



**THE AVAILABLE VERSUS THE DESIRABLE IN
THE POST ELECTION
PALESTINIAN-ISRAELI RELATIONSHIP:**

The options for 2006

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Gershon Baskin, Hanna Siniora, Yossi Ben Ari, Khaled Duzdar

Executive Summary.

On December 16-17, 2005, a joint Palestinian-Israeli group of experts, researchers, NGO leaders, peace movements activists, media people, current government officials and past military officers, convened at the Jericho Intercontinental Hotel. The main goal of the meeting was to explore the issue of the urgency of the **"two state solution"** in order to advocate it to both politicians and publics, as well as within the international community.

The meeting was held under the sponsorship of the **Konrad Adenauer Stiftung**, and led by **IPCRI** (Israel/Palestine Center for Research and Information); **PANORAMA** (the Palestinian center for the dissemination of democracy and community development); the **Jerusalem Institute** for Israel Studies; and the international organization **Search for Common Ground**.

This paper, which summarizes the understandings and ideas raised at the Jericho meeting, was about to be widely distributed on the morning of January 5th, 2006. Due to **P.M. Sharon's re-hospitalization** the night before, and **its expected political**

consequences, we postponed the issuing of the document. Undoubtedly, the new political era will require reevaluation of our analysis and recommendations, after the fog disperses on both sides. **But, since we believe that most elements of the proposed program will be valid at any future political configuration** (especially if "Kadima" party wins the elections and sticks to its "political program principles"), **we found it necessary to share the groups' views with you, hoping that they will be found interesting and will have the potential to enrich future political planning.**

Going back to the Jericho meeting:

It was immediately understood that under the current realities **the chances for an Israeli-Palestinian reciprocal negotiation followed by a political settlement, are scant.** Therefore, if some **progress** towards a resolution of the conflict is to be achieved, **the two sides should take a two-phase political initiative; based on a defined timetable.**

In the first phase, Israel will implement a **coordinated unilateral disengagement (CUD)** from **West Bank territories.** **In the second phase, three years after the completion of the first phase,** the parties will return to the negotiation table, **discuss and arrange** the details of yet **another agreement- either a permanent settlement to end the conflict** or, if this is not feasible, **another interim agreement.** **The basis for this plan is a mutual understanding that the principle guiding the resolution of the conflict is a "Two state solution".**

The main potential weakness of this model/plan lies in the fact that at least in the coming years **the likelihood of a negotiated political process is very slim.** It is clear that **a peace process leading to agreements must be a negotiated process.** In the absence of a negotiated process, it is important not to allow the Israeli-Palestinian relationship to slip into stalemate which would undoubtedly result in a new round of acute violence. It seems that **the most likely scenario for any progress in the coming years is based on unilateralism.** Palestinians hold the view that unilateralism contradicts the basic idea of achieving peace. On

top of it, there is a Palestinian fear that the plan's first phase involving another Israeli disengagement and withdrawals from various parts of the West Bank would become final and that excluding the Palestinians from the process would result in irreversible decisions.

Hence, it is highly important that **the overall planning and the planning of the first phase in particular is designed in a trust worthy manner, attractive and one that serves Palestinian strategic interests. Planning should also involve the strengthening of the Palestinian side, as continued steps towards the establishment of the Palestinian state.**

This paper analyzes what should be expected between Israel and the Palestinians after the parliamentary elections on both sides, with regard to the political process. The paper elaborates the steps both sides should take so that the first phase of the program can start to be implemented within a reasonable period of time (starting at the spring-summer of 2006).

Background.

The reality of the Israeli-Palestinian relationship and the chance for progress in the political process following the elections will be dictated by a number of factors on both sides. In Israel, any development will depend on several issues - the results of the Knesset elections scheduled for March 28, 2006; who will be Israel's next prime minister; the appointment of the next cabinet ministers; and the formation of its political platform.

For the Palestinians, developments will depend on the results of parliamentary elections scheduled for January 25, 2006 (if they occur at all), and primarily on the question of whether "Hamas" growing power will lead to its victory, its taking over the Palestinian Parliament and forming the government.

In the prevailing unstable reality, the dominant role of advancing the parties' relationship lies in the hands of the Israeli prime minister. Even supported by the people's desire to advance the comprehensive resolution of the conflict, any elected Israeli P.M.'s chances of achieving a dramatic breakthrough leading to a fast and final settlement, are still faint.

