

PALESTINIAN-ISRAELI NEGOTIATIONS & THE ISSUES AT STAKE



Special Bulletin

INTRODUCTION

Over the past six decades, there have been numerous attempts to find a political formula to end the Israeli-Palestinian conflict. Yet, the current 'peace process,' launched in the early 1990s, remains a complicated and unresolved issue. Although there is no doubt that peace is a political necessity, emphasis has perceptibly been on process and the achievement of a durable agreement seems increasingly out of reach. The impasse in the negotiations reveals how little, if at all, remains of the basic notion that both parties to the conflict have something to offer the other in exchange for what they themselves want. It appears that Israel has become accustomed to the way things are and sees no urge to change the status quo: it is in control of all the issues at stake, including land, natural resources, and people, while its own economy is flourishing. At the same time, nobody has emerged from the international community willing to take serious action against Israeli illegal acts or bring the occupation to an end.

So far, the process has failed, but it will inevitably continue. The intention of this bulletin is to examine past efforts and expose the apparent intractability of this conflict by looking at both the existing state of affairs and the differing views regarding the so-called permanent status issues, i.e., Jerusalem, borders, refugees, settlements, water, and security.

THE STORY SO FAR ... (TIMELINE)

Direct face-to-face talks between official Palestinian and Israeli representatives began in January 1993 under the mediation of Norway and led to the **Declaration of Principles on Interim Self-Government Arrangements**, signed on 13 September 1993 in Washington, DC. It provided the guidelines for future negotiations, as well as for a five-year interim autonomy for Palestinians, followed by a permanent settlement based on UN Security Council Resolutions 242 and 338. It postponed the major issues (e.g., Jerusalem, refugees, settlements, water, security, and borders).

The subsequent **Agreement on the Gaza Strip and the Jericho Area** (Oslo I, Cairo, 4 May 1994) outlined the first stage of Palestinian autonomy - in 60% of Gaza and a 65 km² area in and around Jericho - including Israeli redeployment and the establishment of a Palestinian Authority (PA) as an administrative body. In addition, a Palestinian police force was set up and 'powers' in five civilian spheres were transferred to the Palestinians. However, Israel retained control of its settlements, military locations, and security matters. The following year, the **Palestinian-Israeli Interim Agreement on the West Bank and the Gaza Strip** (Oslo II, Taba, 28 September 1995) expanded Palestinian self-rule in the West Bank, which was divided into **Area A** (full Palestinian civil jurisdiction and internal security), **Area B** (full Palestinian civil jurisdiction, joint Israeli-Palestinian internal security), and **Area C** (Israeli civil and overall security control). Elections for and powers of a Palestinian Legislative Council were determined and October 1999 was set as the date for reaching a final status agreement.



Arafat-Rabin handshake after signing the Declaration of Principles 1993

Events (the assassination of Yitzhak Rabin on 4 November 1995, 1996 election of a Likud-led coalition government) brought the Oslo process first to a halt, then set off a series of meetings to renegotiate the accords. The first outcome of these was the **Protocol Concerning the Redeployment in Hebron** (January 1997), followed by the **Wye River Memorandum** (Washington, DC, October 1998) for the implementation of the Oslo II Agreement and the resumption of final status talks. It divided the second redeployment provided by Oslo II (that had been due by April 1997) into three phases totaling 13% of the West Bank. Other main points were amendments in the PLO Charter, opening the airport in Gaza and the safe passage corridor, reducing the number of Palestinian police, and releasing Palestinian prisoners. The December 1998 Knesset vote for early elections in May 1999 suspended further implementation of the agreement. In September 1999, the **Sharm El-Sheikh Agreement** for the implementation of the Wye River Memorandum was signed, stipulating that Israeli military forces would withdraw in three stages from another 11% of West Bank land, release 350 Palestinian political prisoners, open the safe passages, and begin permanent status talks on 13 September 1999 to reach a framework for a settlement of the conflict by February 2000 and a final peace agreement by September 2000.

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Ehud Barak, Bill Clinton and Yasser Arafat during the 2000 Camp David Talks

In **July 2000**, the US called for a three-way summit to reach an agreement on final status issues. The Palestinian side, disillusioned by the Oslo process, had requested more time to prepare for negotiations, but acquiesced under mounting US pressure. However, after 15 days of talks, the **Camp David Summit** ended on 26 July 2000 without success. Palestinian President Arafat was blamed by President Clinton for rejecting Israeli Prime Minister Ehud Barak's "generous offer": a Palestinian state, whose borders, airspace, and water resources would be controlled by Israel and whose territory would consist of four separate cantons entirely surrounded by Israel. To overcome the post Camp David deadlock, the US introduced a **Bridging Proposal** in November 2000, proposing Israeli withdrawal from 90% of the West Bank to make way for a Palestinian state and several 'solutions' to the problems of settlements, refugees, and Jerusalem. In a last ditch effort, US President **Clinton** offered his '**Parameters**' to Israeli and Palestinian negotiators at a White House meeting on 23 December 2000, to serve as guidelines for final accelerated negotiations, which, he hoped, could be concluded in the weeks before he would leave office. Based on these ideas, Israelis and Palestinians conducted talks in January **2001** in **Taba**, but given the circumstances and time constraints, they failed to reach an agreement. The election of **Ariel Sharon** as Prime Minister in February 2001 then effectively ended the process. The June 2001 **Israeli-Palestinian Ceasefire and Security Plan** proposed by CIA Director George Tenet also failed to change the situation on the ground. While all these efforts during 2000/2001 led nowhere, they were remarkable in that they at least shattered previously unspoken taboos and exposed - at an unprecedented level and to both sides - what would be required to end the conflict.

The **Oslo process** failed, *inter alia*, because there were no enforceable demands made of Israel, no honest neutral mediator, no formal assurances (e.g., binding maps regarding the transfer of land), no enforcement of agreed-upon deadlines, and frequent changes in Israeli governments, each able and keen to reassess commitments made previously.

In **February 2002**, then Saudi Crown Prince Abdullah announced his proposal of "normal relations" with Israel for a full withdrawal of Israeli troops from the Occupied Palestinian Territory (OPT), recognition of a Palestinian state, and a fair solution to the right of return for refugees. The **Saudi initiative** was adopted by the Arab League summit in Beirut

in March 2002 (and reiterated at their summit in Riyadh in March 2007). In December that year, a new peace plan (**Performance-based and Goal-driven Road Map** - known as the Road Map) formulated by the so-called Quartet - the US, the UN, the EU, and Russia, was presented to Israel and the Palestinians. Formally launched in **April 2003**, it aimed at a "final and comprehensive settlement of the Israel-Palestinian conflict by 2005" based on a full two-state solution. The PA was obliged to make democratic reforms (including the appointment of a Prime Minister) and abandon violence, while Israel was to end settlement activity. While the Palestinians supported the plan, Israel under Sharon attached 14 reservations and rejected a settlement freeze. The requirements of the Road Map were never fulfilled by successive Israeli governments and it remains in effective limbo.

