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# THE ISRAELI-PALESTINIAN WORKSHOP

TOWARD A TWO-STATE SOLUTION

Washington, DC November 14–16, 2002



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#### Introduction

White the failure of the Camp David final status negotiations and the outbreak of large-scale violence in late 2000, Israel and the Palestinians descended into a crisis that threatens to undermine the chances of peaceful resolution for years to come. The two sides have reached an apparent impasse, with violence and retribution supplanting dialogue and negotiation as driving principles of Israeli-Palestinian relations. The diplomatic efforts of the United States and others have had little success in ending the violence or restarting negotiations, and the very viability of the peace process begun at Oslo now seems in grave doubt.

The purpose of The Israeli-Palestinian Workshop, established in Washington, D.C., under the auspices of the Saban Center for Middle East Policy at The Brookings Institution, is to promote an institutional dialogue between Israelis, Palestinians, and Americans to find new ways of promoting a halt to the violence, a return to serious negotiations, and a final settlement of the conflict.

Participants in the Workshop include former negotiators, former and current government officials, and policy experts involved in the peace process. In the first Workshop, held at The Meridian House on November 14–16, 2002, concept papers were presented on three topics: the requirements for Palestinian state building; Israeli security requirements in a future

peace settlement; and new mechanisms for resolving the conflict, such as an international trusteeship for Palestine. The basic purpose was to come up with ways to reconcile Palestinian requirements for an independent, viable, and democratic state with Israeli requirements for security and existence as a Jewish state.

At a time when relations between Israelis and Palestinians are characterized by violence, mistrust, and hatred, the first Workshop was able to promote a constructive and open exchange of ideas on the complex issues involved in resolving the Israeli-Palestinian conflict.

The following report on the first Workshop summarizes the views that emerged from both the presentations and the ensuing discussion sessions. In keeping with the Workshop's goal of fostering open and frank discussion, the report avoids attributing specific opinions or remarks to the individuals who participated, except for those who presented papers.

Two more Workshops are planned for 2003.

## SESSION ONE: BUILDING THE PALESTINIAN STATE

#### Khalil Shikaki:

The Oslo peace process fell victim to three major pitfalls, all of which would have to be addressed in a return to negotiations:

- The open-ended nature of the Oslo peace process was a problem. Oslo left the vital issues unresolved, and the parties lacked a shared vision of the final outcome which would have enabled them to be flexible and creative in addressing their differences. Instead, both sides tried to improve their negotiating position. The Palestinians sought to keep their options open, specifically the option of violence, while Israel sought to create "facts on the ground" that could influence the final outcome of the process. Because both sides would have feared the impact on their bargaining position for the remaining issues, Oslo constrained opportunities to build fall-back positions in case of an impasse (e.g., a provisional state or a postponement of vital issues such as refugees or Jerusalem).
- There was a failure of leadership on both sides. On the Palestinian side, Yasir Arafat remained an authoritarian leader whose style of rule seriously impeded progress towards a solution. This problem was exacerbated by Israel, which preferred to deal with a "strongman" who could impose his will on his people. In fact, Arafat's authoritarian rule only succeeded in inhibiting democracy, which would

have enabled Palestinians to deal with Israel in a more constructive way. On the Israeli side, the death of Yitzhak Rabin led to a leadership gap under both Netanyahu and Barak, who failed to use his first several months in power to advance the Israeli-Palestinian peace process.

Although it is often said that "lack of security" was
a fundamental problem under the Oslo process,
the real problem was the opposite: an overemphasis
on security issues impeded Palestinian economic
development, governance, human rights, and
state building.

Three possible scenarios could replace the current situation:

- First, Israel could re-establish its military rule over the West Bank and Gaza; this would be the logical outcome of the current crisis.
- Second, an international administration could take over the Palestinian territories. This could happen if Israel decided on unilateral withdrawal and anarchy ensued on the Palestinian side, putting Israeli security at risk.
- Third, an interim Palestinian state with temporary borders could be established, in accordance with the "road map" being developed by the Bush Administration. This option offers the best chance

for restoring calm and paving the way for a twostate solution to the conflict.

Among the many negative trends of the past two years, there were a few positive developments that suggest the possibility of future progress towards peace. There is the precedent of six months of Israeli-Palestinian negotiations from July 2000 to January 2001 on which to build; once serious negotiations have begun again, no more than six months should be needed to close a final peace deal. In addition, such talks succeeded in producing a broad vision of the final outcome. Based on this vision, it should be possible to begin a gradual process of negotiations which could address in stages even the most contentious issues (such as borders, refugees, and control of the Holy Places) before the final accord. Finally, the current crisis has led to wider recognition that good governance for Palestinians is essential.

Four major requirements would have to be met in future negotiations:

- Given the poor prospects for bilateral talks, negotiations should be multilateral, involving the United States and other parties along with Israel and the Palestinians. Such negotiations would need to create an iron-clad commitment to an interim Palestinian state by 2003.
- More time and effort needs to be devoted to outlining a clear vision of the final outcome, building on the progress made in previous negotiations. The existence of such a vision would eliminate the ambiguity and uncertainty that have frustrated both sides in the past.
- The territorial contiguity of the interim state must be established, with Israel evacuating settlements that block the contiguity of Palestinian lands on the West Bank. In return the Palestinians should agree to the continued expansion of certain other settlements that are likely to be annexed by Israel in a final peace deal. They would also address the refugee problem by agreeing to readmit some refugees to the territory of the interim state. The Palestinians would

thus show they are prepared to absorb refugees within the boundaries of a future Palestinian state, rather than insisting on their return to Israel itself.

 The nature of the interim Palestinian state has to be clarified. It would be a real state with most of the properties of sovereignty, subject to later revision. These properties would have to include control over foreign relations and internal economic policy, limited authority over a travel corridor between Gaza and the West Bank, and control over entry and exit points on international borders (though Israel would still have a border presence and control over the entry of materiel).

If these steps were undertaken, progress towards a two-state solution would still be possible in the relatively near future.

