

## Chapter One

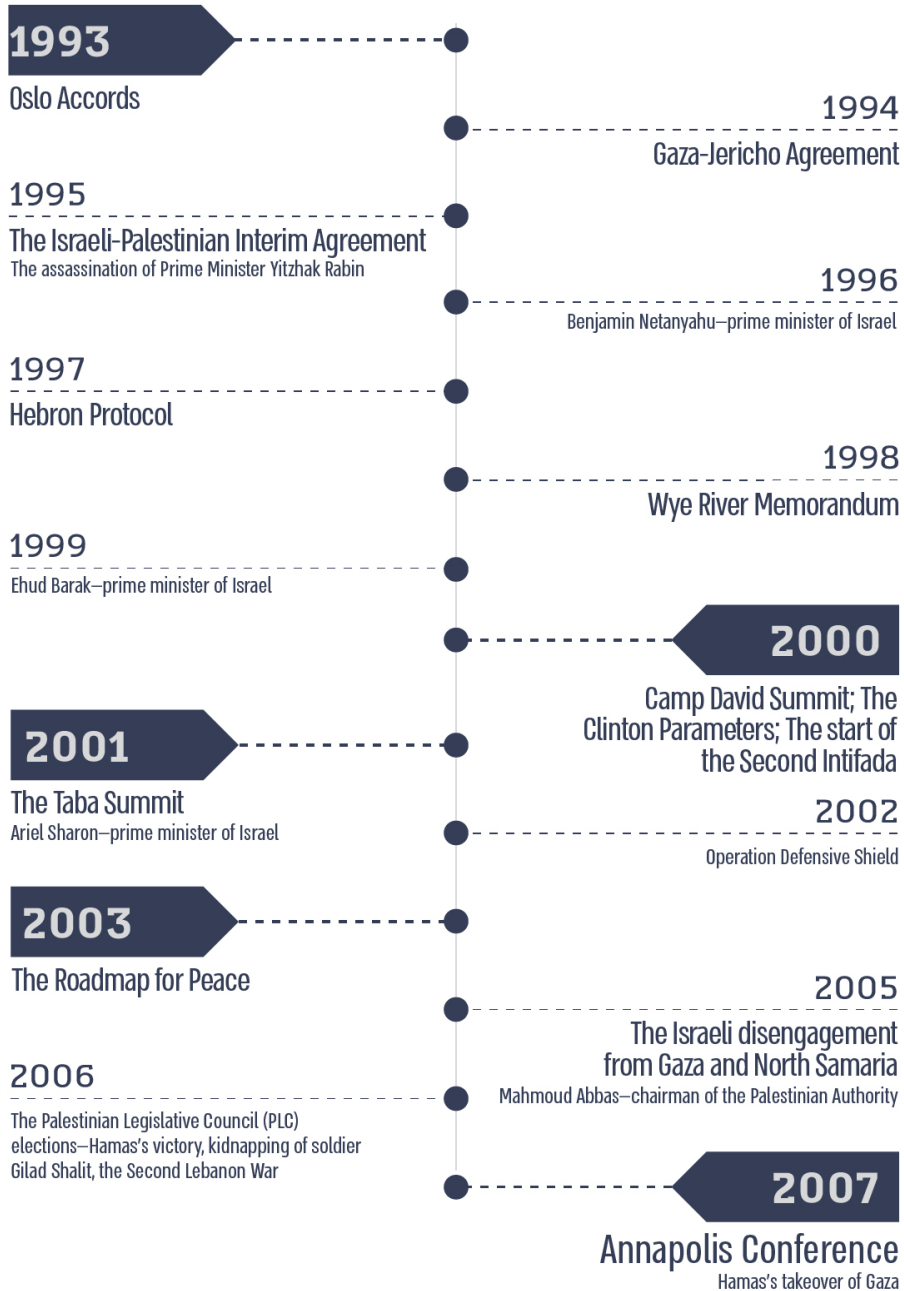
# The Background to the Negotiations

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Since the historic breakthrough in relations between Israel and the Palestinians with the signing of the Oslo Accords in 1993, there have been essentially four rounds of final-status negotiations (see Figure 2): Camp David in 2000; President Clinton's parameters in late 2000; the Annapolis process in 2007–2008; and the initiative of US Secretary of State John Kerry during the Obama administration from 2013 to 2014—all of which failed. Different claims for the failure of the final-status negotiations range from the poor organization of the negotiations to the sides' lack of readiness to agree on the final status. Nonetheless, there is consensus that the reasons preventing progress toward an overall agreement included, namely, the unbridgeable gaps between the positions of the two sides on the core issues of the conflict and the asymmetry in the goals of the negotiations. The attempts to sidestep the gaps by various negotiating approaches did not achieve results either. This situation led to the outbreak of violence from the Palestinian side and Israel's reaction to it, resulting in successive rounds of conflict, prolonged stagnation of the peace process, and the erosion of hope on both sides that an agreement can be achieved (Burg, 2013).

