CRS Report for Congress

Israeli-Palestinian Peace Process: The Annapolis Conference

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Summary

At the end of November 2007, the Bush Administration convened an international conference in Annapolis, MD to officially revive the Israeli-Palestinian peace process. Israeli Prime Minister Ehud Olmert and Palestinian Authority (PA) President Mahmud Abbas reached a "Joint Understanding," in which they agreed to launch continuous bilateral negotiations in an effort to conclude a peace treaty by the end of 2008 and to simultaneously implement the moribund 2003 Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. Both leaders are operating under significant domestic political constraints and they continue to disagree on many issues. Thus, their negotiations will be challenging. This report will not be updated. For background and future developments, see CRS Report RL33530, *Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy*, by Carol Migdalovitz.

Background

In early 2007, Secretary of State Condoleezza Rice was said to have promised moderate Arab regimes that the United States would become more engaged in the Israeli-Arab peace process in exchange for their support for countering increasing Iranian influence in the Middle East.[1] The Secretary made eight trips to the region during the year, initially to work with Israeli Prime Minister Ehud Olmert and Palestinian Authority (PA) President Mahmud Abbas on developing a "political horizon" that would lead to a resumption of the long-stalled Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, issued by the international Quartet (the United States, European Union, United Nations, and Russia) on April 30, 2003.[2] Each side maintains that the other has not fulfilled its obligations under the three-phase Road Map; independent observers agree that neither has done so. Phase I calls, inter alia, for Israel

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[1] Cam Simpson, "Dangerous Territory: With Aid, U.S. Widens Role in Palestinian Crisis; To Undercut Hamas And Iran, Bush Pushes $86 Million Plan" *Wall Street Journal*, January 12, 2007.

[2] For text, see [http://www.state.gov/r/pa/prs/ps/2003/20062.htm].

to freeze all settlement activity (including natural growth of settlements) and for the Palestinians to confront terrorists and dismantle their infrastructures.

From February until June 2007, a Palestinian unity government included Hamas, a U.S.-designated Foreign Terrorist Organization (FTO), and Hamas's participation impeded Rice's efforts. Olmert refused to negotiate with Abbas as long as Hamas failed to recognize Israel, disavow violence, and accept prior Israeli-Palestinian agreements, i.e., met conditions that the Quartet laid down in January 2006 after Hamas won the Palestinian parliamentary elections. In June 2007, however, Palestinian infighting ended with Hamas in complete control of the Gaza Strip, and Abbas reacted by dissolving the unity government. The Bush Administration and the Israeli government viewed the ouster of Hamas as an opportunity to return to diplomacy.

On July 16, President Bush promised to support Abbas in order to lay the foundation for serious negotiations toward the creation of a Palestinian state. The President called for an international meeting "of representatives from nations that support a two-state solution, reject violence, recognize Israel's right to exist, and commit to all previous agreements between the parties." When announced, the meeting was intended mainly to review progress toward building Palestinian institutions and to look for ways to support further reform, although participants also were to provide support for the parties in their bilateral negotiations on a Palestinian state.[3]

Olmert and Abbas, and later negotiating teams led by Israeli Foreign Minister Tzipi Livni and former Palestinian Prime Minister Ahmed Quray (alternate spellings: Qurei, Qureia), met over the next four months to work on a declaration of principles on final status or core issues: Jerusalem, borders, settlements, refugees, security, and water. Olmert sought to keep the declaration vague in order to avoid concessions that would prompt his domestic political opponents to bring down his government, while Abbas wanted it to address core issues substantively in order to show his people that negotiations could lead to an improvement in the quality of their lives, an end to the occupation, and the establishment of a Palestinian state. They failed to produce a document.

Conference Attendees

The United States invited 49 countries and international organizations to send representatives to a conference at the U.S. Naval Academy in Annapolis, MD. Attendees included members of the Arab League Follow-on Committee (Algeria, Bahrain, Egypt, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, and Yemen), the G-8 group of industrialized countries, permanent members of the U.N. Security Council, fellow members of the international Quartet, members of the Organization of the Islamic Conference, and representatives of the International Monetary Fund and the World Bank. The size of the gathering signaled strong international support for a peace process. The size of the Arabs' turnout was attributed to their need for a strategic alliance with the United States against Iran, but also may have indicated support for Abbas over Hamas.

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[3] For President's speech, see [http://www.whitehouse.gov/news/releases/2007/07/20070716-7.html].

The presence of Saudi Arabian Foreign Minister Prince Saud al Faisal was considered significant because the desert kingdom is a pro-Western Arab state that does not have relations with Israel. The Foreign Minister clearly stated that normalization of relations would come as a result of peace and not before it.[4] The attendance of Syria suggested that the Bush Administration, which had been trying to isolate Damascus because of its support for terrorist groups, its destabilization of Lebanon, and its alliance with Iran, may now be willing to engage Syria and revive its dormant peace track with Israel. Saudi Arabia and other Arab governments reportedly had demanded that Syria be invited to Annapolis and that the conference call for a "comprehensive peace" that would include the return of the Golan Heights. Syria would only attend if the Golan were on the agenda and sent Deputy Foreign Minister Faisal al Miqdad, while almost all other governments were represented by foreign ministers. Miqdad's rank may have reflected a belief that a renewed peace process would not address the Golan. However, Russia reportedly wants a follow-up meeting in Moscow to address Syria's concerns. Olmert publicly has said that "conditions have not yet matured" for the start of a dialogue with Syria, but Israel and Syria have been talking via Turkish and Russian intermediaries.

Iran and Hamas, which have the potential to act as spoilers of the peace process, were conspicuously missing from Annapolis. Iran denounced the conference before, during, and after it took place. Its influence may have been felt in the absence of the Shiite-led Maliki government of Iraq, an invitee which declined to send a representative but which said that it would welcome peace. Yet, President Mahmoud Ahmadinejad was unable to dissuade Syrian President Bashar al Asad, his presumed ally, from sending a representative. For their part, Hamas officials described the meeting as "useless" and stridently escalated their rhetoric, vowing not to abandon their goal of a Palestinian state "from the river to the sea," i.e., destroying Israel.[5]

Agenda

The conference began on November 26, when President Bush held separate meetings with Abbas and Olmert at the White House and Secretary Rice hosted a dinner for attendees at the State Department. A plenary session convened in Annapolis on November 27. After remarks by Bush, Abbas, and Olmert, the agenda included international support for the peace process, institutional reform, and capacity building; a comprehensive peace to include Israel-Syria and Israel-Lebanon; and advancing normal relations and security between Israel and the Arab states. On November 28, President Bush briefly met jointly with Abbas and Olmert.

Joint Understanding

Instead of a declaration of principles, President Bush read a "Joint Understanding" at the conference that dealt with the process or structure of negotiations.[6] In it, Prime Minister Olmert and President Abbas express their determination to "immediately launch

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[4] Interview, date not given, published by *Al-Sharq al-Awsat*, November 27, 2007.

[5] Isabel Kershner and Taghreed el-Khodary, "Hard-Liners in Gaza and Jerusalem Resist Peace Talks," *New York Times*, November 27, 2007.

[6] For text, see [http://www.whitehouse.gov/news/releases/2007/11/print/20071127.html].

bilateral negotiations in order to conclude a peace treaty to resolve all core issues without exception, as specified in previous agreements." They agree to engage in continuous negotiations in an effort to conclude an agreement before the end of 2008. For this purpose, a steering committee to oversee negotiating teams will meet continuously beginning on December 12. Abbas and Olmert will meet biweekly to follow and assist the negotiations. Negotiations will be bilateral. The Joint Understanding does not specify a role for the United States in the negotiations, although one may emerge with time. President Bush will not be playing a role similar to that of Presidents Carter and Clinton in the past, and the United States will not necessarily make proposals in the event of a deadlock. This is in line with a long-standing Administration view that it is the parties themselves who must make peace. However, it is anticipated that Secretary of State Rice will travel to the region frequently to provide encouragement and assistance. The resumption of negotiations after a seven-year hiatus is viewed as the main achievement of the conference, although the process may be said to have resumed with the Olmert-Abbas talks in mid-2007.

In the Joint Understanding, the parties also commit to immediately implement their respective obligations under the Road Map. The United States will lead a tripartite U.S.-Israeli-Palestinian mechanism to follow up on implementation. The parties further commit to continue implementing the Road Map until they reach a peace treaty. Unless otherwise agreed by the parties, implementation of the future peace treaty will be subject to the implementation of the road map, as judged by the United States. The United States will monitor and judge fulfillment of their Road Map commitments, a task that may prove to be extremely difficult.

