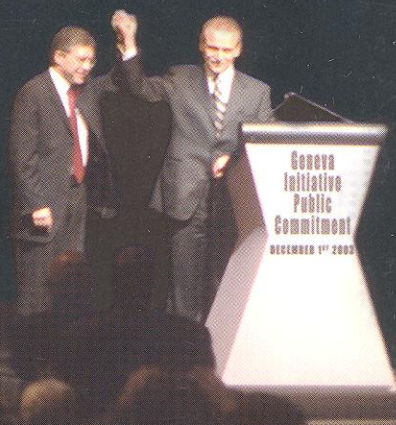
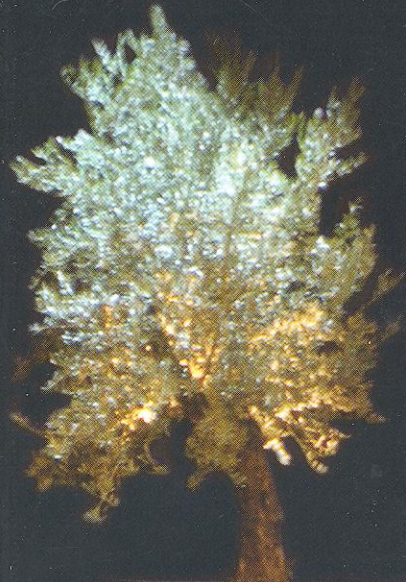


The Geneva Accord: Plan or Pretense?

Nick Kardahji



PASSIA

Palestinian Academic Society for the Study of International Affairs

NICK KARDAHJI

*The
Geneva Accord
Plan or Pretense ?*



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PASSIA

Palestinian Academic Society for the Study of International Affairs,
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List of Abbreviations

DFLP	Democratic Front for the Liberation of Palestine
DoP	Declaration of Principles
EWS	Early Warning Station
FIDA	Palestinian Democratic Union
GA	Geneva Accord
IDF	Israeli Defense Force
IVG	Implementation and Verification Group
MF	Multinational Force
NSU	Negotiations Support Unit
OIC	Organization of the Islamic Conference
PA	Palestinian Authority
PCPSR	Palestinian Center for Policy and Survey Research
PFLP	Popular Front for the Liberation of Palestine
PLO	Palestine Liberation Organization
PSF	Palestinian Security Force
UNRWA	United Nations Relief and Works Agency
ZOA	Zionist Organization of America

INTRODUCTION

Several months have now passed since the official launch of the Geneva Accord. Memories of the glitzy ceremony have faded, leaving behind the more substantial questions of whether the agreement is a) a good one, b) possible to implement, and c) capable of offering anything new. The Accord has prompted mixed reactions, ranging from enthusiastic support to angry condemnation. Meanwhile, the individuals who are behind the document have been accused of treachery by elements from within their respective communities, and large numbers of people on both sides claim that the document concedes too much.

So how durable is the Geneva Accord likely to be? Will anyone remember the Accord in a year's time, or will it suffer the same fate as the Nusseibeh-Ayalon initiative, another unofficial peace venture that has seemingly vanished without trace (a recent poll revealed that 60 percent of respondents were not familiar with the People's Voice proposal).¹ Is the agreement even workable, or are some of the clauses (especially those relating to Jerusalem) too complex and impractical? Is it a 'just' proposal - does it satisfy the demands of both communities, or at least some of them? If it *is* flawed, how can it be improved upon? *Can* it be improved upon?

A more fundamental question is, why bother to discuss the Geneva Accord at all? After all, the agreement is an unofficial document that has been roundly condemned by the current Israeli Government and treated with indifference by the United States. The chances of it being implemented in the near future, if they exist at all, are very slight. Furthermore, public support for the agreement, which was not great to begin with, shows signs of diminishing. *Ha'aretz* measured Israeli public support at 53 percent on 24 November (before the initiative was officially launched), while the Jaffee Center for Strategic Studies measured support in February 2004 at only 24 percent.

Similarly, Palestinian reactions seem to be marked by either indifference or angry opposition, with only a minority of those questioned in

¹ See Verter, Yossi. "Narrow Gap Seen Between Geneva Deal's Supporters and Detractors," *Ha'aretz*, 1 December 2003. The 'People's Voice' is the official name of the Nusseibeh-Ayalon initiative.

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various polls expressing support for the Accord. In the current adverse climate, many feel that there is simply no point in paying the document much attention and that it is safe to dismiss it for the time being. Others have questioned the motives of those who drafted the Accord, accusing them of trying to better themselves at the expense of the best interests of the people they claim to represent.

Criticism of the Accord in general has tended to fall into one of two categories. Either it is dismissed as irrelevant or it is criticized for not achieving enough, the implication being that more able negotiators with a willingness to work harder could have extracted greater concessions. I think both of these viewpoints are misguided and during the course of this analysis I shall attempt to show why the Accord deserves the attention of both Israelis and Palestinians, but especially the latter, not because it is a positive initiative (as I shall show later, it is highly problematic) but because of the potential dangers inherent in it. I shall also discuss why it is a mistake to think that something better might emerge from future negotiations.

It is probably true to say that the Geneva Accord represents the best deal offered to the Palestinians by the Israeli political establishment since the creation of the State of Israel. This fact does not, of course, justify automatic acceptance of the agreement by the Palestinian people, as some advocates of the Accord seem to be suggesting, but it does, I think, mean that we should study the document carefully, and even more crucially, study the context in which it was produced. The Palestinians need to ask themselves, if they are opposed to it, why they are opposed to it, and what aspect(s) of it, exactly, they find unfavorable. The Accord should be taken as a reason for initiating a serious internal debate about what goals the Palestinians want to achieve and what exactly they will regard as the fulfillment of those goals.

Chapter One of this study will outline the background to the Geneva Accord and look at the factors that led to its production. Chapter Two will briefly compare the Accord with other unofficial rivals such as the People's Voice campaign of Sari Nusseibeh and Ami Ayalon and the One Voice initiative and try to address the question of why the Geneva Accord has attracted more attention than both of these did. The third and fourth chapters will look at the Accord in detail. Chapter Three will focus on the specific stipulations of the document whilst Chapter Four will compare the Accord with the Oslo process as a way of analyzing the context and premises of the agreement.

The final two chapters will assess reactions in the two communities and discuss what the Accord tells us about the current state of the Israeli Left (Chapter Five) and also its implications for the Palestinians (Chapter Six). I hope that by the end of this analysis I will have provided a productive overview of the details and context of the document and offered convincing arguments for adopting a stance of critical opposition to it.

THE ROAD TO GENEVA

By the time Ehud Barak was elected Prime Minister in 1999, there was no longer any question that the Oslo process was dead. Indeed, even before his predecessor Binyamin Netanyahu - the man credited with finally burying any prospect of the 'peace process' achieving tangible results - was elected, the process was in danger. Netanyahu, however, ensured that any vestiges of trust and good faith that had been built up during the Rabin era were comprehensively undermined. He made it clear that he had no intention of fulfilling his obligations under the various agreements.

Ehud Barak's premiership marked a change in strategy. Instead of attempting to achieve a final settlement incrementally, step by step, Barak sought to strike a deal all in one go and grapple with the thorny 'final status issues' immediately rather than postpone their discussion indefinitely. Hence the Camp David talks in July 2000 sponsored by US President Bill Clinton in which Arafat and Barak attempted to negotiate a comprehensive peace agreement.

For various reasons, however, the Camp David talks ended in failure, with both Barak and Clinton blaming Arafat's intransigence for the lack of success. Suffice it to say that from the Palestinian point of view, no leader could have concluded a deal on the terms of the Camp David talks (even a leader such as Yasser Arafat, who has never been reticent in the past about signing unfavorable agreements) whilst expecting to stay in power. Despite the overall failings, however, convergence was achieved on a number of key issues, and this helped to prepare the way for later discussions.

One More Day at Taba

In December 2000, shortly before he was due to leave office, President Clinton published his so-called parameters. These were a set of rough guidelines for a future peace agreement, based upon the progress made in previous negotiations, particularly 'Camp David II' in July 2000. Both the Israelis and the Palestinians expressed concern about the details of Clinton's proposal, but again, the general framework was broadly accepted and it came to serve as the foundation for the next round of talks at Taba in January 2001.

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According to some, Yasser Arafat went to Taba believing that it was just another round of talks. If the talks turned out to be unsuccessful (as indeed they did), then there would always be the opportunity to continue discussions at a later stage. However, this point of view was fundamentally misguided. Barak went to Taba knowing that this was his last chance to achieve a breakthrough; electoral disaster was staring him in the face, and if he was to have any chance against his rival Ariel Sharon, then a peace deal with the Palestinians was vital. This had an adverse affect on the negotiations. Barak was eager to get a result and according to one of the Palestinian negotiators, the teams were not given adequate time to discuss the issues properly. When the talks broke down after seven days, Barak blamed Arafat, claiming that he was not interested in peace, and declared, "There is no one to talk to on the other side."

The fact is, however, that once again, substantial agreement had been reached on many issues, building on the achievements at Camp David and on the Clinton Parameters. Indeed some were arguing that 80-90 percent of an agreement had been achieved, and that given more time, the two teams could have finished the deal. This sparked the claim that the 8th day at Taba would have witnessed peace.

Whether or not this is actually true, this is the basis on which individuals such as Yossi Beilin have proceeded. A widely accepted viewpoint is that even if the Taba talks themselves would never have achieved a result, the framework of those discussions will surely be the foundation of the agreement that is eventually reached between the two sides (assuming, of course, that such an agreement is ever reached).

And so the Taba talks gave birth to the Geneva Accord. Not exclusively of course - several other documents and agreements contributed to the process (the Saudi Peace Plan of March 2002 for example is cited as an influence on the drafting of the Geneva Accord). Nevertheless, in many key areas, the Geneva Accord constitutes a development of positions reached at the Taba talks. A comparison between the Moratinos document² and the Geneva Accord underlines this viewpoint, and indeed the drafters of the Accord freely acknowledge that their achievements are based on past successes.

² Ambassador Miguel Angel Moratinos, the EU envoy at the Taba talks produced a non-paper outlining the positions of the two sides at the conclusion of the talks. This became known as the Moratinos document. Available from 'Al-Bab,' Arab Gateway at www.al-bab.com/arab/docs/pal/tabatalks2001.htm, or alternatively in *Documents on Palestine*, PASSIA Publications, forthcoming.

Another important marker came in May 2001 when a group of Palestinian and Israelis met at the offices of Miftah (the Palestinian Initiative for the Promotion of Democracy and Global Dialogue) near the Dahieh Al-Barid checkpoint in East Jerusalem. The aim was to establish a new pro-peace organization, the Israeli-Palestinian Peace Coalition, comprised of influential figures from the Palestinian and Israeli communities. Among the participants were Yasser Abed Rabbo, Yossi Beilin and a number of individuals who were to become part of the negotiating team for the Geneva Accord. The meeting resulted in a statement condemning violence and encouraging a return to negotiations.³

However, this collection of intellectuals and activists did not remain united for long. One of the signatories of the peace statement was Sari Nusseibeh who took steps of his own by joining with Ami Ayalon, a former Shin Bet chief, to instigate the 'People's Voice' campaign. According to one of the other signatories,⁴ the Peace Coalition was to become a vehicle for Abed Rabbo and his team to promote the Accord, and this in effect alienated those signatories who were not part of and/or did not support the Geneva initiative. Nevertheless, the meeting served as an important stage on the road towards the Geneva Accord and brought suitably motivated individuals together who shared a similar viewpoint with regards to a political settlement.

Why Negotiate Now?

According to Dr. Nazmi Ju'beh, one of the key members of the Palestinian negotiating team, the Israelis who were a part of the Geneva initiative were motivated by three factors. Firstly they were seeking a way to rebuild the shattered 'peace camp' and revive the electoral fortunes of the Israeli Left. Secondly they were concerned about the so-called 'demographic threat,' i.e., the fact that within a relatively short period of time the Jewish people will be in a minority between the Jordan River and the Mediterranean Sea because of the higher Palestinian birth rate. In order to preserve the 'Jewish nature' of the State of Israel, it will be necessary to achieve some form of separation between the two peoples.

The third reason was rising concern about the effects of the occupation on the Israeli population. The Intifada is now well into its fourth

³ "No to Bloodshed, No to Occupation, Yes to Negotiations, Yes to Peace," available at www.monde-diplomatique.fr/cahier/proche-orient/peacedeclaration.

⁴ Interview with Dr. Mahdi Abdul Hadi, Head of PASSIA, 25 April 2004.

year and the economic crisis that it has precipitated in Israel has had a significant impact (although it must be said that the impact has been minimal compared to the devastation wreaked in the Occupied Territories by the Israeli Army's savage reaction to the uprising). In addition, the Israelis were concerned about the psychosocial effects of the occupation and the military response to the Intifada. They were worried about firstly, the fact that large numbers of young Israelis are returning from their tours of duty in the Occupied Territories suffering from the effects of psychological trauma, and secondly, the fact that the Israeli population as a whole is suffering from a loss of its basic moral values due to its complicity in the crimes being committed in the West Bank and Gaza Strip and its apparent willingness to pay virtually any price to bring an end to Palestinian resistance operations.

Later chapters will explore in more detail the first two factors, but for now it is sufficient to point out that these premises were not questioned by the Palestinian negotiating team, who truly believed that boosting the Israeli Left was a legitimate aim and one which they were "happy to assist with."⁵ The idea that a rising Palestinian birth rate is a growing danger that must be confronted as soon as possible is one that has begun to dominate official discourse in Israel. Both the Israeli Left and the Israeli Right have been presenting their strategies at least partly as a response to this 'threat.'

The recent interest of Ehud Olmert, the hawkish Deputy Prime Minister of Israel and former Mayor of Jerusalem, in ceding land to the Palestinians is a direct consequence of demographic worries.⁶ Olmert's plan, of course, was formulated with Israel's interests in mind and in essence involves pushing (or 'transferring') the maximum possible number of Palestinians onto the minimum amount of land. This is representative of the approach of the Right, whose chief concern is maintaining control of as much land as possible. For example, the National Religious Party and the National Union Party (both have ministers in the current Israeli cabinet) favor the 'transfer' of Palestinians to Jordan as a way of allowing Israel to maintain control over the land it has seized without having to worry about an unruly indigenous population.

⁵ Talk by Dr. Nazmi Ju'beh at PASSIA on 11 February 2004 on the Geneva Accord (not verbatim).

⁶ See, for example, Landau, David. "Maximum Jews, Minimum Palestinians," *Ha'aretz*, 13 November 2003.

Following Olmert's surprise announcement that he favored giving up land to the Palestinians, Prime Minister Ariel Sharon announced that he too supported the idea of "unilateral disengagement." In his Herzliya Conference speech of last December, he outlined plans for a withdrawal to "new security lines," presumably a reference to the separation barrier currently under construction deep inside the West Bank.⁷ This was followed in February 2004 with the announcement that plans were being drawn up for the dismantlement of 15 out of a total of 17 Gaza settlements and possibly a military withdrawal from the Gaza Strip.

Regardless of whether Sharon is serious about these moves, and this is of course a matter for debate, they represent a particular approach to dealing with the growth of the Palestinian population whilst adhering as closely as possible to the strategic goals of the Right. The challenge for the Left is to develop its own distinctive agenda, one that provides solutions to the threats to the Zionist project.

Of course, this overview is misleading with regards to the order of events. The negotiations for the Geneva Accord were well under way long before Ariel Sharon and Ehud Olmert 'discovered' the idea of unilateral disengagement, and it is perhaps more accurate to say that the both Sharon and Olmert have responded to the Left and not vice versa. Nevertheless, the fact is that the Israeli Right is in power, and if the Left is to have any chance of supplanting it, it will require a solid and distinctive platform of its own. The Right is shaping the debate now (even if it originated with the Left) with talk of demographics and the need to preserve the Jewish nature of the state, and the Left must reply to this with answers of its own if it is to remain a relevant political force. Perhaps that will be the function of the Geneva Accord.

For the Palestinians, the Geneva Accord was intended to fulfill two objectives. Firstly, it was meant to serve as proof that contrary to what Barak and Sharon have both claimed, there is in fact a viable partner on the Palestinian side for the Israelis to negotiate with. Secondly, the Palestinians who participated in the Geneva initiative were generally of the opinion that the course of the Intifada and the strategy of armed resistance were, on a whole, a mistake, and it was hoped that the Accord would provide a genuine alternative to this path. In particular, they were keen to find a way to halt the destruction and suffering being inflicted on the Palestinian people by the Israeli occupying forces.

⁷ For the full text of Ariel Sharon's Herzliya speech see www.standbyisrael.org/emails.php3?id=335.

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One might feel, however, that neither of these two goals has been decisively achieved by the Geneva initiative. Firstly, although the Palestinian team has shown that it is possible for a group of Israelis and a group of Palestinians to sit together and produce a document that they are both (reasonably) happy with, they have not shown that this can be translated into genuine moves towards a political settlement and they have not shown that official diplomacy can achieve results. Neither group of negotiators is drawn from the ruling party or faction of their side, and as a result they do not have the power or the legitimacy to put the Accord into action. It could still be true to say that neither side has anyone to talk to in an official sense.

However, this is not the whole story. The argument I have just put forward relies on the Palestinian team's claims that they are merely a collection of private individuals who do not represent any official body or faction; there are indications, however, that there are many who see things differently, particularly and crucially, the Israeli negotiating team. Dr. Menachem Klein, the Israeli team's Jerusalem expert, argues that

"Those Palestinians who hold official office declared that they are signing the Accord as private individuals. The public, however, understands that without the approval of the Palestinian leadership, these individuals would not have been able to take such a dramatic step or even to have engaged in the Geneva negotiations."⁸

In other words, as far as Klein is concerned, and plausibly the rest of the Israeli team as well, the Accord represents an official Palestinian position, because, as he says, Abed Rabbo and his team could never have proceeded without official endorsement. This perhaps strengthens the argument of the Palestinians that a peaceful agreement can be reached between them and the Israelis.

The risk though in this is that the Palestinians have revealed their hand without getting anything concrete in return. If at the very least it was likely that Beilin would be elected Prime Minister (or to a senior position in a ruling coalition) in the very near future and hence could implement his side of the deal, then the Palestinian team could claim they have achieved something and had not engaged in an enterprise that risks undermining future negotiations. Even according to the

⁸ Klein, Menachem. "The Logic of the Geneva Accord," *Logos*, Winter 2004, available at www.logosjournal.com/klein.htm.

most optimistic predictions, however, the chances of Beilin being in a position to act on the terms of the Accord in the short or medium term are slim to say the least. The danger remains, therefore, that the Palestinians have shown that they are prepared to compromise on key issues without any reciprocal move by the opposite side. In future, it will be difficult to go back on these very public compromises.

Secondly, with respect to armed struggle, if the aim of the Palestinian team was to show that negotiations could be just as fruitful as political violence, then they have not necessarily achieved this aim either. After all, many of the groups and individuals who practice or advocate armed struggle have opposed the Accord because it does not achieve the results they are striving for. Negotiations will only replace direct action as a popular approach if it can be convincingly demonstrated that they can achieve tangible success on fundamental issues. If, as seems to be the case, the factions are not convinced then they will presumably not see any benefits in halting the Intifada or changing its direction.

A third issue is the desire on the part of the Palestinian negotiators to bring about a cessation of the Israeli violence, which has devastated Palestinian communities. The Palestinian Geneva team seems to have been of the opinion that it is better for the Palestinians to sign something now, even if it is unfavorable to their interests, rather than allow a continuation of Israel's counter-insurgency tactics, which are costing the Palestinians so much. The belief is that the signing of the Geneva Accord would represent the first stage of a reconciliation process and that future rounds of talks could build on and improve the stipulations of this initiative. Realistically of course, this is the only way that the Palestinian negotiators can hope to build support for the agreement among their community. If they believed that there was little prospect of an improvement of the Accord once it had been signed, it is unlikely that many Palestinians would be willing to endorse it, especially since certain fundamental aims of the Palestinian national movement remain unfulfilled in the Geneva Accord.

There are two good arguments for thinking that this approach is flawed. Firstly, there is no reason to suppose that the Israelis will be interested in pursuing further negotiations once the Accord has been signed. To put it simply, they would have nothing to gain from doing so and it would simply not be in their interests. It is plausible to think that Israelis would regard the conflict as over once the Palestinians had signed the Geneva Accord. The Accord resolves a major problem in Zionism, namely how to keep Israel Jewish in the face of a rapidly

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growing native population; once that problem is removed (by separating the indigenous nation from the Jews), the key motivation for engaging in dialogue is also removed. Given also that part of the aim, from a Palestinian point of view, of further negotiations would be to relax the nature of the separation (since it would be so costly to the Palestinian people), this would risk undermining the whole aim of the project as Israelis see it. This makes more talks doubly unlikely to bear fruit.

A second problem relates to the international community. Virtually the only factor that Palestinians have in their favor is support from abroad for finding a solution to the conflict. This has not translated, by and large, into support for the Palestinian cause or genuine sympathy for the plight of the Palestinian people, but it has served as pressure on Israel to return to the negotiating path. However, it is likely that once the Accord is signed, international interest in the Palestine Question would decrease dramatically and the prevailing perception would be that the conflict was over. Without international awareness and pressure (even of a limited nature, as has always been the case), the Palestinians would find it very difficult to persuade Israel to renegotiate the terms of the Accord in the future. In short, Israel would have no reason to renegotiate and there would be little or no pressure on it to do so.

The Geneva Accord, in part triggered by meetings between intellectuals opposed to the path the Intifada was taking and based upon successes in previous rounds of official talks, is intended to meet the political needs of the two sides. For the Israelis, it is an attempt to provide a solution to the so-called 'demographic threat,' whilst reviving the peace camp and healing the 'wounds' of Israeli society. Yossi Beilin's recent election as leader of the new leftwing Yahad Party is perhaps a sign that some members of the Israeli Left, at least, are willing to use the Accord to boost their fortunes.

For the Palestinians, meanwhile, the Accord is meant to demonstrate to the international community and the Israelis that they are capable of peaceful negotiations and at the same time persuade the Palestinian factions that an alternative path to armed struggle is possible and worth pursuing. While the Israelis might be able to claim that their aims can be fulfilled by the Accord, it is not clear, as I have tried to show, that the Palestinian team will achieve theirs, at least not without some significant costs.

GENEVA AND ITS RIVALS

Over the course of the last 12 months there has been a frenzy of activity on the 'peace front.' Numerous new initiatives and plans have been announced and having one's own peace proposal is fast becoming an essential political 'fashion accessory.' Within Israel, such proposals have not been limited to the political Left; the Yesha Settler Council, various extremist elements from the Likud, and Sharon himself have all put forward their ideas for resolving the conflict, although it should be noted that some of these have been published in reaction to the Geneva Accord. Not all of these can truly be described as 'peace' plans as they involve either the expulsion of the Palestinian population or the denial of their basic rights in an apartheid-style regime.

Even as an unofficial agreement signed by private individuals who claim not to represent a specific political party or faction, the Geneva Accord has competition. The 'People's Voice' and the 'One Voice' initiatives are both vying for attention and seeking to be the blueprint for a peaceful settlement of the conflict. Neither, however, has yet had a significant impact, at least at the official, political level. The People's Voice claims to have collected almost 300,000 signatures from the two communities, whilst the One Voice campaign has succeeded in recruiting Hollywood stars to help promote its approach, but this has not translated into a tangible movement for change.

It is worth briefly outlining the nature of these two rivals of the Accord in order to gain a better understanding of why they have not had the same impact as it has.

Two 'Voices' for Peace

Both the People's Voice and the One Voice initiatives are essentially campaigns to collect signatures, which will then be used to promote a return to negotiations. They are based upon the idea that for a political settlement to work it will need the support and the participation of the general population. In addition, the One Voice campaign in particular is premised upon the notion that a 'silent majority' in the two communities is in favor of a peaceful settlement and that the Oslo Process alienated them. According to the One Voice website the process is

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founded upon the belief that “an honorable compromise” is needed if the conflict is to end.⁹

The People’s Voice was launched in 2002 by Sari Nusseibeh, President of Al-Quds University, and Ami Ayalon, former head of Israel’s internal security service, the Shin Bet. The aim of the initiative is to collect signatures from Palestinians and Israelis who agree with a certain set of principles, which will then be presented to the leaders of the two sides. The leaders will then be empowered to formulate an agreement that is in line with those principles, thus bringing about a peaceful end to the conflict. So far, the People’s Voice claims to have collected around 135,000 Palestinian and 170,000 Israeli signatures.

The One Voice campaign on the other hand was officially launched on 24 February 2004. It was initiated by Mohammad Darawshe, a Palestinian-Israeli civic leader, and Daniel Lubetzky, an American Jewish businessman, and enjoys the support of American TV star Jason Alexander and (apparently) several Hollywood celebrities including Jennifer Anniston and Brad Pitt. The initiative calls for a three-stage process. Firstly, signatures will be collected (as with the People’s Voice) for support for a certain set of principles. Secondly, these signatures will be used to empower a set of experts who will produce an agreement based on those principles and on documents such as the ‘road map’ and interestingly the Geneva Accord. Finally, this agreement will then be presented to the leaders of the two sides as a plan for peace. It is not clear how many signatures have been collected so far as the initiative has only recently started, but according to the ‘Mideast Web’ website (www.mideastweb.org), which supports the initiative, they number around 100,000.

Neither of these two campaigns, however, has managed to attract the kind of attention that the Geneva Accord has. There are a number of likely reasons for this. One possibility is that the Geneva Accord attracted more high-profile names to it, and hence was deemed by the media to be more influential and possibly more successful. The presence of Yossi Beilin and Yasser Abed Rabbo, two relatively well-known figures, has helped in the PR campaign for the Accord. The other two initiatives on the other hand lack figures that are well recognized locally. Although the One Voice campaign has American celebrities at-

⁹ For further details on these initiatives see the ‘People’s Voice’ website (www.mifkad.org.il/eng/default.asp) and the ‘One Voice’ website (www.silentnolonger.org/wps/portal).

tached to it, they are perhaps less well known to Palestinians and Israelis than Beilin and Abed Rabbo, and as celebrities they may be viewed as being less credible and less influential than professional politicians. Similarly, Sari Nusseibeh and Ami Ayalon are not as well recognized as their counterparts in the Geneva initiative.

The authors of the Accord argue that their agreement has attracted attention because it is a different type of proposal from the other two mentioned above. Both the One Voice and the People's Voice lack substance regarding the nature of a peace agreement between the Palestinians and Israel. The former fails to set down any detailed parameters (apart from a commitment to ending violence and affirming the rights of both peoples), whereas the latter is based around a set of principles for peace that are insufficient as a basis for a concrete agreement and which would need to be expanded upon considerably.

However, it would be unfair to criticize these two initiatives for failing to produce a comprehensive document as this is not their aim; rather, it is to build a constituency for such a document. The Geneva initiative takes a different approach. The authors have attempted to do what has not been possible before – conclude 'final status talks.' Yossi Beilin talks of the Geneva Accord as being "the eighth day of Taba,"¹⁰ a reference to the last round of final status talks in Egypt, which broke down after a week without success. Beilin's aim, and that of his partners on the Palestinian side, is to produce a fully comprehensive document that provides detailed solutions to the most vexing issues. Their campaign is based on the claim that a viable agreement exists and that all is required now is the political will to implement it. The new social democratic party Yahad, of which Beilin was recently elected leader, will campaign at the next election on a Geneva Accord ticket.

The fundamental question of whether the authors of the Accord are right to claim the agreement is virtually complete and fully comprehensive will be left to later chapters. This is certainly the line that the Geneva Accord campaign team is promoting, and it perhaps explains the attention that the document has received. Firstly, the more detailed an agreement is, the more there is for commentators to argue about. Secondly, the fact that it is marketed as a ready-made solution waiting to be implemented makes it likely that there will be a desire to assess

¹⁰ Beilin, Yossi. "The Eighth Day of Taba," *Bitterlemons.org*, edition 39 (27 October 2003), available at <http://www.bitterlemons.org/previous/bl271003ed39.html#pa12>.

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such claims, especially as this is perhaps the first document that addresses every major issue of contention between the two sides in detail.

These 'details' are another reason why the Accord has attracted a lot of attention. For Palestinians in particular the refugee issue has sparked off considerable debate. The refugee advocacy groups such as Shaml and Badil in the Occupied Territories and the Palestinian Return Center based in London have all argued vociferously against the document for its concession of the right of return. Similarly, the clause relating to Jerusalem has caused controversy. For Israelis, the issue of sovereignty over Al-Haram Ash-Sharif/Temple Mount is very sensitive (as it is, of course, for Palestinians too) and even supposedly secular Jews are concerned about the fate of this holy site. The arrangements for the city as a whole are also of major importance to Jewish Israelis. Likewise, a poll conducted by Birzeit University¹¹ suggested that the fate of Jerusalem was more important to Palestinians than the refugee question, although this has not been supported by the results of other surveys.

The high profile nature of the launching ceremony for the Accord may have done much to elevate its status in the eyes of Israelis and Palestinians, and in particular amongst the international community. The fact that individuals such as former US President Jimmy Carter attended along with a host of other senior figures helped to attract attention to the event. By comparison, the People's Voice and One Voice initiatives have had very low-key launching ceremonies, which were covered to a far lesser extent than the Accord launch in Geneva.

Another issue is the question of funding for the campaigns. The Geneva initiative team has mailed a glossy pamphlet explaining the Accord to every household in Israel; clearly this is an expensive undertaking. It is alleged¹² that US\$8 million have been provided by donor countries and private individuals for the promotion of the Accord, with Switzerland financing the launching ceremony in addition to PR contributions. An Israeli businessman paid for the signing ceremony in Jordan where the agreement was finalized before the official media launch in Geneva. The authors of the Accord have not made public the exact details of any funding arrangements.

¹¹ For details of the poll see the Birzeit University Development Studies Program (DSP) website – home.birzeit.edu/dsp.

¹² See the CAMERA website's section on the Geneva Accord at www.camera.org.

In comparison, the People's Voice initiative has recently launched a funding campaign, which is perhaps an indication of financial difficulties. The One Voice campaign enjoys sponsorship from major firms like IBM, so presumably its funding situation is more stable than its counterpart. Both it and the One Voice initiative claim that they are funded by private citizens and "sympathetic businesspeople," and visitors to the two websites are encouraged to donate money to the respective campaigns. Like the Geneva team, the 'Voice' campaigners have not disclosed their funding arrangements.

The People's Voice initiative faces another problem in comparison to the Geneva Initiative. In the case of the latter the participants present a 'unified front' in the sense that they all have roughly the same viewpoint regarding the shape a peace deal should take. In private, of course, there may be (and probably are) significant differences between the various individuals, but they have collectively signed an agreement and have tied their fortunes to its stipulations, and so in order to maximize the viability of their endeavor they must speak with a common voice.

However, because the Nusseibeh-Ayalon proposal represents a different kind of approach to the Geneva Accord and consists only of a set of broad principles, it is possible for individuals with quite divergent views to endorse the campaign. And this seems to be what has happened. In an op-ed piece in *The Jerusalem Post*,¹³ Ami Ayalon (one half of the People's Voice campaign) was sharply critical of the provisions of the Geneva Accord, particularly those relating to the fate of the Palestinian refugees and sovereignty over Al-Haram Ash-Sharif/Temple Mount. In his view these clauses are "provocative" and the Accord has alienated the Israeli mainstream.

If this is Ayalon's view of the Geneva Accord, with what many Palestinians see as its minimally acceptable (and indeed in some cases totally unacceptable) provisos, what does this tell us about the future of his campaign with Sari Nusseibeh? If that campaign were to become successful and managed to generate significant support from both communities, how would it evolve from there? It seems difficult to imagine that Nusseibeh would be willing or able to campaign alongside a man who appears to have views that are incompatible with the demands of the Palestinian public. There is a serious question of just how

¹³ Ayalon, Ami. "My Alternative to Geneva," *The Jerusalem Post*, 18 November 2003.

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stable the People's Voice campaign is, and what future it has beyond collecting signatures.

This issue relates to the point raised above about the comprehensive-ness and detail of the Geneva Accord. Although it is easier to garner support for a set of broad principles, a coalition of individuals that is formed around a detailed document is likely to be much more durable in the long term. The risk with campaigns like the People's Voice is that the political message is so diluted that individuals with incompatible ideologies can be accommodated with it, compromising its stability and making it difficult to move to the stage of developing a more concrete proposal, or at least campaigning for such a proposal.

The Geneva campaign on the other hand does not have this problem. The individuals who have joined the initiative agree on principles and so can campaign on a concrete deal in a coherent and unified way. The problem for the Geneva Accord team is how to generate public support for their plan, something that is easier for Nusseibeh and Ayalon because their proposal is less substantial. However, if the Geneva team succeeds in generating support, it will at least have a concrete plan to implement whereas Nusseibeh and Ayalon have only a set of general principles that must be further elaborated upon.