The Oslo Declaration of Principles and the Interim Agreement was a milestone in relations between Israel and the Palestinian Authority (PA). The PA was established on the basis of the Oslo Accords and was meant to be a negotiating partner in reaching an agreement with Israel. Today, these principles remain the basis for relations between Israel and the PA on a number of levels (Miller, 2013). The main contribution of the Oslo Accords is the Palestine Liberation Organization's (PLO) recognition of Israel's right to exist and its commitment to refrain from any violent struggle against Israel, alongside Israel's recognition of the PLO as the legitimate

**Figure 2.** The Background to the Negotiations



representative of the Palestinian people and as a partner in negotiations. In addition, and as a result of the Oslo process and the subsequent rounds of negotiations—including relevant international decisions—a model of two sustainable states living side by side in peace and harmony between the Jordan and the Mediterranean took shape (Israel Ministry of Foreign Affairs, 1993). Other potential solutions, such as a binational state or a state of “all its citizens”; a three-state option (that includes the West Bank, Israel, and the Gaza Strip as autonomous entities); a Jordanian–Palestinian confederation; and an Israeli–Palestinian federation or confederation (one space for two states), were not discussed officially by the two sides.

As part of the political efforts over the years, several approaches were used to advance the peace process and to initiate effective negotiations toward a final agreement between the sides (see Figure 3). The **processual approach** was used first, and it formed the basis for the Oslo Accords. This approach advocated that conditions should be created to make it possible in the future to discuss and resolve the core issues of the conflict, including territory, borders, security, Jerusalem, refugees, and the end of claims. This would be accomplished by gradually changing the reality on the ground and by building mutual trust between the two sides.

**Figure 3.** The Negotiation Strategies

<b>OSLO</b>	<b>Processual approach</b>	This approach was based on the gradual creation of an atmosphere of trust and stability via confidence-building steps and improving Palestinian governance and day-to-day life, as well as creating conditions to facilitate the discussion of final-status issues.
<b>CAMP DAVID</b>	<b>End-state approach</b>	This approach developed under Prime Minister Barak. It sought to define the parameters of a final-status agreement with the Palestinians, while avoiding the transitional stages. President Clinton used this approach in the Clinton parameters.
<b>THE ROADMAP</b>	<b>Gradual approach</b>	This approach assumed a timetable of gradual stages. It did not specify the details of the final agreement; rather it specified the necessary conditions for returning to the negotiating table. It emphasized the need for security and stability as prerequisites for negotiations, together with the reinforcement of the capacities of the PA to govern effectively and responsibly.
<b>ANNAPOLIS</b>	<b>A combined approach*</b>	The Annapolis process combined the processual approach and the end-state approach. The sides carried out intensive negotiations on all the final-status issues, along with their commitment to continue implementing the Roadmap and promoting measures on the ground to improve the lives of the Palestinians and strengthen the governance of the PA.

\*Processual and End-state approach

When the processual process failed to lead to negotiations according to the predetermined schedule and an impasse was reached, the next attempt at negotiations used **the end-state approach**. This approach, which was formulated during the period of Prime Minister Barak, sought to reach a final-status agreement with the Palestinians and bring an end to the conflict on the basis of defining and specifying a final-status trajectory, while skipping over the transitional stages. The peak of the peace process according to this approach was the Camp David Summit in 2000 and the parameters proposed by President Clinton in late 2000 (Clinton Proposal on Israeli–Palestinian Peace, 2000). This approach, however, did not lead to an agreement either. This failure was one of the factors leading to the outbreak of a violent and extended confrontation between Israel and the Palestinians, which was characterized by many acts of terror against the Israeli population. Following

the intervention of the international community and the efforts of US President Bush in 2003, the peace process was again revived using the **processual approach**. This time it relied on a gradual process, “The Roadmap,” which emphasized the need for security and stability as the primary conditions for final-status negotiations to take place, while at the same time creating the foundation for a responsible, stable, and functional Palestinian regime (Israel Ministry of Affairs, 2003). The Roadmap also led to an impasse.<sup>5</sup>

Given the lack of progress to advance the peace process and the growing wave of terror, Israel set out to create a more convenient reality, by taking unilateral steps; namely, the building of a security barrier and later on by disengaging from Gaza and from northern Samaria. Although these steps improved Israel’s strategic position for a short while, they also sent a message to the Palestinian side that only by means of negotiations could the Palestinians advance toward their national and strategic goals. When it became clear that some of the achievements of the disengagement and of Israel’s unilateral steps had quickly dissipated, especially after Hamas had taken over the Gaza Strip, the need again arose for initiating a structured and stable peace process between Israel and the Palestinians.

