core (250), and Oslo II created a “disconnected patchwork of zones of control and overlapping jurisdictions” that violated “the integrity of the West Bank and its integrity in relation to Gaza” (251). In fact, Farsoun and Aruri (2006) regard Oslo II as giving Israel a “legalized tight grip on the land, resources, economy and security of the areas” (251), while absolving it of any legal liability and financial responsibility (253). The authors go so far as concluding that “the Oslo Accords plunged the Palestinian people and their political institutions into the most serious and profound moral, cultural, identity and political crisis” (241).

In the economic realm, the Oslo Accords are also accused of giving the Palestinian side a much smaller and more unstable “peace dividend” than the Israeli side: there were little provisions to develop the Palestinian territories economically, Palestinian markets were open to Israel but exports to Israel were restricted, and Israel passed on the burden of social welfare institutions and administrative costs to the Palestinians (Cordesman 2005, Farsoun and Aruri 2006).

Aside from issues of borders and economic development, the Oslo Accords are also criticized for their inability to adequately address security concerns and to stop the violence (Parson 2009). Cordesman (2005), for example argues that Oslo underestimated the threat posed by Palestinian opposition groups, set the standard for Palestinian security too high and also failed to force the PA to abandon armed struggle and fundamentally reject terrorism (2).

The peace process during the Oslo years also ran into problems at the level of negotiations. Some scholars and Islamist opposition groups are critical of the fact that Arafat signed any agreement without public debate and without a referendum or approval and ratification by the PLO (Farsoun and Aruri 2006, 243, Milton-Edwards 2009, 139). This is significant, because Arafat became the (somewhat self-appointed) representative voice of the Palestinian struggle, consolidating his power and the dominant position of Fatah, while all groups critical of the peace process were explicitly excluded from the negotiation process.3

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3 It is interesting to note here that the Oslo years came after the first intifada, in which Islamist opposition groups played a great role, shaping the sense of Palestinian nationalism. Thus, there is an interesting contrast worth noting:
In fact, as the chronology also makes obvious, most concessions and most progress on the ground during the Oslo years was primarily related to the creation and consolidation of the Palestinian Authority and the transfer of governing authority over different realms of government. As negotiations progressed, the final status and nature of a Palestinian state still remained unclear, the prospects of a Palestinian state still remained blurry, and the most fundamental tensions between the two sides still remained unchanged. Instead, what emerged as the peace process progressed was a stronger and more powerful and centralized PLO, which controlled the newly created governing institutions. Thus, while the gradual approach of Oslo was supposed to build mutual trust and provide a forum to solve the conflict gradually, one could interpret Oslo as making primarily progress in terms of consolidating and institutionalizing Fatah’s power in the Palestinian territories.

In terms of the weaknesses of negotiations, scholars are also critical of the fact that both the Israeli and the Palestinian side had a very inward-looking negotiation strategy, concerned primarily with winning and maintaining support domestically, and disregarding the other side’s constituency and concerns (Kriesberg 2001, 383). What is particularly important in this regard is that the Israeli leadership framed the peace process as an issue of enhancing Israeli and Jewish security (Kriesberg 2001, 384).

In response, Arafat presented himself as capable of stopping violence and controlling terrorism. These developments had some crucial effects on the political dynamics on the Palestinian side. First, making negotiations and the implementation of agreements conditional on security made the peace process inherently vulnerable to disruptions (Kriesberg 2001, 384). Second, this conditionality inadvertently gave any group opposed to the peace process (and therefore automatically excluded from the negotiating table and unable to gain any peace dividends) veto power, and the ability to discredit Arafat and the Palestinian negotiating team. Third, Arafat was placed in a position where he had to play both diplomat and police officer, and had to combine the role of legitimate representative of the Palestinian people, with the role of domestic law enforcer. As the subsequent discussion will reveal, these two roles are difficult, if not impossible to combine, especially in an environment in which the legitimacy of the predominant institutions is continuously questioned and contested, and in which the Islamist opposition was gradually gaining public support.

Last but not least, Oslo failed in the implementation of the Accords. Israeli redeployments were often delayed or never materialized, Israel maintained control over some of the most valuable land, the settlement process continued, and in response to attacks against Israel there were numerous curfews, restrictions, arrest campaigns and allegations of human rights abuses and torture (Milton Edwards 2009, Cordesman 2005, Tessler 2009). From the Israeli perspective Palestinians also didn’t seem committed to peace, since suicide attacks continued and Oslo ultimately failed to improve security for Jews (Milton-Edwards 2009, Cordesman 2009, Tessler 2009).

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while the sense of Palestinian national identity was greatly influenced by Islamist groups, during the Oslo years the future of the Palestinian state was negotiated exclusively and secretively by Arafat and his Fatah loyalists.
As Pundak (2001) concludes, “the Palestinians did not stop the vitriolic propaganda against Israel by radio, the printed press, television and schoolbooks; did not collect the illegal firearms; did not reach an agreement with Israel on the de facto growth of their Police Force; and did not prove that they were wholeheartedly combating fundamentalist terrorism, including the imprisonment of its activists” (3). Israel on the other hand “did not implement the three stages of the second redeployment, i.e. did not leave territories which were supposed to be transferred to the Palestinians; completed only one section out of four with regard to the freeing of Palestinian prisoners; did not undertake the implementation of the safe passage which was supposed to connect the West Bank and Gaza; repeatedly delayed the permit to build the airport and maritime port in Gaza; prevented the transfer of monies belonging to the PA for long periods of time; and continued to establish new settlements, to annex territories for new settlements and to expand existing ones” (3).

