

The Geneva Accords: A Step Forward in the Wrong Direction?

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Introduction

The Geneva Accords offer a “package deal” to resolve the Israeli-Palestinian conflict. From the Israeli viewpoint, the agreement inflicts damage on both national interests and national symbols, since it transfers sovereignty over the Temple Mount to the Palestinians, does not include the explicit Palestinian renunciation of the right of return, leaves the door open for further refugee claims that would affect implementation of the agreement, and does not include reference to the Palestinian minority living in the State of Israel. This article examines critically the changes proposed by the Geneva Accords, cites the drawbacks inherent in the document and in what it doesn’t contain, comments on possible significance of the initiative with reference to the negotiating process, and calls on the government of Israel to adopt a meaningful public stance regarding the document’s contents.

Some preliminary comments: The last document dealing with a permanent status arrangement between Israel and the Palestinians that was accepted by the government of Israel and the Palestinian leadership, with reservations on both sides, was the so-called Clinton ideas of December 2000. On the basis of these ideas, the Taba talks were held in January 2001 where nothing was agreed on, disputed issues remained on the agenda, and the door was left open to conflicting interpretations of the possible resolutions.

Furthermore, for the sake of “proper disclosure” before turning to the heart of the matter, let me stress two points. First, some of my colleagues were partners in the negotiations of the Geneva Accords, and from time to time we shared our thoughts on the evolving arrangements. Second, the following analysis emerges entirely from an Israeli viewpoint. It does not examine how the Palestinian public will receive the Geneva document, and to my understanding, these issues do not significantly change the main points expressed here.

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Positions on Core Issues

The importance of the Geneva document, apart from the enormous response it evoked and the hope it proffered to part of the Israeli public, lies in the fact that it points to one option in the range of potential agreements between Israelis and Palestinians regarding the resolution of the conflict. It also contributes to international clarification regarding the “essence of the deal” between Israel and the Palestinians in the permanent arrangement, whereby the “land for peace” formula has been replaced by parameters of “ending the refugee problem for an end to the conflict.” On all other issues – territory, for example, and even Jerusalem – it appears that the public is ready for compromise, and that security arrangements will depend on the extent of international involvement in providing guarantees for the agreement.

In the world of negotiations, there is an accepted distinction between “interests” and “positions.” Negotiations based on positions generally lead to a zero sum game outcome, where each concession from one side is a gain for the other side. Negotiations based on interests lead to clarification of the parties’ real interests, create various options to meet those interests, and, in most cases, can also lead to a consensual win-win situation. In negotiations of this sort the talk is not of concessions or gains but of joint solutions.

Perhaps predictably, the Israeli-Palestinian negotiations have always been of the first type. An Israeli

concession is considered a Palestinian gain, and the public discourse has consistently revolved around “accepting or rejecting the positions of the parties” rather than “do the proposed arrangements meet the parties’ interests.” The principal reason for this posturing is that the parties have never defined their real interests to themselves. Even the term “parties” is misleading, since it is doubtful if a definition by the

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government of Israel of national interests regarding the holy sites of Judea and Samaria would indeed faithfully represent these interests as perceived by the religious public in Israel. The same goes for the Palestinian side: it is doubtful if a practical definition of the interests of the Palestinian refugees, even if made by Arafat himself, would be acceptable to the overwhelming majority of refugees.

Against this background, the following analysis relates to the “positions” of the parties on core issues as expressed in the Geneva Accords:

■ *Recognition of a Jewish state.*

In the preamble to the agreement, the PLO and Israel affirm that the agreement “marks the recognition of the right of the Jewish people to statehood and the recognition of the right of the Palestinian people to statehood, without prejudice to the equal rights of the Parties’ respective citizens.” Article 2.4 stipulates that the parties recognize Israel and Palestine as “the homelands of their respective peoples.” The document is lacking the additional formulaic step of stating explicitly that “The State of Israel is the state of the Jewish people, and Palestine is the state of the Palestinian people.” This wording appears in the “Document’s Main Points” distributed to the public, and even in the Ayalon-Nusseibeh proposal, but it was omitted from the Geneva document text. At issue is more than a negligible point of semantics, since Palestinian recognition of Israel as a Jewish state, even if only declarative, satisfies the Israeli interest of “the end of the conflict,” as will be discussed further below.