The President named General James L. Jones (Ret.), former Commander of U.S. European Command, Supreme Allied Commander Europe, Commandant of the Marine Corps, as special envoy for Middle East security. The general will report to Secretary Rice, who said that Jones will oversee "the full range of security issues for the Israelis and Palestinians as well as security cooperation with neighboring countries, and American efforts to provide assistance to the Palestinian Authority." He will not monitor compliance with the Road Map nor replace Lt. Gen. Keith Dayton, the U.S. Middle East security coordinator, who has been assisting the Palestinians with improving their security forces.

Domestic Constraints

The domestic political weaknesses of Olmert and Abbas may create challenges to or constraints on progress on the Road Map and a peace treaty and have prompted much skepticism about the prospects for the renewed peace process.

Palestinian Politics. Since 1996, the Palestinian Authority (PA) has administered both the West Bank and Gaza Strip, albeit amidst the presence of Israeli Defense Forces and settlements. Factional fighting between Fatah and Hamas in May/June 2007 resulted in Hamas seizing total control of the Gaza Strip. PA President Mahmoud Abbas then declared a state of emergency, dissolved the Hamas-led government, and replaced it with one led by independent, technocrat Prime Minister Salam Fayyad. In practice, the Abbas/Fayyad government now administers only the West Bank while Hamas dominates the Gaza Strip. Abbas has been unable to prevent Hamas from permitting its allies to launch rockets into southern Israel.

Israelis opposed to negotiations argue that talks are futile because Abbas is weak and unable to implement the Road Map and/or a peace treaty. Others contend that progress in the peace process would strengthen Abbas by showing him able to deliver benefits for the Palestinian people. Saudi Arabia and others are urging Abbas to reconcile with Hamas in order to present a unified Palestinian front in negotiations and to increase the legitimacy of any accord. However, as with the prior unity government, it is unlikely that Israel would agree to negotiate with it unless Hamas meets conditions set out in 2006 that it recognize Israel, disavow violence, and accept all prior Israeli-Palestinian agreements. Hamas officials show no inclination to meet these conditions. Instead, they organized protests against the Annapolis conference, rejected its results, hardened their rhetoric, and continued to argue that Abbas lacks a legitimate mandate to conduct negotiations because they won the 2006 parliamentary elections. Moreover, Hamas retains the capability to sabotage the peace process by escalating terror attacks.

Israeli Politics. Prime Minister Ehud Olmert heads a fractious, multiparty coalition whose majority in the *Knesset* (parliament) is deceptively large. Many in his own Kadima party oppose what they view as "concessions" to the Palestinians and could defect to the opposition Likud. Two parties in the coalition preemptively voiced objections to possible compromises on Jerusalem and territory that would be required to conclude a peace treaty. Rabbi Ovadia Yosef, spiritual leader of the ultraorthodox Shas Party, declared that he will order Shas to leave the coalition if Jerusalem is raised in negotiations. The Russian-language based Yisrael Beytenu (Israel Our Home) party, also in the coalition, is willing to cede parts of Jerusalem, but not settlements. Meanwhile, opposition Likud Party leader Benjamin Netanyahu continues to lead all public opinion polls, snipes at both Shas and Yisrael Beytenu for not bolting the coalition, voices skepticism about Abbas's ability to fulfill commitments, and charges that territorial concessions will lead to a "Hamastan."

The Joint Understanding conditions implementation of a treaty on implementation of the Road Map. This provision is intended to reassure the Israeli people that their government continues to give priority to security and preventing terror. Nonetheless, the Prime Minister's ability to compromise in negotiations and stay in office at the same time is severely constrained. Olmert's unease about his coalition's durability may partly account for the complete failure of the Joint Understanding to mention core issues by name -- Jerusalem is one of them. Should the two rightwing parties depart, Olmert could rely on the leftwing Meretz and three small Israeli Arab parties to remain in power and get a peace accord ratified, but any agreement that depends on Arab support would not be viewed by many Israelis as legitimate.

Olmert's tenure as prime minister also may be in jeopardy for other reasons. He is the subject of several investigations into alleged corruption and a report by a commission investigating Israel's conduct of its 2006 war with Hezbollah in Lebanon is due to be submitted shortly. A criminal indictment or a scathing report could produce increased calls for Olmert's resignation. Israeli governments are notoriously short-lived and Olmert has already been in power for almost two years, which is the average length of a government's tenure. Finally, Olmert soon will undergo treatment for prostate cancer, which may remove him from the negotiating process for at least a limited time.

Prospects

The two sides are no more able to fulfill their obligations under Phase I of the Road Map now than they have been for the past four and a half years and still disagree about implementation. Phase I calls on Israel to cease settlement activity. Israel has more than 275,000 settlers in the West Bank (not including East Jerusalem) and, at Annapolis, Olmert referred to a letter that President Bush gave to former Israeli Prime Minister Ariel Sharon in April 2004. In it, the President noted the need to take into account changed "realities on the ground, including already existing major Israeli population centers," (i.e., settlements), asserting "it is unrealistic to expect that the outcome of final status negotiations will be full and complete return to the armistice lines of 1949."[7] At the time, the Palestinians denounced the President's "legitimization" of settlements and prejudgment of final status. On November 19, 2007, Olmert stated that he does not view a freeze on building beyond the 1967 border as part of the Road Map's requirements. He also said that Israel would not build new settlements or outposts or appropriate more land for settlement use. In addition, Israel does not believe that construction in East Jerusalem is required in a freeze. Palestinians argue that a freeze means a complete cessation of all settlement construction, including in existing settlements. Phase I also requires the Palestinians to confront terrorists and dismantle terrorist infrastructures. Palestinian officials claim that their limited actions against Hamas-supporting charities and deployment of police in Nablus and Tulkarm prove that they are fulfilling their obligations under Phase I. Yet, they lack the capability to truly confront Hamas and other terror groups, even with the assistance provided thus far by the United States and Israel.

Final status issues also remain intractable. For example, on the issue of refugees, Abbas referred at Annapolis to U.N. General Assembly Resolution 194, which the Palestinians believe grants refugees the "right to return" to their homes (now in Israel). (The Resolution also provides for an alternative right to compensation.[8]) However, he also had joined the Arab Initiative which calls for an agreed upon solution to the issue. Israel maintains its right to remain a Jewish state, the identity of which would be lost if the Palestinian refugees were allowed to return. It says that the refugees should resettle only in Palestine and in Arab lands and be compensated. For support, Israelis cite another part of President Bush's 2004 letter to Sharon, which stated that a solution to the refugee issue will be found by settling Palestinian refugees in a Palestinian state, "rather than in Israel," and thereby rejected a "right of return."

The 2000 Camp David talks failed largely because of the issue of Jerusalem. Olmert has expressed willingness to cede the Arab neighborhoods and refugee camps in the city (the boundaries of which the Israeli Knesset had enlarged after the 1967 war). It may be more difficult for him to compromise on the control/sovereignty over holy sites. As noted above, rightwing Israeli parties could bring down the government over any steps they consider threatening to "divide" the city. In Annapolis, Abbas spoke of a Palestinian capital in *East* Jerusalem and of guaranteed access for all religions to holy sites.

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[7] For text of letters, see Israel's Ministry of Foreign Affairs at [http://www.mfa.gov.il/ MFA/Peace+Process/Reference+Documents/Exchange+of+letters+Sharon-Bush+14-Apr-2004.htm].

[8] U.N. General Assembly Resolution 194, paragraph 11. For text of resolution see [http://www.state.gov/p/nea/rls/22566.htm].

Transferring Security and Civilian Responsibilities to Palestinian Forces in the West Bank:
Proposed Pilot to extend USSC's, European and Quartet's efforts
January 11, 2008

Executive Summary

This paper addresses the steps that could be undertaken in the West Bank under the current circumstances to promote Palestinian State Building at the security, economic and governance level. The overall objective of the proposed model is to create positive steps that would encourage Israel and the PA in moving toward an agreed upon two state solution.

The proposed pilot would enlarge the current international involvement, as it will be based on the following:

1) **A much larger area under Palestinian responsibility**. Two locations are considered (within each location, various optional pilot areas are proposed):

   - The northern part of the West Bank, including the city of Jenin, Tulkarem, Tubas, and Nablus; the access roads between these poles; the border crossings of Jalame and Shaar Efraim and the access roads between these border crossings and the economic centers of the area.

   - The southern part of the West Bank, including the cities of Yata, Samua, Dura and Dahariya; the access roads between these poles; the border crossings of Tarkumyia and Meitar; and the access roads between this border crossing and the economic centers of the area. Due to the presence of Israeli settlements in parts of this area, some areas and axis will remain under IDF's responsibility.

2) **A security plan** to be designed by the USSC, in coordination with the PA, and agreed upon by Israel. The Security Plan will include Israeli commitment to stop military incursion in the pilot area, Palestinian security tasks and the functions and composition of the international third party.

3) **Creation of a trilateral Security Working** Group to monitor the implementation of the security plan and facilitate the resolution of emerging difficulties in the pilot implementation.