In addition to Oslo being flawed both in its conceptualization and in its implementation, there are also structural factors in the Palestinian territories that make peace building particularly difficult.
Structural Impediments to Successful Peace-building

Palestinian attitudes towards the peace process and the prospects of a viable and successful Palestinian state are strongly affected by three main factors: demographic developments, the economic situation and the openness of the emerging institutions.

In terms of demographics, the Palestinian population has been growing at a much faster rate than the economy or the infrastructure. In Gaza, there was a 68 percent population increase between 1994 and 2002, and in a West Bank a 50 percent increase in this time period (Cordesman 2005, 18). As Cordesman (2005) notes, these demographic pressures affect attitudes towards Israeli settlements, limit the ability to absorb returning Palestinians, and provide an excellent breeding ground for a radicalized youth (18). The hyper-urbanization in the greater Jerusalem area has also made the issue of Jerusalem increasingly relevant and controversial.

In terms of economic development, the Palestinian economy in general is plagued by what the Economist Intelligence Unit calls “structural imbalances” (Economist Intelligence Unit 2006). The Palestinian Territories are dependent on imports of goods and services, and are highly dependent on Israel for employment. This makes the economy highly sensitive to restrictions on the movement of goods and labor, which oscillates depending on the political situation and the status of the peace process (Economist Intelligence Unit 2006, 54). Thus, border closures have devastating economic effects, and the Palestinian labor market has always been volatile and cyclical (Economist Intelligence Unit 2006, 37).

The severe economic situation in the Palestinian Territories, however, is part of a larger deficient state, characterized by the weakness of the PLO, institutional failures, violations of human rights, the silencing of the opposition, and improper use of foreign aid (Kurz 2005). Opinion polls reveal that there is a strong perception of corruption in the PA. When the question was first asked in September 1996, 49.3 percent of respondents believed that there is corruption in the PA, but this rate gradually increased over time, so that by December 2004, 86.6 percent of respondents believed the PA was corrupt (Palestinian Center for Policy and Survey 1996, 2004).

Even though there are significant structural impediments to the peace-building efforts and inherent weaknesses in the Oslo Accords, the failure of Oslo is often blamed on the actions of “spoilers.” On both sides, actors such as the settlers or the suicide bombers have stalled the peace process, inhibited negotiations and affected the implementation of the peace agreements. While I have reviewed the flaws of Oslo and the structural factors that have affected the peace process, the next section of this paper will examine the spoiling dynamics on the Palestinian side, focusing on the actions of Fatah, Hamas and the Palestinian Islamic Jihad.

Palestinian Spoiling Dynamics

The notion of peace “spoiler” and “spoiling” is increasingly used to explain the failure of peace processes or the reasons behind violent opposition to peace agreements. However, scholars disagree about the definition of what a “spoiler” actually is.
Some definitions of spoilers are so broad that the concept might describe any pragmatic and rational actor that is strategically pursuing an agenda during the peace process. Thus, Noivo (2009) for example, argues that “When a party uses negotiation and political overtures as a tactical maneuver to further its own agenda, theory calls it a spoiler” (45). Noivo’s work focuses on Hamas as a spoiler, yet his definition could describe any of the actors on both the Palestinian and the Israeli side, who have been in any way involved in the peace process.

Newman and Richmond (2009) suggest that “spoiler” and “spoiling” can refer to “groups and tactics that actively seek to hinder, delay, or undermine conflict settlement through a variety of means and for a variety of motives” (1). Thus, spoiling refers to the “activities of any actors who are opposed to peaceful settlement for whatever reason, from within or (usually) outside the peace process, and who use violence or other means to disrupt the process in pursuit of their aims” (4). This definition remains broad, but the authors purposefully shift focus from “spoilers” as actors to “spoiling” as a tactic that can be used by a variety of actors, thus questioning the normative judgments usually attached when the label is used to define an actor rather than a tactic. Similarly, the German Development Institute (2006) emphasizes that spoiling as a tactic that undermines a peace process can be undertaken by any actor, including political parties, mass media and security forces, not just armed groups. Such an understanding of spoiling shies away from making assumptions about the legitimacy of opposing the peace process, and also serves as a reminder that spoiling is a complex phenomenon that can involve a variety of actors at all levels of society.

Kydd and Walter (2006) also focus on spoiling as a tactic rather than the label of an actor, but they have a much more narrow understanding. For them, spoiling is one of the different tactics used by terrorist groups, whose goals are to (1) persuade the enemy that moderates on the terrorist’s side are weak and untrustworthy and (2) undermine the peace process. From their perspective, terrorists resort to violence when relations between two enemies are improving, because peace agreement threatens a group’s goals.

Perhaps the most commonly used definition of “spoilers” is the one provided by Stedman (1997), whose concept falls somewhere in the middle between Noivo’s overly broad and Kydd and Walter’s narrow definitions. Stedman argues that “spoilers” are “leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it (5).” Stedman points out that spoilers can be both insiders and outsiders to the peace process, and that they can have different goals. Thus, he differentiates between limited spoilers with limited goals, greedy spoilers, whose calculations are based on costs and risk, and total spoilers, who pursue total power and exclusive recognition of authority and hold immutable preferences (10).

From Stedman’s perspective, one could argue that on the Palestinian side Fatah, Hamas and the Palestinian Islamic Jihad are all different types of spoilers. Stedman argues that an inside spoiler “signs a peace agreement, signals a willingness to implement a settlement, and yet fails to fulfill key obligations to the agreement” (8). Arafat presented himself at the negotiating table as willing and able to stop violent attacks against Israel; yet, in the Palestinian territories Arafat failed to effectively counter-terrorism, and at times even sought to encourage and exploit the violent attacks (Cordesman 2005, 28-29). Not only was Arafat’s commitment to counter-terrorism unreliable, but while Fatah officially denounces the use of violence, it still maintains several
armed “wings.” Furthermore, Barak and Clinton also see Arafat as ultimately responsible for the failure of Camp David, claiming that he was not seriously committed to any peace agreement (Tessler 2009, 806-807).

