

A TIME TO LEAD:
THE INTERNATIONAL COMMUNITY AND
THE ISRAELI-PALESTINIAN CONFLICT

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**A TIME TO LEAD:
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EXECUTIVE SUMMARY

Despite repeated attempts by the international community, efforts to end the devastating cycle of violence in the Middle East have thus far failed. Israelis live in constant fear of the next suicide attack, Palestinians live under siege and large-scale military attacks, and the Palestinian Authority is virtually dismantled, incapable of dispensing basic social, political or security services. From Egypt to the Gulf, anger at Israel's treatment of the Palestinian people, seeming U.S. complicity and Arab impotence is threatening to destabilise the region as a whole. Eight years after the signing of the Oslo accord, and less than two years after Israelis and Palestinians engaged in intensive negotiations to end their conflict, the two sides are closer to all-out war than they have been for decades.

If the international community does not promptly engage in a thorough re-examination of its approach and jettison some of the conventional tools upon which it has come to rely, there is every reason to believe that the region will slide further into chaos. Hard-liners may seek to exploit new-found opportunities, challenge moderate regimes or open up a second front on Israel's Lebanese border – all of which would have grave humanitarian and strategic implications. While there are signs that such a reassessment may be under way, the international community needs to act promptly and boldly to hope to make a difference.

What most of the current initiatives share is an emphasis on an incremental, step-by-step approach that seeks to rebuild the fabric of trust, resume security cooperation and renew the bargain originally struck at Oslo: increased security for Israel in exchange for increased control over their

daily lives for the Palestinians. Its focus is on getting Israelis and Palestinians to start once more from the bottom up before they can re-engage on the most contentious issues that divide them: the final borders, the status of Jerusalem and the fate of the Palestinian refugees.

But more than eight years of a see-sawing peace process have severely undermined faith in the type of incremental process that began in 1993. For many Israelis, that process entailed Israeli territorial concessions without any tangible Palestinian concession in return. In the meantime, Palestinian-controlled territory became safe-haven for radical groups bent on destroying Israel. For their part, Palestinians believe the process left them without any leverage while Israel retained all the cards – basic control over land, water and security; a free hand to expand settlements or demolish Palestinian homes; ultimate power to determine the scope of territorial withdrawals; and no monitoring international body to ensure compliance. In short, both sides have come to view Oslo as a process where they sacrifice a great deal for little in return – for Israelis, relinquishing land in exchange for an illusory promise of peace; for Palestinians, relinquishing the right to resist in exchange for an unenforceable promise to end the occupation.

The collapse of the Camp David summit in July 2000 and the ensuing eighteen months of violence have only accentuated and accelerated the profound political changes on both sides. For Palestinians, the redrawing of the political landscape is dramatic. Faith in a negotiated solution is rapidly receding as younger, more militant activists are dominating the political scene and placing their hope in guerrilla warfare, aggravated by the devastating instrument of suicide

bombs directed against civilians. Far from wanting to return to the process inaugurated at Oslo, they hold to the view that only once Israel has agreed to end the occupation and withdraw from the land it conquered in 1967 will they lay down their arms. In Israel, a confused and angry public opinion questions whether Palestinians will ever agree to live in peace, and wavers between its desire for a harsh military response – including the forcible transfer of Palestinians – and its yearning for an agreement that will end the conflict, even it means full territorial withdrawal.

As the situation has steadily deteriorated over the past several months, initiatives that once might have been capable of stabilizing the situation – most notably, the recommendations included in the Mitchell Report – have become increasingly detached from the realities on the ground. With the virtual collapse of the Palestinian Authority and the Israeli assault on Palestinian security organs, the notions of real confidence building, wide-ranging Palestinian security steps or cooperation with Israel have simply become out of reach.

In the current environment, a successful initiative must amount to more than the efforts by General Zinni, the U.S. Special Envoy, to reach a ceasefire or to rebuild confidence. And it must mark a new departure for U.S. policy, with a commitment to a specific final political settlement plan, not just to a process that might produce one.

The first step is for a fair and comprehensive final political settlement plan to be laid on the table by the international community. The vicious cycle in which Palestinians will not lay down their arms until they are persuaded that their political aspirations will be addressed, and Israelis will not contemplate political concessions until the violence has died down, can only be broken by the collective presentation of such a plan by key regional and international actors.

Such a plan should be agreed by the U.S. and EU, supported by Russia and the key Arab states (Egypt, Jordan and Saudi Arabia), and delivered to both sides by a Contact Group led by the U.S. and consisting of these players plus the UN Secretariat.

The plan itself should be based on the progress that was made during the negotiations conducted at Taba in January 2001, taking account, as well, of

subsequent pronouncements by the United Nations Security Council (Resolution 1397 of 12 March 2002) and the Arab League (Beirut Declaration of 28 March 2002). It should have these key elements:

- Two states, Israel and Palestine, would live side-by-side in accordance with pre-1967 borders, with Palestinian sovereignty over Gaza and most of the West Bank, and land-swaps of equal size enabling Israel to incorporate most of its West Bank settlers.
- Palestine's capital would be the Arab neighbourhoods of East Jerusalem, and Israel's West Jerusalem and the Jewish neighbourhoods of East Jerusalem.
- Palestine would govern the Haram al-Sharif (Temple Mount) with firm, internationally-backed guarantees against any excavation without Israel's express consent; Israel would govern the Kotel (Wailing Wall).
- Palestine would be non-militarised, and a U.S.-led international force would provide security to both states.
- The refugee issue would be resolved in a way that addresses the Palestinians' deep sense of injustice without upsetting Israel's demographic balance through the mass return of refugees. The solution here might include not only financial compensation, and the choice of resettlement in Palestine or third countries, but also an option to return to that part of the present Israel which would be swapped for territory on the West Bank.

By building a broad international coalition around such a plan, the United States can cut through the paralysing distrust and help break the current deadlock, building on its own credibility with Israel and enlisting Arab regimes to press Arafat, cut their support for radical and violent Palestinian organizations, and speak directly to the Israeli people about their desire for peaceful and normal relations.

The second step is to achieve a lasting ceasefire. Of course any kind of commitment to this, and to an end to terrorist and other violence, is worth having at any time, and there should be no let up in attempts to achieve this. But the chances of serious promises of this kind being made and honoured will be much enhanced if the international

community can quickly put on the table a fair and comprehensive final political settlement proposal. This will provide an incentive to Palestinian militants to end their uprising and empower their leaders to compel them to do so. And an effective ceasefire will make it more likely that the Israeli public will contemplate significant concessions.

The third step would be for an on-the-ground Implementation and Verification Group to be dispatched to help sustain the ceasefire, verify its implementation, register complaints and assist in resolving local disputes. In the right political context, an on-the-ground third party presence – of the kind to which Prime Minister Tony Blair said on 7 April 2002 Britain would contribute – can be an important ingredient in stabilizing the situation and solidifying the ceasefire while the political efforts carry on. To be successful, however, it will need to be adapted to the complex realities on the ground and attuned to the fears and aspirations of the two sides.

Israel traditionally has been wary of any international involvement, having had unhappy experiences in the past and believing that most members of the international community are biased in favour of the Palestinians. Moreover, in an asymmetrical conflict between non-conventional means such as terrorist attacks and suicide bombings on the one hand and conventional military attacks on the other, it always is easier to document, verify and trace responsibility for the latter. Finally, Israelis will resist any link between the third party presence and political talks, out of concern that it will be rewarding months of Palestinian violence. For their part, the Palestinians are interested in a third party presence precisely to the extent that it will herald an internationalisation of the process and get more actors involved in the political discussions. Their main concern is to gain protection from Israeli attacks, intimidation and restrictions on movement.

All this means that the mandate, role and size of the third party presence cannot be precisely prescribed in advance, and will need to evolve as the whole settlement process moves forward. But it is an important element in the equation, and deserves more attention than it has so far received from policy makers.

The hardening of positions on both sides and the toll of eighteen months of ever-escalating violence

severely diminish the prospect for success of any initiative at this point. But without a sustained and concerted political/security initiative by the international community, with the United States at its head, the further escalation and regional spread of the conflict is a virtual certainty.

(A number of the ideas in this report were originally developed in Hussein Agha's and Robert Malley's "The Last Negotiation," which appears in the May-June 2002 issue of *Foreign Affairs*.)

RECOMMENDATIONS

TO THE UNITED STATES:

1. Prepare as soon as possible, and on the basis of as much international consultation as is possible, a comprehensive final political settlement plan grounded in and building upon the position the parties had reached in the Taba negotiations of January 2001, and taking into account recent Security Council and Arab League pronouncements.
2. Seek to forge a broad international coalition of support around that plan, starting with the European Union, Russia, Egypt, Saudi Arabia and Jordan.
3. Together with other supportive countries, present this plan to the two parties and their respective publics, and apply all available and appropriate pressure to encourage them to accept it.
4. Play a leading role in creating and implementing the machinery necessary to advance the settlement process, including a Contact Group and an Implementation and Verification Group.

TO THE BROADER INTERNATIONAL COMMUNITY:

5. In the case of the European Union in particular, press the United States to prepare for presentation to the parties as soon as possible, and without waiting for resolution of the security situation, a fair and comprehensive final political settlement plan.
6. Agree to establish a high-level Contact Group, whose membership would include

the EU, Russia, Egypt, Jordan, Saudi Arabia and the UN Secretariat, and whose role would be to press the comprehensive, end-of-conflict solution; help resolve political disputes; and oversee implementation of the ceasefire.

7. Secure the parties' agreement to the dispatch of an on-the-ground Implementation and Verification Group under the aegis of the Contact Group and whose mandate would be to:

- (a) monitor and verify implementation of a ceasefire (with the necessary authority given in highly specific terms);
- (b) provide a forum for airing complaints;
- (c) help resolve disputes on the ground;
- (d) serve as a liaison between Israelis and Palestinians; and
- (e) engage with important constituencies on both sides, including armed Palestinian factions and Israeli settlers.

8. Provide significant emergency assistance to the Palestinian Authority to allow it to rebuild its economic, social and security capacity. Members of the international community will need to assume temporarily vital economic and social functions of the Palestinian authority while in parallel helping the Authority rebuild its capacity.

9. In the case of the Arab world in particular, staunch the flow of financial and material support to radical Palestinian groups that engage in terrorism and publicly repudiate their activities.

TO THE PALESTINIAN AUTHORITY:

10. Accept the significance of the international community being prepared to put on the table a fair and comprehensive final political settlement and cooperate accordingly.

11. Take the following steps to improve the security situation:

- (a) accept a cease- fire;
- (b) take pre-emptive action to prevent acts of terror against Israel;
- (c) stop Palestinian security officials from conducting, or assisting in the commission of attacks against Israeli targets;
- (d) issue orders to field commanders to prevent individuals and groups from using areas under its control to carry out acts of violence; and
- (e) vocally and firmly condemn all acts of violence, particularly suicide bombings.

TO THE GOVERNMENT OF ISRAEL:

12. Accept the significance of the international community being prepared to put on the table a fair and comprehensive final political settlement and cooperate accordingly.

13. Take the following steps to improve the security situation:

- (a) accept a ceasefire;
- (b) halt incursions into Palestinian-controlled areas and withdraw from cities it has occupied;
- (c) cease proactive security operations against Palestinian Authority institutions or facilities;
- (d) stop the practice of targeted, pro-active "assassination";
- (e) lift all punitive measures aimed at Palestinian Authority Chairman Yasser Arafat; and
- (f) revoke economic punitive measures against the Palestinians, such as the withholding of the purchase tax revenues.

Amman/Brussels, 10 April 2002



**A TIME TO LEAD:
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I. INTRODUCTION

As this report went to print on 9 April 2002, the situation in the Middle East teetered on the edge of chaos. A spate of Palestinian suicide bombings, renewed Israeli incursions into Palestinian-controlled territory and a mounting death toll on both sides are bringing the region closer to all-out war than at any time over the past several decades. Spillover effects are in stark display, with large-scale protest in Cairo, Amman, Beirut and throughout the Arab world. Moderate Arab regimes like Egypt and Jordan are caught between their ties to the United States and the deepening anti-Israeli and anti-American rage of their people. Voices of extremism are on the ascent, and an emboldened Hezbollah is heightening tensions on Israel's northern border. The effects of the conflict also are being felt in European societies, awakening ethnic and religious tensions, and threatening their delicate balance. Should the situation in the Palestinian territories worsen, the potential for regional and international instability would become very real and carry profound strategic implications.

Meanwhile, the sense of frustration, despair and even impotence on the part of the international community is palpable. Despite a constant stream of high-level international visitors, keen diplomatic and media attention and endless resolutions in regional and global forums, the violence, far from abating, has only intensified. Each cycle of escalation, producing more violent and costly responses and counter-responses, leaves in its wake a seemingly more intractable and insoluble set of problems to untangle. The death toll for the period from the start of the current unrest in September 2000 to the current date stands at over a thousand Palestinians and more than 400 Israelis.

The number of injured and permanently disabled is running in the thousands.

On-the-ground assessments and discussions with officials from both parties, international representatives and concerned citizens conducted by the International Crisis Group (ICG) over the last three months made it clear that many of the once promising proposals – the Tenet security work-plan; the confidence-building measures incorporated in the Mitchell Report¹ – are ideas whose time had come but, unfortunately, and because they were not acted upon in a timely and energetic manner, whose time also may have passed. Today, it has become clearer than ever that a genuine political solution is a pre-condition for quiet and security, not their consequence.

The only way to break the deadly impasse, therefore, is through a more vigorous effort, led by the United States, confronting both the security and political roots of the confrontation and presenting to the parties a just and comprehensive final deal that will end their conflict. And the only way for this effort to be effective is for the deal to be publicly and vocally backed not only by the United States, but by key European and Arab states as well. These countries no longer can passively wait to endorse an agreement previously reached by the parties; instead, they need to provide Israelis and Palestinians with all the basic terms of the

¹ The Mitchell Report argued that the government of Israel and the Palestinian Authority should: reaffirm their commitment to existing agreements and undertakings; immediately implement an unconditional cessation of violence; immediately resume security co-operation; work together to establish a meaningful "cooling off period;" implement additional confidence building measures; and resume meaningful political negotiations.

agreement the parties will eventually be expected to accept.

Once this plan has been presented to the parties and in order to carry the process forward, it will be important to secure a genuine and lasting ceasefire agreement, if that has not already been achieved.