■ *Jerusalem.* The Geneva arrangements are based almost entirely on the outcomes of Camp David, the Clinton ideas, and the Taba talks. The guiding principle is an ethnic-demographic division of Jerusalem, and the formation of two capital cities, Jerusalem and Al-Quds, within the urban space of greater Jerusalem. In one aspect Geneva goes a step further, by stipulating under article 6.4, “Border Regime,” “The border regime shall be designed according to the provisions of Article 11, and taking

into account the specific needs of Jerusalem (e.g., movement of tourists and intensity of border crossing use including provisions for Jerusalemites).” For the first time an agreement crystallizes the Palestinian understanding that in the permanent settlement Jerusalem will not be an open city, but will have arrangements for crossing between areas under Palestinian and Israeli sovereignty. However, the core of the conflict relates to sovereignty over the Temple Mount.

From the start of negotiations on the permanent status it was clear to the parties that with regard to the Temple Mount it is necessary to separate functional arrangements from symbolic significance. This distinction is embodied in the declaration of Ehud Barak, “I will not sign a document that transfers sovereignty over the Temple Mount to Palestinian hands.” Over the years, various models of the distinction between symbolic sovereignty and practical arrangements have been debated, where it was clear to all sides that the symbolic, national, and religious importance that both parties ascribe to sovereignty over the Temple Mount requires a solution that is not zero sum. The proposals for solutions to the sovereignty issue were numerous and varied: divine sovereignty, suspended sovereignty, an area without sovereignty, joint Israeli-Palestinian sovereignty, shared sovereignty (the Palestinians on the Mount, Israel in the interior of the mountain), and others.¹ On one point all negotiators agreed, that is, until

Geneva: sovereignty over the Temple Mount is a symbol, and symbols cannot be renounced. Ami Ayalon and Sari Nusseibeh also reached this understanding when they stated in their joint declaration of principles that, “Neither side will have sovereignty over the holy sites. The Palestinian state will be defined as the ‘guardian’ of the places holy to Islam for the benefit of the Muslims. Israel will be defined as the ‘guardian’ of the

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Western Wall for the benefit of the Jewish people” – an arrangement reflecting a compromise between national symbols, and not their abandonment.

In the Geneva document Israel renounces the symbol of sovereignty over the Temple Mount. Article 6.5 (c) states that at the end of a transitional period, sovereignty over the Temple Mount will be transferred to the Palestinian state: “Transfer of Authority: i. At the end of the withdrawal period stipulated in Article 5/7, the state of Palestine shall assert sovereignty over the Compound.” This provision thus blurs the distinction between practical

arrangements and symbols, and the Israeli side renounces the symbol of sovereignty. The authors of the document maintain that this renunciation reflects the de facto reality and is essential for attaining an overall resolution to the conflict. However, the renunciation was not mutual, neither in the limited sphere of the issue of Jerusalem nor in the broader sphere of the arrangement.

Most of the public is unaware of the distinction between the entire Western Wall and the part that is exposed, called the Wailing Wall. The Palestinian argument is that Jewish sanctity refers only to the Wailing Wall, and no claim for Israeli sovereignty over the whole Western Wall can be accepted. According to the original English formulation, the Geneva document – article 6.6, “The Wailing Wall shall be under Israeli sovereignty” – accepts the Palestinian argument and stipulates that Israel will have sovereignty only over the Wailing Wall. True, the Hebrew translation refers to the Western Wall, but the distinction between the two is important both symbolically and in practice. The result is that as opposed to the Clinton ideas or even to the Ayalon-Nusseibeh proposal (see the table at the close of the article), the Geneva document embodies an Israeli renunciation in two symbolic areas: transfer of sovereignty over the Temple Mount to the Palestinian state and compromise for Israeli sovereignty over the Wailing Wall only, the exposed part of the Western Wall.