4) **The deployment of international mentors** in the pilot area to assist and supervise the implementation of the security plan.

5) **Bilateral Israeli-Palestinian understanding on the transfer of civilian (statutory) responsibilities** in the pilot area, as a step toward Palestinian State Building and as a base for the promotion of extensive governance and economic projects in all areas (including in area C) of pilot area. The legal implications of this understanding on the status of areas A, B and C located in the pilot area is being further examined.

6) **A Comprehensive civil-economic plan**, to be agreed upon by the international donors community and the PA. The objective of the plan to be agreed upon with the international donors would be to enable progress on the following fields in the pilot areas:

- Reforms of the judiciary and correction system;

- Launching of economic, infrastructure and housing projects.

Overall objectives

This paper aims to address the steps that could be undertaken in the West Bank under the current circumstances to promote Palestinian State Building at the security, economic and governance level.

To that aim, the proposed pilot aims at encouraging the transfer of security and administrative (statutory) responsibilities to the PA in specific areas in which there are no Israeli settlers.

In that framework, the focus of this paper is to address the role - international third parties could play in promoting these objectives.

The overall objective of the proposed model is to create positive steps that would encourage Israel and the PA in moving toward an agreed upon two state solution.

Assumptions

In light of the ongoing developments in Gaza and the rising tensions in the West Bank, the risk for a deterioration of the situation in the West Bank becomes imminent. This trend is mainly an outcome of the growing doubt of many Palestinians that the political process could lead to the creation of a sustainable two-state solution.

This trend reinforces the concern that Palestinian disillusion may lead them to turn to violence as a mean to achieve their political aspirations.

The main assumption of this paper is that positive steps need to be enhanced in the West Bank if one wants to reverse these negative trends and expand the achievements accomplished by the USSC, EUPOL-COPPS and the Quartet representative in the West Bank.

In that context, the proposed model should take into account that the limited scale of operation (in time and space), the continuation of IDF′s incursion and the lack of comprehensive securityeconomic program have limited the international ability to accomplish greater achievements.

The proposed model aims therefore to extend USSC′s, EUPOL-COPPS′ and the Quartet′s efforts, in an attempt to address part of the difficulties that have been encountered.

Characteristics of the proposed model

The proposed pilot is to be based on the following components:

- A much larger area under Palestinian responsibility that will include the characteristics mentioned below in section A (see maps in Annex);

- A security plan to be designed by the USSC, in coordination with the PA, and agreed upon by Israel (described in section B);

- The presence of international mentors in the pilot area to assist and supervise the implementation of the security plan. The type of functions that could be undertaken

by the international presence will be described under section C, based on the main components to be included in the security plan;

- Bilateral Israeli-Palestinian understanding on the transfer of civilian (statutory) responsibilities in the pilot area, as a step toward Palestinian State Building and as a base for the promotion of extensive governance and economic projects in all areas (including in area C) of pilot area. Such step would be extremely positive, as it will be constitute an important political gain from a Palestinian point of view, without compromising Israel's security.

  The legal implications of the proposed understanding on the status of areas A, B and C located in the pilot area are being further examined.

- A comprehensive civil-economic plan, to be agreed upon by the international donors community and the PA. The objective of the plan to be agreed upon with the international donors would be to enable progress on the following fields in the pilot areas:

  - Reforms of the judiciary and correction system;

  - Launching of economic, infrastructure and housing projects.

  It should be implemented under the coordination of the Quartet Representative.

  The questions related to the development of a civil-economic plan and to the transfer of civilian responsibilities to the PA in the designated area are to be further examined.

A) **Characteristics of the pilot area**

   a. No Israeli settlements - In order to reduce the risks of friction between the Palestinian force, the international contingent and the IDF, the area will have to be an area in which there are no Israeli settlements. In addition, the IDF will have to guarantee that the entry of settlers into the pilot area will be prevented.

   b. Limited hostile terrorist activities and relative control of PA's forces over the area - the fact that the pilot area would not be considered by the IDF as a sensitive security area is likely to stand as a condition for the IDF to stop its activities in the pilot area. In addition it is recommended to capitalize on the success of the PA security forces in the Jenin and Hebron areas.

   c. Completed security barrier - it will be regarded by the IDF as an important condition as it prevents the entry of terrorist elements from the pilot area into Israel.

   d. Access & Movement - In order for the project to produce the optimal outcome in terms of political gain and positive economic impact, the pilot area should include an economic axis an d at least one border crossing. These elements will be crucial to make the pilot meaningful and attractive enough in the poor political context in which it is likely to be implemented. These are also preconditions to launch infrastructure, economic and civil projects in the area.

   e. Large portion of area A and B - the pilot area should be mainly composed of area A and B and includes adjacent area C in which there is no Israeli settlements.

f. Location - Two locations could be considered (within each location, various optional pilot areas are proposed in maps attached in Annex):

- The northern part of the West Bank, including the city of Jenin, Tulkarem, Tubas, and Nablus; the access roads between these poles; the border crossing of Jalame and Shaar Efraim and the access roads between these border crossings and the economic centers of the area.

- The southern part of the West Bank, including the cities of Yata, Samua, Dura and Dahariya; the access roads between these poles; the border crossing of Tarkumyia and Meitar and the access roads between this border crossing and the economic centers of the area. Due to the presence of Israeli settlements in some part of this area, some areas and axis will remain under the responsibility of the IDF. The presence of ideologically motivated settlements and of the IDF is likely to be a source of friction. Israeli settlers living in that area may try to provoke Palestinian forces and disrupt the implementation of the plan.

B) Security Plan

A security plan should be designed by the USSC, in coordination with the PA (especially the ministry of interior), and agreed upon by Israeli authorities.

The security plan will aim at defining the various tasks to be carried out by the PA, the commitments of both the IDF and Palestinian Security Forces (PSF) in that regard, and the functions of the international mentors in the implementation of the plan. The issues to be tackled by the security plan should include the followings:

a. a detailed geographical delimitation of the pilot areas;

b. Creation of a buffer secured zones, adjacent to the security barrier, under Israeli security responsibilities (the IDF will intervene in that zone only if a specific threat emerges);

c. Israeli responsibilities:

- Stop all incursions in the pilot areas, even though in practice Israel is likely to keep for itself the right to intervene if "ticking" terrorist activities threats its positions;

- Enabling full security coordination and a certain cooperation with the Palestinian forces when required;

- Transferring required intelligence information to improve Palestinian operative efficiency;

- Enabling Palestinian forces to move from an area to another within the West Bank.

d. Palestinian responsibilities:

- Restoring and maintaining law and order - the plan will detail the tasks to be implemented by the Palestinian forces, including judiciary and correctional measures;

- Structuring the Palestinian security forces and chain of command to establish monopoly over the use of weapons;

- Counter-terrorists activities, including, collecting information arresting, and investigating suspected elements;

- Improving Palestinian intelligence agency performances;

- DDR (Disarmament, Demobilization and Reintegration) measures for Palestinian armed factions;

- Management of the Palestinian side of the border crossings included in the pilot areas Management and security responsibilities should be transferred to a Palestinian border unit on the Palestinian side of the border crossings located in the pilot area. The security plan is to include security and operational arrangements, including liaison mechanisms with Israeli authorities.

e. Coordination mechanisms to be used if terror activists are tracked by the IDF outside the pilot area and enter the pilot area (chasing procedure);

f. International functions - In order to define clearly the responsibilities and expectations of each side in carrying out the transfer of responsibilities from the IDF to the PA, the tasks of the international mentors should be defined as part of the security plan. The plan will specify that the international community will assist the PSF in building its capacity and in training Palestinian security personnel. It will specify the nature and composition of the international personnel who will be made available to perform these tasks. Finally, it will include the creation of a Security Working Group to monitor the implementation of the plan (as described below).

g. Creation of a trilateral Security Working Group - the SWG will have two functions: Monitoring the implementation of the security plan, identifying the needs of the PSF and providing required solution to match these needs. In that function, the SWG will meet on a regular basis [to be determined]. These meetings could be held bilaterally (PSFUSSC or IDF-USSC) or trilaterally (PSF-IDF-USSC). The implications of each option should be further examined. Problem solving - the SWG should meet at the request of the PSF, the IDF or the international mentors on an ad-hoc basis to serve as an operation room in which specific problems encountered on the ground will be addressed.

h. Timetable (?).

C) Functions

As outlined above, one of the main elements of the proposed model is that it requires a commitment of the IDF to limit its military incursion in the pilot area, in order to enable the transfer of security responsibilities to the PA.

One of the implications of limiting IDF's activities in a designated area is to limit its capacity to apprehend terrorist activists, to collect intelligence and to prevent the development of terrorist activities in the concerned area. In addition, an international presence in an area limits in itself the capacity of the IDF to conduct military operation in an area due to the risk that the IDF may cause international casualties.