Based on Stedman’s typology, Hamas and the PIJ can be seen as outside spoilers, who openly opposed the Oslo peace process and purposefully employed violent attacks against Israelis in order to stall the peace process and discredit the PLO. As Cordesman (2005) notes, the violent acts of Hamas and the PIJ “peaked at times when acts of terrorism could do the most to block the progress of peace process and drive the two sides apart” (28-29). Some could argue that Hamas and the PIJ are total spoilers who are fundamentally opposed to the existence of Israel. However, there is a general consensus among scholars that Hamas is a pragmatic and calculated group that is capable of showing tactical restraints if necessary (Baumgarten 2005, Gunning 2004, Klein 2009, Malka 2005, Milton-Edwards 1996, Mishal and Sela 2000, Nusse 1998, Usher 2005, Shikaki 2007). From this perspective then, if Hamas were to be categorized as a spoiler, it would better fit the concept of greedy spoiler.

Stedman’s definition and typology of spoilers has been path-breaking and has influenced most thinking on the issue; yet it has also raised some significant criticisms. First, as emphasized by Newman and Richmond (2009) and the German Development Institute (2006), it is problematic to label specific actors as spoilers, especially since it implies normative judgments. This label also seems to assume that the peace process is inherently fair, feasible and the optimal choice. Therefore it is more helpful to think of spoiling tactics instead, and to take into account possible weaknesses of the peace agreement and structural impediments, and place the analysis of spoiling in context.

Second, Greenhill and Major (2007) argue that an “overreliance on the spoiler framework greatly underestimates the considerable influence that structural factors continue to exert on the trajectory of the implementation of peace processes” (8). From their perspective, Stedman’s typology is too static, and it is too outcome-oriented. Instead, Greenhill and Major avoid a-priori fixed preferences, and assume that actors base their strategies on the political opportunity structure and their capabilities.

Greenhill and Major also point out that Stedman’s model ignores latent spoilers. By focusing on groups that are already active “the model fails to take into account the entire set of determined but weak actors who would oppose the implementation of a peace accord, if only they had the material wherewithal to do so,” and who could become more salient if there were any shifts in relative power (10).

This paper argues that not only do we need to focus on spoiling as a tactic rather than on spoilers as actors, but that we also need to take the analysis a step further and think of spoiling dynamics rather than isolated tactics. Actors in the Palestinian territories do not act in complete isolation of each other, but rather their fates and their strategies are strongly interconnected. As Hamas experts point out, the group’s violent attacks are not only a response to Israel but also a response to its domestic competitors, whether it is an issue of outbidding (Bloom 2006) or a matter of challenging the opposition’s claim to legitimate representation (Pearlman 2008/09). Furthermore, Hamas’s public support is strongly related not only to its opposition of the peace process (which
has been somewhat steady), but also to the fate of its secular competitor, Fatah. When Fatah fails to deliver both in the economic realm and in the peace process, its public support begins to drop, and Hamas becomes increasingly popular.

If we seek to understand the spoiling dynamics on the Palestinian side, it is therefore essential to pay attention to all major actors affecting both domestic politics and relations with Israel. Thinking of spoiling dynamics rather than spoilers or specific spoiling tactics implies that actors collectively contribute to the general political dynamics that undermine a peace process. In the Palestinian territories, Fatah, Hamas and the PIJ have been perhaps the three main protagonists in these political dynamics affecting the conceptualization, negotiation and implementation of Oslo and the fate of the peace process.

Analyzing spoiling dynamics also means understanding actor strategies and tactics within the broader context. Thus, before moving on to a closer examination of each of the three groups, figures 1 through 4 provide a visual outline of some of the features of the political context in the Palestinian territories during the Oslo years.

Figure 1. Palestinian Public Opinion Vis-à-vis the Peace Process: Percent of support for the peace process versus percent of support for violent tactics. Source: Palestinian Center for Policy and Survey Research.
Figure 2. Number of violent attacks or attempt of attacks against Israelis during the Oslo Years. Source: Hafez 2006 and Tessler 2009.

Figure 3. Palestinian Support for Fatah, Hamas and the Palestinian Islamic Jihad. Source: Palestinian Center for Policy and Survey Research.
Figure 4. Palestinian Economic Indicators: GDP in US dollar amounts. Source: World Bank Group, World Development Indicators.

This visual representation of shifts in public attitudes towards the peace process and towards violent tactics, public support for each of the major actors, number of violent attacks and levels of economic development reveal some interesting patterns. For example, we see the highest number of violent attacks (or attempts) against Israelis during the first years of Oslo, which also coincides with the period when there were most negotiated agreements between the two sides. In spite of progress at the negotiating table, however, Israel also responded to attacks during this period with closures and massive arrests, and we see that in fact support for the peace process is not at all-time high during these first years when the process was perhaps most accelerated. In fact, support for the peace process peaks after Oslo II, when we also see major redeployments on the ground and the first Palestinian elections. Interestingly enough, this also corresponds to a period during which Hamas and PIJ are both the weakest and most inactive militarily, when their public support is the lowest, and when the economy in the Palestinian territories starts picking up.

All these dimensions of Palestinian politics are significant and shape what can be understood as the spoiling dynamics. Yet, within these dynamics, it is important to examine each main actor more closely.

