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Breakfast with Yasser Arafat: Personal Reflections on the Peace Process

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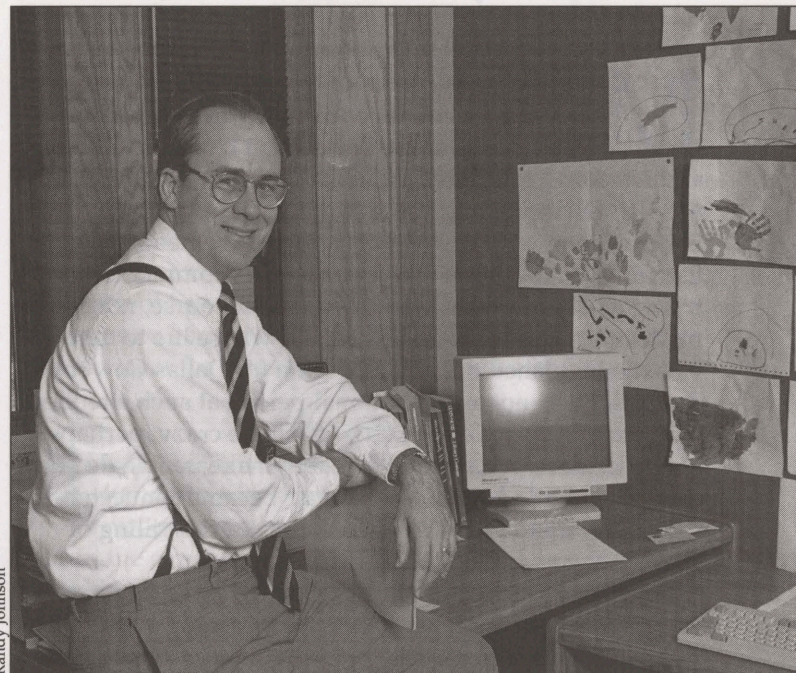
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Breakfast with Yasser Arafat: Personal Reflections on the Peace Process

The Handshake

Early on the morning of Sept. 29, 1995, I found myself in a posh hotel on Lafayette Square across from the White House engaging in some nervous small talk with various individuals involved in, or connected to, the peace process between Israel and the Palestinian Liberation Organization (PLO). These conversations were constantly interrupted by eyes glancing at the doorway to the private room in which we stood. Everyone wanted to see him, meet him, shake his hand. I felt a little out of place among the invited guests, and the sustained second looks at "Indiana University" on my name tag indicated that some of the other invitees also wondered why I was amongst this select group. But I was there, and I too would have my opportunity to meet him.

As the minutes passed, the anticipation in the room grew palpable. The organizers of the breakfast attempted to get everybody seated at their assigned tables so that he could get into the room and be escorted to his place in accordance with security procedures. I complied as did most of the group, and I struck up a conversation with a fellow academic. We got lost in conversation as academics tend to do and did not notice immediately the commotion behind us. He had arrived. And he was swiftly surrounded by all the invited guests. Handshakes and even hugs began. There went Jesse Jackson, cutting through the throng to welcome him. It was a little hard to see him at first. All I could glimpse, with some tippy-toe action, was that famous head scarf. Sensing that we had better enter the fray, my colleague and I tried to get in line as best we



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could, but the line was more like a mob. It was truly an electric, emotional atmosphere as he worked his way through the crowd. We were getting closer, our opportunity was near. Then, with about three guests left (including me), his attendants cut him off in an attempt to move him to the front of the room. I would not meet him and shake his hand. I consoled myself with the thought that at least I got to see him — if not face to face, hand in hand.

Arafat's face and head scarf became connected ... with those black masks, the killing of those athletes, and a kind of madness.

Then he did something that, well, just made my day. He ignored his attendants, moved all the way around our table, and walked straight up to me. There in front of me, hand outstretched, was Yasser Arafat. As I took his hand and looked into his face, so many things rushed into my head that I almost forgot to tell him who I was and why I was there. I did not fumble or muffle my way through our short encounter, but I had the distinct feeling that I was not entirely "there." My mind and emotions seemed simultaneously in the past, the present, and the future. As he was ushered on his way, I realized that I had just encountered history.

The Past

My earliest awareness of "foreign affairs" came in two images emblazoned in my memory: the black masks of the Palestinian terrorists who abducted and murdered Israeli athletes at the 1972 Munich Olympics and the face of Yasser Arafat televised in connection with this awful incident. I remember listening to ABC's Jim McKay and other commentators trying to explain what was going on. Of course, none of it made any sense to an eight-year old whose life to date was distinguished only by a passion for Dallas Cowboys' football. I was not a very rational person at such a tender age, but this episode seemed to me to be crazy, perhaps even madness. What could possibly make people do such things? Arafat's face and head scarf became connected in my young mind with those black masks, the killing of those athletes, and a kind of madness.