#### **DISCUSSION**

Participants in the workshop reacted vigorously to the presentation, with both Israelis and Palestinians offering their objections on various points. On the Israeli side, it was suggested that the proposed "road map" served only Palestinian interests and failed to address vital Israeli concerns, such as water, Palestinian claims to "right of return," and terrorism. The plan's alleged failure to address the issue of security was a particularly strong concern. On the Palestinian side, participants criticized the idea that some settlements could continue to expand, arguing that a total settlement freeze was the only acceptable option. At the same time, it was argued, security could not be effectively addressed in the absence of a political process that would give Palestinians a stake in halting the violence.

In general, there was substantial disagreement among the participants on: 1) the time frame; and 2) the monitoring mechanism required for a new peace process. On one hand, some advocated faster progress towards a final agreement through a resumption of final status negotiations. In this view it was more vital to address the roots of conflict than to return to a stepby-step approach that "only serves the extremists on both sides." On the other hand, other participants suggested that the plan did not take full account of political reality after two years of violence and that the time frame needed to be extended in order to build trust. They focused on the immediate need to stabilize the situation by putting an end to terrorism and violence, followed by agreement on small, practical issues. Once this was achieved, then more substantial measures could be taken: for example, an Israeli withdrawal from a large section of Palestinian territory, which could be handed over to an international force.

There was also a lack of consensus on the kind of monitoring mechanism needed for a renewed peace process. Advocates of a "performance-based" approach insisted that progress should be measured not by a fixed timetable, but by benchmarks of performance specified at the outset of the process. A third party would be required to monitor the performance of both sides and report on any infractions. While some participants argued strongly for such an approach, the insistence by others on the need for rapid progress seemed to contradict this view, and the majority did not express a clear opinion on the issue.

Nevertheless, the discussion did produce broad consensus on some issues:

- Most participants agreed that stopping the violence would be impossible without joint Israeli-Palestinian cooperation on security issues. They also agreed that a clear "vision" of the final outcome—lacking under Oslo—was required in the early stages of any negotiations. The existence of such a vision would change the current dynamics of Palestinian politics, rebuilding the constituency for a negotiated solution to the conflict. It could also help to address Israeli security concerns, since the Palestinian security services would have a renewed incentive to cooperate with their Israeli counterparts in order to build an independent state.
- With few exceptions, the discussion seemed to assume that the "vision" would include a Palestinian

state on 100 percent of the West Bank and Gaza, with certain modifications to existing boundaries. Some participants warned, however, that territory was the least difficult issue; rather, the Temple Mount, Jerusalem, and the Palestinian refugee problem would be the most likely "sticking points" in future negotiations.

- There was widespread agreement on the need to build trust and promote reconciliation between Israelis and Palestinians. The past two years have seen a rise in the passions fueling the conflict on both sides. One result has been the "existentialization" of the conflict, as powerful minorities on both sides try to convince their people that they are fighting for their very existence against an enemy who would destroy them; the Israeli and Palestinian publics reject this premise in principle, but support policies based on it in practice.
- Although the participants acknowledged the difficulty of restoring trust between the two sides, they seemed to agree that concrete steps had to be taken to begin the process. For the Palestinians, an explicit Israeli commitment to the "vision" of a future Palestinian state, together with a freeze on settlement activity, would seem to be paramount. On the Israeli side, the need for Palestinian security cooperation and an end to violence and terrorism was voiced repeatedly.

Finally, there was broad agreement on the need for international involvement, though the type and degree of involvement was a matter for debate. In general, international involvement was seen as necessary in areas where the two parties could not advance on their own. The discussion raised at least three different ways in which outside parties could help advance the process: 1) multilateral negotiations, in which the presence of the United States and other players would help facilitate an Israeli-Palestinian dialogue; 2) an international administration for the Palestinian territories, which would enable Israel to withdraw its military forces from the West Bank; and 3) a direct

American role in overseeing Israeli-Palestinian security cooperation. The option of multilateral talks seemed to have the most widespread support among workshop participants, although some dissented, suggesting that such talks would not be under the control of either Israel or the Palestinians and could backfire if outside parties attempted to impose a solution on the two sides.

# SESSION TWO: ISRAEL'S CORE SECURITY REQUIREMENTS IN A TWO-STATE SOLUTION

#### **SUMMARY**

Israeli security can be achieved with the establishment of a viable Palestinian state, yet this will require new thinking by both sides and greater efforts to achieve reconciliation, which was neglected during the Oslo process. Among the issues examined in the discussion were the effect of the last two years of violence on Israel's security requirements, Palestinian security needs, and the role of a third party in future security arrangements. In general there was no consensus, but it was acknowledged that there were many common positions on certain issues, suggesting that the gaps were not as insurmountable as might be assumed.

#### Shlomo Yanai:

Security is not the supreme issue, but becomes the most important in terms of allowing Israel to make concessions in other areas of a comprehensive package. Israel needs to feel that an agreement gives it the security required to protect its citizens and defend its borders. If the leaders feel that security has been sufficiently achieved in an agreement, they will be more likely to make compromises on other issues.

Israel's security strategy is based on the assumption that peace, while significantly contributing to security, cannot be a substitute for strong and effective security arrangements. A new security regime must be based on two main components which complement each other and form the basis of Israel's security approach to a future Palestinian state: independent security capabilities and security cooperation.

Israel's overall national security strategy must account for both immediate threats and longer-term risks. An immediate threat is a military capability combined with hostile intentions. A risk is either military capability or hostile intentions which could continue over time to generate a medium to long-term threat. Any final status security agreement must address both threats and risks to reduce potential conflict and thus strengthen stability and reconciliation.

Israel is in a unique strategic predicament due to a combination of geography and topography:

- The majority of Israel's population, major cities, and civilian and military infrastructure lies in a coastal strip adjacent to the West Bank.
- This "hinterland" contains 80 percent of Israel's Jewish population and 90 percent of the country's infrastructure.
- The average width of this area is approximately 10 miles, which leaves it vulnerable to and in extremely short range of the Palestinian territories.
- The topography of the Judea-Samaria ridge, which

comprises the area of the West Bank, is made up of hills and low mountains, and thus the high ground which commands the coastal plain of Israel.