Fatah
Fatah was established in 1958 in Kuwait by Yasir Arafat along with seven other Palestinian activists (Schanzer 2008). The organization is largest faction dominating the Palestinian Liberation Organization (PLO), which was established in 1964 by the Arab League. Running on a platform of secular nationalism (even though many of its initial members came from the ranks of Islamists), Fatah has “monopolized nearly all aspects of politics in the West Bank and Gaza Strip” since the late 1960s (Pina 2005, 2).

The 1964 Fatah constitution defines the movement as “an independent national revolutionary movement representing the revolutionary vanguard of the Palestinian people.” 4 The document has both pan-Arab and pan-Islamist overtones, declaring that the Palestinian people are part of the Arab Nation, and that liberating Palestine is an Arab and religious obligation.

By the early 1990s Fatah has mollified its rhetoric regarding Israel and the group became the primary representative of the Palestinian people at the negotiating table. The 1964 constitution, however, contains quite vitriolic language, calling for the eradication of the “Zionist economic, political, military and cultural existence” and arguing that the “Zionist Movement is racial, colonial and aggressive in ideology, goals, organisation and method.” The 1964 Fatah vision for the Palestinian state was one of “an independent democratic state with complete sovereignty on all Palestinian lands,” with Jerusalem as its capital city, and with a protection of “the citizens' legal and equal rights without any racial or religious discrimination.”

During its period of inception Fatah created a network of secret cells that launched attacks against Israel (Schanzer 2008); however by the 1990s Fatah renounced violence, and began changing its rhetoric. The organization became involved in the negotiation process and under Arafat’s leadership it emerged as the main representative voice of the Palestinian people during Oslo. On September 13, 1993, during the White House ceremony, Arafat declared that peace and coexistence with Israel is indeed possible, and that the Palestinian “people do not consider that exercising the right to self-determination could violate the rights of their neighbors or infringe on their security” (Arafat 1993).

Although Fatah renounced violence and changed its primary attitude and rhetoric towards Israel, the movement still remains fractionalized. The most salient cleavages are between those who oppose and those who condone violent tactics, and between the “old guard” and the younger generation of Fatah members. The organization still maintains several armed “wings,” such as Force 17, Tanzim and the al-Aqsa Martyrs Brigades (Pina 2005, 4). Tanzim was established in 1995 to counter the growth of anti-PA factions, and its representatives appear at Fatah functions, even though Fatah leaders generally exclude Tanzim members from high offices. However, the cells take orders from Tanzim commanders not Fatah or the PA (Cordesman 2005, 181).

The “old guard” of Fatah is a highly hierarchical group and during the Oslo years it was dominated by Arafat. These members generally oppose the use of violence and are critical of the

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involvement of security forces in fighting (Shikaki 2002). The young guard on the other hand lacks cohesion, leadership and formal authority, but it has power in the Fatah High Committee, the Fatah Revolutionary Council, Tanzim and Al-aqsa Brigades. These younger members call for transparency, accountability, and more direct confrontation with Israel, but also for a more representative government that includes both more members from its own rank and more Islamists. While these younger members support demands for good governance, and call for the respect for rule of law, they also oppose cease-fire agreements that entail cracking down on Palestinian nationalists or Islamists and support the idea of security forces participating in armed confrontations (Shikaki 2002). 

The young guard also accepts the existence of Israel and calls for an independent Palestinian state with Arab East Jerusalem as its capital, but it is more hawkish than the “old guard” who seeks primarily negotiated settlements that can maintain its power. Thus, Shikaki (2002) argues that the for the young guard armed popular confrontation seems the best way to end to occupation, and bypassing negotiations would render the old guard irrelevant and elevate the young guard to power (97).

If one examines the statements made by Fatah leaders and analyzes the interviews through the tools of Leadership Trait Analysis, what emerges is a “crusader” leadership style that is closed to information and challenges constraints. In domestic politics, Fatah challenges constraints indirectly, being the “power behind the throne” and pulling strings without being fully accountable for results. In relation to Israel, Fatah challenges constraints both directly and indirectly, taking charge to pursue its goals. In both realms the group is also closed to information. An Operational Code Analysis of these interviews, however, reveals that Fatah does not regard Israel as an enemy, so even though it might not be willing to change its fundamental view, this fundamental ideology accepts cooperation and negotiation with Israel.

While Fatah has a much more positive strategic outlook towards Israel than its Islamist competitors, the group also has had the most to win out of the Oslo peace process. In fact, some scholars argue that while Oslo was supposed to establish a basis for a future democratic and autonomous Palestinian state, “what Arafat did was to build a power base, an authoritarian regime composed of an extensive bureaucracy, security courts, and competing and overlapping security apparatuses and a police force, all under his individual control” (Farsoun and Aruri 2006, 260). Similarly, Cordesman (2005) argues that Arafat “divided security forces into competing factions that he could personally control, and made no real effort to create a coherent structure which could be efficient or part of a state system” (40). Power was centralized in the hands of Arafat, who was “executive administrator, patron, legislator and judge all in one” (Farsoun and Aruri 2006, 260).

Brown (2010) argues that Fatah became too wedded to the PA and vice versa, while the PA in turn developed into an instrument of party patronage and brutal domination (42). Under the dominance of Arafat, the PA also built up substantially larger numbers of men and weapons than the peace accords formally permitted (Cordesman 2005, 39).

In 1997 and 1998 the Palestinian Council actually voted to demand a new cabinet and threatened a vote of no confidence because of reports of extensive mismanagement and corruption. Arafat’s
response however was to attempt to co-opt more members of the opposition, which only led to the resignation of reform-oriented members of the Palestinian Council. (Tessler 2009).