However, on the question of longevity, the 'Voices' may have an advantage over the Accord. As I will discuss in more detail in Chapter Five, the Accord faces the problem of being overtaken by events. The construction of the separation barrier¹⁴ and any moves to annex large blocs of settlements could render the Accord obsolete, whilst the One Voice campaign in particular lacks any substantive details so has the advantage of being more adaptable. Nevertheless, even these more nebulous initiatives risk being undermined by the barrier, which if completed, looks set to annex more than half of the West Bank. In such circumstances, no credible initiative based on a two-state settlement and enjoying widespread support in both communities is likely to make headway.

¹⁴ The separation barrier (also referred to as the "wall" or "fence") is currently under construction in the West Bank. In places it cuts deep into Palestinian land and once completed, it is estimated that it will leave at least 10% of the West Bank in Israeli hands and will cut Palestinians off from Jerusalem. It involves the confiscation of prime agricultural land, the ghettoization of numerous Palestinian towns and cities, and will lead to at least 12,000 Palestinians being cut off from social services.

GENEVA IN DETAIL

Much of the debate surrounding the Geneva Accord has focused on the details of the agreement, with considerable criticism of it from both Palestinians and Israelis. However, as some of the Accord's defenders point out, not all of this criticism is based on knowledge of the text of the document. Some of the charges leveled at the authors of the Accord are simply unjustified, and this is perhaps ironic given that a more careful reading reveals much that can be criticized.¹⁵

If one subscribes to the idea that a 'two-state' solution to the conflict is the most equitable then there are positive aspects to the document, especially if one also takes a 'realist' approach to negotiations. The Accord grants the Palestinians a state in roughly 97 percent of the West Bank and Gaza Strip, with the remaining land being exchanged on a 1:1 basis with land in what is now Israel. The land swap is to accommodate large Israeli settlements, built in contravention of International Law, which Israel argues are too well established and too costly to dismantle and hence should remain under its control. From a pragmatic point of view, Palestinians may feel that accepting this argument is a reasonable price to pay for a viable state; on the other hand, Palestinians who feel that International Law is paramount, or who believe that Israel should not be rewarded for its illegal activities, may not be willing to allow any settlements to remain.

Problems with the document tend to fall into one of two categories - clauses that are unacceptable and clauses that are (potentially) unworkable. In the first category are issues such as the refugees and their fate under the Geneva Accord, the proposed 'land swap,' and also the question of who gets sovereignty over Al-Haram Ash-Sharif/Temple Mount. In the second category are issues such as the arrangements for Jerusalem as a whole (in particular the border re-

¹⁵ In general there is also a lot of erroneous reporting on the Accord, with assertions that simply cannot be supported by facts. Mohammad Daraghme, for example, claimed, "The Document also comprises a solution to water problems based on sharing rights to common aquifers" (see <http://www.amin.org/eng/unecat/2004/feb/feb15.html>). In fact no agreement on water issues has been published as yet.

gime that has been proposed), the settlements, and also issues such as water rights and economic relations.

The Refugee Question

The issue of what to do about those Palestinians who were forced to leave their homes in 1948 and their descendants, who now number several million in total, has proved to be one of the most intractable aspects of the Palestinian-Israeli conflict. Opinion on both sides is fixed with little common ground to be found. For Palestinians, the issue of the refugees is the very basis of the conflict. They are living proof of the injustices done to the Palestinians and the ethnic cleansing committed by the Zionists in order to found their state.

The Palestinians also have International Law on their side. Not only has there been a UN General Assembly resolution (194) on the matter, which has been continually ratified since it was first passed, in addition, their case is supported by numerous resolutions, treaties and other pieces of international legislation.¹⁶ This wealth of legal support for their case has not however translated into genuine efforts to ease the plight of the refugees.

For Israelis, allowing the refugees to return would be tantamount to 'destroying' their state. In their eyes, the refugees constitute a 'demographic threat' (similar to that posed by Palestinians still residing in what is now Israel) that would upset the racial balance in Israel if they were allowed back to the homes they were forced out of in 1948. Since preserving a Jewish majority in Israel is the central aim of the Zionist project, even the mere recognition of the rights of the refugees is regarded as a dangerous precedent. Hence, the Israeli position has always been that Israel does not and will not recognize such rights.

An additional argument that is sometimes used is that the Palestinian refugees have nowhere to return to in Israel since, in most cases, their homes no longer exist. This ignores the fact that the reason that the refugees have no homes to return to is because the State of Israel systematically destroyed them in order to prevent the refugees from returning. Many would argue that this does not mean that the refu-

¹⁶ For a more thorough analysis of the legal aspects of the Palestinian refugee issue see Boling, Gail J. *The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis*. Badil - Resource Center for Palestinian Residency and Refugee Rights, January 2001; available on their website at www.badil.org/Publications/Legal_Papers/RoR48.pdf.

gees no longer have a valid claim; they still have the right to return to their homeland even if it has been forcibly altered during the time they have been away.

This, however, is not the whole story. There are individuals on both sides who are willing to reconsider the issue of the refugees, although it must be said that it is usually Palestinians who tend to diverge the most from their community's official standpoint. The most that Israeli peace activists are willing to accept is recognition of Israeli guilt and occasionally acceptance of a token return of refugees. Some Palestinians, Sari Nusseibeh for example, are willing to concede the issue in return for a state in the West Bank and Gaza Strip. The Birzeit poll alluded to in the previous chapter¹⁷ suggests that the "Right of Return" slogan may not be as important to Palestinians as other issues (again it should be stressed that other polls did not bear out these indications) such as the fate of Jerusalem, and it may be that many Palestinians are willing to be 'pragmatic.'

In previous rounds of talks there has been a gradual shift towards a mutually agreed solution, although such a solution remains some way off yet. From the Clinton Parameters onwards, the idea of offering the refugees a range of options for resettlement has become the basis for negotiations (this is perhaps a useful way of diverting attention from the fact that most of the refugees, if not all of them, will not be allowed to return home). It seems likely that the current Palestinian leadership would be willing to surrender the right of return in exchange for some kind of state-like entity, although it remains to be seen whether they can persuade the Palestinian people to accept this. A recent Fateh communiqué stated that if it came down to a choice between a separate Palestinian state and the return of the refugees, they would choose the latter.¹⁸

Article 7 of the Geneva Accord deals with the question of refugees; briefly summarized the agreement stipulates that refugees will be compensated for their suffering and lost property and will be offered five options regarding their "permanent place of residence." These are as follows:

¹⁷ For details of the poll see the Birzeit University Development Studies Program (DSP) website – home.birzeit.edu/dsp.

¹⁸ "Fateh Statement on Geneva Accord" (translated from Arabic by BADIL), 1 December 2003, available at www.one-state.org/historical/documents/fateh.htm.

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1. The new Palestinian state;
2. Areas that will be part of the land swap between Israel and Palestine;
3. Israel;
4. A third country;
5. The country in which they currently reside.

The agreement states (Article 7, Section 4) that “[The total number of refugees allowed into Israel] shall be at the sovereign discretion of Israel and will be in accordance with a number that Israel will submit to the International Commission.” Further on the document states “As a basis, Israel will consider the average of the total numbers submitted by the different third countries to the International Commission [the replacement for UNRWA].” Some commentators have claimed that Israel will be *required* to accept the average number of refugees accepted to third countries, but I think it is clear from the wording that there is room for Israel to refuse to accept any refugees.

This leads us to a key problem with the way the refugee issue has been dealt with in the Geneva Accord. Far from being as conclusive as its drafters claim, there is good reason to see it as ambiguous and open to interpretation. Firstly, there is the fact just mentioned that Israel will be ‘encouraged’ to accept refugees but not compelled to do so, and the efforts of other countries to resolve this problem (i.e., by accepting refugees) are only a guide and not parameters that Israel is legally bound to adhere to. Hence, Israel has the right in theory under this document to take no action at all and refuse entry to any and even all refugees. Perhaps for public relations purposes a token number will be allowed in, but then Israel has never been overly concerned about the opinions of anyone other than the United States.

A second consideration is that the Accord states that:

“UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative (Article 2.ii.) concerning the rights of the Palestinian refugees represent the basis for resolving the refugee issue, and agree that these rights are fulfilled according to Article 7 of this Agreement.”¹⁹

¹⁹ Geneva Accord, Article 7, Section 2. The Arab Peace Initiative (sometimes called the ‘Saudi Plan’) simply refers to a solution in line with UN Resolution 194.

The relevant text in Resolution 194 states:

"Resolves that the refugees wishing to return to their homes and live in peace with their neighbors should be permitted to do so at the earliest practical date and that compensation should be paid ... [to] those choosing not to return."

Clearly there is a significant divergence from the text of Resolution 194 and the stipulations in the Geneva Accord, which plainly do not allow for refugees to "return to their homes ... at the earliest practical date." Leaving aside the issue of whether the Geneva Accord treats the issue in a just fashion, there is the issue of whether the Accord can really be regarded as compatible with the resolution in question. Furthermore, the passage quoted above (and later sections dealing with the "end of claims"²⁰) makes it clear that the Accord is to be seen as fulfilling the terms of the resolution and hence preclude the possibility of refugees or their advocates referring back to it in the future. If the Accord becomes fact, then Israel can claim that it has complied with (or at least fulfilled the requirements of) Resolution 194.

This is clearly a case of distorting International Law to fit the political preferences of Israel. Since the latter is not prepared to contemplate abiding by the terms of Resolution 194, as that would be contrary to the aims of Zionism, the resolution has been reinterpreted to fit 'political reality' as Israel sees it. Such a distortion of International Law is unlikely to be convincing to the refugees and, in addition, it sets a (or, more accurately, is yet another) worrying precedent. If states are allowed to 'reinterpret' legislation as they see fit, the concept of International Law becomes severely compromised, if not meaningless. Of course, this is not the first time that states have ignored or distorted International Law, but if the Palestinians adopt the Geneva Accord then they are endorsing and legitimizing Israel's non-compliance with the will of the international community.

Dr. Sari Hanafi²¹ has argued that the Geneva Accord is a step backwards compared to earlier agreements because whilst the Clinton Parameters of 2000 contained a clause saying "Israel is prepared to acknowledge the moral and material suffering caused to the Palestinian

²⁰ Geneva Accord, Article 7, Section 7.

²¹ Speaking at a PASSIA Roundtable Meeting on the Geneva Accord held on 11 February 2004 (<http://www.passia.org/meetings/2004/Jan-10-Geneva-Accord.htm>).

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people as a result of the 1948 war,²² the Accord makes no such claims. In other words, the fact that the refugee crisis is the result of the State of Israel's (and its precursors in the form of the Haganah and other militia forces) ethnic cleansing policies is not recognized in this document.

During the Taba talks in January 2001 there was an exchange of non-papers between the two sides on the refugee question and there seemed to be broad agreement on the issue of an Israeli apology, yet this development of positions is not reflected in the Accord. According to Beilin "[The Accord's authors] did not dwell on 'narratives,' mutual recriminations and assigning responsibility for the past,"²³ as if such issues are peripheral. One might feel that it is easy for Beilin to ignore issues of responsibility given that the most objective analysis would place most (if not all) of the blame for the consequences of 1948 on Israel.

From the standpoint of the refugees, none of the details of the article relating to refugees are acceptable, and the refugee advocacy groups have not been reticent about saying so. For them, nothing short of full recognition and implementation of the right of return in accordance with International Law will be sufficient. An agreement such as the Geneva Accord, which, for all intents and purposes, was premised upon the non-recognition of refugee rights, was never going to be an acceptable solution to the conflict from their point of view.

Even Israelis have concerns about the refugee clauses, even though one might argue that in reality they have conceded nothing of substance to the Palestinians. According to Ami Ayalon,²⁴ the clause on refugees (as well as that on Jerusalem) risks alienating moderate Israelis who would not be able to accept such an agreement on the grounds that it concedes too much to the Palestinians. Ayalon claimed that any reference to the 'right of return,' however obliquely (the phrase 'right of return' does not appear anywhere in the document), was unacceptable and that similarly the idea of 'giving up' Al-Haram Ash-Sharif/Temple Mount was "provocative" to mainstream Israelis.

²² See "Clinton Parameters of 23 December 2000," available online at www.fmep.org/documents/clinton_parameters12-23-00.html.

²³ Beilin, Yossi. "The Eighth Day of Taba," *Bitterlemons.org*, edition 39 (27 October 2003), available at <http://www.bitterlemons.org/previous/bl271003ed39.html#pal2>.

²⁴ Ayalon, Ami. "My Alternative to Geneva," *op. cit.*

Similarly, a representative of Shinui, a secular and nominally centrist party with ministers in the current Israeli government, pulled out of the initiative at the last minute claiming that the rights of refugees had been recognized and that this was unacceptable to her. Although the withdrawal of Shinui representation in the Geneva initiative is interpreted by some as a purely political move to avoid threatening Shinui's place in the governing coalition, it may also be a sign that politicians recognize that anything short of a complete rejection of the refugees' claims will not sit well with the Israeli electorate.

As mentioned above, there are some indications that the Palestinian public is willing to be pragmatic about the refugee issue. There are also signs that the refugees themselves, despite the claims of their advocacy groups, may be willing to accept less than the right to return. A controversial survey conducted by the Palestinian Center for Policy and Survey Research, headed by Dr. Khalil Shiqaqi, seemed to suggest that only a minority of Palestinian refugees want to return to their homeland, and this was seized upon, particularly by the Israeli media, as evidence that the right of return should not be acknowledged.²⁵

However, as is often the case with surveys, a closer analysis of the poll presents a more ambiguous picture. The refugees were asked which course of action they would choose if presented with a number of final settlement options similar to those offered under the terms of the Geneva Accord, and only ten percent chose the option to return to Israel. However, it should be noted that firstly, this was the only option that did not include compensation, which is likely to be a crucial consideration for impoverished refugees. Furthermore, many refugees may feel unwilling to return to a state that they have good reason to suppose will be hostile towards them (based on the fact that it is responsible for their current homelessness, and on the treatment of Arabs already living in Israel). If the political situation were different in what is now the State of Israel, the refugees would possibly display a greater willingness to return to their lands. Poll data on refugees' preferences if a bi-national state or one-person, one-vote system were to be established may yield different results.

²⁵ Palestinian Center for Policy and Survey Research. "Results of Refugees' Poll in the West Bank/Gaza Strip, Jordan and Lebanon on Refugees Preferences and Behavior in a Palestinian-Israeli Permanent Refugee Agreement" (January-June 2003), available at www.pcpsr.org/survey/polls/2003/refugeesjune03.html#findings.

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Perhaps what Palestinian reactions to the Geneva Accord clauses on refugees show is that there is an incompatibility between the demands being made by the Palestinian people. On the one hand, there is a widespread desire for a Palestinian state, and on the other there is a demand for the refugees to return home. It is far from clear however whether these two demands are in fact compatible with one another. Indeed, the manner in which the two-state approach has been campaigned for has in fact undermined calls for a return of refugees. The two-state idea as it is currently conceived allows for a Palestinian state alongside a Zionist-Jewish one. Within such a framework there is some logic to the Zionist position that the proper place for the refugees is Palestine and not Israel. If refugee rights are paramount then perhaps such a framework should be abandoned. This will be discussed in more detail later.

The Status of Jerusalem's Holy Places

The fate of the Holy Places in Jerusalem, like the fate of the refugees, has come to be an issue that has prevented a lasting settlement being agreed upon. Again, like the fate of the refugees, this issue has polarized opinion. Even on the Israeli Left there is a marked reluctance to allow Palestinian sovereignty over Al-Haram Ash-Sharif/Temple Mount, and anything less than this is unacceptable to the Palestinians. Given the threats to destroy Al-Aqsa Mosque from various Jewish extremist groups, it is perhaps understandable that they demand full control over Islam's third holiest site.

The agreement eventually reached during the negotiations for the Geneva Accord was that Palestinians would have what (apparently) amounts to sovereignty over the site but the term 'sovereignty' is not actually used, in order, presumably, to placate certain sections of the Israeli population. An international force (partly consisting of members of the Organization of the Islamic Conference or OIC) will monitor Palestinian control over the site and carry out security and conservation duties. Digging, excavations and so forth are expressly forbidden without prior agreement between the two parties and it will be Palestine's responsibility to enforce this.

For Palestinians these arrangements are by and large in line with their demands. According to the Geneva Accord team, the Palestinians were granted concessions regarding Al-Haram Ash-Sharif in return for concessions on the right of return issue. It is debatable of course whether this

is a fair and just arrangement, but at the very least the Palestinians can claim they have extracted some concessions from their opposite number.

There are some indications, however, that not all Palestinians are happy with the agreement. According to the Birzeit University poll alluded to in the previous chapter, only a minority of Palestinians supports the clauses relating to the Holy Places in Jerusalem. The poll data does not reveal what aspects of the 'Holy Places' clauses are unacceptable but there are two areas that may be unsatisfactory to some Palestinians. Firstly, the 'Wailing Wall' or 'Al-Buraq' is an important holy site for Muslims.²⁶ This is the place where the Prophet Mohammed left his steed (a winged horse, which had transported him from Mecca to Jerusalem) and climbed to the mount, from where he ascended to heaven. Exclusive Jewish control over the site (as stipulated by the Accord) may be unwelcome given its religious significance in Islam and Israel's record of not respecting the rights of Muslims, especially since no international force is to be deployed there, unlike on Al-Haram Ash-Sharif.

Secondly, there is the issue of extremist Jews and their attempts to enter the Al-Haram Ash-Sharif compound. The agreement does not make specific reference to such 'visitors,' and in theory freedom of access to the site is to be guaranteed by the Palestinian side. Although entry is subject to security requirements, it shall be "without discrimination and generally be in accordance with past practice."²⁷ Given that an analysis of 'past practice' does not yield the most promising precedents (Sharon's visit to the site in September 2000, which sparked off the Intifada, is just one of many examples), from a Palestinian point of view this is a potentially problematic clause.

In general, though, I think it is fair to say that the agreement regarding the Holy Places is not the most unsatisfactory part of the Accord for Palestinians. For Israelis, however, it is much more controversial. For them, the 'Temple Mount' is a key religious site whose importance goes to the very heart of the religious-Zionist project (as opposed to the secular-Zionist project, although even secular Israelis see it as an important site) in Palestine. According to Jewish tradition, this is the place where the Second Temple stood before it was destroyed thou-

²⁶ Muslim ownership of the Al-Buraq site was confirmed by an International Commission, appointed by the British Mandate in 1930 to examine the issue. For an abridged version of the Commission's findings see *Documents on Jerusalem*, Jerusalem: PASSIA Publications, 1996.

²⁷ Geneva Accord, Article 6, Section 5 (b) iii.

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sands of years ago, and according to the Jewish faith it is where the Third Temple will stand when the Messiah comes.

There is a debate within the Zionist movement regarding this site that strikes at the whole basis of Zionism itself. For some Zionists, it is not necessary for Jews to retake this site as they believe that God will do this at the appointed time (some even regard it as a sin to forcibly preempt God). For others, however, it is acceptable for Jews to take matters into their own hands and maintain control of the former 'Temple Mount.' This mirrors the debate within the Jewish community between those who believe that the Zionist project is sinful, because it preempts God, and those who believe Jews are entitled to bring about divine prophecies by taking direct action. In general, though, there appears to be strong opposition to granting Palestinian sovereignty over Al-Haram Ash-Sharif. According to the National Security Survey conducted by the Jaffee Center for Strategic Studies, less than 30 percent of those polled supported Palestinian control over this site.²⁸

It seems clear that Israelis feel that handing over Al-Haram Ash-Sharif/Temple Mount to the Palestinians is a major concession. In addition to the poll results cited above, the exchange between Nabil Qassis and Avraham Burg during the Geneva Accord negotiations as reported by Amos Oz is perhaps illustrative of Israeli thinking. In reply to the former's claim that rejecting the right of return would compromise his identity as a Palestinian, Burg argued "Let Nabil Qassis give up part of his national identity just as I, Avraham Burg, hereby relinquish no less than a part of my religious faith, inasmuch as I am prepared to agree, with a broken heart, to Palestinian sovereignty on the Temple Mount."²⁹

As mentioned above, certain prominent Israelis like Ami Ayalon³⁰ oppose the Geneva Accord because of the clause granting Palestinians sovereignty over Al-Haram Ash-Sharif/Temple Mount. Ayalon claims that the Jerusalem article is "provocative." Similarly, Natan Sharansky the rightist Jerusalem minister argued that conceding Al-Haram Ash-Sharif/Temple Mount was tantamount to abandoning the Zionist project. He claimed that holding on to the site was more important than an agreement with the Palestinians.³¹ Extreme rightwing lobby groups like

²⁸ For further details of the poll see www.tau.ac.il/jcss/memoranda/memo67.pdf.

²⁹ Oz, Amos. "We Have Done the Gruntwork of Peace," *The Guardian*, 17 October 2003.

³⁰ Ayalon, Ami. "My Alternative to Geneva," op. cit.

³¹ Sharansky, Natan. "Temple Mount Is More Important Than Peace," *Ha'aretz*, 16 October 2003.

Women in Green, the Yesha Settler Council and the Zionist Organization of America (ZOA) all oppose the idea of granting sovereignty to the Palestinians, but then it must be said that these groups are unwilling to settle for anything less than the total denial of Palestinian rights and hence oppose any peace agreement regardless of its details.

On balance, though, a fair analysis of the Accord might well conclude that the article relating to the Holy Sites in Jerusalem constitutes one of the few significant concessions the Israelis have actually made. Given that the Palestinians have not only conceded 78 percent of their homeland but in effect the right of return too, it is not unreasonable to expect serious concessions from Israel. It remains to be seen, however, if Israelis will view things in this light, and the 'loss' of Al-Haram Ash-Sharif/Temple Mount may be (as Natan Sharansky apparently believes) too high a price for them to pay for peace.

Exchanging Land and the 'Safe Passage' Corridor

A principle that both sides agreed upon at the final status talks at Camp David II was that instead of evacuating all its settlements, Israel would annex some of the larger blocs, close to the Green Line, and compensate the Palestinians with land from Israel. The land exchange proposed by Israeli Prime Minister Ehud Barak was hardly equitable, however, with Palestine receiving only one square meter of land for every nine annexed by Israel (i.e., an exchange ratio of 9:1).³² The Geneva Accord adopts the same principle, but with a more equal exchange ratio of 1:1.

There are three things to note about the planned land exchange. Firstly, the Palestinians did not get any of the land they asked for as part of the swap. They came to the negotiations expecting the idea to be proposed and with detailed maps of the land they would ask for in return for the settlement blocs that Israel wanted to annex. This land was primarily around Jerusalem.³³ However, the land they were offered was one area southwest of Hebron and another east of the Gaza Strip.

Clearly this suggests a weakness in the Palestinian negotiating position. It is not unexpected to have to compromise slightly on one's

³² See the PLO's Negotiations Support Unit (NSU) website for details of the Camp David II proposals - www.nsu-pal.org/ncampdavid1.php.

³³ Telephone conversation with Geneva Accord negotiator Dr. Samih Al-Abed in March 2004.

goals during negotiations but to fail to gain any of what has been asked for can only be regarded as unsatisfactory. This is compounded by the fact that the idea of a land swap itself is a concession to Israel, regardless of the details of that exchange. Palestinians have agreed to overlook Israel's illegal expropriation of their land and its construction of settlements on it and accept other lands as compensation. Given this, it is not unreasonable to expect Israel to agree to Palestinian preferences on the land to be exchanged. The fact that Israel has not in fact done this is a further indication of the strategic imbalance in the two sides' negotiating positions.

This might not be of such importance if the Palestinians had been awarded land of an equal quality to that which they have surrendered, but they have not. The land southwest of Hebron is in no way comparable to the land on which the settlement blocs that are to be annexed have been built. Israel's settlements were built on the most fertile agricultural land, but the land near Hebron is an uncultivated wilderness, which is unsuited to any productive use. Similarly the land adjacent to the Gaza Strip is not of the same quality as the land lost to Israel. This is clearly an extremely unjust arrangement and the fact that the Palestinian negotiators were prepared to accept it is deeply worrying.

Thirdly, there is the issue of water resources. Just as the settlements were built on the most fertile land, they were also strategically sited to exploit Palestinian water sources. The land that Israel is to annex is home to numerous wells, all of which are important access points to the groundwater aquifer, which Israel massively over-utilizes whilst at the same time denying the Palestinians their minimal needs. Technically speaking, from an International Law perspective, this should not be important, as water rights are not directly linked to control of the land.

However, Israel (as with so many areas of the conflict) has continuously flouted International Law and its actions during the Oslo period made it clear that it has no intention of using proper legal treaties as the basis for solving the dispute. The fact that Israel has always over-used water sources it has had access to suggests that once it annexes the settlement blocs as set forth in the Geneva Accord, the Palestinians will lose control of major water resources. For a further discussion of water issues see later sections.

Under the terms of the Accord there is to be a 'safe passage' linking the West Bank and Gaza. This "corridor," as it is referred to in the Geneva Accord, is to be under Israeli sovereignty and should be "perma-

nently open.³⁴ Such a territorial link is vital for the Palestinian state to allow free movement of goods and people throughout the new entity and according to one expert, is more important than the planned expansion of the Gaza Strip under the Accord.³⁵

However, the fact that the 'safe passage' is to be under Israeli sovereignty and not Palestinian is highly problematic, even given the clause preventing it from being closed. Under the terms of the Oslo Agreements, Israel was supposed to open such a route from Gaza to the West Bank, but it was frequently closed, cutting off the two areas from one another and seriously harming the fragile Palestinian economy. Past experience regarding 'safe passage' corridors is therefore not very encouraging, and the Palestinians would be justified in thinking that leaving such an important territorial link under Israeli sovereignty is far from satisfactory.

The Borders of Jerusalem

If the stipulations pertaining to refugees and the Holy Places are contentious, they are at least workable. There are no practical difficulties in preventing refugees from returning to their homes (Israel has been doing just that since its establishment) or in allowing Palestinians to control Al-Haram Ash-Sharif. Problems with other parts of the document are of a different nature, however. The border regime that is proposed for Jerusalem, for example, is more than just undesirable; it may also be unworkable.

One idea that has been discussed in the negotiations that have taken place since Camp David II is that of making Jerusalem an 'open city,' i.e., one that lacks closed borders and allows for the unrestricted movement of people and goods. Both Israeli and Palestinian negotiating teams have agreed on this concept in principle but without reaching a consensus regarding the limits of this 'open city.' At the Taba negotiations, for example, the Israelis suggested that it should encompass the Old City and the 'Holy Basin' (areas adjacent to the Old City that have religious significance for one or more of the three monotheistic faiths), whilst the Palestinians argued that it should include all of East and West Jerusalem.³⁶

³⁴ Geneva Accord, Article 4, Section 6 (a) ii.

³⁵ Private conversation with geographer Jan de Jong at PASSIA, Jerusalem, April 2004.

³⁶ See the non-paper prepared by Ambassador Moratinos which both sides accepted as a fair summary of the talks, the *Moratinos Non-Paper* especially

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There have also been various suggestions regarding cooperation between the municipalities of the two halves of the city. In the Beilin-Abu Mazen Plan³⁷ there was to be one municipality for "The City of Jerusalem" with Palestinian and Israeli sub-municipalities. Palestinian and Israeli neighborhoods would become "boroughs"³⁸ of a united city rather than sovereign areas of the respective states. This marks the furthest point reached towards the idea of a unified city, and the Geneva Accord is perhaps the furthest point in the opposite direction.

Under the terms of the Accord Jerusalem is to be a divided city. A border regime will be put in place and free movement across the city will be subject to the kind of security procedures one finds at international border crossings. The arrangements for the Old City aptly demonstrate this point. According to the document, Palestinians and Israelis may only enter and exit the Old City from gates under the control of their governments, unless they have specific authorization to enter the other state. Similarly tourists must possess the relevant visas if they wish to enter via an Israeli gate but leave via a Palestinian one or vice versa. The practicality of having such stringent border regimes in place at the gates of the Old City, especially with large numbers of tourists, pilgrims and local worshippers wishing to visit the Holy Places, is open to question.

In general, the idea of sharply dividing the city seems to make little sense. Dr. Menachem Klein, the Israeli negotiating team's Jerusalem expert, has stated that the Accord is compatible with the construction of a border between the two parts of the city.³⁹ But how feasible or desirable would this really be? Jerusalem is a living, organic, integrated city whose population, even now during the Intifada, continues to mix. Palestinians (and even some Israelis) regularly cross into the other side of the city to conduct business, to shop, to visit relatives and so forth. A fixed border, even with extremely relaxed security procedures (the existence of which would be highly unlikely), would therefore be a major impediment to such movement. It goes without saying that the

Section 2.2. Available from www.al-bab.com/arab/docs/pal/taaba2001.htm and in *Documents on Palestine*, PASSIA Publications, forthcoming.

³⁷ The full title of this document was *Framework for the Conclusion of a Final Status Agreement between Israel and the Palestine Liberation Organization*. It was negotiated in 1995, long denied and only released in September 2000.

³⁸ Article VI, Section 3, of the Beilin-Abu Mazen Plan.

³⁹ Cited in Keller, Adam. "Three Drafts for an Israeli-Palestinian Peace Agreement: A Comparison," 26 November 2003, available at Arab Media Internet Network (AMIN), www.amin.org/eng/adam_keller/2003/nov26.html.

economically less prosperous East Jerusalem is more likely to suffer under tough border conditions that make free trade more problematic.

A further problem in this respect is the issue of the settlements of East Jerusalem. Unlike the 'fortress-like' cities of the West Bank and Gaza, the East Jerusalem settlements are much more like neighborhoods or districts of a city. They border and are intermingled with Palestinian neighborhoods. How will a strict border regime work in practice here? How will it be possible to accurately and practically demarcate the boundaries of these settlements (leaving aside the issue of their legality, which the agreement ignores)?

In addition there is no clause restricting the growth of these areas. Since population changes in these neighborhoods and requests to expand or contract borders will be a matter of changing state borders and not simply municipal boundaries, the prospect of serious disputes in the future looms with no concrete mechanism for dealing with them. One could argue that the agreement has been formulated with current realities in mind and without sufficient regard for the future.

According to Klein, however, Jerusalem is already two cities. He argues that there is little interaction between the Arab districts and the Jewish, and asserts that "the divide between the two cities runs deep, and only a handful of Palestinian workers cross the ethnic lines for a few hours a day. It is in the interests of both the Israelis and the Palestinians to partition the city in order to allow both cities to develop in their natural space."⁴⁰ Klein's viewpoint is that the Accord separates two cities rather than divides into two a single entity.

The problem with this perspective is that it ignores certain realities. Firstly, Klein is simply wrong when he implies that interaction between Arab and Jewish districts of Jerusalem is minimal, as I mentioned above. For example, many Palestinians cross into the Western half of the city to shop, just as many Jews used to buy agricultural produce from the Palestinian markets in the Old City prior to the outbreak of the second Intifada. Even if it is true that such cross communication has decreased since the outbreak of the second Intifada, this does not imply a permanent shift in the nature of the city. The chronically high rates of unemployment in the Palestinian community, caused by Israel's suffocating closure policy, demonstrate the Palestinian economy's inability to create jobs. Permanently sealing off the west half of

⁴⁰ Klein, Menachem. "The Logic of the Geneva Accord," *op. cit.*

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the city from the east could have disastrous long-term consequences for Palestinian workers.

Secondly, in physical terms alone, the city is one integrated whole and attempting to carve up the city, to pull one organic city apart to create two new cities by constructing fences and borders, is likely to be extremely difficult if not impossible. Although Klein claims that both communities will enjoy continuity and will not be divided, this is difficult to reconcile with the facts on the ground. As a result of the interconnected nature of the East Jerusalem settlements with the Palestinian neighborhoods, the continuity of one 'city' can only come at the expense of the other, as the maps of Jerusalem on the Geneva Initiative's Hebrew website suggest.⁴¹ Palestinian areas will be surrounded by settlements and roads, resulting in a situation that is similar to the one that currently exists in much of the West Bank. The plans for Palestinian Jerusalem seem remarkably like 'ghettoization,' cutting Arab districts off from the West Bank and isolating them.

Another problematic stipulation is that regarding the establishment of a "Jerusalem Coordination and Development Committee" whose role is to "oversee the cooperation and coordination between the Palestinian Jerusalem municipality and the Israeli Jerusalem municipality."⁴² This committee is mandated to establish additional sub-committees on matters such as planning, transport and water infrastructure. The difficulty is that under the Accord, Jerusalem is to straddle an international border (or rather the two new cities are to be either side of the border) and cooperation between Palestinian and Israeli areas will presumably be a state-level matter. What powers will this committee actually have and will the committee be able to act independently of the governments of the two states? Interestingly, the fact that such a cooperation committee is deemed necessary is a further indication of how intimately interconnected Jerusalem truly is.