In late 2003, the so-called **Geneva Accord** made headlines. It was an extra-governmental, and therefore unofficial, peace proposal meant to offer a draft permanent status agreement to solve the Israeli-Palestinian conflict. However, it repeated the errors of the past and was widely considered as a mere theoretical draft without backing by those in power.

In **2004**, then Israeli Prime Minister Sharon introduced Israel's **unilateral disengagement plan** that effectively ended the era of talks and attempts to negotiate a solution. The Israeli Cabinet passed a revised version of the plan on 6 June 2004 and it was enacted in **August 2005** through the removal of all Israeli settlements and military installations in the Gaza Strip and of four settlements in the northern West Bank.

In another attempt to revive the stalled talks, the leaders of Israel, Egypt, Jordan, and the PA convened on 8 February 2005 for the **Sharm el-Sheikh Summit**, but the only result was the declaration of statements reaffirming a commitment to move forward with the peace process in accordance with the Road Map.

With Hamas forming the **PA unity government** in March **2006** - following the second PLC elections two months earlier - Israel suspended all remaining contacts with the PA. Meetings between President Abbas and Prime Minister Olmert were only resumed after the Palestinian national unity government was dissolved following the near civil war and Hamas takeover of Gaza in June 2007.

The US-mediated **Annapolis conference** on 27 November **2007** was meant to re-launch the permanent status talks but only produced a "joint understanding" regarding further negotiations, the (unrealistic) goal of a peace treaty by the end of 2008, and a commitment to implement Road



Annapolis Conference, November 2007

Map obligations, including a settlement freeze. In fact, Israeli settlement activity increased dramatically during the year that followed (See PLO-NAD, Summary of Israeli Road Map Violations since Annapolis, 28 November 2007 to 27 November 2008).

The Arab summit in Damascus in March **2008** renewed the 2002 **Arab Peace Initiative** and asked for a review in the light of ongoing negotiations. At that summit, UN Secretary-General Ban Ki-moon called for “a just, lasting and comprehensive peace, the end of occupation, and the establishment of a Palestinian State which will live side by side in peace and security with Israel” and a “different and more positive strategy for Gaza.” On 27 December 2008, Israel launched a massive military assault against the Gaza Strip, code-named **Operation Cast Lead**, which left some 1,400 Palestinians and 13 Israelis dead and drew harsh condemnation from across the world. In protest, the PA halted all negotiations. Taking office in **January 2009**, new US President **Barack Obama** made the peace process one of his top priorities. Netanyahu, returned to power in Israeli elections in March, stressed his conditions, including a demilitarized Palestinian state and recognition of Israel as the homeland of the Jewish people, while the PA insisted on a complete settlement freeze. In November, Netanyahu announced a partial 10-month freeze and Abbas - under US pressure – agreed to **return to negotiations**.

On 3 March **2010**, the Arab League’s Follow-Up Committee on the Arab Peace Initiative endorsed four months of “**proximity talks**” with Israel, a formula that allowed President Abbas to resume negotiations without his demands on settlements being met. The talks were delayed because of disputes about Israeli settlement expansion in East Jerusalem. The Committee met again on 1 May 2010 and supported the proximity talks, which began on 9 May. On 29 July, representatives of the Committee agreed to support direct talks between Palestinians and Israelis when the Palestinians deemed the time right. **Direct Israeli-Palestinian negotiations** resumed in September, with the framework for talks laid down during four days of meetings attended by Presidents Obama, Abbas, and Mubarak, King Abdullah, and Prime Minister Netanyahu. After regional meetings between the parties, they all met in Sharm El-Sheikh to discuss the next steps, but the end of Israel’s settlement moratorium on 26 September brought an end to all activity.



US Secretary of State Hillary Clinton with Netanyahu and Abbas, Sharm El-Sheikh, September 2010

In January **2011**, the Palestinians rejected outright a proposal by Israeli Foreign Minister Avigdor Lieberman for a Palestinian state to be established initially on 50% of the West Bank, with final borders to be negotiated at a later date. In March 2011, representatives of the Middle East Quartet, during their latest round of meetings in Tel Aviv and Ramallah, pessimistically declared that they held little hope for the resumption of peace talks since the differences between the two sides were far too wide for negotiations to resume in the near future (*Ha’aretz*, 17/3/2011).

JERUSALEM

THINGS AS THEY ARE

Israel claims it acquired sovereignty over the **western part** of the city during the War of **1948**, extending it over **eastern Jerusalem** in the June War of **1967**, *de facto* establishing new municipal borders. Since then, Israel has built Jewish settlements and located major government offices in that part of the city and formally annexed it in July 1980 under the *Basic Law: Jerusalem, Capital of Israel*. This move was not recognized by the international community, which holds that East Jerusalem is occupied territory (most foreign embassies and consulates are in Tel Aviv) and condemns any attempts to alter the city’s character and status.



MAIN REFERENCES IN INTERNATIONAL LAW

UN Security Council Resolution 242 (1967) emphasizes “the inadmissibility of the acquisition of territory by war” and calls for the “(w)ithdrawal of Israel armed forces from territories occupied in the recent conflict.”

UN Security Council Resolution 252 (1968) states that “all... actions taken by Israel... which tend to change the legal status of Jerusalem are invalid and cannot change that status.”

UN Security Council Resolution 476 (1980) “Reconfirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention... and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.”

The **1988 Palestinian Declaration of Independence proclaimed** – for the third time after the 1948 Independence Declaration and the 1964 PLO Charter - Jerusalem as the capital of the State of Palestine and in 2002, President Arafat ratified a law - drafted by the PLC - designating the city as such.

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The **Madrid peace conference** in **October 1991** delayed negotiations on the issue of Jerusalem because Israel refused to accept it on the agenda (and also rejected representatives from Jerusalem as part of the Palestinian delegation). Neither the official talks in **Washington** during **1992-93**, nor the **1993 Declaration of Principles** resulting from the secret Oslo talks, or any of the subsequent **1994/1995 Oslo Accords**, added any significant momentum to the issue of Jerusalem. Only “The Framework for the Conclusion of a Final Status Agreement” (better known as **Abu Mazen-Beilin Agreement**) drawn up by then PLO Secretary-General Mahmoud Abbas and Israeli Deputy Foreign Minister Yossi Beilin in **October 1995** (the existence of which was denied for five years!) dared to draft a proposal for Jerusalem. This proposal divided the city, with Arab neighborhoods of East Jerusalem becoming part of the Palestinian state, the capital of which would be Abu Dis, and Jewish neighborhoods of East Jerusalem being part of Israel.

The first time the issue of Jerusalem was officially tackled in negotiations was in the **July 2000 Camp David Summit**, where the Israelis offered the Palestinians responsibilities over some neighborhoods in Jerusalem and discussed Israeli plans for the joint administration of the Old City. However, Israeli demands that Palestinians recognize its settlements established within the Jerusalem municipal boundaries, in addition to the Jewish historic-religious relationship with the Haram Al-Sharif requiring shared ‘sovereignty’ over the site, were unacceptable and led, *inter alia*, to the summit’s failure. Negotiations continued nevertheless and in December, US President **Clinton** offered his “**Parameters**” to serve as guidelines for final accelerated negotiations (based on which the January **2001** Taba talks took place). As regards Jerusalem, Clinton’s principles were “that Arab areas are Palestinian and

Jewish ones are Israeli”, that “maximum contiguity for both sides” should be ensured, and that the Haram Al-Sharif/Temple Mount was less an administrative than a symbolic issue of sovereignty and should be treated as such.