These implications will be the most difficult challenges to be addressed when envisaging an international presence in a designated pilot area as the IDF is likely to oppose it for the reasons mentioned above.

The capacity of the Palestinian forces to control the territories under its responsibility as well as the guarantees and credibility of an international mentor in assisting and supervising the efforts of the Palestinians, will contribute in some extent to the acceptance of the model. The composition of the contingent and of its commandment will also have its weight.

The functions of the international contingent could include the followings:

i. Assisting and mentoring the Palestinian forces

Although the idea of an executive international force that would take over the security of the West Bank after Israel's withdrawal may sound attractive to many Israelis, Israel, the PA and the international community have an interest in empowering the Palestinian force and enabling them to reap the political benefits of Israeli withdrawal. This process will have a stabilizing virtue both in the mid and long term.

Thus, as a starting point, an international presence should not become the new occupier of the West Bank but rather to assist the Palestinian forces in carrying out their security responsibilities.

A successful transfer of responsibility supposed that there will be well-trained Palestinian forces on the ground. The role of an international third party in assisting, training and supervising Palestinian efforts will be determinant in that regard.

The functions to be carried out as part of the assistance to the Palestinian forces could include the followings:

a) Training relevant Palestinian forces and assistance in building their capacities in the following tasks:

- Collecting intelligence and in responding to specific intelligence;
- Conducing counter-terror activities;
- Restoring and maintaining law and order;
- Reinforcing the judiciary and penitentiary system;
- Managing and ensuring the security of Palestinian terminals in IsraeliPalestinian border crossings.

    The capacities to be developed in each sphere include the capacity of: planning, anticipating, reacting, arresting, investigating, coordinating between various agencies, etc. Capacity building should include providing equipment, training, and advisory in strategic planning.

b) Planning and strategic assistance in restructuring Palestinian security structure and chain of commands (in continuation of current efforts);

c) Facilitating in planning the implementation of DDR measures;

Within the framework of these activities, the international mentors will verify the performance of the Palestinian various units and command echelons and reevaluate the

type of assistance needed by the Palestinians to fulfill their tasks. The numbers of mentors will be determined accordingly.

Their visibility should be as minimal as possible to allow a clearer empowerment of the Palestinian forces.

ii.   Assisting Israeli and Palestinian authorities in solving problems encountered in implementing the plan. This function will be fulfilled by the Security Working Group, as underlined in section B (f);

iii.   Coordinating the activities of the international agencies and organizations in regard to the plan;

iv.   Raising the funds required for capacity building.

Composition

Israel has a dual position on the compositions of international presence. On the one hand, only the US is regarded as being able to provide real guarantees. On the other hand, Israeli security establishment is very concerned about the tensions that could rise between the IDF and US' security officers on the ground. Considering European experience in military police and intelligence capacities, the following composition could be considered:

-      US commander for strategic advisory functions and intelligence capacity development.
-      EU forces or European country's specialized units (gendarmerie, military police and judiciary functions). These functions are already partially undertaken by the USCC and EUPOL-COPPS, at least theoretically. The proposed model intends to enlarge these functions to a much larger area, to coordinate these efforts under an agreed upon plan and to add the civil and economic components.

Challenges

The main immediate challenges that will be faced by each side regarding the implementation of the proposed model are the followings:

-      Entry of settlers in the area - if the IDF failed to avoid the entry of settlers in the area, their entry is likely to be followed by an IDF's incursion.
-      IDF's incursion - Israel will consider as its right to intervene in order to prevent the development of terrorist activities in the area or to apprehend wanted Palestinian activists in the area.
-      Internal Palestinian tensions vis-a-vis the chain of command and, subsequently, internal Palestinian spoilers.

In the mid and long term, the commitment of Israel and the PA to the negotiation process and the ability of the international community to take a leading active role in that process will have a direct impact on the ability of both Israeli and Palestinian authorities to address the challenges mentioned above. If the negotiation process fails to progress, spoilers on both side are likely to take the upper hand.

To address this challenge, the evacuation of settlements located at proximity of the pilot area or in additional areas, as a step to enable further enlargement of the proposed model,

is a step that could be considered by Israeli and Palestinian political echelon to expand the efforts undertaken. However, such measures are not be regarded as an alternative to a comprehensive political process to achieve a Permanent Status Agreement.

In any case, in order to reduce the motivation of both Israeli and Palestinian spoilers, the proposed pilot should not be present as a primary phase towards a second and third stage. In that sense, its success should not stand as a condition for further withdrawal of Israel. It should rather be launched in parallel to the negotiation process as an enlargement of the current efforts made by the USSC and the international community.

Summary of Olmert's "Package" Offer to Abu Mazen[1]
(Made on 31 August 2008)

General
- The preamble will state that the agreement represents the implementation of UNSC Res. 242 and 338, as well as fulfillment of the API (no mention of UNGA Res. 194).

Territory[2]
- Israel would annex 6.8% of the West Bank,[3] including the four main settlement "blocs" of Gush 'Etzion (with Efrata), Ma'ale Adumim, Giv'at Ze'ev and Ariel), as well as all of the settlements in East Jerusalem (with Har Homa), in exchange for the equivalent of 5.5% from Israeli territory.
- The "safe passage" (*i.e.*, territorial link) between Gaza and the West Bank would be under Israeli sovereignty with Palestinian control, and is not included in the above percentages.
- There will be a special road connecting Bethlehem with Ramallah, thus by-passing East Jerusalem (most likely the same road currently planned around Adumim).
- East Jerusalem would be divided territorially along the lines of the Clinton Parameters, with the exception of the "Holy Basin", whose sovereignty would be delayed to a later stage (see Jerusalem below).
- There was no mention of the Jordan Valley.

Jerusalem
- Sovereignty over the "Holy Basin", which Olmert said comprises 0.04% of the West Bank (approximately 2.2 km^2), would be delayed to a later stage.
- The issue would continue to be negotiated bilaterally between Israel and Palestine with the involvement of the United States, Saudi Arabia, Jordan and Egypt, but without the ability of these third parties to force an agreement on the parties.

Refugees
- Israel would acknowledge the *suffering* of – but not responsibility for – Palestinian refugees (language is in the preamble). In parallel, there must also be a mention of Israeli (or Jewish) suffering.
- Israel would take in 1,000 refugees per year for a period of 5 years on "humanitarian" grounds. In addition, programs of "family reunification" would continue.
- Israel would contribute to the compensation of the refugees through the mechanism and based on suffering.
- Not clear what the heads of damage for compensation would be, just that there would be no acknowledgement of responsibility for the refugees, and that compensation, and not restitution or return (apart from the 5,000), would be the only remedy.

Security
- The "package" apparently made no mention of security.