And to secure the sustainability of that ceasefire, and to assist the process in other ways, a significant further element will need to be the establishment of an ongoing third party structure, including a physical presence on the ground.

While it would be wrong to exaggerate either the viability or utility of a third party physical presence, on its own, in contributing to peace, one of the main purposes of this ICG report is to focus more serious attention on this issue than it has so far received from policy makers.

The notion of a third party physical presence on the ground has long been called for by the Palestinian Authority, was initially rejected out of hand by the Israeli government and ignored by the U.S. administration. However, the idea has steadily been gaining ground. The European Union (EU) has openly endorsed it, the United States has implicitly accepted it and incorporated it in the latest and ongoing mission of its special envoy, General Anthony Zinni, and even Israeli officials have expressed cautious consent. At this point, it is likely to happen. That said, the idea itself comes in various and often very different shades – from a UN-sponsored protection or buffer force, to a mere U.S. Central Intelligence Agency (CIA)-composed observation presence, and including all variety of models in-between.

A third party presence can be an important tool in restoring security. For that, however, several conditions need to be met.

First, such a presence must be coupled with the forceful engagement by the international community that addresses the political dimensions of the conflict and seeks to bring it to an end. A central obstacle to the success of any of the myriad ceasefire proposals that have emerged since the onset of the Palestinian intifada² in September

2000 has been the steady erosion in mutual trust since the signing of the Oslo agreement in 1993. Indeed, the incremental, or step-by-step, approach that was the hallmark of that agreement, while registering considerable achievements – mutual recognition, the building of the Palestinian Authority, legitimising the notion of land-for-peace and fostering security cooperation – also suffered from a serious flaw. With both sides disagreeing as to the end-point of the process, and each suspecting the other of malevolent intent, neither was willing to take the necessary intermediate steps, preferring to hold on to its assets until an acceptable outcome was in sight.

The Palestinian Authority refused to collect illegal weapons or dismantle more radical and violence-prone Palestinian organizations, holding these out as leverage in the political negotiations and declining for the most part to confront other Palestinians in the absence of knowledge that their political aspirations would be met. The Israeli government continued to build settlements on the West Bank, confiscate Palestinian land and destroy their homes, and impose draconian territorial closures. In other words, and despite the ongoing peace process, both sides acted in a way that reflected the underlying relationship of conflict. A ceasefire effort that does not address this structural flaw – i.e. which is not accompanied by a clear political plan describing the outcome of the process – is likely to suffer the same fate.

Secondly, the mandate, role and structure of a third party presence must also be finely tuned to the goals and concerns of the two sides – and must be expected to evolve as the political settlement process proceeds. Palestinians have long clamoured for greater international involvement, both in order to balance the very unequal power relations between the two sides and, more recently, to provide protection from Israeli military

in the West Bank and the Gaza Strip sparked by a vehicular accident that killed four Palestinians in the Gaza Strip in December 1987 and led to local protests that rapidly spread to the West Bank. The violence was marked by stone throwing and the use of homemade explosive devices on behalf of the Palestinians and the resort to tear gas, rubber bullets and home demolition by Israeli troops attempting to quell the resistance. The term has also been used to describe the uprising that began after the 28 September 2000 visit by then-opposition leader Ariel Sharon to the Jerusalem holy site known as the Temple Mount or Haram al-Sharif.

² From the Arab “shaking off”, intifada refers to the Palestinian uprising during the late 1980s and early 1990s

operations. At the same time, they are worried about a third-party presence that would effectively freeze the situation on the ground, removing any pressure on Israel to compromise. The Israeli government has long resisted such involvement, because of what it perceives to be the biased, pro-Palestinian view of much of the international community, because of its past unhappy experience with third-party physical presence in Lebanon and in the West Bank city of Hebron, and because it fears that such a presence would prevent the military from mounting its operations, while doing nothing to prevent Palestinian terrorist attacks. More recently, and in private conversations with ICG, Israeli military officials have acknowledged that a third party presence might be welcome if it effectively monitored Palestinian security undertakings.

A third party presence that does not adequately respond to these competing fears and aspirations will not succeed. Nor would a third party presence that lacked the necessary authority and high-level political backing to carry out its responsibilities: experience in many other monitoring and verification contexts has shown that the authority must be in the most specific terms, and more than sufficient to carry out the tasks envisaged.

Finally, any third party presence must be clear and vocal in setting realistic and achievable goals. A failed effort would have grave immediate implications, setting back international efforts and giving greater leverage to those on both sides who believe that the only way out of the crisis is a prolonged war of national independence (on the Palestinian side) or an extensive reoccupation of the West Bank and Gaza (on the Israeli side).

But the implications go beyond the present situation. Both sides agreed, during the Camp David II negotiations in the summer of 2000 and in the ensuing talks in Taba, Egypt in January 2001, that an international presence would be a key component to any permanent status deal that eventually emerged. A failed attempt, albeit on a smaller scale, would send the message to both parties, and to the international community itself, that an international presence cannot be effective and, should it be the target of attacks, that it will not be safe. Such an outcome would undermine one of the most important tools for reaching a comprehensive agreement in the future and cause a serious set back to these efforts.

II. FROM OSLO TO INTIFADA

A. A PROMISING BUT FLAWED PEACE PROCESS

The collapse of the Israeli-Palestinian peace process – from the accord reached at Oslo in 1993 and the ensuing handshake between Israeli Prime Minister Rabin and Palestine Liberation Organization (PLO) Chairman Yasser Arafat on 13 September 1993, to the outbreak of hostilities almost precisely seven years later – can be attributed, at least in part, to the two sides' divergent views of what this agreement was supposed to achieve, and what it has actually brought about.

In their 1993 Declaration of Principles, the parties established the framework within which they would move toward a final settlement. The process was predicated on the notion of incrementalism. Resolution of the thorniest issues was deferred while the parties were to gain experience in managing their relationship, strengthen bilateral cooperation, and build mutual trust. Israelis and Palestinians were to resolve all outstanding issues – including borders, Israeli settlements, Jerusalem and refugees – and reach a permanent status agreement within a five-year timetable. During that interval, territory and functional authorities were gradually to be transferred to a Palestinian body, thereby helping to build Palestinian institutional capacity.

In May 1994, Israelis and Palestinians signed the Cairo accord, an agreement that both detailed how to implement the schematic Oslo accord and triggered the five-year countdown for a permanent status deal. Negotiations on a final deal were supposed to begin in May 1996 and be completed three years later, in May 1999. Under the terms of the Cairo accord, most of Gaza and the town of Jericho were transferred to the newly constituted Palestinian Authority. The subsequent Interim Agreement, or Oslo II, signed on 28 September 1995, elaborated on the transfer of territorial jurisdiction. The agreement established three types of areas in the occupied territories: Area A, under full Palestinian civilian and military authority, Area B, under full Palestinian civilian authority but joint security control, with Israel maintaining an "overriding security responsibility", and Area C, which basically remained under Israeli control and

included Israeli settlements and military installations. Under the terms of Oslo II, approximately 27 per cent of the West Bank would be under some form of Palestinian control, 3 per cent in Area A and 24 per cent in Area B. So-called “further re-deployments” of unstipulated – and, later, hotly contested – scope were to take place at six-month intervals, thereby transferring additional lands to either A or B status, in advance of a permanent peace agreement.³

Given this relatively complex formula, it is not surprising that fundamental discrepancies evolved regarding the two sides’ conceptions of Oslo.

1. The Israeli Perspective

For many in Israel, the Oslo process meant evaluating the viability of the “land for peace” formula in a piecemeal manner, gradually disengaging from control over the daily lives of Palestinians while cautiously verifying the Palestinians’ sincerity toward Israel’s safety and right to exist.⁴ Lacking territorial and strategic depth and surrounded by a hostile Arab world, they believed Israel could not afford to lose territory if that simultaneously entailed diminishing security. So long as they were uncertain of the Palestinians’ ultimate objectives, they would proceed reluctantly, slowing down the process of territorial withdrawal. This uncertainty was not without foundation: Attacks on settlers and on civilians within Israel were a not uncommon occurrence – suicide bombings were carried out by radical Palestinian groups, in July 1995, and then again in February and March 1996, when several such attacks caused the death of more than fifty Israelis. Each such occurrence led to draconian security measures, including harsh territorial closures, and, after the election of Prime Minister Benjamin Netanyahu following Rabin’s assassination, often to a suspension of the negotiations themselves.

³The agreement also called for Palestinian elections, which were held under international supervision in January 1996. Yasser Arafat was elected as “Rais” in a direct ballot, and an 88-member Legislative Council was elected in multi-member geographical constituencies.

⁴ Alongside this was the prospect of recognition and normal relations with the outer ring of the Arab and Muslim worlds. Important steps were taken in this regard during the years when the peace process advanced, including a peace agreement with Jordan and a number of regional economic conferences between 1994 and 1997.

For many Israelis, the equation was becoming ominous in its simplicity – it was supposed to be land for security and recognition, but recognition was no substitute for security, and security was not being delivered. In other words, they came to believe that they were being asked to give up tangible assets – namely, territory – for evanescent and reversible promises of peace and reconciliation. Meanwhile, they saw evidence that the Palestinians had not disbanded the more radical groups in their midst, particularly Hamas and the Palestinian Islamic Jihad. The Israelis also expressed concern that the Palestinians had failed to confiscate weapons that were illegal under the terms of the Interim Agreement and were continuing their anti-Israeli incitement. Despite the pledge made at Oslo to solve disputes exclusively through peaceful means, the Palestinians appeared not to have abandoned the option of violence.

Popularised by Prime Minister Netanyahu (the hard-line Likud leader, suspicious of, if not openly hostile to the Oslo accord, and whose election in May 1996 appeared to be a direct result of the spate of suicide bombings that had occurred in the months prior), “reciprocity” soon became the buzzword, along with the notion that, in the absence of Palestinian compliance with their security obligations, Israel would not undertake further land withdrawals. Many Israelis had come to view the interim phase as a testing period that the Palestinians had failed.

2. The Palestinian Perspective

In stark contrast, the Palestinians held to the view that they already had passed the test at Oslo, agreeing to a painful compromise by recognizing Israel on 78 per cent of the land of historic Palestine and agreeing to the establishment of a Palestinian state on the West Bank, Gaza and East Jerusalem only. The Palestinians would defer realisation of this objective for a set period of time, but in the meantime land would revert to their control both to accustom the Israeli public to the deal and, principally, to balance the relationship between the two sides at the outset of the final status negotiations, which would deal with the more contentious issues rather than with the bulk of the territorial dispute. The so-called “unilateral transfer of assets,” in short, far from being a defect, was for them the very point of the interim period.

Instead, what they witnessed was the frequent postponement of land transfers, continued construction of settlements on the West Bank, land confiscations, home demolitions and an economic situation that, far from improving as the result of the peace process, was deteriorating because of the closures that hampered both the ability of Palestinians to work in Israel and the circulation of goods. During Prime Minister Netanyahu's tenure, after Rabin's assassination, a number of interim steps became overdue, including the three further redeployments. The Wye River Memorandum, reached as a result of intense U.S. pressure, sought to deal with many of these outstanding issues.⁵ Still, it was honoured more in its breach than in its implementation. Of all the missed deadlines, perhaps the most important was that concerning the final status agreement. By the time negotiations were scheduled to be completed, in May 1999, they had yet to begin.

The Palestinian verdict on Oslo, in short, was a mirror image of the Israeli. As put by Yasser abed Rabbo, Minister of Culture and Information for the Palestinian Authority, implementation of the agreement was determined not by the political balance struck at Oslo but by the balance of power that existed on the ground – and in which the Israelis enjoyed an overwhelming advantage. Yasser abed Rabbo argued, “The Israeli people enjoyed almost immediately the fruits of the agreement” – peace with Jordan, ties with other Arab nations, the substantial lifting of the economic boycott, security cooperation – while the Palestinians got little besides economic hardship in return.⁶ In the Palestinians' perception, Israel did not live up to its commitments, continued to change the situation on the ground and prejudice the outcome of the final status negotiations through settlement construction, and, aside from the biased mediation of the United States, there was no third party mechanism to observe or enforce commitments.

⁵Including the transfer of 13 per cent of the land from area “C” to full or partial Palestinian control, the release of a number of prisoners and the opening of a safe passage from Gaza to the West Bank. In return, the Palestinians were to fulfil their security commitments and formally annul those provisions of the PLO Charter that called for the destruction of Israel.

⁶*Mideast Mirror*, 9 September 2001.

B. FROM CAMP DAVID TO INTIFADA

Final status negotiations began in late 1999, after Prime Minister Barak's election and continued through the end of his tenure. The most dramatic moment in this effort was the Camp David Summit, hosted by U.S. President Clinton in July 2000. It is still premature to reach a conclusive judgment on why the summit failed. Various accounts exist, and many more are yet to come.⁷ Myths and folklore about the exaggerated demands and duplicitous intentions of the other side rapidly took root and have since hardened into unquestioned certainties.

What is clear is that by the end of the summit most Israelis were convinced that the Palestinian leadership had rejected the most generous offer yet made by Israel. As a result, they seriously questioned whether the Palestinians had truly accepted the two-state solution and Israel's right to exist. Israeli interpretations of the summit also were affected by the Palestinian uprising, or intifada, that broke out on 28 September 2000, after a visit to the Haram al-Sharif/Temple Mount by then-Israeli opposition leaders Ariel Sharon. They saw it as firm evidence that Yasser Arafat, dissatisfied with the proposals put forward by Ehud Barak, was now seeking to achieve through violence what he had been unable to do through negotiations. In its more extreme version, adopted by large numbers of Israelis, the story line was crystal clear: the Palestinians had been offered everything by Barak and had responded both with

⁷ See Shlomo Ben-Ami interviewed by Ari Shavit, “End of a Journey,” *Ha'aretz*, 14 September 2001; Akram Haniyah, *The Camp David Papers*; Robert Malley and Hussein Agha, “Camp David: The Tragedy of Errors,” *New York Review of Books*, 9 August 2001; Gilead Sher, “The Brink of Peace? An Inside Look from Camp David to Taba,” *Peacewatch* #318, 18 April 2001. Israeli claims tend to centre on the Palestinian lack of willingness to engage or suggest counter-proposals to forward-leaning Israeli or American ideas. Palestinians have argued that they warned in advance that the summit was insufficiently prepared, that they had pleaded against a “one shot” summit, and that the substance of the Israeli proposals fell short of any minimal requirement. The U.S. administration, too, has come under criticism for taking too solitary an approach to the negotiations and not mobilising other international actors in the endeavour, for not taking a vigorous enough role in the negotiations, and for immediately apportioning blame on Arafat after the summit.

a demand that all refugees be allowed back to Israel – thus spelling the end of the Jewish character of the state – and with violence – thus demonstrating that they no longer were partners for peace.