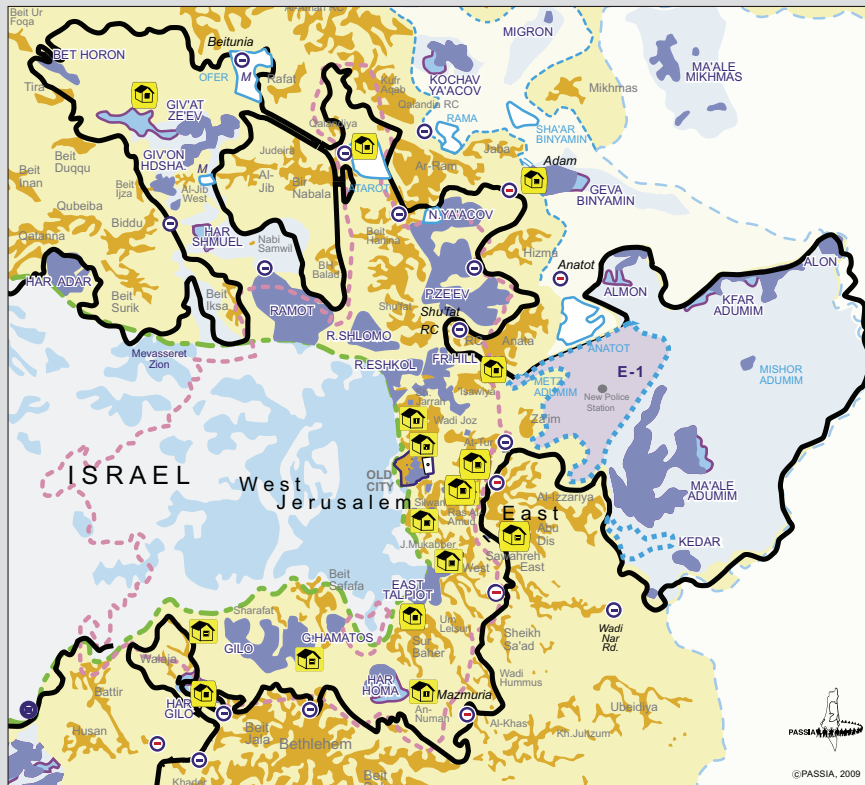
Since then, all peace initiatives (**Saudi peace plan and Road Map** in 2002, the 2003 **Geneva Accord**, 2007 **Annapolis conference**) have failed to bring the issue of Jerusalem any closer to a solution. Meanwhile, Israel continues unhindered to create facts on the ground which further obstruct – or, as some argue, have made impossible - a viable solution for the city. At a speech at Bar-Ilan University on 14 June 2009, Prime Minister Netanyahu said one of his conditions to accept a Palestinian state was that Jerusalem remained the united capital of Israel, although open to all religions. Unlike his predecessors, Netanyahu has shown no willingness to cede Arab neighborhoods to the Palestinians, nor to share sovereignty over the Haram Al-Sharif or the so-called ‘Holy’ or ‘Historic Basin’.

For Palestinians, Jerusalem is deeply rooted in the Islamic and Christian faiths and essential to the economic, geographic, political, and cultural viability of a future state; **no Palestinian state without Jerusalem as its capital is acceptable**. However, Palestinians have shown willingness to consider solutions regarding the city’s administration in line with international law (e.g., Jerusalem as an open city and capital of two states with Israeli control over the Jewish Quarter and Al-Buraq or Wailing Wall). Issues at stake with regard to Jerusalem are the future borders and administration of the city, as well as the status of its citizens and sovereignty over the Old City and its holy places.

POSITIONS

Palestinians	Israel
<ul style="list-style-type: none"> • East Jerusalem is subject to UNSC Resolution 242 and forms part of the occupied territory which will become the Palestinian state. In principle, sovereignty must be divided along the 1967 lines (with potential modifications through mutually agreed exchanges). • Thus, Al-Haram Al-Sharif compound must also fall under full Palestinian legal sovereignty. • Jerusalem in its entirety (and not merely East Jerusalem) is the subject of permanent status negotiations. Palestinians will exercise sovereignty over part of the city, which will serve as the capital of their state. • Jerusalem should be an open city with no physical partition that would prevent free movement. • Freedom of worship and access to religious sites must be guaranteed to all faiths and their dignity protected and preserved. 	<ul style="list-style-type: none"> • Jerusalem is and must remain the capital of the State of Israel, undivided, under exclusive Israeli sovereignty (as stipulated under its 1980 Basic Law). • There is no basis in international law for the position supporting a status of corpus separatum for the city of Jerusalem, which was no more than a non-binding proposal and became irrelevant with the Arab states’ rejection of UN Resolution 181.

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BORDERS

THINGS AS THEY ARE

In 1988, 40 years after the Nakba, the PLO made a historic compromise when it recognized **UN Resolutions 242 and 338**, thus accepting to establish a Palestinian state with East Jerusalem as its capital on only **22% of its historic homeland** – i.e., the territory occupied by Israel in 1967. While Palestinians consider recognizing Israel's right to exist on the remaining 78% a major concession, Israel regards giving the Palestinians any parts of the remaining 22% as a concession.

The **1967 line** - the 1949 Armistice Line plus all mutually agreed legal modifications up until the War of 1967 - is the only internationally recognized boundary between Israel and the OPT and conforms with international law. The international community does not recognize Israeli sovereignty over any part of the OPT. However, Israel continues to change the facts on the ground to match its own interests, be it through expansion of settlements or the construction of the separation barrier. While Israel does not rule out the establishment of a Palestinian state in principle (in order to secure Israel as an exclusive state for Jews), it insists on full control of all borders.

The **Clinton Parameters** had proposed that the Palestinians would secure control of all of the Gaza Strip, as well as between 94-96% of the West Bank, with Israel annexing most of their settlements (with 80% of the settler population) and exchanging between one to three percent of land with the Palestinians in compensation. The territory of the Palestinian state would have to be contiguous.

There is no doubt that a **viable two-state solution** cannot be achieved without the delineation of agreed upon borders

MAIN REFERENCES IN INTERNATIONAL LAW

UN Charter (1945), Article 2 requires that “(a)ll members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.”

UN Security Council Resolution 242 (1967) calls on Israel to withdraw its army from territories occupied in the course of the 1967 War.

International Court of Justice, July 9, 2004 Advisory Opinion recognized the 1949 Armistice Line as the legitimate boundary of the West Bank and Gaza Strip, holding that all Israeli construction polices there are contrary to its obligations as an occupying power and are illegal.