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[1] Summary is based on information provided by Dr. Erakat on 9 September 2008.
[2] A map was presented to Abu Mazen but he was not allowed to keep it. See revised NSU map projections (*jersep08P.pdf* and *wbgazasep08P.pdf*).
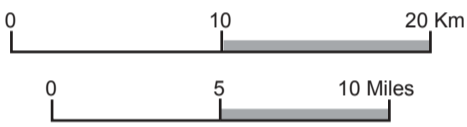[3] Percentages are based on Israeli calculations for the West Bank (*i.e.*, excluding the NML and East Jerusalem).
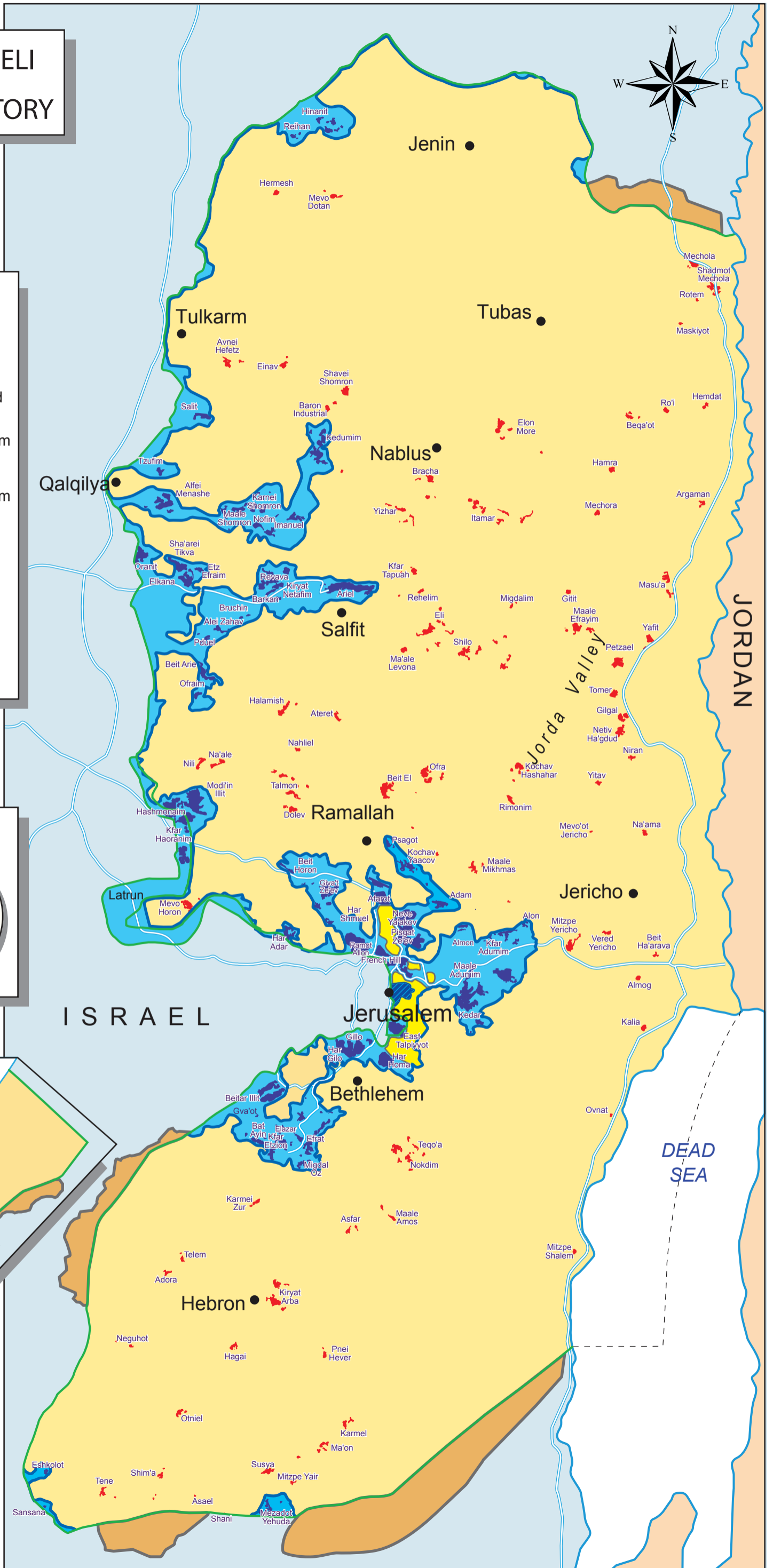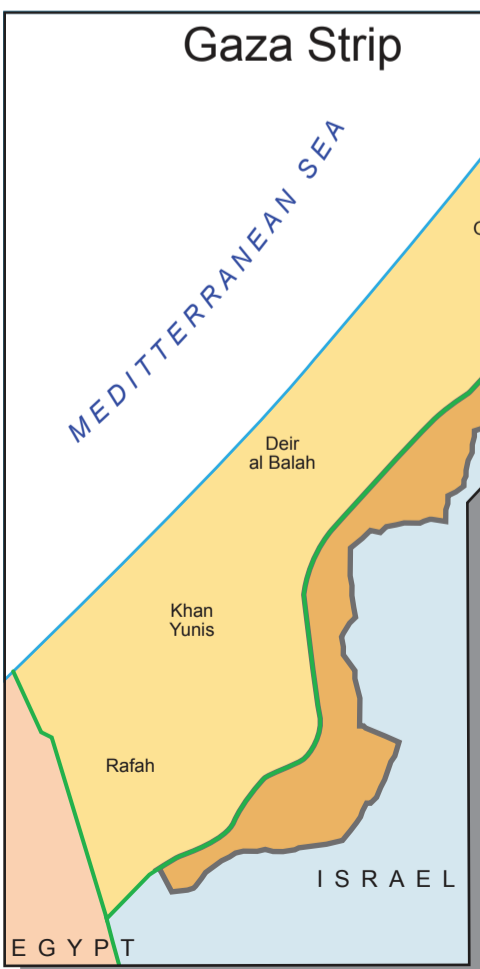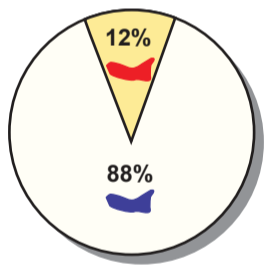
PROJECTION OF ISRAELI PROPOSAL FOR TERRITORY
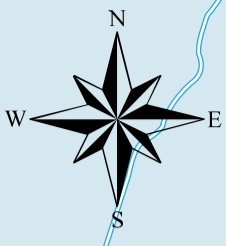
LEGEND

- 1967 Boundary ("Green Line")
- Israeli settlement to be evacuated
- Area projected to be swapped from Palestine to Israel
- Area projected to be swapped from Israel to Palestine
- Projection of Israeli proposal in Israeli defined East Jerusalem
- Israeli defined Holy Basin

0   10   20 Km

0   5   10 Miles

Settler Evacuation

- 56,000 evacuated settlers — 12%
- 413,000 settlers NOT evacuated — 88%

Gaza Strip

MEDITERRANEAN SEA

Gaza
Deir al Balah
Khan Yunis
Rafah

ISRAEL

EGYPT

ISRAEL

JORDAN

Jorda Valley

DEAD SEA

N
W   E
S

Jenin
Tulkarm
Tubas
Nablus
Qalqilya
Salfit
Ramallah
Jericho
Jerusalem
Bethlehem
Hebron
Latrun

Reihan
Hinanit
Hermesh
Mevo Dotan
Mechola
Shadmot Mechola
Rotem
Maskiyot
Avnei Hefetz
Einav
Shavei Shomron
Ro'i
Hemdat
Sailt
Baron Industrial
Kedumim
Elon More
Beqa'ot
Tzufim
Alfei Menashe
Karnei Shomron
Bracha
Hamra
Argaman
Maale Shomron
Nofim
Imanuel
Yizhar
Itamar
Mechora
Sha'arei Tikva
Kfar Tapuah
Masu'a
Oranit
Etz Efraim
Revava
Kiryat Netafim
Ariel
Rehelim
Migdalim
Gitit
Maale Efrayim
Elkana
Barkan
Eli
Yafit
Bruchin
Shilo
Petzael
Atei Zahav
Ma'ale Levona
Tomer
Pduel
Beit Arie
Halamish
Gilgal
Ofraim
Ateret
Netiv Ha'gdud
Nahliel
Niran
Na'ale
Ofra
Kochav Hashahar
Yitav
Nili
Beit El
Rimonim
Modi'in Illit
Talmon
Mevo'ot Jericho
Na'ama
Hashmonaim
Dolev
Kfar Haoranim
Psagot
Kochav Yaacov
Maale Mikhmas
Beit Horon
Giv'at Ze'ev
Atarot
Adam
Alon
Mitzpe Yericho
Mevo Horon
Har Shmuel
Neve Yaakov
Pisgat Ze'ev
Vered Yericho
Beit Ha'arava
Har Adar
Ramat Allon
French Hill
Almon
Kfar Adumim
Maale Adumim
Almog
East Talpiyot
Kedar
Kalia
Gilo
Har Gilo
Har Homa
Ovnat
Beitar Illit
Gva'ot
Bat Ayin
Elazar
Kfar Etzion
Efrat
Teqo'a
Nokdim
Migdal Oz
Karmei Zur
Asfar
Maale Amos
Mitzpe Shalem
Telem
Adora
Kiryat Arba
Neguhot
Pnei Hever
Hagai
Karmel
Ma'on
Otniel
Eshkolot
Tene
Shim'a
Susya
Mitzpe Yair
Sansana
Asael
Shani
Mezadot Yehuda

Israeli Proposal in the Jerusalem Metropolitan Area

Map labels (north to south, west to east):