No electoral outcome that materializes on the Palestinian side will enable an immediate settlement either. Even if the Fatah party sustains its political superiority and wins the elections, there is much doubt whether this will enable the Palestinian President and the Palestinian government to take initiative and impose order on the Palestinian security and social chaos (to include disarming all armed groups and organizations).

Given the current reality, chances of success are so dismal that such an attempt, if indeed pursued, would be perceived as a sensational surprise. Moreover, no Israeli prime minister would dare enter into a political dialogue with a Palestinian President that has such limited governmental capabilities. Handing over assets without reciprocity, as part of an acknowledged-unilateral disengagement (Gaza strip and North Samaria model), was considered a tolerable plan by the public.

However, if handing over assets as part of a bilateral dialogue is supposed to provide certain benefits and in the end does not, is a totally different story. This kind of futile reality would be perceived publicly as a repetition of the "Oslo failure". The days of the leader that attempts such a move, would be numbered.

The chances for a negotiated comprehensive resolution of the conflict will be even more unlikely if Hamas governs the executive and legislative branches. The Israeli government already disapproves Hamas' participation in the parliamentary elections. The West, and particularly the US, supports this position as well. Is it conceivable that a future Israeli government would agree to negotiate with a Palestinian government run by an Islamic movement? Indeed, for many years, having contacts with PLO members was considered a severe criminal offence in Israel. Yet, over the years, what was considered a taboo was gradually legitimized. When desired, Israel also knew how to carry direct/indirect negotiations with the Hezbollah.

Nonetheless, applicable as it may be in a future Israel - Hamas government relationship, it is a process that requires a considerable amount of time to ripen. These types of transformations usually require years of "mental processing" on both sides. Even though Sharon is in the twilight of his political career and would like to leave a positive mark on Israel's pages of history, it is still questionable whether even he himself would be capable of accelerating such processes. Moreover, let us not forget America's constraining position on the matter - Washington would certainly not support the negotiations between Israel and a Hamas led government; in fact, it might explicitly ban them.

From the perspective of Hamas itself, is it realistic to think that Hamas will consent to negotiate with an Israeli government? As an organization that objects to Israel's existence, Hamas would need a great amount of time in order to bridge the tremendous gap between ideology and practice. "Hudna" permits reasonable tactics when control over the Palestinian society and its political system lies in someone else's hands. Yet, it is far more complex to turn tactics

into strategy when you (namely Hamas) are the "landlord" and must sustain a long term strategy.

The proposed plan

Thus, **looking forward to spring-summer 2006, the chances for an Israeli-Palestinian reciprocal negotiation followed by a political settlement are scant.** Therefore, if some **progress** towards a resolution of the conflict is to be achieved, **the sides should take a two-phase political initiative; which is based on a defined timetable.** In the first phase, Israel will implement a **coordinated unilateral disengagement (CUD) from West Bank territories.** In the second phase, **three years after the completion of the first phase,** the parties will return to the negotiation table, **discuss and arrange** the details of yet **another agreement- either a permanent settlement to end the conflict or, if this is not achievable, another interim agreement.** The basis for this plan is a mutual understanding that the principle guiding the resolution of the conflict is a **"Two state solution"**.

It is therefore appropriate that the plan consists of the following components:

1. An Israeli government decision stating that the additional unilateral disengagement is the first phase of a **two-phases plan** (or more, if needed), that will lead to the **establishment of a Palestinian state**, as part of a **"Two state solution"**. The remaining permanent status issues left unresolved will be negotiated and will be jointly agreed upon in later negotiations.
2. **An Israeli government decision** regarding its **immediate willingness to recognize a Palestinian state**, according to the "road map", whenever the Palestinians should decide to declare it.
3. **The main, most important part of the initiative:** A substantial Israeli withdrawal from the West Bank, mainly east of the separation barrier. It would be appropriate, already at this stage, to evacuate most of the

territories occupied in 1967, with the exception of several sensitive points, such as the main settlement blocs Ariel, Maa'le Adumim, Gush Etzion and essential Israeli strategic facilities. The evacuated territories will be transferred to a full Palestinian control, as type "A" territories. Homes and public facilities in all evacuated settlements may be left for Palestinian use (to be approved by the Palestinian Government/ Palestinian state) or could be demolished as was the case in Gaza. The decision on this issue should be coordinated by the parties.

4. **A full implementation of the Sasson Report** (evacuation of all "unauthorized outposts") and a **complete cessation of development** in the territories under Israeli control (new settlements, expansion of existing settlements- including Jerusalem area in accordance with Israel's Road Map obligations. The Israeli government and its security forces will immediately remove any new construction initiatives made by settlers or by other factors).