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but Israeli policies and refusal to declare what its own boundaries should be make an agreement on borders virtually impossible. Maps presented by Israel in recent negotiations, for example, are similar to the separation barrier, which is more than twice the length of the Green Line and will, upon completion, run on only 15% of the Green Line or in Israel, while 85% will be inside the West Bank (see Myre, Greg, "Olmert Outlines Plans for Israel's Borders," *New York Times*, March 10, 2006, <www.nytimes.com/2006/03/10/international/middleeast/10mideast.html>). In recent months, Prime Minister Netanyahu – backed by the Obama Administration - has repeatedly refused to acknowledge the 1967 lines as a starting point for talks on borders, claiming they would not allow for defensible borders and that UNSC Resolution 242 does not require a full withdrawal to the 1967 line. In March 2011, Netanyahu proposed working on a Palestinian state with temporary borders as part of an interim peace agreement, a plan the Palestinians rejected outright. For them, the 1967 borders are a must and only a comprehensive and completely

implemented permanent status agreement will bring an end to the conflict and the claims of either side.



Border with Egypt

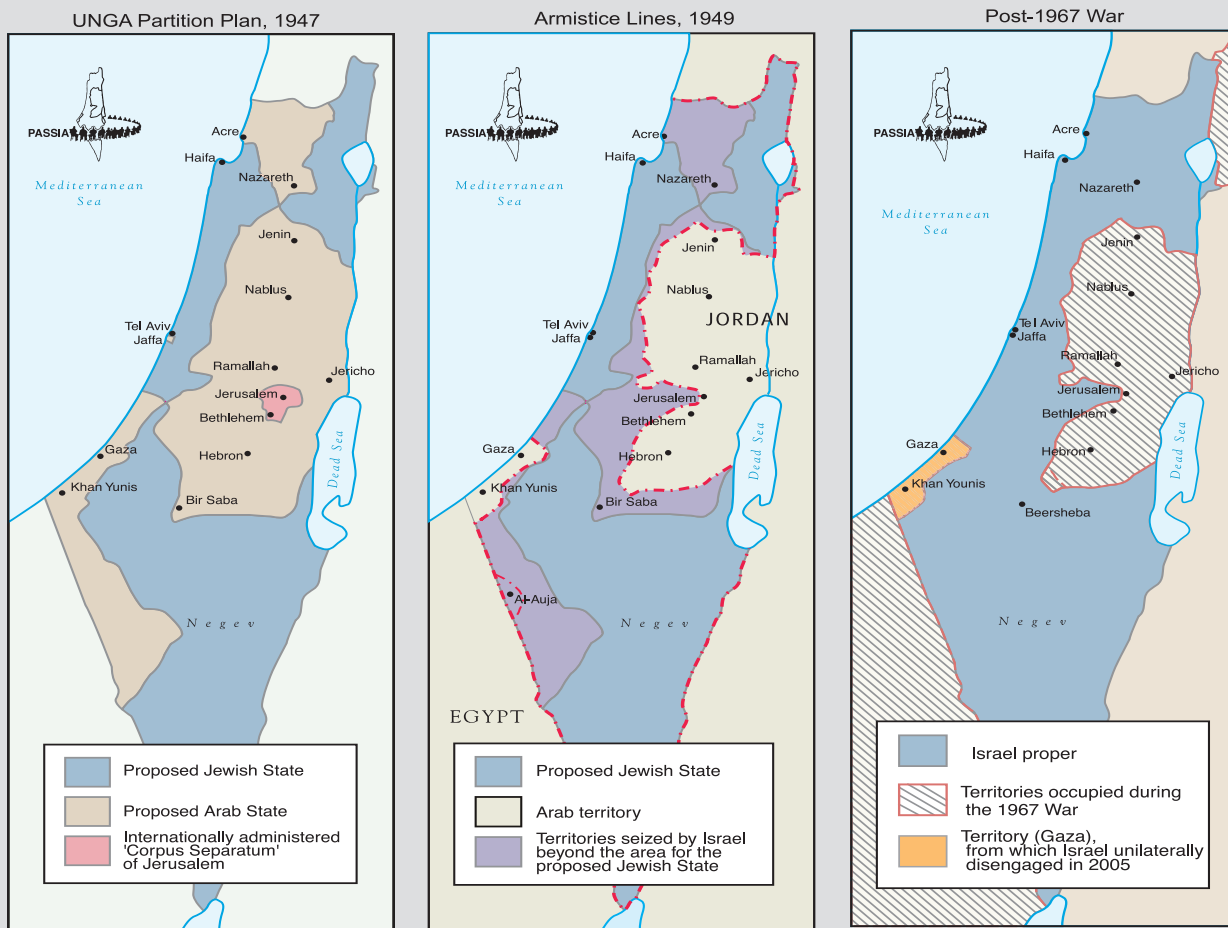
POSITIONS

Palestinians	Israel
<ul style="list-style-type: none"> The borders must be the June 4, 1967 lines, including Jerusalem, which is part of the whole border and cannot be delayed. The Palestinian state must be sovereign, viable, and geographically contiguous. Full control over the borders (free movement and access to international markets) and a territorial link between the West Bank and Gaza Strip. Willing to discuss minor, reciprocal, and mutually agreed changes to the 1967 boundary (1:1 land swap) and how to manage resources that are shared with neighboring countries. Land swaps should not cover more than 1-4% of the Palestinian territory. No Man's Land is integral part of the OPT (although there have been a few suggestions to consider dividing it evenly). A permanent territorial link (Gaza-West Bank corridor) under Palestinian sovereignty is necessary for a viable state. An equitable delimitation of the maritime area (Mediterranean and Dead Sea), with all maritime neighbors (Israel, Egypt, Cyprus, and Jordan). 	<ul style="list-style-type: none"> The achievements of the 1948 War are established facts that cannot be disputed and the compromise required must focus on the territory occupied in 1967 (22%). East Jerusalem is part of the Israeli municipal boundary and should be postponed, as should the 'Holy Basin' area. The border line must secure a solid Jewish majority within Israel and guarantee Israel's security, which the current Green Line cannot fulfill. Control of the borders, airspace, and territorial waters of a future Palestinian state is Israel's absolute right. A land swap compromise would encompass up to 10% of the occupied land, must not necessarily be 1:1. A Palestinian state must be demilitarized and Israel is entitled to 'hot pursuit' into Palestinian territory. No Man's Land is not occupied by anyone and thus, is not open to discussion (but could consider even division). Agree to principle of territorial link/safe passage but claim control over it. Maritime issues are governed by international law.



Border with Jordan (Allenby Bridge)

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REFUGEES

THINGS AS THEY ARE

The question of Palestinian refugees has been a core issue in the Arab-Israeli conflict since **UN General Assembly Resolution 181** of 29 November 1947 called for the **partition** of the Palestine Mandate into a Jewish and an Arab state. Yet, a just solution remains distant. International law and resolutions leave no doubt that Israel is legally required to permit the repatriation of Palestinians displaced in 1948 and that Palestinian refugees are entitled to full restitution, including the right of return, the right of return of properties, and the right to compensation for material and moral losses.

The most important source of reference is **UN General Assembly Resolution 194 (1948)**, which has been affirmed every year since its adoption. However, Israel continues to dispute the legality of Palestinian rights and refuses to repatriate refugees, even though its admission to the UN in 1949 was conditional upon accepting UN Resolutions, including 194.