While Fatah was consolidating its power in the Palestinian territories and building a “state” around the figure of Arafat, the group was also attempting to police the population and control the Islamist opposition. This was done both because it helped secure Fatah’s power, and because it was the major commitment that Arafat signed on to during the peace accords. Thus, Fatah clamped down on the Islamists and undertook waves of arrests, expanded prisons, and conducted extensive interrogations and quick trials (Schanzer 2008, Cordesman 2005). At times, however, Fatah also tried (unsuccessfully) to get members of al-Qassam brigades to join the PA security agencies (Schanzer 2008, 47). Cordesman (2005) reports that the PA announced in 2005 that it would license weapons for members of Hamas and the PIJ, and that between 1994-1997 there were thirty-seven documented instances of PA offering asylum to Hamas and PIJ members who murdered Israelis and were seeking refuge (34-35).

Fatah’s duplicitous actions, corruption and failure to deliver fully satisfactory results to both Palestinian constituents and Israeli negotiators meant that the group that had presented itself as the only legitimate representative of the Palestinian people was gradually losing its legitimacy and credibility both domestically and within the context of the peace process. This became perhaps most evident after the Oslo years, in the 2006 election when Hamas delivered an electoral victory. During the Oslo peace process, however, Hamas and the PIJ both significantly shaped the spoiling dynamics within the Palestinian territories.

Hamas

Hamas, the Islamic Resistance Movement (Harakat al-Muqawama al-Islamiyya), was established in 1988 by the Muslim Brotherhood as a political wing, in order to participate in the intifada, the uprising that erupted in 1987. Scholars suggests that the foundation of Hamas was a strategic move by the Brotherhood, in the attempt to attract the deprived young generation participating in the uprising and detract it from joining the Islamic Jihad or the Palestinian Liberation Organization (Kepel 1994, Berman 2003, Barghouti 1995).

As a wing of the Brotherhood, Hamas bases its ideology on religious grounds; however, as a political movement the organization merges religious principles with nationalist objectives and pan-Arab ideas, its main goal being the establishment of an Islamic state in all of Palestine. The Hamas Charter outlines the nature and main objectives of the organization, which are centered around the Muslim duty to oppose the “Zionist state” and engage in jihad until an Islamic state is established on all of Palestine. Published on August 8, 1988, at the heart of the intifada, the Charter not only laid out the nature of Hamas as a new organization, but it provided the first alternative to the PLO constitution, which had been the only point of reference for the Palestinian struggle. Thus, the Hamas Charter became the first document to define the national struggle in terms of religion.

The Charter declares that “Allah is its goal, the Prophet its model, the Qur’an its Constitution, Jihad its path and death for the cause of Allah its most sublime belief” (Yonah 2002, 52). Hamas regards the political discord and the corruption within the Palestinian Territories as a sign that
Islam has been abandoned, and suggests that only under an Islamic state could all the members of society (which includes members of all religions) coexist in safety and security.

The Charter regards Palestine as Islamic *waqf*, and emphasizes the fact that it includes holy sites such as the Aqsa Mosque. Thus it becomes the duty of all Muslims to protect it from invaders, and nationalism becomes an essential element of faith. Jihad is seen as the only solution to the Palestinian problem, while all peace negotiations or agreements are merely unjust methods of appointing “the nonbelievers as arbitrators in the lands of Islam” (Yonah 2002, 54). From this perspective then, renouncing any piece of land is equated to “renouncing part of the religion,” which renders the nationalist struggle as territorial and religious zero-sum game (Yonah 2002, 54).

The Hamas Charter depicts Israel as a “Nazi-like enemy” for exiling people from their country and resorting to violence against civilians, and suggests that the Zionists have established clandestine organizations worldwide, such as the Freemasons, Rotary Clubs, Lions Clubs and B’nai B’rith, in order to “destroy societies and carry out Zionist interests” (Yonah 2002, 61). Confronted with such an enemy, the objectives of Hamas then are “discarding the evil, crushing it and defeating it, so that truth may prevail,” returning the homelands and “announcing the reinstitution of the Muslim state” (Yonah 2002, 62).

In relationship to the Palestinian society, Hamas emphasizes the need for social solidarity, which implies extending help to the needy, the need for Islamic art in order to uplift the spirit, relax the soul, and mobilize people, and it emphasizes the role of women in preparing their husbands and sons for the duty of *jihad*. With regards to the PLO, Hamas states that “the PLO is among the closest to the Hamas, for it constitutes a father, a brother, a relative, a friend” (Yonah 2002, 64). However, Hamas criticizes the PLO on the basis that it has adopted the idea of a secular state, a stance that the organization rejects. In contrast to the corruption that plagues the secular Palestinian government, Hamas emphasizes that the group does not aspire for material gains or personal fame, and that it stands in contrast to opportunism and materialism.

While the Hamas Charter focuses on the religious discourse and the struggle for national independence, the organization has succeeded to develop and strengthen its grassroots support through a strong social support network. The movement has built mosques, and established charities that assist the poor, clinics and hospitals that provide free services, as well as kindergartens, schools and colleges. Hamas lacks the substantial financial resources of the PLO, however the organization enjoys a more open and efficient system, and the money it collects in forms of alms goes directly to support its social endeavors (Abu-Amr 1994, 87-88). Aside from its social services activities, Hamas also operates a security apparatus that collects intelligence among the Palestinian population, monitors the society in order to stop immoral activities, and organizes military operations.