■ *The Temple Mount and the right of return.* Some may argue that

Israeli renunciation of sovereignty over the Temple Mount is in exchange for Palestinian renunciation of the right of return. Is that so? The Geneva document, like the Ayalon-Nusseibeh proposal, does not mention the right of return. However, "non mention" is not equivalent with an explicit, written renunciation of the right. The Ayalon-Nusseibeh proposal stipulates that "Palestinian refugees will return only to Palestine; Jews will return only to the State of Israel." This caveat in the Ayalon-Nusseibeh understandings in fact reflects the Clinton ideas, which call on the parties to "adopt a formula that will expressly make clear that there is no right of [Palestinian] return to Israel, but on the other hand will not impinge on Palestinian aspirations to return to the region."

The right of return and sovereignty over the Temple Mount lie at the heart of the dispute and today are *the* symbols of the conflict. Authorized Israeli negotiators will have to decide with their Palestinian colleagues if they want to engage in negotiations over these symbols. It is possible not to discuss the symbols, and to allow each party to continue "dreaming" of its national and religious aspirations: to propose recognition of national symbols and an arrangement that suspends sovereignty over the Temple Mount and does not mention the right of return, alongside detailed agreement over the functional arrangements for both issues and agreement over the end of the conflict. Conversely, it is possible to reach a compromise on both issues and to exchange one for the other: the

agreement would state, explicitly, that Israel renounces sovereignty over the Temple Mount, while the Palestinians renounce the right of return. This option in effect shatters the dream, and unites the symbolic level with the functional. The first option is preferable and more practical. In Geneva a third option was chosen: Israel explicitly renounces sovereignty over the Temple Mount, and the Palestinians do not explicitly

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renounce the right of return, although authors of the Accords on the Palestinian side maintain that the document does in fact contain such a renunciation.

■ *The refugees.* Arrangements for accepting Palestinian refugees in Israel resonate of recognition of the right of return itself. Although formally shy of recognizing the right of return, the Geneva document specifies some of the practical arrangements for exercising the right. Here too the authors of the document followed the road paved by the negotiating teams of the Barak government and the back channels

working groups. Yet the Geneva document retreats from past Israeli positions that include an essential national interest: control over the number of Palestinians migrating to Israel. The Clinton ideas recognize the importance of Israel's exclusive and sovereign discretion regarding the number of refugees it accepts. The sovereignty of discretion as to this number and the setting of a final and agreed "ceiling" in the sum of money that Israel would transfer to the International Fund have formed the two cornerstones of Israel's positions throughout all the formal and informal negotiations on the subject, since they represent critical Israeli interests of demographic stability and economic forecast to enable planning a proper economic policy based on the amount to be paid by Israel to the Fund. The arrangement set down in article 7.4 of the Geneva document places a material limitation on Israel's sovereign discretion regarding the number of refugees to return to its territory, as it calls on Israel to "consider the average of the total numbers submitted by the different third countries to the International Commission." A likely scenario, based on the lessons of the past, is that this arrangement will subject Israel to a round of pressures from the international community on an issue where discretion should be completely sovereign.

■ *End of the conflict?* If the negotiations are understood as bargaining, then what the Palestinians give in exchange for Israeli concessions is the absolute final

commitment to an end to the conflict and to the claims. There is a negotiating and legal distinction between "end of the conflict" and "finality of the claims": end of the conflict is a collective perception indicating the transition from a state of "conflict" to a state of "no conflict," that is, the end of the conflict is not only declarative but changes the way relations between the two groups are to be conducted, and creates a new framework for relations. The framework is determined in an agreement or a set of arrangements, with the participation of all relevant players and backed up by international involvement that is both legal (a Security Council resolution) and practical (international forces and an implementation mechanism).

The finality of claims denotes the existence of a closed list of claims, a full response to claims included in the agreement, absence of further claims, and so on. If "the end of the conflict" changes the framework of relations between the parties, then "the finality of the claims" symbolizes the completion of the formation of a new reality. It is true that in Geneva the distinction between the two perceptions was maintained in principle, but to a degree that arouses doubt regarding the "strength" of the Palestinian commitment. Article 1.1 of the document announces "the end of the conflict" between the parties to the document: but is the commitment to end the conflict also acceptable to the members of the Palestinian nation who are citizens of the State of Israel, or is it the start of a new round of

negotiations between the State of Israel and its Palestinian citizens to define their national rights?