In December 1949, the UN recognized the plight of the refugees and passed Resolution 302-IV to establish the UN Relief and Works Agency for Palestine Refugees in the Near East - **UNRWA** - to provide humanitarian aid.

In the course of the **June War of 1967 (An-Naqsa)**, the remaining parts of Arab Palestine (along with the Syrian Golan Heights and Egypt's Sinai Peninsula) came under Israeli occupation. Some 300,000 Palestinians were displaced from



Palestinian refugees, 1948

the West Bank and Gaza Strip, including around 175,000 UNRWA-registered refugees who fled for a second time. To accommodate the new wave of displaced persons, UNRWA established ten more refugee camps, now numbering 59 in total.

In **1965**, the Arab League's **Casablanca Treaty** obliged Arab states to preserve Palestinians' refugee status by not granting them citizenship, but also stipulated that the refugees be given the same rights as nationals. This has not been the case. One of the main problems Palestinian refugees face remains that they are not granted full residency status and civil rights and their hosts' attitude towards them is mainly based on considerations of state security. It must be said in this regard that Arab governments have often used the plight of Palestinians for their own political aims and alliances in the region. As a result of the problems relating to citizenship status, Palestinian refugees are particularly vulnerable to expulsion. Two examples are the over 300,000 Palestinians forced to leave Kuwait and other Gulf states during the 1990-1991 Gulf Crisis, and the 30,000 Palestinians in Libya who were expelled in 1995 in response to the PLO-Israeli accords.

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Since the **1991 Madrid Middle East Peace Conference**, the approach has been to tackle the issue of the 1967 **displaced people** first, while deferring that of the 1948 refugees until the 'permanent status' talks, as it was considered easier to resolve the question of people displaced from 'occupied territory' than from what became Israel in 1948. In **1992**, the **Refugee Working Group (RWG)** was initiated as part of the multilateral track to look into ways of dealing with the issue.

In **1993**, the **Declaration of Principles** failed to mention Resolution 194 and postponed the fate of the 1948 refugees, only providing for quadripartite talks (Israel, Palestinians, Egypt, and Jordan) regarding "persons displaced from the West Bank and Gaza Strip in 1967".

Likewise, the **1994 Gaza-Jericho Autonomy Agreement** only referred to the 1967 displaced persons (Art. XVI). A Continuing (Quadripartite) Committee was established to discuss this issue but failed to achieve much (due to major differences over definitions and numbers) and ceased to meet in 1997, when the peace process as a whole deteriorated. The **1995 Oslo II Accord** also failed to explicitly mention the right of return. Art. VII of the **Abu Mazen-Beilin Agreement** of 31 Oct. 1995 (the existence of which was only admitted in September 2000) acknowledged the right of return as just and lawful, but stated that in light of the realities "that have been created on the ground since 1948", its execution is not viable. It also called for the creation of an International Commission for Palestinian Refugees to define criteria and develop programs for compensation (for moral and material losses), resettlement, and the rehabilitation of refugees.

In May **1996**, the **final status negotiations** formally began but substantial negotiations did not take place until the **July 2000 Camp David** summit. During those talks, Israel refused to discuss the rights of Palestinian refugees, arguing that it bore no responsibility for the refugee problem or its solution. It only accepted a one-off 'family-reunification' of some 100,000 Palestinian refugees and the establishment of an international body to deal with compensation and resettlement issues. The Palestinians insisted on the right of return for all Palestinian refugees, including to areas inside Israeli borders.

In late **2000**, the **Clinton Parameters** proposed recognition of the right of return (to a Palestinian state, not to today's Israel) or rehabilitation in Arab states, or resettlement in third countries. All refugees were to receive compensation from the international community for their losses and assistance in building new lives. The Palestinians rejected the proposal as it failed to give any assurance that refugees' rights to restitution and compensation would be fulfilled. At the January **2001 Taba talks**, the Palestinians reiterated Israel's responsibility for the refugee problem and the right of refugees to return to their homes in accordance with UN Resolution 194, plus a free choice regarding the options put before them. The Israeli side expressed its understanding that the wish to return should be implemented within the framework of return and repatriation (to either Israel or the Palestinian state) or rehabilitation and relocation (in host or third countries).

In **2002**, the Arab **Peace Initiative** called for "a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194", suggesting that the PLO was willing to consider the interests and concerns of all stakeholders involved.

MAIN REFERENCES IN INTERNATIONAL LAW

The Universal Declaration of Human Rights, Art. 13 (2) (1948): "Everyone has the right to leave any country, including his own, and to return to his country;" and Art. 17 (2): "[n]o one shall be arbitrarily deprived of his property."

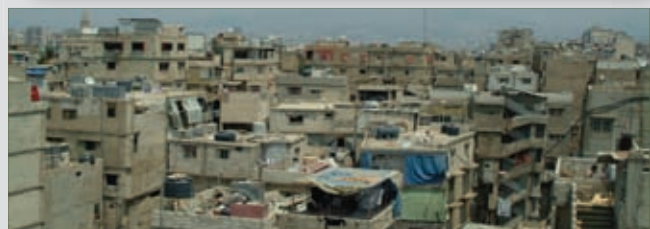
UN General Assembly Resolution 194 III, Para. 11 (11 Dec. 1948): "Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible." ... "Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation."

Fourth Geneva Convention, Art. 49 (12 Aug. 1949): "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." And Art. 53: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

International Convention on the Elimination of All Forms of Racial Discrimination, Art. 5 d (7 March 1966): (i) The right to freedom of movement and residence within the border of the State; (ii) The right to leave any country, including one's own, and to return to one's country.

The International Covenant on Civil and Political Rights, Part III, Art. 12 (16 Dec. 1966): 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. ... 3. No one shall be arbitrarily deprived of the right to enter his own country."

The UN Sub-Commission on Human Rights Principles on Housing and Property Restitution for Refugees and Displaced Persons: "All Refugees and displaced persons have the right to voluntarily return to their former homes, lands or places of habitual residence, in safety and dignity" (Art. 10.1)... "Refugees and displaced persons should be able to effectively pursue durable solutions to displacement other than return, if they so wish, without prejudicing their right to the restitution of their housing, land and property" (Art. 10.3).



Shatila Refugee Camp, Lebanon

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The **2003 US-sponsored Road Map** only calls for an “agreed, just, fair, and realistic solution to the refugee issue,” which should be solved as part of final status negotiations. As Professor Rex Brynen, an expert in refugee issues from McGill University (Montreal), pointed out, the inclusion of the word ‘realistic’ implies that there will be no acceptance of the right of return in its fullest sense.

The solution offered by the **2003 Geneva Accord** to the refugee issue was largely in line with the Clinton Parameters. Relinquishing the right of return for refugees was one of the major Palestinian concessions in the Geneva Accord. There was disagreement over the degree to which the Accord would oblige Israel to accept Palestinian refugees.