On the Palestinian side, the structure and content of the summit were interpreted as being inherently biased against a deal addressing minimal Palestinian needs. Camp David reinforced the suspicion that they faced an Israeli-U.S. effort to pressure them into accepting an unacceptable deal, and that Israel continued to resist the notion of a fully sovereign Palestinian state on the land lost in the 1967 war. The use of heavy Israeli military means in the early days of the intifada, and the ensuing considerable death toll among Palestinians, only further fuelled their anger.

While negotiations continued, they took place within a very different context – one of escalating violence, constant funerals, and popular rage. Paradoxically, this is the time during which the two sides came closest to drawing up the contours of a comprehensive Israeli-Palestinian peace agreement. On 23 December 2000, President Clinton offered his “parameters,” which formed the basis for the subsequent negotiations that took place in Taba, Egypt, and which were accepted, with reservations, by both sides. At the conclusion of the Taba talks, the two delegations stated, “the sides declare that they have never been closer to reaching an agreement and it is thus our shared belief that the remaining gaps could be bridged with the resumption of negotiations following the Israeli election”.⁸

Like the Camp David summit, the intifada has been the object of various and divergent analyses. The principal controversy centres on the degree to which it was pre-planned by the Palestinians. Some claim it was orchestrated by Arafat both to pressure Israel and to escape the political predicament in which he found himself after Camp David; others insist that it was the spontaneous reaction to a series of events that neither side had planned, but that, once launched, it was seized

upon by a young generation of Palestinians who had grown frustrated with the peace process and, indeed, with Arafat and the Palestinian Authority themselves.⁹ Several commentators have pointed to the initial Israeli military response – lethal crowd control and dispersion methods in an attempt to nip the uprising in the bud -- and its attendant death toll as important factors in this regard. The Fact Finding Report of the Mitchell Committee, established under U.S. auspices in the wake of the intifada, presents probably the most in-depth account of its origins. It found no single reason or premeditated intention for the intifada, rather a confluence of circumstances and frustrations, both immediate and structural, that once unleashed proved highly difficult to rein in.

The confrontation between Israelis and Palestinians has gone through several stages. It began with popular demonstrations by young rock-throwing Palestinians and clashes centred principally in the vicinity of Israeli checkpoints. The death toll during this early stage was almost entirely Palestinian, as Israeli forces used strong military means to suppress the uprising. Over time, the intifada took on less of a popular/street character. Incidents at checkpoints and demonstrations gave way to shooting attacks by Palestinian gunmen against Jewish neighbourhoods and to Palestinian actions within Israel proper, including deadly suicide attacks. For its part, the Israeli government began targeting Palestinian security facilities, using attack helicopters and F-16s, and stepped up its policy of interceptions or extra-judicial killings of suspected Palestinian perpetrators of violence. The Israeli Defence Forces also tightened their siege around Palestinian locations, placed Arafat under virtual house arrest and undertook several sweeping operations within Palestinian-controlled towns and refugee camps.

With the exception of one brief lull in December 2001 during which Arafat declared a ceasefire and summoned all Palestinian armed groups in an effort to impose it, and which saw three weeks of relative calm, most of the past eighteen months has seen constant acts of violence and counter-

⁸ Joint closing communiqué of the Taba negotiations, 27 January 2001. An informal note on the concluding points of the Taba negotiations was drafted by the European Union’s Special Envoy, Miguel Moratinos. It was published in the Israeli daily *Ha’aretz*, 14 February 2002

⁹ See e.g., Yazed Sayigh, “Arafat and the Anatomy of a Revolt,” *Survival*, Vol. 43, No. 3 (Autumn 2001); Khalil Shikaki, “Old Guard, Young Guard: the Palestinian Authority and the Peace Process at a Cross Roads”, accessed at <http://web.mit.edu/jeremyp/www/shikaki.doc>.

violence.¹⁰ During that time, the conflict had grown from a relatively static confrontation at fixed points to a far more mobile and deadly military confrontation, with increasingly accurate operations by Palestinian armed groups and gruesome suicide bombings in major Israeli population centres on the one hand, and an all-out operation in the occupied territories and refugee camps on the other.

C. PERSPECTIVES ON HOW TO END THE CONFRONTATION

From the onset of the intifada, the debate about how to end the violence has centred on the choice between a security-first, or sequential, approach, pursuant to which political advances would have to await an end to the violence, a view championed by Israel, and a joint political/security, or parallel, approach advocated by the Palestinians.

Basic to the security-first approach is the belief that the intifada represents a deliberate Palestinian attempt to extract concessions through terror and violence and, therefore, the conviction that to hold political discussions under fire would reward violence and only encourage its repeated use in the future. In order to guarantee Israel's long-term security, the argument goes, it is key to dispel the notion among Palestinians that it will buckle under pressure. The contrary view stems from the belief that in the absence of the prospect of a genuine political solution, the Palestinian leadership and

security organizations will lack the required ammunition and leverage to enforce a ceasefire on the armed groups and the public at large.

The international community, and in particular the United States, has taken often contradictory stances on this question. The first comprehensive effort to deal with the crisis, the Mitchell Committee report, concluded that three steps were required: ending the violence, undertaking confidence-building measures, and resuming political negotiations.¹¹ While insisting on the need to rapidly end the violence, it acknowledged the need for a parallel political effort:

We acknowledge the Palestinian Authority's position that security cooperation presents a political difficulty in the absence of a suitable political context, i.e., the relaxation of stringent Israeli security measures combined with ongoing, fruitful negotiations. We also acknowledge the Palestinian Authority's fear that, with security cooperation in hand, the government of Israel may not be disposed to deal forthrightly with Palestinian political concerns. We believe that security cooperation cannot long be sustained if meaningful negotiations are unreasonably deferred, if security measures 'on the ground' are seen as hostile, or if steps are taken that are perceived as provocative or as prejudicing the outcome of negotiations.¹²

Likewise, in ICG conversations with senior international diplomatic officials, UN Staff, and even senior Israeli officials, there was broad consensus that, in the absence of a political expectation, whether provided by Israel or by third parties, the Palestinian Authority simply could not

¹⁰ Circumstances surrounding that brief lull and the Israeli reaction to it are shrouded in controversy. Palestinians, along with members of the diplomatic community on the ground, claim that they were able to achieve 23 days of relative calm (which, without a monitoring mechanism, could not be independently verified). They complain that at the end of that period, the Israeli Defence Forces assassinated an activist from the Palestinian Tanzim, Riad Karmi, and followed that up with a ground operation involving home demolitions, thereby effectively scuttling this last chance at a ceasefire. ICG interview, member of the diplomatic corps, Tel Aviv, March 2002. Israelis hold the view that Karmi was a "ticking bomb", that despite Palestinian assertions to the contrary, he was travelling freely in his vehicle, that Palestinian violence continued, and that during this period Arafat continued with his plans to import large quantities of lethal equipment from Iran, as demonstrated by the Israeli interception of the *Karine A*, a ship containing massive quantities of armament and allegedly heading toward Gaza.

¹¹ The members of the Mitchell Committee, in addition to former U.S. Senator George Mitchell himself, were former U.S. Senator Warren Rudman, EU High Representative for Common Foreign and Security Policy Javier Solana, former Turkish President Suleyman Demirel, and then Minister of Foreign Affairs of Norway Thorbjern Jagland.

¹² Mitchell Report, 30 April 2001. Among its principal recommendations, the report called on the Palestinian Authority to apprehend and incarcerate terrorists, confiscate illegal weapons, and institute a single chain of command among the plethora of its armed security services. It called on the government of Israel to withdraw to positions it held on 28 September 2000, lift closures, allow Palestinians to work in Israel, and freeze all settlement activity.

move in a concerted and continuous way to suppress violence emanating from its territory¹³.

Although it immediately embraced the report, the Bush administration never demonstrated the political will to implement it, putting instead far more emphasis on the security steps. The administration's posture was characterised by periods of disengagement followed by hesitant bouts of re-engagement. In June 2001, CIA Director George Tenet was dispatched to the region to put forward a ceasefire plan as a bridge to implementing the Mitchell Report. During a subsequent visit, Secretary of State Colin Powell endorsed Prime Minister Sharon's demand for seven days of quiet as a pre-condition to implementation of the Tenet work-plan. As the Palestinians saw it, rather than moving closer to a political horizon, they were moving further and further away from it. Since that time, the United States has more vigorously entered the political fray, repeatedly calling for implementation of the Mitchell Report "in full" – including its political components – endorsing the creation of the state of Palestine, and going so far as to sponsor a United Nations Security Council Resolution to that effect.¹⁴

Most recently, on the eve of his latest mission, Secretary Powell acknowledged that "the political component of this process has to be brought forward much more quickly than we might have thought otherwise. The Palestinians have to see that there is a political process, and not just a ceasefire and a security process."¹⁵ However, these political incentives so far have been offered without clarity regarding the timing, content, or process by which they would be achieved. Moreover, each new step toward a more political approach has been in reaction to, rather than in anticipation of, events, an apparent response to outside pressures rather than the unfolding of a pre-planned strategy. As a result, by the time the step was taken its impact already was seriously eroded.

For its part, the European Union has been caught in an apparent predicament. Long held at arm's

length by the United States on the peace process, particularly by the Clinton Administration, Europeans found themselves more closely consulted and integrated by the new Bush team.¹⁶ One of the more positive diplomatic developments over the recent period has been the establishment of an informal grouping, known as the Quartet, including United Nations Special Adviser Terje Larsen, EU Special Envoy Miguel Moratinos, Russian Special Envoy Andrei Vdovin and a U.S. representative, either Ambassador Daniel Kurtzer, Consul General Ron Schlicher or, when present, General Zinni. The Quartet has been a vehicle for communicating a single message from the international community to the two parties.¹⁷

Wanting to maintain that newfound role, the EU was wary of adopting an independent policy that was liable to irk Washington. At the same time, senior EU policy-makers confided their uneasiness with the line adopted by the U.S.¹⁸ The EU appeared to settle for the so-called "baby-sitting" approach, initiating a series of frequent visits by high-level officials to the region in the hope that their mere presence would have a moderating effect. U.S. acceptance of a European role, in short, came at a price, which was to define that role in ways Europeans felt uncomfortable with. As one German Middle East expert put it, "what is the point of finally being able to have a coordinated policy with the United States, if it means adopting a policy we don't like?"¹⁹ The approach ultimately adopted by the EU was to encourage both the parties and the United States without confronting or pressuring either.

¹⁶ During the previous period, the crass division of labour that emerged was one of quasi-political monopoly by the U.S., with the Europeans engaging essentially in "cheque-book" diplomacy.

¹⁷ The emergence of the Quartet is a significant development insofar as it sets the predicate for concerted action by major international players. It has been acknowledged by various international bodies. See UN Security Council Resolution 1397, 12 March 2002, welcoming and encouraging "the diplomatic efforts of special envoys from the United States of America, the Russian Federation, the European Union, and the United Nations Special Coordinator." The European Council Barcelona Declaration on the Middle East of 16 March 2002, states, "The EU is determined to play its role together with . . . the U.S., the UN, and Russia in the pursuit of a solution."

¹⁸ ICG interviews in Europe, February/March 2002

¹⁹ ICG interview in Madrid, January 2002.

¹³ ICG interviews, Tel Aviv, March 2002.

¹⁴ United Nations Security Council Resolution 1397, 12 March 2002.

¹⁵ *The New York Times*, 4 April 2002.

The Arab world, long chastised for its lack of involvement in the Israeli-Palestinian peace process, has sought to inject a clear political component to ongoing ceasefire efforts, arguing that only under such conditions would the uprising come to a halt. On 19 April 2001, Egypt and Jordan took the unusual step of presenting their own initiative to end the violence and resume the political process interrupted after Taba. More recently, the Arab League unanimously endorsed the initiative of Saudi Crown Prince Abdullah, offering normal relations between the Arab world and Israel in exchange for a withdrawal from land occupied in 1967, the establishment of an independent Palestinian state with East Jerusalem as its capital and a “just” and “agreed” solution to the refugee problem, albeit still in accordance with United Nations General Assembly Resolution 194.²⁰ Faced with increasingly angry publics and sometimes violent demonstrations calling for military intervention to help the Palestinians, moderate regimes are finding it difficult to build on their political initiative. Instead, they have desperately sought American political engagement, sending repeated and frantic messages to Washington.²¹

D. CURRENT ISRAELI AND PALESTINIAN MINDSETS

Eighteen months of violence and repeated suicide bombings have had a profound effect on the Israeli people. The polarisation one would anticipate in a climate of great insecurity and desperation is dividing not just the public as a whole, but also the reactions of individual Israelis. On the one hand, there is greater support than ever for harsh military responses, the reoccupation of Palestinian areas to flush out all armed elements, the removal – physical or geographic – of the Palestinian Authority leadership and the forcible transfer of Palestinians from the occupied territories. On the other hand, many of the same people back a solution based on a withdrawal from the lands occupied in 1967 and an even higher percentage would support the total dismantling of settlements

– a demand not even Chairman Arafat made at Camp David.²² Meanwhile, the notion of “unilateral separation,” whereby Israel would decide on its own to withdraw from parts of the occupied territories and disengage from the Palestinians, has steadily gained ground on both Left and Right. While the plans vary widely in terms of the geographical scope of the withdrawal, they reflect the belief that Israel has no reliable partner with which to negotiate.

Even more pronounced tectonic shifts have taken place on the Palestinian side, particularly over the past several months. The external struggle against Israel, in effect, has been accompanied by a parallel internal struggle within the Palestinian polity that has seen the decisive ascendancy of a group of young, more activist indigenous Palestinian leaders, organised around the Fatah-Tanzim.²³ This trend, already noticeable in the late 1990s became far more pronounced with the intifada. Today, according to a well-informed international observer, the Tanzim are “in command” of the street.²⁴

Importantly, this newfound status and popularity was achieved at the expense both of the traditional Palestinian Authority institutions and of the Islamist organizations. Seen as corrupt and undemocratic and discredited by years of ineffectual negotiations with Israel, the Palestinian Authority leadership has been suffering from a crisis of legitimacy. The ability of the Fatah-Tanzim – as distinct from Hamas – to capitalise on this frustration is a direct result of their vanguard role in the intifada. By resorting to armed struggle, and achieving some notable military successes against Israeli military targets in the occupied territories in early 2002, the Tanzim and the affiliated al-Aqsa Brigades,²⁵ managed to outflank

²⁰ The resolution was adopted in Beirut on 28 March 2002.