Several trends that had negative implications for Israel motivated the Israeli government, under Prime Minister Olmert, to seek to renew the peace process in 2007. These included:

1. **Iran was determined to acquire nuclear military capabilities.** The strategic assessment at that time indicated that by achieving peaceful relations with its neighbors, particularly the Palestinians and Syria, Israel could become part of a regional coalition that could help impede Iran’s nuclear program and perhaps eliminate Israel’s need to use force to terminate the nuclear program. Peaceful relations with close countries and with the Palestinians were estimated to be critical for dealing with a situation in which Iran could acquire capabilities despite the efforts invested to intercept its plans.
2. **On the regional level, the radical Islamic movements and non-state groups were gaining in strength.** Therefore, the need to strengthen the moderate Arab camp was increasingly felt. This approach was combined with the threat emerging from Iran, in the belief that if Iran achieved

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5 See Appendix.

nuclear capability, its regional influence would increase, which would, in turn, strengthen the self-confidence and scope of activity of the non-state players that Iran supported.

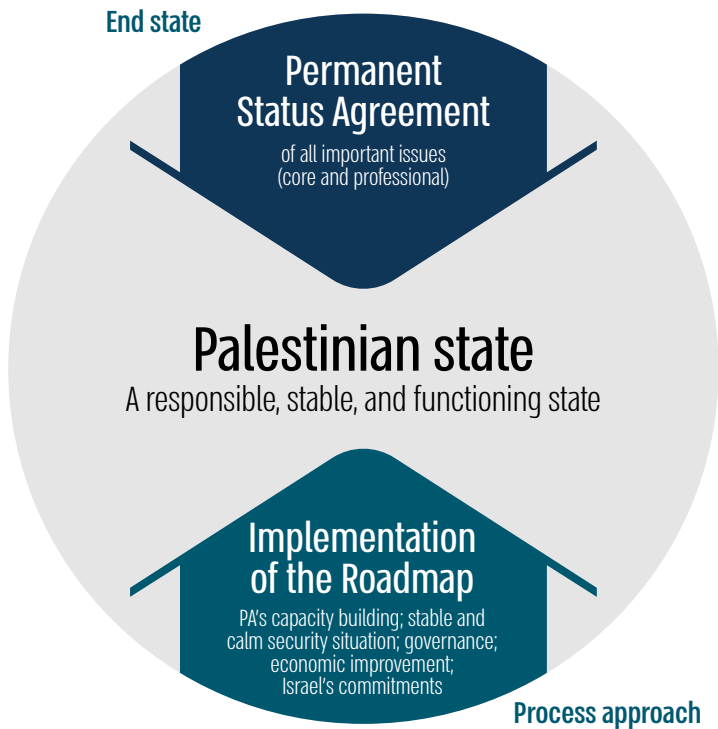
3. Given the **continuing stagnation in the peace process**, various groups in the Palestinian camp and in other countries as well began (re-) presenting the **one-state solution** as the preferred option—and perhaps the only one—for resolving the Israeli–Palestinian conflict. Israel was particularly concerned by this option, due to its implied threat to Israel’s fundamental interest of remaining a **Jewish and democratic state**, alongside the demographic growth of the Arab population in the region between the Jordan River and the Mediterranean.
4. **The efforts to deny the legitimacy of the State of Israel were increasing**, primarily due to the continued occupation of the West Bank and the building of settlements and expansion of existing ones, which contravened most of the interpretations of international law and international norms. These developments emphasized the need to restart a structured and systematic peace process between Israel and the Palestinians, while trying to exploit the internal Palestinian rivalry, to isolate Hamas, and promote understanding with the PA, which was recognized as a partner in negotiations with Israel.

Given the lessons learned from previous negotiation processes, the Israeli political–military establishment decided in late 2007 to initiate negotiations based on an innovative combined approach under American and international auspices. This was the core of the Annapolis plan, which **combined a processual approach**—based on the continuing implementation of the obligations of the two sides according to the Roadmap (at least in the initial phase), including monitoring of progress by the Quartet—**with the end-state approach**, which was meant to facilitate movement toward an overall permanent final-status agreement, based on the two-states-for-two-peoples solution.

