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Challenge to the Israel-Jordan Peace Treaty

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One year prior to the automatic renewal of the annex to the 1994 Israel-Jordan peace treaty, King Abdullah announced that Jordan would not renew the special regime governing the areas of Naharayim and Zofar for another twenty-five years. Jordan, he said, will impose its sovereignty fully over these areas. The dire socio-economic and demographic situation in Jordan, coupled with the intensifying grass-roots protests throughout the Hashemite kingdom and the political deadlock in the Israeli-Palestinian peace process, has heightened public pressure on King Abdullah to cancel the peace treaty, whether in part or in its entirety. Over the years, Israeli-Jordanian relations have weathered ups and downs, but the parties succeeded in overcoming even the most extreme crises. The profound common interests that Jordan and Israel have shared for decades may help in overcoming the current challenge – provided that the crisis is handled promptly through covert dialogue, far from the spotlight.

King Abdullah II's dramatic announcement of the decision not to renew the special regime governing the areas of Zofar and Naharayim that are cultivated by Israelis is based on clause 6 in both Annex 1.B and Annex 1.C of the Israel-Jordan Peace Treaty, which was signed on October 26, 1994. Clause 6 states:

Without prejudice to private rights of ownership of land within the area, this Annex will remain in force for 25 years, and shall be renewed automatically for the same periods, unless one-year prior notice of termination is given by either Party, in which case, at the request of either Party, consultations shall be entered into.

One year before the automatic renewal of the annex, King Abdullah announced that he will not renew the arrangement and will impose full Jordanian sovereignty over these areas. The two annexes to the peace treaty are identical, and relate to areas in the Naharayim/Baqura region in the north and to the Zofar region in the south, extending over about 200 and 500 acres, respectively. The complex reality in these two defined regions dictated a unique arrangement, governed by a “special regime”: Jordanian sovereignty, Israeli ownership of the land and/or agricultural cultivation of the region by

Israeli farmers, and land rights that Jordan granted to Israel for renewable periods of 25 years each.

Covert relations between Israel and Jordan began in the 1950s and continued in the ensuing decades. In 1987 King Hussein and Foreign Minister Shimon Peres reached an informal principles agreement during a meeting in London. This agreement focused on a process, rather than on material issues: convening an international conference under the auspices of the United Nations, which would discuss solutions for the Arab-Israeli conflict and the Palestinian problem on the basis of UN Security Council Resolution 242; and the formation of joint committees, one of them for the negotiations between Israel and Jordanian-Palestinian representation. However, this agreement was torpedoed by both sides, first by Israel, in the cabinet headed by Prime Minister Yitzhak Shamir, and then by King Hussein who after the outbreak of the intifada in December 1987 renounced any involvement and claims to Jordanian sovereignty over the Palestinian territories. A joint Jordanian-Palestinian delegation participated in the 1991 Madrid Peace Conference. The signing of the Oslo Declaration of Principles by Israel and the PLO in September 1993 facilitated the renewal of the covert talks between Israel and Jordan, and a year later, the peace treaty was signed at the Arava border crossing. The agreement included minor border adjustments, including special provisions relating to the agricultural areas in Naharayim and in Zofar. The agreement also included a clause whereby “Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.”

The royal family in Amman believes that if an Israeli-Palestinian permanent arrangement is not reached in general, and in relation to the Old City of Jerusalem in particular, matters could develop into a regional conflagration and pose a serious threat to Jordan. That is why the Jordanians have been active partners at key crossroads in the Israeli-Palestinian peace process, and first King Hussein and subsequently King Abdullah attended the various agreement-signing ceremonies between Israel and the PLO, including the eighth and last agreement signed to date – the Sharm el-Sheikh Memorandum of September 1999.

The Israel-Jordan peace treaty has survived difficult crises over the past twenty-four years, from the murder in 1997 of seven Israeli girls in Naharayim by a Jordanian soldier, and the failed attempted assassination of Hamas leader Khaled Mashal in Jordan during that same year, through the al-Aqsa intifada (2000-2005) and the violent riots on the Temple Mount in 2014 and in 2017, to the murder of two Jordanian citizens by an Israeli security guard from the embassy in Amman in July 2017. Jordan had no ambassador in Israel for several long periods. However, and notwithstanding the political crises over the

years, numerous understandings have been signed and implemented, in relation to economics, environmental quality, trade, public health, science, culture, and agriculture. Wide scale agreements have also been signed over the last decade relating to natural gas, water, and tourism.