From that time forward, Arafat's face was a constant image in my gradual involvement in learning about international relations. His image haunted international relations as Munich was followed by the Yom Kippur War, terrorism against Israel, airline hijackings, the Israeli invasion of Lebanon, the destruction of the Marine barracks in Beirut, and the rise of Islamic Jihad. The more I learned in high school and college about the Arab-Israeli conflict the more confused I seemed to get. The steady accumulation of facts and information in my head did not seem to move me much beyond the numb disbelief I had during the 1972 Munich Olympics. Knowledge as such was not giving me any answers. At this time, peace between Israeli and the PLO and Arab states seemed to my mind both inevitable and impossible.

It was not until I was studying international relations as a graduate student at Oxford University that I was able to break free from the association of the black masks and Arafat's face. I researched the origins of the Middle East problems for a seminar paper, and I found myself working through the intricacies and machinations that accompanied and followed the "revolt in the desert" during the First World War. The enigmatic "Lawrence of Arabia" became the key figure in my growing historical sensitivity. T.E. Lawrence combined romanticism and realism in a way that was intriguing. In his writings and his endeavors, Lawrence communicated to me a sense of the Arab peoples and their various aspirations. He made me see the Arab culture differently. He gave me different images of proud and ancient peoples struggling to maintain their identity and ways of life under Turkish rule and in anticipation of the arrival of new European overlords. Lawrence's sense of betrayal at the treatment of the Arabs after the end of the First World War by the British and the French exposed the duplicity those colonial powers were capable of effortlessly performing. The old origins of the problems in the Middle East, their long and bloody history, and the claims of the various peoples involved could not be done justice by clinging to disturbing images seen in childhood.

It was also at Oxford that I had an experience that jolted my developing "academic" understanding of the Middle East problem. I was president of the Oxford University Strategic Studies Group, and we had invited the Israeli ambassador in London to speak to our group. Two weeks before his talk, the *intifada* broke out in the occupied territories. The Israeli ambassador's visit to Oxford became subject to strict security measures as Scotland Yard and the Oxford police searched for explosive devices in all the places the ambassador would visit. It is one thing to hear about security precautions of this sort, but it is a very different experience to be in the middle of them. The whole process spooked me. The images of the black masks and Arafat's face resurfaced again. This experience scared me into the realization that knowledge of the past, and the development of a more open mind about historical events, does not prepare one intellectually or emotionally for a present still plagued by fear, violence, and hatred.

The man I watched sipping tea and nibbling on a muffin was at that moment more human and more historic than anyone I have ever seen.

The Present

A good client of my law firm asked me to come to a meeting to talk about a possible business transaction in the Middle East. I prepared my standard checklist and went along to the meeting anticipating hearing a proposal to do business in Saudi Arabia or Egypt. But, to my surprise, the client wanted to appoint a Palestinian resident in Gaza City as its sales agent in the Middle East. The Handshake between Yitzhak Rabin and Yasser Arafat on September 13, 1993, was being felt in, of all places, Kansas City.

Working on this proposed transaction led me deeply into the dynamics of the peace process under way between Israel and the PLO. The leaders and diplomats who crafted the Handshake repeated, like a mantra, the message that the peace process would not succeed without economic development in the Palestinian territories. My client was proposing to get involved in Palestinian economic development, albeit in a limited way, by setting up a distribution channel through the Palestinian territories. The challenge of figuring out how my client could help build peace by making profits proved simultaneously frustrating and riveting.¹ I found myself engrossed in what apparently was a critical feature of the plan to break the cycle of violence, terror, and hatred existing between Israelis and Palestinians. I tried not to pretend that what I was doing was *really* a part of the peace process. But, as I became more involved in structuring the transaction, I realized that I was, in fact, dealing on a small scale with the very issues that were relevant to the question of whether the Handshake would expunge black masks from the experiences of future generations of Israelis and Palestinians.

In my work on the contract between the American company and the Palestinian, I came into contact with Builders for Peace (BFP), the nonprofit group established by the Clinton administration to encourage U.S. private

investment in the Palestinian territories. BFP sent me a draft of the proposed Palestinian Law on the Encouragement of Investment. Swept up in the importance of economic development for the Palestinian people and the peace process, I did an analysis of the draft Investment Law for BFP as I left private practice to join the faculty at IU School of Law in Bloomington. This memorandum to BFP became over the course of my first summer in Bloomington a full-scale article on the prospects for foreign private investment in the Palestinian territories and how the Investment Law would affect such prospects.² BFP passed along drafts of my article to the Palestinian National Authority, and I circulated my drafts to experts at the World Bank and in Jerusalem. Suddenly, I realized that I was directly participating in the discourse about the relationship between peace and Palestinian economic development. My work was being circulated with Palestinian leaders and experts assisting economic development efforts. In a small way, I was intellectually at the heart of one of the key dynamics of the peace process. This reality came home to me dramatically late in the afternoon of Sept. 28, 1995, when I received from BFP an invitation to join others involved in Palestinian economic development for breakfast with Yasser Arafat.