- The high ground is vital for control of airspace, which is the key to defending the vulnerable coastal plain.
- Israel must have an unobstructed view of the East, not as a defense against a future Palestinian state but against potential threats emanating from Iraq, Iran, or a hostile regime in Jordan. The issue of airspace control emerged as a serious source of disagreement in the talks following Camp David, and an understanding of this point is central to comprehending Israel's security perspective and requirements.

Israel's security strategy for a two-state solution is based on three principles: conditional strategic depth; demilitarization of a Palestinian state; and security commitments and cooperation.

- In order to bolster its strategic depth, Israel must secure the right, through agreement with the Palestinians, to deploy in limited areas of the Jordan Valley in emergency situations. Key strategic areas as well as roads and routes to arrive at these areas must be fully coordinated with the Palestinian state and should not affect the free flow of Palestinian civilian and commercial traffic.
- Control of the airspace is also a key dimension.
   Israel must have control across the entirety of the airspace over the West Bank. Airspace must not be perceived as an issue of sovereignty but of practicality. There are many examples of states which manage the airspace of another state through various agreements, so it is not an issue of sovereignty.
- Demilitarization of the future Palestinian state must also be guaranteed in any final security agreement.
   Demilitarization is defined as the prohibition against the establishment of any army or military infrastructure or against entering into military alliances with any external forces. The Palestinian

state must be committed to demilitarization, and an effective monitoring mechanism must be established and adhered to in order to ensure compliance with the terms of demilitarization. Performance-based monitoring must be based on Israeli as well as third-party participation. In addition, any supervision and monitoring of demilitarization must be discreet and conducted with respect for Palestinian sovereignty so as not to be perceived as a continuation of the occupation.

Israel must also have a presence at all border crossings, international passages, and ports in order to supervise the import of goods. A creative approach to this must be applied in order to balance the need for a free flow of goods with the need for secure entry points.

Security commitments and cooperation must be based on a firm commitment by the Palestinians to combat terror in all of its manifestations, including incitement and education which promotes hatred and violence. This is a security concern and not a moral issue. The key to security cooperation and commitments is a strong mechanism to ensure accountability and implementation. Any such mechanism must include regional and international security arrangements as well as a U.S. or U.S.-led security regime.

In formulating such security agreements, creative solutions must be developed and implemented to overcome the unique security challenges posed by a two-state solution to the Israeli-Palestinian conflict. If a foreign force is stationed on the territory of another state by an agreement entered through free will, then this cannot be a violation of sovereignty nor an extension of occupation.

Both sides must understand the other's security needs, and Israel must propose and agree to an international security arrangement which will guarantee Palestinian security as well. The future security of the Palestinian state lies in Israel's hands, and a number of tacit assumptions connect the security of a Palestinian state

to Israel. For example, any ballistic missile attack against the Palestinian state will be defended by Israel. Despite this Israeli security umbrella, a third party international guarantee is required to ensure Palestinian security.

Israel's core security requirements are not subject to negotiation. They are, however, compatible with the existence of a viable Palestinian state that enjoys economic viability, freedom of movement, and territorial contiguity. They must be understood and accepted by the Palestinians. At the same time, Israel must minimize its core security position to allow room to maneuver and compromise on other issues, primarily on the political level. In order to bridge the gaps between the two security positions, the Palestinian notion of sovereignty must be more flexible and creative. It must be stressed that agreements signed of free will do not compromise or violate a nation's sovereignty. In the final analysis Israel does not need to and should not alter its security requirements despite the violence of the last two years. The conceptual basis remains the same but the focus must shift to performance-based implementation. An effective monitoring mechanism which ensures implementation, performance, and accountability must become the priority of any security agreement between Israel and the future Palestinian state, in order to ensure stability for both states.

#### **DISCUSSION**

One of the first issues raised in the discussion was the third-party role in any new security regime between Israel and the future Palestinian state. A third-party security presence imposed on the parties could lead to a disaster, as in the U.S. experience in Beirut during the 1980s. Any international presence will only succeed if it is part of a comprehensive security framework agreed upon by both sides. While it is important, a third-party role cannot replace the basic commitments and cooperation of both sides. In addition, any future security agreement must include a U.S. or international security guarantee as well as regional security arrangements.

Though the presentation focused on Israel's security needs, several participants objected to the fixation with this imbalanced approach and outlined a Palestinian security perspective, which would strengthen Palestinian security. It was argued that previous negotiations never addressed Palestinian security needs or concerns. Furthermore, past negotiations only focused on details of the negotiations, without discussing the concepts and underlying rationale behind certain Israeli positions. For example, there were intense negotiations on the number and locations of early warning stations, yet there was no discussion on why such warning stations were necessary or their function in enhancing Israel's security. Thus a clarification of these points is necessary for greater understanding of the two security perspectives.

A Palestinian security expert argued that Palestinian security needs must be based on three main points:

- First, to avoid any form of reoccupation of Palestinian land, especially as the result of an external threat to Israel, either real or perceived.
- Second, to avoid the Palestinian state being used as a launching point for an Israeli attack against any neighboring state.
- Third, to remove all forms of occupation.

Palestinian participants repeatedly invoked the concept of reciprocity in security commitments, claiming that the positions outlined by Israel were not based on the assumption of two equal partners. The presentation was criticized for not suggesting any reciprocal security arrangements. Israel needed to view security in terms of both sides' requirements, and not its own security at the expense of a Palestinian state. The question was posed: what kind of security guarantees is Israel prepared to offer to ensure the reciprocity of any security arrangement?

Palestinian participants also repeatedly challenged a number of Israel's basic security assumptions by questioning the motives of various Israeli security demands. Some of these objections charged that Israel's demands were based on outdated security theories. Did Israel really need to control the high ground of the Judea-Samaria ridge as well as full control of airspace? From the Palestinian perspective, the control of the high ground has become irrelevant given the prominence of missile technology as well Israel's advanced satellite and radar system.