²¹ A U.S. official acknowledged that even Arab officials considered closest to the United States had privately expressed unprecedented alarm and bewilderment at the administration’s posture. ICG interview, Washington, April 2002.

²² Recent weeks have witnessed the emergence of new protest movements on the Israeli Left – from the reservist conscientious objectors to a movement led by mothers of Israelis serving in the territories.

²³ Tanzim is Arabic for organisation. Some claim that Tanzim is an organized Palestinian militia associated with Yasir Arafat’s mainstream Fatah political group, while others claim that they are more akin to a loose collection of armed and active Fatah members.

²⁴ ICG interview, March 2002.

²⁵ The al-Aqsa Martyrs' Brigade is an armed Palestinian group associated with Palestinian leader Yasser Arafat's Fatah organisation. The group, which has emerged in the last year or so, has carried out operations against Israeli

the Islamist groups. Today, there appears to be clear coordination between the different armed factions, including the Islamists, with the dominant military force being the al-Aqsa Brigades.²⁶

This new political mapping has clear implications concerning possible solutions to the current conflict. The goal of the Fatah-Tanzim is to maintain its momentum, deny the Israeli Defence Forces any outright military success, and continue to enjoy the command of the street by keeping the roles of the Hamas and Palestinian Islamic Jihad clearly subordinate.²⁷ One senior and well-informed international official has described the Al Aqsa Brigades as the “tail that is wagging the dog.”²⁸ In this context the Fatah-Tanzim is not likely to agree to a cessation of violence without a substantial political payoff.

Moreover, the Fatah-Tanzim now places little faith in renewed negotiations; instead, it is convinced that only the threat of violence can get both Israel and the international community to budge. The group reasons that were Israel to enjoy quiet, it would have no incentive or motivation to end the occupation. For the Tanzim, Lebanon is the more appropriate model: in their eyes, unrelenting attacks by Hezbollah forced Israel to undertake a unilateral withdrawal from the land it occupied in the South. Also unlike those who negotiated the Oslo agreement, they reject the incremental approach and hold that any political process must begin by stating clearly that the outcome will be an Israeli withdrawal from the lands occupied in 1967. In their words, just as Fatah mobilised popular support for Oslo in the early 1990's, so too would it carry the street in support of a political agreement that included a withdrawal to the 1967 lines. As one of the Tanzim leaders wrote: “Since 1994, when I believed Israel was serious about ending its occupation, I have been a tireless advocate of a peace based on fairness and equality

soldiers and settlers, largely in the West Bank and Gaza. More recently, it has resorted to suicide terrorism in Israel proper.

²⁶ The more recent, extensive and deadly Israeli incursions are likely to have reinforced the sense of national unity among Palestinians of all political persuasions.

²⁷ Informed sources on the ground confided to ICG that the Palestinian Islamic Jihad, flush with too much funding to use in its own small operation, was actually providing financial assistance to the Al Aqsa Brigades. ICG interview, Washington, March 2002.

²⁸ ICG interview, Washington, March 2002.

. . . I still seek peaceful coexistence. End the occupation, allow the Palestinians to live in freedom and let the independent and equal neighbours of Israel and Palestine negotiate a peaceful future with close economic and cultural ties.”²⁹

As a prominent Tanzim leader explained, “Unless we see the bottom line as being the lines of 1967, we will continue the Intifada. Once we see it, we are prepared to take all kinds of security steps to bring Hamas and Palestinian Islamic Jihad in line.” Asked about the impact of the United Nations Security Council Resolution and the U.S. endorsement of Palestinian statehood, he dismissed them as mere rhetoric that would become meaningful only when it was clear the international community would effectively push for them. And, he added, “If Arafat asks for a ceasefire in the absence of such guarantees, we can give him one for a couple of weeks if he needs it. But don't worry – we will resume the fighting afterwards.”³⁰

These developments, along with the virtual incapacitation of the Palestinian Authority security services as a result of relentless Israeli assaults, make an aggressive move by the Palestinian services against the militant groups a practical impossibility under current circumstances. This is all the more true given that many of the heads of the security organs are also political figures whose power base is drawn from the same Fatah-Tanzim support structures. Coupled with these internal Palestinian dynamics, the cumulative effects of the closures, the aerial bombardments and the ground invasions, particularly in the refugee camps, have fundamentally altered the Palestinian public mood. Having lived through all this, a simple return to the status quo ante of September 2000 – once seen by the Palestinians as a central goal – is now viewed as woefully inadequate to justify an end to the uprising, even if the price of continued violence is more suffering and greater loss.

E. POLICY IMPLICATIONS

Several important conclusions can be drawn from the parties' respective experiences with the peace

²⁹ Marwan Barghouti, “Want Security? End the Occupation,” *Washington Post*, 16 January 2002.

³⁰ ICG interview, Ramallah, March 2002.

process, perspectives on the current confrontation and internal political dynamics. In particular, any approach needs to take into account both the flaws inherent in past policies and the current mindsets of the principal players.

The step-by-step, security-first approach inherent in General Zinni's mission and in the Tenet work-plan is no longer capable, on its own, of bringing about a lasting ceasefire.

The conflict has entered a new stage and is dominated by new actors, particularly on the Palestinian stage, whose goals are incompatible with a mere cessation of violence and return to the status quo ante. Indeed, a number of these proposals – incarceration of Palestinian perpetrators of violence and vigorous weapons confiscation in particular – are detached from a reality of all-out warfare between the two sides in which Palestinian security services have been one of the principal targets of Israeli action. Only by offering the Palestinian people a credible political expectation can the international community build pressure on the militants to halt their fire and empower the Palestinian leadership to do its part. Conversely, without that political element, any ceasefire is unlikely to hold.

As the Oslo experience has shown, the offer of another interim deal (including, for example, a further territorial withdrawal, security steps, an economic support package for the Palestinians, etc.) is unlikely to succeed.

As part of a grand bargain entailing the end of the occupation, suppressing violent Palestinian groups can be defended by Palestinian leaders as furthering core national interests; so too can Israeli leaders justify a territorial withdrawal as part of an agreement establishing secure and recognized borders. In isolation, however, both endeavours will be condemned by opponents as unwarranted concessions to the other party.

Indeed, as is admitted by increasing numbers of international mediators, even the measures contemplated by the Mitchell report – ceasefire; confidence-building measures; resumption of political negotiations – have been overtaken by events.³¹ The prospect of resumed security

cooperation appears more remote than ever. Decisions that might once have had a profound effect on the political dynamics – such as an Israeli settlement freeze – have lost much of their prior lustre. In short, understanding the current political context means realizing that the sell-by date has already expired on many of the ideas and solutions that were relevant at various points in time over the last 18 months.

What is required is a far more vigorous initiative that combines strong security steps with a clear political articulation of what a final settlement should look like.

Neither U.S. “visions”, however forthcoming, nor the promise of resumed negotiations are sufficient, given the profound distrust between the two sides and the near certainty that political talks between them alone would result in a deadlock. The initiative most likely to break the current dynamic is the presentation by the international community to the two sides and particularly to their public opinions of a fair and final political settlement. The objective today ought to be to seize this moment of crisis in order to put forward a final agreement. The settlement plan should be built out from the point at which the parties left the negotiations in Taba in January 2001. It should draw as well upon recent pronouncements in the UN Security Council (Resolution 1397 of 12 March 2002) and the Arab League (Beirut Declaration of 28 March 2002). Most importantly, it must meet both sides’ essential interests.³²

³¹ ICG interviews, Tel Aviv and Washington, March 2002

³² "Israel's basic interests are to preserve its Jewish character and majority; safeguard its security and the safety of its citizens; acquire international legitimacy, recognition and normalcy; maintain its attachment and links to Jewish holy sites and national symbols; and establish with certainty that the conflict with the Palestinians and the Arab states has ended once and for all and that there will be no further claims....As for the Palestinians, their basic interests can be defined as living in freedom, dignity, equality, and security; ending the occupation and achieving national self-determination; resolving the refugee issue fairly; governing and controlling the Muslim and Christian holy sites in Jerusalem; and ensuring that whatever deal is finally struck is accepted as legitimate by members of the Arab and Muslim worlds." Hussein Agha and Robert Malley, "The Last Negotiation," *Foreign Affairs*, May/June 2002 (forthcoming).

The paradox is that, despite the current horrifying violence, the fundamental building blocs which the plan would need to elaborate are fairly well known:

- Two states, Israel and Palestine, would live side-by-side. Palestine would have sovereignty over Gaza and most of the West Bank. While the starting point would be a return to pre-1967 borders, in order for Israel to be able to incorporate the majority of its West Bank settlers around Jerusalem, it would annex some land and compensate Palestine through land swaps from Israel proper of equal size.
- The Arab neighbourhoods of East Jerusalem would be the capital of Palestine. West Jerusalem and the Jewish neighbourhoods of East Jerusalem would be the capital of Israel.
- Palestine would govern the Haram al-Sharif (Temple Mount) and Israel would govern the Kotel (Wailing Wall); there would be internationally-backed guarantees regarding excavation, building, security and preservation of antiquities at these holy sites;
- Palestine would be a non-militarised state, and a U.S.-led international force would help provide security to both states.
- The refugee issue would be resolved in a way that addresses the Palestinians' deep sense of injustice without upsetting Israel's demographic balance through the mass return of refugees. The solution here might include not only financial compensation, and the choice of resettlement in Palestine or third countries, but also an option to return to that part of the present Israel which would be swapped for territory on the West Bank.³³

While the United States needs to play a leading role given its unique leverage and special relationship with Israel, other international actors must be more engaged in developing, advocating and pursuing this approach.

The U.S.'s European and Arab allies need to press Washington hard to adopt the approach argued for here, i.e. crafting the basic terms of a final political settlement as the first rather than last step in the process.

In addition, the Europeans can play an essential role in providing political and security guarantees to Israel; public Arab embrace of the plan is vital to simultaneously pressure and give cover to the Palestinians while reassuring the Israelis; and sizeable financial support from both is required to rebuild the Palestinian economy and help with the resettlement of certain refugees.

In contrast to the Oslo experience, there needs to be genuine third party monitoring of any ceasefire or related agreement in order to ensure that there is a price for non-compliance.

A key missing ingredient both of the Oslo process and of more recent attempts to broker a ceasefire has been the presence of a fully -empowered outside referee or arbiter who could clearly and reliably state who had honoured its commitments, and who had not. It is to the further development of this concept that this report now turns.

³³ For a more detailed description of this proposal, in particular on the question of the refugees, see *ibid*.

III. ARGUMENTS FOR AND AGAINST AN EARLY THIRD PARTY PHYSICAL PRESENCE

Once the political plan has been presented, a third party presence potentially can play an important role in stabilizing the situation on the ground and securing a ceasefire. ICG found that amidst the near-universal sense of despair, a new consensus was emerging in favour of such a third party role. Europeans have repeatedly called for one, and the issue is now on General Zinni's agenda.³⁴ For it to be successful, however, it will need to take into account the experience the two sides have had with international interventions and be tailored to their respective fears and expectations.

Indeed, the introduction of a third party presence in the midst of any conflict is an inherently political act. The profile and mandate of the mission, nationality of participants, even the nomenclature itself, are all highly charged decisions that are seen to benefit one side or the other. Sensitivity to the underlying political context therefore is crucial. This is all the more true in the Israeli-Palestinian context, given the divergent attitudes toward the very notion of an international involvement and the asymmetrical nature of the current conflict, with one side using conventional military means and the other unconventional tactics such as suicide bombers that are far more difficult to monitor and police.

A critical requirement, emphasised further below, is not to create exaggerated expectations. In particular, it must be understood that the proposed third party presence is for monitoring, verification and problem-solving purposes, and cannot and will not act as a militarily empowered and capable Protection Force. There needs to be a role for such a security presence spelt out in the final settlement itself – to give both states confidence about the security of their boundaries – but that is a separate issue.

A. "INTERNATIONALISING" THE ISRAELI-PALESTINIAN RELATIONSHIP?

One of the principal subtexts of the Israeli-Palestinian relationship over the past several decades has been the question of how much international involvement they should strive for. Aware of the tremendous power imbalance, and having enjoyed significant success on the international arena, the Palestinians have consistently requested greater involvement by the international community. This has included frequent appeals to the United Nations, Europe, the Arab world and the United States. Precisely for these reasons, Israel has repeatedly resisted outside interference, claiming that peace had to be made directly by the parties themselves rather than through intermediaries. Unsurprisingly, one of Arafat's first demands after the outbreak of hostilities in 2000 was to request both the establishment of an international commission of inquiry (which ultimately became the Mitchell committee) and the dispatch of an international force to protect the Palestinian people. Unsurprisingly, too, Prime Minister Barak strongly resisted both requests, before finally agreeing to the formation of an international committee, so long as it was under U.S. auspices, dominated by U.S. members, and enjoying a limited mandate. On the question of an international presence, and despite gentle prodding by the U.S. Administration, he remained inflexible.³⁵

Despite this overall Israeli position, there are several precedents for a third party presence to intercede between Israelis and Palestinians. The experience the two sides have had with them forms an important backdrop to current discussions over a possible international presence.

1. Temporary International Presence in Hebron (TIPH)

The first international presence that was agreed upon by the parties since the signing of the Oslo accord came as part of the agreement on Israel's redeployment from the West Bank city of Hebron. The situation in Hebron was complicated by the presence of roughly 400-500 Israeli Jewish settlers in an area surrounded by Palestinians. Under the

³⁴ This was reiterated by members of the Zinni team in discussions with ICG in the region.

³⁵ Interview with former U.S. official, Washington, February 2002.

Agreement on a Temporary International Presence in Hebron,³⁶ signed by the government of Israel and the PLO in January 1997, the TIPH's role was to monitor and report on efforts to maintain normal life in the city, create a feeling of security among the Palestinians, and promote stability and economic development. At the request of the parties, a force of up to 180 persons³⁷ was to be constituted, coordinated and led by Norway, and including Italy, Denmark, Sweden, Switzerland and Turkey. A trilateral Joint Hebron Committee as well as a Monitoring and Steering Committee were established to oversee the work of the TIPH, interact with the parties and receive periodic reports.