The Hamas Charter is reflective of how the organization merges religious and nationalist identities, legitimizing the use of violence in the struggle against the occupation and portraying *jihad* as a sacred duty. As it embraces different goals, which require different strategies, Hamas also developed a structure that incorporates three specialized branches. The public wing of the organization includes the members who are active in Palestinian institutions and politics, its
underground network consists of the activist members that organize protests and carry out intelligence missions, and the military wing consists of the militant members that undertake attacks against both Israeli and Palestinian targets.

Judging Hamas based on the Charter would suggest that the organization is highly dogmatic, and would never be willing to compromise its stance on Israel and the peace process, because that would be tantamount to renouncing its raison d’etre. However, recently scholars have pointed out that the Charter is not really relevant any more, and that current writings are more pragmatic than theological. Thus, Klein (2009) argues that there are a lot of oppositional voices within the organization, and that recent documents reveal a pragmatic and flexible organization that is willing and able to adjust to its political environment. Similarly, Mishal (2003) suggests that although Hamas has been unwilling to compromise its ultimate objective, it does not subordinate its activities and decisions to officially held religious doctrine. Instead, according to Mishal, the organization “operates in a context of opportunities and constraints, conflicting interests, and cost-benefit considerations, and is attentive to the fluctuating needs and desires of the Palestinian population and cognizant of power relations and political feasibility” (570).

Other scholars are also optimistic about the moderating potential of Hamas, suggesting that the organization has sent important signals of ideological flexibility (Usher 2005, Shikaki 2007, Milton-Edwards 1996, Nusse 1998), and has demonstrated political pragmatism and realism (Milton-Edwards 1996, Malka 2005, Mishal and Sela 2000, Gunning 2004, Baumgarten 2005). Hamas leaders, for example, have long called for government transparency and accountability, and some scholars consider Hamas’s recent participation in Palestinian election a proof of strategic considerations to consolidate its basis of support (Mishal and Sela 2000, Hroub 2000). In spite of its refusal to recognize Israel, the organization has been willing to differentiate between the short-term goals of a Palestinian state in the West Bank and Gaza, and long-term goals of an Islamic state on all of Palestine (Mishal and Sela 2000, Milton-Edwards and Crooke 2004). Hamas has in fact been willing and capable of maintaining ceasefires when strategically necessary (Mishal and Sela 2000, Baumgarten 2006, Malka 2005, Scham and Abu-Irshaid 2009). Furthermore, more recent documents released after the electoral victory also display pragmatism and a move away from radicalism and towards state-building (Hroub 2006).

An examination of Hamas statements and interviews through Operational Code Analysis and Leadership Trait Analysis (LTA) reveal that the leaders of the organization value gaining support more than they value punishments or threats. However, the leadership style that emerges from the analysis is one of a “crusader” organization, which might opt for appeal not because it seeks cooperation and compromise, but because it is evangelistic and wants everybody to accept its messages and support its cause. Thus, Hamas supports cooperation, but it is also closed to information, which suggests that the group is indeed willing to collaborate as long as such cooperation occurs on its terms. The LTA analysis seems to suggest that the group is not likely to change its fundamental ideology, but it might be willing to cooperate and display pragmatism in everyday politics.5

5 These conclusions are based on a separate Operational Code Analysis and Leadership Trait Analysis of fifty-four interviews with Hamas leaders.
While Hamas members and leaders are all generally opposed in principle to the Oslo peace process, factions and dissenting opinions have emerged between inside and outside leaders, and between moderates and hardliners. Gunning (2008) for example points out that pragmatists favor political inclusion and are willing to accept a two state compromise if public opinion approves of such a solution, whereas absolutists oppose such compromise on principle. Tamimi (2007) also points out that when Hamas leaders met in Khartoum in Dec. 1995 some delegates from inside Palestine were strong proponents of halting military activity and participating in elections, believing that the peace process would actually bring a solution if given a chance (192).

However, after a heated debate for several days, the consensus was that Hamas needed to continue resistance, and that it wouldn’t participate in elections because they were the product of Oslo (Tamimi 2007, 192-193). Part of the disagreement had to do with the fact that leaders inside the Palestinian Territories were more pragmatic and moderate than leaders outside the territories.

During the Oslo years Hamas was at the forefront of organizing violent attacks against Israelis, which are captured in Figure 2. During this period, Hamas had two paramilitary organizations: (1) the Palestinian Holy Fighters, which included the al-Qassam Brigades, which were responsible for most attacks against Israel, and (2) the Security Section, which was established in 1983 to conduct surveillance of suspected collaborators, and in 1987 began to set up hit squads to kill heretics and collaborators (Cordesman 2005, 192). Cordesman (2005) notes that the number of attacks against Israel actual was lower in the seventy month period after the beginning of the Oslo peace process than during the sixty-nine months prior to Oslo; however, the number of Israeli fatalities during the Oslo years increased because the Islamist opposition started using car bombs and suicide bombs (32).

Hamas experts are increasingly suggesting that the violent attacks undertaken during the Oslo years were not only meant to undermine the peace process, but also meant to undermine Hamas’s domestic opposition (Bloom 2006, Gunning 2008, Kydd and Walter 2006, Pearlman 2008/09). Gunning (2008) points out that Hamas’s attacks were often revenge assassinations and campaigns whose goal was primarily to force Israel to end the practice of targeted assassinations (210-211). Thus, Hamas often undertook violent attacks after settler provocations and violence, and after waves of arrests or targeted assassinations of its members. Gunning (2008) also argues that in some instances, Hamas saw itself as undertaking violence in order to improve the negotiating potential for Palestine, and not necessarily to completely undermine the peace process (212).