The basis for negotiations and later for the implementation of the agreement that would be reached was that the two sides would fulfill their obligations according to the Roadmap (see Figure 4). While Israel stressed the need for security first and for creating a strong base for a stable, responsible, and well-functioning PA, the Palestinians emphasized ending the settlement

building, dismantling illegal outposts, preventing the unilateral creation of facts on the ground by Israel, and limiting Israeli military freedom of action in Area A,<sup>6</sup> primarily in the Palestinian towns and cities.

**Figure 4.** Integrated Approach to Managing the Political Process



Publicly, it was declared that the objective was to reach an agreement within a year, a goal that was not considered feasible, primarily due to the complexity of the issues that needed to be discussed and agreed upon.

### **The Peace Negotiation Team Within the Prime Minister's Office**

The Peace Negotiation Team was established at the Prime Minister's Office. Brigadier General Udi Dekel, the head of the Negotiation Team, reported

<sup>6</sup> Area A is under the military and civilian control of the PA; Area B is under Palestinian civilian control (including the maintenance of law and order) but Israeli military control; and Area C is under Israeli civilian and military control.

directly to the prime minister, forming the basis for the team's authority. Dekel, who had served in the IDF as the head of the Strategic Planning Division, and as the head of the Foreign Relations Division in the General Staff, was appointed a head of the Unit and was assigned a small number of staff positions, which required the joint approval of the prime minister and the foreign minister. Selected for the team were highly motivated professionals who viewed the achievement of an agreement with the Palestinians as the primary strategic goal of the State of Israel and the Jewish people.

The negotiating team core members were Brigadier General (res.)<sup>7</sup> Kamil Abu Rukun, who served as deputy-head of COGAT (Coordination of Government Activities in the Territories) during the period of the negotiations and had extensive experience in managing relations with the Palestinians; Colonel (res.) Danny Tirza, who was head of "Keshet Tzvaim" in the Central IDF Command, which dealt with the organizational work on the ground as a result of the interim agreements. He was the "maps man" and the liaison with the IDF Maps Unit and had been the project manager for building the Security Barrier on behalf of the Ministry of Defense; Dr. Lia Moran-Gilad, an international relations and foreign policy expert, who had been a senior advisor to the head of Israel's National Security Council and steered the work of the negotiation committees and the information management; Attorney Lieutenant Colonel (res.) Lee Arad, who had been the deputy director of the International Law Department in the IDF and had extensive experience in the legal aspects of negotiations; Attorney Tomer Amar from the Attorney General's Office who specialized in the issue of refugees; Attorney Adi Sheinman from the Legal Department of the Foreign Ministry who specialized in the issue of water; Ms. Tamar Gordon, Ms. Noam Ginnosar, and Ms. Lianne Pollak who coordinated the administrative work; and Lieutenant Colonel (res.) Ofer Yerimi, who was the intelligence officer of the team. In addition, the team was supported by legal advisors, including Attorney Mike Blass and Attorney Dr. Shavit Mathias, both who had been assistants to the attorney general; Attorney Ehud Keinan, who served as the legal advisor in the Foreign Ministry; Dr. Tal Becker from the Foreign Ministry who was responsible for the legal formulation of agreements and drafts;

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7 As of this writing, he is a major general serving as the head of COGAT.

and Attorney Colonel Pnina Sharvit Baruch, who was the head of the IDF's International Law Department.

### **Israel's Objectives in the Negotiations**

At the beginning of the negotiation process and at the request of Prime Minister Olmert, the negotiating team drew up a position paper specifying Israel's objectives. The document, which was approved by the prime minister and the foreign minister, included the following:

**Israel's leading interest** was to maintain its character as a **Jewish and democratic state**. Its vision for relations between Israel and a Palestinian state was **separation by consensus**. **The solution** of the conflict would be based on **two-states-for-two-peoples and the end of claims**. Israel's position also noted its desire to halt any tendency toward a coerced one-state solution or any other solution that could harm the character and vision of the State of Israel.

**Israel's objective** was to end its rule over another people and to end Israel's occupation and its burden of civilian responsibility. In parallel, Israel sought to obtain US guarantees of support for Israel and for realizing its security needs, as well as controlling damage in the event that the negotiations and/or the implementation process did not progress as planned. In this framework, the Palestinians would be encouraged to make difficult decisions and commit to creating a responsible and viable state that would have peaceful relations with its neighbors. In addition, Israel sought to prevent the development of a failed state, in which case Palestinian frustration would be channeled toward Israel.