Largely due to Israeli resistance to a robust international role, the mandate of the TIPH was extremely limited from the start. It has neither police nor military functions, and possesses no role in resolving or interfering in disputes or incidents. Even its capacity to report and engage in public diplomacy is restricted, with the findings of TIPH confined to the six contributing countries. This narrow mandate has made it difficult for the TIPH to achieve its goals and led to considerable frustration on the part of its members.³⁸ Although the Joint Committee was supposed to convene on a weekly basis or at the request of its members, it has not met since 22 May 2001, due to constant postponements at the request of the Israeli Defence Forces. Relevant Israeli Defence Forces commanders also have not made themselves available for bilateral meetings with TIPH officials.

On the basis of their experience, TIPH officials told ICG that any future third party presence in the occupied territories would "need guaranteed access to people with decision making powers in the Israeli Defence Forces".³⁹ The killing of two TIPH personnel in a recent shooting incident, reportedly by Palestinian gunmen, will no doubt further throw into question the efficacy of the force while raising questions about the safety of any future international presence.

2. The Wye River Memorandum

In 1998, in the context of the Wye River Memorandum,⁴⁰ the parties agreed to the creation of a U.S.-Palestinian-Israeli Trilateral Committee, whose mandate encompassed a broad basket of security issues. According to the Wye Memorandum, "a high ranking U.S.-Palestinian-Israeli Committee will meet as required and not less than biweekly to assess current threats, deal with any impediments to effective security cooperation and coordination and address the steps being taken to combat terror and terror organizations." On the U.S. side, CIA personnel were drafted to participate in the meetings. These arrangements were confirmed in subsequent agreements, including the Sharm el-Sheikh Memorandum of 4 September 1999, and the Tenet work-plan.

The trilateral structures have met intermittently (albeit not with the frequency suggested in the agreement), and have at times been useful in passing information, clarifying and mediating issues of implementation, and guaranteeing continuous security dialogue. At points in the current crisis when bilateral mechanisms have totally broken down, the trilateral structure has been one way of bringing the two sides to the table.

Nevertheless, this structure has no on-the-ground verification, assistance or dispute resolution capabilities, and retains a narrow security focus, working at the professional rather than the political level. As a result, whenever an impasse required political intervention, the trilateral security committee proved largely impotent. Finally, and mindful of preserving its intelligence relations with both sides, the CIA was loathe to pass judgment on the degree to which Israelis or Palestinians were meeting their commitments. This reluctance to point fingers on the part of the agency, while understandable and while reflecting a more general U.S. aversion to assign blame, seriously hampered the effectiveness of this structure.⁴¹

³⁶ The agreement on TIPH was an annex signed on 21 January 1997 to the Protocol Concerning the Redeployment in Hebron from 17 January 1997.

³⁷ In reality the numbers have tended to fluctuate between 80 and 130 according to TIPH sources.

³⁸ ICG interview, TIPH officials, Jerusalem, March 2002.

³⁹ ICG interview, March 2002

⁴⁰ Signed by U.S. President William J. Clinton, PLO Chairman Yasser Arafat, and Israeli Prime Minister Benjamin Netanyahu, on 23 October 1998 in Washington.

⁴¹ Numerous former U.S. officials involved in the peace negotiations, such as Dennis Ross, have since regretted this unwillingness to publicly chastise the offending party.

3. Final Status Agreement

One of the issues on which both parties readily agreed during the Camp David talks was on the need to introduce an international security force in the state of Palestine as part of a final status deal. As proposed by President Clinton on 23 December 2000, this force (understood to be U.S.-led) was supposed to help monitor implementation of the agreement and enhance both sides' sense of security. During an initial period, the force was to have included an Israeli detachment in the Jordan Valley.⁴² These parameters formed the basis of the Taba talks, which considered extending the remit of the international presence to border crossings and broader verification issues.⁴³

Regardless of the shape of the final agreement, it is relatively clear that it will include such an international presence. Indeed, such a presence would fulfil a crucial bridging function, providing the Israelis with a level of confidence in terms of their own security, without at the same time humiliating the Palestinians with a heavy and lengthy Israeli presence in the territories. By verifying implementation of the agreement, moreover, it can fill one of the principal gaps of the Oslo accords.

4. EU Informal Group

For several years now, an EU program has provided technical support to the Palestinians, helping them build up a security capacity. As part of international efforts to secure a ceasefire, the EU began a new kind of security cooperation with the Palestinian Authority in the summer of 2001 which focused on real-time, on the ground assistance and verification.⁴⁴ Specifically, a small EU security group was assigned the task of actively overseeing and facilitating ceasefire

⁴² In a speech outlining the plan, President Clinton stated, "my parameters rely on an international presence in Palestine to provide border security along the Jordan Valley as well as to monitor implementation of the final agreement by both sides." Speech delivered on 7 January 2001 at the Israel Policy Forum.

⁴³ As previously noted, an informal note of the Taba Talks was prepared by European Union Special Envoy Miguel Moratinos and published in the Israeli newspaper *Ha'aretz*, 14 February 2002

⁴⁴ This account is largely based on extensive ICG discussions with senior officials in the EU Informal Group, which has very much been a low profile exercise.

efforts, initially in designated pilot areas. The project focused primarily on the Bethlehem, Bet Jala and Bet Sahur areas, with partial extension to the Rafah area in Gaza. The small group, numbering less than ten persons and drawn from security and intelligence personnel familiar with and based in the region, concentrated on on-the-spot mediation, persuasion, exchange of information and local deal-making with various Palestinian groups. Over time, and despite strong initial Israeli resistance, the group began to interact informally with the government of Israel and Israeli Defence Forces.

Examples of the sorts of activities engaged in by the EU group abound. The EU group met in various localities with members of Palestinian armed militias to explain their mission and seek the Palestinians' support for the ceasefire. The group also intervened at key friction points, working to find practical solutions for problems on the ground. The EU Informal Group was politically empowered by Brussels, and it was made clear to the parties that the impressions and recommendations of the group were taken into account in shaping policy decisions. Security officials on both sides strongly praised the work of the group.

5. The Mitchell Report and the Question of an International Presence

During the work of the Mitchell Committee, the question of an international presence became one of the most keenly debated issues. Palestinians pushed hard for the inclusion of a broadly mandated and politically assertive international presence. In its written submission to the Committee members, the PLO suggested the deployment of an international monitoring and implementation mission.⁴⁵ Ultimately, and on this point, the Mitchell recommendations were seen as a setback for the Palestinians. The report discussed the option of an international presence on two occasions. In the more frequently cited reference, the drafters suggest that, "If the parties agree, as a

⁴⁵ See "Crisis of Faith," a document submitted by Yasser Abd Rabbo to the Mitchell Committee. The international monitoring and implementation mission was supposed to have a monitoring and intelligence-gathering capacity, a coordination and technical assistance capacity, and a crisis intervention capacity, with free access throughout the occupied territories.

confidence-building measure, to draw upon TIPH personnel to help them manage other friction points, we hope that TIPH contributors could accommodate such a request".⁴⁶ In a different section, the Report suggests that third parties may assist in facilitating cooperation, mentioning positively U.S. and EU ongoing support.⁴⁷ Overall, however, the references were too oblique, and intentionally so, for it to be concluded that the report endorsed the idea of an international presence.⁴⁸

B. PERSPECTIVES OF THE TWO PARTIES

1. Israeli Perspective

Israel's overall concerns about a third party presence in the current situation are of two sorts. First are concerns having to do with the principle itself. For many officials, the notion of agreeing to such a presence, precisely because it has been a constant Palestinian demand, would be tantamount to rewarding violence. Moreover, they see it as yet another step on the slope toward internationalising the conflict, a trend they fear both because of the international community's perceived bias and because of the negative experience they have had with international forces in the past, most notably the UN Interim Force in Lebanon (UNIFIL) in Lebanon.⁴⁹

Second are pragmatic concerns having to do with the utility – and potential danger – of a third party presence. On a professional level, senior Israeli military officials suggested that in hard security terms an international presence was superfluous.⁵⁰ A third party presence was no substitute for a bilateral agreement. If both sides were committed to a ceasefire, they could do without outside

monitoring. If they were not, no physical presence, however robust, could work.

The Israeli Defence Forces also saw a real downside to the introduction of a third party presence given the basic asymmetry between Israel and the Palestinians. The nature of the intifada, which had evolved into a conflict between a regular army, visible and transparent in its actions, and irregular Palestinian forces, largely unaccountable and "invisible", prone to terror and suicide attacks, made it hard to understand just how Israel might benefit from its presence.⁵¹ While the Israeli Defence Force's actions are predictable and observable, the terror attacks by definition are not. As a result, Israeli Defence Forces actions will be subject to scrutiny, and, inevitably, its hands relatively tied for fear of the international reaction. In interviews with ICG, Israeli military officials made it clear that they feared being hamstrung in the exercise of Israeli sovereignty and the duty to defend Israeli citizens.⁵²

Finally, a number of officers evoked the possibility that accidental injuries or fatalities could be caused by Israeli Defence Forces actions. Should the victim be American (and the Israelis made clear that the Americans were the only ones they could potentially trust), it could cause serious harm to the bilateral relation. Again, the mere fear of such collateral damage would serve to constrain Israel's freedom of action.

That said, an increasing number of senior voices within the Israeli military establishment suggested that the stationing of an international presence should not be ruled out. Indeed, certain functions, such as oversight of Palestinian arrests or illegal weapons confiscation were even welcomed. ICG's overall impression was that, faced with the likely decision to station third party observers or monitors, Israeli officials had begun the work of ensuring that any such presence would enjoy a limited and well-defined mandate, would be small in size, U.S.-led, and with operational responsibilities heavily weighted toward the oversight of Palestinian security commitments. Some Israelis also recognized a benefit in having

⁴⁶ Mitchell Report. According to sources within the Mitchell group, this was an idea promoted by Turkey via President Suleyman Demirel, a member of the Committee. ICG interview, Tel Aviv, March 2002.

⁴⁷ Mitchell Report.

⁴⁸ What the report's drafters unequivocally rejected was the Palestinian request for an international protection force, which they felt was impractical, unsuited to the conditions on the ground and politically unpalatable for Israel. ICG interview, Mitchell Committee staff member, March 2002.

⁴⁹ Israelis feel that the UN forces in Lebanon were ineffective in stopping Hezbollah from firing into Israel.

⁵⁰ In interviews with ICG on 20 March 2002.

⁵¹ This argument has also been widely made by Israeli Foreign Minister Shimon Peres.

⁵² ICG interviews, March 2002

the third party serve as a conduit for the sharing of intelligence information under circumstances where Palestinian officials would be loathe to communicate to their Israeli counterparts.

2. Palestinian Perspective

Getting the international community, and ideally the United Nations, to dispatch an international protection force has been a constant Palestinian refrain, echoed most recently by Chairman Arafat in reaction to Israel's incursion into his compound. This clearly reflects the long-standing political desire to internationalise the conflict – to escape the lopsided tête à tête with Israel and, in their view, the only slightly less lopsided three-way with the United States. It also reflects the belief that an international presence would either deter or constrain Israeli actions in Palestinian territory. In recent conversations with ICG, Palestinian political leaders asserted that an international presence could help stabilise a putative ceasefire, while a prominent security official expressed the view that it would be important to “witness Israeli actions.”⁵³

In terms of the responsibilities of such a force, Palestinian officials stressed the need for a broad mandate “beyond security and beyond Tenet.” Thus, for example, the third party presence should monitor Israel's settlement freeze. More generally, Palestinians believe this force should serve as a precursor for, and a link to, the kind of third party involvement they wish to see in any future political process.⁵⁴

Some security officials volunteered that a third party could help them with their own more radical armed groups. This indeed was the practice of the EU Informal Group, which conducted an intensive dialogue with the different factions, including armed and opposition groups. Although this could be construed as unwarranted involvement in internal Palestinian affairs, Palestinian security officials actually welcomed it as useful mechanism to transmit instructions that it would be difficult for them to do.⁵⁵

Despite general enthusiasm for an international presence, particularly by Palestinian Authority

political leaders, in private security officials and others shared some of their concerns. First is the widespread expectation among the Palestinian people that a third party presence would assume the role of a Protection Force. Put bluntly, in the popular imagination, Palestinians would be able to maintain their acts of resistance, while the international presence would prevent the Israeli Defence Forces from responding. Aware of the fact that no such protection force is on the table at this time, some of ICG's Palestinian interlocutors were worried that such a gap between expectation and reality could lead to further frustration and undermine the legitimacy of the Palestinian Authority and any ceasefire accord. (A similar phenomenon was experienced in Hebron with the TIPH). These Palestinians stressed the importance of rapidly dispelling this myth and creating realistic public expectations.

Secondly, several security officials expressed the fear that the third party presence would be used as a tool to pressure them to implement security commitments – such as arresting suspected terrorists – which they do not believe they currently could carry out. They pleaded for a well-calibrated and realistic set of goals, mindful of the political context and existing physical capacity of the Palestinian Authority and its security organisations.⁵⁶

Thirdly, a number of Palestinians worried that should a poorly designed third party presence fail to secure quiet or come under hostile fire, it would seriously set back the very notion of an international force, even in the context of a future permanent status agreement. According to one member of the Palestinian negotiating team, it would be worse to have an ill-timed or ill-considered international presence than to have no presence at all.⁵⁷

Finally, some Palestinians, particularly among the Fatah leaders, acknowledged that a third party presence risked constraining *their* ability to continue the uprising, since they would be thereby clearly defying the international community, and most likely Chairman Arafat himself. In other words, an international presence threatens either to freeze the situation on the ground at a time when

⁵³ ICG interviews in Ramallah, 19 March 2002.

⁵⁴ ICG interviews in Ramallah, 21 March 2002.

⁵⁵ ICG interviews in Ramallah, March 2002

⁵⁶ ICG interviews, March 2002

⁵⁷ ICG interview, March 2002.

radical Palestinian groups believe they can force political decisions through sustained military action or to trigger a confrontation with the Palestinian Authority, two scenarios the nationalist leaders would prefer to avoid.⁵⁸ Palestinians mentioned the case of Cyprus as an example of the former scenario, where the international presence becomes a *de facto* proxy for the occupation force. For those Palestinians currently leading the struggle, in short, the introduction of an international presence would at best be a wash, most likely a negative.⁵⁹

No longer the crowning political achievement it once would have been, the introduction of an appropriately framed third party presence in the territories nonetheless could help Arafat and the Palestinian Authority market any ceasefire agreement. It would enable them to claim that they have a firmer link to international legitimacy and that important members of the international community would heretofore be involved in the political process, correcting one of Oslo's structural flaws.

