

# The Nuts and Bolts of Peace

## Adviser sees business growth as key to Mideast progress

BY GARY A. HENGSTLER

It has been three years since Joel Singer sat in his compact office as legal adviser to the Israeli Foreign Ministry in Jerusalem to explain for the *ABA Journal* how he saw the legal system developing under the just-signed accord between Israel and the PLO. Now, as the newest partner in Sidley & Austin's Washington, D.C., office, he reflects on the implementation of the accord.

Sidley & Austin is counting on Singer to do for the firm what he did for Israel—work through the details of complicated agreements and resolve problems that develop during implementation.

That is why the firm kept its door open for him when he left its government contracts group at the request of the late Prime Minister Yitzhak Rabin and then-Foreign Minister Shimon Peres to work on the secret peace negotiations between Israel and the PLO in Oslo.

If Peres was the principal architect of the Israeli-PLO accord that restructured the relationship between the two implacable foes, it was Joel Singer who daily sat at the drawing table, drafting and revising the various blueprints of the agreement that was ultimately signed by Prime Minister Rabin and the PLO's Yasser Arafat in Washington, D.C.

### PLO "Outgunned"

Described by Connie Bruck in an article for *The New Yorker* as a "maven of Israeli-Arab relationships," Singer prepared 15 drafts of the Oslo II accord (which itself was more than 300 pages) before he submitted one to the Palestinians for negotiation. Bruck, citing Palestinian negotiators, noted that the PLO was "massively outgunned" in the negotiations because there was no

one on the Palestinian side "comparable to the lawyer Joel Singer."

Singer's previous experience as the chief legal analyst on international law matters for the Israeli Defense Forces involved work on the

legal needs in the United States.

"Sometimes," he says, "you need to understand the legal problem against the background of the specific political and economic circumstances of the particular place. I



The signing of the Israeli-Palestinian interim agreement in 1995: (left) Joel Singer, (seated l. to r.) Israeli Prime Minister Yitzhak Rabin, President Clinton and Palestinian leader Yasser Arafat.

disengagement agreements between Israel and Egypt, as well as the Treaty of Peace between the countries. It prepared him well for the secret assignment, and his negotiations with Jordan, Syria, Lebanon, Morocco and Oman prepared him for his return to private practice.

Now that he is back at Sidley & Austin, this time as a full partner representing many international clients, Singer plans to expand his international work beyond defense transactions to more general business contracts, particularly in the Middle East.

He positions himself as the man who can help open doors in the region for existing and new clients who are seeking to develop business there. He also foresees developing foreign clients who have

hope my work will give us an edge over others."

All of which harmonizes with Singer's predictions in the earlier interview. In a significant way, the prospect of economic growth for the entire region spurred the peace process. Singer had envisioned an Israeli-Jordanian-Palestinian version of NAFTA whereby the increased trade and business development regionally would benefit all of the countries. Currently he is working on such a development in a West Bank project.

### Building a Business Climate

For economic growth to occur, as Singer acknowledged three years ago, businesses must feel confident in a legal system that will function properly and help ensure security.



Singer says the "question of setting up an effective court system became an issue early on after we signed the Gaza-Jericho agreement in May 1994. One of the obligations undertaken by the Palestinian Authority was the commitment to fight against terrorism, apprehend terrorists, prosecute them and, if convicted, put them in jail. Or to hand them over to us to be tried.

"But once they captured the terrorist, and all they needed to do was prosecute him, they were not able to do that initially because either the judges were afraid to try the case because of the threats of other members of the terrorist organizations, such as Hamas, or the inability of the prosecution to process the case properly. So people were released by the judge. ...

"The Israeli government insisted they must do something because there cannot be a vacuum in the fight against terrorism. We put pressure on them to put the courts in a functioning mode. Arafat realized at some point that he would not be able to do that using the old existing civilian court. Therefore, he established a security court system to try cases of terrorism. Israel has a similar system, a dual system where for terrorism, you have a special court system.

"That new system worked better than the initial system, but even that system was not functioning in a satisfactory manner, both from the Israeli point of view and from the Palestinian human rights activists' perspective, which [was] that the new court system was not following rule-of-law standards."

### Room for Improvement

Singer is also concerned about the civilian courts and the statutory body of laws they must follow. Do foreign entrepreneurs have confidence that their investments will be protected by the new legal system?

"In this respect," he says, "the Palestinian legal system has a long way to go. I know there are many organizations helping the Palestinians in this regard, helping them to write new laws and instruct the courts so they can follow appropriate norms of behavior, but there is room for improvement."

The eruption of violence over Israel's creation of a tunnel opening on its side of a Jerusalem holy site has threatened the economic development that was blossoming.

Both Europe and the United States, for example, in an effort to spur Palestinian exports, had granted special customs treatment for Palestinian goods. In addition, special projects had been under way, including the creation of industrial zones between Israel and the West Bank and the Gaza Strip to lure foreign investment and to provide jobs that would be unaffected by border closures. This would reduce the number of Palestinians commuting to Israel, a group seen as a security threat by Israeli police.

Further economic progress, however, will likely be marginal until confidence in security is restored, Singer says.



Joel Singer: "Each side recognized that the agreement ... is the only viable and existing mechanism they can turn to."

Security always has been and remains the chief concern of Israel with respect to the peace accords. Singer says the recent violence drastically undercut the trust that had developed between the Israeli security forces and the Palestinian police. He shakes his head in dismay as he talks about some Palestinian police shooting at Israeli forces, "something they were never supposed to do."

Prior to the violence, the level of cooperation between Israeli and Palestinian security forces was the most positive surprise for Singer. He had expected tensions between age-old enemies now forced to work together to maintain peace. And the breakdown of the trust that had been developing is Singer's biggest disappointment.

"Palestinian police officers who were taking part in Palestinian-Israeli joint patrols, once the incident began, rather than come to the rescue of isolated Israelis who were attacked by Palestinian masses, they started shooting at Israeli forces. Some of them, not all of them. This was a bad surprise."

### Open to Change

The fact that the new government in Israel has signaled it wants changes in the agreement does not concern Singer. "I don't think there will be major changes. Both sides, but particularly the Palestinians, have asked for changes in the agreement. The agreement is so wide and the scope covers so many issues. ... There is no interest on either side to break down the basic rules and start again.

"Neither of the sides is completely happy with the arrangement. Each side wanted more. But each side recognized that the agreement, imperfect as it is, overall is the only viable and existing mechanism they can turn to."

One incident that made Singer more confident of the eventual success of the peace was the going-away party the Palestinian negotiators held for him. "The Palestinian head of the PLO Preventive Police came up to me and proudly told me he had recruited Palestinian lawyers to serve in the police force." This, Singer said, was a positive sign the legal seeds were taking hold.

"This is why I am optimistic," he says. "There will be problems, there will be incidents, but overall the strength of the agreement has been tested during a very difficult period and it has been sustained. I think it will survive at least until the end of the five-year period." ■