While Hamas might have strategically organized attacks after Israeli aggressions and settler provocations in order to be able to claim legitimate reasons for violence, the Israeli response to these attacks were invariably harsh not just on the Islamists but on the Palestinian population as a whole. These reactions included border closures, refusal to release workers permits, arrest campaigns, targeted assassinations, delays in redeployments, an increasing tolerance for settler

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6 Gunning (2008) also argues that Hamas has shifted its opposition to the peace process from an absolutist one based on divine right to a conditional one that is dependent on public will. While this view has been adopted by other scholars too, if the findings of the LTA analysis are correct and Hamas leaders are truly closed to information, then it’s doubtful to what extent the organization would actually change its views on Israel if public opinion shifted dramatically. From this latter perspective, a more cynical interpretation might be that Hamas is actively trying to shape public opinion and frame the debate on the peace process, counting on the fact that a referendum would not yield full support for the peace process.
activity and an increasingly strong push for the PA to police its own population. By September 1998, for example, all but one of the major leaders of the Qassam Brigades were killed, which was followed by more waves of Hamas and PIJ arrests in the subsequent months.

Cordesman (2005) reports that in 1995 Israel made it clear “that the peace process could only continue as long as the PA improved quality of its security options and publicly and consistently cracked down on violent movements like Hamas and the PIJ” (30). Amnesty reports reveal that in 1995 PA security forces detained over 1,000 Palestinians on political grounds, and over 40 percent were brought to trial before newly established State Security Court, which did not meet international standards for a fair trial (Tamimi 2007, 194). After the Sharm el-Sheikh conference, the PA once again cracked down again on Hamas, detaining over 1,000, closing a number of social welfare organizations run by the movement (Tamimi 2007).

The actions, effects and fate of the Palestinian Islamic Jihad are in many ways very similar to those of Hamas.

**The Palestinian Islamic Jihad**

The Islamic Jihad (al-Jihad al-Islami) was the first activist-oriented offshoot of the Muslim Brotherhood to merge the fight for Palestinian liberation with the concept of re-Islamization, and to promote the opposition to the Israeli occupation as a crucial element of the Islamist cause. Founded in Gaza in the early 1980, the Islamic Jihad differed from the leadership of the Muslim Brotherhood by advocating immediate confrontation with the Israeli occupation and calling for the destruction of Israel as an individual Islamic duty. While the Muslim Brotherhood regarded the purification of society as the first and most important goal and avoided confrontation with Israel, the Islamic Jihad movement believed that political power and social piety were interdependent, and opposition to the occupation needs to be undertaken simultaneously with the Islamization of society. The founders of PIJ, Sheikh Abd Al-Aziz and Fathi Shiqaqi, were heavily inspired by the Iranian model and in creating the organization wanted to maintain the momentum from the Iranian Revolution. PIJ’s ideology is more radical than reformist, and more militant than passive (Milton-Edwards 1996, 198).

Unlike Hamas, the PIJ is more secretive, and less focused on the provision of social services (Cordesman 2005, 208). Overall, the group is a lot more focused on jihad as a primary strategy than Hamas, and there is no internal debate (as there is in Hamas) over whether the organization should prioritize social services or armed struggle (Abu-Amr 1997, 106). Unlike Hamas, the group also has stronger ties to the broader jihadi movements that emerged in the 1970s, and has a stronger link to both Hizbullah and Iran than Hamas (Cordesman 2005). The group has also always espoused a much more radical and militant strategic approach than Hamas, promoting violent attacks from the beginning. An Operational Code Analysis and LTA of PIJ leaders reveal that the group has a more hostile view on Israel, and that it is highly risk acceptant, which suggests that it might not be easily deterred, and it might not always respond to incentives.⁷

On domestic issues, the PIJ challenges constraints both directly and indirectly; it knows what it wants and it takes charge to see it happen. When it comes to the peace process, however, on

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⁷ The Operational Code Analysis and the LTA are based on forty-five interviews with PIJ leaders.
average the PIJ leans towards respecting constraints, and working within the existing parameters, valuing compromise and consensus building. This is a somewhat surprising finding, especially since the group is usually considered extremist, and because the Operational Code Analysis also reveals that the PIJ sees the political universe regarding the peace process as more hostile than Hamas.

It is important, however, to also keep in mind who the audience is, and who the PIJ seeks to build consensus with. Most PIJ interviews were conducted by Iranian radio stations and by Al-Jazeera. Examining the substantive content of these interviews also shows that the PIJ seeks to build consensus and gain support, but not consensus with Israel, rather consensus with all other groups in opposition to Israel. Thus, it is important not to confound the respect of constraints regarding Israel with respecting such parameters as the Oslo Accords (especially given the fact that the PIJ is closed to information); instead the PIJ respects the constraints within the framework of the opposition.

A closer look at the LTA results for individual leaders (instead of the aggregate for the organization as a whole), however, also reveals that there might be some important differences among different leaders. While the samples for each leader are not large enough to be fully representative and perfectly reliable, a preliminary analysis shows that while the early leader Shakaki was closed to information and challenged constraints (thus displaying a “crusader” leadership style), the subsequent leader Shallah is closed to information but respects constraints (thus displaying a “pragmatic” leadership style). This suggests that the movement might waver between crusader and pragmatic leadership styles, but it might be generally moving towards a pragmatic leadership style. The caveat that this pragmatism is primarily regarding how and when to oppose Israel, however, still holds. Nonetheless, this pragmatism provides hope that given enough incentives the movement might be willing to agree to ceasefires, even if it would never be willing to change its fundamental view of the peace process.