In short, the Jerusalem section of the Accord appears very much like an attempt to cement Jewish dominance of the city and prevent any serious revival of the Palestinian districts. Cut off from potential markets and sources of employment in the Jewish district, and having only restricted access to the West Bank, the Palestinian capital is likely to be a stunted and underdeveloped urban prison, lacking economic prospects for its residents.

⁴¹ See www.heskem.org.il/Maps.asp.

⁴² GA Article 6, Section 11 (a).

There is also the issue of the Palestinian villages and districts in the western half of Jerusalem. A number of commentators have noted⁴³ that the formula of 'Arab areas to the Palestinians, Jewish to Israel' only applies to East Jerusalem and not to the city as a whole. A counter-argument to this might be that since negotiations took UNSC Resolution 242 as a starting point, territory on the Israeli side of the 1949 Armistice Lines is excluded from discussions. However, the problem with this argument is that there have already been deviations from the stipulations of 242 to allow for 'facts on the ground' (i.e., Israeli settlements) so why not deviate further and allow Palestinian sovereignty over areas in West Jerusalem? After all, some land in what is now Israel is to be handed to the Palestinians as part of the proposed land swap (which is devised as a way of compensating Palestinians for the land lost due to settlement construction), so the idea of allowing Palestinian control beyond the Green Line has already been accepted by the Israelis. Hence, the annexation of Palestinian districts of West Jerusalem would not violate any 'sacred principles.' In addition, there is no separate mention of compensation for Palestinian property seized by the State of Israel in West Jerusalem (both the Knesset and the US Consulate in West Jerusalem, for example, are built on Palestinian-owned land), although presumably Israelis would argue that this would be dealt with under the article pertaining to 'refugees.'

A central problem concerning Jerusalem remains the uncertainty regarding the available maps. Nowhere in the Accord itself is there any mention of specific settlements that will be withdrawn. On the Hebrew language website of the Geneva Accord team there are a selection of very detailed maps, but they are not available in English or Arabic and they are not to be taken as final.⁴⁴ According to these maps, settlements such as Ras Al-Amud and Jabal Mukabber (which are deeply embedded within Palestinian neighborhoods and hence would present a major problem if they were annexed by Israel) will not remain in place, but there is no guarantee that the Israelis will stick to the maps, especially if there is significant expansion of these areas in the future.

⁴³ See, for example, "The Geneva Accords and Their Critics," *Jerusalem Quarterly File*, January 2004, published by the Institute of Jerusalem Studies, Jerusalem-Ramallah.

⁴⁴ I discuss this further in the next chapter.

The End of the Settlement Project?

Soon after Israel occupied the West Bank and Gaza Strip in 1967, it began the construction of illegal Jewish-only colonies or 'settlements' in the territories captured. One of the reasons cited for the construction of these settlements was security. Moving part of its civilian population would justify (from a certain point of view) the continuing presence of the Israeli Army in those areas. As Moshe Dayan put it, "Without [settlers] the Israeli Army would be a foreign army ruling a foreign population."⁴⁵ Israel wanted to control the whole area west of the Jordan River, and settlements would clearly help in terms of making military installations more acceptable.

A second reason for settlement construction was of a religious/ideological nature. For religious Zionists, the land of the West Bank was important territory with immense religious and historical significance, and its occupation and control was a key goal. A significant proportion of the 400,000 settlers now living in the Occupied Territories are of the religious type who display varying degrees of opposition to being removed from their settlements (some have vowed to use violence if necessary, although they represent a minority). Constructing colonies conforms to the key Zionist tenet of settling all of the 'biblical land of Israel.'

A third reason is natural resources. The West Bank constitutes some of the most fertile land in Palestine and forms part of the 'fertile crescent' of lands stretching from Iraq, through parts of Syria and Lebanon to Palestine. Furthermore, the overwhelming majority of water sources are located in this area and given Israel's disproportionately high (and inefficient) use of water, ensuring control over such resources is vital. Settlements have often been constructed close to major wells and on the most fertile agricultural land in order to secure such resources for Israel's exclusive use. The inequity of water distribution is amply demonstrated by the presence of swimming pools in many settlements whilst nearby Palestinian villages are forced to rely on rainfall for all their water needs.⁴⁶

Attempts to remove the settlements or at least halt their growth have to date been unsuccessful. From the inception of the settlement drive

⁴⁵ Cited in Aronson, Geoffrey, "Settlement Freeze - 'Natural Growth' in New Clothes," Foundation for Middle East Peace (FMPE), 2 May 2001, available at http://www.fmep.org/analysis/aronson_settlement_freeze.html.

⁴⁶ For an overview of water issues in the context of the Palestinian-Israeli conflict see *Water*, PASSIA Special Bulletin, PASSIA Publications, 2002.

lone voices within Israel have warned of the dangers of settlement construction and of remaining in the Occupied Territories in general.⁴⁷ The UN has regularly denounced the settlements as being in contravention of International Law and a barrier to peace, and even the US has admitted that they are illegal.⁴⁸ Unfortunately, these efforts and those of other countries and bodies have been in vain and in fact, during the 'peace process,' the number of settlers in the Occupied Territories doubled, in spite of Israel's professed commitment to peace.

There are two reasons why settlers are hard to displace and why successive Israeli governments have not done so. Firstly there are economic barriers. Professor Ian Lustick of Pennsylvania University has argued that whilst many settlers would like to relocate to Israel proper, especially following the outbreak of the Al-Aqsa Intifada, they are unable to do so because of a collapse in the value of property in the settlements.⁴⁹ Extensive government aid will therefore be required to remove these so-called 'quality of life' settlers.

The second reason is that, as already mentioned, some of the settlers are in the Occupied Territories for ideological reasons and will not leave willingly. Lustick estimates the number of Jewish fundamentalists willing to do whatever is necessary to stay where they are at 20,000. He also points out that "politically you don't need a large number to create the fear of entering a period of Israeli politics where there is going to be ... Jew-on-Jew violence."⁵⁰ The threat of violent confrontation has deterred successive Israeli governments from taking action against the settlers. Furthermore, given that the current Israeli cabinet is partially comprised of settlers and Sharon's government in general is highly representative of their interests, a serious attempt to curtail settlement activity, at least in the near future, is highly unlikely.

⁴⁷ See for example Professor Jacob Talmon's letter to Prime Minister Menachem Begin in 1980, available from FMEP at www.fmep.org/analysis/talmon_prophetic_message_from_past.html.

⁴⁸ Examples of UN resolutions regarding settlement construction include Security Council Resolutions 446 (22 March 1979) and 452 (20 July 1979) and General Assembly Resolution ES-10/2 (25 April 1997), all available online at <http://domino.un.org/unispal.nsf>. For US rulings see "Opinion of the Office of the Legal Advisor, Department of State, Declaring that Israeli Settlements are Inconsistent with International Law," 21 April 1978, available from FMEP at www.fmep.org/documents/opinion_OLA_DOS4-21-78.html.

⁴⁹ See "Conversation with Professor Ian Lustick," recorded 6 June 2003, Brit Tzedek v'Shalom (Jewish Alliance for Justice and Peace), available at www.btvshalom.org/resources/20030606.html.

⁵⁰ *Ibid.*

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In previous peace plans and proposals it has generally been taken for granted that the removal of large numbers of settlers is both undesirable and politically unachievable. At the Taba talks in January 2001, Barak proposed annexing large blocs of settlements leaving only around 60,000 settlers (out of 400,000) to be relocated. This was regarded as the practical limit of relocation. In the Geneva Accord, however, the number of settlers to be withdrawn is far higher. According to Shaul Arieli, one of the Israeli Geneva Accord negotiators, the Geneva Accord calls for the evacuation of 120 out of 140 settlements containing 110,000 settlers⁵¹ (the agreement itself does not give precise details and as mentioned above, the status of the available maps is unclear).

According to the authors of the agreement, only settlements close to the 1949 Armistice Lines or the Green Line are to be annexed and large settlements such as Ariel are to be dismantled and its colonists relocated. The question is, is this feasible? In the words of Yossi Alpher, "What conceivable Israeli government will evacuate over 100,000 [settlers]?"⁵² The ability of Israel to see through its commitments under the Accord is open to question, especially given the current political environment and the ascendancy of the Right in Israel.

In reality though, Israel may not have to carry out such a relocation. According to Article 5, Section 7 (c) ii regarding "Israel's capacity to relocate, house and absorb settlers" the agreement states that "While costs and inconveniences are inherent in such a process, these shall not be unduly disruptive." It is not entirely clear what this means in practice, but it would seem to imply that Israel has the right to not carry out evacuations if they become too expensive. Furthermore, the nature of such "costs" and "inconveniences" are not spelled out; they could be economic or political, meaning that political turmoil might be regarded as sufficient reason for not carrying out the withdrawal.

In economic terms, the costs of relocation will depend for a large part on the amount of compensation that is paid to settlers. Lustick gives the example of a plan drawn up by the Rabin government to evacuate settlers from the occupied Golan Heights entitled 'Operation Mango.' Under the terms of this plan, US\$10 billion was to be paid to just

⁵¹ Speaking at the 'Geneva Accord Open Forum,' organized by the Foundation for Middle East Peace (FMEP), 3 December 2003. See Appendix 4 (p. 127) for a transcript of the forum.

⁵² See Alpher, Yossi. "Right Idea, Difficult Premises," *Bitterlemons.org*, Edition 39 (27 October 2003), available at <http://www.bitterlemons.org/previous/bl271003ed39.html#pal1>.

15,000 settlers, implying a compensation bill of just over US\$73 billion for the 110,000 settlers who will apparently be relocated under Geneva. According to *Ma'ariv*, which based its calculations on the amount of compensation paid to the Sinai settlers, under Sharon's plan to 'disengage' from Gaza, settlers who are evacuated could receive US\$ 500,000 dollars per family. If this formula were applied in the Geneva Accord case, the compensation bill would be around US\$11 billion (assuming an average family size of five persons).

A study conducted by Professor Haim Ben-Shahar of Tel Aviv University and focusing on the costs of compensating settlers estimated evacuation would cost around US\$2.4 billion. This was based on providing 80,000 of the 200,000 settlers in the West Bank and Gaza (excluding the East Jerusalem settlers) with identical housing inside Israel. The remaining settlers were assumed to be in settlements that would be annexed to Israel under a final status agreement. The removal of 110,000 settlers under the terms of the Geneva Accord would therefore cost around US\$3.3 billion using this formula. However, this does not include compensation costs as such, only the cost of new housing, and furthermore, if this method were to be chosen, West Bank and Gaza settlers could argue that they were being 'unfairly' treated in comparison to the Sinai settlers.⁵³

The huge variations in compensation estimates makes it difficult to accurately predict how much evacuating settlements will truly cost. The end figure will ultimately depend upon the Israeli Government's approach to this issue. An unscrupulous administration, reluctant to carry out its commitments, might decide to opt for one of the more costly compensation options and use this as an excuse to delay or abandon the evacuation in accordance with the above-mentioned clause. There remains, therefore, a worrying loophole in the settlements agreement in the Accord, and given the centrality of this matter to the conflict as a whole, this could seriously destabilize an attempt at peace, as was the case during the Oslo process.

Two further problems should be noted in relation to evacuating settlements. Assuming that a future Israeli government elects to conduct such a move, there is the question of resistance from religious extremists. Violent confrontations between the Israeli Army and the already well-armed settlers could not only make for bad television for

⁵³ For further details of Professor Ben-Shahar's study, see Eldar, Akiva, "Giving up the Settlements is Cheaper Than You Think," *Ha'aretz*, 07 May 2002.

the government of the day, but could be potentially destabilizing for the Jewish state. Lustick talks of the settlements as a "regime-level problem," meaning that removing them may lead not to bad poll ratings or a loss of votes, but to the loss of control over the country, i.e., civil war.

Lustick points out that,

"Ever since the mid 1980s, whenever a serious attempt to make peace has occurred, the settlers ... [have threatened] civil war, a threat that became all too real in the minds of the government during the Oslo process, and did result in the assassination of Yitzhak Rabin."

He goes on to say that Israel "will have to endure very serious dislocations in order to solve its problem with the Palestinians."⁵⁴ Even if Israel is serious about delivering on its commitments, its efforts may be thwarted by determined resistance.

Such resistance need not necessarily be violent in nature. For example, during the October War of 1973, the Israeli Government ordered the evacuation of the Golan settlements in order to allow the Israeli Army freedom of movement. However, determined settlers repeatedly infiltrated back to their settlements during the course of the war and had to be forcibly re-evacuated under fire by the army. If certain types of settlers are prepared to risk their lives during a major conflict by evading evacuation, there is no reason to think that they would not do the same when the dangers were more limited.

Israel will have to formulate plans not just for evacuating settlers but also for preventing them from returning. This kind of problem has become particularly acute following the determined resistance by settler groups to the dismantlement of small 'settlement outposts.' Despite the (admittedly half-hearted) efforts of the Sharon government to remove such outposts, settlers have consistently returned and rebuilt what the Israeli Army has destroyed.

Precise details of the evacuation and the assumption of control by the new Palestinian state are left to the ubiquitous and yet to be completed 'Annex X.' However, Israel is required to leave infrastructure intact and to provide a complete inventory of facilities, structures and

⁵⁴ "Conversation with Professor Ian Lustick," op. cit.

so forth. It has been suggested that the settlements can be 'written off' against the compensation that Israel is supposed to pay to the Palestinian refugees.

There remains, of course, the central question of whether this approach is a just one. After all, settlements are illegal under International Law and in an ideal situation, i.e., one where justice was served, all of them would be dismantled. The arrangements set down in the Geneva Accord could be regarded as rewarding Israel for its flagrant violations by allowing it to keep the bulk of the population it illicitly transferred to the Occupied Territories in place.

Like virtually every aspect of the Geneva Accord, the emphasis has been on 'realism' and on producing a workable agreement. The choice that Palestinians are offered is either justice or peace, not both, as this would involve concessions that Israel finds too painful. An agreement like the Geneva Accord is unlikely to produce a resolution to issues like the settlements that is fully in line with a) Palestinian aspirations and b) International Law. This inevitably raises a whole series of questions about Palestinian strategy, some of which will be addressed in later chapters.

Water and Economics

Other areas where practical problems could arise are the agreements relating to water rights and economic relations. As of yet, these sections have not been finished and according to the Geneva Accord website "experts are still working on them." Although these sections may appear peripheral in relation to agreements on Jerusalem, borders and refugees, they have the capacity to be major sources of disagreement in the future.

A detailed analysis of the water issue is beyond the scope of this discussion,⁵⁵ but a couple of preliminary points can be made. Firstly, the issue of water resources and their distribution is a major challenge for Israel and Palestine (and for the region as a whole). Until now, Israel has exercised almost complete control over the bulk of the water supply, which has resulted in serious water shortages in the West Bank and Gaza. A just solution to the conflict must take this into account. It

⁵⁵ See Fadia Daibes (ed.), *Water in Palestine - Problems, Politics and Prospects*, Jerusalem: PASSIA Publications, 2003; B'Tselem, *Not Even A Drop: Water Crisis in Palestinian Villages*, Information Sheet, July 2001, available at www.btselem.org/Download/Not_Even_A_Drop-2001.doc, and *Water*, PASSIA Special Bulletin, 2002.

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is not sufficient to maintain the status quo on water usage, as the Israeli population's disproportionately high consumption of water is unsustainable and inequitable. Security and water rights are intimately connected, and unless Palestinians are guaranteed sufficient water to meet growing needs, serious disputes with the potential to threaten political stability could easily arise.

Secondly it is important to note that Israel's settlement project has been undertaken with water requirements in mind. Settlements have been deliberately located above major aquifers in order to guarantee Israeli control over these vital resources. Hence, Israel's willingness to dismantle its settlements in the Occupied Territories in accordance with the Geneva Accord may be dependent upon the future agreement over water rights. At present Israel dominates water resources in order to supply a population whose water consumption is extremely inefficient; if it comes down to a choice between drastically reducing its water use or maintaining the settlements, Israel may well choose the latter.

The water issue also relates directly to the development prospects of the Palestinian state. One of the reasons why Israel's water usage is so high relative to that in Palestinian communities is because Israel is a 'developed' state with an advanced, post-industrial economy. The water requirements of such states, both for domestic usage (citizens of developed countries tend to have more water-intensive household appliances such as washing machines and dishwashers) and for industrial usage tend to be much higher than those in economically under-developed states. Large-scale economic development and the construction of a viable industrial and commercial base will only be possible if Palestine has access to sufficient quantities of water.

A worrying inconsistency is emerging in Palestinian accounts of the water issue in the Accord. According to Dr. Nazmi Ju'beh,⁵⁶ one of the Palestinian negotiators, the water section (if and when it is written) will be based on the principle of whoever controls the land controls the water resources beneath it. He claims therefore that there is no need to rush to produce this article, the basics of which have already been agreed upon. Palestinian control of major water resources is assured.

This is flatly contradicted by Dr. Samih Al-Abed, another member of the negotiating team, who claims that the water issue will be resolved

⁵⁶ Telephone conversations with Dr. Nazmi Ju'beh and Dr. Samih Al-Abed in March 2004.

irrespective of who controls the land and that water rights will be shared between the two states on the basis of further talks. Whereas according to Ju'beh's understanding, Palestinians are guaranteed substantial water rights, if Al-Abed is correct then there remains considerable uncertainty about what water rights Palestinians will get. At the very least, it is surprising that there is such a divergence in understanding between two prominent members of the Palestinian Geneva team.

In fact it may be that Al-Abed's perspective will turn out to be the more accurate. Under the terms of the agreement, the Ariel settlement is to be handed over to the Palestinian state. However, this site is home to some important wells, control of which will determine to a significant degree who controls the important Western Aquifer. It is unlikely therefore that Israel, with its high water usage, would risk losing such access so readily.

Strangely and perhaps worryingly, there are indications that the Palestinian team is reluctant to press for a resolution of the water issue. A Palestinian water expert⁵⁷ has said that despite attempts to persuade the Palestinian negotiators to let her help draft an agreement on the matter, she has been met with stony silence, and in her view it is possible that they are waiting for the Israelis to make the first move. If this is true, it seems ill judged at best given that Israel currently controls most of the water resources in the country and Palestinians have the most to lose by maintaining the status quo.

On economic relations, the future shape of these may have been partially determined by the nature of the border regime between the two states. In Jerusalem, for example, the cultural and economic center of Palestine, a strict border regime is likely to hamper efforts to build a viable Palestinian economy, as access to Israeli markets will become more difficult. Similarly, a strict border regime in general will almost certainly make it harder for Palestinians to find work in Israel, a key source of income for the economy of the West Bank and Gaza.

In the past, Israel's decisions to close its borders have had a devastating effect on Palestinian incomes. According to B'Tselem⁵⁸ for example, prior to the signing of the Oslo Agreement, 30 percent of the Pal-

⁵⁷ Telephone conversation with Fadia Daibes, March 2004.

⁵⁸ See B'Tselem, *The Palestinian Economy since the Oslo Accord*, n.d., available at www.btselem.org/english/Economy/Since_The_Oslo_Accord.asp.

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estinian workforce was employed in Israel. After Israel implemented its closure policy from 1993 onwards, this figure fell to seven percent and unemployment rose sharply. During periods when total closure was imposed, unemployment reached 70 percent in Gaza and 50 percent in the West Bank. It is clear from these statistics that the stability of the Palestinian economy will be at least partially dependent upon Israeli border controls.

The eventual shape of an agreement on economic relations will be vital to the overall chances of peace between Palestinians and Israelis. An independent, sovereign Palestinian state will only be possible if that state enjoys control over its economic affairs. Given the vast disparities between Israel's advanced, hi-tech economy and the undeveloped (indeed de-developed) state of the West Bank and Gaza, economic interdependence is almost inevitable. The question is, how equitable will that interdependence be? If Palestinians remain at the mercy of Israel's economic superiority, and if their fate is tied to the fortunes of their neighbors, a genuine Palestinian 'state' may remain illusory. Even now it is possible to see how economic disparities are in part fuelling and perpetuating the conflict; if such inequalities continue, political stability will be difficult to achieve.

There is at least one strong indication that the economic agreement will not be favorable to the Palestinians. In his overview of the Geneva Accord cited earlier, Dr. Menachem Klein states specifically that such an agreement will not be formulated with a view to bridging the vast economic divide between Israel and the Palestinian community. He claims that

"The economic articles of the Geneva Accord have not yet been written, but they are not expected to create economic equality between Israel and Palestine. Any Israeli-Palestinian agreement will regulate the economic relations between the two states but will not put them on an equal footing. Equality between Israel and Palestine will be anchored in the legal status of the two states. In brief, the large economic and military gap between Israel and Palestine will remain."⁵⁹

According to Klein, this is because the Israeli team recognized that the agreement is unfavorable to the Palestinians and that they have only accepted it out of a position of weakness. As a result, Israel

⁵⁹ Klein, Menachem. "The Logic of the Geneva Accord," op. cit.

needs to ensure that the Palestinian state (such as it is) will not attempt to overturn the agreement and seek a fairer solution. By guaranteeing its military and economic supremacy, Israel can cement its hegemony without fear of retribution in the future.

In response to a question about the water issue under the Geneva Accord, Daniel Levy, one of the Israeli negotiators, said that all the core issues had been dealt with but "experts" would address others like water later. This seriously underestimates the importance of both the water issue and economic relations. Both aspects have the potential to decide the stability and feasibility of an agreement between Palestinians and Israelis. Until we are presented with the Geneva Accord's contribution to these fundamental questions it will be impossible to comprehensively assess prospects for the document's success, and it is premature for the Accord's authors to tell us that it is complete and all encompassing. If a Palestinian state is to emerge, a genuine one with a reasonable degree of control over its own affairs, then an equitable settlement of the water and economic issues is essential.

Other Issues

One important issue that has not been addressed in the Accord is compensation for Palestinians who have suffered as a result of Israel's policies. This includes demolition of property, confiscation of land, destruction of orchards/olive groves, detention without trial, loss of income due to Israeli closure and curfew policies as well, of course, as death and injuries caused by the Israeli security forces and many other things. With regards to confiscation/destruction of property, the construction of the separation barrier is ongoing and huge tracts of Palestinian land are being affected. The Geneva Accord makes no mention of this and offers no framework for the pursuit of the legitimate claims of tens of thousands of Palestinians (if not more).

Another general worry is the lack of any concrete terms of reference, something which has been touched upon in early sections. One major example of this, on which many observers have commented, is the separation barrier, which is currently under construction and which, if completed, would seriously undermine efforts to implement the Accord. However, there is no mention of the barrier anywhere in the agreement and again no framework for dealing with this issue. Do the Accord team see the barrier being torn down or simply relocated further west?

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There is also the issue of settlement construction. There is no call for a freeze to settlement building until the Accord is fully implemented, and there is no attempt to fix the borders of the settlements, which is of particular importance with regard to the East Jerusalem settlements that are to be annexed to Israel. On the one hand, this means that significant growth of settlements would not necessarily undermine the agreement, but on the other, it leaves plenty of room for the kind of 'selective interpretation' by Israel that plagued the Oslo Process. In essence, without these kinds of fixed details, the Accord becomes just a more comprehensive version of the Nusseibeh-Ayalon document, i.e., a set of principles rather than a precise formula.

Another point of contention is the issue of Palestinian recognition of the Jewish nature of the State of Israel. Some commentators have claimed that the Accord insists on such recognition, but in fact it does not. What Palestinians do recognize is that the Jewish people are entitled to statehood and that Israel is the homeland of its people. With regards to the latter, it is unclear how this affects the Palestinians living in Israel. After all, presumably many of them would not recognize Israel as their 'homeland' as such; it is just the state that, against their wishes, has been imposed on Palestine, their real homeland.

This stipulation could be interpreted as a further attempt to sever the connection between the Palestinians in the West Bank and Gaza Strip and those living elsewhere, a process which Joseph Massad⁶⁰ refers to as "reducing the Palestinians," and a process which began in earnest with the signing of the Oslo Accords. In the same way, it could also be seen as an attempt to limit the concept of 'Palestine' to include only the West Bank and Gaza Strip, whereas most Palestinians still think, quite justifiably, of their homeland as encompassing all of the land between the Mediterranean and the Jordan River. It is not clear what benefits accrue from this proviso or why it should be included if not to place a limit on the Palestinian imagination.

⁶⁰ Massad, Joseph. "Reducing the Palestinians," *Al-Ahram Weekly*, 18 February 2004.

Chapter Four

GENEVA AND OSLO: A TALE OF TWO AGREEMENTS

One interesting method of analyzing the Geneva Accord is to compare it with the Oslo Accords and the negotiations that formed part of the 'peace process.' This is particularly valid since the Geneva Accord is a logical extension of that process. It is an attempt to conclude the stalled final status talks that took place at Camp David and Taba, one of the purposes of which was to bring to a conclusion the process that began with the Declaration of Principles in 1993.

In certain respects, the two are very different. The early stages of Oslo were characterized by a phased, transitional approach, with no clear final goals set down. There were no attempts to reach agreement on what were termed 'final status issues' until after the transitional period was complete (which was never the case); instead, a series of interim steps were implemented whilst negotiations on the final shape of the agreement continued.

Geneva, on the other hand, because it takes the end of the Oslo process as a starting point, aims to tackle final status issues in one go. It is meant to be complete and comprehensive and provide a clear picture of what the end result will (or should) be. There is no attempt to approach a settlement incrementally, in piecemeal fashion, with the kind of step-by-step measures that proved so unsuccessful during the 1990s. In short, the starting points of the two documents are very different.

Furthermore, whereas Oslo had official status and was negotiated between the legitimate representatives of the two parties, Geneva is the product of 'back channel' negotiations and the individuals who participated in the talks have (ostensibly at least) no official status. The Geneva Accord itself has no legal status and the Israeli and Palestinian leaderships are free to ignore it if they choose to. In actual fact, though, this is less of a difference than one might think because both agreements were the products of elite groups from the two societies who then had to 'sell' the agreement to their respective populations. The difference is that the Oslo negotiators were in a better position and enjoyed more of the political power needed to influence public opinion and 'market' peace.

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On the other hand, there are a number of similarities between the two agreements and I want to assess three of these to begin with: a) semantics and the problem of ambiguity; b) the starting assumptions; and c) the context in which the two plans/processes were formulated.

The Question of Semantics

The Oslo process was characterized by an almost obsessive focus on what was actually written in the agreement and what each side was supposed to be doing to move the process forward. In an article written in 1997, Ian Lustick shows how this intensive focus on the 'substance' of the Oslo Accord was a tactic employed by sections of the Israeli political establishment who were in fact opposed to the whole process and sought to undermine it.⁶¹

In essence, this strategy involved treating the Oslo Accords as a *legal* rather than *political* process. Instead of being used as a basis on which to build trust and good faith, they were used instead as a weapon to attack and undermine the opposite side by emphasizing how Palestinian 'commitments' had not been honored, or how the Palestinians were in contravention of certain clauses. At the same time, the Israelis were able to avoid taking any steps of their own by taking advantage of loopholes in the agreement, and thus the process evolved into a question of whether the *Palestinians* were abiding by the agreement and whether they were suitably 'committed to peace.'

It was within this framework that the issue of semantics arose along with the question of what the agreement actually called for, who was supposed to be doing what, and crucially, what could be legitimately expected as an outcome of the process. In a more genuine 'peace process,' initial agreements between the parties involved are not intended to be rigidly interpreted as a legal codex. As such, they are often not 'watertight' and are full of potential loopholes and ambiguities that can be exploited by those not genuinely committed to moving the process forward. In the Palestine case, Israelis opposed to the agreement were able to exploit this fact to full advantage.

Of course, this analysis is a little misleading. It is certainly not the case, as Rabin's speeches in the Knesset amply demonstrate, that the Rabin government, which initiated the Oslo process with the PLO, had

⁶¹ Lustick, Ian. "The Oslo Agreement as an Obstacle to Peace," *Journal of Palestine Studies*, Vol. XXVII, No. 1 (Autumn 1997), pp.61-66.

genuinely intended to produce a mutually favorable peace treaty but had been either too naive or too clumsy when drafting the agreement and had inadvertently left it full of ambiguities. There is overwhelming textual evidence to show that Rabin's view of what the Declaration of Principles and later documents stood for and what basic principles they were founded upon was vastly different to that of Arafat. In short, there were many aspects of the agreements that were interpreted by the two men in radically different ways.

To cite just one of many possible examples,⁶² there was the issue of UN Security Council Resolution 242. This resolution (which has been the subject of dispute since its adoption by the Security Council in November 1967) was taken as the basis on which final status issues were to be negotiated. However, Israel's interpretation of that resolution was based on the English translation, which called for the "withdrawal of Israeli armed forces from *territories* occupied in the recent conflict" (emphasis added), whereas Palestinians relied on the French (and other) translations, which referred to "*the territories* occupied" (emphasis added). The former interpretation is entirely consistent with the annexation of large swathes of the West Bank by Israel, whilst the latter is not.

As Burhan Dajani points out, Israel's preferred perspective on Resolution 242 meant that from its point of view, the Declaration of Principles (DoP) were fully consistent with the Allon Plan of 1967, which called for the annexation of the bulk of the Occupied Territories.⁶³ Israel had therefore successfully manufactured a situation whereby the new Palestinian Authority (PA) was required to respond to Israel's security needs without Israel having to commit to anything concrete (let alone a Palestinian state) in return, and this was all entirely in accordance with the terms of the Oslo process.

The Geneva Accord, in contrast, is supposed to avoid problems such as this by stipulating from the beginning what the end product of the process will be in order to pre-empt any 'misinterpretations.' Thus, there is a clear mention of a Palestinian state, the borders of which will be roughly in accordance with the 1967 Armistice Lines, and whose capital will be in Jerusalem. Nevertheless, even within this apparently more solid framework, there is considerable room for maneuver.

⁶² For a detailed analysis of the Declaration of Principles, which outlines many of the ambiguities inherent in that document, see Dajani, Burhan. "The September 1993 Israeli-PLO Documents: A Textual Analysis," *Journal of Palestine Studies*, Vol. XXIII, No. 1 (Autumn 1993), pp.5-23.

⁶³ *Ibid.*

Firstly, there is the loophole mentioned in the previous chapter in the section of the Accord that deals with the settlements.⁶⁴ The caveat in question appears to allow Israel to halt the process of evacuating settlers should that process become too costly or inconvenient, without breaking the terms of the agreement. At the very least, it is not made clear what this stipulation is supposed to mean and given that those who are opposed to a fair settlement will not need much encouragement to find problems with the Accord, this would seem to be a major flaw. The settlement issue goes to the very heart of the conflict and if Israel failed to deliver on this key Palestinian demand then the stability of the agreement as a whole would be in jeopardy.

A second potential area of dispute involves the East Jerusalem settlements, in particular their boundaries (see Chapter 3, p. 33). It is not clear in the agreement where these fall. The only available high quality maps of the Accord are in Hebrew and even these have undergone significant revisions;⁶⁵ given that they will in effect be international borders, this is a significant issue. It is not even clear, however, that it is going to be possible to extricate the Jewish areas from the Palestinian in a clean and effective way. These neighborhoods are closely inter-related with one another and separating them is like trying to separate the districts of a homogenous city.

There are also no limits set on the growth of East Jerusalem settlements in the Geneva Accord and Israel is not required to freeze expansion. There is therefore potential here for endless border disputes if a future Israeli government demands that the 'natural growth' of settlements be allowed. The key point again is that these issues are not addressed in a clear and detailed way and given the past legacy of fanciful interpretations of peace agreements by successive Israeli governments, this is a worrying and serious oversight.

Finally, there are three articles of the agreement that have not yet been written, relating to water issues, economic relations and legal cooperation (Articles 12, 13 and 14 respectively), and there is also the mysterious 'Annex X,' which will contain precise details on all sorts of matters from borders to timetables for withdrawal, and even the precise nature of that withdrawal. On this last issue, Article 5 Section 7 (a) states that

⁶⁴ See page 38.

⁶⁵ At a PASSIA Forum on 15 April 2004 on the Geneva Accord, members of the Geneva Accord team complained that "outdated" maps were being used. It was admitted, however, that the most accurate maps were not easily available to the general public.

"Israel shall withdraw all its military and security personnel and equipment, including landmines, and all persons employed to support them, and all military installations from the territory of the state of Palestine, *except as otherwise agreed in Annex X, in stages.*" (Emphasis added.)

Since Annex X does not exist it is not possible to determine what these exceptions will amount to. Of course, one might argue that if Israel and the PLO ever ratify the Geneva Accord, then these sections will all be fleshed out in detail, but the authors of the document are already attempting to build a constituency for it and given its loopholes and omissions, there is the possibility, as was the case with the Oslo process, that very different perceptions of what the end result will be will predominate in the two communities.