Israel's security concept of conditional strategic depth was also challenged with the argument that the demand and right to deploy troops into the West Bank in emergency situations is dangerous and can easily be abused. Therefore, greater clarification and a mutual definition for "emergency" situations is required to assuage Palestinian fears of Israel's abuse of such a right.

Is it possible to reconcile Palestinian requirements of statehood with Israel's core security requirements? There was no consensus among the participants. An Israeli pointed out that while gaps remained in the Israeli and Palestinian security perspectives, there was also much common ground. In this regard the Camp David negotiations did make progress on various security issues, such as early warning stations and redeployment in the Jordan Valley, and in joint discussions with President Clinton the security file was almost brought to a close. Yet since Camp David, many security issues which had been agreed upon in principle, but not signed, have been reopened. Countering this point, a Palestinian participant claimed that while there were positive understandings on both sides, security could not be isolated from other important issues such as Jerusalem and refugees. In response, an Israeli participant argued that since many of these issues had been resolved there was no need to discuss them and instead the focus of discussions should be the commitment and extent of Palestinian security cooperation.

Another central question which arose in the discussion was the effect of the last two years of violence on the security requirements of Israel and what conclusions were drawn from this experience. The most significant conclusion on the Israeli side was that

the Palestinians could not be entrusted with Israel's security. Some kind of international presence would be required in the Palestinian state to guarantee Palestinian security performance.

Some participants felt very strongly that a discussion of final status security arrangements is irrelevant while intense cycles of violence persist. In such a situation decisionmaking becomes skewed and influenced by the atmosphere of violence and war. The current period is crucial because it will have a significant impact on any future negotiations and agreement. Thus, it is important to find the bridge between ending the current violence and negotiating the final security arrangements. It was also suggested that future negotiations, unlike past negotiations, should use an integrative approach which would put security needs in the context of other important considerations. For example, the positioning of an early warning station near Nablus cannot be approached from the perspective of security alone, but must also consider the economic and civilian ramifications as well. Such an approach would help overcome fears of both sides. There was a general sense that a critical analysis of the Oslo process was necessary in order not to repeat the same mistakes.

## Session 3: Mechanisms for "Getting There"

s relations between Palestinians and Israelis have worsened, the mechanisms of the Oslo peace process seem to have broken down for good. Presentations were made on two different initiatives that could bring both parties back to the negotiating table and possibly lead to a peace settlement based on a two-state solution. One would be the Bush Administration's proposed "road map" for peace, which calls for diplomatic coordination between the "Quartet" of interested outside powers: the United States, the United Nations, the European Union, and Russia. If this initiative fails, another option could be an international trusteeship or administration for the Palestinian territories, aimed at ending the violence and laying the groundwork for an independent Palestinian state.

#### THE "ROAD MAP"

For the moment, the only one of these alternatives that has official support is the "Road Map," outlined by President Bush in his speech of June, 2002. The Administration's Road Map proposes a three-stage process: Palestinian internal reform and reconstitution of the security forces, plus reciprocal Israeli moves; interim Palestinian statehood; and final status negotiations leading to an independent Palestinian state. The proposal addressed Israeli concerns about the reliability of its Palestinian interlocutor and the need for institution building and better governance on the

Palestinian side. At the same time, it addressed Palestinian aspirations for statehood, proposing an interim state with temporary borders as a prelude to independent status; it also proposed a total freeze of Israeli settlement activity, as recommended by the Mitchell Report. Finally, the Road Map proposed a "performance-based" approach to the timing of the process, although chronological targets would also be taken into account.

The Road Map has bolstered international consensus on the requirements for an eventual Palestinian state, as well as the appropriate mechanism for coordinating international efforts to solve the conflict. In addition, the Bush Administration's initiative did somewhat advance the cause of Palestinian internal reform; an international task force on Palestinian reform was formed under the auspices of the Quartet, and a wider debate on constitutional reform within Palestinian society has been evident. In general, however, the participants in the Workshop expressed doubt that the Road Map was a realistic option in view of the ongoing violence and political polarization of the two communities. In the view of some, the intractability of the crisis suggested the need for a more radical answer: an international protectorate or trusteeship for the Palestinian territories.

## PROPOSALS FOR AN INTERNATIONAL TRUSTEESHIP IN PALESTINE

#### Pini Meidan:

Would an international administration in Palestine be feasible, and could it lead to an acceptable solution to the conflict? Pini Meidan examined the problem from an Israeli perspective. In the speaker's view, the situation is grim. The ongoing violence and the occupation of Palestinian territories are undermining all of Israel's main interests: the Jewish and democratic character of the state, the need for secure and recognized borders, the internal ethnic balance, and the economy. Meanwhile, the psychological-political environment has taken a turn for the worse. Israelis believe they are facing an existential threat, all trust between them and the Palestinians has evaporated, and many doubt the possibility of reconciliation even in the long run. At the same time, there is a widespread feeling in Israel that some sort of new political arrangement is urgently needed.

Short of a bilateral agreement with the Palestinians or full reoccupation of the territories, the only feasible alternative to the status quo is for Israel to disengage from the Palestinian territories. If this were to take the form of unilateral withdrawal, however, then Israel would face the new threat of an "extremist/terrorist Palestinian entity" in the West Bank and Gaza. For Israel, therefore, a more feasible option could be to hand control of Palestinian lands over to an international administration under a U.S.-led military force, which would have full responsibility for security. Such an administration would draw on the previous experience of other international "protectorates" in East Timor, Bosnia, and Kosovo.

The speaker emphasized that the proposed "protectorate" or "trusteeship" would not solve the conflict on its own, but could "redesign the playing field" for a bilateral solution:

• In the first stage, the protectorate would aim at "breaking the loop of violence" by stopping terrorist

activity and coordinating IDF redeployment and the relocation of settlements.