Today, the total Palestinian refugee population is the largest in the world, estimated at over 7.1 million (67% of the worldwide Palestinian population). These include 4.7 million persons registered with UNRWA and over one million not registered (either they simply did not register or did not need assistance at the time they became refugees in 1948), 335,000 internally displaced persons in Israel (from 1948), some 940,000 1967 displaced persons, and 129,000 persons displaced within the OPT during and after the 1967 War (Badil, *Survey of Palestinian Refugees and IDPs 2008*). Around half of the Palestinian refugees are stateless. For Palestinians, recognition of the rights of refugees is the crucial basis for negotiations on this issue.

Unlike his predecessor Ehud Olmert in talks with President Abbas in 2008, Israeli Prime Minister Netanyahu has not indicated whether a limited number of Palestinian refugees would be accepted into Israel proper as a “humanitarian gesture”. At a speech at Bar-Ilan University in June 2009, Netanyahu stated that he would accept a Palestinian state if the Palestinians would give up their demand to the right of return. In recent years, the idea of compensating the refugees while allowing only a symbolic number to return has been discussed internationally, but it is unlikely that the Palestinian people would accept this.



POSITIONS

Palestinians	Israel
<ul style="list-style-type: none"> Israel must acknowledge responsibility for the creation and perpetuation of the refugee problem. Israel must recognize that Palestinian refugees and their descendants have the right to return to their homes in principle. The issue must be resolved in a just manner, in accordance with UN General Assembly Resolution 194 (1948). (Palestinian refugees must be given the option to exercise their right of return, though they may favor resettlement in a Palestinian state or in third countries, or normalization of their legal status in the host country). Refugees shall be granted restitution and compensation for the material and non-material damages they have suffered (including loss of properties, livelihood, and opportunities and human suffering due to protracted displacement). States that have hosted Palestinian refugees shall be entitled to remuneration. The international community must be represented in the mechanism to guarantee the efficiency and durability of the implementation process. 	<ul style="list-style-type: none"> Any final accord would require the Palestinians to recognize Israel as the state of the Jewish people, thus implicitly denying the right of return to Palestinian refugees. Resolution 194 is non-binding and does not mention a "right" anywhere. Argues that the "live at peace" condition has not been met and it referred only to 1948 refugees, not to their descendants. Refuses to recognize its responsibility with respect to the refugee issue. Returning Palestinian refugees must be absorbed in a future Palestinian state as their return to Israel proper would threaten the state's Jewish identity (and Israel has also managed to absorb millions of Jewish immigrants over the years). Other refugees should be rehabilitated by international aid and resettled in neighboring countries. Agrees to an international implementation mechanism.

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SETTLEMENTS

THINGS AS THEY ARE

Since 1967, consecutive Israeli governments have pursued – in blatant violation of international law – an expansionist settlement policy intended to create irreversible facts on the ground and secure as much control over the territories and their resources as possible.



Pisgat Ze'ev settlement, Jerusalem

The **1993 Declaration of Principles** (Art. IV) – as well as subsequent agreements signed by Israel and the PLO as part of the peace process - prohibit actions which destroy the territorial integrity and status, or otherwise change the status of the OPT (see also Art. XXXI, Clause 7 and Annex I, Article I, Clauses 2-4 of the **1995 Oslo II Agreement**). Both the **1998 Wye Memorandum** and the **1999 Sharm El-Sheikh Memorandum** stipulated that “neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip in accordance with the Interim Agreement” (Art. V and Art. 10 respectively).



Ofra settlement, West Bank

At the **Camp David** summit in July 2000, Israel demanded the annexation of most of the settlements – including those in East Jerusalem, Hebron, Gush Etzion and other large blocs such as the Shomron - thus denying territorial continuity to the Palestinian ‘entity’. The subsequent **Clinton Parameters** proposed four guiding principles with regard to settlements: 80% of settlers in blocs, contiguity, minimize annexed areas, minimize the number of Palestinians affected.

According to the Moratinos Non-Paper, based on minutes taken by the then EU envoy Miguel Moratinos at the January **2001 Taba talks**, the Israelis and Palestinians agreed that the large settlements blocs in the northern West Bank, Jerusalem,

MAIN REFERENCES IN INTERNATIONAL LAW

The Hague Convention IV (18 Oct. 1907), Section II, Art. 23: “(...) it is especially forbidden – (g) To destroy or seize the enemy’s property, unless such destruction or seizure be imperatively demanded by the necessities of war;”

Universal Declaration of Human Rights (10 Dec. 1948), Art. 17 (2): “No one shall be arbitrarily deprived of his property.”

Fourth Geneva Convention (1949), Art. 47: “Protected persons who are in occupied territory shall not be deprived, (...) as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.”

Art. 49: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

Rome Statute of the International Criminal Court (1998), Article 8(b)(viii): “the transfer directly or indirectly by the Occupying Power of parts of its own civilian population into the territory it occupies” is a War Crime indictable by the International Criminal Court.

UNSC Res. 242 (22 Nov. 1967): Emphasizes “the inadmissibility of the acquisition of territory by war”, and calls for Israeli withdrawal from all occupied territories.

UNSC Res. 446 (22 March 1979): “Determines that the policy and practices of Israel in establishing settlements in (...) territories occupied since 1967 have no legal validity” and calls on Israel “to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories.”

UNSC Res. 452 (20 July 1979): “Calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.”

UNSC Res. 465 (1 March 1980): “Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the ... territories occupied since 1967, ... have no legal validity” and calls on Israel “to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem”.

International Court of Justice, Advisory Opinion of 9 July 2004: the Wall, along with settlements, violate international law.

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and Gush Etzion should be annexed, while continuity between Palestinian areas was assured, but significant amounts of the West Bank were to be exchanged for disconnected land in the Negev Desert.

The **2001 Mitchell Committee** and the **2003 Road Map** both called for a freeze of all settlement activity, including ‘natural growth’ (a neat loophole that Israel had exploited in the past), and the dismantlement of illegal outposts. The **2002 Arab Peace Initiative** called for “full Israeli withdrawal from all the territories occupied since 1967;” and the **2003 Geneva Accord** for the dismantling of 120 of the 140 settlements. A year later, then Prime Minister Sharon announced his unilateral **disengagement** plan and in **2005**, Israel evacuated all settlers from Gaza, as well as from four settlements in the Jenin area. At the **2007 Annapolis Conference**, Israel and the Palestinians renewed their respective commitments under the Road Map, but Israeli settlements continued to expand unabated. After months of US pressure, in November **2009**, Netanyahu announced a partial 10-month **settlement moratorium**. On this basis, President Abbas agreed to return to negotiations but these came to a halt when Netanyahu refused to extend the freeze.

It has become clear that Israel has no intention of stopping, or even slowing, settlement construction. Not only has the number of settlers more than doubled (58%) since the signing of the Oslo Accords, a complete new network of bypass roads has been established, which, together with Israel’s separation barrier, aim to further consolidate control over the West Bank and preempt the establishment of a viable, independent Palestinian state. Today, Israeli settlers and their organizations control some 42% of West Bank land, even though the settlements’ built-up area represents just one percent of the territory (B’Tselem, *By Hook and by Crook: Israel’s Settlement Policy in the West Bank*, 6 July 2010).