Of course, these kinds of problems would not arise (or perhaps would be less serious) if the whole approach to a negotiated peace were different. As Lustick argues, the most successful peace processes involve an initial stage, in which agreements reached are viewed as political/diplomatic documents where the underlying principles are what is important, which then evolves into a terminal stage with a firm set of legalistic steps. This is the kind of approach that worked in contexts such as South Africa, as Greg Mills has pointed out.⁶⁶

Comparing Palestine with the South African case, Mills stressed that one of the central elements responsible for the success of the latter process was the fact that the ruling elites on both sides worked to support and strengthen the position of the other in order to help them to maintain domestic approval and stave off extremist groups. Both sides were prepared to make real sacrifices in order to keep the process alive and their opposite number at the negotiating table. In contrast, the Oslo years were characterized by a systematic attempt to undermine the Palestinian leadership by adopting an excessively rigid interpretation of the agreements, which eventually forced the PA to acquiesce to rising grassroots demands for an end to the charade.

This is a practice that is continuing now. The official Israeli position is that the elected leader of the Palestinian people is responsible for the violence of the current Intifada (and according to Israel deliberately ordered it) and is not a partner for peace. Arafat is portrayed as a dis-

⁶⁶ Speaking at PASSIA, 18 November 2003. See www.passia.org/meetings/2003/Nov18-Text-South-Africa.htm for more details.

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credited, untrustworthy figure that is not interested in compromising and is hence not someone who is capable of reaching a negotiated settlement with the State of Israel. A longstanding aim of the political Right in Israel has been to eliminate Arafat either politically or physically and Israel's newfound interest in Palestinian 'reform' is merely another attempt to limit his power and remove him as a key political player.

The point here is that the framework in which negotiations are conducted has not changed significantly since the 'end' of the Oslo process. Negotiations will only be undertaken by Israel (if at all) when the Palestinians 'prove' that they are ready for peace. As an example, the Sharon government stated when the US published the Quartet's 'road map' that Israel would only implement its commitments *after* the Palestinians had implemented theirs, making a mockery of the idea of a reciprocal process. Similarly, Sharon has regularly stated that talks in general can only begin when Palestinian resistance ends; Palestinians must always make the first move as a test of their willingness to make peace.

This means that any peace agreement adopted and implemented by the two sides will be done so with the assumption that the Palestinians cannot be relied on to comply with their commitments, unlike Israel. Just as during the Oslo years, the focus will be on whether the Palestinians do as they are meant to, which of course will allow Israel to dodge its obligations. Given the loopholes in the Geneva Accord cited above, this does not bode well for the successful implementation of that proposal. The agreement can only work if both sides are willing to support one another and make any necessary concessions to keep the process moving, but as in the 1990s, there is no evidence to suggest that Israel is willing to do this. Hence it is perhaps premature to talk of a post-Oslo period; the process may have been abandoned but the framework in which it was implemented is still very much alive.

Starting Points and Bias

Another important similarity between the Geneva Accord and the Oslo process is the founding premises on which they were based. In the Declaration of Principles, the first official document of the Oslo process, it was made clear that the final settlement would be based on UN Security Council Resolutions 242 and 338. Leaving aside the issue raised above regarding the radically different interpretations the two sides had of these resolutions, this meant that the discussions of the conflict were limited to the events that took place in June 1967 and afterwards and their consequences.

There was to be no discussion of 1948 and no negotiations over territories in what is now Israel. Israel's right to exist, its legitimacy, its laws, the crimes that took place as part of its establishment and so forth were not in question. In effect 'Palestine' had come to mean at most the West Bank and Gaza and for the Palestinians but not the Israelis, parts of Jerusalem as well. Rather than negotiating over 100 percent of Palestine, discussions have been limited to a mere 22 percent of it, with 78 percent of the land no longer being a legitimate topic of debate.

In the same vein, the preamble to the Geneva Accord states that the two sides are committed to Resolutions 242 and 338, as well as 1397, which calls for a two-state settlement. Again, it is not surprising that this should be so since the Geneva Accord team consider their efforts to be in the spirit of Oslo. Even if this were not the case, the PLO's decision to accept Resolution 242 as a basis for negotiations is difficult, if not impossible to reverse, and it would be exceedingly hard for Palestinians to suddenly start asking for a discussion of events prior to 1967 and regarding lands in what is now Israel.

This is, of course, entirely in line with Israel's preferred approach. The PLO has in effect endorsed the Zionist project in Palestine and recognized that Israel has the right to 78 percent of the land; a huge concession, and one that should only be made at the end of negotiations and should not be a basis for them. The fact that the PLO accepted this starting point in 1993 and that the Palestinians who negotiated the Geneva Accord accepted it too shows that the whole framework of the debate has been and continues to be set by Israel.

The fate of the refugees forced to leave their homes in 1948 is another area that has not been the subject of proper debate. A precondition for negotiations to begin on the Geneva Accord was that the right of return would not be raised. Palestinians would have to accept that at best only a token number of refugees would be allowed to return with compensation being paid to the rest. Israel has made it clear that it will not countenance the return of large numbers of refugees, claiming that were such a large-scale return to occur, it would threaten its existence as a Jewish state. In this way, the fate of the refugees is made contingent upon Israel's needs and requirements and not upon what is just or fair, let alone what is legal.

In actual fact, of course, as mentioned in the previous chapter, Israel can in theory refuse to allow *any* refugees to return. The Geneva Accord sets down guidelines and recommendations on this issue, but not

firm requirements. Israel has the exclusive right to determine the number of refugees that will be admitted into its territory and there is no reason to suppose that a future Israeli government would not decide that that number should be zero. Needless to say, if it does decide thus, that particular government will not be violating the terms of the agreement. As Israeli Geneva Accord negotiator Menachem Klein points out,⁶⁷ the refugees must “hope” that a future Israeli government would be willing to acknowledge their rights. Given past experience, this is hardly encouraging.

Another example of the way in which negotiations began from Israeli premises is the issue of the settlements. The Palestinian team was told that if they were planning to ask for the removal of *all* the settlements, then negotiations could simply not take place. The Israelis were not prepared to negotiate over this issue and the Palestinians would have to accept this as a precondition for talks to begin.⁶⁸ In this way, specific limits were set on the scope of discussions on this issue. As with other topics of negotiations, such as Jerusalem and the refugees, the starting point was not the dictates of International Law or even the starting positions of the two sides; instead, negotiations commenced on the basis of Israeli premises and preconditions.

It is not just a question of starting positions and the limits of acceptable debate set down before talks began; there is also the issue of which areas were considered as warranting greater attention than others. The Oslo process was striking for its preoccupation with issues of security, specifically *Israeli* security, and how Palestinians should be actively working to ensure that security. In the initial agreements, the newly established Palestinian Authority's chief responsibility was the establishment of a “strong police force”⁶⁹ whose job was to enforce compliance with the agreement and confront those opposed to it.

Similarly, the Geneva Accord contains numerous references to security related issues and the manner in which they are addressed often makes it clear that *Palestinians* are considered to be the chief potential source of insecurity. There are three prime examples: firstly the issue of the Holy Places in Jerusalem. According to the agreement there are extensive arrangements set down for security on Al-Haram Ash-

⁶⁷ Klein, Menachem. “The Logic of the Geneva Accord,” *op. cit.*

⁶⁸ Talk by Palestinian Geneva Accord negotiator Dr. Nazmi Ju'beh at PASSIA on 11 February 2004 on the Geneva Accord.

⁶⁹ Palestinian-Israeli Declaration of Principles on Interim Self-Government Authority (of 13 September 1993), Article VIII.

Sharif/Temple Mount, an area that will be under Palestinian control. In addition to stipulations regarding the nature and scope of Palestinian policing in the compound and a reference to respecting the "unique cultural and religious significance of the site to the Jewish people" (but not the Palestinian, Arab or Muslim people), there is also to be an international presence on the site to monitor Palestinian compliance, implying that Palestinians cannot be entirely relied upon in this regard.

However, for the neighboring 'Western Wall' site, which is to be under Israeli sovereignty (a location which, incidentally, also has religious significance for Muslims and is Muslim property, a fact confirmed by an international commission of inquiry in 1930), the agreement has only this to say: "The Wailing Wall shall be under Israeli sovereignty." There are no details about Israeli security at this site or calls for an international presence. Although there are requirements for an international presence at the Western Wall Tunnel site, and provisos that Israel must ensure that no damage is done to "structures above" (i.e., the Al-Aqsa Mosque), the international presence in question is the International Verification Group (IVG) and not the 'Multinational Presence' that will be in place at Al-Haram Ash-Sharif. Whereas the latter is to have amongst its members the Organization of the Islamic Conference (OIC), the former is made up of the Quartet (US, EU, Russia and the UN) and other parties yet to be decided upon. In other words, there is no mention of a specifically Islamic presence in the group. Given the sensitivity of this site in relation to the Al-Aqsa Mosque, this is surprising to say the least.

A second example is the Israeli use of roads inside the Palestinian state. The agreement requires the Palestinians to allow Israelis the use of certain major highways that pass through the putative state. The Multinational Force (MF) will be required to patrol these roads at all times, which again implies that it is assumed that Palestinians are not capable or willing to enforce the law unsupervised. There is also a requirement that should Israelis who are using such roads get into difficulty, the Palestinian state will cooperate fully with its Israeli neighbor on legal or medical matters. This seems to entail that the Palestinian state must assume responsibility for the well being of Israelis in its territory.

Crucially though, with regard to the use of Israeli roads by Palestinians, the agreement states the following: "In the event of regional peace, arrangements for Palestinian civilian use of designated roads in Israel shall be agreed and come into effect."⁷⁰ This is an extraordinary

⁷⁰ Geneva Accord, Article 9, Section 8.

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clause that could be taken to mean that only when there is peace *throughout the whole Middle East* will Palestinians be allowed to use designated roads inside Israel. Israelis, however, can be trusted to use Palestinian roads regardless of the situation elsewhere in the region. Again, this clause points to an overt assertion that Israelis can be trusted on security matters whereas Palestinian cannot.

The third example concerns international border crossings and any ports and airports in the Palestinian state. According to the Accord, the Palestinian Security Force (PSF) presence at these sites will be supplemented by the MF. In addition, the Israelis will be entitled to an "unseen" presence at passenger and cargo terminals for two and a half years after the entry into force of the agreement. For a further two years for passenger terminals and three for cargo terminals, they may monitor proceedings at such entry points from "a specially designated facility inside Israel, utilizing appropriate technology [whatever that amounts to]."⁷¹

This "unseen presence" has the right to delay entry of persons or cargo it deems suspicious and request that further inspections take place or "appropriate actions" are taken. Since it is not specifically stated that Israel must make clear its reasons for requesting such delays and inspections (or "appropriate actions"), one must assume it is not required to do so and that it is entirely at its discretion to demand action. In effect, these requirements seem to allow Israel unprecedented interference in the affairs of what is supposed to be a sovereign state. No other country in the world (and certainly no Western state) would accept such intrusions, and indeed Israel will not be required to allow Palestinian security personnel to monitor proceedings at its cargo and passenger terminals.

In addition to these three examples there is the wider issue of the defense capabilities of the new Palestinian state. This state is to be non-militarized with restrictions placed on the types of weaponry that its "strong security force" is entitled to use. Furthermore, the MF is to be stationed only in the Palestinian state and not in Israel. Its duties are to include "protecting the territorial integrity of the State of Palestine" and serving as a "deterrent against external attacks."⁷² It is not mentioned that the greatest threat to date to the territorial integrity of Palestine has come from Israel, in which no MF troops will be stationed.

⁷¹ Geneva Accord, Article 5, Section 12 (e) – (i).

⁷² Geneva Accord, Article 5, Section 6 (d) i and ii.

Another of the MF's duties is to "help in the enforcement of anti-terrorism measures."⁷³ Given that the MF is only to be stationed in Palestine, this seems to assume that the major sources of terrorist threats will originate from that state and not Israel and hence most anti-terrorist measures will be implemented there. No mention is made of Jewish terrorist groups (not to mention Israeli state terrorism), and at the very least it is assumed that Israel is capable of handling its own internal terrorist factions (if indeed such factions are considered to exist at all), whilst Palestine is not.

There is also the issue of the Early Warning Stations (EWS), the presence of Israeli troops in the Jordan Valley for three years after the entry into force of the agreement and the right of the Israeli Air Force to train in Palestinian airspace. In all these cases there is yet again an underlying assumption that Israel's security needs must take precedence over Palestinians territorial sovereignty. In the case of the latter, it is difficult to see how this is compatible with Article 4, Section 2 (a), which calls on each party to recognize and respect the territorial inviolability of each other's territory, including its airspace.

The first two requirements are a further indication that just as was the case during the Oslo process, far more attention is being devoted to Israel's security concerns than to the integrity and feasibility of a Palestinian state. In addition, there is obvious prejudice when it comes to security matters with the Palestinian state being denied the measures that Israel has demanded for itself. No Palestinian EWS will be allowed in Israel, and given the fact that the Palestinian state lacks defensive capabilities and the long history of Israeli aggression, one might feel Palestine needs all the warning it can get.

In summary, what I have tried to show here is that in clause after clause discussions seem to have begun from Israeli *premises* and assumptions. It was repeatedly made clear that 'security' is the overriding issue and that whereas Israel can be relied on to meet its obligations, the Palestinians cannot. Palestinian requirements for a viable, sovereign and truly independent state have been eclipsed by such an obsessive focus on this matter. This is remarkably similar to the style of negotiating that prevailed during the Oslo period and the fact that it is so closely mirrored in the Geneva Accord is further sign that the current era is not fully 'post-Oslo.'

⁷³ Ibid., Section 6 (d) x.

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In effect, on many key issues at least, no genuine 'negotiations' have taken place. Instead, there was a series of discussions aimed at moderating Israeli demands in order to meet the minimum Palestinian requirements for an acceptable deal, usually whatever the negotiators could plausibly hope to market to the Palestinian populace. The negotiations have merely reflected the current status quo; they have not actively tried to challenge or change it. This raises fundamental questions about the approach to negotiations adopted by the Palestinians, especially when one takes into account the fact that the Geneva Accord was supposedly the product of independent individuals who were meant to be free from the constraints that restrict official negotiators, but who nevertheless succeeded in producing an agreement that is in many important respects similar to the Oslo Accords and the final status talks at Camp David and Taba, all of which were the product of high-level diplomacy.

The Issue of Context

The final area of similarity between the Oslo Accords and the Geneva Accord that I want to discuss is the context in which the two agreements were produced. There is a remarkable degree of correspondence between the political, economic and military environment in the periods leading up to the publication of the respective documents. This is highly relevant because not only does it help to illuminate understanding of how the Geneva Accord was formulated, but it also gives us important clues as to how successful (or otherwise) it might be if implemented.

The first point of convergence is economic. In the phase leading up to the signing of the Declaration of Principles in 1993, the PLO was enduring a serious financial crisis. The organization's sources of funding had been severely curtailed, due, in no small part, to Yasser Arafat's ill-judged support for President Saddam Hussein during the 1991 Gulf War. This had the effect of alienating the PLO from wealthy Arab donors such as Kuwait and Saudi Arabia, who severed their financial ties with the group and expelled Palestinian workers from their territory.

Compare this with the impoverishment of the PA in the current era. The collapse of the fragile Palestinian economy, almost entirely due to punitive measures imposed by Israel (closures, curfews, military raids etc.), combined with a significant decrease in donor aid and Israel's ongoing refusal to hand over tax revenues collected on the PA's behalf, has left the latter struggling to meet the wage costs of its bloated civil

service. In both cases, financial problems have left the Palestinians in a significantly weaker position *vis-à-vis* negotiations with the Israelis.

Any improvements in the Palestinians' financial and economic position are only likely to come after the signing of a peace agreement with Israel when donors will be more willing to make contributions, a (more) stable political environment will bring increased chances of growth, and Israel will face more pressure to hand over tax revenues. Hence, the Palestinians appear to need peace more than the Israelis do, which reduces their leverage during negotiations. Although it is true that Israel is also suffering from serious economic difficulties, Palestine's problems are of a greater order of magnitude and Israel is assured of continuing support from the West (the US in particular) whereas the Palestinians lack a wealthy and reliable donor.

A second area of similarity is the increase in direct resistance to the occupation in Palestine. The first Intifada, which began in 1987, provided the backdrop for the negotiations with Israel that produced the Oslo process, just as the second Intifada has provided the context in which the Geneva Accord was developed. There is, however, much more of a difference here between the two periods in question than this superficial analysis suggests. Whereas the first Intifada was successful in attracting attention to the plight of the Palestinians and garnering increased international support for their cause, this uprising has prompted more mixed reactions.

One structural feature is shared by the two uprisings though. In both cases, the official Palestinian leadership has been isolated to a greater or lesser extent from the day-to-day resistance operations. The 1987-93 Intifada was initiated and managed by 'insiders' (i.e., Palestinians who lived in the Occupied Territories), with the PLO leadership in Tunis having little or no direct influence upon it. It was rumored that in fact Arafat was uncomfortable with the uprising, believing that it could empower local leaders at his expense. In any case, the physical separation of the leadership from events on the ground made it difficult for the former to claim to be speaking for and directly guiding the Palestinian people.

During the second or 'Al-Aqsa' Intifada, a similar relationship between the leadership and the grassroots has emerged. The leadership's claims to represent the views of the people have been undermined and its ability to influence or direct events has been threatened. Indeed, according to some, the uprising is in part a reaction to the corruption and weakness of the PA, which has failed to produce any tangible im-

provements in the conditions of the Palestinian people during the so-called 'peace process' era.

This erosion of the leadership's capacity to direct events on the ground also weakens its ability to negotiate in an effective manner. In particular, it makes it clear to the Israelis that the leadership cannot claim to fully represent their people. Although this lack of legitimacy may not overly concern Israel in itself, it is an indication that any agreement that does not meet the approval of a significant proportion of the Palestinian population may be hard to implement.

In general, therefore, the Palestinians find themselves in a poor position to negotiate effectively with the Israelis, just as they were at the start of the Oslo process. This is not helped by Israel's refusal to recognize the PA leadership (i.e., Arafat) as a credible negotiating partner. Since Barak's premiership, Israel has repeatedly claimed, "There is no one to talk to." Moreover, it has attempted to isolate Arafat, both diplomatically and physically, by preventing foreign diplomats/activists from reaching or communicating with him, although largely without success as he still receives numerous visitors.

How does all this affect our understanding of the Geneva Accord? Just as during the Oslo negotiations when the Palestinians were forced to accept Israeli preconditions and make serious concessions, they are again no longer in a position to demand recognition of their legal rights. The Palestinians find themselves with no bargaining chip, whilst Israel holds all the cards.

This explains why the Geneva Accord, just like all the preceding discussions, has started from premises dictated by Israel. The negotiations focused on how much or how little of the West Bank and Gaza Israel should 'give' to the Palestinians, and not on recognition of the illegality of the occupation in the first place. Similarly, with regards to the settlement issue, the Israelis demanded as a precondition for talks to even start that the Palestinians would not call for all the settlers to leave the Occupied Territories, thereby fundamentally undermining any attempt to call into question the legal status of the settlements. The Israelis argued that it would be politically and economically difficult for them to remove every last settler, hence it should not be a demand, which demonstrates how beholden the Palestinian negotiators were to *Israeli* needs rather than the requirements and rights of their own people.

Even though these were behind the scenes discussions conducted by unofficial players, the Palestinians found themselves with little room for maneuver on the substantive issues. It is unlikely, I think, that this situation will change whilst the extreme strategic imbalance remains. This is something I will address further in Chapter Six.

Selling 'Peace'

Another aspect of the Oslo process that the Geneva Accord is in danger of mimicking is the issue of how the agreement is marketed. The Oslo years were marked by wide divergences in expectations and perceptions between the two sides. As a result of the fact that the agreements were extremely hazy regarding final outcomes (apart from references to such things as Resolution 242, which both communities interpreted very differently anyway) it was possible for Israeli and Palestinian leaders to tell their respective publics that all or most of their aspirations were still realizable.

In reality, of course, steps had been taken which meant that certain goals were no longer realistically speaking attainable, something which was particularly true for the Palestinians. Rather than initiating a serious debate about the direction and nature of peace negotiations, the nascent PA preferred to maintain the illusion that nothing was fixed and everything was up for negotiation. This of course avoided the kind of political turmoil that might have followed a genuinely open discussion of where the Oslo process was leading and what kind of future awaited the Palestinians.

In a similar way, the Geneva Accord is already being talked about in different ways by the Israeli and Palestinian negotiating teams. Take as an example the issue of what kind of Palestinian 'state' will emerge from the implementation of the Accord. Yasser Abed Rabbo talks about Israel and Palestine being "two equal, independent states,"⁷⁴ whereas Klein claims that the Palestinian state will be economically and militarily subservient to Israel. He claims that equality will be "anchored in the legal status of the two states,"⁷⁵ which seems to suggest that the state will be independent and sovereign on paper but perhaps not in reality.

⁷⁴ "An Interview with Yasser Abed Rabbo," *Tikkun* (January/February 2004), available at www.tikkun.org/magazine/index.cfm/action/tikkun/issue/tik0401/article/040111c.html.

⁷⁵ Klein, Menachem. "The Logic of the Geneva Accord," op.cit.

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Another important issue is the maps pertaining to the agreement that have been made available. On the Hebrew website for the Accord, there are 21 high quality maps, whereas on the English and Arabic versions of the Palestinian Geneva site there are only two maps, which are of a much poorer quality. The Palestinian maps show the overall area of the proposed Palestinian entity and the division of sovereignty in the Old City, whilst the Israeli maps go into great detail about the precise borders around the settlement blocs in Jerusalem.⁷⁶

In a recent public seminar,⁷⁷ Dr. Nazmi Ju'beh suggested that this was inevitable as the two sides would want to emphasize to their respective audiences those aspects of the agreement that are relevant to their key concerns. The Palestinians are concerned about achieving a viable state, so the maps on the Arabic site show the overall shape of the borders. The Israelis, on the other hand, are concerned about things such as the fate of the East Jerusalem settlements, so the Hebrew maps reflect that.

The problem with this approach is that (especially for the Palestinians) certain pertinent facts are not made available, and it is certainly true that Palestinians are worried about more than just the overall boundaries of their state. They are concerned about the fate of East Jerusalem and about how easy it will be to cross from the city into the West Bank and vice versa. In fact, according to the Israeli maps, it would appear that the direct route from Jerusalem to Ramallah is blocked by Israeli territory, although this has been disputed by the Geneva Accord team.

In general there is considerable confusion regarding the status of the maps that have been made available. On the Hebrew language version of the Accord website, there is a detailed map of the Jerusalem arrangements. However, according to the Geneva team this is not the final version of the map and another more accurate map exists, although it has not been made as readily available to the public and is not available on the Internet. Given that the text of the Accord itself does not mention any settlements by name, the maps are the only way of knowing what the fate of East Jerusalem (and the other settlements in the West Bank and Gaza Strip) will be and this uncertainty about which maps are final only serves to undermine the credibility of the Accord.

⁷⁶ For the Hebrew maps see www.heskem.org.il/Maps.asp.

⁷⁷ PASSIA Roundtable Meeting on 11 February 2004 on the Geneva Accord, see www.passia.org/meetings/2004/Jan-10-Geneva-Accord.htm.

Chapter Five

THE GENEVA ACCORD, ISRAELI PUBLIC OPINION AND THE ISRAELI LEFT

Within Israel one of the largest obstacles standing in the way of widespread public endorsement for the Geneva initiative was Yossi Beilin himself. According to Akiva Eldar, "Most Israelis wouldn't accept a glass of cold water from him, even if they were dying of thirst in the desert."⁷⁸ Public sentiment towards the Israeli Left in general is less than warm, and many feel that the agreement was driven more by political opportunism than either a genuine desire for peace or concern for Israel's best interests. The fact that several senior Labor figures (e.g., ex-Labor leader Amram Mitzna) publicly endorsed the plan did not help in this regard. The agreement, argued some, is simply the preamble to the Left's election manifesto.

However, within the text itself, commentators found much to praise and the premise of the Agreement - that a picture at least of what a comprehensive two-state deal might look like is what is needed now more than ever - is generally accepted. The Agreement might at the very least provide a glimpse of what could be possible in the future given the existence of sufficient political will. It was pointed out by some that the basic outline of the deal corresponds to what, realistically speaking, Israel will have to accept if a durable peace is ever going to be achieved. So the deal is in place; all it needs is able leaders to make it a reality, according at least to some media pundits.

However, there are cracks in this somewhat rosy picture. A poll published in *Ha'aretz* on 24 November 2003⁷⁹ suggested that support amongst the Israeli public for the Geneva Accord was around 53 percent (with a four percent margin of error). Yet the summary of the agreement read by the pollsters to the respondents failed to provide specific details about Palestinian sovereignty over Al-Haram Ash-Sharif/Temple Mount. This is an extremely sensitive issue in Israel,

⁷⁸ Eldar, Akiva. "People and Politics: Behind the Scenes of the Geneva Accord," *Ha'aretz*, 14 October 2003.

⁷⁹ Associated Press. "Poll: Most Israelis, Palestinians Support Geneva Accord," *Ha'aretz*, 24 November 2003.

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although this fact is not properly reflected in the poll. A public exposed to the full details of the Accord could be far less amenable to them than the above statistic implies.

Other polls have shown far lower levels of support for the Geneva Accord amongst Israelis. For example, the Jaffee Center for Strategic Studies' *National Security Survey* for 2004 revealed that only 24 percent of respondents supported the Accord with 76 percent opposed. According to the poll data, "demographic worries" were a key factor in reducing support with 63 percent of respondents saying that the right of return had not been conceded in the document and 75 percent saying that such a concession was essential in any acceptable peace deal.

As I pointed out in Chapter Three, there is considerable room for maneuver on the refugee issue in the Geneva Accord but it seems plausible to suppose that this will be in Israel's favor and not the Palestinians. The text itself makes it clear that Israel alone will determine how many refugees return to its territory and that no further refugee claims can be made beyond those stipulations. There is also no mention anywhere in the agreement of the phrase 'right of return.' It would seem, therefore, that Israelis have little to worry about.

However, some commentators have been concerned by references to certain UN resolutions and previous peace plans.⁸⁰ As mentioned earlier, the agreement allows for a solution to the refugee problem that is in harmony with UN General Assembly Resolution 194 and the Saudi Peace Plan of March 2002. Some Israelis seem to feel that there is the risk that the Palestinians will try to push the issue and demand a solution more obviously in line with those documents. This, of course, is an illusory concern because if the Palestinians were capable of achieving a better result on the refugee issue, the Accord would presumably have reflected this. Either way, some Israelis seem to feel that the problem of the refugees has not been settled quite as decisively as the Accord's architects are claiming. It is ironic that Israelis are concerned that too much has been conceded with regards to the right of return given that many Palestinians feel the Accord achieves nothing on this issue.

If Israelis are worried about the lack of closure in the document, then 'refugees' is not the only area where the *façade* of conclusiveness

⁸⁰ See, for example, Benziman, Uzi, "Corridors of Power: The Genie of Geneva," *Ha'aretz*, 7 November 2003.

shows signs of crumbling. The appendices of the agreement are yet to be finalized, and even though they are said to include only relatively minor points of clarification and procedural issues, as with the Oslo process, the devil may yet be in the detail. In fact, according to the agreement crucial timetables are to be included in the fabled Annex X relating for example to Israeli withdrawal from the settlements, and the non-inclusion of this Annex makes it difficult to judge the agreement accurately. Similarly, the agreement itself has not actually been signed, leaving its authors with a handy 'back-door' should reactions turn sour. For a proposal whose key selling point is its finality, these are potentially serious shortcomings.

In general, there seem to be low levels of support in Israel for all of the key aspects of the Geneva Accord. In the Jaffee Center's *National Security Survey* of 2003 respondents were asked if they supported the details of the Clinton Parameters of December 2000. None of the key areas scored higher than 45 percent, with only 19 percent of respondents supporting the return of a *token* number of refugees and only 23 percent supporting withdrawal from the Jordan Valley. Support for Palestinian sovereignty over Al-Haram Ash-Sharif was also low (29 percent) and more than half of those questioned opposed transferring Arab neighborhoods in Jerusalem to Palestinian control.⁸¹

This suggests that any peace deal like the Geneva Accord, which is based upon the proposals of former President Clinton, is likely to face an uphill struggle with regard to winning support in Israel. If the Jaffee Center survey is representative then there appears to be little support for the kind of minimal concessions that any durable agreement must contain. Some of this hardening of attitudes may be due to the less favorable climate of the Intifada, although with regards to a withdrawal from the western part of the West Bank or the Jordan Valley, the poll data suggests that since the early 1990s there has been little support for such moves, with less than a third of respondents supporting either.

⁸¹ For further details of the poll see www.tau.ac.il/jcss/memoranda/memo67.pdf. Interestingly, with regards to handing over control of the Arab districts of Jerusalem to Palestinian control, the survey revealed that between 1994-2000, when respondents were asked if they supported handing over *East Jerusalem*, support averaged around 16 percent. However, after 2000 the wording was changed to "Arab neighborhoods of Jerusalem" and support jumped to an average of 45 percent. This suggests little support for a return to the Green Line in Jerusalem or for withdrawing from East Jerusalem settlements.

The Tami Steinmetz Center's Peace Index⁸² provides further signs that substantive concessions are currently unfavorable to Israelis. These polls always contain a question on support for the Oslo process. In the poll conducted in February 2004 only around 20 percent of respondents gave positive replies to this question. Given that for many Palestinians the Oslo Agreements are synonymous with an abrogation of their rights, this is not a very promising statistic. Of course, it may be the case that Israelis have negative views of the Oslo process because *too few* concessions were made to the Palestinians, but given other evidence as cited above, this is perhaps a little unlikely.

Beyond public opinion polls, there seems to be a sense among Israeli commentators that the Accord has been overtaken by events. For example, Yossi Alpher's remarks on the document expressed general support for the initiative, arguing that it offers a better future than anything else that has been presented recently. However, he claims that plans for a unilateral withdrawal from parts of the Occupied Territories have a greater chance of being implemented and will achieve some of the same aims as the Geneva Accord (in particular, staving off the 'threat' of rising Palestinian birthrates). Hence, the Accord is not worth seriously contemplating, for the time being at least.⁸³

Overall, Israelis seem to be lukewarm about the details of the Geneva Accord and generally disinclined to support moves towards a political settlement. The fact that Sharon and the Likud are in power and that popular support for Sharon is still relatively high even after widely publicized allegations of corruption suggests that moves towards proper negotiations are unlikely to begin soon.

Two accusations have been leveled at the Israeli Left regarding their motivation for engaging in the Geneva initiative. Firstly, they are accused of naked opportunism; they formulated an agreement with the Palestinians simply in order to further their own political agenda, and indeed to ensure their political survival by providing themselves with a distinctive role to play. Secondly, there is the charge that the Geneva Accord is simply a desperate response to the growing bi-national/demographic threat. In both cases, the insinuation is that the Left are not truly interested in a just peace; they are merely going through the motions in order to achieve certain political aims. I will

⁸² For details of all Tami Steinmetz Center polls see <http://spirit.tau.ac.il/socant/peace/>.

⁸³ See Alpher, Yossi, "Right Idea, Difficult Premises," *op. cit.*

examine these claims in more detail below but first it is worth briefly outlining the current state of the Israeli Left.

'Likud B' and the Disintegration of the Israeli Left

Historically the Israeli Labor Party, with its traditional leftwing coalition partners, has dominated Israeli politics. For most of the period since the creation of the State of Israel in 1948, the Labor Party (and its various precursors) has been in power or part of a governing coalition with Likud (so-called 'national unity' governments). Many of Israel's famous political figures - David Ben-Gurion, Golda Meir, Shimon Peres, and Yitzhak Rabin etc. - are from the Labor Left (or its forerunners). The veteran Labor MK Shimon Peres for example has been Prime Minister twice and Foreign Minister numerous times (although he has never led Labor to victory in a general election).

Following the assassination of Yitzhak Rabin in 1995, however, the fortunes of the Labor Party and the Israeli Left in general declined sharply,⁸⁴ and following the elections of 2003 in which Labor's representation in the 120-seat Knesset fell to just 19 seats, they reached an all time low. Some commentators are now claiming that the astounding success of Likud in last year's elections (Likud's representation in the Knesset doubled from 19 seats to 38) is more than just a temporary tactical shift in voting behavior and that it represents a fundamental strategic change in Israeli society and marks the beginning of the long-term ascendancy of the Right.