Moreover, while the concept of "the finality of claims" is mentioned in article 1.2 of the document ("No further claims ... may be raised by either Party"), later on a back door of sorts is opened vis-à-vis the claims of refugees against Israel. Article 7.7 (titled "End of Claims," as distinct from the term "Finality of Claims"

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whose legal meaning is more operative), states: "No claims may be raised except for those related to the implementation of this agreement." This is a dangerous arrangement, based on trust that no additional claims will be raised by communities and individuals regarding implementation of the agreement, specifically, claims that will exceed the abilities of inter-national bodies set up for this purpose (article 7.11). Although the Geneva document refers to the Palestinian "commitment" to end the conflict and to the finality of the claims, in comparison to the detail, force and

clarity of the Israeli commitments, the Palestinian commitment appears more tentative.

■ *Territorial arrangements.* The central question surrounding territorial arrangements is the nature of the tradeoff that shaped the delineation of the border agreed to in the Geneva document, and whether in this case it is possible to conduct an analysis of the bargaining. At Taba the official negotiating teams exchanged maps based on their understanding and interpretation of Clinton ideas. The Palestinian side, which was convinced by Israeli arguments regarding its interest of keeping Ariel under Israeli sovereignty, showed maps where the permanent border retained Ariel in Israeli territory. True, Givat Ze'ev and Maale Adumim were not under Israeli sovereignty in the maps the Palestinians presented at Taba, but it is reasonable to assume that they were omitted for tactical bargaining reasons only. The question of the bargaining, in the eyes of an observer, is whether the Israeli renunciation at Geneva of what the Palestinians had already agreed to at Taba was made in return for any valuable gain. The authors of the document argue that the territorial negotiations that ended with the "renunciation" of Ariel "in return for" Maale Adumim and Givat Ze'ev is the best possible "deal." This is also the impression given by the videos released to the public, although in the world of negotiations the parties can nearly always "create added value" and discover that a different "deal" is not only possible, but even worthwhile for both sides.

The Negotiation Process

The expression “the negotiation process,” sometimes called a “procedure,” refers to factors affecting the outcome of the negotiations but that are not the issues under discussion. Attention to the negotiation process is essential for creating a framework that will allow for resolution of the core issues. In the negotiation process it is important to distinguish between the “reality” that emerges with the presentation of a document like the Geneva document, and the “perceived reality” that develops as a result of the public debate on it. Both of them – the “reality” and the “perceived reality” – have a decisive effect on the negotiation framework between Israel and the Palestinians.

In reality, the existence of a text agreed upon by the leaders of the parties is significant, even if it is accompanied by reservations. This was previously the case with respect to the interim agreements, the Clinton ideas, and most recently, the roadmap. In the reality where nearly all the signatories at Geneva on the Palestinian side hold official positions in the Palestinian Authority and in the Fatah, then as time goes by the Geneva document will gradually replace the Palestinian reservations to the Clinton ideas and become the de facto Palestinian position. Its public endorsement by Arafat at the signing ceremony only reinforces this contention. The emergent reality, in which the government of Israel chooses not to respond to the actual contents of the document, while the

Palestinians are creating a different consensual-conceptual reality with American and international backing, places Israel at a negotiating disadvantage vis-à-vis the Palestinians and the Americans when it eventually returns to the table to negotiate the permanent status. Therefore, it is incumbent on those who oppose the Geneva Accords, among the left and the right, to propose alternative arrangements.

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As for the “perceived reality,” it is known that the Palestinians consider their contacts with the Israeli peace camp as the litmus test for the concessions that Israeli society is prepared to accept. The perceived reality, even if at the time it does not reflect the true reality, is what creates the future reality. Consequently, in terms of the Palestinian street, the achievements of the Palestinian negotiators in the Geneva document are to a great degree of Palestinian certainty the starting point for the next round of negotiations. Herein the challenge of a response is more complex, although not insurmount-

able. Opponents of the Geneva document can start to create a new perceived reality, not necessarily relating to the elements of the solution of the conflict, but rather relating to the parties involved in formulating a framework for permanent arrangements between Israel and the Palestinians. Above all, involvement of Palestinian citizens of Israel is critical to the formulation of ideas for the permanent settlement that will meet their needs and interests as a Palestinian minority in a Jewish state.