The creation of a Palestinian state would include the rights defined by Palestinians as "1967 rights." Israel aspired to an agreement based on partnership; the creation of a positive atmosphere; education in favor of peace and against violence; prevention of incitement; recruiting the support of the Arab world; and strengthening the positive factions within the Palestinian camp, as well as those who supported an agreement and coexistence. The aforementioned were considered crucial to the successful and stable implementation of an agreement.

Israel sought recognition of its sovereignty over the settlement blocs in exchange for the transfer of territory to the Palestinian state (swap) and the establishment of security arrangements that would prevent terror and

the development of terrorist and military threats—both symmetric and asymmetric—from the territory of the Palestinian state or via the Palestinian state against Israel.

On the issue of Jerusalem, Israel’s aim was to preserve the status quo to whatever extent possible; maintain free access to the holy places and freedom of worship; and recognize the Jewish parts of Jerusalem as the capital of Israel.

The creation of the Palestinian state would be the solution to the refugee problem. In parallel, an international mechanism would be established to resolve the refugee issue, focusing on solutions and rehabilitation in ways that would not include returning to the territory of Israel.

Although Israel’s position was to include the Gaza Strip within the final-status agreement, it would not agree to its implementation in the Gaza Strip as long as it remained under Hamas’s control. In this case, Israel did not support any connection or passage between the Gaza Strip and Judea and Samaria, and Israel would adopt a different policy toward the Gaza Strip.

The negotiation of arrangements and agreements between the states on bilateral issues included economic relations, water, environmental quality, tourism, healthcare, infrastructure, and legal relations, with the goal of building normal relations based on trust and cooperation.

**The method** outlined would maintain Israel’s initiative and control of the process, in coordination with the US, with all sides having to agree beforehand that any issue that achieved agreement would create a new situation reflecting **the end of the claims** of both sides and the responsibility of both sides to implement the understandings. At the same time, the importance of garnering domestic support was emphasized, as well as international involvement in building the Palestinian state on three levels—security, economic growth, and governance—to aid in creating a well-functioning Palestinian state that would fulfill its commitments. The establishment of regional security arrangements and the promotion of regional cooperation with Israel would maintain the peace and facilitate its fruits.

### **The Structure and Format of the Negotiations**

The summit between the leaders—President George Bush, Prime Minister Olmert, and President Abbas—that had taken place in Annapolis, Maryland on November 27–28, provided an international umbrella for the peace

process between Israel and the Palestinians. Following the summit, the Israeli and Palestinian sides sought to construct the negotiating framework and to establish the format, based on past lessons.

It was decided that the process would take place on two parallel tracks directly under the auspices of the two leaders, Israeli prime minister Ehud Olmert and the president of the PA, Mahmoud Abbas. They would hold final-status discussions and face-to-face meetings to reach a common vision and to clarify issues and disagreements.

The leaders of the negotiations—on the Israeli side, Foreign Minister Tzipi Livni and on the Palestinian side, Ahmad Qurei (Abu Ala)—would manage **the track of negotiations for an overall settlement**. The purpose of this track was to discuss all aspects of establishing a Palestinian state and creating stable peaceful relations and cooperation between the State of Israel and the future Palestinian state.

Defense Minister Ehud Barak on the Israeli side and Prime Minister Salam Fayyad on the Palestinian side were tasked with coordinating the track of **implementing the Roadmap**. It was agreed that the two sides would have to fulfill their commitments according to the Roadmap before the agreements could be implemented. This track also was meant to create an atmosphere that would support the process, as well as to improve the lives of the Palestinian population.

As part of the first track, the negotiations over the **Permanent Status Agreement** would be carried out on three levels and would simultaneously be top-down and bottom-up:

1. **The leadership level:** Olmert and Abbas discussed the core issues and agreed on an overall approach to the peace negotiations.
2. **The political level:** The leaders of the negotiations, namely Livni and Abu Ala, discussed the core issues. At the same time, they set up the **steering committee** for the negotiations, and monitored the progress of the various issues in the different committees. They also defined the substitutability between the issues and sought to resolve issues that the committees could not agree upon, in addition to determining procedural matters.
3. **The professional level:** The heads of the negotiating teams, Udi Dekel and Saeb Erekat, coordinated the discussions and managed the 12 expert

committees that discussed the professional issues that would determine the framework and character of future relations between the states. The 12 committees were **security** (headed by Amos Gilad and Hazzem Attalah); **territory and borders** (led by Udi Dekel and Samih al-Abid); **refugees** (headed by Tal Becker and Saeb Erekat); **economic relations** (led by Yarom Ariav and Samir Houlailah); **infrastructure** (headed by Hezi Kugler and Muhammad Shtayyeh); **water** (headed by Uri Shani and Fadel Kawash); **state-to-state** (led by Yossi Gal and Saeb Erekat); **crossing points** (headed by Kamil Abu Rukun and Muhammad Shtayyeh); **environmental quality** (headed by Ori Livne and Yusuf Abu Safiyya); **legal relations** (headed by Mike Blass and Hiba Hussein), **prisoners** (led by Mike Blass and Hisham Abdel Razek); and **the culture of peace** (headed by Daniel Taub and Sufian Abu Zaida).