C. PERSPECTIVES OF THIRD PARTIES

1. United States

Although it long deferred to Israeli objections to an international presence, by the summer of 2001 the U.S. began to engage the parties in intensive discussions regarding the possible stationing of a CIA group to oversee implementation of the Tenet work-plan. At the July 2001 meeting in Genoa, the U.S. joined the other Group of Eight (G-8) members in adopting a text stating: "We believe that in these circumstances third-party monitoring accepted by both parties would serve their interests in implementing the Mitchell report".⁶⁰ Plans seemed to be relatively well advanced, and Israeli agreement reportedly had been secured for an initial group to be posted at Rafah, in the Gaza strip. The proposed Monitoring Mission was to

have been small in size and drawn from technical experts from the State Department, the Pentagon and the CIA. It was supposed to report to participants in the October 2000 meeting at Sharm el-Sheikh (the United States, Egypt, Jordan, the United Nations, Israel and the Palestinian Authority), in addition to Russia and those nations represented on the Mitchell Committee (Turkey and Norway). Its mandate was to monitor implementation of the Tenet work-plan and Mitchell report.⁶¹ In the face of lack of progress on the ground and Israeli reservations, the United States ultimately pulled back.

More recently, the U.S. once again put the notion of a third party presence on the table. During his current mission, General Zinni raised it with the parties and with other international actors, exploring the idea of European participation.⁶² Dismissing the idea that the U.S. might send peacekeeping troops to the region, Secretary Powell reiterated U.S. support for a more modest monitoring mission, explaining,

"If we got into the Tenet work-plan which laid out conditions both sides would meet as they went into a ceasefire, and as we went into the Mitchell process with confidence-building activities, the United States [is] prepared to send some small number of monitors, which would probably be civilian monitors".⁶³

2. European Union

Consistent with its view that the international community needs to be more involved, the EU has for some time advocated a third party presence. Besides establishing the informal group, the EU publicly endorsed the idea at the July 2001 meeting of the G-8 and in the most recent EU Leaders' Declaration stated: "The European Council remains convinced that a third party monitoring mechanism would help both parties to pursue their

⁵⁸ ICG interview in Ramallah, March 19, 2002.

⁵⁹ ICG interview in Ramallah, 19 March 2002. Presumably, the reaction would be quite different were the international presence to become a *de facto* protectorate, as a bridge helping the transition from occupation to independence.

⁶⁰ Meeting of G-8 Foreign Ministers, statement on Middle East, 20 July 2001.

⁶¹ ICG interviews with Israeli and Palestinian negotiators, Tel Aviv and Ramallah, March 2002.

⁶² U.S. officials seem well aware that Americans may not be ideal candidates to undertake all the functions of an international presence. For example, given current anti-American feelings in the area, Europeans may be better suited to interact with residents of refugee camps. ICG interview with EU officials, Tel Aviv, March 2002.

⁶³ NBC interview, 2 April 2002

efforts . . . and urges them to consider proposals to accept observers. The EU and the member states are prepared to participate in such a mechanism.”⁶⁴ More recently, and in the face of massive Israeli incursions into Palestinian cities, individual European leaders have called for the dispatch of an international force to serve as a buffer between the two sides.⁶⁵ In late 2001, the EU also suggested that it could monitor dedicated Palestinian detention facilities both to verify whether suspected perpetrators of violence were indeed in prison and to provide assurances against potential Israeli attacks against the installations.

IV. MAKING A THIRD PARTY STRUCTURE WORK

The speed with which the situation on the ground has deteriorated and with which the basic infrastructure of the Palestinian Authority – political, economic and security – has been dismantled make it difficult to prescribe any fixed solution. Given the fluidity of events, what looked viable yesterday – the Mitchell confidence-building measures, the Tenet work-plan, U.S. support for a Palestinian state – is unlikely to work tomorrow. Likewise, the stationing of a small number of international observers, which at one time might have provided the Palestinians with the required political hook to claim victory and end the violence, probably would not, in and of itself, have that effect today.

Moreover, much of the discussion surrounding a possible third party presence has been predicated on the continued existence of a viable, functioning Palestinian Authority. In the absence of an effective Palestinian Authority, and, therefore, in the absence of a basic Palestinian ability to govern, deliver social services and ensure law and order, the entire notion needs to be rethought. One therefore needs to be extremely realistic and clear-eyed about the shelf life of any detailed proposal, and focus instead on the key parameters that will be required to turn a third party presence into a workable and constructive instrument.

A. SETTING THE POLITICAL CONTEXT

To be effective, and assuming the two sides have agreed to a ceasefire, the introduction of a third party structure cannot take place in a political vacuum. As previously underscored, the only viable and sustainable way out of the current crisis requires the international community to put forward a clear description of what would constitute a fair and comprehensive final political settlement, and work actively to have the parties accept it.

The essential role of the third party presence, in this context, is as a vehicle for international involvement on the ground in the political and related ceasefire process, enhancing confidence in independent monitoring and serving as a harbinger of continued third party engagement in a final settlement.

⁶⁴ Barcelona Declaration on the Middle East, European Council, 16 March 2002.

⁶⁵ For example, French Prime Minister Lionel Jospin called for the dispatch of “an international interposition and observation force.” *Le Monde*, 5 April, 2002.

B. ESTABLISHING A HIGH LEVEL POLITICAL CONTACT GROUP

A necessary prelude to any third party presence should be the establishment of a high-level Contact Group whose role would be to pursue the overall political settlement to the conflict, supervise the implementation of ceasefire and related agreements reached by the parties, and oversee the performance of an on-the-ground third party presence.

One of the principal reasons for the establishment of the Contact Group is that at this stage, given the intensity of the conflict and the nature of the two leaderships, a unified position by the international community is a more important and achievable goal than moderating the positions and aspirations of the parties themselves. In order to maximize effectiveness and trust, particularly given Israel's mixed experience with UN missions, the Contact Group ought to be led by the United States and include those participating in the Quartet (the United States, the EU, the office of the UN Secretary General and Russia) as well as non-Quartet members of the Sharm group (Jordan and Egypt), along with Saudi Arabia.⁶⁶

C. DISPATCHING AN IMPLEMENTATION AND VERIFICATION GROUP

Because of the lack of trust, the damage that has been done to traditional lines of communication, and the virtual dismantling of the Palestinian Authority, effective stabilisation of a putative ceasefire will require the introduction of a relatively assertive third party presence on the ground. Assuming Israel and the Palestinian Authority accept its presence; this Implementation and Verification Group, operating under the aegis of the Contact Group and composed of members from the U.S. and EU, would be charged with verifying that the two parties have carried out their prior commitments,

⁶⁶ Romano Prodi, the President of the European Commission, suggested an analogous structure on 4 April 2002, when he stated: "We need around one table the United States, the European Union, the United Nations, Russia, moderate Arab states, Israel and the Palestinian Authority. We can't get out of this situation with any other, partial solution." Membership in the Contact Group could be expanded to include countries that will play an important political or economic role.

helping to resolve disputes and to defuse problems at friction points, acting as a liaison between the two sides, and registering complaints or claims that one side or the other has violated the agreement.⁶⁷

This will require the capacity to mediate in real-time, based on timely and accurate information. Indeed, in a situation where the two sides may no longer be willing to communicate directly, the Implementation and Verification Group can maintain indirect channels, convey messages, and share information the parties might find hard to pass on directly, thereby reducing the risk of misunderstandings.

D. OPERATING UNDER A STRONG, CLEAR AND EVOLVING MANDATE

The success of the Implementation and Verification Group will largely depend on the degree to which it is politically empowered to carry out its responsibilities. The key is that it be given not only specific responsibilities but also – vitally – extensive authority to carry them out (e.g., to meet with whoever it wants, have access to various locations, check relevant files and information). In other words, its authority should amply exceed the responsibilities assigned.⁶⁸ In

⁶⁷ The complaint procedure could be modelled on the Israel Lebanon Monitoring Group (ILMG), established as part of the Israel-Lebanon Ceasefire Understanding of 27 April 1996. The ILMG, composed of the U.S., France, Syria, Lebanon and Israel, had no enforcement mechanism but rather called attention to violations of the Understanding. It is widely believed that, while the ILMG did not impose a ceasefire, it succeeded in preventing an escalation of the conflict by providing the parties with a forum to air grievances and score diplomatic points. Rather than automatically retaliating for every incident, the parties often would await the issuance of the ILMG report to see if their position had been vindicated, thereby confining escalation to the rhetorical rather than military arena. See Adam Frey, "The Israel-Lebanon Monitoring Group: An Operational Review," *Washington Institute for Near East Policy*, September 1997. In conversations with ICG, members of the Zinni mission as well as more than one current senior Israeli military official suggested that the ILMG was the most appropriate model for the current situation. ICG interviews, Tel Aviv, March 2002.

⁶⁸ Experience clearly has shown that the opposite balance – much responsibility and little authority – is bound to fail: the mission will become ineffectual pawns in the hands of the warring parties, as happened with UNPROFOR in Bosnia.

turn, this means that the Implementation and Verification Group must have a direct and close link to the Contact Group in order to avoid the problems that have plagued the TIPH and that its mandate must be approved by the two parties themselves in advance.

In addition, the role and mandate of the Implementation and Verification Group will have to evolve as the situation develops. It should be flexible, and enjoy room to grow, extend its mandate and broaden its capacity

At a first stage, its mandate should be defined as observing and facilitating implementation of a streamlined ceasefire. Indeed, given the scale of the current confrontation, the character of the two political leaders, and the scope of destruction of Palestinian security organs, some of the more structural goals – the resumption of genuine, direct bilateral security cooperation, a serious effort by the Palestinian Authority to dismantle radical groups or confiscate illegal weapons – and some desirable goodwill gestures, no longer are realistic in the short run. It would be far preferable to set pragmatic, if limited, targets that can contribute to gradual de-escalation than to get the parties to sign on to commitments they simply will not fulfil. The immediate objective therefore should be to get the two parties to implement practical steps that will end the violence and killing.

On the Palestinian side, this will mean taking effective measures – whether through co-optation, coercion, or clampdown – to stop the suicide bombings and terrorist attacks; prohibiting any member of the security services from engaging in or assisting in the commission of acts of violence against Israel, taking proactive steps, such as arrests or information-sharing, to prevent other individuals or groups from resorting to violence and publicly condemning such acts.

On the Israeli side, it will require ending incursions into Palestinian territory and withdrawing from cities it has reoccupied; halting proactive military operations against Palestinian Authority facilities; ending the practice of targeted killings; taking effective measures to prevent acts of violence by individual Israelis and lifting punitive measure directed at Chairman Arafat.

Bearing all the political constraints in mind, and in this first stage, an indicative list of possible actions

by the Implementation and Verification Group in the early stages of its presence would include:

- Setting up standing joint committees to deal with local, practical problems and in which Israeli and Palestinian Authority representatives, as well as representatives from the Implementation and Verification Group would participate.
- Rebuilding Palestinian detention centres, verifying arrests and continued detention, and guaranteeing that no Israeli Defence Forces raids will take place against these facilities.⁶⁹
- Monitoring and verifying Israeli Defence Forces redeployment to previously held positions. Since the outbreak of the intifada, the Israeli Defence Forces have assumed forward positions throughout the West Bank and Gaza, occasionally conducting ground invasions of Palestinian Authority areas, positioning new checkpoints and roadblocks and frequently cutting Gaza into three isolated strips. Given the mutual suspicions, difficulties of monitoring troop movements throughout the area, and room for misinterpreting military movements, the third party presence should be mandated to verify and monitor an agreed upon redeployment. This may include mediating timetables and coordinating mutual steps by the parties to avoid creating a vacuum or triggering confrontations in the wake of the redeployment.
- Overseeing steps toward a weapons collection program. One of Israel's main concerns during the intifada has been the proliferation and use of unregistered weapons by Palestinian irregulars. In discussions with ICG, the Palestinian Authority made clear that, after the

⁶⁹In late 2001 the EU informally proposed that it would hold all high security-risk prisoners in three detention centres, one in Gaza and two in the West Bank. These would be equipped with electronic surveillance devices that would allow third party monitoring and verification of prisoner detention. Both parties agreed to this approach in principle and a senior Israeli Defence Forces official confirmed to ICG that the idea could be positively viewed by Israel. ICG interview, March 2002.

experience of the last 18 months, a full-scale decommissioning program was wholly unrealistic. This view was echoed by a well-informed international diplomat who described “premature” weapons collection and disarmament efforts as the principal graveyard of many a peace process.⁷⁰ Instead, the Implementation and Verification Group should supervise Palestinian efforts to dismantle the laboratories and facilities that produce heavy weaponry, such as mortars, rockets, and bombs and to begin to address the issue of small arms proliferation.⁷¹ Over time, and within a proper political context, this program might include the voluntary registration of illegally held firearms, a ban on the public display of weapons, an incentive program to turn in illegally held firearms, steps to interdict the smuggling and sale of weapons and mandatory registration for all weapons, with penalties for non-compliance.

- Modifying Israeli Defence Forces behaviour at checkpoints, traditionally a major source of friction between Israelis and Palestinian as a result of arbitrary and abusive procedures, humiliating treatment and the denial of access in cases of medical emergencies. The third party presence should work with the Israeli Defence Forces in establishing a new code of conduct, would carry out surprise inspections, and serve as a possible mediator in cases of medical emergencies.
- Passing information to the two sides that they find difficult under current circumstances to pass directly to each other.