One of the key factors behind this dramatic decline in power is the failure of the Labor Party and the Left in general to significantly distinguish itself from the political Right. In recent years, the Left has allowed the Right to set the framework of political discourse in Israel and although Labor attempted to develop policies of its own, they were developed on the basis of rightwing premises. In relation to the Palestinian-Israeli conflict this essentially meant acquiescing in the face of rightist arguments that peace would only be achieved by deploying

⁸⁴ In fact, weaknesses in the Labor Party were evident long before Rabin's death. In the 1992 elections, the Labor-led bloc actually won fewer votes than the Likud-led bloc, despite winning the election, and the perception of the party as serving the interests of the Ashkenazi elite remained. The fact that Ehud Barak campaigned during the 1999 elections on a 'One Israel' rather than a Labor ticket in order to broaden his electoral base is a further sign of Labor's increasing weakness. See Lochery, Neill, *The Israeli Labor Party*, Ithaca: Cornell University Press, 1997, for a more in-depth analysis.

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force against the Palestinians - 'terror' must be crushed before negotiations can begin.

In fact, the differences between the Israeli Left and the Israeli Right have always been more pronounced on the domestic rather than the foreign/Palestinian front. On the latter, both the Left and the Right have shared roughly the same goals (keeping Israel strong, Jewish and as large as possible), differing only with regards to how to achieve them. In recent years, the Left has largely abandoned the view that a negotiated settlement with the Palestinians is necessary and has accepted the Right's argument that Israel must take action to secure its 'needs' with or without Palestinian cooperation.

The Labor Party's failings since 2001 when Ariel Sharon won the prime ministerial elections can for the most part be traced back to Ehud Barak's post-Camp David tactics. When those talks (hosted in July 2000 by President Clinton) collapsed, Barak put the blame for their failure squarely on Yasser Arafat, claiming that not only did Israel present a "generous offer" at Camp David,⁸⁵ but also, that Arafat's rejection of that offer was tantamount to a rejection of peace *in principle*. It was Barak and not Sharon who coined the phrase "There is no one to talk to," and it was also Barak who began the vicious clampdown on the Palestinians when the Intifada began in September 2000.

As Michel Warschawski⁸⁶ points out the problem with this strategy is that it fundamentally undermines the Left's political position of preferring a negotiated (rather than an enforced) settlement. If it is true that the Palestinians are no longer interested in peace, and that there is no partner for negotiations, then why bother to pursue a political solution to the conflict? Likud's position of resolving the conflict by force of arms makes infinitely more sense according to this logic, and indeed this is the conclusion that the Israeli electorate seems to have reached.

The Left has therefore invited electoral disaster by undermining its own political platform. By setting the stage for a return to overt violence against the Palestinians, Labor has strengthened the position of the Likud and the Right, who for the electorate are the party most adept at pursuing hard-line policies. Labor's political fortunes are inti-

⁸⁵ For a more in-depth analysis of the Camp David talks see www.nsupal.org/ncampdavid1.php.

⁸⁶ See Warschawski, Michel. "The 2003 Elections: Labor's Increasing Irrelevance?" *Journal of Palestine Studies*, Vol. XXXII, No. 3 (Spring 2003), pp. 53-63.

mately interconnected with the state of relations with the Palestinians. In times of 'peace' (or at least what passes for peace amongst the Israeli establishment), Labor performs well as they are perceived as better able to 'manage' negotiations, but any upsurge in violence tends to lead to a resurgence of the Right who are viewed as more competent on security issues.⁸⁷

During the 1996 elections, Arafat took steps to increase the chances of a Peres victory.⁸⁸ According to Said Aburish, "Everything Arafat did during this period was aimed at helping Peres win the Israeli elections."⁸⁹ In reality, of course, there was little he could do since his actual powers were limited, but he did amend the PNC Charter to exclude negative references to Israel in accordance with Israeli/US demands. In return, Peres paved the way for Palestinian elections by speeding up the Oslo II process and withdrawing the Israeli Army from certain Palestinian cities and towns. As expected, Arafat, the historic leader of the Palestinian national movement and a powerful national symbol, won the presidency by a landslide.

This episode highlights the relationship between the Israeli Left and the Palestinian political elite as led by Arafat. Both are aware of the benefits of supporting one another. For the Israeli Left, supporting the PA enables them to maintain a more stable security environment, which, in turn, benefits them during elections. For Arafat, the Left's more conciliatory line towards the Palestinians allows him to claim that progress towards Palestinian national goals is being made, even if in reality this is not the case. Rabin, for example, who Arafat regularly refers to as his "partner in peace," frequently stated his opposition to the establishment of a Palestinian state.

Barak, however, seemed to ignore this basic tenet of Leftist philosophy. Perhaps sensing a shift in the public mood in Israel following violent Palestinian resistance operations inside Israel, he took a more overtly hard line with the PA. Rather than seeking to try and prop up

⁸⁷ This was aptly demonstrated during the 1996 prime ministerial elections when the two main candidates sought to address their weak points with the Labor candidate Shimon Peres emphasizing his 'security' credentials and Likud's Binyamin Netanyahu stressing his commitment to peace (see Lochery, *The Israeli Labor Party*, op.cit., pp.255-56).

⁸⁸ The elections in 1996 (Peres vs. Netanyahu) were the first time the Prime Minister of Israel was directly elected by popular vote. This practice ended after the 2001 elections.

⁸⁹ Aburish, Said. *Arafat*. New York: Bloomsbury, 1998, p.297.

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Arafat, he fundamentally undermined his position and made him the scapegoat for the failures of the 'peace process.' This shift in tactics may end up costing Labor and the Israeli Left dearly as Likud has successfully capitalized on the ensuing violence. There are signs, however, that the post-Barak Left is seeking to return to its tried and tested formula for electoral success.

The Geneva Accord and the Political Opportunism of the Israeli Left

Part of the Left's problem has been a lack of distinctive solutions to the current impasse. Two of its 'big ideas' have already been stolen, in classic political fashion, by Sharon and the Right. The Separation Wall, originally suggested by the Left as a way of keeping the two populations apart, has become the key strategic weapon of those, like Sharon, who wish to pursue a policy of 'cantonization.' As originally conceived by the Left, the wall would run along the Green Line and would act as a de facto border, but as the Right see it, it should cut deep into what is left of Palestinian land and force the inhabitants of the West Bank into a giant ghetto and this is exactly what is happening now. Opposed at first because it would create irreversible facts on the ground, the wall is now heartily endorsed by the Right precisely because it will create irreversible facts on the ground.

Similarly, with regards to Sharon's 'unilateral disengagement plan,' the Left have had the rug pulled out from under them. During the last general election campaign in Israel, Amram Mitzna, leading the Labor Party, called for a unilateral withdrawal from Gaza if negotiations failed to achieve results after 12 months. At the time, he was vilified by Sharon who argued that an Israeli military presence in Gaza was essential for "security reasons" and that withdrawal would leave Tel Aviv dangerously exposed and would "reward terror."

Since then, however, Sharon has changed his mind. Now withdrawal from Gaza is a wise move that will help to enhance rather than jeopardize Israel's security. The result is that Labor and the Left have lost control of the ideas that distinguished them from the Right, and as such have no distinct vision. Hence, so the argument goes, the Geneva Accord - a return to the 'final status track.'

The Geneva Accord is meant to revive the flagging fortunes of the Left and help them to develop a clear and distinct platform that separates them from Sharon's heavy-handedness. A key problem though is that

the official Labor leadership does not support the Accord. Shimon Peres, now leading the party once more, has refused to endorse the agreement, saying only that it could be "the basis for negotiations,"⁹⁰ which leaves the impression that only a marginalized section of the Left, devoid of real power, is behind it.

One theory is that Beilin and associates are using the Accord to try to claim the leadership of the leftist bloc. By engaging with supposedly influential Palestinians they aim to persuade them to agree to a cessation of resistance activities, which would help Labor gain power, just as Yasser Arafat tried to help Peres' re-election campaign in 1996 by making concessions, unsuccessfully, as it turned out. This viewpoint is given credence by the fact that one factor that unites the Palestinian negotiators is an opposition to the route the current Intifada has taken. In general, they support a return to the political track, and perhaps the Israeli Left hope that these individuals can build a constituency amongst the Palestinian public in favor of a cessation of resistance activities. An end to the Intifada could be portrayed as a genuine political achievement by the Left and would act as a significant electoral boost.

Of course, one might argue that the chances of the Palestinian Geneva team being able to significantly impact upon Palestinian public opinion are slim. Indeed, one of the key members of that team has openly acknowledged that they lack individuals with the right public relations experience, and as such building support on the Palestinian side will be a formidable undertaking.⁹¹ The recent indications from the Islamic movement that they may be willing to consider a partition-style settlement is at least a sign that such a project may be possible, in theory at least.⁹²

Palestinians though may feel, with some justification, that they have little reason to trust Labor. Once in power, and leaving its political rhetoric aside, the party has shown itself to be little different from the Israeli Right, pursuing the same policies of occupation, land confisca-

⁹⁰ Az-Zabri, Haithem. "Geneva Accord - PA Selling Out Palestinian Rights?" *The Electronic Intifada*, 23 October 2003, available at <http://electronicintifada.net/v2/article2096.shtml>.

⁹¹ Talk by Dr. Nazmi Jub'eh at a PASSIA Roundtable Meeting on 11 February 2004 on the Geneva Accord, see www.passia.org/meetings/2004/Jan-10-Geneva-Accord.htm.

⁹² See, for example, Milne, Seumas, "Too Late for Two States?" *The Guardian*, 24 January 2004.

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tion, settlement expansion and closure. As Rifat Odeh Kassis, Executive Director of the East Jerusalem YMCA, recently put it: "Why should [the Palestinians] pay the price to strengthen an already cowered and duplicitous Israeli Left?"⁹³

A further problem is that, ironically, Sharon's adoption of the Left's disengagement plan may well put an end to any hope of seeing the Left's *new* plan, the Geneva Accord, realized. Indeed some have speculated that the Geneva Accord itself has contributed to Sharon's enthusiasm for withdrawal from Gaza. If Sharon goes ahead with his pledge to disengage, the Accord could be finished before it has had a chance to get off the ground.

As Kassis points out, it is hard to take seriously leftist Israelis' new-found desire to promote peace. After all, they had ample opportunity prior to Sharon's election to challenge the Barak line and push for a real peace effort, yet they chose not to. Shlomo Ben Ami, a former Labor minister, says he now supports an international mandate over the Occupied Territories.⁹⁴ One has to question why he is making this claim now when he is at his most powerless, rather than earlier when he might have wielded genuine influence.

Overall, the impression is that the Israeli Left are desperate for a new message, and the Geneva Accord, which is being marketed as a complete and comprehensive deal, is what a certain sub-section of the Israeli Left are pinning their hopes on. Palestinians, on the other hand, are left with the distinct impression that the Geneva Accord is an Israeli affair, a product of the internal politics of the Left, and as such of no concern to them.

Geneva and the 'Bi-national Threat'

The Geneva Accord has emerged, not accidentally some would argue, at a time when talk of and concern about a 'bi-national' solution to the Palestinian/Israeli conflict is more widespread than ever before. More and more intellectuals and commentators, both inside and outside of Israel/Palestine, are suggesting that a one-state solution is rapidly becoming the only viable option. Settlement expansion and the sepa-

⁹³ "The Israeli Left and the Geneva Accord: Rhetoric or Reality," *News From Within*, Vol. XIX, No. 9 (December 2003).

⁹⁴ Speaking at a conference at Yale Law School, see www.law.yale.edu/outside/html/Public_Affairs/367/yis_article.htm for details.

ration will have made the prospect of an independent Palestinian state untenable, and the Palestinians are left with little choice but to change their strategy and demand annexation and equal rights as part of a single political entity.

In political terms, such voices are still marginal. Until relatively recently, discussion of bi-nationalism was regarded as 'taboo' by Palestinians and hence there was little pressure on the Israelis to react to the idea. Nevertheless, their talk is now sufficiently worrying to mainstream Zionism that politicians on the Left and the Right have begun formulating strategies to prevent such a possibility from becoming actual. For the rightwing this amounts to disengagement and 'cantonization,' i.e., forcing the maximum number of Palestinians onto the smallest amount of land, as Deputy Prime Minister Ehud Olmert would have it.⁹⁵

But what is the Left's position? A one-state solution is just as much anathema to them as it is to the Right, leading as it would to the end of an exclusively Jewish state, the central aim of the Zionist endeavor. For them there is just as great a need to provide a concrete alternative to a bi-national state that can be put into action as soon as possible before demographics and Israeli activity make their cause a hopeless one. The Geneva Accord, a supposedly comprehensive and conclusive plan for two states, is perhaps what they have been looking for.

Whether the production of the Geneva Accord was directly influenced by the fear of a one-state settlement is unclear, but there is little doubt that in general, talk of this kind of outcome has helped to motivate those who oppose it to formulate alternatives. The Geneva Accord is just one of many other plans put forward recently. Gush Shalom, the official Labor Party, Likud, the Yesha Settler Council and others have all proposed solutions in recent months.

The trouble with this kind of analysis, i.e., that the Israelis are desperate to sign an agreement in order to stave off a one-state future, is that if it is true then it suggests that the Palestinian negotiators are poor tacticians. After all, if the Israelis really were eager to sign something, then presumably they would be willing to make some significant concessions. The fact is, the Geneva Accord is simply not that good an agreement; in fact, even a cursory glance at its provisions reveals that

⁹⁵ See Landau, David. "Maximum Jews, Minimum Palestinians," *Ha'aretz*, 13 November 2003.

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it is highly favorable to Israel, so it would seem that either the Israelis are not as concerned about bi-nationalism as some would claim, or the Palestinian negotiators lack the skills to extract serious concessions.

An alternative view might be that Israelis aren't worrying about a one-state solution because they know that it will never be accepted. Just as radical Likud politicians are willing to concede land they once held sacred in order to improve the demographic balance in their favor, other politicians on the left or in the center will endorse separation in order to preserve a Jewish majority. Hence, there is no need to make truly 'painful' concessions, because if the Palestinians reject a two-state deal, the Israeli political elite is prepared to prevent a bi-national state emerging by other means.

In other words, the threat of the 'bi-national option' is a double-edged sword. On the one hand, it may well encourage left-leaning Zionists to renew their efforts to formulate a mutually acceptable negotiated settlement, but if these efforts should fail, the bi-national threat will lead Israel to take whatever steps necessary to circumvent it. If Palestinians want a viable state, then trying to extract concessions by threatening to call for annexation may well backfire.

Rather than risk the political fallout from making major concessions to the Palestinians, the Left will endorse the kind of action the Right is prepared to take, i.e., forcing a 'mini-state' on the Palestinians knowing they can build a consensus for this if the racial balance of the 'Jewish' state is threatened. If it comes to a choice between Zionism with 'unpleasant' ethnic cleansing or a democratic but non-Zionist state, it seems likely that the political establishment in Israel, which is fully committed to Zionist discourse, will choose the former. The 'threat' of a bi-national state is perhaps not as threatening as it might seem.

Nevertheless, the Left has to perform a difficult balancing act. The danger in the position adopted by Beilin and his followers is that it is very similar to what the Right is saying. The Israeli Left seems to share the Right's maximalist and survivalist outlook; maximalist in the sense that it seeks to concede the minimum possible amount of land, and survivalist because of a desire to protect the Jewish majority in Israel at almost any price. The difference between them amounts to where they choose to draw the line between what is acceptable and what is not.

The problem with this is that as has happened in the past, the electorate may simply see no reason to vote for Beilin and the Left in general when their position is so similar to the Likud's. Meanwhile, individuals who are part of the *real* Left are starting to acknowledge the tension within Zionist logic. On the one hand, they are still Zionists, eager to hold on to an exclusive Jewish state, but at the same time they are worried about what that is going to mean. If Zionism comes to entail (overt) apartheid then that is a step too far for them. For the Right, this is not a problem since they eschew liberalism, but for the Left it is a serious issue.

As things stand now, this tension has not properly surfaced. Israelis are still in denial about the direction Sharon is taking them in and so a proper debate about the future has not yet taken place and may not take place for some time. Israelis continue to cling to the two-state solution believing that it is still a viable option and that, given time, it could be implemented. The two-state formula, however, was always modeled along Israeli lines with Israeli concerns in mind, never with proper reference to Palestinian needs and aims, so although both Palestinians and leftist Israelis talked about the same thing (two states), they were actually referring to different things.

What that has translated into now is the complete disconnection of the two-state idea from political reality. Because a Palestinian 'state' was always understood as the minimum amount of land Palestinians could be persuaded to accept, there was no proper frame of reference for it. Israelis seem to believe that Palestinians will be happy with the 'reserve' that they will be left with after the separation barrier is complete, largely because they have never bothered to consider what Palestinians want and need.

Either that or Israelis have simply stopped caring about such things. They just want to be rid of the troublesome 'natives,' and they hope that the wall will allow them to forget, for a while at least, about the Palestinians. Either way, the Palestinians are fast reaching the point where they see that the two-state idea is no longer something worth thinking about. Similarly, the number of voices inside Israel that are warning of the dangers inherent in Israel's current approach is rising inexorably.

The 'Left,' as represented by Beilin and his allies, could soon find itself without a constituency as the battle lines in Israeli society are redrawn. On the right is Likud willing to embrace apartheid and chastis-

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ing Beilin for his weakness and his inability to accept the logic of his position. Likewise, from the left he is attacked by those who cannot allow Zionism to develop into an overtly racist doctrine and attack Beilin for acquiescing to this reality and risking the possibility that Israel will become a pariah state.

It could be that the Geneva Accord will come to be the 'last gasp' of the two-state approach. It is significant that the authors of the Accord make no reference to facts as they are now, perhaps silently acknowledging the formidable obstacles that now stand in the way of implementation. Only by leaving the Accord frozen in time is it possible to maintain the illusion that it could relatively smoothly turn into reality. The separation barrier, expanding settlements and the supremacy of the Right are all uncomfortable truths that make marketing the Accord far more difficult.

An optimistic reading of Israeli politics could lead to the conclusion that the political spectrum in Israel will be reconstituted in the near future to become a distinction between those who continue to support a Jewish state at any price and those who start to think of Zionism as being compatible with less than full statehood, i.e., with some form of bi-national solution, as a way of avoiding the high moral and political price that will have to be paid for Israel as a violent 'ethnocracy.'

This is perhaps a little too idealistic, but nevertheless, the Geneva Accord is the furthest Israel can realistically go down the two-state route before its current formulation becomes threatened. Will the Left acknowledge this and, acknowledging that the dream of partition is dying, adopt a new stance? Only time can answer that question.

Is the Accord Influencing the Right's Agenda?

Eighteen days after the official launch of the Geneva Accord, Israeli Prime Minister Ariel Sharon gave his annual 'Herzliya' speech⁹⁶ in which he outlined plans which were to "include the redeployment of IDF forces along new security lines and a change in the deployment of settlements." He stated that Israel would withdraw from those settlements that "will not be included in the territory of the State of Israel in

⁹⁶ For the last two years the Israeli Prime Minister has given a speech on security issues at the Herzliya Annual Conference, held in December 2003. Further details can be found at www.herzliyaconference.org.

the framework of any possible future permanent agreement.⁹⁷ The implication of this speech was that Israel was planning to withdraw from Gaza and possibly some of the isolated settlements in the West Bank too.

Sharon's 'unilateral disengagement plan' was attacked by both the Left and the Right. Many assumed that it was a gimmick and that the Israeli Prime Minister had no intention of acting on his plan. After all, Sharon is one of the founders of the settlement project and the idea that he might suddenly start dismantling his handiwork seemed highly implausible. The fact is, of course, that this would not be the first time that Sharon had dismantled settlements as he was in charge of removing the Sinai colonies in the wake of the Camp David treaty with Egypt. Sharon has shown himself willing to sacrifice certain aims for the sake of longer term strategic needs. In the time since the Herzliya speech there have been abundant signs that Sharon is serious about his commitment to withdraw. His ministries have been drawing up plans for evacuating and re-housing settlers, and recently it has been announced that Likud members will be asked to vote on the plan.

For the Israeli Right, of course, any withdrawal from 'The Land of Israel' is unforgivable and Sharon's extremist coalition partners have made it clear that they are unhappy with the plan and may pull out of the government if he goes ahead with it. Meanwhile, the Left has generally confined itself to criticizing the details rather than the principle itself, especially given (as mentioned above) that unilateral withdrawal was Labor Party policy at the last general election. According to Yossi Alpher, if the disengagement plan is appropriately formulated it could help to forge a broad coalition of Left and Right parties comprised of Labor, Shinui and Likud.⁹⁸

For Palestinians, the concern with Sharon's disengagement plan is that it will result in the annexation of areas Israel remains in and that it will in effect determine the permanent borders. If the borders of the Palestinian state were based on the route of Israel's separation barrier (a likely point for the unilateral withdrawal in the West Bank), the viability of the two-state solution would be fatally compromised. It is entirely possible that Sharon is taking steps to impose a final settlement, on his

⁹⁷ For the full text of Ariel Sharon's Herzliya speech see www.standbyisrael.org/emails.php3?id=335.

⁹⁸ See "Weekly Americans for Peace Now Q and A with Yossi Alpher," available at <http://www.peacenow.org/nia/briefs/QA020904.html#top>.

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terms, that will produce a Palestinian 'state' that is neither viable nor stable.

To what extent has the Geneva Accord influenced Sharon's thinking? It has been claimed that in the short time that has elapsed since it was signed on 13 October 2003, "the Geneva Accord has become the term of reference in every political and expert debate on the parameters of a permanent status agreement."⁹⁹ The implication of this is that the Accord has also had an influence on the Israeli Prime Minister. It is plausible to suppose that concerns about the possible emergence of a concrete plan not fitting with his political goals would spur him on to prevent it from being acted upon.

At the same time, the disengagement plan is not necessarily incompatible with the Geneva Accord or other plans, such as the ill-fated 'road map.' It is always possible, as Sharon claims, that any withdrawal conducted by the Israeli Army will only be temporary and will not determine the final borders. It is not impossible, therefore, that Israel will choose to dismantle its separation barrier and withdraw closer to the 1949 Armistice Lines.

However, given the enormous costs of constructing the barrier (around US\$1.5 million dollars per kilometer) and the fact that international pressure on Israel to halt construction has to date had no effect, it is perhaps unlikely that it will be removed so easily. Furthermore, if Sharon chooses to annex parts of the West Bank and cement Israeli control over these areas in advance of any peace agreement, then the scope of any future negotiations will be limited. Combined with Sharon's visceral dislike of the Geneva Accord (he described it as "suicide" for Israel)¹⁰⁰ it is unlikely that any government led by him or anyone similar will be interested in altering the borders to make a Palestinian state more plausible. The worry is that future Israeli governments will find it easier to adhere to the borders as drawn by the disengagement plan rather than risk the political turmoil that will ensue from any attempt to cede more territory.

The risk for the Geneva Accord negotiators is that Sharon may make sure that the Accord, or any document like it, becomes obsolete. The brute facts are that Beilin and his Yahad Party are in opposition and

⁹⁹ Klein, Menachem. "The Logic of the Geneva Accord," op. cit.

¹⁰⁰ Goodspeed, Peter. "Geneva Accord Leaves Both Houses Divided," *National Post*, 4 December 2003.

lack political power, whilst Sharon is Prime Minister. If Sharon dislikes the agreement (as he does), then he can do something about it. The Israeli negotiators have to hope that when (or indeed if) they are finally in a position to implement the agreement, it is still applicable to the situation on the ground.

This, of course, raises the question of how durable the document actually is. The Geneva team have gone to some lengths to avoid referring to facts as they are now, which presumably helps to make the agreement more lasting. There is no mention of the barrier, no reference to specific settlements in the context of evacuations (so if new settlements are built the Accord can deal with that), and no detailed description of the final borders (a "technical commission" will draw the borders if and when the Accord enters into force).¹⁰¹

Drafting the document in this way makes sense given the poor state of the Israeli Left. Beilin knows that a finely detailed document could easily be overtaken by events, especially if the Right takes deliberate steps to counter it, and it is therefore prudent to leave most of the specifics to a later stage when the Left is in control. The downside of this strategy (if indeed this has been the thinking of Beilin and his team) is that the difference between the Geneva Accord and its rivals like the People's Voice principles becomes eroded. The Accord becomes just another set of principles, albeit one that is slightly more comprehensive in scope. If one's aim is to produce a flexible, durable document then the Nusseibeh-Ayalon initiative is more successful in this regard.

In actual fact, though, the Accord only has a limited lifespan, and if there is significant growth of the settlement blocs, especially around Jerusalem, or the barrier is completed in a way that is acceptable to most Israelis, then the Geneva Accord will become much more difficult to implement. There are high levels of support for the barrier amongst all sectors of Israeli society, regardless of the route it takes, so tearing it down (a prerequisite for the implementation of the Accord) is likely to be unpopular.

Has the Left played its hand too early? Is the Right about to take steps to ensure that the Accord is consigned to the history books before it has had a chance to be implemented? Of course, it is too early to judge for the time being, but it is entirely possible that even if the Left

¹⁰¹ Geneva Accord, Article 4, Section 4 (a).

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returns to power in the near future and is mandated to put into action the Geneva Accord, the agreement will have to be renegotiated to take into account new realities.

GENEVA AND ITS IMPLICATIONS FOR THE PALESTINIANS

The Geneva Accord is more than simply a peace proposal drawn up by groups of individuals from the two communities. It is the product of the current balance of power between Palestinians and Israelis, and it is also the product of current Palestinian strategy. As such, the Accord can tell us much about the imbalances between the two sides, the shape of Palestinian thinking, and the likelihood of the Palestinians achieving the goals they have set for themselves.

In a discussion conducted at PASSIA in March 2003, Diana Buttu, a senior member of staff at the Negotiations Support Unit (NSU) of the PLO, argued that ever since the Washington talks in 1991, which marked the beginning of the 'peace process,' negotiations between Palestinians and Israelis have focused on power considerations rather than the requirements of International Law.¹⁰² Given the extreme power disparity this has inevitably translated into a weak Palestinian negotiating position and the failure to achieve any substantial progress towards the historic national goals of the Palestinian people.

This power disparity has not improved since the early 1990s; indeed it has worsened to the stage where the Palestinians have virtually no leverage at all over the Israelis. The Geneva Accord must be evaluated bearing this in mind and its details examined with an acknowledgement that the negotiators were not working in a power vacuum. If there are unsatisfactory clauses in the agreement then these should serve as an important guide to understanding where the Palestinians are strategically and what they can conceivably extract from the Israelis at the negotiating table.

To begin with, it is worth briefly summarizing the various Palestinian reactions to the document and assessing the form criticism (or praise) of it has taken. Which clauses have attracted the most attention, and what aspects of the agreement do the Palestinians find the least satisfactory?

¹⁰² For a detailed summary of Ms Buttu's remarks see www.passia.org/meetings/2003/March24-Text.htm.

Outrage and Indifference: Palestinian Reactions to the Accord

Depending upon which source one consults, Palestinians have reacted to the Geneva Accord with either ambivalence or outright animosity. A large number of opinion pieces from Palestinian media outlets have harshly condemned the plan as a betrayal of the Palestinian position. Many have felt that the cherished right of refugees to return to their homes in what is now Israel should not have been abrogated quite so readily. At the very least, Yasser Abed Rabbo, head of the Palestinian negotiating team, should have fought for greater Israeli concessions to compensate.

At the grassroots level there has also been open hostility to Abed Rabbo, who some have labeled a "traitor." His home has reportedly been attacked and marches and demonstrations have been called opposing the deal, with more vocal elements calling for Abed Rabbo's death. At first glance, one may be forgiven for thinking that public opinion in the West Bank and Gaza was hardened against the Accord.

However there is another much more complex reading of Palestinian reactions. Firstly, a poll in *Ha'aretz* claimed 56 percent of Palestinian respondents support the agreement, with only 39 percent opposed.¹⁰³ This is a higher level of support than was found in Israel. A second poll conducted by Birzeit University's 'Development Studies Program' suggested that support was more muted, with 43.4 percent in favor and 48.5 percent opposed (though in the West Bank there was a slight majority in favor).¹⁰⁴ The most intriguing fact, however, is that the Birzeit poll suggests that it is not the refugee issue that prompts negative reactions (even in Gaza the figures were only 56.2 percent against and 38.7 percent in agreement with the refugee plan, with even closer figures in the West Bank), so much as the issue of Jerusalem.

The poll found that in Gaza 79.9 percent of respondents opposed the clause allowing Israel to annex three of the East Jerusalem settlement blocs while 71.8 percent rejected the notion of shared sovereignty over the Holy Places. In comparison with the more muted responses to the clauses relating to the refugees, these figures are surprising given the supposed importance attached to the 'right of return.'

¹⁰³ Associated Press. "Poll: Most Israelis, Palestinians Support Geneva Accord," *Ha'aretz*, 24 November 2003.

¹⁰⁴ For more information see www.home.birzeit.edu/dsp.

Two important disclaimers should be attached to the results of the Birzeit poll, however. Firstly, more than half of those polled (56.2 per cent) had not heard or read about the Geneva Accord. Clearly this puts the rest of the data in a less convincing light, and most respondents (as with the *Ha'aretz* poll) had to rely on the pollster's summary of the agreement in order to form their opinion.

Secondly, the sample size is relatively small (600) and the data cannot therefore be properly regarded as an accurate reflection of the 'general view.' Nevertheless, it does raise some interesting questions about just what the true level of support for Geneva is, and more crucially, which issues are most important to Palestinians. Perhaps the assumption that refugee rights are regarded as sacrosanct is no longer a tenable one, although again, more substantial evidence would need to be amassed if that conclusion is to be plausibly asserted.

The possibility of flaws in the Birzeit poll is underlined by a third poll conducted jointly by the Palestinian Center for Policy and Survey Research (PCPSR) and the Truman Institute at the Hebrew University.¹⁰⁵ This poll found the lowest overall level of support for the Geneva Initiative in both communities. The sample size in the Palestinian community was more than double that for the Birzeit poll (1,319) with a lower margin of error (three per cent). The poll found that only 19 per cent of Palestinian respondents and 34 per cent of Israelis support the agreement. Support amongst the former jumps by 20 percentage points after exposure to the details of the document, whilst opposition also rises from 44 per cent to 58 per cent. Once Israeli respondents were provided with full details support rose to 47 per cent, with opposition at 49 per cent.

The clause receiving greatest Palestinian support is that relating to territory: 57 per cent are in favor of an Israeli withdrawal to the Green Line with a 1:1 territorial exchange. The proposal to deploy an international military force to provide security is also favorable to Palestinians, with 58 per cent supporting this idea. Palestinians are strongly opposed to the clause pertaining to the refugees (25 per cent in favor, 72 per cent opposed) and also to those aspects of the agreement that restrict Palestinian sovereignty (23 per cent in favor, 76 per cent opposed). Israelis support the idea of a demilitarized state (61 per cent) and the component of the Accord that ends the conflict and prevents

¹⁰⁵ See www.amin.org/eng/uncat/2003/dec/dec17.html.

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further claims being made (66 percent). They oppose the Jerusalem agreement (57 percent) and the refugee clause (61 percent).

The PCPSR/Hebrew University poll clearly contradicts the findings of the Birzeit poll. Whereas the latter found ambivalence amongst Palestinians regarding the refugee issue, the former found strong opposition, whilst on the Jerusalem issue the situation was reversed. In addition, overall levels of support are higher according to the Birzeit data, with opposition more muted. Bearing in mind the protests, threats of strikes and violence against the Palestinian negotiators, the PCPSR/Hebrew University poll appears at least to be more in tune with Palestinian thinking as reflected in the many articles and op-ed pieces that have been published on the Accord.¹⁰⁶

The discrepancies between all three polls suggest that there is possibly a great deal of variation of opinion within both communities and also a great deal of ignorance about the details of the Accord.¹⁰⁷ The data from the third poll in particular seems to suggest that a large percentage from both populations has yet to make up its mind about the agreement. The architects of the document will need to do more it seems to promote it if they want more favorable reactions.

Another factor that is probably significant in affecting Palestinian reactions to the Geneva Accord is the likelihood of any kind of peace being achieved, and perceptions thereof. The Birzeit poll revealed that only slightly more than a third of respondents felt that peace would prevail between Israelis and Palestinians in the coming years. Furthermore, more than 90 percent of respondents did not believe that Prime Minister Sharon would be willing to sign a deal in the near future. Given this, Palestinians are less likely to view any peace initiative sympathetically since all are viewed as being currently unrealizable.

¹⁰⁶ See, for example, Bishara, Azmi. "A Glimmer of Nothing," *Al-Ahram Weekly*, Issue 661, 23-29 October 2003 (available at <http://weekly.ahram.org.eg/2003/661/op10.htm>) or Az-Zabri, Haithem, "Palestinians Outraged by Geneva Accord," *Alaqsaintifada.org*, 19 October 2003 (available at www.palestinemonitor.org/Analysis/palestinians_outraged_by_geneva.htm).