An important part of the process was to formulate rules for the agenda and for managing the discussions before they started, in addition to establishing the principles for determining the order of the issues and mapping the connections between them.

### **Mapping Essential Issues for Reaching an Overall Agreement**

In a meeting about mapping the issues and determining their priority, the leaders of the negotiating team raised a number of insights about how to map the issues. The two teams understood which issues were essential to both sides: territory and borders, including the future of the settlements; security in all its aspects, including demilitarization of the Palestinian state, the character and roles of the Palestinian security forces, the control of airspace and the electromagnetic spectrum, building of an airport in the West Bank and a sea port in the Gaza Strip, and so forth; two capitals in the Jerusalem area; refugees, including the issue of the return of refugees to Israel and the mechanism for compensation and rehabilitation of refugees (including Jewish refugees); separate but cooperating economies; and joint, connected, and separate infrastructures.

In addition, the negotiating team also raised issues related to the core components of a final agreement, which were only essential to Israel and not to the Palestinians: that of recognizing two national homelands. The main demand of the Israeli side was to recognize Israel as the national home of the Jewish people and Palestine as the national home of the Palestinian

people, which would imply realizing the “right of return” of the Palestinian refugees to Palestine, rather than Israel. The Israeli side also demanded the end of claims, which implied that after the agreement was signed, neither side would be able to make any additional claims. As for the future of the Gaza Strip and how the PA would regain control of it, the Palestinians did not consider this issue essential to the negotiations since it was an internal Palestinian concern, just as the Israelis considered the issue of the settlers an internal Israeli matter. As for the Palestinian state’s access to other countries, the Israeli side considered it essential to discuss a mechanism for security inspections while the Palestinians preferred not to discuss it, which in their opinion, could compromise Palestinian sovereignty

The Palestinian side also emphasized issues that it considered essential but Israel did not. These included a change in the status quo of the holy places in Jerusalem, in contrast to Israel which sought to preserve the status quo; an arrangement for the equitable division of water, while Israel wanted to keep existing arrangements; the removal of the Security Barrier and “free flowing” crossing points between the Palestinian state and Israel—including a corridor between the West Bank and the Gaza Strip—as the Palestinians wanted freedom of movement while Israel preferred to keep the current arrangements, based on the Security Barrier and supervised checkpoints with security inspections. The Palestinian side considered the release of Palestinian prisoners as essential, but the Israeli side did not, except as a gesture of goodwill to build mutual trust. In the end, the two sides decided that issues considered essential by only one side would also be discussed and included in an agreement.

In adherence to the subjects of the agreement, which were determined by the priority of the issues, the two sides agreed to **appoint heads of committees with practical expertise in the relevant subject**, with the idea that they would eventually be responsible for implementing the agreement. Therefore, Israel chose directors general or senior officials from the government ministries while the Palestinian side also agreed to select senior officials with practical experience.

The two sides agreed that **the discussions would be confidential** and that neither the names of negotiators nor the details of the negotiations would be publicized. They also agreed not to allow media coverage and that both sides had to agree to issuing public announcements. The two sides also had

a shared interest in keeping the negotiations confidential; Israel's prime minister was concerned about his coalition while the Palestinian side worried there would be strong domestic opposition if the details were made known.

The two sides decided upon a **working format for the professional committees** and determined a detailed agenda so that they would first map out the subjects and the objectives of their work and then clarify the issues. After the two sides reached a consensus about the issues, they were then asked to table the relevant drafts for the clauses of the agreement, with consensus to be reached in the joint discussions. This format was meant to prevent tabling drafts prepared earlier and that expressed an opening position, which did not reflect the developments around the negotiating table.

The constant follow up on the information shared by the committees as well as the careful examination of previous exposed Erekat's tendency to table documents agreed upon in previous rounds of negotiations. A comparison of his documents with the few documents obtained from the Israeli archives indicated that in general Erekat had simply polished the documents and modified them to suit the Palestinian positions.<sup>8</sup>

The negotiations were guided by the understanding that “**nothing is agreed on until everything is agreed on.**” This principle was used to assess the flexibility of the sides in the workgroup discussions within the committees and also to overcome the problem of substitutability between negotiating subjects, such as borders and territory versus the security issue. According to this principle, even if a position had been presented by one of the sides, this was not to be considered a final position until all the positions, implications, and consequences regarding the parallel issues had been clarified.