Meta-Principles

Apart from the above analysis, a number of “meta-principles” underlying the document should be considered:

■ *Lack of a systemic approach.* The Israeli-Palestinian conflict requires taking a broad systemic view. A systemic view means defining the Israeli-Palestinian conflict as a “system.” This system is not a “problem” or a “challenge” that requires an “answer” or a “solution” by adopting this or that formula, but an ethno-demographic reality that must be managed in non-violent ways. The meaning of a “systemic view of the permanent status” refers primarily to identifying, analyzing, and providing answers for the various linkages between elements of the reality (ethnic, demographic, religious, security, economic, infrastructure, environmental, and so on).

The complexity of the system arises from the “triangle” of elements that distinguish it from any other conflict, first and foremost, the

national-ethnic factor. This is a 100-year conflict between two national movements, whose possible national solution in the 21st century is division of the disputed land. Second are the religious factors. Beneath the ethnic-national dispute simmers a religious dispute, given more force in the international consciousness particularly after September 11 and the campaigns in Afghanistan and Iraq. Third, there is an enormous economic-social gap. To the three factors in this "triangle" we should add the social and political fabric in both societies (the factors of political, economic, and social power, including the Palestinians in exile and world Jewry) and the external vectors working on the system, such as fundamentalist influences.

The Geneva document does not provide a proper answer to the systemic complexity of the issues. A simple example is the dates set for implementing various elements such as evacuating settlements, deploying the multinational force, and changes in Jerusalem. After these dates, in the theoretical scenario, a new reality between Israelis and Palestinians is supposed to emerge. Do these dates, which represent both actions on the ground and changes in consciousness, also include setting up the physical infrastructure required in Palestine to absorb refugees, the development of additional water sources for the expected population growth, the social processes that Palestinian citizens of Israel will undergo, or the process of strengthening the Kingdom of Jordan, as part of the process of refugee rehabilitation? Very doubtful.

The Geneva formulators, although they are professionally aware of the importance of the systemic perception, have bypassed the intricacy of the system using arrangements that relate only to parts of it. A permanent arrangement, which means showing an "outline plan" for establishing a new system between Israel and Palestine, will have to grow from such a systemic perspective, even if it takes time to crystallize.

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■ **Representativeness of the Palestinian side.** In any negotiations, the accepted first step is to clarify whom you are negotiating with. Who are the parties to the agreement? According to the Geneva document, the parties to the agreement are the State of Israel and the PLO, representing the Palestinian people.

In the last draft placed before the parties at Camp David (as described in Gilad Sher's book *Within Reach*), Israel made sure that the PLO was defined as the "exclusive and only" representative of the Palestinian people. This clarification was omitted at Geneva. Moreover, in the

introduction to the Geneva document, the mutual recognition by the Jewish people and the Palestinian people of the other's right to a country is stipulated "without prejudice to the equal rights of the Parties' respective citizens." The PLO has no citizens. The State of Israel has a large Palestinian minority. Why is their place in the system of arrangements missing, and who represents the Palestinian citizens of Israel who naturally have significant interests in a substantial number of the issues on the agenda: refugees, economic arrangements, good neighborly relations, and even the war on terror?

The wording of the Geneva document skirts the question of representation of Palestinian citizens of Israel. The conflict between Israel and the Palestinians is first and foremost a conflict between two national movements. Palestinian citizens of Israel are torn between natural loyalty to their people and the required loyalty to their country. They have a special status and interests that should be reflected in the overall agreement system. A document intended to bring about the "end of the conflict" between the two national movements must relate to this factor.

■ **Arrangement based on trust.** In spite of the numerous mechanisms for monitoring and control, the foundations of the Geneva document are still rooted in a system of trust that is supposed to sprout between the parties immediately after signing an arrangement of this nature. Much has been written about the complete collapse of trust between Israel and

the Palestinians at all levels: leadership, political systems, economic factors, public communications, civil society elements, and the general public. In this reality, which has been engraved so deeply in the consciousness of the parties over the last three years, most of the articles and arrangements in the Geneva document are not even “a vision for the future.”