The Future

Arafat responded to my handshake and introduction with a kindly smile, a slight nod in my direction, and something in Arabic that I could not hear in the general clamor around us. I watched him from my table, sipping tea and nibbling bits of what looked like a muffin, and I was in awe. In making my way frantically to the Indianapolis airport the previous afternoon to catch the last flight to Washington, D.C., I wondered how I would react to meeting a man associated in my mind with terrorism and brutal violence as well as a struggle for self-determination and a limitless compassion for the Palestinian people. The man I watched sipping tea and nibbling on a muffin was at that moment more human and more historic than anyone I have ever seen. The internal tension I have felt for so long about Arafat and his cause at that moment eased enough for me to marvel at this man, his struggle, and his historical endurance. Watching Arafat brought to mind some advice from Edmund Burke, who counseled that a sacred veil should be drawn over the

¹ My experience working on this transaction is described in David P. Fidler, "Drafting a Sales Representative Agreement for Palestine: Political and Legal Considerations," 1 *International Contract Adviser* 3 (Summer 1995).

² David P. Fidler, "Foreign Private Investment in Palestine: An Analysis of the Law for the Encouragement of Investment in Palestine," 19 *Fordham International Law Journal* 530 (1995).

The road we had to take and the things we will do to get that road more open and more honest than it ever has been.

beginnings of all governments. As I find myself involved in helping the Palestinians on issues of foreign investment and economic development, fresh from a personal encounter with Arafat, I am drawing that sacred veil across the beginnings of Palestinian self-government, not out of ignorance, prejudice, or temerity, but out of the realization that history is ambiguous potential. Peace between Israelis and Palestinians no longer seems both impossible and inevitable; now I know that peace is possible but not inevitable.

Arafat rose to address the guests. He openly and honestly appealed for help. His blunt message was that without foreign private investment there would not be adequate economic development for the Palestinians. Everyone in the room understood the unspoken consequences of a failure to promote sufficient Palestinian economic development. Trying to lighten the mood, Arafat joked, "A friend in need is a friend indeed." The laughter relieved for a moment the tense concern everyone had about the prospects for Palestinian economic development. Arafat's joke was like a heavy sigh: Part of the arduous journey is done, but great distances and obstacles remain to be overcome. Arafat and Rabin had many more handshakes to make, much more history to shape and to become.

The tragic assassination of Rabin in November 1995 has dealt the peace process a cruel blow. The consequences of this act of political violence cannot be predicted, but the removal from the scene of one of the great architects of the peace process deprives the process of an enormous source of courage and vision. Rabin's ability to see the need for accommodation with the Palestinians and his dogged pursuit of such a rapprochement was profoundly common sense in contrast to the violent passions that have long characterized the Israeli-Palestinian dispute. But a beacon of prudence and reasonableness, no matter how bright, remains vulnerable to storms of rage and righteousness. When I learned of Rabin's death, a quote from Rousseau came to mind. Rousseau once wrote that to be sane in a world of mad men is itself a kind of madness. The peace process will badly miss Rabin's brand of madness.

History's potential has become more ambiguous. The pessimism of Rousseau now partially pervades my thinking on the peace process. In a cruel twist of fate, the

ultimate destroyer of the peace process may well be one of our most cherished values: the democratic process. Both the Palestinians and Israelis will hold elections in 1996. Democratic elections have the potential to make the peace process irreversible or to grind it to an abrupt halt. There is great concern that neither Arafat nor Shimon Peres have enough stature in their respective communities to triumph in the elections with a mandate to finish the peace process. We are faced with the following unsavory situation: Arafat and Peres may be compelled to try to make the peace process irreversible before the Israeli elections are held next fall. This effort may anger the respective electorates who might feel that these leaders are depriving the democratic process of a say in whether the peace process should continue. Continued terrorist acts by Islamic extremists against Israelis could exacerbate the anti-peace process sentiment in Israel. Even if Arafat and Peres do prevail in the elections, they will not get clear mandates as to how to proceed with the peace process because the respective houses of Palestine and Israel are too deeply divided on the issue. Meanwhile, all this political turmoil and uncertainty deters foreign investment in the Palestinian territories, increasing the alienation average Palestinians feel from the peace process and Arafat and strengthening the hand of radical Palestinian groups. Not a pretty picture.

For these reasons, I would hazard that the potential for the peace process has become more limited after Rabin's assassination. Peace is not impossible, but whatever peace is constructed in the current environment might be more precarious and less harmonious than one would hope. Such a state of affairs will continue to provide fodder for those who prefer bombs to bargaining, terror to talking, death to détente. Are we at a point or nearing the point in this troubled history where we can fear, in those famous lines of William Butler Yeats, that "the best lack all conviction, while the worst are full of passionate intensity"? I am not ready to yield to that level of pessimism because I understand how far matters have come from those ugly days in Munich in 1972. But I am worried because the case for peace and the need for Palestinian economic development have not sunk deep enough roots in either community to support complacency or confidence. As Edmund Burke once said, in history, wickedness is a little more inventive. ■