¹⁰⁷ The opinion polls that have been conducted have tended to show that a large proportion of the members of both communities has not read the agreement and hence has had to rely on pollsters' summaries when responding to poll questions. As I indicated earlier, in at least one poll, the *Ha'aretz* poll, there was concern that respondents had not been given an accurate summary of the agreement and so the data was compromised. This factor alone could explain to a great extent the wide divergences in the available opinion poll data.

However, the instantly hostile reaction from Ariel Sharon and other rightwing MKs may have done much to boost the Geneva initiative's credibility in the West Bank and Gaza. Any agreement that is hated so much by Sharon, the argument goes, cannot be all bad. Whether Sharon's displeasure is sufficient to encourage a broad constituency for the deal is highly debatable, and it is plausible to suppose that his reaction merely served to heighten public awareness of the deal rather than shape lasting convictions.

Certain interest groups within Palestinian society, in particular the refugee advocacy groups, have condemned the agreement as a betrayal of the national cause. In their opinion, the agreement is unsatisfactory on at least two grounds. Firstly, it fails to even recognize refugee rights, let alone fulfill them. Secondly, the refugees themselves were not consulted during the negotiations; instead, the Palestinian team took it upon themselves to speak on their behalf, without consulting them. This is part of the pattern that has emerged since the Oslo Accords were signed. The refugees have become a marginal group in the Palestinian nation and they are rarely consulted properly, if at all, even though they constitute a majority in terms of the total Palestinian population.

The main Palestinian factions have reacted angrily to the agreement as well, with divisions emerging in Fateh over the initiative. Some of the participants in the initiative were senior members of the movement, for example PLC members Qadura Fares and Hatem Abdul Qader. The latter refused to attend the official launching ceremony in Geneva claiming that Arafat had not given him permission to go. He claimed that the Accord was leading to tensions within the faction and that "some Fatah leaders are exploiting the agreement to incite against us and organize street protests."¹⁰⁸ The former though was apparently encouraged to attend by Arafat. He claimed that the "goals of the Geneva Accord are to create a rift in the Israeli street and a crack in the Sharon government."¹⁰⁹

However, several senior members of the Fateh movement were openly critical of the Accord and those Palestinians who participated in the drafting of them. In some of the harshest criticism, Fateh official As'ad Abu Sharkh described the Palestinian negotiators as "a handful of

¹⁰⁸ Quoted in Toameh, Khaled Abu and Lahoud, Lamia, "Fateh Official: Initiative Designed to Divide Israelis," *The Jerusalem Post*, 1 December 2003.

¹⁰⁹ *Ibid.*

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pigs.”¹¹⁰ Given the extent of divisions within the Fateh movement over this issue, it is perhaps understandable that Yasser Arafat has declined to make a verbal public statement. Although a written statement from him was read out at the ceremony, it was not supplemented with further confirmation of support.

Both Hamas and Islamic Jihad leaders have argued that the negotiators have no mandate from the Palestinian people, with one Hamas official saying that they “are marginal figures that do not represent the Palestinian people.”¹¹¹ The leftist groups, the PFLP, DFLP and FIDA were also critical, again claiming that such a marginal group of Palestinians had no right to negotiate on behalf of the people as a whole. Interestingly, the latter group, FIDA, is the organization that Yasser Abed Rabbo, the chief Palestinian negotiator, founded.

What Do Palestinians Want?

The kind of criticism that has been directed at the Geneva Accord team raises two broad issues. Firstly, there is the question of who has the right to speak on behalf of the Palestinian people; a common argument used against the Geneva initiative negotiators was that they believed themselves mandated to make concessions when in fact they were not. Secondly, there is the issue of how compatible the various goals of the Palestinian national movement are and how exactly they are to be realized in practical terms.

The issue of representation is an important one in the current climate and it is relevant not just to discussions of the Geneva Accord but also to all spheres of Palestinian political life. Since the establishment of the PA in 1994, the PLO has been gradually marginalized as an organization, with the PA acting as the main conduit for discussions with the Israelis (although the PLO is officially the body that conducts negotiations).

There is, of course, considerable overlap between the two bodies. Both are headed by Yasser Arafat and both are dominated by his faction, Fateh. The difference is that smaller factions have at least some input into the PLO whereas the PA is in effect just Fateh given the latter’s

¹¹⁰ Quoted in Amayreh, Khalid, “Geneva Dissension,” *amin.org*, 3 December 2003 (available at www.amin.org/eng/khalid_amayreh/2003/dec03.html).

¹¹¹ Quoted in Regular, Arnon, “The Press in Conflict/In the Mosques, the Geneva Accord is Ridiculed,” *Ha’aretz*, 6 November 2003 (available at www.shaml.org/ground/geneva/arnon%20regular.htm).

overwhelming 66 percent majority in the PLC. Even more crucially, the PLO supposedly represents all the Palestinian people regardless of where they currently reside, whereas the PA represents only those Palestinians in the West Bank, Gaza and East Jerusalem. This has meant that the majority of the Palestinian people, the refugees outside and those Palestinians living in Israel, have no voice.

This problem is compounded by the fact that there have not been elections for the PLC or for the office of the Presidency for more than eight years, even though they should have been held in 1999 (the upsurge in violence and the Israeli reoccupation of the West Bank has made the holding of elections impossible). This raises the question of whether PLC members and Arafat himself can still claim a mandate from the people, potentially leaving Palestinians in the position of not having any fully legitimate representatives. When negotiations with the Israelis are conducted, the Palestinian leadership cannot therefore truly claim that they legitimately represent the people. Ironically, of course, the Geneva Accord negotiators could argue that they have just as much of a mandate to negotiate as the 'official' leadership does.

In order for a proper negotiating team to be established, it is essential that elections of one form or another be held. Mustafa Barghouthi has argued that the political system must be opened up and legislative and presidential elections should be held as soon as possible, before negotiations can take place.¹¹² But will this fully solve the problem? After all, the refugees outside Palestine and Palestinians in Israel will not get an opportunity to vote in such elections so they will remain disenfranchised. In order for all sectors of the Palestinian nation to be fully included in discussions about the future, some larger body needs to be empowered, whether that means reinvigorating the PLO or creating a new organization.

The second problem relates to the goals that the Palestinian nation has set for itself. In particular, it is important to focus on the question of the refugees. As Anwar Hamam argues,¹¹³ the refugees and their advocacy organizations need to begin a debate about what the right of return actually means and what practical mechanisms will need to be developed in order for it to be realized. Is it possible for all the refu-

¹¹² Barghouthi, Mustafa. "To Negotiate Palestinians Need Free Polls," *The Daily Star*, 12 December 2003.

¹¹³ Hamam, Anwar. "The Geneva Agreement and the Refugee Movement: Questions and Challenges," *amin.org*, 1 March 2004 (available at www.amin.org/eng/uncat/2004/mar/mar012.html).

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gees to return back to their towns and villages, and if so how will this be achieved? Perhaps only a proportion of the refugees can realistically be absorbed back into what is now Israel, but if this is true which Palestinians will be allowed to return, how will they be selected, and what will happen to the remainder?

A further crucial question is the relationship between the right of return and the apparently widespread desire for a Palestinian state. Are these two goals compatible? After all, there is some logic to the Zionist argument that in a two-state scenario, where there is one Jewish state and one Palestinian one, the refugees' proper place would be the latter. Allowing them to return to Israel would undermine the racial balance of the Jewish state and would threaten its continued existence as such. This is the argument used by Yasser Abed Rabbo to justify the clauses relating to refugees in the Geneva Accord. In an interview in *Tikkun* he asserted,

"People who criticize us forget that the PLO accepted UN Resolution 242 over fifteen years ago, and accepted the two-state solution, which means that one state will be Israel with a Jewish majority, or a Jewish state, and the other state is the Arab Palestinian state. So Palestine will be the homeland for the Palestinian people."¹¹⁴

Of course, one could argue that accepting the two-state solution as a model for peace does not necessarily involve accepting the idea of an exclusive Jewish state. Nevertheless, if one does accept the idea of such a state then the argument that refugees should return to a Palestinian state (should one be created) seems to follow from that. Therefore, it would seem that the two aims, bringing the refugees home and establishing a Palestinian state, are not coextensive and Palestinians must decide which is more important and which they prefer to focus their efforts upon.

During the 1990s, the PA was able to take advantage of the insubstantial nature of the Oslo process and claim that all the aims of the Palestinian national movement were ultimately realizable. The fact is, however, that they had embarked upon a path whereby certain goals, the right of return in particular, were no longer realistically attainable. Hence the PA had in effect unilaterally decided that the establishment of a Palestinian state should take precedence over the rights of the

¹¹⁴ See "An Interview with Yasser Abed Rabbo," *Tikkun*, op. cit.

refugees, without consulting the Palestinian people and without making such a policy decision clear.

Similarly, there is the question of what kind of state the Palestinians are willing to accept. Is it sufficient to establish an entity that is called a 'state' but which lacks many of the key attributes of one and is in a relationship of dependency with its hostile neighbor? According to Yasser Abed Rabbo a demilitarized state that has foreign troops on its soil and whose economic fortunes are tied to Israel can still be regarded as sovereign, but is this true? More crucially, do *Palestinians* think that it is true, and is this the kind of state that they are prepared to accept? Again, the Palestinian leadership is making choices or at least, as a result of its actions, closing off certain avenues without adequately consulting its constituents and at the same time continuing to maintain the illusion that it can deliver fully on Palestinian aspirations.

The PA's concessions to Israel over the last ten or more years and the concessions that Abed Rabbo and his team have made in the Geneva Accord are worrying because they set a precedent that may be hard to reverse if the Palestinians decide that the kind of end result that these concessions will lead to is not consistent with their expectations. Just as Abed Rabbo claims in the above quote, the PLO has accepted the idea of a two-state settlement and it has accepted the idea of a Jewish state in historical Palestine. It will be very difficult to fundamentally change that position now.

Similarly, the clauses on refugees in the Geneva Accord will be difficult to reverse, as Azmi Bishara pointed out, because Israel may well argue in the future that senior Palestinians have already conceded this right and it is therefore no longer an issue for debate. It is important, therefore, to ensure that any and all negotiations with Israel are conducted by individuals who are mandated to do so by the Palestinian nation. Even more importantly, it is essential that a fully inclusive debate takes place to determine which aims the national movement holds as paramount and what exactly they will regard as a fulfillment of those aims.

The Best Deal Available?

The overarching question raised by the Geneva Accord is, are the Palestinians struggling for their rights in the most effective way and if not, how should their strategy be altered? As I discussed earlier, the

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Palestinian negotiators failed to significantly improve on the deal presented at Taba by the Israelis, yet they were supposedly free of official constraints and should have been able to extract something more tangible from the opposite side. In fact, the agreement is very much in the vein of the Oslo process and is shaped and limited by the constraints of those negotiations.

One claim that the Palestinian negotiating team has made repeatedly is that the Geneva Accord is the best deal the Palestinians will get, especially in the current climate. The Geneva team has argued that official talks at some future point would not yield an agreement that was better than the Geneva Accord, and hence the agreement deserves serious attention from the Palestinian people. The implication seems to be that if Palestinians want a peaceful, negotiated solution to the conflict, the Geneva Accord is it.

This raises two questions: firstly if this is true, does it not suggest that the future for the Accord is uncertain at best? After all, one might argue that the only reason that the Accord is so 'favorable' is precisely because it is unofficial. If it is to be adopted by the official representatives of the two sides, then isn't it possible that it will be substantially renegotiated, to produce a deal which is considerably less 'favorable' to the Palestinians? One view might be the fact that the Accord was unofficial proves that a document such as this can only survive outside the political mainstream and that in fact, it is not the 'best deal available.' The *real* 'best deal available' is significantly less satisfactory.

A more fundamental question, however, is what does the 'best deal available' actually amount to? One view could be that it is only within the current strategic framework that the Geneva Accord can be regarded as remotely satisfactory, and it is only because the Palestinians are in such a weak position that this is the 'best deal available.' It is perhaps a truism that negotiations cannot change the balance of power, but merely reflect it. The current distribution of power can at most produce something like the Accord.

The Geneva Accord represents, I think, a challenge to the Palestinian people. It is true that the terms set down in the document are probably the best that have ever been put forward by members of the mainstream Israeli establishment. Nevertheless, they fall short of minimum Palestinian expectations. This leads to the conclusion that either Palestinians will have to accept that negotiating with Israel, at

least in the present context, cannot lead to the realization of their historic goals, or else fundamentally change their approach to achieving their rights.

In basic terms the Palestinians lack any kind of bargaining chip. They are impoverished, they are without military capabilities and crucially they have no allies in the international community to speak of, with even their Arab 'brothers' forsaking them. Add to this the fact that the PLO/PA has already demonstrated that it is willing to make significant concessions to the Israelis on most of the major issues, and this leaves the Palestinian people at the mercy of Israeli interests.

The heart of the problem lies in the fact that there is currently a Jewish hegemony in historical Palestine, which is actively sustained by the international community, and in order for Palestinians to achieve even some of their rights, this hegemony will have to end. Because Israeli Jews are politically, economically and militarily dominant, a sovereign Palestinian state is simply impossible to achieve. Palestinians must develop a coherent strategy for addressing this problem if their goals are to be realized.

Groups such as Hamas and Islamic Jihad have developed an approach of their own, taking as a model the successes of the Lebanese resistance movement, Hizbullah. By employing political violence they aim to undermine Israeli morale and force concessions from Israel, just as Hizbullah used military resistance to force the Israeli occupying forces in South Lebanon to withdraw unilaterally in 2000. Regardless of whether this strategy is likely to be successful on what Israelis think of as 'their territory,' there is the issue of whether Palestinians in general support such an approach. If not, then an alternative is needed if the balance of power is to be changed, one that, for example, might involve trying to build support abroad in more effective ways.

Ultimately, it would be a mistake to reject the Geneva Accord with the argument that "If we negotiate more successfully we can achieve better results." I do not believe that this is in fact true, as I have tried to argue. Genuine talks can only take place if the two sides are roughly equal in terms of power and this is simply, and obviously, not the case in the Palestinian context. If Palestinians are unhappy with the Geneva Accord then they should oppose the context in which it was produced and not the drafters of it or the text itself. The framework of the debate should either be challenged or else accepted,

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along with the consequences, i.e., an end result that looks something like the Geneva Accord in the best-case scenario.

In fact, of course, the situation at present makes the Geneva Accord appear to be the product of extreme optimists and it is difficult to say the least to imagine it being implemented by the present Israeli government. Indeed, that government is taking concrete steps that will make any kind of solution based on the idea of establishing a contiguous and at least partially independent Palestinian entity simply impossible. Nevertheless, it is possible that at some future point a government of the 'Left' will come to power in Israel, one that is more committed to some kind of durable and peaceful solution. In that case, the Geneva Accord could possibly be resurrected.

CONCLUSION

I have tried to show in this analysis that the Geneva Accord is a deeply flawed document. On virtually every key issue the agreement provides Israel with the solution it desires without offering the Palestinians anything tangible in return. The Palestinians have conceded the right of return without such a right being recognized by Israel and without Israel accepting its guilt for creating the refugee crisis in the first place. On the Jerusalem issue, an organic and integrated city is to be pulled apart into two separate entities, whilst the East Jerusalem settlements remain intact, possibly preventing territorial continuity between the proposed Palestinian capital and the West Bank (depending on which of the available maps turn out to be final) and seriously restricting its potential for expansion and growth.

A deep-rooted bias is reflected in the security arrangements set down in the Accord. The clear implication throughout is that Palestinians cannot be relied upon to maintain security without international and Israeli supervision. At ports and border crossings in the Palestinian state there are to be representatives from the Multinational Force as well as an Israeli presence, which will be allowed to partially dictate security procedures. Needless to say there, is no requirement for international or Palestinian forces to be in place at Israeli borders and ports. Similarly, whilst Israelis may use certain designated roads within the Palestinian state from its inception, Palestinian use of Israeli roads will only be considered after regional peace has come about.

Meanwhile, on crucial long-term issues such as water rights and economic cooperation, there is no concrete agreement, although, particularly with regard to the latter, steps have been taken elsewhere in the agreement that determine, at least in part, the nature of the articles to be drafted with regard to these issues in the future. In addition, there have been some powerful indications that the Israeli negotiating team never intended to produce a fair deal on these matters.

The Accord is a not-too-subtle attempt to cement Israeli dominance over the land that was formerly Palestine. It is clear that the Israelis recognize that the deal is hardly equitable and that it is necessary for

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the Palestinian state to be demilitarized in order to prevent any attempt to achieve a more just outcome in the future. If a fair deal were presented to the Palestinians, then excessive security measures would be unnecessary as opposition would be extremely marginal (during the Oslo period for instance there was widespread Palestinian support for security crackdowns on marginal groups opposing the deal).¹¹⁵ The basic goals of the Palestinian national movement have not been met and given the Accord's 'finality,' are never likely to be met if it is implemented.

Fundamentally, though, this agreement represents the best the Palestinians are likely to achieve through bilateral negotiations with members of the Israeli political establishment. For the time being at least, the distinction between the Left and Right in Israel remains a distinction between different approaches to guaranteeing Israel's supremacy, and not a distinction between those who are seeking a just (and stable) end to the conflict and those who are not. The Right is openly seeking to destroy what is left of Palestinian society by forcing the population of the West Bank and Gaza into giant prisons. They have accepted an apartheid future as the best way forward.

Meanwhile, the Left's approach, as it perhaps always has been, is to create a client state on the West Bank and Gaza, subservient to Israeli interests and dominated by Israel both militarily and economically. The Geneva Accord achieves this aim well, and yet other so-called 'leftists' such as Shimon Peres and Ehud Barak have opposed it, implying that even the suffocating bonds imposed on the Palestinians by this document are insufficient for them.

The Palestinians are faced with an important choice as a result of the Geneva Accord. Either they abandon their aspirations and accept a state at any cost, abandoning the refugees and those Palestinians inside Israel to their fate, or they consider an alternative path to achieving their aims. This is not to say that negotiations can never produce favorable results, of course, but for as long as the massive strategic imbalance remains in place it would be naive to expect anything better than what is being offered by Yossi Beilin and his team. Negotiations will not change the balance of power - they can only re-

¹¹⁵ See for example JMCC poll No. 14 (March 1996) available at www.jmcc.org/publicpoll/results/1996/no14.htm, especially Q.3, and poll No.17 (November 1996) available at www.jmcc.org/publicpoll/results/1996/no17.htm, especially Q.10.

flect it - so Palestinians must consider new tactics if they want to achieve their national rights.

The danger, though, is that damage has already been done to the Palestinian position by the signing of this document. Although the Palestinian Geneva Accord negotiators claimed to act as private individuals, the official Palestinian leadership would never have allowed them to proceed with the signing ceremony if they had opposed the agreement, a fact that has led some Israelis to conclude that the Geneva Accord represents an official position. The concessions that have been made in the document may be hard to reverse in the future, and indeed the PA's acceptance of them is perhaps an indication that they are concessions that they would be willing to make themselves in the context of official negotiations. This is a strong indication that a fundamental change in leadership is required if a shift in national strategy is to be achieved.

Given the signs that the debate in Israel is slowly shifting to acknowledge the price Israelis will have to pay to keep their state Jewish, it may be that the Geneva Accord will be the last agreement of its kind. According to Gary Sussman of Tel Aviv University, the next 'Geneva Accord' will be the product of young, liberal Israelis and it will be a proposal for a bi-national solution to the conflict.¹¹⁶ For many Israelis and Palestinians, such an idea seems ludicrous in the present climate, but the fact that self-confessed Zionists are willing to discuss such a possibility is a sign that political discourse in Israel is undergoing a fundamental change. There are some Israeli leftists (admittedly still marginal figures) who want a Jewish state but are not prepared, unlike perhaps Ariel Sharon and Binyamin Netanyahu, to agree to any and all measures to maintain it. Some form of one state outcome is the next logical step.

Recent developments, in particular the exchange of letters between Ariel Sharon and George Bush in which Bush endorsed Israel's expansion beyond the 1949 Armistice Lines (the Green Line) and the abrogation of the Palestinian right of return¹¹⁷ seem to have finally precluded any attempt to implement the Accord or any deal like it in the near future. If the Accord is a serious attempt at peace and not sim-

¹¹⁶ Roundtable meeting with Gary Sussman at PASSIA, 25 March 2004. For more details see www.passia.org/meetings/2004/Mar-25-Two-State.htm.

¹¹⁷ For the full text of the letters see www.jmcc.org/documents/sharonbushlet.htm (Sharon's letter) and www.jmcc.org/documents/bushsharonlet.htm (Bush's letter).

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ply an act of electioneering by the Israeli Left, then the Geneva team will either have to work hard to campaign against Sharon's proposals or failing that show clearly how their plan can be adjusted to take into account new realities. In actual fact, Sharon's proposals are not massively different from the Accord, differing significantly only with respect to the amount of territory awarded to the Palestinians.

With the publication of the Geneva Accord, the Israeli Left has made clear what it considers to be the furthest point that Israelis will go towards meeting Palestinian needs. The question is now - how will the Palestinians respond?

APPENDICES

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Appendix 1:

SUMMARY OF THE GENEVA ACCORD¹**Preamble**

(...) Affirming their deep belief that the logic of peace requires compromise, and that the only viable solution is a two-state solution based on UNSC Resolution 242 and 338;

Affirming that this 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; (...)

Confirming that this Agreement is concluded within the framework of the Middle East peace process initiated in Madrid in October 1991, the Declaration of Principles of September 13, 1993, the subsequent agreements including the Interim Agreement of September 1995, the Wye River Memorandum of October 1998 and the Sharm El-Sheikh Memorandum of September 4, 1999, and the permanent status negotiations including the Camp David Summit of July 2000, the Clinton Ideas of December 2000, and the Taba Negotiations of January 2001;

Reiterating their commitment to United Nations Security Council Resolutions 242, 338 and 1397 and confirming their understanding that this Agreement is based on, will lead to, and - by its fulfillment - will constitute the full implementation of these resolutions and to the settlement of the Israeli-Palestinian conflict in all its aspects; (...)

Declaring that this Agreement marks the historic reconciliation between the Palestinians and Israelis, and paves the way to reconciliation between the Arab World and Israel and the establishment of normal, peaceful relations between the Arab states and Israel in accordance with the relevant clauses of the Beirut Arab League Resolution of March 28, 2002; (...)

Article 1: Purpose of the Permanent Status Agreement

(...) 2. The implementation of this Agreement will settle all the claims of the Parties arising from events occurring prior to its signature.

¹ For a full version see www.geneva-initiative.net/english/geneva/geneva.html.

No further claims related to events prior to this Agreement may be raised by either Party.

Article 2: Relations between the Parties

1. The state of Israel shall recognize the state of Palestine (hereinafter "Palestine") upon its establishment. The state of Palestine shall immediately recognize the state of Israel.
2. The state of Palestine shall be the successor to the PLO with all its rights and obligations. (...)
4. The Parties recognize Palestine and Israel as the homelands of their respective peoples. The Parties are committed not to interfere in each other's internal affairs.
5. This Agreement supercedes all prior agreements between the Parties. (...)
11. The Parties shall establish a ministerial-level Palestinian-Israeli High Steering Committee to guide, monitor, and facilitate the process of implementation of this Agreement, both bilaterally and in accordance with the mechanisms in Article 3 hereunder.

Article 3: Implementation and Verification Group

1. Establishment and Composition

- (a) An Implementation and Verification Group (IVG) shall hereby be established to facilitate, assist in, guarantee, monitor, and resolve disputes relating to the implementation of this Agreement.
- (b) The IVG shall include the US, the Russian Federation, the EU, the UN, and other parties, both regional and international, to be agreed on by the Parties. (...)
- (d) The structure, procedures, and modalities of the IVG are set forth below and detailed in Annex X.

2. Structure

- (a) A senior political-level contact group (Contact Group), composed of all the IVG members, shall be the highest authority in the IVG.
- (b) The Contact Group shall appoint, in consultation with the Parties, a Special Representative who will be the principal executive of the IVG on the ground. The Special Representative shall manage the work of the IVG and maintain constant contact with the Parties, the Palestinian-Israeli High Steering Committee, and the Contact Group. (...)

- (d) The IVG shall establish its bodies referred to in this Agreement and additional bodies as it deems necessary. These bodies shall be an integral part of and under the authority of the IVG.
- (e) The Multinational Force (MF) established under Article 5 shall be an integral part of the IVG. The Special Representative shall, subject to the approval of the Parties, appoint the Commander of the MF who shall be responsible for the daily command of the MF. Details relating to the Special Representative and MF Force Commander are set forth in Annex X.
- (f) The IVG shall establish a dispute settlement mechanism, in accordance with Article 16. (...)

4. Functions

In addition to the functions specified elsewhere in this Agreement, the IVG shall:

- (a) Take appropriate measures based on the reports it receives from the MF,
- (b) Assist the Parties in implementing the Agreement and preempt and promptly mediate disputes on the ground.

5. Termination

In accordance with the progress in the implementation of this Agreement, and with the fulfillment of the specific mandated functions, the IVG shall terminate its activities in the said spheres. The IVG shall continue to exist unless otherwise agreed by the Parties.

Article 4: Territory

1. The International Borders between the States of Palestine and Israel

- (a) In accordance with UNSC Resolution 242 and 338, the border between the states of Palestine and Israel shall be based on the June 4th 1967 lines with reciprocal modifications on a 1:1 basis as set forth in attached Map 1.
- (b) The Parties recognize the border, as set out in attached Map 1, as the permanent, secure and recognized international boundary between them.

2. Sovereignty and Inviolability

- (a) The Parties recognize and respect each other's sovereignty, territorial integrity, and political independence, as well as the inviolability of each others territory, including territorial waters, and airspace. They shall respect this inviolability in accordance with this Agreement, the UN Charter, and other rules of international law. (...)

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3. Israeli Withdrawal

- (...)(b) Palestine shall assume responsibility for the areas from which Israel withdraws.
- (c) The transfer of authority from Israel to Palestine shall be in accordance with Annex X. (...)

4. Demarcation

- (a) A Joint Technical Border Commission (Commission) composed of the two Parties shall be established to conduct the technical demarcation of the border in accordance with this Article. The procedures governing the work of this Commission are set forth in Annex X. (...)
- (c) The physical demarcation of the international borders shall be completed by the Commission not later than nine months from the date of the entry into force of this Agreement.

5. Settlements

- (a) The state of Israel shall be responsible for resettling the Israelis residing in Palestinian sovereign territory outside this territory. (...)
- (c) Existing arrangements in the West Bank and Gaza Strip regarding Israeli settlers and settlements, including security, shall remain in force in each of the settlements until the date prescribed in the timetable for the completion of the evacuation of the relevant settlement. (...)
- (e) Israel shall keep intact the immovable property, infrastructure and facilities in Israeli settlements to be transferred to Palestinian sovereignty. An agreed inventory shall be drawn up by the Parties with the IVG in advance of the completion of the evacuation and in accordance with Annex X.
- (f) The state of Palestine shall have exclusive title to all land and any buildings, facilities, infrastructure or other property remaining in any of the settlements on the date prescribed in the timetable for the completion of the evacuation of this settlement.

6. Corridor

- (a) The states of Palestine and Israel shall establish a corridor linking the West Bank and Gaza Strip. This corridor shall:
 - i. Be under Israeli sovereignty.
 - ii. Be permanently open.
 - iii. Be under Palestinian administration in accordance with Annex X of this Agreement. Palestinian law shall apply to persons using and procedures appertaining to the corridor.

- iv. Not disrupt Israeli transportation and other infrastructural networks, or endanger the environment, public safety or public health. Where necessary, engineering solutions will be sought to avoid such disruptions.
 - v. Allow for the establishment of the necessary infrastructural facilities linking the West Bank and the Gaza Strip. Infrastructural facilities shall be understood to include, inter alia, pipelines, electrical and communications cables, and associated equipment as detailed in Annex X. (...)
- (b) Defensive barriers shall be established along the corridor and Palestinians shall not enter Israel from this corridor, nor shall Israelis enter Palestine from the corridor. (...)

Article 5: Security

1. General Security Provisions

- (...) (c) To further security cooperation, the Parties shall establish a high level Joint Security Committee that shall meet on at least a monthly basis. The Joint Security Committee shall have a permanent joint office, and may establish such sub-committees as it deems necessary, including sub-committees to immediately resolve localized tensions.

2. Regional Security

- i. Israel and Palestine shall work together with their neighbors and the international community to build a secure and stable Middle East, free from weapons of mass destruction, both conventional and non-conventional, in the context of a comprehensive, lasting, and stable peace, characterized by reconciliation, goodwill, and the renunciation of the use of force. (...)

3. Defense Characteristics of the Palestinian State

- (a) No armed forces, other than as specified in this Agreement, will be deployed or stationed in Palestine.
- (b) Palestine shall be a non-militarized state, with a strong security force. Accordingly, the limitations on the weapons that may be purchased, owned, or used by the Palestinian Security Force (PSF) or manufactured in Palestine shall be specified in Annex X. Any proposed changes to Annex X shall be considered by a tri-lateral committee composed of the two Parties and the MF. If no agreement is reached in the tri-lateral committee, the IVG may make its own recommendations.
- (c) The PSF shall:

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- i. Maintain border control;
- ii. Maintain law-and-order and perform police functions;
- iii. Perform intelligence and security functions;
- iv. Prevent terrorism;
- v. Conduct rescue and emergency missions; and
- vi. Supplement essential community services when necessary. (...)

6. Multinational Force

- (a) A Multinational Force (MF) shall be established to provide security guarantees to the Parties, act as a deterrent, and oversee the implementation of the relevant provisions of this Agreement.
- (b) The composition, structure and size of the MF are set forth in Annex X.
- (c) To perform the functions specified in this Agreement, the MF shall be deployed in the state of Palestine. The MF shall enter into the appropriate Status of Forces Agreement (SOFA) with the state of Palestine.
- (d) In accordance with this Agreement, and as detailed in Annex X, the MF shall:
 - i. In light of the non-militarized nature of the Palestinian state, protect the territorial integrity of the state of Palestine.
 - ii. Serve as a deterrent against external attacks that could threaten either of the Parties.
 - iii. Deploy observers to areas adjacent to the lines of the Israeli withdrawal during the phases of this withdrawal, in accordance with Annex X.
 - iv. Deploy observers to monitor the territorial and maritime borders of the state of Palestine, as specified in clause 5/13.
 - v. Perform the functions on the Palestinian international border crossings specified in clause 5/12.
 - vi. Perform the functions relating to the early warning stations as specified in clause 5/8.
 - x. Help in the enforcement of anti-terrorism measures.
 - xi. Help in the training of the PSF. (...)
- (f) The MF shall only be withdrawn or have its mandate changed by agreement of the Parties.

7. Evacuation

- (a) Israel shall withdraw all its military and security personnel and equipment, including landmines, and all persons employed to support them, and all military installations from the territory of the state of Palestine, except as otherwise agreed in Annex X, in stages.

- (b) The staged withdrawals shall commence immediately upon entry into force of this Agreement and shall be made in accordance with the timetable and modalities set forth in Annex X.
- (c) The stages shall be designed subject to the following principles:
 - i. The need to create immediate clear contiguity and facilitate the early implementation of Palestinian development plans.
 - ii. Israel's capacity to relocate, house and absorb settlers. While costs and inconveniences are inherent in such a process, these shall not be unduly disruptive.
 - iii. The need to construct and operationalize the border between the two states.
 - iv. The introduction and effective functioning of the MF, in particular on the eastern border of the state of Palestine.
- (d) Accordingly, the withdrawal shall be implemented in the following stages:
 - i. The first stage shall include the areas of the state of Palestine, as defined in Map X, and shall be completed within 9 months.
 - ii. The second and third stages shall include the remainder of the territory of the state of Palestine and shall be completed within 21 months of the end of the first stage.
- (e) Israel shall complete its withdrawal from the territory of the state of Palestine within 30 months of the entry into force of this Agreement, and in accordance with this Agreement.
- (f) Israel will maintain a small military presence in the Jordan Valley under the authority of the MF and subject to the MF SOFA as detailed in Annex X for an additional 36 months. The stipulated period may be reviewed by the Parties in the event of relevant regional developments, and may be altered by the Parties' consent. (...)

8. Early Warning Stations

- (a) Israel may maintain two EWS in the northern, and central West Bank at the locations set forth in Annex X.
- (b) The EWS shall be staffed by the minimal required number of Israeli personnel and shall occupy the minimal amount of land necessary for their operation as set forth in Annex X.
- (c) Access to the EWS will be guaranteed and escorted by the MF.
- (d) Internal security of the EWS shall be the responsibility of Israel. The perimeter security of the EWS shall be the responsibility of the MF. (...)
- (f) The arrangements set forth in this Article shall be subject to review in ten years, with any changes to be mutually agreed. Thereafter, there will be five-yearly reviews whereby the arrangements set forth in this Article may be extended by mutual consent. (...)