Deir 'Ibzi, Ain Arik, Ramallah, Al Bireh, Deir Dibwan, Beit Ur Foqa, Beituniya, Al Amari RC, PSAGOT, Burqa, BET HORON, MIGRON, MA'ALE MIKHMAS, Tira, 443, OFER, Rafat, Kafr Aqab, KOCHAV YA'ACOV, Mikhmas, GIV'AT ZE'EV, Qalandia, Ql.R.C., Beit Duqqu, Beit Inan, Judeira, ATAROT, RAMA, Jaba, Beit Ijza, GIV'ON HDSHA, Al Jib, Bir Nabala, Ram, Abu Lahm, Jib West, Nabi Samwil, GEVA BINYAMIN, Qubeiba, Biddu, BH Balad, Beit Hanina, N.YA'ACOV, Hizma, ALON, Qatanna, Shu'fat, KFAR ADUMIM, HARADAR, Beit Surik, Beit Iksa, RAMOT, P.ZE'EV, ALMON, R.SHLOMO, ANATOT, Anata, R.ESHKOL, FR.HILL, R.C., MISHOR ADUMIM, Isawiya, 1, Za'im, Wadi Jo, Jaban, OLD CITY, Tur, MA'ALE ADUMIM, West Jerusalem, East Jerusalem, Rasal Amud, Azarya, Abu Dis, Thuri, Ar.Johalin, Mukabir, Sawahra West, Sawahra East, QEDAR, NOF ZION, Beit Safafa, Sharafa, EAST TALPIOT, Sh. Sa'ad, Um Leisun, GILO, Walaja, Sur Baher, Wadi Hummus, HAR GILO, 60, HAR HOMA, Battir, Beit Jala, Bethlehem, An Numan, Al Khas, Ubaydiya, Husan, Khadr, Beit Sahur, Um Qassis, Kh.Juhzum, Wadi Fukin, Dheisha RC, Al Hindaza, Irtas, Shawawra, BETAR, Nahhalin, NEVE DANIYEL, Um Rukba, Ras al Wad, GEVA'OT, 374, Rafidia, Za'atara, ROSH TZURIM, Kht. Sakarya, EFRATA, ELAZAR, 60, W.Rahhal, Beit Ta'amir, BAT AYIN, Abu Nujeim, Harmala, ALLON SHVUT, W. an Nis, Bad Faluh, KFAR ELDAD, KFAR ETZION, Jurat ash Shama, TEKOA, NOKDIM, MIGDAL OZ, Um Salamuna, Tuqu', Safa, Beit Ummar, Beit Fajjar

0   5 KM

Legend

— 1967 Boundary ("Green Line")

⬭ Palestinian built-up area

🔴 Israeli settlement to be evacuated

⟿ Israeli settler / Bypass road

⟿ Israeli-proposed "alternative" Palestinian road link

▯ Israeli built underpass for Palestinians

▭ Israeli proposal: West Bank area to be annexed by Israel

▭ Projection of Israeli proposal in Israeli defined East Jerusalem

The Israeli-Palestinian Political Process: Back to the Process Approach

Udi Dekel and Emma Petrack

Since the Oslo Accords were signed in September 1993, there have been three and a half serious rounds of talks over a permanent resolution to the Israeli-Palestinian conflict: Camp David in 2000; President Clinton's parameters at the end of 2000; the Annapolis Process in 2007-2008; and the initiative led by US Secretary of State John Kerry in 2013-2014. All failed due to insurmountable gaps between the two sides on the core issues of the permanent status agreement and due to the asymmetry in the objectives of the talks. Attempts to bypass the problem by adopting different approaches to promote negotiations were fruitless, and instead of an agreement, the various efforts led to violent outbursts, deadlocked talks, and despair among both sides at ever achieving a resolution of the conflict.[1]

This essay examines whether the possibility of a permanent status agreement is indeed (at least for now) off the table. It assesses the issue on two levels: (a) the core issues and their importance to the possibility of reaching a permanent agreement; and (b) the development of different approaches to bypass the core issues and progress in the political process along other channels. Based on an analysis of previous negotiations, the essay proposes a resolution that affirms two fundamental principles: the two-state solution is the best option regarding the Israeli-Palestinian issue; and to implement this solution, the Palestinian Authority must be strong, responsible, and functional. The proposal herein involves the launch of a transitional process that does not purport to offer a quick, uniform solution to every disagreement between the sides but does work toward a two-state reality.

Brig. Gen. (res.) Udi Dekel, Managing Director and senior research fellow at INSS, functioned as head of the negotiating team with the Palestinians under the Olmert government. Emma Petrack was a research assistant at INSS.

The Previous Rounds of Negotiations

The Oslo I Accord, also known as the Declaration of Principles on Interim Self-Government Arrangements, was a milestone in Israeli-Palestinian relations, and in many respects the Oslo principles continue to drive the bilateral relations.[2] The major contribution of the Oslo Accords lay in the PLO's recognition of Israel's right to exist and its commitment to avoid any violent struggle, alongside Israel's recognition of the PLO as the legitimate representative of the Palestinian people and a partner for negotiations. The Oslo process and the rounds of talks held since, along with international resolutions, sketched out the model of the two-state solution with two sustainable states existing side by side in peace and security between the Mediterranean Sea and the Jordan River. Other theoretical options, such as one binational state or one state for both peoples, a three-state option (the West Bank, Israel, and the Gaza Strip as autonomous entities), a Jordanian-Palestinian confederation, or an Israeli-Palestinian confederation (two states in one space), have never been officially discussed by the sides.

The Gaps in the Core Issues

The gaps between the parties on the core issues have widened over the years, especially with the loss of trust and the changes in the strategic environment. These issues have an emotional, almost obsessive nature that makes progress well nigh impossible.

Borders and territory: In most of the rounds of talks, the Israeli position (in its interpretation of UN Resolutions 242 and 338) was that the 1967 borders were indefensible and that the situation created on the ground since 1967, i.e., the settlement blocs, must be taken into consideration when drawing the future border between the two states. By contrast, the Palestinians claim – after they abandoned their demand for a return to the partition plan borders of UN General Assembly Resolution 181 from 1947 – that the establishment of a Palestinian state in the West Bank and Gaza Strip (the borders on the eve of the Six Day War) represents a great and painful concession of most of the territory of their homeland, because their state would consist of only 22 percent of historic Palestine. Therefore, in their view, the 1967 borders are the minimal opening position in any talks, and any additional flexibility on the matter would be nearly impossible.[3] By contrast, in the Israeli view, the 1967 borders are more than the maximum position on land to be given to a future Palestinian state. Although Israel agrees that the territory conquered in June 1967 is the basis for calculating

the area of a future Palestinian state, the sides find it difficult to agree to the scope and ratio, both qualitatively and quantitatively, of land swaps. The Palestinian position has been consistent throughout, mainly that land swaps of equal size and quality must not exceed 1.9 percent of the West Bank and Gaza Strip territories. By contrast, the Israeli position has changed, depending on the Prime Minister in office, and over the years, Israel's flexibility on territorial compromises has grown. Former Prime Minister Ehud Olmert presented the most far-reaching formula to the Palestinians: Israel's annexation of the settlement blocs, equivalent to 6.5 percent of the territory under Israeli control since 1967, in exchange for compensation to the Palestinians of 5.6 percent of land from within Israel's pre-1967 borders. The remaining 0.7 percent gap would be calculated as the passage connecting the Gaza Strip and the West Bank. This dynamic generated a powerful Palestinian incentive not to compromise in any negotiation and wait for a better Israeli offer. Nonetheless, considering the political orientation of Israel's leadership since then and the emerging public and political climate, it is unreasonable to think that in the near future an offer as far reaching as Olmert's will resurface.

Security: Israel's approach asserts that security is vital to the establishment and foundation of peaceful relations,[4] and over the years Israel has demanded security arrangements that would ensure that Israel's security not be at greater risk. By contrast, the Palestinian approach sees peace as the main component of security.[5] The Palestinians recognize Israel's security needs, but not at the expense of total Palestinian sovereignty – on land, in the air, and at sea. For example, while the Palestinians see aerial control above the West Bank as a sovereignty issue, Israel maintains that a unified airspace with increased Israeli security control is essential for security reasons.[6] In light of developments in the Middle East and the Palestinian arena, the Israeli government has broadened its security demands for freedom of military action in the entire Palestinian sphere with no time limit, an approach that has been rejected by the Palestinians outright.[7]

The Palestinian refugees and the "right of return": The PLO represents both the population residing in the territories and the refugee diaspora. A commitment to the Palestinian refugees limits the PLO's flexibility in its demand for "the right of return" of Palestinian refugees to the 1948 areas. For the refugees, settling in a Palestinian state in the West Bank instead of the places where their families lived until 1948 means the loss of the dream of return – the heart of the Palestinian national narrative. It is not

happenstance that this dream was nurtured over years, as in the preservation of the house-key as a symbol for the yearning to return home.[8] Abbas, as president of the PA as well as the chairman of the PLO, claims that it is not within his authority to concede "the right of return" of others. He therefore cannot agree to a demand whereby Israel is the national homeland of the Jewish people and the Palestinian state will be the national homeland of the Palestinian people, a de facto concession of "the right of return." He is willing to compromise on the scope of that return, but not on the right itself.[9] Israel views an agreement as recognition of its unique identity as a Jewish and democratic state, and hence for Israel, acknowledgment and certainly the fulfillment of the Palestinian refugees' dream of return means the loss of its identity as the national home of the Jewish people and a danger to the demographic majority – the foundation of the Jewish state. In addition, according to Israel, recognizing the right of return would mean not agreeing to an end of claims. Not only do these gaps have implications for reaching a permanent agreement, but they also erode the chances for a pragmatic solution that could answer the needs of both sides.