- In the second stage, the goal would be the creation of a stable environment for peace negotiations: i.e. developing local security capabilities, good governance, and sustainable economic growth in the Palestinian territories.
- In the third and final stage, the trusteeship authority would both facilitate peace negotiations and ensure the implementation of a final agreement.

The presentation focused heavily on the responsibility of the proposed international authority for maintaining security and fighting terrorism. It would need to field a large number of U.S.-led professional combat troops, who would have to be well trained in the local environment—political, cultural, religious, and geographical. The force would also need to have agreed structures and participants, as well as the ability to gather intelligence and monitor incitement.

One of the primary tasks would be to prevent terrorist infiltration into areas controlled by Israel. The international force would therefore be charged with controlling border areas on the Palestinian side, maintaining checkpoints, verifying passing permits, and preventing the smuggling of arms and explosives. Yet its responsibilities would not end there. The international force would have to dismantle the terrorist infrastructure by uprooting recruiting networks, preventing the transfer of funds and the manufacture of arms, and cutting off links with outside terrorist networks. Finally, the protectorate authority would be charged with restraining the public incitement that helps fuel violence against Israel. Thus, religious activities, fundamentalist welfare activities, the public media, and the education system would have to be monitored and controlled.

Although the speaker's analysis favored the idea of an international protectorate, it also identified several potential drawbacks and challenges. From Israel's

point of view, there would be significant costs. The Israeli military would face constraints on its freedom of action, and Israel would have to make painful political concessions (such as the removal of some settlements) without reciprocal moves by the Palestinians. As long as the international force remained in place, Israel would have only limited ways to respond if its government or public began to see the operation as a failure.

Meanwhile, the international administration would have its own challenges to face. A lack of knowledge and expertise, risk aversion on the part of the participating states, and natural identification with the weak could undermine the implementation of security measures; Palestinian radicals and Israeli settlers could play the role of "spoilers" trying to undermine the stability of the new arrangements. The international administration would also have to have a clear "exit strategy" for ending its own mandate within an appropriate time frame, with achievable benchmarks, and with sustainable costs.

In view of these challenges, the idea of an international protectorate is not an ideal solution, but rather may be the most realistic response since Israelis and Palestinians have failed to achieve the goals they set for themselves in the peace process.

## THE POLITICAL CONTEXT FOR A TRUSTEESHIP

#### *Martin Indyk:*

A second presentation examined the issue from a broader political perspective, addressing the conditions that would be needed for an international trusteeship to take shape. In this view, the fundamental aim of such a trusteeship would be to oversee Palestinian efforts to achieve democratic statehood, while also directing a "Marshall Plan" to reconstruct the Palestinian economy. Again, security would be a priority, with a U.S.-led multilateral force working with Palestinian security services to neutralize extremists

opposed to peace with Israel. It was emphasized, however, that the trusteeship must not be perceived as primarily serving Israeli security interests in carrying out this task. Rather, it would be serving the interests of the Palestinian people in laying the foundations for an independent Palestinian state.

A framework for an international administration was proposed with several conditions. First, an international summit meeting would have to be convened to declare the establishment of a Palestinian state with provisional borders encompassing Areas A and B, or 42 percent of the West Bank, plus roughly an additional 10 percent to achieve contiguity. The trusteeship would have full authority within those borders to prepare the state for independence. Outlying Israeli settlements that blocked the contiguity of the territory would have to be evacuated, giving the multilateral force full control and freedom of movement within the provisional borders. A three-year period of international trusteeship would follow, although the handing over of full authority to a Palestinian government would depend on performance.

In parallel with the trusteeship, final status negotiations between Israel and the Palestinians would take place within the parameters set at the initial summit meeting: the stated objective of both the trusteeship and the final status negotiations would be an independent Palestinian state on most of the West Bank and all of Gaza with territorial swaps to compensate. From the beginning, it must be clear to Palestinians that they will receive the equivalent of 100 percent of the West Bank through the land swaps; at the same time, it must be clear to Israelis that the Palestinian refugee problem will be justly resolved in a way that does not affect the demographic nature of the lewish state.

As Israeli-Palestinian relations continue to deteriorate, this model of international intervention could offer the only available route to a two-state solution. Nonetheless, several important barriers would need to be overcome in order for the project to work. First, firm

leadership from the United States would be absolutely necessary. Even under the current bleak circumstances, it would be very difficult to convince the Bush Administration to commit the necessary amount of troops and resources to an operation that carried such high political risks. The United States is likely to intervene in this way only under catastrophic circumstances, with the Israeli-Palestinian dispute deteriorating into ethnic bloodletting on the scale of Kosovo or Bosnia; yet such a dire scenario is no longer unthinkable.

Once the trusteeship was established, the United States and the other countries participating in the international force would have to be willing to confront terrorists in the territories under its security control. This task would not require huge numbers of conventional troops, but Special Forces troops who would reconstitute and work alongside a reformed Palestinian security apparatus to root out the terrorist infrastructure and disarm the militias. Meanwhile, the need for cooperation between the international force and the Palestinian security services points to a final requirement, that of legitimacy. In the end, an international force can accomplish its mission only if Palestinians accept its legitimacy and believe it is working in their interests, not those of Israel. A trusteeship with a mandate to establish an independent state with democratic political institutions, an independent judiciary, transparent economic institutions, and an effective security apparatus can acquire that legitimacy.

#### **DISCUSSION**

In general, participants in the workshop greeted the idea of an international trusteeship cautiously, but with interest. Though a few viewed the proposal with outright skepticism, most seemed to believe it was worth considering, if only because the current situation is so desperate. At the same time, all of the participants foresaw major challenges in implementation, if not the idea itself. While participants held a range of opinions about how to deal with these challenges, the discussion also revealed some points of agreement and common concerns.

There was general agreement that the multilateral force would have to be U.S.-led, although the suggestion of an all-American force met with little support. Participants placed varying degrees of emphasis on military force, but few disputed the view that the security role of U.S. troops and other forces would go beyond traditional peacekeeping to encompass counterterrorism operations. The cooperation of a reconstituted Palestinian security structure was felt to be vital to this effort. It was widely agreed that the U.S.-led force must not be seen as an occupying army; thus, the Palestinian security services would have to do the "heavy lifting" in combating extremist groups, with foreign troops playing a largely supporting role.