9. Airspace

(...) (b) Training

- i. The Israeli Air Force shall be entitled to use the Palestinian sovereign airspace for training purposes in accordance with Annex X, which shall be based on rules pertaining to IAF use of Israeli airspace. (...)

12. International Border Crossings

- (a) The following arrangements shall apply to borders crossing between the state of Palestine and Jordan, the state of Palestine and Egypt, as well as airport and seaport entry points to the state of Palestine.
- (b) All border crossings shall be monitored by joint teams composed of members of the PSF and the MF. These teams shall prevent the entry into Palestine of any weapons, materials or equipment that are in contravention of the provisions of this Agreement.
- (c) The MF representatives and the PSF will have, jointly and separately, the authority to block the entry into Palestine of any such items. If at any time a disagreement regarding the entrance of goods or materials arises between the PSF and the MF representatives, the PSF may bring the matter to the IVG, whose binding conclusions shall be rendered within 24 hours.
- (d) This arrangement shall be reviewed by the IVG after 5 years to determine its continuation, modification or termination. Thereafter, the Palestinian party may request such a review on an annual basis.
- (e) In passenger terminals, for thirty months, Israel may maintain an unseen presence in a designated on-site facility, to be staffed by members of the MF and Israelis, utilizing appropriate technology. The Israeli side may request that the MF-PSF conduct further inspections and take appropriate action.
- (f) For the following two years, these arrangements will continue in a specially designated facility in Israel, utilizing appropriate technology. This shall not cause delays beyond the procedures outlined in this clause.
- (g) In cargo terminals, for thirty months, Israel may maintain an unseen presence in a designated on-site facility, to be staffed by members of the MF and Israelis, utilizing appropriate technology. The Israeli side may request that the MF-PSF conduct further inspections and take appropriate action. If the Israeli side is not satisfied by the MF-PSF action, it may demand that the cargo be detained pending a decision by an MF inspector. The MF inspector's decision shall be binding and final, and shall be rendered within 12 hours of the Israeli complaint.

- (h) For the following three years, these arrangements will continue from a specially designated facility in Israel, utilizing appropriate technology. This shall not cause delays beyond the timelines outlined in this clause. (...)

13. Border Control

- (a) The PSF shall maintain border control as detailed in Annex X.
 (b) The MF shall monitor and verify the maintenance of border control by the PSF.

Article 6: Jerusalem

(...)

2. Capital of Two States

The Parties shall have their mutually recognized capitals in the areas of Jerusalem under their respective sovereignty.

3. Sovereignty

Sovereignty in Jerusalem shall be in accordance with attached Map 2. This shall not prejudice nor be prejudiced by the arrangements set forth below.

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) and the provisions of this Article.

5. Al-Haram Al-Sharif/Temple Mount (Compound)

(a) International Group

- i. An International Group, composed of the IVG and other parties to be agreed upon by the Parties, including members of the Organization of the Islamic Conference (OIC), shall hereby be established to monitor, verify, and assist in the implementation of this clause.
- ii. For this purpose, the International Group shall establish a Multinational Presence on the Compound, the composition, structure, mandate and functions of which are set forth in Annex X.
- iii. The Multinational Presence shall have specialized detachments dealing with security and conservation. The Multinational Presence shall make periodic conservation and security reports to the International Group. These reports shall be made public.
- iv. The Multinational Presence shall strive to immediately resolve any problems arising and may refer any unresolved disputes

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to the International Group that will function in accordance with Article 16.

- v. The Parties may at any time request clarifications or submit complaints to the International Group which shall be promptly investigated and acted upon.
 - vi. The International Group shall draw up rules and regulations to maintain security on and conservation of the Compound. These shall include lists of the weapons and equipment permitted on the site.
- (b) Regulations Regarding the Compound
- i. In view of the sanctity of the Compound, and in light of the unique religious and cultural significance of the site to the Jewish people, there shall be no digging, excavation, or construction on the Compound, unless approved by the two Parties. Procedures for regular maintenance and emergency repairs on the Compound shall be established by the IG after consultation with the Parties.
 - ii. The state of Palestine shall be responsible for maintaining the security of the Compound and for ensuring that it will not be used for any hostile acts against Israelis or Israeli areas. The only arms permitted on the Compound shall be those carried by the Palestinian security personnel and the security detachment of the Multinational Presence.
 - iii. In light of the universal significance of the Compound, and subject to security considerations and to the need not to disrupt religious worship or decorum on the site as determined by the Waqf, visitors shall be allowed access to the site. This shall be without any discrimination and generally be in accordance with past practice.
- (c) 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.
 - ii. The International Group and its subsidiary organs shall continue to exist and fulfill all the functions stipulated in this Article unless otherwise agreed by the two Parties.

6. The Wailing Wall

The Wailing Wall shall be under Israeli sovereignty.

7. The Old City

(a) Significance of the Old City

- i. The Parties view the Old City as one whole enjoying a unique character. The Parties agree that the preservation of this

unique character together with safeguarding and promoting the welfare of the inhabitants should guide the administration of the Old City.

(b) IVG Role in the Old City

i. Cultural Heritage

1. The IVG shall monitor and verify the preservation of cultural heritage in the Old City in accordance with the UNESCO World Cultural Heritage List rules. For this purpose, the IVG shall have free and unimpeded access to sites, documents, and information related to the performance of this function.
2. The IVG shall work in close coordination with the Old City Committee of the Jerusalem Coordination and Development Committee (JCDC), including in devising a restoration and preservation plan for the Old City.

ii. Policing

1. The IVG shall establish an Old City Policing Unit (PU) to liaise with, coordinate between, and assist the Palestinian and Israeli police forces in the Old City, to defuse localized tensions and help resolve disputes, and to perform policing duties in locations specified in and according to operational procedures detailed in Annex X.
 2. The PU shall periodically report to the IVG.
- iii. Either Party may submit complaints in relation to this clause to the IVG, which shall promptly act upon them in accordance with Article 16.

(c) Free Movement within the Old City

Movement within the Old City shall be free and unimpeded subject to the provisions of this article and rules and regulations pertaining to the various holy sites.

(d) Entry into and Exit from the Old City

- i. Entry and exit points into and from the Old City will be staffed by the authorities of the state under whose sovereignty the point falls, with the presence of PU members, unless otherwise specified.
- ii. With a view to facilitating movement into the Old City, each Party shall take such measures at the entry points in its territory as to ensure the preservation of security in the Old City. The PU shall monitor the operation of the entry points.
- iii. Citizens of either Party may not exit the Old City into the territory of the other Party unless they are in possession of the relevant documentation that entitles them to. Tourists may only exit the Old City into the territory of the Party which they possess valid authorization to enter. (...)

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(f) Special Arrangements

i. Along the way outlined in Map X (from the Jaffa Gate to the Zion Gate) there will be permanent and guaranteed arrangements for Israelis regarding access, freedom of movement, and security, as set forth in Annex X.

1. The IVG shall be responsible for the implementation of these arrangements.

ii. Without prejudice to Palestinian sovereignty, Israeli administration of the Citadel will be as outlined in Annex X.

(g) Color-Coding of the Old City

A visible color-coding scheme shall be used in the Old City to denote the sovereign areas of the respective Parties.

(h) Policing

i. An agreed number of Israeli police shall constitute the Israeli Old City police detachment and shall exercise responsibility for maintaining order and day-to-day policing functions in the area under Israeli sovereignty.

ii. An agreed number of Palestinian police shall constitute the Palestinian Old City police detachment and shall exercise responsibility for maintaining order and day-to-day policing functions in the area under Palestinian sovereignty.

iii. All members of the respective Israeli and Palestinian Old City police detachments shall undergo special training, including joint training exercises, to be administered by the PU.

iv. A special Joint Situation Room, under the direction of the PU and incorporating members of the Israeli and Palestinian Old City police detachments, shall facilitate liaison on all relevant matters of policing and security in the Old City.

(i) Arms

No person shall be allowed to carry or possess arms in the Old City, with the exception of the Police Forces provided for in this agreement. In addition, each Party may grant special written permission to carry or possess arms in areas under its sovereignty. (...)

8. Mount of Olives Cemetery

(a) The area outlined in Map X (the Jewish Cemetery on the Mount of Olives) shall be under Israeli administration; Israeli law shall apply to persons using and procedures appertaining to this area in accordance with Annex X.

i. There shall be a designated road to provide free, unlimited, and unimpeded access to the Cemetery.

ii. The IVG shall monitor the implementation of this clause.

- iii. This arrangement may only be terminated by the agreement of both Parties. (...)

10. The Western Wall Tunnel

- (a) The Western Wall Tunnel designated in Map X shall be under Israeli administration, including:
 - i. Unrestricted Israeli access and right to worship and conduct religious practices.
 - ii. Responsibility for the preservation and maintenance of the site in accordance with this Agreement and without damaging structures above, under IVG supervision.
 - iii. Israeli policing.
 - iv. IVG monitoring
 - v. The Northern Exit of the Tunnel shall only be used for exit and may only be closed in case of emergency as stipulated in Article 6/7.
- (b) This arrangement may only be terminated by the agreement of both Parties.

11. Municipal Coordination

- (a) The two Jerusalem municipalities shall form a Jerusalem Co-ordination and Development Committee ("JCDC") to oversee the cooperation and coordination between the Palestinian Jerusalem municipality and the Israeli Jerusalem municipality. The JCDC and its sub-committees shall be composed of an equal number of representatives from Palestine and Israel. Each side will appoint members of the JCDC and its subcommittees in accordance with its own modalities.
- (b) The JCDC shall ensure that the coordination of infrastructure and services best serves the residents of Jerusalem, and shall promote the economic development of the city to the benefit of all. The JCDC will act to encourage cross-community dialogue and reconciliation.
- (c) The JCDC shall have the following subcommittees:
 - i. A Planning and Zoning Committee: to ensure agreed planning and zoning regulations in areas designated in Annex X.
 - ii. A Hydro Infrastructure Committee: to handle matters relating to drinking water delivery, drainage, and wastewater collection and treatment.
 - iii. A Transport Committee: to coordinate relevant connectedness and compatibility of the two road systems and other issues pertaining to transport.

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- iv. An Environmental Committee: to deal with environmental issues affecting the quality of life in the city, including solid waste management.
- v. An Economic and Development Committee: to formulate plans for economic development in areas of joint interest, including in the areas of transportation, seam line commercial cooperation, and tourism.
- vi. A Police and Emergency Services Committee: to coordinate measures for the maintenance of public order and crime prevention and the provision of emergency services;
- vii. An Old City Committee: to plan and closely coordinate the joint provision of the relevant municipal services, and other functions stipulated in Article 6/7.
- viii. Other Committees as agreed in the JCDC.

12. Israeli Residency of Palestinian Jerusalemites

Palestinian Jerusalemites who currently are permanent residents of Israel shall lose this status upon the transfer of authority to Palestine of those areas in which they reside.

13. Transfer of Authority

The Parties will apply in certain socio-economic spheres interim measures to ensure the agreed, expeditious, and orderly transfer of powers and obligations from Israel to Palestine. This shall be done in a manner that preserves the accumulated socio-economic rights of the residents of East Jerusalem.

Article 7: Refugees

(...)

2. UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative

- (a) The Parties recognize that UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative (Article 2.ii.) concerning the rights of the Palestinian refugees represent the basis for resolving the refugee issue, and agree that these rights are fulfilled according to Article 7 of this Agreement.

3. Compensation

- (a) Refugees shall be entitled to compensation for their refugeehood and for loss of property. This shall not prejudice or be prejudiced by the refugee's permanent place of residence.
- (b) The Parties recognize the right of states that have hosted Palestinian refugees to remuneration.

4. Choice of Permanent Place of Residence (PPR)

The solution to the PPR aspect of the refugee problem shall entail an act of informed choice on the part of the refugee to be exercised in accordance with the options and modalities set forth in this agreement. PPR options from which the refugees may choose shall be as follows;

- (a) The state of Palestine, in accordance with clause a below.
- (b) Areas in Israel being transferred to Palestine in the land swap, following assumption of Palestinian sovereignty, in accordance with clause a below.
- (c) Third Countries, in accordance with clause b below.
- (d) The state of Israel, in accordance with clause c below.
- (e) Present Host countries, in accordance with clause d below.
 - i. PPR options (a) and (b) shall be the right of all Palestinian refugees and shall be in accordance with the laws of the State of Palestine.
 - ii. Option (c) shall be at the sovereign discretion of third countries and shall be in accordance with numbers that each third country will submit to the International Commission. These numbers shall represent the total number of Palestinian refugees that each third country shall accept.
 - iii. Option (d) shall be at the sovereign discretion of Israel and will be in accordance with a number that Israel will submit to the International Commission. This number shall represent the total number of Palestinian refugees that Israel shall accept. As a basis, Israel will consider the average of the total numbers submitted by the different third countries to the International Commission.
 - iv. Option (e) shall be in accordance with the sovereign discretion of present host countries. Where exercised this shall be in the context of prompt and extensive development and rehabilitation programs for the refugee communities.

Priority in all the above shall be accorded to the Palestinian refugee population in Lebanon. (...)

6. End of Refugee Status

Palestinian refugee status shall be terminated upon the realization of an individual refugee's permanent place of residence (PPR) as determined by the International Commission.

7. End of Claims

This agreement provides for the permanent and complete resolution of the Palestinian refugee problem. No claims may be raised except for those related to the implementation of this agreement. (...)

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9. Property Compensation

- (a) Refugees shall be compensated for the loss of property resulting from their displacement.
- (b) The aggregate sum of property compensation shall be calculated as follows:
 - i. The Parties shall request the International Commission to appoint a Panel of Experts to estimate the value of Palestinians' property at the time of displacement.
 - ii. The Panel of Experts shall base its assessment on the UNCCP records, the records of the Custodian for Absentee Property, and any other records it deems relevant. The Parties shall make these records available to the Panel.
 - iii. The Parties shall appoint experts to advise and assist the Panel in its work.
 - iv. Within 6 months, the Panel shall submit its estimates to the Parties.
 - v. The Parties shall agree on an economic multiplier, to be applied to the estimates, to reach a fair aggregate value of the property.
- (c) The aggregate value agreed to by the Parties shall constitute the Israeli "lump sum" contribution to the International Fund. No other financial claims arising from the Palestinian refugee problem may be raised against Israel.
- (d) Israel's contribution shall be made in installments in accordance with Schedule X.
- (e) The value of the Israeli fixed assets that shall remain intact in former settlements and transferred to the state of Palestine will be deducted from Israel's contribution to the International Fund. An estimation of this value shall be made by the International Fund, taking into account assessment of damage caused by the settlements.

10. Compensation for Refugeehood

- (a) A "Refugeehood Fund" shall be established in recognition of each individual's refugeehood. The Fund, to which Israel shall be a contributing party, shall be overseen by the International Commission. The structure and financing of the Fund is set forth in Annex X.
- (b) Funds will be disbursed to refugee communities in the former areas of UNRWA operation, and will be at their disposal for communal development and commemoration of the refugee experience. Appropriate mechanisms will be devised by the International Commission whereby the beneficiary refugee communities are empowered to determine and administer the use of this Fund.

11. The International Commission (Commission)

(a) Mandate and Composition

- i. An International Commission shall be established and shall have full and exclusive responsibility for implementing all aspects of this Agreement pertaining to refugees.
- ii. In addition to themselves, the Parties call upon the United Nations, the United States, UNRWA, the Arab host countries, the EU, Switzerland, Canada, Norway, Japan, the World Bank, the Russian Federation, and others to be the members of the Commission.
- iii. The Commission shall:
 1. Oversee and manage the process whereby the status and PPR of Palestinian refugees is determined and realized.
 2. Oversee and manage, in close cooperation with the host states, the rehabilitation and development programs.
 3. Raise and disburse funds as appropriate.
- iv. The Parties shall make available to the Commission all relevant documentary records and archival materials in their possession that it deems necessary for the functioning of the Commission and its organs. The Commission may request such materials from all other relevant parties and bodies, including, inter alia, UNCCP and UNRWA. (...)

12. The International Fund

- (a) An International Fund (the Fund) shall be established to receive contributions outlined in this Article and additional contributions from the international community. The Fund shall disburse monies to the Commission to enable it to carry out its functions. The Fund shall audit the Commission's work.
- (b) The structure, composition and operation of the Fund are set forth in Annex X.

13. UNRWA

- (a) UNRWA should be phased out in each country in which it operates, based on the end of refugee status in that country.
- (b) UNRWA should cease to exist five years after the start of the Commission's operations. The Commission shall draw up a plan for the phasing out of UNRWA and shall facilitate the transfer of UNRWA functions to host states.

14. Reconciliation Programs

- (a) The Parties will encourage and promote the development of cooperation between their relevant institutions and civil societies in creating forums for exchanging historical narratives and enhancing mutual understanding regarding the past.

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- (b) The Parties shall encourage and facilitate exchanges in order to disseminate a richer appreciation of these respective narratives, in the fields of formal and informal education, by providing conditions for direct contacts between schools, educational institutions and civil society.
- (c) The Parties may consider cross-community cultural programs in order to promote the goals of conciliation in relation to their respective histories.
- (d) These programs may include developing appropriate ways of commemorating those villages and communities that existed prior to 1949. (...)

Article 9: Designated Road Use Arrangements

1. The following arrangements for Israeli civilian use will apply to the designated roads in Palestine as detailed in Map X (Road 443, Jerusalem to Tiberias via Jordan Valley, and Jerusalem-Ein Gedi).
2. These arrangements shall not prejudice Palestinian jurisdiction over these roads, including PSF patrols.
3. The procedures for designated road use arrangements will be further detailed in Annex X.
4. Israelis may be granted permits for use of designated roads. Proof of authorization may be presented at entry points to the designated roads. The sides will review options for establishing a road use system based on smart card technology.
5. The designated roads will be patrolled by the MF at all times. The MF will establish with the states of Israel and Palestine agreed arrangements for cooperation in emergency medical evacuation of Israelis.
6. In the event of any incidents involving Israeli citizens and requiring criminal or legal proceedings, there will be full cooperation between the Israeli and Palestinian authorities according to arrangements to be agreed upon as part of the legal cooperation between the two states. The Parties may call on the IVG to assist in this respect.
7. Israelis shall not use the designated roads as a means of entering Palestine without the relevant documentation and authorization.
8. In the event of regional peace, arrangements for Palestinian civilian use of designated roads in Israel shall be agreed and come into effect.

Article 10: Sites of Religious Significance

1. The Parties shall establish special arrangements to guarantee access to agreed sites of religious significance, as will be detailed in Annex X. These arrangements will apply, *inter alia*, to the Tomb of the

Patriarchs in Hebron and Rachel's Tomb in Bethlehem, and Nabi Samuel. (...)

8. The Palestinian Tourist Police and the MF will be present at these sites.
9. The Parties shall establish a joint body for the religious administration of these sites.
10. In the event of any incidents involving Israeli citizens and requiring criminal or legal proceedings, there will be full cooperation between the Israeli and Palestinian authorities according to arrangements to be agreed upon. The Parties may call on the IVG to assist in this respect. (...)

Article 11: Border Regime

1. There shall be a border regime between the two states, with movement between them subject to the domestic legal requirements of each and to the provisions of this Agreement as detailed in Annex X.
2. Movement across the border shall only be through designated border crossings.
3. Procedures in border crossings shall be designed to facilitate strong trade and economic ties, including labor movement between the Parties.
4. Each Party shall each, in its respective territory, take the measures it deems necessary to ensure that no persons, vehicles, or goods enter the territory of the other illegally.
5. Special border arrangements in Jerusalem shall be in accordance with Article 6 above.

Article 12: Water: still to be completed

Article 13: Economic Relations: still to be completed

Article 14: Legal Cooperation: still to be completed

Article 15: Palestinian Prisoners and Detainees

1. In the context of this Permanent Status Agreement between Israel and Palestine, the end of conflict, cessation of all violence, and the robust security arrangements set forth in this Agreement, all the Palestinian and Arab prisoners detained in the framework of the Israeli-Palestinian conflict prior to the date of signature of this

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Agreement, DD/MM/2003, shall be released in accordance with the categories set forth below and detailed in Annex X.

- (a) Category A: all persons imprisoned prior to the start of the implementation of the Declaration of Principles on May 4, 1994, administrative detainees, and minors, as well as women, and prisoners in ill health shall be released immediately upon the entry into force of this Agreement.
- (b) Category B: all persons imprisoned after May 4, 1994 and prior to the signature of this Agreement shall be released no later than eighteen months from the entry into force of this Agreement, except those specified in Category C.
- (c) Category C: Exceptional cases - persons whose names are set forth in Annex X - shall be released in thirty months at the end of the full implementation of the territorial aspects of this Agreement set forth in Article 5/7/v.

Article 16: Dispute Settlement Mechanism

1. Disputes related to the interpretation or application of this Agreement shall be resolved by negotiations within a bilateral framework to be convened by the High Steering Committee.
2. If a dispute is not settled promptly by the above, either Party may submit it to mediation and conciliation by the IVG mechanism in accordance with Article 3.
3. Disputes which cannot be settled by bilateral negotiation and/or the IVG mechanism shall be settled by a mechanism of conciliation to be agreed upon by the Parties.
4. Disputes which have not been resolved by the above may be submitted by either Party to an arbitration panel. Each Party shall nominate one member of the three-member arbitration panel. The Parties shall select a third arbiter from the agreed list of arbiters set forth in Annex X either by consensus or, in the case of disagreement, by rotation.

Article 17: Final Clauses

Including a final clause providing for a UNSCR/UNGAR resolution endorsing the agreement and superceding the previous UN resolutions.

Appendix 2:

THE PEOPLE BEHIND THE ACCORD

(in alphabetically order)

■ **Palestinian Negotiators**

Hisham Abdel Razeq - Minister for Prisoners Affairs; PLC member (Fateh, Gaza); Former prisoner.

Yasser Abed Rabbo - Member of the PLO Executive Committee; former PA Minister of Information and Culture.

Liana Abed Rabbo - Director of the PA Culture Ministry; writer, filmmaker.

Qais Assad - Palestinian Peace Coalition Coordinator.

Samih Al-Abed - PA Deputy Minister of Planning; member of the Palestinian Negotiating Team since 1993.

Qadura Fares - PA Minister; PLC member (Fateh, Ramallah); former prisoner.

Mohammed Al-Horani - PLC member (Fateh, Hebron); former prisoner.

Kamel Al-Husseini - PR consultant.

Abdel Qader Al-Husseini - Director of the Faisal Hussein Foundation.

Ibrahim Khreisheh - Secretary of the PLO Trade Union Department; former head of the Negotiation Department and Chair of the Palestinian Students' Association.

Basil Jaber - PA Reform Committee; former adviser to Minister Nabil Sha'ath; Taba negotiator.

Radi Jarai - PA Deputy Minister for Prisoners Affairs; Fateh member; member of the Palestinian delegation to the 1991 Madrid Conference.

Marwan Jiliani - Former PLO delegate to the UN; head of the Palestinian Students' Association.

Nazmi Al-Ju'beh - Jerusalem expert; Co-Director of RIWAQ, Ramallah.

Bashar Juma - Mapping expert, PA Planning Ministry; former negotiator.

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Nabil Kassis – PA Minister of Planning; former professor at Birzeit University; founder and former director of MAS Research Institute, Ramallah.

Sam'an Khouri - Peace activist.

Zuheir Al-Manasra - Fateh Brigadier General; PA governor of Bethlehem; former Governor of Jenin; former head of Preventive Security in the West Bank.

Ghaith Al-Omari - Legal adviser to Palestinian negotiating teams, including Camp David and Taba.

Samir Rantisi - Coordinator of the Palestinian Peace Coalition.

Maha Abu Shusheh - Businesswoman.

Jamal Zakut - Former Director of the PA Office of Cabinet Coordination; co-director of FIDA, Gaza.

■ Israeli Negotiators

Shaul Arieli - Colonel (res.); former Military Commander of the Gaza Strip; former head of the Peace Administration in the Barak government.

Arie Arnon, PhD, Professor of Economics; leader of Peace Now.

Uzi Bar'am – Businessman; Former Minister of Tourism.

Yossi Beilin - Former Minister of Justice, head of the Shachar Movement.

Haim Ben Shachar - PhD, Professor of Economics.

Shlomo Brom - Brigadier General (res.). Former Deputy Commander of the IDF Strategic Planning Division.

Avraham Burg - MK (Labor); former Speaker of the Knesset; former Chair of the World Zionist Organization.

Yoram Gabbai - Chair of the Board of Directors of Pe'ilim.

Tzvia Greenfield - Writer.

David Grossman - Writer.

Giora Inbar - Brigadier General (res.); former Commander of the IDF Liaison Unit in Lebanon.

Doron Kadmiel - Brigadier General (res.); former Commander of IDF Artillery.

David Kimche - Former Director General of Foreign Ministry; former Mossad executive.

Menachem Klein, PhD, Lecturer at Bar-Ilan University; Jerusalem expert.

Dov Lautman - Businessman.

Daniel Levy - Former adviser on Jerusalem Affairs in the Prime Minister's Office; member of the Israeli negotiating team at Taba.

Amnon Lipkin-Shahak - Former IDF Chief of Staff; former Minister of Transportation and head of the Center Party.

Amram Mitzna - General (res.); MK (Labor); former Mayor of Haifa and Chair of the Labor Party.

Haim Oron - MK (Meretz); former Minister of Agriculture.

Amos Oz - Writer.

Ron Pundik, PhD, Director General of the Peres Center for Peace.

Dalia Rabin - Head of the Rabin Institute; former MK and Deputy Minister of Defense.

Alik Ron - Former Commander of the Police Northern Region.

Nehama Ronen - Likud Central Committee member; former MK and ex-Director General of the Environment Ministry.

Avi Shaked - Businessman.

Gideon Sheffer - General (res.); former head of the IDF Manpower Division and former Director of the National Security Council.

Dror Sternschuss - Public Relations executive.

Yuli Tamir - MK (Labor); Professor of Philosophy and Education; former Minister of Immigrant Absorption.

Tvia Valdan, PhD, Psycho-Philology.

A.B. Yehoshua - Writer.

■ **Foreign Involvement**

European Union (EU)

The EU reportedly provides much of Beilin's personal funding. According to an investigative report by Yoav Yitzchaki, published in the 8 Feb. 2002 edition of the Israeli daily *Ma'ariv*, Beilin's salary is largely provided by the EU, as are his travel expenses. Beilin and Abed Rabbo have reportedly met with European Parliament President Pat Cox, French Foreign Minister Dominique de Villepin, Belgian Foreign Minister Louis Michel and other government officials of EU countries to solicit support for and funding to promote the project. The recipients have not divulged how much financial support each country is contributing to the Geneva Accord's purported \$8 million promotional budget.

***The Guardian*, London**

The Guardian newspaper organized and hosted a three-day, back-channel meeting between Beilin and Palestinian representatives in June 2002. Other participants included Chris Patten, EU Commissioner in charge of external relations; British Labor MP Peter Mandelson; BBC documentary-maker Peter Taylor; Lord Michael Levy, Prime Minister Blair's Middle East envoy; former IRA commander Martin McGuinness, and other Irish politicians.

Keller, Alexis and Pierre

The two-year, secret talks between Beilin and Abed Rabbo were promoted and facilitated by University of Geneva law professor Alexis Keller, who also provided financial support and logistic help, hosting some of the negotiations in his villa. His father, Pierre, a prominent banker and vice-president of the International Committee of the Red Cross, Geneva, provided considerable funding for the secret negotiations. A team of Swiss academics assisted Keller to facilitate negotiations. Keller was provided a diplomatic passport and the assistance of a career diplomat by the Swiss government.

Levy, Lord Michael

As a prominent fundraiser for the British Labor party and a close friend of Prime Minister Tony Blair, Levy (father of Beilin's advisor Daniel Levy) was said to have played a key role in persuading Blair to endorse the Geneva Accord. Levy represented Blair at the Geneva signing ceremony.

Malley, Robert

US diplomat formerly on Clinton's Middle East negotiating teams, helped draft the proposal in Switzerland.

Netherlands Foreign Ministry, Former Foreign Minister Jozias van Aartsen

According to a Dutch weekly, *Vrij Nederland*, the previous Dutch Foreign Ministry hosted several rounds of secret talks between Beilin and Palestinian representatives.

Russian Foreign Ministry, Foreign Minister Igor Ivanov

Back-channel negotiations between Beilin and Abed Rabbo were hosted by the Russian Foreign Ministry in February 2002. Delegates met with Foreign Minister Igor Ivanov and Federation Council Chairman Sergei Mironov to discuss proposals. Ivanov was later quoted by *RIA Novosti*, the state news agency of the Russian Federation, as saying that Russia would launch an independent initiative if it saw a need for it.

South African Government, President Thabo Mbeki

President Mbeki and members of his government hosted and actively participated in a three-day, back-channel meeting between Beilin and Palestinian representatives outside of Cape Town in January 2002.

Swiss Foreign Ministry, Foreign Minister Micheline Calmy-Rey

The Swiss government provided funding and organizational help for the back channel negotiations. In addition, Swiss Foreign Minister Micheline Calmy-Rey has actively advanced the plan to British Foreign Secretary Jack Straw, UN Secretary-General Kofi Annan, and to US and European government circles. The Swiss Foreign Ministry has also funded the Geneva signing ceremony, and is contributing financially to PR efforts and promotion of the plan.

Secret negotiations were also hosted in Oslo and other European capitals. An unofficial signing ceremony took place on 12 October 2003 in Jordan.

Appendix 3:

**SELECTED QUOTES REGARDING THE
GENEVA ACCORD**

"[The Accord] is not an official document ... [but] our policy is not to prevent any attempt to arrive at a 'peace of the brave' that I achieved with my late partner Rabin."

President Yasser Arafat, quoted in *Al-Rai* (Jordan), 13 October 2003

"We are not against dialogue and peace, but we are not seeing [the Accord] as a document of peace."

Prime Minister Ahmed Qrei'a (Abu Ala'), quoted in *Al-Hayat* (London), 21 October 2003.

"[The Accord] will not be implemented because of the great concessions in it, particularly on the matters of Jerusalem and the refugees ... Those who signed it ... are marginal figures who do not represent the Palestinian people."

Adnan Asfour (Hamas) quoted in *Ha'aretz*, 6 November 2003

"I want to know who gave Abed Rabbo and his team the right to sell out the right of return? Indeed who gave them the right to speak on behalf of more than four million Palestinian refugees aspiring to return to their homes and towns from which they were uprooted by force?"

Mohammed Hindi (Islamic Jihad), quoted in *Al-Ahram Weekly*, 4-10 December 2003 (Issue No. 667)

"It is crystal clear that [the Accord] is a treasonous document, therefore lending support to it is nationalistic apostasy"; "[The Geneva Accord] is very dangerous. If it was ratified the Palestinians would not be entitled to seek their usurped rights any more."

Taysir Nasrallah (PNC member) quoted in *Al-Ahram Weekly*, 4-10 December 2003 (Issue No. 667)

"In the future, the Israelis and the world at large will not accept any new Palestinian claims in connection with the right of return. They will tell the Palestinians, you agreed to give up the right of return [in the Geneva Accord] so why are you raising this subject once again?"

Azmi Bishara (Arab MK) quoted in *Al-Ahram Weekly*, 4-10 December 2003 (Issue No. 667)

"[Those who signed the Accord] are a handful of pigs."

Asa'ad Abu Sharkh (Fateh) quoted in *Al-Ahram Weekly*, 4-10 December 2003 (Issue No. 667)

"If in fact the Palestinians renounced the right of return and will recognize Israel as the homeland of the Jewish people, there is nothing wrong with [the Accord] and it can be the basis for negotiations."

Israeli opposition Leader Shimon Peres (Labor), quoted by *Associated Press*, 14 October 2003

"I know they'll say [the Accord] is a bad agreement, that we caved in and gave away everything. But one thing they won't be able to say: that there is no partner."

Yossi Beilin (MK and Yahad Party leader) quoted in *Ha'aretz*, 13 October 2003

"It was clear to most people in the Israeli world that our access to the Temple Mount was totally "virtual" ... Similarly, the Right of Return is a "virtual right" which they can retain but never really exercise. So no one on either side is really giving up something that they can exercise; both sides are giving up virtual rights."

Yossi Beilin (MK and Yahad Party leader), interview, *Tikkun*, Jan./Feb. 2004

"Those who attack us will undoubtedly ask: 'What have you done? You've given them everything in exchange for a few embraces' ... But what we have done today will determine the future."

Amos Oz (Israeli writer) quoted in *Ha'aretz*, 13 October 2003

"The peace camp now has an agenda. We've finished the easy part; now we've come to the hard part - to return to Israel and knock on every door, and convince the public."

Amram Mitzna (Labor) quoted in *Ha'aretz*, 13 October 2003

"On close reading the authority and power vested in [the Palestinian 'state' the Accord proposes] bear little resemblance to any notion of statehood we might derive from global reality or political science textbooks."