Jerusalem: Over the years, the Palestinians have demanded that Jerusalem serve as two capital cities, and have likewise demanded control of the sites holy to Islam and Christianity, especially the Temple Mount (Haram a-Sharif). Israel is hard pressed to recognize two capitals in Jerusalem. Prime Minister Olmert's proposal, which was far reaching on this issue as well, included an outline whereby the Jewish neighborhoods would be included in Israel's capital and the Arab neighborhoods in the Palestinian al-Quds, while special status would be accorded to the Historic Basin (the Old City, the Temple Mount, the City of David, and the Mount of Olives) where both sides claim sovereignty but would be prepared to cede management authority to a third party. However, the Palestinians rejected this proposal, and deep gaps remain.[10]

The core issues package: Beyond the difficulty of arriving at a compromise on each individual issue, the negotiations process is burdened by the reference to issues that must be resolved collectively at once. Every time that a round of talks arrived at the final stretch toward a permanent agreement, including a discussion of trade-offs in one area that offset concessions in another, the Palestinians chose to leave the negotiating table, whether by rejecting or not relating to the proposal without placing a counterproposal on the table. Abbas opted neither to accept nor to reject Prime Minister Olmert's proposal of late 2008,[11] as Arafat had done in 2000 at Camp David

with Prime Minister Barak, and later rejected the parameters set out by President Clinton. President Abbas rejected the idea of the second stage of the Roadmap – the establishment of an independent Palestinian state within provisional borders – and refused to relate to Secretary of State Kerry's proposal in early 2014 of framework principles for a permanent agreement.[12] Instead, he opted to invest in the struggle against Israel in the international arena, where he enjoys solid ground and is not required to make difficult decisions or face domestic charges of treason. This recurring phenomenon indicates that the Palestinians are not prepared for any flexibility in the parameters they have set for themselves for a resolution, and the leaders lack the ability to make difficult decisions that do not meet the expectations of the Palestinian public. For its part, the current Israeli leadership will likely find it hard to make decisions that involve security risks or painful concessions.

The Development of the Process Management Approach

Over the years, various approaches were attempted in order to promote a political process toward a permanent status agreement. The Oslo talks were based on the process approach, built on an attempt to construct a reality of two separate entities in a gradual process by implementing confidence building measures and establishing an independent Palestinian authority that would be in charge of the Palestinian population. The hope was that such an environment would strengthen understanding and trust between the sides and provide the Palestinians with strategic assets they would try to preserve, in part by raising the value of the "cost of defeat." In practice, neither side fulfilled its obligations as stipulated in the interim agreement, and each conditioned the fulfillment of its obligations on the other's side doing so first, while engaging in mutual bouts of recriminations for the failures and losing trust in one another.[13]

Given the failure of the process approach, the end-state approach was attempted. Developed during Prime Minister Barak's term in office, this approach sought to define at the outset the parameters of a permanent status agreement with the Palestinians, while discussing the interim steps. This approach was the foundation for the Camp David summit in 2000, and later, for President Clinton's parameters toward a permanent agreement.[14] The second intifada, marked by years of terrorism and many fatalities on both sides, erupted following the failure of the Camp David talks and

Arafat's rejection of the Clinton parameters, and generated a crisis of trust and damage to understanding and cooperation.[15]

In an atmosphere of terrorism, eroded trust among the public and the leaderships, and political stalemate, proposals arose in unofficial negotiating channels or Track II discussions. One prominent example is the Geneva Initiative formulated by Israeli and Palestinian experts, which included agreements on every component of a permanent status agreement.[16] On another track, the Arab League formulated the Arab Peace Initiative, which expressed willingness to normalize relations between the Arab League and Israel in exchange for a consensual, just, sustainable peace based on Israel's full withdrawal from all areas under Israeli occupation since 1967 – the West Bank, the Gaza Strip, and the Golan Heights.[17] But no Track II initiative or channel resulted in a breakthrough, due to the profound mistrust and ongoing violence and terrorism.

In 2003, in an attempt to bring the sides back to the negotiating table, the Quartet, led by US President George W. Bush, formulated the Roadmap, a performance-based approach that established a timetable for creating the conditions for negotiations over a permanent status agreement. The document introduced the conditions the Quartet considered critical before discussion of the core issues of a permanent status agreement. The purpose was to sketch out a time frame, divided into three main stages, which would culminate with the establishment of an independent Palestinian state and normalization between Israel and the Arab states. The Roadmap stressed the need for security and stability as preconditions for negotiations, as well as an end to construction in the settlements and the need to build the appropriate base for the Palestinian state.[18] The timetable called for a peace agreement to be attained by 2005, but from the first stage, neither side abided fully by its commitments.

Given the ongoing terrorism and the understanding that Arafat was not sincerely interested in reaching a peace agreement, Ariel Sharon's government opted for a unilateral approach.[19] In 2002, the Israeli government approved the construction of the security barrier to protect Israel against terrorist incursions and suicide bombings within Israel proper and the settlement blocs near the Green Line.[20] The next unilateral move was the disengagement from the Gaza Strip and northern Samaria in 2005. The rationale was similar, i.e., that Israel itself must shape an acceptable security reality,[21] and was based on the understanding that Israeli control of the Gaza Strip was, in terms of security, more of a burden than an asset.[22]

Sharon believed that Israeli relinquishment of control and responsibility for one and a half million Palestinians (today, the number is closer to two million) in the Gaza Strip would improve Israel's strategic position and force the Palestinians to assume responsibility and prove their state building capacity and their ability to establish functional self-rule. The hopes for the disengagement were dashed when Hamas seized control of the Gaza Strip, first through elections and later, in 2007, by violence. Hamas's seizure of the Gaza Strip created a severe intra-Palestinian rift that has failed many reconciliation attempts between the PA's leadership and Fatah on the one hand, and Hamas's leadership in the Gaza Strip on the other, and generated profound Israeli concern for the implications of a similar disengagement from the West Bank.

The *combined process and end-state approach*: Given Hamas's seizure of the Gaza Strip and the changes in the Palestinian leadership after Arafat's death, an attempt was made to create a peace process that would bypass Hamas. The result was the 2007 Annapolis Peace Conference under US sponsorship with the participation of the Quartet states and several Arab states in the opening round of renewed talks.[23] The idea was to merge the gradual process approach of the Roadmap with the end-state approach of talks focused on issues in an overall permanent status agreement.[24] The sides held intensive talks over a permanent agreement (300 meetings in eight months), and on the implementation of the first stage of the Roadmap, which served as a precondition for the implementation of the permanent status agreement, and concurrently aimed to strengthen the PA's leadership and its governing foundations. The talks petered out in late 2008 without the Palestinian side responding to Olmert's proposal for a package of core issues to reach an agreement. Operation Cast Lead and Olmert's resignation gave the Palestinians a reason – if not an excuse – to avoid answering the Israeli offer, rendering the whole process meaningless.[25]

In the summer of 2013, Secretary of State John Kerry launched a nine-month round of talks aimed at formulating the principles for a framework agreement for a permanent status agreement, while carrying out steps designed to create an atmosphere conducive to the process. This process was initiated despite difficult conditions of profound mistrust, a prolonged deadlock in the talks, and the widespread public sense of the pointlessness of an agreement.[26] The Kerry round failed too, as the Palestinian side, led by President Abbas, refused to respond to the principles presented by the US Secretary of State. By contrast, based on leaks from the US team, it

transpired that Prime Minister Netanyahu was prepared to accept several principles, such as agreeing to consider the 1967 lines as the reference point for calculating territories. Nonetheless, Prime Minister Netanyahu was not satisfied with the security arrangements the United States offered and was unwilling to consider the idea that Jerusalem would serve as the capital of two states.[27] The fact that the Netanyahu government continued to build in the settlements during the talks was viewed by the Palestinians and the international community as proof of the Israeli government's unwillingness to make the necessary concessions for effecting the two-state solution.[28] For their part, the Palestinians refused to make any concession before Israel would publicly draw the borders of the Palestinian state,[29] set a timetable for evacuating the settlements, and recognize East Jerusalem as the capital of the future Palestinian state; they also expressed their vehement refusal to recognize Israel as "the nation state of the Jewish people." Several weeks later, violence erupted again with Operation Protective Edge in the Gaza Strip,[30] and the end of the conflict seemed at best a remote prospect.