The Red Sea-Dead Sea Water Conveyance Project, the regional flagship venture intended initially to revive the Dead Sea, provide desalinated water to the region, generate hydroelectric energy, and develop the agriculture and tourism industries is not progressing as planned on Israel's part. For its part, Jordan announced that it is proceeding independently with the project, and accused Israel of undermining the regional cooperation. The Jordanian-Palestinian-Israeli Jericho Corridor for Peace and Prosperity Initiative demonstrates efforts to promote an "economic foundation for regional peace," and is supposed to be a key component of the efforts to develop Palestinian industry in the West Bank. The Jordan Gateway project, a joint Israeli-Jordanian industrial zone spanning the river that is a natural border between the two countries in the Emek Hamaayanot region, is based on a free trade principle between both countries and the United States. It was agreed upon in 1998, but the bridge on the Israeli side was completed only during the summer of 2018, and the development works at the site will only begin in the near future.

As for security, both countries continue to cooperate fully along the peaceful border between them. Military and police weapons and equipment deals are carried out with the support and assistance of the United States away from public eye, and both armies maintain regular cooperation in relation to training.

Nevertheless, Jordan considers the Israeli-Palestinian political deadlock and Israel's continued control over the West Bank as a substantive strategic threat. As long as the status quo continues and no progress is made toward the establishment of a Palestinian state, the Jordanians are concerned about expulsions of Palestinians to Jordanian territory. Prince Hassan, King Hussein's brother, once called this potential contingency a "demographic aggression."

Jordan is battling a poor, tense socio-economic situation, which derives inter alia from the enormous systemic economic, infrastructure, political, and social burden imposed on it by the more than one million refugees (some assess their number at 1.5 million, while the United Nations cites 760,360 refugees), the majority of whom fled from Syria, with some from Iraq and Yemen. Furthermore, the financial support from the Gulf states has diminished in recent years, and in 2017, Jordanian unemployment reached 18 percent, the highest level in 25 years. About one quarter of all college graduates are unemployed. The recession in Jordan is palpable as a result of the steadily rising prices of basic consumer

goods and the drastic hikes in income tax and in corporate tax. In May 2018, The Economist ranked Amman as the most expensive city in Arab countries and 28th among cities globally.

As a result of the economic hardships in Jordan, there has been a surge in protests against the royal family over the last six months. In June, these protests intensified and spread to the major cities. Unlike most of the previous events, during these protests the demonstrators did not cover their faces. At the same time, deterrence by the security forces has eroded significantly. In response, in June King Abdullah dismissed Prime Minister Hani al-Mulki, and replaced him with Dr. Omar al-Razzaz, an economist and the Minister of Education, with the hope that he will generate a shift in public sentiments.

The prevailing assumption is that the demonstrations are political, and many argue that they are orchestrated by political opposition factions in the kingdom. These factions also point an accusing finger at Israel, given both its behavior toward Jordan and its policy toward the Palestinians, and this assignment of blame is supported by elements in the Jordanian government and establishment. Even Trump's peace initiative (despite the fact that it has not yet been officially presented or made public) is perceived by the Jordanian government – both the king and government officials – as a potential threat to the kingdom's security, and sweeping opposition to Trump's initiative is voiced both on the Jordanian street and in the media.

Closely related issues are Jordan's honor and authority regarding its border with Israel. Demonstrators in Amman demanded that the lands in both enclaves be returned to Jordan. In August, Marwan al-Muasher, the former Jordanian ambassador to Israel and to the United States, former foreign minister, and deputy prime minister, published a lengthy article against the Trump initiative in the daily al-Rad, and called for Jordan to institute a series of measures, including "the adoption of a resolution by the Jordanian government and parliament not to renew the lease agreement for al-Baqura lands [Naharayim]. No one in the international community will be able to claim that this constitutes a breach of the peace treaty, since Jordan is vested with the full right not to renew this agreement."

The more vehement the demonstrations became – which were not solely about economic issues – the more intense public pressure targeted King Abdullah to abrogate the peace treaty with Israel altogether, with particular focus on the lands used by Israel. Of the 130 members of the Jordanian parliament, 87 signed a petition to terminate the special regime in these areas and restore Jordan's full sovereignty over them.

The current crisis could likely have been prevented, had Israel instituted a wise and forward-looking policy and thereby avoided this surprise political move that jeopardizes the future of Israeli farmers. Now that it has materialized, this crisis will hopefully not constitute a watershed in the bilateral relations. Israel and Jordan have proven in the past that they are capable of overcoming complex developments and resolving disagreements. The profound mutual interests between the countries are numerous – relating to economy, homeland security, water supply, agriculture, and of course regional security.

The peace treaty itself contains a mechanism for consultations, and these should begin immediately, at the outset of this one-year notification period, rather than once again sitting by idly. Both sides are interested in maintaining the peace treaty. Consequently, the threats made by Israeli government ministers to punish Jordan for the step that it took are both illogical and irresponsible. However, as the King will likely not retract his decision, Israel must focus on negotiations and preparations to end Israeli use of these areas - by negotiating an extension of the transition period, accommodating alternative solutions for the Israeli farmers, and determining the rate of compensation to be paid to Israel. This is a serious problem that must be handled through judicious dialogue that is independent of domestic political considerations and – most importantly – takes place far from the spotlight.