

The Jordan-Israel Peace Treaty: A Remarkable Document

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What will full peace between the Arabs and Israelis look like? It sounds like an absolute state of being, but a close look at Israel's treaties with Egypt and Jordan shows that "full peace" is a relative term that varies in content and has evolved over time. This has major implications for the future, and especially for a prospective Syrian-Israeli peace treaty.

RESPECT VS. PARTNERSHIP

The Jordan-Israel peace treaty signed on October 26, 1994, picked up where the fifteen-year-old Egypt-Israel peace treaty of March 1979 left off. That latter document was the fifth in a series of bilateral agreements reached in the six-year period following the October 1973 war,¹ finally closing an era of belligerency between two neighbors. The overriding psychological element in the Egypt-Israel treaty is respect--the two sides will "respect the territorial integrity of the other;" "respect each other's sovereignty"; and "respect each other's right to live in peace." In substance, the contents of the treaty are suffused with concerns about security, including detailed annexes outlining the creation of an international force to monitor the intrusive and lopsided security regime mandated for the Sinai.

In the Jordan-Israel treaty, the concept of "partnership" replaces the emphasis on "respect," while "cooperation" replaces the focus on "security." These words reflect the fact that Jordan and Israel last fought each other twenty-eight years ago. The two sides have already developed common understandings about shared threats and shared needs that are the core underpinnings of a truly warm peace; they have no need for international peacekeepers. The Washington Declaration signed by King Husayn and Prime Minister Yitzhak Rabin on the White House lawn in July 1994 officially ended the state of belligerency; the peace treaty speaks only of an era of peace and joint efforts. Its contents are filled with mature, creative, and principled solutions to common problems; its detailed annexes focus not on security issues but on innovative ways to reconcile "Israeli private ownership rights within Jordanian sovereignty" and to find compromise solutions to the problem of water resources.

RECIPROCITY VS. COOPERATION

The Egypt-Israel treaty envisions security based on the concept of "reciprocity," a recognition (and balancing) of each party's national interests. For example, the treaty creates a narrow zone of demilitarization on the Israeli side of the international border, an equitable (though not equal) concession to the far larger zones of demilitarization in the Sinai.

In contrast, cooperation is the hallmark of the Jordan-Israel treaty. Not just a technical agreement to establish formal diplomatic relations, this treaty provides a detailed blueprint for ongoing political, economic, social, cultural, and human interaction. The Egypt-Israel treaty contains but a single reference each to "cooperation," "mutuality," and "joint" efforts,² while the Jordan-Israel treaty has twenty references to "cooperation," eleven references to "mutuality," and ten references to "joint" efforts.

While the intricate and intrusive Sinai military arrangements are the key to what the Egypt-Israel agreement posits as "maximum security," the Jordan-Israel agreement offers "good neighborly relations and cooperation" as the true source of "lasting security." In practical terms, this includes cooperation on both a bilateral basis (e.g., to combat terrorism and prevent cross-border infiltration) and on a regional basis (e.g., to create a Conference of Security and Cooperation in the Middle East; a regional zone free from weapons of mass destruction; and a regional zone free from "hostile alliances and coalitions").

COLD VS. WARM PEACE

The human dimension marks a key contrast between the Egypt-Israel and the Jordan-Israel treaties. In the former, the two parties agreed "to consider means to promote" good neighborly relations and to "abstain from hostile propaganda against each other." But no mechanism was set up to promote cooperation or monitor the prohibition on propaganda, which itself only applied to state organs.

The Jordan-Israel treaty goes much further--it outlines detailed means to promote cooperation and places strong emphasis on the role governments play in shaping the way individuals think and speak about peace. Specifically, the treaty calls upon each party "to take all possible legal and administrative measures to prevent the dissemination of [hostile or discriminatory] propaganda by any organization or individual present in the territory of either party" and to ensure "mutual enjoyment by each other's citizens of due process of law" in the other country. The establishment of a special joint commission to examine claims under this article will ensure that these high-sounding commitments have an implementing mechanism and a public forum.

On a religious and intellectual level, the Jordan-Israel treaty includes a number of laudable and, indeed, remarkable commitments to promote "interfaith relations" and to foster mutual understanding based on "shared historic values." These passages are especially noteworthy, given King Husayn's direct descent from the Prophet Muhammad as well as the fact that Jordan, unlike Egypt and many other Arab countries, has never had a Jewish population, and so cannot harken back to a "golden" medieval era of Muslim-Jewish coexistence.

On a more immediate level, the Jordan-Israel treaty also contains commitments "to take necessary and effective measures to prevent the entry, presence and operation . . . of any group or organization, and their infrastructure, which threatens the security of the other Party by the use or incitement to the use of violent means." This undertaking could have critical importance as a weapon in the battle against radical Islamic opponents of peace. While the governments of Jordan and Israel have long engaged in a measure of tacit cooperation, a Jordanian reluctance to move forcefully against Palestinian Islamist movements like Hamas has at times tempered that

cooperation. (Hamas's very intimate ties to Jordan's own Islamist movements, the Muslim Brethren, and its parliamentary wing, the Islamic Action Front, help explain the reluctance.) Now that Amman has made an unambiguous decision to cooperate with Israel, the regime should be much less reluctant to take steps against Hamas operating out of Jordan. Indeed, in the wake of recent Hamas terrorist attacks against Israel and Israelis, soundly condemned by Amman, there are already signs that Jordan has begun to restrict the movement of Hamas spokesmen and to shut down Islamist publications.

THE PALESTINIAN QUESTION

The Egypt-Israel treaty grew out of the Camp David accords, which included frameworks for bilateral peace as well as for the establishment of Palestinian autonomy. Cairo could formalize the former without assurance of the latter because the Egyptian state itself has no essential and existential national stake in the outcome of the Palestinian question, that is, no large Palestinian population or overpowering ideological or religious commitment to Palestine.