During the Oslo years, the PIJ’s strategy was similar to Hamas, though the group was much less active and successful than Hamas, as Figure 2 shows. The effects of Islamist violence were the same whether the attacks were undertaken by Hamas or by the PIJ. Overall, the Islamist attacks organized by both PIJ and Hamas discredited Fatah and the PLO, reversed progress made during the negotiations, and destroyed Israeli confidence in the benefits of the peace process (Tessler 2009, Cordesman 2005).

Given the interaction between Fatah and the Islamists and the spoiling dynamics on the Palestinian side, what lessons can we learn from the Oslo Years? Can spoiling dynamics be averted or at least minimized? The next section summarizes some of the main findings insights that emerge from this analysis.

**Can Spoiling Dynamics be Minimized? Some Lessons from the Oslo Years**

This paper has argued that instead of focusing on “spoilers” as actors or focusing solely on specific spoiling tactics, it is more helpful to think of spoiling dynamics. This analysis has revealed that the Oslo peace processes had some important weaknesses, which made it inherently
prone to spoiling dynamics. Furthermore, the Palestinian territories also suffer from economic and political deficiencies that make the implementation of the peace process difficult, and that raise public doubts about the benefits of the peace process, and the legitimacy of the peace negotiators.

This paper has also revealed that the peace agreements during the Oslo years made little progress on the most controversial border issues that are quintessential elements for building a sovereign Palestinian state, and instead most concrete steps were taken towards institution-building. However, as Hartzell and Hoddie (2010) warn, focusing too much on the “democratization formula” can indeed provide problematic and exacerbate security concerns, as the potential loss of an election provides significant disincentives to opposition groups. In the Palestinian territories, some scholars argue that one of the main reasons why Hamas ultimately chose to boycott the first elections in 1996 was because they estimated an electoral loss (Mishal and Sela 2000). Furthermore, what the Oslo emphasis on institution-building ultimately accomplished was to consolidate Fatah’s power in the Palestinian territories, and build a state around the central figure of Arafat.

This proved problematic for many reasons. On one hand, this formula is inherently unstable and too dependent on the fate of several key leaders. On the other hand, however, at the same time that Arafat and Fatah claimed to be the sole legitimate representatives of the Palestinian people at the peace table, their increasingly authoritarian rule and the corruption within the ranks gradually eroded their legitimacy, and implicitly the legitimacy of the secretly negotiated peace process.

Arafat was also placed in a serious political dilemma as he attempted to be both the official diplomat of the Palestinians and the police officer in the territories. This proved to be an impossible task, and the end result was lack of trust both by the Israelis and the Palestinians, who saw his domestic security measures as a great betrayal. Attempting to be both tough on terrorism and to represent the Palestinian voice and maintain its public support was also problematic because the negotiations were framed in terms of achieving security for Israel. These dynamics in effect turned Islamist opposition groups into veto players. These groups were excluded from the negotiations and had no stakes in the emerging Palestinian institutions. At the same time, undertaking violent attacks fit not only with their ideological views on Israel but also proved to be able to discredit the emerging secular government, undermine their opposition and undermine the peace process.

The most difficult aspect of the spoiling dynamics is the question of how such actors as Hamas and the PIJ can be turned from veto players into stakeholders. The argument that they should be included in the negotiation process is somewhat simplistic, and ignores the strong ideological opposition of these groups to the peace agreements. LTA analysis reveals that these groups tend to be closed to information and evangelistic, and a substantive examination of interviews with the leaders shows that while these groups might be pragmatic and display tactical moderation on short-term issues, both Hamas and the PIJ are still fundamentally opposed to the peace process with Israel.
However, hope exists, because both groups have collaborated at times with their secular rival and abstained from violence when necessary. Thus, solutions need to be focused on ways to incorporate such veto players into the domestic institution-building process and turning them into stakeholders in the domestic institutions rather than in the peace process. For example, during the Oslo negotiations, while the PLO was negotiating the terms and as the PA was emerging as the main governing institution, it is conceivable that Hamas and PIJ would have taken a more reconciliatory approach if they had been given authority in the ministry of education or religious affairs for example, regardless of their participation in the peace process, and only conditional on observation of ceasefires. If parties opposed to the peace process can agree to support the role and accept the legitimacy of the peace negotiator, then they don’t have to compromise their fundamental ideology and participate in the peace process directly. Undertaking such an endeavor is difficult, however, and it is perhaps most successful if the patrons of the major actors are involved in creating the incentives, and not just the 3rd parties that are involved in the peace process.

This analysis of spoiling dynamics comes to somewhat different and arguably more nuanced conclusions about policy recommendations than more traditional perspectives that emphasize the role of spoilers. Socialization as a response proposed by some scholars that focus on “spoilers” is problematic if we accept the findings of LTA that all major protagonists in the conflict tend to be closed to information. Coercion as a tactic traditionally recommended for total spoilers also proves ineffective if one takes into consideration the broader dynamics, because it can undermine the legitimacy and domestic credibility of both the negotiators and of the peace process. The strategy of the “departing train” might work, but as we have seen from this analysis (and as figures 1-4 visualize), Rabin’s approach of pursuing the peace process as if there was no terrorism only started improving faith in the peace process once (1) there were significant redeployments and changes on the ground, and (2) Islamists were severely weakened.

An analysis of spoiling dynamics rather than an emphasis on spoilers or spoiling tactics along reveals the complexities and vulnerabilities of peace processes, whose legitimacy and viability is continuously challenged and questioned. The factors that affect these dynamics are multifaceted, which underlines the importance of addressing multiple levels of grievances, and engaging a wide variety of actors through different means. Much more research is needed in exploring the ways in which spoiling dynamics can be reduced and minimized, and the ways in which actors that are fundamentally opposed to a peace process can be induced into ceasefires and into accepting the legitimacy of their compatriots at the negotiation table.
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