For virtually all of the participants, the political will of the United States was a central concern. There was consensus that an international trusteeship simply would not happen, much less succeed, in the absence of American initiative and commitment. Yet given its preoccupation with Iraq, its tepid engagement with the Israeli-Palestinian issue, and the inherent political risk of deploying U.S. troops in a volatile situation abroad, the Bush Administration was seen as highly unlikely to undertake such a project. Most participants seemed to concur with the view that the United States would have little incentive to commit its own military forces except in case of a catastrophe. Moreover, even if the government were to support it, the willingness of the U.S. public to accept American casualties for the sake of separating Israelis and Palestinians seemed questionable. This led to doubts about what the United States would do if the operation went wrong and American and other foreign troops became targets of extremist violence. On the Israeli side, some even voiced concern that the American public might blame Israel for the death of any U.S. troops, souring Israel's relations with its key ally.

Just as important, according to participants, was political will on the part of the Palestinians. It seemed likely that extremist groups on the Palestinian side would see an international trusteeship as robbing them of "the spoils" of their struggle, and would therefore do every-

thing possible to undermine its authority. In any case, Palestinian security cooperation was seen to depend on the legitimacy of the enterprise in the eyes of the Palestinian public. Some participants, while supportive of the trusteeship idea in general, criticized the proposal for concentrating on Israeli security requirements rather than Palestinian economic and political needs; if the international force took "fighting terror" as its primary mission, it would run the risk of undermining its own legitimacy among the population.

Above all, political hope was seen as a crucial element for the project's legitimacy amongst Palestinians. Democratic reform and institution building would play an important role in providing such hope under a trusteeship, although there was no clear consensus about the extent to which the international authority would incorporate or dispense with existing institutions and leadership (such as Arafat). Large-scale humanitarian and economic assistance for the Palestinian people was also seen as vital. Most important, any trusteeship arrangement must convince Palestinians that the trusteeship would help them to realize their goal of an independent state within borders they could accept. From this standpoint, a settlement freeze and the dismantling of key settlements by Israel were also widely viewed as a necessary preliminary step. Furthermore, several participants also felt strongly that the territory under international control must encompass significantly more territory in the West Bank than the 42 percent previously administered by the Palestinian Authority (Areas A and B under the Oslo accord). Otherwise, Palestinians would have little incentive to cooperate with the international force, which would appear to be policing Palestinians on Israel's behalf even as Israel continued to control nearly 60 percent of West Bank land. Conversely, others argued that the transfer of Areas A and B to international control was the most that could realistically be expected to happen under the government of Sharon.

Finally, some expressed the concern that an international trusteeship would fail to solve or even exacerbate

the fundamental conflict between Israelis and Palestinians, by removing the incentive for them to reach an agreement. Interestingly, there was little agreement on which side was more likely to take advantage of this situation. On the Israeli side, it was feared that Palestinians would feel protected by the presence of the international force, and would therefore have an incentive to continue attacking Israeli targets. At the same time, Palestinians expressed concern that the international force would remove Israel's incentive to make concessions on borders, with the provisional borders becoming the de facto final borders for the Palestinian state. Perhaps neither side would have adequate incentive to compromise under such an arrangement. The successful implementation of an international trusteeship, it was suggested, would depend in large part on Israelis and Palestinians reaching an understanding among themselves about its goals and expected outcome. In the end, the final result could differ radically depending on whether trusteeship came into being by agreement, or whether it came as an emergency response to a political and humanitarian disaster.

## Session Four: New Ideas and Conclusion

In reviewing the various proposals discussed at the workshop, it was agreed that to reach a possible consensus, a combination of elements and approaches would need to be implemented. Despite the lack of consensus about the best approach, the session was dominated by an evaluation of the trusteeship proposal, which many participants agreed was the most promising model. The role of an international security force, such a force's relation to a new Palestinian security force, and the extent of U.S. involvement in final status arrangements were all discussed at length.

#### **INTERNATIONAL FORCE**

There was no consensus on the size of the international security force or its precise role in fighting terror, but all agreed that such a task would be very difficult. Some participants suggested that special forces carry out military operations against terrorists and the terror infrastructure, while others argued that only the Palestinian security forces should be involved in fighting terror, with logistical and other support from the international force. One Israeli participant asked rhetorically what an international force could accomplish in fighting Palestinian terror that the IDF has not been able to achieve.

There was more agreement regarding the need for a strong and institutionalized security cooperation mechanism and liaison force comprising Israeli, Palestinian, and international forces. One Israeli participant recommended that international troops be part of a process which builds the Palestinian security organization with Israeli and international feedback and coordination. Such a process should be based on the Alistair Crooke model of constant contact, dialogue, and involvement. This effort should be part of a comprehensive stabilization process of political reform and economic cooperation and development. Concurrently, there must be increased humanitarian aid to the Palestinians, including greater Israeli coordination of aid projects.

Another Israeli participant argued that stopping terrorism should be the first objective of any international initiative, but added that no international force could fight terror more effectively than the IDF. According to this view, there were several inherent problems for Israel in the deployment of an international force. Such a force would significantly limit Israel's basic ability to fight terror, a fundamental right that Israel cannot relinquish. This would also undoubtedly cause friction between Israel and the countries comprising the international force. The stationing of U.S. troops in particular could have a negative impact on U.S.-Israeli relations if American troops are killed in the fight against terror. This could potentially be perceived in the United States as American troops dying to protect Israel, something which Israel has always sought to avoid. Trusteeship, from an Israeli perspective, would also let the Palestinians "off the hook" in terms of their commitment to fight terror, putting a basic Palestinian responsibility in the hands of others. In addition, it could be understood as a reward for two years of Palestinian violence and terror, which succeeded in internationalizing the conflict, a longstanding Palestinian demand.