For example, in the Territory and Borders Committee, Dekel brought up the idea of a swap of populated territories, namely villages separated geographically but connected by day-to-day routine, such as Barta'a in western Samaria or Beit Safafa in Jerusalem. This was not an official Israeli position but rather a way of ascertaining the Palestinian position. The Palestinian side

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<sup>8</sup> Authentic excerpts taken from the negotiation table appear throughout the text in accentuated block quotes or in quotation marks.

rejected any possibilities of this kind, out of fear that Israel would try to include Arab settlements located in the Triangle region as part of an exchange of territory.

The Israeli side requested senior legalists from the Ministry of Justice and the Attorney General’s Office, the Foreign Ministry, and the IDF to write draft documents. The Palestinians over the years used the Negotiations Support Unit (NSU), composed of young Palestinian attorneys, most of whom studied and interned abroad. This group prepared the drafts for an agreement on the various subjects and clauses, which from their perspective reflected the Palestinian opening positions and were usually based on international precedents. In the stage of presenting the drafts, the Palestinian representatives found it difficult to abandon the basic or opening positions that they had formulated prior to the negotiations and to connect with the dialogue that was taking place in the discussion rooms. More than once, this approach by the NSU delayed the progress of the negotiations and required Dekel and Erekat to intervene.

The joint understanding between Erekat and Dekel stated that a broad and stable infrastructure should be laid down for an agreement, from bottom-up and from top-down, that disputes are to be resolved on the level of the professional committees and that agreed-upon drafts will be submitted for the approval of the Livni-Abu Ala Steering Committee. In this way, it will be possible for the political level and the leaders to focus on decision making on the core issues and resolving disagreements.

### **The Timeline of the Negotiating Process and Its Implementation**

A timeline of the negotiating “periods” was also constructed. With the agreement of the two sides, and the backing of US Secretary of State, Dr. Condoleezza Rice, the following **timeline of the process** (see Figure 5) was established:

1. **The negotiating period:** During this period, there would be discussions about the overall agreement, in parallel to implementing the obligations of each side according to the Roadmap, including the creation of an atmosphere conducive to the peace process. At its conclusion, a Permanent

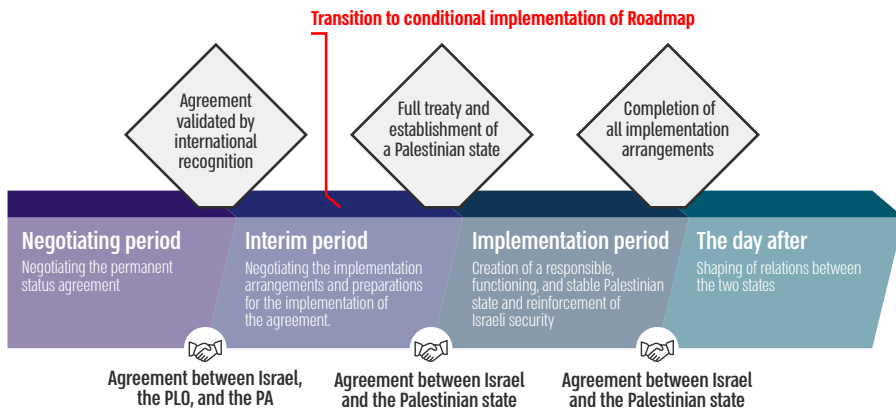
Status Agreement would be drawn up and submitted for the approval of the two sides. On the Israeli side, this meant the approval of the Knesset and a plebiscite if evacuating the settlements would be required; on the Palestinian side, this meant the approval of the Palestinian Legislative Council and a plebiscite in the West Bank and the Gaza Strip, if the conditions in the Gaza Strip allowed.