The intention of the initiative’s authors is to persuade public opinion in Israel that it is possible to reach an agreement with “the other side.” Yet the whole existence of the proposed arrangements is rooted in a reality that does not exist, and it is doubtful if it will exist in the near future. Even if the entire Israeli public rises up and forces its government to make “painful concessions” for the sake of “peace,” it will still be necessary to establish these arrangements in the actual reality of bad intentions and “the capacity for plotting evil,” rather than on trust and good will.

It is neither correct nor practical to propose arrangements based on trust such as the provisions of article 2.9, which call on the parties to “establish robust modalities for security cooperation,” or the provisions of article 5.3.b (i) barring Palestinian individuals or organizations from having weapons, except as permitted by law (“No individuals or organizations in Palestine other than the PSF and the organs of the IVG, including the MF, may purchase, possess, carry or use weapons except as provided by law”), or the complex provision in article 6.10 for Israeli

police powers in the Western Wall Tunnel, which will be under Palestinian sovereignty. The Oslo process fathered a dynamic of suspicion in a period intended for building trust. Although it appears that the writers of the Geneva document made an effort to learn the lessons of Oslo in matters relating to control mechanisms that did not exist in Oslo and that abound in Geneva, yet the full implementation of the

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arrangements still depends on the willingness of the parties according to the paradigm of the Oslo agreements. The collapse of the trust between the parties requires a change of paradigm, from trust-based arrangements to interest-based arrangements, in other words, the creation of a system of arrangements that offer both sides incentives to work at stabilizing the agreed-on arrangements, rather than eroding them. In the past there were cases where a balanced system of interests was created, such as the development of the trade zone in Elkana-Bidiya (1996-1997), which integrated the Palestinian economic

interest with an expansion of the powers of Preemptive Security Intelligence in Area C and the Israeli consumer interest.

■ *Complexity of implementation.*

The implementation mechanism set down in the Geneva document is complex to the point of impossibility. On the surface it appears that article 3 of the document, which establishes the Implementation and Verification Group (IVG) is the central article on implementation, but a deeper reading of the agreement reveals a large number of other bodies set up to monitor, control, verify, supervise, intervene, resolve, or just be present in each of the arrangements. Naturally, each body has a different mandate, different participants, and a different context. The examples are many: article 5.6 establishes the multinational force whose main function is to provide security guarantees for implementation of the agreement. At the same time, in order to supervise implementation of the section concerning the war on terror, article 5.4 establishes a trilateral committee with the US. Similarly, in the sections dealing with implementation of the arrangements in the Old City, the Implementation and Verification Group operates through a “Policing Unit” (article 6.7 (b) ii) that will work with Palestinian and Israeli police forces in conjunction with a separate trilateral committee for intelligence and security matters, comprised of both parties and the US (article 6.7 (j)), and in conjunction with an interfaith body (article 6.1) that includes Muslim representatives, all