One Palestinian participant argued that the assumption that Palestinian security services would cooperate with an international force in suppressing the terror infrastructure was mistaken. Given the political context of a trusteeship, the domestic Palestinian opposition to a crackdown on terror and cooperation with Israeli and international security forces would likely intensify. In such a scenario, Palestinian security forces would not agree to be subordinate to a U.S. or international security force. There is also a fear that any international force would be seen as a new occupier, serving only to replace the Israeli occupation. However, another Palestinian participant disagreed, arguing that the Palestinian security services have been subordinate to and have taken orders from the U.S. and Israel since the beginning of the Oslo process. Since the commanders and officers of the security services believed that such cooperation would lead to an independent Palestinian state, they accepted such an arrangement. If an independent state were again on the agenda, the Palestinian security services would indeed cooperate with the international force. Nonetheless, it was agreed that any U.S.-led international troop deployment would still be a very difficult and sensitive task, especially if a similar deployment is underway in Iraq. Palestinians and others might perceive this as part of the spread of U.S. imperialism across the region. Yet if such a force were in operation, it would fight terror more efficiently and successfully than the IDF, because it would not target the civilian population or use collective punishment, which often increases sympathy and support for terror. He added that the IDF fights the will of the Palestinian people, which would not be the aim of an international force.

#### **TRUSTEESHIP**

Focusing on the trusteeship model specifically, one Israeli participant claimed that since there was no process at the moment, trusteeship was actually a punishment for inaction, and should not be seen as a reward for either side. The international community or body overseeing the trusteeship would curb some rights of both sides. It would force both sides to cooperate in order to make progress, and while it was not an ideal solution, there was no other viable option. While the current Israeli government is opposed to the idea of a trusteeship, Israeli public opinion may eventually force the government to accept such a solution. He added that the trusteeship is a way to achieve stability and cooperation, which can move the process to the final status stage. This should be done using timelines and not deadlines. Other Israelis disagreed, claiming that agreeing to the trusteeship formula would be giving up certain perceived negotiating positions and bargaining chips in advance of actual negotiations.

One of the main concerns raised by some Palestinian participants was that the imposition of the trusteeship would be perceived as a major setback for independence and amount to the resurrection in a different form of the Palestine mandate. Furthermore, it would rob the Palestinian resistance of a victory after all the sacrifices of the intifadah and would thus be rejected by nationalists as well as fundamentalists.

One Palestinian participant who supported international intervention saw several challenges to such an approach. Since Palestinians and Israelis failed to achieve peace bilaterally and all trust had evaporated the only option remaining was some form of international solution. Yet this could only be effective if there were full agreement on both sides. Furthermore, the focus of the trusteeship should not be to fight terror, but to protect both peoples. The right packaging and promotion of such an idea to the Palestinian people would be essential to its ability to garner popular support. The Palestinian leadership has for too long deceived and lied to the people and ultimately failed in

its promise of statehood. The new proposal would therefore have to be negotiated in public with no secret discussion or deals. Citing an internal Fatah discussion, he argued there were two conditions to an interim agreement: a "holy" timetable and a clear picture of the final outcome. The trusteeship concept would have to meet both requirements.

The argument was made that the trusteeship option needed to be packaged as a negotiated settlement for a state with provisional borders. A number of participants claimed that it would be very difficult to impose the trusteeship, but it was a more likely outcome than the "Road Map." One Palestinian participant even suggested that interim Israeli military government is a better option.

#### THE U.S. ROLE

In addition to Israeli and Palestinian objections, American participants also raised concerns about a U.S. or international troop deployment in the Palestinian territories. One participant argued that it would be difficult for the international force to protect settlers against terror attacks and that the trusteeship administration would be perceived as supporting Israeli occupation of Palestinian lands, Jerusalem, and settlements. In addition, there would be a need to build a functioning administration, including a justice system. Despite the discussion, it was clear at the moment there was no chance of a U.S. presidential commitment to such an undertaking.

One of the main concerns raised from an international perspective was the lack of domestic support in the U.S. and Europe for a prolonged deployment in the face of violence and terrorism. An erosion of domestic support could lead to an early exit of troops before the job was completed, leaving a more dangerous vacuum. One participant claimed that peace enforcement was not possible in the Middle East and that the role of such an international force should be limited to monitoring and supervision. For such an international role to be successful, both sides would have to

agree to cooperate with the international body; if it were imposed it would not last. In the end, the international community could facilitate the implementation of an agreement, but only the Israelis and Palestinians themselves can solve the conflict. This was not necessarily a position shared by Israeli or Palestinian participants.

This view was countered by one American participant who disputed the claim that the international community would be unwilling to station troops in the Palestinian territories. He argued that the U.N. and other international bodies were involved in many conflicts around the world and, given its importance, would be more willing to engage in the Palestinian territories than other participants believed. The trusteeship model could emerge under two different scenarios, which would each have different implications for its shape: trusteeship as a result of an agreement between Israelis and Palestinians; and, second, as the result of an unexpected catastrophe.

Another American participant argued that a substantial U.S. troop presence would have to be a clear part of the debate and boldly stated at the beginning of the process, in order to prepare U.S. public opinion. At the moment it is not likely that the administration would agree to commit troops, even if it were vital for progress. However, there may be more domestic support than commonly perceived as a result of the September 11 attacks. U.S. troops are now stationed and exposed to violence in many areas around the world. If people believed that the operation were feasible and served the purpose of ending the violence and promoting peace, they would be more willing to support it. However, even if there were political and public support for such a U.S. force, it would be extremely difficult for a foreign force to conduct a successful counter-terror campaign. Success in such a task would depend on cooperation from the Palestinian security services and an active Palestinian commitment to fighting terror. It would have to be a joint U.S.-Palestinian effort, and the Palestinian people would have to understand that fighting terror was in

their interest because it was the only way to achieve their independence. The bottom line for the United States was that there could be no U.S. troop presence as long as Arafat was still in power. Another American participant agreed with the assertion that the extent of U.S. involvement should be an open and public debate. In addition, the United States needed to be honest about its special relationship with Israel, which affected the political context. There was also a need for an education and media campaign on peace, targeting all sides of the conflict.