2. **The transition period:** In this period, the two sides would complete the discussions about implementing the appendices of the agreement; they would organize and prepare for implementing the agreement (for example, on the Israeli side, preparing for the evacuation of settlements, if that was decided upon, including housing and employment solutions for the evacuees or modifying the route of the Security Barrier to fit the newly agreed-upon border); the sides would fulfill their obligations according to the Roadmap; conditions would be created and the basis laid for the establishment of a functioning Palestinian state; an international body would be set up for monitoring and verifying the implementation of the agreement; and budgets and donations would be obtained for building the Palestinian economy and to assist Israel in meeting the cost of implementing the agreement. In parallel, the agreement would receive international recognition, in the form of a UN Security Council resolution, which would replace the previous resolutions on the Israeli–Palestinian conflict. Furthermore, the Arab states would recognize the agreement and would declare that it constitutes in principle the implementation of the Arab Peace Initiative. At the end of the period, appendices of implementation would be added to the agreement, which would transform it into a **binding treaty**.
3. **The implementation period:** During this period, the implementation of the agreement would gradually take place over a number of years, while progress from one stage to the next would be based on proof of implementation. In this context, an independent Palestinian state that is sovereign, responsible, stable, and well-functioning would be established. In addition, the international community and the Arab states would participate in the implementation and monitoring of the agreement. On this issue, there was a huge gap between the sides. The Palestinian side demanded an implementation plan of up to three years, while Israel sought a period of ten years for preparing the infrastructure and the evacuation

of settlements and an unlimited time period for the security aspects of the implementation, such as the deployment of IDF forces in the Jordan Valley until the Palestinian security forces had attained a desired level of performance or the configuration of regional threats had changed.

4. **“The day after”**: The completion of implementation; a joint declaration of the end of claims; recognition of the international community and recognition by the Arab states, and by the Islamic states of the agreement, of Israel, and of the end of claims; development of cooperative relations and regional agreements.

**Figure 5.** The Timeline of the Negotiation Process and its Implementation



During the formulation of the negotiating agenda and its stages, the question arose of who would sign the agreement once it had been formulated. From the Israeli side, the answer was clear—the Israeli government. However, from the Palestinian side, Erekat at first demanded that the PLO should sign the agreement. However, the PLO is a national liberation movement rather than a state and it has no authority as a state. It was finally agreed that the PLO would sign the final-status agreement, which would create a Palestinian state that would declare its independence. Thus, the signing of the treaty that includes the implementation appendices would occur between two states—the State of Israel and the State of Palestine.

## The Opening Conditions of the Negotiations

When the negotiations began, one of the main issues on the agenda was the starting point of the discussions (see Figure 6). The Palestinian side demanded that discussions begin from the point at which the previous negotiations with Israel had stopped, namely the parameters presented by US President Clinton in 2000 (even though they had been rejected by the Palestinian side) and the Taba talks in January 2001 (which then Prime Minister Barak related to as talks for clarifying positions rather than for negotiations). In contrast, the Israeli side demanded that the discussions address the reality that had developed on the ground since then and its foreseen effect on any future agreement. In this context, the Israeli side emphasized the following:

1. **The Palestinian war of terror** (known as the Second Intifada) against the civilian population in Israel, which began after the failure of the Camp David Summit and the Palestinian rejection of the parameters for a settlement as presented by President Clinton.
2. **Over 97% of the Palestinian population in the West Bank was in Area A and B**, under the control and responsibility of the PA. **The rule of the PA in these areas** was becoming stronger, including improved performance in security matters, law and order, and meeting of civilian needs. In contrast, **the Gaza Strip was under the control of Hamas** and it appeared that the PA did not have any possibility (nor perhaps any desire) to regain control there.
3. **Israel had decided to withdraw from the entire territory of the Gaza Strip during the disengagement**, based on the border drawn in the 1994 Cairo Agreement, which was the ceasefire line and, according to Israel, constituted its border with the Gaza Strip. The Palestinians (led by Muhammad Dahlan) made territorial demands—without any legal basis and ignoring the ceasefire agreements—for modifying the ceasefire line and related arrangements between Egypt and Israel up until 1967, as well as the Cairo Agreement, which has been signed by Chairman of the PLO Arafat and Israel's Prime Minister Rabin.
4. **Israel was building a security barrier** to protect Israel's home front, and its final route—if completed—would include the large settlement blocs and about 8% of the territory of Judea and Samaria, which Israel had captured during the Six Day War.

5. An advanced **infrastructure of crossings points** had been established between the territories under the PA (including the Gaza Strip) and Israel and between the West Bank and Jordan, which were operated efficiently and according to high standards.

At the opening of the discussions, the international community finally understood that to create a sound foundation for a Palestinian state, **the PA would need to improve its ability to govern**. This included being able to reduce corruption, strengthen law and order, ensure stability in its security situation, and bolster its efforts against terror, particularly in preventing the development of a terror infrastructure and military capabilities of extremist factions, primarily Hamas and the Islamic Jihad in the Gaza Strip. In addition, the PA needed to be able to build the Palestinian economy, encourage growth of the private sector, and reduce the size of the public sector.

**Figure 6.** The Opening Positions