5. The territorial outline given to the Palestinians, (including transforming of area "C" territories into area "A" territories), must enable the function of a **viable Palestinian entity**.

6. **"A Free State": revolutionizing freedom of movement** - maximal removal (if not a complete removal) of roadblocks inside the West Bank; facilitation of movement between the territories and Gaza; an extensive, efficient regularization of the corridor between Gaza Strip and the West Bank (this can be defined as a flagship project - development of modern arterial roadways, a railroad and various infrastructures- water, gas, electricity, communications, etc.); and an opening of international border passages, (including the Jordanian border at Allenby and Damia bridges, based upon the "Rafah Model").

7. A joint announcement made by Israel and the international community concerning the **establishment of a new major Palestinian city in the West Bank**, (using Modiin as the model). This project should be defined as an

international flagship project. The international community should assist in the project's planning and development.

8. An immediate approval of construction work of the **seaport** and rehabilitation of the Palestinian **airport**, accompanied by Israeli commitment to immediately allow operating these facilities.

9. **Annulment of the government decision** (that was made as a part of the disengagement legislation) according to which **Palestinian labor within Israel would be gradually reduced and would come to a complete halt by 2008**. Implementation of a reversed policy - **increasing work permits** given to Palestinians, providing social rights and most importantly, issuing "closure proof" permits for labor that would remain valid even in times of security instability (namely, refraining from collective punishment).

10. **Permitting entrance of foreign security forces (in agreement with the Palestinian government), in order to stabilize the internal situation** in the territories - security and law-and-order enforcement (pending on Palestinian approval - the foreign security forces will act under an international "umbrella", but under full Palestinian control).

11. Establishment and immediate operation of **multilateral working groups** that will conduct consecutive discussions regarding critical issues stemming from a **permanent status agreement** (borders, and their influences over the separation barrier; Jerusalem; and refugees).

12. An international effort to advance **an independent Palestinian economy**. Reinforcement of an Israeli-Palestinian cooperation to remove any bureaucratic barrier blocking the implementation of Palestinian financial projects (as introduced by the Palestinian Government five year development program).

13. Parties declaration regarding their **joint obligation to a full implementation of the plan**, even if it encounters resistance by radical factions on both sides, as

part of it - Palestinian commitment to enforce security, law and order, immediately when the first phase starts.

The Palestinians' part

If presented as a comprehensive plan, it might be positively accepted by President Abbas and any other secular government that the election might result. This maybe the case even if the future Palestinian state would be led by Hamas. Although the Hamas does not recognize the very existence of the State of Israel, *realpolitik* considerations, once holding power, might reflect the great strategic advantages this plan offers. Hamas should be satisfied with substantial Israeli evacuation from most West Bank territories. Israel's withdrawal can be presented by the organization as the Palestinians' greatest achievement, since the Intifada broke out. Enjoying the political dividends, Hamas would probably even agree to hold to "Tahdiya"/"Hudna", at least for additional period of time.

Although the first phase of the plan is mostly unilateral, the Palestinian government should not remain passive. The Palestinians should immediately push forward the great project of nation building. As mentioned before, the Palestinian government can unilaterally declare independence, on the basis of the territories handed over to them, and call the refugees to return to the Palestinian State. Recognized by the United Nations as a member state, the young Palestinian state will have to build up its State institutions independently, while being supported internationally by experienced bodies that can contribute to the process of state building based on democracy and freedom and the development of its economy.

Though established first within non-final borders, the Palestinian state must face all the challenges of confronting terrorism, and living in peace with its neighbors, first and foremost Israel.

Conclusion

Given the current political realities in Israel and Palestine, together with the attention of the international community focused in other parts of the region and the world, it is unlikely that a negotiated political process leading to a permanent status agreement between Israel and Palestine will emerge in the near future. Prior experience has taught us that political stalemates between Israel and Palestine lead to more violence. Today, there is room and possibilities for progress that will enhance the chances for future negotiated agreements. As long as the commitment of both sides to the two states solution remains firm, they must proceed in engaging in whatever steps: negotiated, coordinated or even partly unilateral, can be taken that will bring the parties to a situation where a negotiated permanent status agreement would be more likely. These steps should include a continuation of “rolling back” the occupation as well as creating greater stability and security for all Palestinians and Israelis. Economic development is crucial to the success of enhancing security and stability and must be included and taken more seriously than in the past.

Finally, the parties must view favorably the continued positive role of third parties in advancing coordination and cooperation as well as in monitoring steps that both sides should take in order to bring them closer to peace.