The main issues at stake are the evacuation of settlements and outposts and compensation for land losses. One of the issues still unclear is the granting of Palestinian citizenship or residential permits to Jewish settlers who would remain in the West Bank. The PA clearly rejected an Israeli proposal to keep the Jewish settlers living in the West Bank (“PNA rejects settlers’ presence in future Palestinian state,” *Xinhua*, 8/9/2010).

POSITIONS

Palestinians	Israel
<ul style="list-style-type: none"> • All the settlements built after 1967 are illegal and pose the greatest threat to a viable two-state solution. • An immediate, genuine and comprehensive settlement freeze and dismantling of outposts are necessary (in accordance with international law and the Road Map). • Evacuation of (most) settlements is a must to allow for the complete exercise of sovereignty and for sufficient land and access to resources to make a state viable and contiguous. • Does not accept wholesale annexation of so-called settlement blocs. • Ready to consider that a substantial number of Jewish settlers remain under Israeli sovereignty. 	<ul style="list-style-type: none"> • Settlement activity is legitimate. • West Bank lands and settlement blocs need to be retained (annexed) as a buffer in case of future aggression. Isolated settlements could be relocated into the settlement blocs or within Israel. • Wants to keep 80% of the West Bank settlers (Etzion, Adumim, Modi’in, Shomron/Ariel blocs).

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WATER

THINGS AS THEY ARE

The dispute over water rights and resources has a long history in the Middle East, with the Palestinian-Israeli conflict at its core. Since the 1967 occupation, Israel has, in violation of international law, exerted almost complete **control over Palestinian water** resources and deprived Palestinians of access to their rightful share of water for the benefit of its own population and illegal settlements.

Soon after the war, on 15 August 1967, Israel issued Military Order (MO) 92, transferring **authority** over water resources to the area military commander, followed by MO 158 (19 November 1967) forbidding the unlicensed construction of new water infrastructures, and MO 291 (19 December 1968) confiscating all water resources and declaring them state property. In 1982, the Israeli Water Company **Mekorot** took control. Palestinian wells were destroyed and supplies dried up by widespread digging and pumping from deeper wells for Israeli use. In 1986, Israel reduced the quotas for the amount of water to be pumped from wells in the OPT by 10%, which resulted not only in widespread **scarcity** but also in a drop in the water table and increased salinity. One of the main reasons why Israel is reluctant to transfer more territory to the PA is its unwillingness to relinquish control over these water resources.

In the context of the **peace process**, the water issue - owing to its complexity and significance - has been delayed to the final status negotiations. Annex III of the **1993 Declaration of Principles** established the Israeli-Palestinian Committee for Economic Cooperation to focus on various areas, including water. One of the anticipated outcomes was a joint Water Development Program to undertake studies and prepare proposals on the equitable utilization of joint resources, to be implemented during and beyond the interim agreement.

On a regional level, it was agreed to cooperate with regard to the Dead Sea area and desalinization plants. The **1994 Gaza-Jericho Agreement** only applied to the water and wastewater resources and systems in the Gaza and Jericho areas, tackling the issue in the context of environmental protection and hazards. It allowed for the drilling of new wells as long as they caused no

MAIN REFERENCES IN INTERNATIONAL LAW

UN Committee on Economic, Social and Cultural Rights, General Comment No. 15 (26 Nov.2002): “The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.”

Customary international water law calls for the “equitable and reasonable” allocation of water among the two or more parties who possess a claim to shared watercourses.

The Hague Regulations of 1910 / Fourth Geneva Convention of 1949: Both oblige the belligerent to safeguard the natural resources of the occupied country and to provide the original citizens with their needs from these resources.

The Helsinki Rules on the Uses of the Waters of International Rivers (1966) call for equitable distribution of waters from rivers shared by nation states.

UNGA Res. 3005 (Dec. 1972) recognized that the Palestinians’ right of permanent sovereignty applies to the resources of the Occupied Territories. This has also been repeated in numerous subsequent UN reports.

Under the *UN Convention on the Law of Non-navigational Uses of International Watercourses (May 1997)* the State of Palestine is entitled to an equitable and reasonable allocation of shared freshwater resources, including those in the four main aquifers and the Jordan River.

harm to Israel’s current water utilization. However, the document failed to address substantive or procedural rules.

The Palestinian Water Authority (PWA) assumed administrative responsibility for water resources but Israel maintained overall control of all water, including the Palestinian water supply. The **1995 Interim Agreement** on the West Bank and Gaza Strip explicitly stated that Israel recognizes Palestinian water rights, to be negotiated in the final status talks, but without further elaboration on the nature of these rights, or the principles governing them and the obligations of both parties. Article 12 of that Agreement expressly recognized water as a natural

POSITIONS

Palestinians	Israel
<ul style="list-style-type: none"> Acceptance of the fundamental principle of international water law stipulating that both Israel and Palestine are entitled to an equitable and reasonable allocation of shared freshwater resources. Water rights and the fair allocation of water according to international law must be attained and is critical for future political stability in the entire region. The Jordan River is one of the water sources to be shared and, together with the adjacent Jordan Valley, is essential for a viable state. Compensation by Israel for the past and ongoing illegal use of Palestinian water resources under international law. 	<ul style="list-style-type: none"> Wants the problem, i.e., the shortage of water, as a starting point. Insists on full control of the sources of Palestinian water. Any additional water for Palestinians must not come out of the Israeli share of water extracted from the West Bank since 1967, but through brackish and wastewater treatment, as well as developing new, non-conventional water sources. Initially refused to discuss the Jordan River altogether due to ‘security’ reasons; now accepts to discuss the lower Jordan River.

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resource. Annex III, Appendix I, Article 40 of the Agreement dealt with water allocation, but refers to the immediate needs of the Palestinians without considering the principle of equitable and reasonable utilization of water resources by both sides.

While Palestinian negotiators had asked for 450 million cubic meters (mcm) of water annually, **Oslo II** provided – as a temporary measure - only 28.6 mcm for domestic use: any additional increase was subject to usage of new water resources. A **Joint Water Committee** was established and the future needs of West Bank Palestinians were estimated at 70-80 mcm per year. However, Israel constantly vetoed Palestinian water projects, hindering any development, and in practice, only a fraction of the agreed amount has been made available to Palestinians. Among other things, from 1995 until today, Israel has not allowed the Palestinians to dig a single well to use the waters of the western aquifer but only the eastern aquifer (requiring up to 800 meter-deep digging at high cost for low-quality water) and, in rare cases, the north-eastern aquifer. Instead of developing their water resources, this has forced Palestinians to purchase water from Israeli companies. To summarize, it can be stated that the Oslo process has institutionalized Israeli control over Palestinian water use and planning, as well as its discriminatory allocation system.



were not based on the principle of equitable and reasonable utilization. Palestinians insist to first determine - in accordance with international law – the water rights of both parties and then their respective shares of all shared transboundary watercourses (surface and ground waters, including the Jordan River) regardless of the available amount of shared groundwater and surface water. On this basis, ways of maximizing existing water resources can be discussed for the benefit of both sides.