Over time, and as the situation develops, the Implementation and Verification Group should take on different responsibilities, as political or security understandings emerge between the parties and as their capacity to act expands.⁷²

E. ADDRESSING OPERATIONAL ISSUES

Given Israeli distrust of UN and other international players, and for reasons of operational effectiveness, the Implementation and Verification Group should be a joint U.S.-EU effort under American leadership. It should be composed of civilian-military security units, drawing from CIA and EU security personnel – similar in profile to the current EU Informal Group led by Alistaire Crooke.⁷³

This would not be a static presence, serving as a buffer between two warring sides, but rather a flexible, mobile body that enjoys close links to the protagonists. Indeed, given the situation on the ground, the Implementation and Verification Group will need to reach out broadly to a host of constituencies on both sides, including Palestinian Authority officials and security chiefs, armed factions,⁷⁴ local commanders, refugees, municipal leaders and non-governmental organisation activists on the Palestinian side, the Israeli government, Israeli Defence Forces and settlers on the Israeli one. Similar efforts were undertaken by

causes of anger and frustration on the Palestinian side, and in a statement on 4 April 2002, President Bush stated that “Consistent with the Mitchell Plan, Israeli settlement activity in the occupied territories must stop.” No future political process will be sustainable under conditions of ongoing settlement building. While Prime Minister Sharon has in principle agreed to the report’s recommendations, which include a freeze on all settlement activity, this clearly is one of the most politically sensitive issues for Israel. In meetings with ICG, Palestinian officials and negotiators stated categorically that any third party presence would have to monitor Israeli compliance on this issue; just as categorically, Israeli officials dismissed the notion that a third party would have any role in this. While monitoring can be done via satellite imagery, this issue probably should be dealt with on the basis of “parity of intrusiveness” – in other words, if sensitive Palestinian Authority undertakings are being monitored on-the-ground, then so, too, should this issue, if the third party presence is to retain credibility with the Palestinians.

⁷³ Prime Minister Tony Blair stated in a speech in Texas, on the occasion of his visit to President Bush, that the UK would be willing to send British participants to serve as part of an international team to monitor a ceasefire brokered by U.S. Secretary of State Powell. *The Daily Telegraph*, 8 April 2002. Other European leaders have expressed similar readiness.

⁷⁴ American officials expressed reservations to ICG as to whether their laws would allow interaction with groups on the U.S. terrorism list. ICG interview, March 2002. This is a task, therefore, that might fall to the European members of the Group.

⁷⁰ ICG interview, Tel Aviv, March 2002.

⁷¹ Both senior Israeli Defence Forces and U.S. government officials with responsibility for this issue confirmed in interviews with ICG in the region on 20 and 22 March 2002 that this approach could be acceptable.

⁷² In particular, the Group should be charged with monitoring a settlement freeze. Settlement construction was identified in the Mitchell report as one of the principal

the EU Informal Group in late 2001. In the present context, they could play an important role in helping the Palestinian Authority ensure respect for the new rules of the game. Such on-the-ground interaction also would enhance the likelihood of the third party presence knowing in advance about potential Israeli-Palestinian flashpoints and being able to intercede rapidly to defuse the situation.

The intensity of recent attacks, together with the level of mutual distrust and anger, mean that the third party presence will need to intercede far more significantly than originally had been assumed. As a result, the numbers that had been mentioned by U.S. and European diplomats (twenty international monitors or less) will have to be significantly increased – probably to several hundred. The central principle is that the numbers need to flow from the group's responsibilities, not the other way around, and to evolve as the group's mandate evolves.

F. SETTING REALISTIC PUBLIC EXPECTATIONS

One of the key functions of the third party presence will be to explain itself clearly and publicly, so as not to create exaggerated expectations. In this respect, a key notion to dispel is that the presence will act as an armed Protection Force when, by virtue of Israeli and U.S. opposition, it is clear that is not currently in the cards. The experience of the former Yugoslavia should serve as a precautionary note. There, what was billed as a defensive peacekeeping mission failed dramatically to meet public expectations, quickly becoming the target of political and popular anger.⁷⁵

The mission should be explained to as broad a constituency as possible from the very beginning. Targets ought to include security chiefs and commanders at the local level, the civilian population, as well as the media, which can act as a vehicle to communicate with the general public. The Implementation and Verification Group should have a visible front person and media strategy, with an eye to constantly explaining what

is being done. In addition, the parties should be requested to demonstrate restraint in their public messages in how they characterise this presence.

All that said, the implications of the third party presence go beyond the immediate situation. Its fate will help determine whether the notion of third party monitoring and security assistance remains credible in the Israeli-Palestinian context. If an ill-conceived presence were to go badly – either because it failed to meet the parties' expectations or because it became a target for attack – it could undermine what has become a key component of any future political deal between the two sides.

G. REBUILDING THE PALESTINIAN AUTHORITY AND INFRASTRUCTURE

One of the most immediate tasks facing the international community, complementary to but distinct from establishing the Implementation and Verification Group, is to help rebuild the Palestinian Authority's core competencies. This is important to attend to urgent humanitarian needs and to prevent the emergence of a vacuum that more radical groups would be eager to fill. According to the World Bank, the Palestinian Authority is "effectively bankrupt," noting that "without the intervention of the donors, and in particular the Arab League and European Union states, all semblance of a modern economy would have disappeared by now."⁷⁶ Since the time of the World Bank report, the situation has become significantly worse, and the Palestinian Authority no longer can carry out many of the basic political, social and security functions it previously fulfilled. Public services are breaking down, power and water cuts are frequent, and shortages affect a range of products from drug supplies to textbooks. As a result, and beyond the massive financial support that will be required to help with economic reconstruction and quick impact projects, the international community will need to help the Palestinian Authority with technical and logistical support in a variety of fields. Indeed, in the early stages, it may well need to step in temporarily for the Palestinian Authority and directly assume certain vital social, economic and security

⁷⁵ UNPROFOR's reluctance to use force or call on NATO air power in support of its mission contributed to the catastrophic events at Srebrenica where 7,000 Bosnian Muslim men lost their lives.

⁷⁶ World Bank Report, "Fifteen Months – Intifada, Closures and Palestinian Economic Crisis: An Assessment," available at www.worldbank.org.

functions until the Authority's capacity was rebuilt.⁷⁷

One of the international community's specific tasks will be to provide technical assistance and training to the Palestinian Authority to help it re-establish an effective security structure. The group should use the opportunity to both professionalise and streamline the structure, doing away with the proliferation of security organs, and ensuring they obey a single chain of command, as prescribed in the Mitchell Report.⁷⁸

V. CONCLUSION

Much of the recent debate has revolved around the issue whether the international community in general, and the U.S. in particular, is sufficiently engaged in the Israeli-Palestinian conflict. But the real issue is not the intensity of the engagement but rather its purpose and direction. Unfortunately, the focus on step-by-step security actions, confidence-building measures and interim agreements has become out of date and detached from the political and security realities on the ground.

What is required today is a new approach that turns the old incrementalism on its head by starting with the political endgame. It is an approach above all which relies on the international community, led by the U.S., to provide the necessary political momentum for the difficult security tasks that lie ahead. The key elements in that approach may be summarised as follows.

A. PROMPTLY PRESENTING A COMPREHENSIVE POLITICAL SETTLEMENT

U.S. Leadership in Partnership for a Final Settlement

The most significant step in ending the current deadlock would be for the United States to forge an international coalition of like-minded European and Arab countries that would formulate all the major elements of, and back, a fair and comprehensive end-of-conflict deal. The intended audience should be not only Israeli and Palestinian leaders, but also, and chiefly, their publics, the goal being to thicken domestic and international support for a peaceful, two-state solution and increase pressure on the two sides' leaderships. There is considerable evidence from the ground that both publics are in fact yearning for a way out, and equal evidence that the two current leaderships are incapable of finding one.

The proposed solution should build on the progress that has been made from Camp David to Taba, but also on subsequent pronouncements by the United Nations in Security Council Resolution 1397 of 12 March 2002 and by the Arab League Beirut Declaration of 28 March 2002. Far from being a reward for terrorism, as some have argued, moving

⁷⁷ In conversations with ICG, senior Palestinian officials said they would welcome such a third party role. ICG interviews, April 2002.

⁷⁸ This could fall within the remit of the European Union's emerging military and civilian crisis management instruments, pursuant to which, for example, it is set to assume policing responsibilities in Bosnia in 2003.

toward a political solution is an essential ingredient in defeating it.

A More Active European Union

Increased coordination between the United States and its European partners, epitomized in the emergence of the Quartet, is a welcome development. But it ought not occur at the expense of independent EU judgment, leadership and, where necessary, public airing of differences with the United States on how best to manage the current crisis. In particular, the EU should emphasise the notion that a security-first approach has scant chance of success, and that there needs to be a stronger political component that vigorously promotes a detailed permanent status solution based on the prior history of negotiations.

Involving Arab Nations

The Arab League resolution was the Arab World's clearest sign yet of its willingness to enter the diplomatic fray and offer Israel incentives for a peace agreement. It will be important for it to redouble its efforts by reaching out directly to the Israeli public, making clearer the type of relationship it envisages in an era of peace, and by working with the United States and the EU so that all three can back a political proposal that meets both sides' aspirations.

Moreover, in the context of this new political initiative, Arab nations should agree to cut all funding, material and logistical support to Palestinian radical groups that continue to engage in acts of violence against Israel. As long as the Arab states remain reluctant to disavow the use of terrorism, their long-term intentions will continue to be viewed sceptically by many in Israel and Western security circles.

Establishing a Third Party Political Contact Group

A U.S.-led Contact Group should be established that includes members of the Quartet and Sharm group (the EU, Egypt, Jordan, Russia and UN Secretariat) in addition to Saudi Arabia in recognition of its recent role. U.S. leadership is a *sine qua non* for Israeli acquiescence, while broader international involvement can provide critical reassurance to the Palestinians. This group of countries and organisations constitutes a set of

interested parties with the most traction with the protagonists, the closest connection, deepest involvement in the peace process and broadest umbrella of international legitimacy.

This third party structure addresses two of the flaws that have plagued the Oslo process: the lack of an integral third party mechanism to oversee accurate and timely implementation of obligations, and the more or less U.S. diplomatic monopoly over the process. The Contact Group can help address these defects by introducing broad international oversight of and legitimacy to the process, albeit one in which the U.S. still necessarily retains the dominant role.

The Contact Group would provide high-level supervision, help iron out political problems, monitor implementation of political commitments where appropriate, and oversee the work of an on-the-ground Implementation and Verification Group described below. Moreover, it would be charged with seeking to push forward and build the broadest possible support for the end-of-conflict deal. It should be clear from the outset that the Contact Group will play a role in both achieving and implementing a final status deal, thereby demonstrating the will of the international community to end the conflict.

B. REACHING AGREEMENT ON A CEASEFIRE

Within this new political context, Israel and the Palestinian Authority should be pressured to promptly accept a real and lasting ceasefire. While the immediate obligations demanded of both sides should be realistic and reflect existing realities and constraints on the ground, both parties should take steps that will end the violence and bloodletting, particularly against civilians.

Of course any kind of commitment to a ceasefire, and to an end to terrorist and other violence, is worth having at any time, and there should be no let up in attempts to achieve this whatever other diplomatic initiatives are taken. But the chances of serious promises of this kind being made and honoured will be much enhanced if the international community can quickly put on the table a fair and comprehensive final political settlement proposal. This will provide an incentive to Palestinian militants to end their uprising and

empower their leaders to compel them to do so. And an effective cease-fire will make it more likely that the Israeli public will contemplate significant concessions.

C. DISPATCHING AN ON-THE-GROUND IMPLEMENTATION AND VERIFICATION GROUP

The parties should be encouraged to agree to an Implementation and Verification Group (IVG) being sent to supervise implementation of the ceasefire agreement, serve as a facilitator and go-between, help collect information, assist in resolving disputes on the ground, and investigate complaints, and act as a forum for grievances.

The IVG will need to be politically empowered by the parties, have more than enough specific authority to carry out its responsibilities, and have a direct link to the Contact Group. It should be a joint U.S.-EU group,⁷⁹ with – for effectiveness and to give the mission strong political direction in the theatre of operations – the operational commander being a U.S. diplomatic/political representative. IVG units should be mixed civilian/military in composition (similar in profile to the current EU Informal Group). They should include military, intelligence and police skills and have the capacity to work in a complex and dynamic environment. The IVG should have an effective, on-the-ground presence, and interact with all players on both sides, including armed factions and settlers

As the process unfolds and the parties are in a position to implement further commitments, the mandate, responsibilities and composition of the Implementation and Verification Group should expand accordingly.

Moreover, to achieve maximum international legitimacy, both the Contact Group and the Implementation and Verification Group should receive at least post-facto blessing from the Security Council.

Distinct from but complementary to the establishment of the Contact and Implementation and Verification Groups, the international community needs to initiate a substantial effort to

help rebuild the Palestinian Authority's basic social, political and security infrastructure. In certain circumstances, it must assume functions until the Palestinian Authority is in a position to undertake them once again. The EU should play a key role in this endeavour, along with other members of the international community. In this context, Israel should release the Palestinian purchase tax revenues it has withheld during the intifada and provide some level of reassurance that it will not target such rebuilt infrastructure in the future.

"Internationalisation" is, today; no longer a question; it is a fact. The Israeli-Palestinian conflict has long since ceased to be a local one, in terms both of some of what feeds it (regional support for radical, violent groups) and of what it feeds (instability in the Arab world; spill-over effects in Europe; threats to the United States' strategic posture). To be sure, the international community faces a highly complex political-security challenge in the Middle East. But this is a problem that, as has been shown repeatedly, time will not take care of. Should Israel, under intense international pressure, withdraw from recently reoccupied cities, Palestinian militants will be sorely tempted to lash out in order to deny Israel a military victory and demonstrate that occupation cannot bring about quiet. At that point, a new dangerous cycle could be unleashed, with renewed Israeli incursions and Palestinian suicide bombs.

Indeed, if the situation were to deteriorate dramatically, the Palestinians may lose all capacity to satisfy basic humanitarian or law and order needs. At that point, the international community, and Israel, will face a far graver dilemma still: allowing complete chaos, witnessing a perilous and costly long-term Israeli reoccupation, or intervening with a far more robust international force, indeed a military force, that would turn the territories for an indefinite period into a virtual international protectorate.⁸⁰ Now is not too soon to take energetic action to avoid all these unenviable alternatives.

Amman/Brussels, 10 April 2002

⁷⁹ With the agreement of the parties, there may be other contributing states.

⁸⁰ The option of a prolonged Israeli military re-occupation combined with international civilian administration is apparently being discussed in Israeli governmental and military circles. ICG interviews, April 2002.

APPENDIX A

MAP OF SOUTHEASTERN MEDITERRANEAN



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in more than a score of crisis-affected countries and regions across four

continents, including Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG also undertakes and publishes original research on general issues related to conflict prevention and management. After the attacks against the United States on 11 September 2001, ICG launched a major new project on global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East (with a regional field office in Amman) and Pakistan/Afghanistan (with a field office in Islamabad). The new offices became operational in December 2001.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.