General comparison of proposals for parts of the four principal issues

Issue	Clinton Ideas	From Clinton to Taba	Ayalon–Nusseibeh Proposal	Geneva Accords
Territory	94%-96%, plus 1%-3% in territory exchanges. The criterion is 80% of the settlers in the settlement blocs.	Palestinian reservations over the proposals and demand for a 1:1 ratio. Taba: maps of 97%-98%, Elkana bloc, Gush Etzion, and greater Jerusalem area in Israeli sovereignty. The Palestinians present a map leaving Ariel as a "balloon" – a town with an access road under Israeli sovereignty.	Territorial exchanges of 1:1, based on security, contiguity and demographic needs. (No map attached)	Territorial exchanges of 1:1. (Detailed maps: Elkana bloc, Gush Etzion, "balloons" in the Jerusalem perimeter (Maale Adumim, Givat Ze'ev). Ariel in exchange for a widening of "the narrow waist."
Jerusalem	Division on a demographic basis (no reference to internal division of sovereignty in the Old City). Temple Mount – distinction between symbols and practical arrangements. Sovereignty formula (2 options): a. Palestinian sovereignty over Haram A-Sharif and Israeli sovereignty over the Western Wall and the space holy to Jews of which the Western Wall is a part, as well as sovereignty over "the Holy of Holies" inside the Mount. b. Palestinian sovereignty over the Haram, Israeli sovereignty over the Western Wall, and joint sovereignty on the subject of excavations.	The principle of demographic division was accepted, except for the Old City, where there would be a "special regime." Options discussed included delayed sovereignty, divine sovereignty, no sovereignty, and so on. Special arrangements in the holy basin including the Old City, Mount Zion, and the cemetery on the Mount of Olives.	Division on a demographic basis. Neither side has sovereignty: both sides defined as "guardians of the holy places."	Division on a demographic basis. Palestinian sovereignty over the Temple Mount (after a transitional period) and the Old City, except for the Jewish quarter and the "Wailing Wall." <i>Note that the English version refers to the Wailing Wall, not the Western Wall. Wailing Wall is the name of the exposed part of the Western Wall. In the Hebrew translation the term Western Wall was used.</i>
Refugees	Two options: a. Both sides recognize the right of the Palestinian refugees to return to historical Palestine. b. Both sides recognize the right of the Palestinian refugees to return to their homeland. Israel will have sovereign discretion regarding the number of refugees it will accept.	The discussion centered mainly on formulae for bridging the gap between recognition/no recognition of the right of return itself and the method of implementing it. <i>Note that, unlike the period up to Camp David, after the summit the focus moved to a material discussion of the right itself, and there is a perceptible "strengthening" of the Palestinian claim for recognition of the right per se.</i>	No explicit mention of the right of return. The Palestinian refugees will return only to the Palestinian state (with compensation for those who remain in their countries of residence or who migrate to third countries).	No explicit mention of the right of return. Refugees can return to Israel, at Israel's discretion. In determining approval Israel will also consider the average number accepted in other countries. All the refugees will be entitled to compensation.
End of the conflict	The agreement marks the end of the conflict, and its implementation means the end of all claims.		Implementation of the principles puts an end to all the claims, and an end to the conflict.	The agreement puts an end to "the era of conflict," and its implementation settles all the parties' claims. The section on refugees states that the only possible claims are those relating to implementation of the agreement.

in conjunction with a Jerusalem Coordination and Development Committee (article 6.11) The issue of the refugees also involves the establishment of various mechanisms and funds, with different compositions and different functions.

One definite lesson learned regarding mechanisms for implementing political agreements is that there is no point establishing special bodies for that purpose. In the draft arrangement, every national authority/body/institution will work with its counterpart on the other side, all under the supervision of the agreed executive authority of each party (the office of the prime minister and the bureau of the king/president/chairman). If a third party is involved – which will be the case in the permanent arrangement with the Palestinians – this will be one element, with a clear hierarchical structure and a single address. The Geneva document, by basing itself on “the power of trust,” and a desire to involve as many cooks as possible in the Israeli-Palestinian kitchen, spoils the brew of implementation and makes it impossible.

Conclusion

Public criticism of the document has largely focused on the degree of

legitimacy of the negotiators. This criticism actually distances the public debate from the issues themselves. In order to reach an arrangement that promises, in the view of the document’s authors, a better future, the signatories retreated from past Israeli positions, even from positions and arrangements that were accepted by the Palestinian side. The Geneva initiative erodes the Israeli-Jewish hold on national symbols, and does

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not offer a proper exchange that meets essential Israel interests in the “permanent solution” with the Palestinians. The authors of the document are still caught up in a world dominated by “the perception of trust” between the parties to the conflict, both in relation to the arrangements themselves and in

relation to the implementation mechanism. But above all, the proposed arrangements lack any systemic perspective as required by the complexity of the conflict, and particularly noticeable is the absence of the Palestinian minority in the State of Israel, which constitutes a “missing presence” in any discussion of the permanent arrangements.

Therefore, and because of the considerable impact of the document in the Israeli-Palestinian arena, the public debate on it must be expanded, including putting forward additional proposals and drafts, while changing the conception that such initiatives belong exclusively in the “peace camp” or on the left of the political map. The public as a whole, as well as its leaders, should see the Geneva document as a draft for discussion and start looking for Palestinian and international partners in order to propose additional ideas for a permanent arrangement between Israel and the Palestinians.

Note

1. For more details see Menachem Klein’s book *Shattering a Taboo: Negotiations for a Permanent Settlement in Jerusalem*.