Deadlock

Although both sides declared they were committed to the two-state solution based on the 1967 lines, the wide gaps remain on "what," including preconditions for negotiations, and "how." It is hardly surprising that at the end of two decades of fruitless talks, each side is deeply skeptical of the other's desire and capacity to be flexible for the sake of a permanent agreement. The Palestinians see the Israelis' continued construction in the West Bank as proof that Israel has no intention of ceding large portions of the territory. In their assessment, the right wing Israeli government will not evacuate Israeli residents of the West Bank from their homes because it does not want and may not be able to remove tens of thousands of people, some of whom might employ physical resistance. Another assumption based on the same rationale is that at the moment of truth, the present government will not be prepared to make the painful concessions necessary to match the maximum Palestinian concessions. This doubt can explain the Palestinian insistence on receiving proof of the seriousness of Israel's intentions in the form of freezing settlement construction, delineating the borders of a future Palestinians state, and releasing prisoners as conditions for renewing talks. Concurrently, the Israeli government is doubtful of the PA's ability to abide by the agreement and implement it because of its weakness and the loss of the leadership's legitimacy in the eyes of the

Palestinian public, its relative weakness compared to Hamas, and the huge gaps between the PA in the West Bank and the Hamas government in the Gaza Strip. This gives rise to the worry that even after the establishment of a Palestinian state, a failing, impoverished entity would come into being, and the governing vacuum would be filled by radical Islamic forces. In addition, the confrontational policy the PA has taken against Israel in the international arena and the campaign against Israel's legitimacy strengthen the Israeli assessment that there is no partner for an agreement.

The distrust and inability to bridge the gaps are further underscored by the asymmetry between the sides. Israel is a stable, prosperous state with the strongest army in the region, and de facto in control of the everyday lives of the Palestinians, compared to the PA, which lacks full state capabilities, relies totally on international economic and political support, and whose very existence and functionality depend on Israeli government decisions. This asymmetry has led the Palestinians to focus on safeguarding Palestinian rights before discussing an implementable agreement, and to apply an all-or-nothing approach (relating to the notion that the absence of a state is preferable to a state that does not represent all the Palestinians' goals and aspirations).[31]

Given the gaps and obstacles, it seems that the sides do not believe it is possible to reach a resolution, and in the meantime, both sides benefit from the deadlock. The Palestinians are not required to make painful compromises and can adhere to their all-or-nothing mindset, wait for a better offer, and hope that a resolution will be imposed on Israel by the international community. By contrast, the Israeli government, led by the right wing coalition, asserts that as long as the Middle East upheavals continue and the Palestinian camp is divided, it is not the time to take unnecessary risks. According to this view, it is better for the Israeli government to wait for improved environmental conditions or perhaps even a regional arrangement that will ensure that the establishment of a sustainable Palestinian state will not adversely affect Israel's security. This wait-and-see attitude allows Israel to postpone decisions on dividing the land, compromising on Jerusalem, and evacuating the settlements – decisions sure to arouse difficult internal conflicts. The Palestinians have managed to brand continued construction in the Jewish West Bank settlements as Israel's major current injustice, and proof that Israel is uninterested in peace, thus casting all the blame for the political deadlock on Israel.

Back to the Process Approach

Under present conditions, the only possible way to conduct a political process, preserve the two-state option, and rebuild trust, is to return to the process approach. The ongoing deadlock means a growth in the Jewish population in the West Bank and greater evacuation problems in the future. At the same time, there are warning lights already flickering as to the PA's long term ability to rule effectively, maintain law and order, and fight terrorism and radicalism, without a fundamental change in the situation that would improve the fabric of life of the Palestinian population and economic and infrastructural development of the Palestinian state-to-be. The split between the Gaza Strip and the West Bank places yet another obstacle before the PA and Israel in terms of the possibility of a political settlement, as Hamas can undermine the entire process. Therefore, together with the Arab Quartet (Egypt, Jordan, Saudi Arabia, and the UAE), it is necessary to promote programs for the reconstruction of the Gaza Strip to prevent a humanitarian disaster as well as to rein in Hamas.

At present, the timing is propitious both internationally and regionally for finding some way out of the deadlock. The new Trump administration is an opportunity for presenting a new approach and replacing the paradigm of a permanent status agreement that resolves all problems. Transitional agreements are the only possible option for a gradual construction of the two-state reality, while setting short term objectives that can be implemented in practice, using an "anything that's agreed upon is implemented" formula, strengthening the coordination and cooperation mechanisms between Israel and the PA, and enlisting the support and involvement of the United States, the international community, and the Arab Quartet. To make this happen, the following elements are needed:

Economy and infrastructure: It is critical to jumpstart activity to reduce the profound gaps and economic woes of the Palestinians that cause them despair that often prompts violence. In this context, it is necessary to increase the number of permits for West Bank Palestinians to work in Israel, and issue permits to Gaza Strip Palestinians to work in the nearby Israeli communities; promote critical infrastructure in the West Bank and Gaza Strip, including water, electricity, sewage, transportation, and housing facilities; and encourage the establishment of employment and commercial zones in the West Bank and Gaza Strip with regional and international cooperation. In a second phase, there must be willingness

to develop and update the Paris Protocol, which regulates the economic relations between Israel and the PA.

Traffic and access: It is imperative to improve the arrangements regulating the transit of people and goods between Gaza and the West Bank, and between the West Bank and Jordan across the Allenby Bridge, in order to integrate the West Bank and Gaza in regional and global trade relations. Provided there is calm and stability, and with regional and international help, there must be subsequent willingness to allow the construction of a seaport that would be operated by a third party and meet all of Israel's security requirements.

Stabilizing the PA: In order to promote the conditions that would allow the future establishment of an accountable, stable, and functional Palestinian state, and concurrently create the conditions for negotiations, it is necessary to generate bottom-up processes to strengthen governing institutions and infrastructures for a Palestinian state-to-be. It is incumbent to improve the PA's security in the West Bank. Depending on the Palestinians' performance, expanding control of the security mechanisms to all of the Palestinian populated areas should be considered, with emphasis on law and order missions but also on the dismantling of terrorist infrastructures. As the Palestinians do more, the IDF will be able to do less.

Differential policy on settlement construction: So as not to exacerbate the problem, but rather in order to offset the international damage to Israel, it is imperative that a differential settlement policy be established. At first, it is necessary to freeze construction and investment in isolated settlements deep within the Palestinian territory, while continuing construction in the blocs adjacent to the Green Line and Jerusalem. Later, there must be an Israeli effort to remove unauthorized outposts and create alternate communal solutions, either in the settlement blocs or in Israel proper.

People-to-people connections: In order to reduce the vast gulfs of mistrust and hatred, it is necessary to foster people-to-people dialogue between educational, cultural, and religious figures. To this end, Arabs in Israel should be enlisted to foster bridges between Jews and Palestinians.

Foundation for the future: As the living conditions of the Palestinian population improve, the level of performance of the PA's institutions and its security mechanisms will rise as well. This will also lead to a dynamic of confidence building between leaders and population groups, and an emergence of more convenient conditions for holding talks to prepare for a two-state reality, even if the sides do not succeed in bridging all the gaps

on all permanent issues. Assuming better PA performance and improved coordination with the Palestinian government, Israel will be able to recognize a Palestinian state within provisional borders based on the Roadmap.

In conclusion, an accumulation of small successes in a gradual process approach is a more realistic approach than attaining the elusive full, final agreement in one fell swoop. Such an approach would provide both sides with a more acceptable environment, which in turn, step by step, would create a reality on the ground that slowly moves toward a two-state reality. Regional support by Sunni Arab states, which have an interest in an end to the Israeli-Palestinian conflict, would help turn transitional arrangements into reality, as these regimes would provide the Palestinians with the guarantees they need to insure that temporary arrangements do not become permanent – the Palestinians' great fear – and would concurrently provide Israel with incentives to continue advancing the process.

Although both sides need internal motivation to approach this daunting but crucial task, at the end of the day they also need external direction, help, and perhaps even pressure. This is an opportunity for the new administration in the United States to prove it will not disengage from the Middle East, but rather remain committed to promote solutions and resolve disagreements. Withholding such support would mean abandoning the arena to the radical, uncompromising parties that will fail to be mindful of any long term implications.

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Who's Afraid of BDS?
Economic and Academic Boycotts and the Threat to Israel

Amit Efrati

Background

The BDS campaign is not the first time Israel has encountered boycotts by international parties. Since its establishment, Israel faced both political and economic boycotts by Arab countries that did not recognize its right to exist. Arab states boycotted imports of Israeli goods and boycotted international companies that had trade ties with Israel. The peace agreements signed with Egypt and Jordan, as well as the Oslo Accords, however, caused a substantial decrease in the impact of this boycott.

While the Arab boycott emerged from a resolution by the Arab League and was the result of an official government policy shaped by national leaders, in 2002, at the height of the second intifada, Israel began to encounter a new type of boycott by international non-governmental organizations (NGOs) calling on their governments and other entities, such as universities, private companies, and artists, to boycott Israel. This type of boycott has gained momentum in recent years, led by the boycott, divestment, and sanctions (BDS) campaign, which draws its inspiration from the international sanctions against South Africa in the 1980s in response to apartheid. At the same time, not all attempts to boycott Israeli goods and companies, whether by individuals or official bodies, are necessarily linked to this campaign. For example, the decision by Brussels Airlines in August 2015 to remove halva produced in the West Bank from its flights resulted from an individual complaint by a passenger to the company offices, and had nothing whatsoever to do with any campaign.

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