According to **international law**, which calls for “equitable and reasonable” allocation of water among the parties with a claim to shared watercourses, Palestinians should have full sovereignty over all the eastern aquifer resources that lie beneath the West Bank, and at least equitable water rights regarding the western and northeastern aquifers since these are recharged almost entirely from the West Bank. The Palestinians accept international law and how it governs the allocation of freshwater resources shared by Israel and the OPT. Under the **law of international watercourses**, as reflected in the related 1997 UN Convention, the State of Palestine is entitled to an equitable and reasonable allocation of shared freshwater resources, including those in the four main aquifers and the Jordan River. Under international law, Israel is obliged to compensate Palestinians for the past and ongoing illegal use of their water resources.

Today, Israel controls and utilizes 90% of the available shared water resources. All attempts at negotiation on the reallocation of the water supply have failed to date because they

Surface Water in Palestine



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SECURITY

THINGS AS THEY ARE

One of the key issues in the Israeli-Palestinian peace talks is the connection between **Israeli-claimed security** and **Palestinian statehood**. Israel favors establishing security measures as a precondition before advancing to final status talks. Prime Minister Netanyahu has repeatedly declared that Israel's security demands will come first before any discussions on borders and final status issues. Because of the short distance (i.e., within artillery range) of Israeli population centers to the Green Line, Israel insists not only on keeping - post-agreement - a **military presence on the West Bank**, but also that a Palestinian state be **demilitarized** and guarantees it would not allow entrance to any foreign army. Netanyahu has repeatedly stressed that Israel must have a presence on the eastern border of a future Palestinian state to prevent weapons smuggling. After 44 years of Israeli military occupation, a sovereign Palestinian state cannot accept such conditions, although Palestinians have shown readiness to consider certain limitations on their state's sovereignty for a number of years in cooperation with international partners. Palestinians acknowledge the significance of security for Israel but stress that this cannot be at the expense of Palestinian sovereignty or territorial integrity, and that the military occupation has deprived them too from living in a secure and prosperous environment for decades. For them, **Palestinian security** is equal in importance to Israeli security and Israel must understand that only a serious lasting peace agreement will reduce motivation for war and hostility and bring both political stability and economic prosperity to the region.



Strengthening the Palestinian security sector has been a major issue in the peace process from its outset in order to address Israeli security concerns. In the **1993 Declaration of Principles**, Israel and the PLO agreed that during the interim period, Israel would remain responsible for security along international borders and the crossing points to Egypt and Jordan, as well as for the overall security of Israelis in the West Bank and Gaza, settlements, and freedom of movement on roads. The **1994 Oslo I Agreement** defined the structure of the PA security apparatus as a 9,000-man "strong police" that would exist for five years, by which time a final status would supposedly have been negotiated. All personnel hired for the security forces required Israeli authorization. The **1995 Oslo II Agreement** added the task of preventing and combating violence and incitement of violence against Israel (Art. XII and

MAIN REFERENCE IN INTERNATIONAL LAW

UNSC Res. 242 (22 Nov. 1967): expressly affirms the right of "every State" in the area to live in peace "within secure and recognized boundaries" free from "threats or acts of force".

XIV) and consequently changed the structure of the PA security apparatus into several branches (e.g., Civil Police, Public Security, Preventive Security, Presidential Security, Intelligence - Annex I, Art. II and IV). The maximum number of policemen increased to 30,000.



Security sector reform has been a significant part of the PA agenda, especially since and under the 2003 Road Map obligations. In 2005, the US created the office of Security Coordinator to assist the Palestinians in reforming and developing their security capacity and the EU launched its EU Police Coordinating Office for Palestinian Police Support (EUPOL COPPS). Palestinian security efforts have been praised for their positive results by both Israeli and international security officials, but Israel still claims that there is insufficient progress to induce an Israeli withdrawal from the West Bank. Particularly commended were the reform programs coordinated by US Security Coordinator Keith Dayton during 2005-2010, which provided financial and technical support for Palestinian security personnel in Jordan and Jericho (See *Squaring the Circle: Palestinian Security Reform under Occupation*, Crisis Group Middle East Report No. 98, Sept. 2010). As of the end of June 2010, **employment** in the PA security services totaled 63,474



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workers (PA-Ministry of Finance, *Fiscal Developments – Second Quarter and Mid-year 2010 Report (Revised)*, Aug. 25, 2010).

Israel has thus far been unwilling to accept a third party role, although Palestinians would welcome the deployment of an international force. Further **issues at stake** in the security file include the military capacity of the Palestinian state, control of airspace, security coordination, Israeli military presence, international alliances and roles, and the definition, supervision and monitoring of the boundaries of the two states.



POSITIONS

Palestinians	Israelis
<ul style="list-style-type: none"> • It is impossible to discuss security before establishing the borders of the Palestinian state. • A Palestinian state must be able to defend itself from external threats and cannot be demilitarized (but may agree to arms limitations in return for full Israeli withdrawal and third party presence). • No Israeli presence or control over borders and border crossings whatsoever. • International presence to protect borders, monitor crossings, resolve disputes, etc. • Airspace could be controlled jointly. • Security cooperation that preserves the integrity and sovereignty of each state (including sharing of security related information, respecting international human rights, and developing relations with all bordering states in order to promote peace, security, and stability in the region). International guarantees and involvement will thereby play a central role. • No military alliances against the other side, nor allowing one's territory to be used as a base of operation against each other or against other neighbors. • No foreign troops may be stationed in either state's territory unless agreed to by the two parties. 	<ul style="list-style-type: none"> • Israel's security takes precedence above all else and requires defensible borders. • Palestinian state must be demilitarized. • Israeli military presence, especially along borders and in Jordan Valley, and early warning stations. • Complete Israeli control of the airspace above the West Bank and Gaza. • In principle, rejects any international presence. • Regional arrangements are needed to prevent deployment of foreign troops in Jordan, Palestine, and Israel, other than those agreed upon by the parties.

POSTSCRIPT

Almost 20 years after its launch, the peace process has utterly failed to resolve the Palestinian-Israeli conflict. Reasons for this are manifold, including the incompatibility of the national goals of the two parties and their entirely different objectives (ending occupation versus maintaining it in a different manner), Israeli disregard of its obligations under existing agreements, the predominance of Israel's (security) needs over the inalienable rights of Palestinians, and the absence of an honest, unbiased mediator. The massive leak of almost 1,700 documents related to the peace process by *Al-Jazeera TV* earlier this year have exposed the extent of US complicity with Israeli goals and demands and the pressure exerted on Palestinian negotiators to concede massive compromises. The other main revelation was Israeli Intransigence or, as Rashid Khalidi, Edward Said Professor of Modern Arab Studies at Columbia University, puts it: "The degree to which the Israelis were unwilling to accept concessions. It seriously casts into doubt the idea that Israel would accept anything but complete capitulation by the Palestinians to absolutely everything they're demanding on every front." (Rashid Khalidi: "Leaked Palestine Papers Underscore Weakness of Palestinian Authority, Rejectionism of Israel and U.S.," *Democracy Now*, 24/1/2011: <http://www.democracynow.org/2011/1/24/rashid_khalidi_leaked_palestine_papers_underscore>.) The vision of a two-state solution may still be alive, but if nothing happens soon to redress the current imbalance, then Israeli actions on the ground will continue unabated and render that vision obsolete.

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