Jordan has both--a huge Palestinian population and a strong attachment to Jerusalem and the land west of the Jordan River. The role the Palestinian question therefore plays in the Jordan-Israel peace treaty is of fundamental importance. The treaty, in fact, contains just one reference to Palestinians--and none at all to the Palestinian Authority now governing Gaza and Jericho. That said, the common Israeli-Jordanian concern over the future of the Palestinian question hovers throughout the document. It goes beyond Israel's recognition of Jordan's "special [and] historic role" in the Muslim holy sites in Jerusalem, language found in July's Washington Declaration that continues to cause much consternation in the Palestinian leadership.

In their treaty, Jordan and Israel confirm a strategic understanding to recognize their shared opposition to Palestinian nationalist irredentism, which underpinned their tacit relationship for decades, until it was tested in succession by a revival of Revisionist ideology in Israel, Jordan's shift toward Iraq in the 1980s, and the 1993 PLO-Israel agreement. In so doing, they consigned to history the "Jordan is Palestine" thesis that argued for settling the Palestinian question by creating a Palestinian homeland on the East Bank of the Jordan River.

Two clauses in the treaty are critical in this regard. First, the preamble contains language committing each party to "ensure lasting security for both their States," a remarkable statement that suggests each party not only respects the other's sovereignty but has an interest in maintaining the other's security. Secondly, and more important, a paragraph in article 2, under the heading "general principles," states that "involuntary movement of persons in such a way as to adversely prejudice the security of either Party should not be permitted." (Neither of these clauses is found in the Egypt-Israel treaty.) That principle compels Israel to foreswear the concept of a Palestinian "transfer" to Jordan, a possibility that aroused real Jordanian fears in the 1980s. Turned around, it also commits Jordan not to resolve its longstanding refugee problem by expelling Palestinian refugee camp dwellers to the West Bank. These two treaty statements lay to rest decades of historical fears; and the warm welcome King Husayn accorded Likud leader Benjamin Netanyahu in Amman in December symbolized the demise of those concerns.

AN EVOLVING VIEW OF "FULL PEACE"

Israel's two treaties with its neighbors were each a product of their times--in the Egyptian case, a bold statement for the 1970s, ending war between erstwhile enemies; in the Jordanian case, an equally bold statement for the 1990s, establishing a partnership for peace. Each offered the concept of full peace as was viewed at the time.

In the Egyptian case, the promise of "normal and friendly relations" included "full recognition, diplomatic, economic and cultural relations, termination of economic boycotts, and discriminatory barriers to the free movement of people and goods." While that vision was far-reaching, the implementing articles--found only in annexes--were weak and, in the end, largely ineffectual. The security arrangements have proven resilient but are only the skeleton of a peaceful relationship that has never developed its hoped-for potential.

In the Jordan-Israel treaty, that 1970s version of peace is taken as a given and expanded upon by a new boldness that mandates cooperation and partnership in more than two dozen areas. The key here is the evolution in the idea of full peace--what constituted full peace between Cairo and Jerusalem in the 1970s differs substantially from the full peace signed between Amman and Jerusalem in the 1990s. The vision of full peace outlined in the Jordan-Israel treaty now sets a new yardstick against which all future agreements will be measured.

IMPLICATIONS

The Jordan-Israel treaty has major implications for Israel's relations with Syria and Jordan.

Syria. By creating a new, warmer model of full peace, the Jordan-Israel treaty creates problems for President Hafiz al-Asad of Syria. For years, most observers assumed that a Syrian-Israeli agreement, should one come to pass, would approximate the Egypt-Israel treaty--respectful, cool, and distant. But the substance of the Jordan-Israel treaty has confirmed to Israelis that they can have more than this. That explains why King Husayn's fulfilling Israel's hopes for a warm embrace from the Arab world has evidently so incensed Asad. In a remarkable statement, he labeled those terms in the Israel-Jordan treaty that recognize Israeli property rights in Jordanian sovereign territory an act of "apostasy" (kufr).³ For an `Alawi like Asad to lob such a verbal attack at a descendant of the Prophet Muhammad shows just how deeply the Jordan-Israel peace treaty injured Syrian diplomacy--far more than did the Israel-PLO Declaration of Principles.

Jordan. The process of Israeli-Jordanian cooperation envisioned in the treaty has in fact begun to take root. On issues as varied as urban planning in the Aqaba-Eilat region, the transshipment of Jordanian goods to Israeli ports, and the long-term development of the Jordan Rift Valley, government officials and private entrepreneurs on both sides have started working together for their common benefit.

Most Jordanians know, to be sure, that their leadership has offered Israel a warmer embrace than ever before envisioned in an Arab-Israeli peace treaty, and the "street" has great (perhaps impossible) expectations regarding the economic windfall it anticipates as compensation. In that context, the January 1995 appointment as prime minister of Sharif Zayd bin Shakir--King Husayn's cousin, longtime army chief, and operational commander during Black September--offers evidence of the regime's commitment to move ahead with the treaty implementation while

brooking no substantial popular opposition. Over time, Jordan cannot be immune to inter-Arab developments around it, and these may affect the temperature of the Amman-Jerusalem relationship; but, so far, the Jordan-Israel treaty's promise of a warm peace is being fulfilled.

¹ The Kilometer 101 cease-fire (1973), Sinai I (1974), Sinai II (1975), and Camp David (1978).

² Annex III to the Egypt-Israel treaty, the protocol concerning relations between the two parties, contains two further references each to "cooperation" and "mutuality."

³ Syrian Arab News Agency, Oct. 18, 1994.