April 2002

Further information about ICG can be obtained from our website: www.crisisweb.org

APPENDIX C

ICG REPORTS AND BRIEFING PAPERS*

AFRICA

ALGERIA

The Algerian Crisis: Not Over Yet, Africa Report N°24, 20 October 2000 (also available in French)

The Civil Concord: A Peace Initiative Wasted, Africa Report N°31, 9 July 2001 (also available in French)

Algeria's Economy: A Vicious Circle of Oil and Violence, Africa Report N° 36, 26 October 2001 (also available in French)

BURUNDI

The Mandela Effect: Evaluation and Perspectives of the Peace Process in Burundi, Africa Report N°20, 18 April 2000 (also available in French)

Unblocking Burundi's Peace Process: Political Parties, Political Prisoners, and Freedom of the Press, Africa Briefing, 22 June 2000

Burundi: The Issues at Stake. Political Parties, Freedom of the Press and Political Prisoners, Africa Report N°23, 12 July 2000 (also available in French)

Burundi Peace Process: Tough Challenges Ahead, Africa Briefing, 27 August 2000

Burundi: Neither War, nor Peace, Africa Report N°25, 1 December 2000 (also available in French)

Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework, Africa Report N°29, 14 May 2001 (also available in French)

Burundi: 100 Days to put the Peace Process back on Track, Africa Report N°33, 14 August 2001 (also available in French)

DEMOCRATIC REPUBLIC OF CONGO

Scramble for the Congo: Anatomy of an Ugly War, Africa Report N°26, 20 December 2000 (also available in French)

From Kabila to Kabila: Prospects for Peace in the Congo, Africa Report N°27, 16 March 2001

Disarmament in the Congo: Investing in Conflict Prevention, Africa Briefing, 12 June 2001

Le dialogue intercongolais: Poker menteur ou négociation politique ? Africa Report N° 37, 16 November 2001 (also available in English)

Disarmament in the Congo: Jump-Starting DDRRR to Prevent Further War, Africa Report N° 38, 14 December 2001

RWANDA

Uganda and Rwanda: Friends or Enemies? Africa Report N°15, 4 May 2000

International Criminal Tribunal for Rwanda: Justice Delayed, Africa Report N°30, 7 June 2001 (also available in French)

"Consensual Democracy" in Post Genocide Rwanda: Evaluating the March 2001 District Elections, Africa Report N°34, 9 October 2001

Rwanda/Uganda: a Dangerous War of Nerves Africa Briefing, 21 December 2001

SIERRA LEONE

Sierra Leone: Time for a New Military and Political Strategy, Africa Report N°28, 11 April 2001

Sierra Leone: Managing Uncertainty, Africa Report N°35, 24 October 2001

Sierra Leone: Ripe For Elections? Africa Briefing, 19 December 2001

SUDAN

God, Oil & Country: Changing the Logic of War in Sudan, Africa Report N°39, 28 January 2002

Capturing the Moment: Sudan's Peace Process in the Balance, Africa Report N° 42, 3 April 2002

ZIMBABWE

Zimbabwe: At the Crossroads, Africa Report N°22, 10 July 2000

Zimbabwe: Three Months after the Elections, Africa Briefing, 25 September 2000

Zimbabwe in Crisis: Finding a way Forward, Africa Report N°32, 13 July 2001

Zimbabwe: Time for International Action, Africa Briefing, 12 October 2001

Zimbabwe's Election: The Stakes for Southern Africa, Africa Briefing, 11 January 2002

All Bark and No Bite: The International Response to Zimbabwe's Crisis, Africa Report N°40, 25 January 2002

Zimbabwe at the Crossroads: Transition or Conflict? Africa Report N° 41, 22 March 2002

*Released since January 2000

ASIA

CAMBODIA

Cambodia: The Elusive Peace Dividend, Asia Report N°8, 11 August 2000

CENTRAL ASIA

Central Asia: Crisis Conditions in Three States, Asia Report N°7, 7 August 2000 (also available in Russian)

Recent Violence in Central Asia: Causes and Consequences, Central Asia Briefing, 18 October 2000

Islamist Mobilisation and Regional Security, Asia Report N°14, 1 March 2001 (also available in Russian)

Incubators of Conflict: Central Asia's Localised Poverty and Social Unrest, Asia Report N°16, 8 June 2001

Central Asia: Fault Lines in the New Security Map, Asia Report N°20, 4 July 2001

Uzbekistan at Ten – Repression and Instability, Asia Report N°21, 21 August 2001

Kyrgyzstan at Ten: Trouble in the "Island of Democracy", Asia Report N°22, 28 August 2001

Central Asian Perspectives on the 11 September and the Afghan Crisis, Central Asia Briefing, 28 September 2001 (also available in French)

Central Asia: Drugs and Conflict, Asia Report N° 25, 26 November 2001

Afghanistan and Central Asia: Priorities for Reconstruction and Development, Asia Report N° 26, 27 November 2001

Tajikistan: An Uncertain Peace, Asia Report N° 30, 24 December 2001

The IMU and the Hizb-ut-Tahrir: Implications of the Afghanistan Campaign, Central Asia Briefing, 30 January 2002

Central Asia: Border Disputes and Conflict Potential, Asia Report N° 33, 4 April 2002

INDONESIA

Indonesia's Crisis: Chronic but not Acute, Asia Report N°6, 31 May 2000

Indonesia's Maluku Crisis: The Issues, Indonesia Briefing, 19 July 2000

Indonesia: Keeping the Military Under Control, Asia Report N°9, 5 September 2000

Aceh: Escalating Tension, Indonesia Briefing, 7 December 2000

Indonesia: Overcoming Murder and Chaos in Maluku, Asia Report N°10, 19 December 2000

Indonesia: Impunity Versus Accountability for Gross Human Rights Violations, Asia Report N°12, 2 February 2001

Indonesia: National Police Reform, Asia Report N°13, 20 February 2001 (Also available in Indonesian)

Indonesia's Presidential Crisis, Indonesia Briefing, 21 February 2001

Bad Debt: The Politics of Financial Reform in Indonesia, Asia Report N°15, 13 March 2001

Indonesia's Presidential Crisis: The Second Round, Indonesia Briefing, 21 May 2001

Aceh: Why Military Force Won't Bring Lasting Peace, Asia Report N°17, 12 June 2001 (Also available in Indonesian)

Aceh: Can Autonomy Stem the Conflict? Asia Report N°18, 27 June 2001

Communal Violence in Indonesia: Lessons from Kalimantan, Asia Report N°19, 27 June 2001

Indonesian-U.S. Military Ties: Indonesia Briefing, 18 July 2001

The Megawati Presidency, Indonesia Briefing, 10 September 2001

Indonesia: Ending Repression in Irian Jaya, Asia Report N°23, 20 September 2001

Indonesia: Violence and Radical Muslims, Indonesia Briefing, 10 October 2001

Indonesia: Next Steps in Military Reform, Asia Report N°24, 11 October 2001

Indonesia: Natural Resources and Law Enforcement, Asia Report N° 29, 20 December 2001

Indonesia: The Search for Peace in Maluku, Asia Report N°31, 8 February 2002

Aceh: Slim Chance for Peace, Indonesia Briefing, 27 March 2002

MYANMAR

Burma/Myanmar: How Strong is the Military Regime? Asia Report N°11, 21 December 2000

Myanmar: The Role of Civil Society, Asia Report N°27, 6 December 2001

Myanmar: The Military Regime's View of the World, Asia Report N°28, 7 December 2001

Myanmar: The Politics of Humanitarian Aid, Asia Report N° 32, 2 April 2002

Myanmar: The HIV/AIDS Crisis, Myanmar Briefing, 2 April 2002

PAKISTAN/AFGHANISTAN

Pakistan: The Dangers of Conventional Wisdom, Pakistan Briefing, 12 March 2002

Securing Afghanistan: The Need for More International Action, Afghanistan Briefing, 15 March 2002

BALKANS

ALBANIA

Albania: State of the Nation, Balkans Report N°87, 1 March 2000

Albania's Local Elections, A test of Stability and Democracy, Balkans Briefing 25 August 2000

Albania: The State of the Nation 2001, Balkans Report N°111, 25 May 2001

Albania's Parliamentary Elections 2001, Balkans Briefing, 3 August 2001

BOSNIA

Denied Justice: Individuals Lost in a Legal Maze, Balkans Report N°86, 23 February 2000

European Vs. Bosnian Human Rights Standards, Handbook Overview, 14 April 2000

Reunifying Mostar: Opportunities for Progress, Balkans Report N°90, 19 April 2000

Bosnia's Municipal Elections 2000: Winners and Losers, Balkans Report N°91, 28 April 2000

Bosnia's Refugee Logjam Breaks: Is the International Community Ready? Balkans Report N°95, 31 May 2000

War Criminals in Bosnia's Republika Srpska, Balkans Report N°103, 02 November 2000

Bosnia's November Elections: Dayton Stumbles, Balkans Report N°104, 18 December 2000

Turning Strife to Advantage: A Blueprint to Integrate the Croats in Bosnia and Herzegovina, Balkans Report N°106, 15 March 2001

No Early Exit: NATO's Continuing Challenge in Bosnia, Balkans Report N°110, 22 May 2001

Bosnia's Precarious Economy: Still Not Open For Business; Balkans Report N°115, 7 August 2001 (also available in Serbo-Croatian)

The Wages of Sin: Confronting Bosnia's Republika Srpska; Balkans Report N°118, 8 October 2001 (Also available in Serbo-Croatian)

Bosnia: Reshaping the International Machinery, Balkans Report N°121, 29 November 2001*

Courting Disaster: The Misrule of Law in Bosnia & Herzegovina, Balkans Report N° 127, 26 March 2002

CROATIA

Facing Up to War Crimes, Balkans Briefing, 16 October 2001

KOSOVO

Kosovo Albanians in Serbian Prisons: Kosovo's Unfinished Business, Balkans Report N°85, 26 January 2000

What Happened to the KLA? Balkans Report N°88, 3 March 2000

Kosovo's Linchpin: Overcoming Division in Mitrovica, Balkans Report N°96, 31 May 2000

Reality Demands: Documenting Violations of International Humanitarian Law in Kosovo 1999, Balkans Report, 27 June 2000

Elections in Kosovo: Moving Toward Democracy? Balkans Report N°97, 7 July 2000

Kosovo Report Card, Balkans Report N°100, 28 August 2000

Reaction in Kosovo to Kostunica's Victory, Balkans Briefing, 10 October 2000

Religion in Kosovo, Balkans Report N°105, 31 January 2001

Kosovo: Landmark Election, Balkans Report N°120, 21 November 2001 (Also available in Serbo-Croatian)

Kosovo: A Strategy for Economic Development: Balkans Report N° 123, 19 December 2001

A Kosovo Roadmap: I. Addressing Final Status, Balkans Report N° 124, 28 February 2002

A Kosovo Roadmap: II. Internal Benchmarks, Balkans Report No. 125, 1 March 2002

MACEDONIA

Macedonia's Ethnic Albanians: Bridging the Gulf, Balkans Report N°98, 2 August 2000

Macedonia Government Expects Setback in Local Elections, Balkans Briefing, 4 September 2000

The Macedonian Question: Reform or Rebellion, Balkans Report N°109, 5 April 2001

Macedonia: The Last Chance for Peace, Balkans Report N°113, 20 June 2001

Macedonia: Still Sliding, Balkans Briefing, 27 July 2001

Macedonia: War on Hold, Balkans Briefing, 15 August 2001

Macedonia: Filling the Security Vacuum, Balkans Briefing, 8 September 2001

Macedonia's Name: Why the Dispute Matters and How to Resolve It, Balkans Report N° 122, 10 December 2001

MONTENEGRO

Montenegro: In the Shadow of the Volcano, Balkans Report N°89, 21 March 2000

Montenegro's Socialist People's Party: A Loyal Opposition? Balkans Report N°92, 28 April 2000

Montenegro's Local Elections: Testing the National Temperature, Background Briefing, 26 May 2000

Montenegro's Local Elections: More of the Same, Balkans Briefing, 23 June 2000

Montenegro: Which way Next? Balkans Briefing, 30 November 2000

Montenegro: Settling for Independence? Balkans Report N°107, 28 March 2001

Montenegro: Time to Decide, a pre-election Briefing, 18 April 2001

Montenegro: Resolving the Independence Deadlock, Balkans Report N°114, 1 August 2001

SERBIA

Serbia's Embattled Opposition, Balkans Report N°94, 30 May 2000

Serbia's Grain Trade: Milosevic's Hidden Cash Crop, Balkans Report N°93, 5 June 2000

Serbia: The Milosevic Regime on the Eve of the September Elections, Balkans Report N°99, 17 August 2000

Current Legal Status of the Republic of Yugoslavia (FRY) and of Serbia and Montenegro, Balkans Report N°101, 19 September 2000

Yugoslavia's Presidential Election: The Serbian People's Moment of Truth, Balkans Report N°102, 19 September 2000

Sanctions against the Federal Republic of Yugoslavia, Balkans Briefing, 10 October 2000

Serbia on the Eve of the December Elections, Balkans Briefing, 20 December 2000

A Fair Exchange: Aid to Yugoslavia for Regional Stability, Balkans Report N°112, 15 June 2001

Peace in Presevo: Quick Fix or Long-Term Solution? Balkans Report N°116, 10 August 2001

Serbia's Transition: Reforms Under Siege, Balkans Report N°117, 21 September 2001 (also available in Serbo-Croatian)

Belgrade's Lagging Reform: Cause for International Concern, Balkans Report N°126, 7 March 2002

Serbia : Military Intervention Threatens Democratic Reform, Balkans Briefing, 28 March 2002

REGIONAL REPORTS

After Milosevic: A Practical Agenda for Lasting Balkans Peace, Balkans Report N°108, 26 April 2001

Milosevic in The Hague: What it Means for Yugoslavia and the Region, Balkans Briefing, 6 July 2001

Bin Laden and the Balkans: The Politics of Anti-Terrorism, Balkans Report N°119, 9 November 2001

LATIN AMERICA

Colombia's Elusive Quest for Peace, Latin America Report N° 1, 26 March 2002

ISSUES REPORTS

HIV/AIDS as a Security Issue, Issues Report N°1, 19 June 2001

The European Humanitarian Aid Office (ECHO): Crisis Response in the Grey Lane, Issues Briefing Paper, 26 June 2001

EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management, Issues Report N°2, 26 June 2001

APPENDIX D

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