Ilan Pappé (Professor, Haifa University) *LRB*, Vol. 26 No. 1, 8 January 2004

"[The Accord] is the greatest mistake since Oslo"; "It is suicide for Israel."

Israeli PM Ariel Sharon quoted on *Alaqsaintifada.org*, 19 October 2003

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"It is a pity that there are those in the world, and in Israel, who assist [the Palestinians] by creating a false impression of alternative plans, without them making any effort to stop the terror directed at us."

Israeli PM Ariel Sharon, quoted in *Jerusalem Post*, 20 October 2003

"After three years of one of the most bloody suicide bombing campaigns in the history of terror, led by Mr. Arafat and Hamas, we find Israeli and good-intentioned leaders like former President Carter rewarding terror. [The Accord] will not save lives. It will lead to more loss of life in the future."

Ehud Barak (former Israeli PM), quoted by *CNN*, 1 December 2003

"The people support it. Political leaders are the obstacle to peace ... it is unlikely we shall ever see a better foundation for peace."

Jimmy Carter (former US President), quoted in *The Washington Post*, 1 December 2003

"The main issue [for the Palestinians] is sovereignty - and [the Accord will not have an] effect on the sovereignty. But to have an army or not - I don't believe this is a problem. Japan and other countries did not have an army for a very long time and they became independent states."

"... How can anyone say that we will still be under Israeli control [after the implementation of the Accord] and we'll be only exporting workers to Israel, etc.? The main thing is that we will have our own independence and our own sovereignty over our own state."

"People who criticize us [about the refugees article of the Accord] forget that the PLO accepted UN Resolution 242 over fifteen years ago, and accepted the two-state solution, which means that one state will be Israel with a Jewish majority, or a Jewish state, and the other state is the Arab Palestinian state. So Palestine will be the homeland for the Palestinian people."

Yasser Abed Rabbo (former PA Minister of Information and Culture), interview, *Tikkun*, Jan./Feb. 2004

Appendix 4:

**THE GENEVA ACCORD OPEN FORUM
with Yossi Beilin, Yasser Abed Rabbo and other Drafters,
Washington, DC, 12/3/03²**

Question: What is the position of the Geneva Accord on the right of return?

Yossi Beilin: The issue of the refugees is one of the most difficult. We tried to tackle it in a way that would answer the needs of both parties, not as a zero-sum game, but a win-win game. We did not begin from scratch because we had the Clinton plan, which gave us the basis for an overall solution, including the refugee issue. We decided that we would not argue about our respective national narratives, but that instead we would solve the problem. We Israelis decided that we would not demand that the Palestinians give up on the dream of returning to their homes in Israel, only that they should agree that the right of return should be limited to numbers decided by Israel. The solution itself is the solution, and this the most important thing. Nor did we ask Israelis to give up their dreams of rebuilding the Temple on the Temple Mount, but we reached a practical solution that the Temple Mount should be under Palestinian sovereignty.

The agreed solution to the refugee issue is fair to both sides and balanced. It includes compensation for everyone who meets the definition of a refugee, compensation for assets that are in Israel and belong to the refugees, and it give the refugees five options for a permanent place of residence. The first is the new Palestinian state. Once it is sovereign, all refugees will be invited. The second is to resettle in territories that were under Israeli sovereignty but will be annexed to the Palestinian state as a result of the exchange of land. The third option for resettlement is the countries where refugees live today, if those countries agree. Jordan accepts this, but Lebanon is a problem. For those countries that agree, there will be a process of rehabilitation and then they will live there permanently. The fourth option is third countries, like the US, Canada, Germany Australia, Spain, and other coun-

² On 3 December 2003, Americans for Peace Now, the Foundation for Middle East Peace, and the American Task Force for Palestine sponsored an open forum for six of the drafters of the Geneva Accord in Washington at the Carnegie Endowment. The following is an edited transcript of the session, which is also available at www.fmep.org/documents/geneva_Accord_forum_12-03-03.html.

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tries, which are willing to absorb refugees. The fifth option is Israel itself. Of course, this is the most delicate issue. Israel will make a sovereign decision on how many refugees it is willing to take. In deciding, it will have to take into consideration as a basis for its decision, the average quotas that third countries are accepting. It is not surprising that the major criticism in Israel of our solution is that the Palestinians did not give up, in writing, the right of return, and the main criticism on the Palestinian side is that the Palestinians gave up on the right of return. For us, the question was not who is right and who is wrong? The question for us was how do we solve the problem, not how to win the case. We avoided that trap, and instead came up with a win-win solution that will resolve permanently the question of refugee claims.

Question: How are you going to sell this plan to your respective communities, a clear majority, so that we can take the next steps towards peace?

Samih Al-Abed: This is the first time that Israelis and Palestinians have started to talk about specific issues in more detail. In contrast to the Oslo Declaration of Principles, which failed, we did not talk about principles or a framework for the solution. On the contrary, we sought detailed agreements on specific issues that we had been unable to obtain at Camp David, Taba, or in earlier talks. We also presented our draft to the population, both in Palestine and in Israel, to consider it before any official agreement is made. This is a very different methodology. We want the public to feel like they own this document and the solution, and that they can solve the problem themselves without having solutions imposed on them. This is the best way of selling this document to our population - to give it to the people and let them make up their mind.

Daniel Levy: We Israelis who have participated in this agreement have been arguing that the narrative that says there is no one to talk to and nothing to talk about was unacceptable to us. There is a whole new public debate now that we have produced this document. Formerly, we argued that there was, indeed, a partner for peace. But now we have a document that proves we have a partner and a plan. Now we are both in a position to give a very different message to our publics. We are already shifting the debate in Israel. The polls are relatively encouraging. The latest poll in *Ha'aretz*, on the day of the launching event on Monday, showed 31 % of Israelis supporting Geneva, 37% against, and 20% undecided. This is very encouraging.

We have to thank the government of Ariel Sharon for coming out in such a hysterical fashion against the agreement, which really pumped it up in the media. The way in which they did this was very revealing. They attacked the document as illegitimate, claiming we went behind the backs of the government, and that this was not democratic. They chose not to attack the substance of the document because they understood that it is acceptable to the silent majority in Israel and Palestine. Our challenge is to mobilize and re-empower that silent majority. It has been very difficult to do, and we hope that this will give a tool to those *in our camp who had lost faith, and to those beyond our camp who were not convinced that we could change our situation.*

In Israel, the equation can be put into stunningly simple terms: the settlements and the outposts are paving the way to the end of the state of Israel as a Jewish and democratic state, full stop. This agreement gives us an extremely effective vehicle for arguing that case. We have distributed it to every household in Israel in Hebrew. We have also distributed an Arabic version to the Arab towns and villages in Israel. This is one of our last shots, we think, for a two-state solution.

The Geneva plan has created a new debate that works to our advantage. As a result, everyone is clamoring for their own plan. Sharon has sent his son to meet with Arafat's security advisor in London. Shinui has come up with a plan for moving the settlers from Netzarim, but leaving the army there. The settler movement came out with an apartheid plan for cantonizing the occupied territories. And Sharon has re-discovered the roadmap.

Question: How are you going to sell this to the White House, Capitol Hill and Colin Powell?

Nabil Kassis: As for selling this to the White House, I don't know a lot about marketing, but I think that one way to sell something is to show the potential buyer that it's in their best interest. Now it has been the conventional wisdom in the United States that peace in the Middle East is a vital national interest. Finally, the United States has accepted the two-state solution. Let us call it the Bush vision. We discovered this a bit earlier, but we're happy that President Bush has come to terms with this vision and accepted it as his own and that the rest of the world agrees.

But the two-state solution and, therefore, the chance for peace, are slipping away because of the building of the wall and the continuing

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annexation of Palestinian territories for settlements. If peace is in the interest of the United States, then one has to make the point on Capitol Hill that we should not procrastinate, and we should do what it takes to realize this vision. Now we have shown how it can be done. The Road Map is the only official plan on the table right now. But if it reaches the third phase, the question remains, what's next? The Geneva Accord provides the answer. It shows that a final settlement solution exists. If it is in the interest of the United States to solve the problem in the Middle East, this Accord is worth supporting. I was here last month speaking to people on Capitol Hill and they were very receptive. But are they willing to take action?

Yasser Abed Rabbo: I want to add to what Nabil said. Throughout our history, the world was trying to persuade us to solve our problem. Now for the first time, we have come up with a solution ourselves. In the past we would address our publics and say this is the Rogers plan, the Reagan plan, the George Schulz-Bush initiative, or the Clinton, Mitchell, Tenet, or George W. Bush plan. Since these are American plans, how could we oppose them? But now, for the first time, we have our own plan. We want you to accept and defend it because it is the only balanced solution.

Now, many people say the issue of refugees is the most difficult. I say no. Sometimes there are issues that are very marginal, but they come to the front and you find yourself stuck over them. The most difficult thing for us in the past 2½ years has been trying to find a line of balance that cuts all through the issues in this package, so that both Israelis and Palestinians will conclude that their basic aspirations and needs are met and do not contradict each other. We have shown that it is not necessary that in order to fulfill my aspirations, I must destroy yours. Instead, we show that in order to fulfill my aspirations they must be reconciled with yours. We are not preaching this as a sermon. We are offering a very concrete solution, based on previous experience.

Second, our solution proves to the two nations, Palestinian and Israeli, to the other nations in the region and to the Americans, that there is a possible way for solving your problems through reconciliation, through historical compromise, and through negotiations that take into account the basic interests and needs of both sides and find a balance between them.

Our work shows that there is an alternative to the extremists and fundamentalists who oppose reconciliation, compromise, and dialogue. Our option presents a serious risk, not only on a personal level, but also on the political and ideological level. But we hope it will be an example, not only for Israel and Palestine, but all over the Arab and Islamic world. If it fails, the forces of extremism will grow even stronger. That's why the White House should support our way of solving things, in order to protect not only our interests, but American interests as well. As for what happened in the past, for example, during the Clinton era, we will leave it for historians. Of course we can learn from the past. Recalling Camp David, we might recommend that universities organize a course on "Now not to arrange negotiations." But now we must look to the future.

Question: What is the relationship between the Geneva agreement and the Ayalon-Nusseibeh project? Have Ayalon and Nusseibeh signed on to the Geneva project?

Yasser Abed Rabbo: The Ayalon-Nusseibeh peace initiative takes a different approach.

Shaul Arieli: About the differences between our approach and Ayalon and Nusseibeh, I want to present two examples. When Bibi Netanyahu was prime minister, he accepted 242 in the Wye memorandum and the Hebron memorandum, but he intended to keep almost half of the territories. Also on the Palestinian side, they accepted 242 that calls for a fair and just solution to the refugee problem, but some of them still claim the right of return under Resolution 194. The Ayalon-Nusseibeh initiative is a series of brief points, whereas our agreement addresses details, not principles. We confronted the sensitive issues in detail and found solutions to them.

Question: After the breakdown of peace at Camp David, Barak and Clinton blamed the Palestinians and the American people were led to believe that Israel has no partner for peace. Have any former Clinton administration officials changed their views and endorsed endorse the Geneva proposal?

Yossi Beilin: President Clinton sent an endorsement letter to us in Geneva, and we have received warm support from Madeleine Albright and Sandy Berger. Generally speaking, the people who were around Clinton, and Clinton himself, are supporting this initiative.

Yasser Abed Rabbo: Whom do we represent? On the Palestinian side, we represent the mainstream. We have our extremists, but we have always had them. What we have lacked in the last three years is a platform that will unite all the moderates, and that will reunite the Palestinian mainstream. Our plan provides this.

On the Israeli side, besides Yossi Beilin, you have Avraham Burg, Amram Mitzna, retired generals from the army, retired officials from Israeli Security, and people from left, center and right. The plan is winning over 30% of the Israeli support, in spite of what I call the brainwashing that has been directed through the years, to both the Palestinians and the Israeli public, saying there is no partner and no possible solution and that we have no choice but to go on destroying and killing each other. It is unbelievable that we have won support from 30% of the Israelis in the first days after releasing the plan, notwithstanding all the negative propaganda that has demonized the other side and argued that it is impossible to achieve anything.

Shaul Arieli: This conflict existed before Barak became prime minister and still exists after Sharon replaced him. This conflict and the duty to solve it do not belong to one person. This is a national conflict and this group has had the courage to cope with the sensitive issues and to conclude them. Barak and Arafat lacked this courage at Camp David.

Question: In a recent op-ed, Charles Krauthammer accused Yossi Beilin of being gullible. The author claimed that many of the Palestinian undertakings in this agreement were also promised at Oslo, but systematically violated thereafter. So why should we believe them now? Why should we base Israel's security on an agreement that simply repeats promises that were made ten years ago and systematically repudiated.

Yossi Beilin: It is true that many people in Israel, like Mr. Krauthammer, believed that Oslo was a mistake and were disillusioned about peace. As a result they rejected the peace camp and voted for Sharon who said people who talk about peace are naïve and do not understand the Arabs, who only understand force. Sharon promised peace and security by using force. But after three years under Sharon, there have been more civilian casualties in Israel and in Palestine than at any other period in 55 years. There is no peace or security, yet Krauthammer advocates more of the same. He and others like him believe we can put an end to this conflict by continuing to kill people and us-

ing force until they crawl to us and say, whatever solution you suggest to us we can accept. This is the most childish kind of naivete.

Also, we have another problem that Krauthammer doesn't have. We are Jews who live in Israel and believe in Zionism, which means a Jewish majority in a democracy that gives full rights to the Arabs in Israel. Now, if there is a Jewish minority dominating a majority of Arabs, how can we be a democratic and Jewish state? And if Israel is either not democratic, or not Jewish, then the whole Zionist idea fails. Those few of us who are Zionists fear the end of our dream and our parents' dream if we don't do something. The Krauthammers of the world are telling us to do nothing. For them, maybe this is a solution. For us, it is the end.

Question: How many people support the details of the program? How many of these are convinced that there is a negotiating partner on the other side? I understand Arafat hasn't come out in support of the Accord. What decision did Fateh's central committee make? How can you prove that if there were an Israeli government that would support it, then the PLO would also support it? What was Arafat's role and the PLO's in this initiative, and why aren't they supporting it now?

Yasser Abed Rabbo: In some circles, all the evils of the world are attributed to Arafat, yet when Arafat says something positive publicly and openly, it is ignored. Arafat sent an official message in his name, and it was read in Geneva, in front of the hundreds of participants, including of course, world dignitaries, presidents and ex-presidents, including former President Carter.

Chairman Arafat's message supported this initiative and called upon the entire world to support it, because it gives a real basis for hope for both sides. Before that, two statements were made by the Palestinian leadership headed by Arafat. I'm a member of the Palestinian leadership, I report to the Palestinian leadership, I'm not an amateur, and I've been working as a politician for over 35 years. Nor is Arafat an amateur. He supports and endorses this, and he believes that this is a way that we all should take in order to return back to the normal forms of solving our problems.

At every turning point over the years, Arafat was the key figure who influenced Palestinian public opinion for the better. This is not propaganda, this is history, recent history, today's history. Without his support, I tell you, our road will be very difficult. But, to ask Arafat to

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stand and say, we adopt this document as an official, we adopt every single word and item in it, I myself did not advise this. I met with him after we signed the cover letter at the Dead Sea and told him what we had achieved, but I did not recommend that the Palestinian leadership adopt the Accord officially. I said I need your endorsement, your support, and your encouragement to go forward. This will help me, not only among the Palestinians, but among the Israelis and internationally.

The last thing that I want to say is that, yes, we have opposition, but the mainstream in the Palestinian national movement was, and still is, moderate. Ahmed Qrei'a, the prime minister, supports what we are doing. Abu Mazen, the ex-prime minister, supports what we are doing. They know where we are heading. And without this, of course, it would be very difficult for us. We had 200 Palestinians with us at Geneva. Among them were ex-prisoners, mostly Fateh people, and among them were young generation militants, who are still leading a struggle in the streets. There were also intellectuals, peasants, businessmen, and wealthy Palestinians who came from the United States, Europe, and elsewhere abroad. It was a very strange and unique scene, seeing Palestinians who are graduates of Israeli prisons, graduates of Harvard and officials of banks and companies, sitting side by side. These people represent the majority of Palestinian society.

Remember that we are still in the first month after we started the campaign. Maybe half of the people received the document in their homes, though I doubt a high percentage of them read all 60 or 70 pages. But 31% have already expressed support. That's a very good beginning in the first month. We have not even started different forms of campaigning, so let us be patient. We are overcoming decades of hatred and suspicion and three years of very fierce clashes and fighting between us, and now today we are confronting the wall, which poses a threat to our dream of a genuine lasting peace. The situation is urgent, and we have a large responsibility. So does the American administration.

Question: What kind of solution did you offer for the problem of water?

Daniel Levy: We dealt with all the core issues in the document, but there are other issues, such as water, that will be addressed in annexes that will be drafted by experts

Question: The government of Israel announced, again today, more construction and the US government seems not be able to bring them to a standstill. Under your plan, which settlements must go, and which will stay?

Shaul Arieli: Here are the principles in the agreement that define how the border will be demarcated and which settlements will be evacuated. The border between Israel and Palestine will be based on the 1967 line. The second, the land swap, will be made in a one-to-one ratio based on the party's interests or needs. The no man's land that exists near the '67 line will be divided between the parties. And the last, neither party will annex residential areas or residents of the other party.

Under these principles, Israel will absorb settlement blocs that contain 110,000 settlers. The Israeli neighborhoods in East Jerusalem that include 200,000 Israelis will be annexed. 110,000 Israelis living in 120 out of 140, including all settlements in the Gaza Strip, will be evacuated. In return for annexing Israeli blocs, Israel will transfer to Palestinian land in two areas, west of Judea and east of the Gaza Strip. We will extend the Gaza Strip by more than 90 square kilometers, almost 25% of the current area of the Gaza Strip, which is only 363 square kilometers.

Daniel Levy: In dealing with the settlement issue, we had to acknowledge that there were facts on the ground and that if we were to reach agreement we would have to deal with this reality, even though many Israelis had opposed the settlement enterprise in the first place. The negotiators agreed that if there was a Palestinian capacity to accommodate a certain Israeli need, then it had to be compensated for. In other words, if there could be modifications made to the 1967 lines, which would not derogate from the viability and contiguity of the Palestinian state, and if the Palestinians were willing to consider such modifications, then there would be a territorial compensation exactly along the lines that Shaul just outlined. Israel has no interest either in having islands of Israeli sovereignty that are indefensible, such as Ariel, which is 18 kilometers deep into the heart of the state of Palestine. Once we established the principle of a one-to-one land swap, we were cautious about what settlements we would keep because we knew we would have to give an equal area of land to the Palestinians in return.

Question: I was wondering if this agreement looks good only in relation to Sharon's policies. Your agreement legitimizes about 50% of the settlers, especially in the sensitive areas around Jerusalem. So 5 out of 10 settlers will get to stay. As for the Palestinian refugees who might be able to return to Israel, perhaps, 30,000 out of 5 million, or 6 per 1,000 - does that suggest that because of the imbalance of power, the Palestinians are eager to pay a high price for an agreement? As a Palestinian refugee, do I get to go back? Who decides? Letting go of Palestinians right of return, guaranteed under international law, seems like too high of a price, just because we want to have a Jewish state and cater to the concerns of Jews living in historic Palestine.

Nabil Kassis: In response to the question about sacrificing rights, we were eager to show that an agreement was possible. Agreements always entail departure from starting positions. But the Accord is not official, since only governments can make agreements. But we have shown that an agreement is possible, and our document illustrates what an agreement should look like, more or less. Most people believe that an agreed, rather than an imposed settlement, would be something close to what we have produced. Ultimately, Israelis and Palestinians will have an opportunity to support, or oppose, whatever agreement is ultimately negotiated, through referenda. This Accord is important because it shows people what an agreement is likely to look like. Those who want an imposed solution or a solution achieved through violence and war, at least now know what they will be missing and that there is an alternative.

If you're going to negotiate a solution rather than impose a solution, then it has to be something that is agreeable to the other party. The Arab League initiative and Resolutions 242 and 338 all envisage negotiations and agreement. To reach an agreement you need a partner. I believe Resolution 242 requires Israel's withdrawal from all the territories occupied in 1967, but I acknowledge others disagree. So we must negotiate and compromise to reach agreement

We are going through a very difficult time today in the Middle East. We should not rush into a rash solution, but we must find a solution soon. The possibility of a two-state solution is in jeopardy, and if this fails, the conflict will continue for a very long time. This threat is very real, and provides an incentive for us to seek solutions. Of course, at the end of the day it's up to the peoples on both sides to accept one solution or to reject it. But it would be irresponsible to find that a solution exists and not to show this to the public.

Yasser Abed Rabbo: One final thought. We should be wary of dealing with complicated national conflicts in abstract ways. If we do, coming generations in next 50 years will continue to suffer, and this will have grave consequences for the whole region. Absolute justice is impossible anywhere, at least not here on this earth.

Question: I want to promote the Geneva accords within the American community, especially to the administration, and would like to have Arabs and Jews working together. How do we coordinate our efforts with the initiators, specifically whom do we talk to and how do we coordinate things in this country?

Yossi Beilin: We are trying to form a joint organization in the United States, "Supporters for the Geneva draft agreement." We can't give you an address now, but we need your help, and if wish to leave us your details, we will get back to you.

Appendix 5:

**LETTER TO ISRAELIS AND PALESTINIANS:
A STATEMENT OF SUPPORT³**

To Israelis and Palestinians: A statement of support on the occasion of the signing on Monday of the Geneva Initiative - a blueprint for peace negotiated by teams of Israelis and Palestinians led by Yossi Beilin, a former Israeli justice minister, and Yasser Abed Rabbo, a former Palestinian information minister.

We express our strong support both for this and the "People's Voice" petition initiated by Ami Ayalon, the former head of Israel's Shin Bet security service, and Sari Nusseibeh, president of Al Quds University, Jerusalem.

The Israeli-Palestinian conflict has taken far too great a toll already. Both peoples have paid dearly in lives and livelihoods in a war both are losing. Every passing day undermines the prospects for a peaceful, two-state solution. As long as the conflict endures, it will be a source of instability and violence for the region and the international community as a whole.

We believe that the best way to move forward is to address at the outset, not at the end of an incremental process, all the basic principles of a fair and lasting solution. Postponing the final outcome makes any progress hostage to extremists on both sides. A process must be devised to give practical and political expression to the heartfelt desire of clear majorities on both sides to end this conflict once and for all.

The Geneva and People's Voice initiatives both reflect that public opinion and can help give it new momentum. On the Israeli side, they can help undo the myths that have taken hold since the collapse of the peace process and onset of violence: that the Palestinian people are not prepared to accept a two-state solution and Israel's right to exist as a Jewish state. On the Palestinian side, they can offer an alternative to the current mindset that sees in violence the only possible means of

³ On the occasion of the signing ceremony of the Geneva Accord, 58 global leaders signed and published an appeal in support of the Accord as well as of the Nusseibeh-Ayalon "People's Voice" petition. Published by the *International Herald Tribune* on 1 December 2003.

ending the occupation. They send a powerful signal that an alternative to the current situation exists. They have the potential to transform the domestic political dynamics on both sides.

International support will be crucial to translate these endeavors into a concrete mechanism to bring about a lasting peace. The international players most relevant for this purpose - the "quartet" composed of the US, the EU, Russia and the UN, and the members of the Arab League - should wholeheartedly back these initiatives. They should urge both the Israeli government and the Palestinian Authority to be guided by the outcomes most of their peoples want. And they should make clear their own willingness to lend all the political, economic and military support needed to help implement a comprehensive peace agreement.

The Israeli and Palestinian peoples, by making clear their belief in the Geneva and People's Voice initiatives, can help turn the principles embodied in them into reality. You can count on our support in this endeavor.

Martti Ahtisaari, former President, Finland; Ali Alatas, former Foreign Minister, Indonesia; George Alleyne, former Director, Pan American Health Organization; Oscar Arias Sánchez, former President, Costa Rica; Lloyd Axworthy, former Foreign Minister, Canada; Alexander Bessmertnykh, former Foreign Minister, USSR; Carl Bildt, former Prime Minister, Sweden; Boutros Boutros-Ghali, former Secretary General, UN; Lakhdar Brahimi, former Foreign Minister, Algeria; Fernando Henrique Cardoso, former President, Brazil; Ingvar Carlsson, former Prime Minister, Sweden; Lord Carrington, former Foreign Secretary, UK, former Secretary General, NATO; Jorge Castañeda, former Foreign Minister, Mexico; Claude Cheysson, former Foreign Minister, France; Jacques Delors, former President, EC; Jiri Dienstbier, former Foreign Minister, Czechoslovakia; Ruth Dreifuss, former President, Switzerland; Uffe Ellemann-Jensen, former Foreign Minister, Denmark; Gareth Evans, former Foreign Minister, Australia; Mark Eyskens, former Prime Minister, Belgium; José María Figueres, former President, Costa Rica; Malcolm Fraser, former Prime Minister, Australia; Hans-Dietrich Genscher, former Foreign Minister, Germany Bronislaw Geremek, former Foreign Minister, Poland; Mikhail Gorbachev, former President, USSR; I.K. Gujral, former Prime Minister, India; Bob Hawke, former Prime Minister, Australia; Bill Hayden, former Governor-General, former Foreign Minister, Australia; Raffi K. Hovannisian, former Foreign Minister, Armenia; F.W. de Klerk, former President, South Africa; Wim Kok, former Prime Minister, Netherlands; Masahiko Komura, former Foreign Minister, Japan; Budimir Loncar, former Foreign Minister, Yugoslavia; Barbara McDougall, former Secretary Of State For External Affairs, Canada; Gianni de Michelis, former Foreign Minister, Italy; Boyko Noev, former Defense Minister, Bulgaria;

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Sadako Ogata, former UN High Commissioner for Refugees; Lord David Owen, former Foreign Secretary, UK; Surin Pitsuwan, former Foreign Minister, Thailand; Augusto Ramírez Ocampo, former Foreign Minister, Colombia; Fidel Ramos, former President, Philippines; J.J. Rawlings, former President, Ghana; Mary Robinson, former President, Ireland; Michel Rocard, former Prime Minister, France; Nafis Sadik, former Executive Director, UN Population Fund; Salim Ahmed Salim, former Secretary-General, OAU; Cornelio Sommaruga, former President, International Committee of the Red Cross; Kalevi Sorsa, former Prime Minister, Finland; Eduardo Stein, former Foreign Minister, Guatemala; Pär Stenbäck, former Foreign Minister, Finland; Max van der Stoep, former Foreign Minister, Netherlands; Thorvald Stoltenberg, former Foreign Minister, Norway; Hanna Suchocka, former Prime Minister, Poland; Alex Sceberras Trigona, former Foreign Minister, Malta; George Vassiliou, former President, Cyprus; Hubert Vedrine, former Foreign Minister, France; Franz Vranitzky, former Federal Chancellor, Austria; Ernesto Zedillo, former President, Mexico.

Signed on 1 December 2003

Signatures subsequently received:

*Abdou Diouf, former President, Senegal;
Vahit M. Halefoğlu, former Foreign Minister, Turkey.*

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<http://electronicintifada.net/bytopic/166.shtml>

Compilation of text of the accord, analysis, human rights commentaries, opinion/editorial pieces, and activism news related to the Geneva Accord.

<http://www.geneva-initiative.net>

Palestinian Website of the Geneva Initiative (Arabic and English)

<http://www.heskem.org.il/>

Israeli Website of the Geneva Initiative (Hebrew and English)

<http://www.jewishvoiceforpeace.org/resources/geneva/GenevaLinks.html>

Collection of essays/articles by the Jewish Voice for Peace.

http://www.meretzusa.org/doc_genevainitiative.shtml

Full text, maps, links related to the Geneva Initiative.

<http://www.mifkad.org.il/eng/default.asp>

Website of "The People's Voice" campaign

<http://www.silentnolonger.org/wps/portal>

Website of the "One Voice" campaign

<http://www.shaml.org/ground/geneva/index.htm>

Extensive collection of essays/articles on the Geneva Accord available at the website of Shaml.

<http://student.cs.ucc.ie/cs1064/jabowen/IPSC/php/db.php?tid=433>

Extensive collection of essays compiled by the Cork (Ireland) Palestine Solidarity Campaign.

http://www.tikkun.org/community/geneva/index.cfm?action=full_text

Contains the full text of the Accord, a Petition in its Support, Maps, a Q&A Section, and related materials.

MAPS

The following two maps were adapted from maps made available by the Palestinian Peace Coalition as part of their "Borders Through Maps" publication.

Notes:

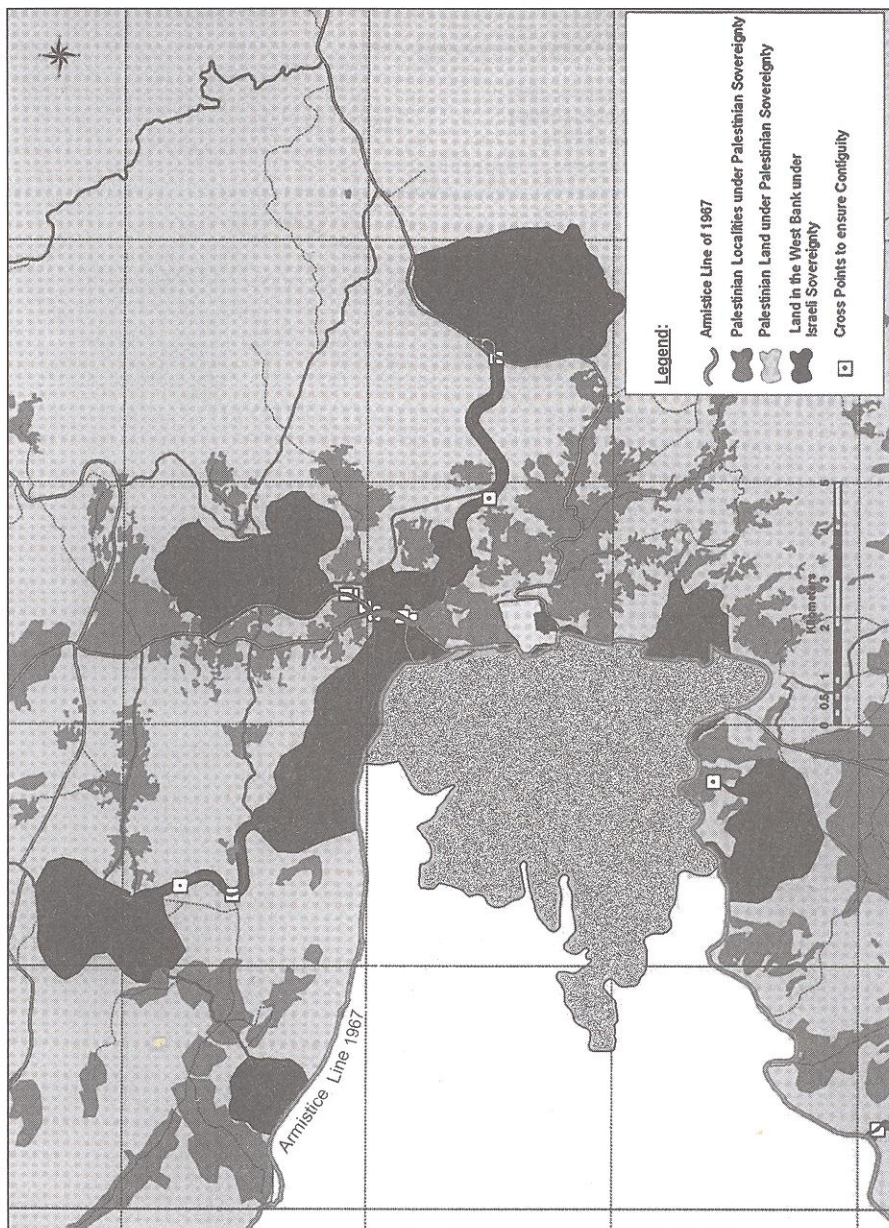
■ Jerusalem Map

Map detailing the arrangements for Jerusalem, including the East Jerusalem settlements, in the Geneva Accord. Concerns have focused on the continuing presence of Ma'ale Adumim, blocking Palestinian development to the east, and also on the question of territorial continuity between East Jerusalem and the northern West Bank. On the latter issue, links have apparently been included, but it remains to be seen how they will work in practice, especially given Israel's desire to completely separate its own territory from that of the Palestinians.

■ Land Swap Map

Map showing the territories to be exchanged as part of the 'land swap'. The Palestinians would lose areas close to the 'Green Line' north of Jerusalem, the land on which the east Jerusalem settlements are built and the Gush Etzion Bloc. They would gain land adjacent to the Gaza Strip and southwest of Hebron. Questions have been raised about the relative quality of the land that the Palestinians would gain, compared to that which they would lose.

Jerusalem in Geneva



Land Swap in Geneva