One participant suggested that a debate was indeed underway within the administration as to the extent of U.S. involvement, and an acknowledgment of this fact was absent in the discussion. It was argued that the President's June 24, 2002 speech signaled a paradigm shift in the administration.

Another option briefly discussed was unilateral separation, which one participant claimed was already underway. The construction of the separation fence and a fence around Jerusalem, which had already commenced, must be taken into account when discussing certain options. The construction of such a fence would have a significant impact on interim arrangements as well as final status outcomes and could not be ignored.

#### **WORKSHOP CONCLUSION**

One Palestinian participant criticized the workshop, claiming that there was no discussion of the suffering of the Palestinian people, which should always be on the agenda. Furthermore, Israelis should stop believing that there is a military solution to terror, while Palestinians should stop believing that only violence would achieve their goals and national aspirations. He criticized the Nusseibeh-Ayalon plan, arguing that it was merely a declaration and not an agreement acceptable to the Palestinian people. Ultimately, he preferred an imposed settlement but argued that was not likely, given the lack of U.S. commitment. He mentioned two steps which should immediately be

implemented before negotiations can start: a total settlement freeze and a cease-fire, including an end to Israel's assassination policy.

A combination of unilateral separation and trusteeship was also suggested as the most practical path. Unilateral separation would facilitate and make the job of an international force more effective. In addition, the area between the green line and the interim borders of the Palestinian entity should be declared a "status quo zone," so as not to undermine the final status negotiations. In discussing the nature of the administration, he claimed that the trusteeship should aim to reconstruct and rehabilitate existing Palestinian institutions and not replace them.

Shifting the discussion, one participant raised a question about the timing of the current workshop and its objective. Given the U.S. administration's preoccupation with Iraq, the Israeli and Palestinian leaderships were unlikely to embark on any plan that could be drastically altered after a confrontation with Iraq. The participant also claimed that the focus of the discussion should be on the U.S. role and not the international community. Another participant added that the political reality of the U.S. must be part of the debate, hinting that the U.S. was not willing to undertake such a monumental task as the administration of an interim Palestinian state, especially one requiring a military presence. Another American participant added that if the process relied solely on the United States then nothing would be achieved, although clearly there could be no progress without U.S. leadership. Several participants agreed that there could be no U.S. or international intervention without a basic agreement reached by Israel and the Palestinians, but the question remained: who would initiate such a solution? Would both sides request the trusteeship or would the international community impose it as a result of a major catastrophe?

While the discussion then focused on theoretical models for a resolution, some participants felt it was necessary to focus on the current reality. No plan or document on the agenda would change the current situation. What was needed was a way to change the perceptions of both peoples. This must be done by internal debates, including workshops and conferences on both sides to discuss such ideas. The plans presented can serve as tools to complement the vision of a two-state solution, which is the only answer. An educational effort should promote the fruits of peace and not the concessions. It is vital that the international commitment compel the parties to reach an agreement. An imposed process to bring the sides together is much better than an imposed solution and should be the current goal of the international community. It is clear that both sides must disengage and that Israel cannot rule the Palestinian people. Israeli steps are needed to show the Palestinian people that they are serious about ending the occupation. Such steps include a unilateral withdrawal from all settlements in Gaza and about 50 settlements in the West Bank. This should be followed by the establishment of a provisional Palestinian state with a final status agreement to be reached after three years.

At the current juncture the best approach is to find the right combination of the various plans, including trusteeship and unilateral disengagement, by identifying common principles. Other Israeli participants disagreed, arguing that a unilateral separation was not possible outside of the trusteeship context. There was, however, wide agreement that common principles of the various plans should be identified and examined in depth to find the right combination.

There was general consensus among the participants that there was much to learn from past mistakes. A Palestinian participant expanded on this notion and charged that the Palestinian Authority has never examined its own achievements and failures. He claimed that under the current conditions the Palestinian Authority is incapable of stopping the violence and is against the reform process. Its inability to cope with basic responsibilities has caused the people to look for an alternative leadership. Under the current leadership there will be no realistic progress, and Fatah must take the decision to remove Arafat from power. If Fatah cannot accept this historic responsibility, then

the only option left is a trusteeship. External pressure from Europe and the U.S. must be exerted on Fatah to act. Another Palestinian argued that it was unrealistic to expect Fatah to remove Arafat from power, claiming that Fatah itself needs new leadership and reform to bring it closer to the people.

Opening a Pandora's box toward the end of the discussion, one participant raised the plight of Palestinian refugees, a subject absent from the workshop discussions. The refugee issue had the potential to jeopardize any final agreement and destabilize neighboring Arab states. One Palestinian suggested that a meeting be convened to discuss the legal matters and implications for the resolution of the refugee crisis. He added, however, that the issue would likely be solved on a political basis and not a legal one, which would not be to the liking of the Palestinian people and would not be a moral solution.

The discussions ended with the conclusion that the group should meet again to continue the work started during the workshop. While there was no consensus on which model to pursue, it was clear that many regarded the trusteeship outline as promising and in need of further development. Participants felt that one of the major breakthroughs of the workshop was that the subject of an international force was finally on the table and discussed at length. A majority of both Palestinian and Israeli participants believed that international involvement was the only way to solve the current crisis, and there was a genuine need to promote the idea among the publics on both sides through an open dialogue and debate.

#### THE SABAN CENTER FOR MIDDLE EAST POLICY

The Saban Center for Middle East Policy was established on May 13th, 2002 with an Inaugural Address by His Majesty King Abdullah II of Jordan. The establishment of the Saban Center reflects The Brookings Institution's commitment to expand dramatically its research and analysis of Middle East policy issues at a time when the region has come to dominate the U.S. foreign policy agenda.

The Saban Center's purpose is to provide Washington policymakers with balanced, objective, in-depth, and timely research and policy analysis from experienced and knowledgeable people who can bring fresh perspectives to bear on the critical problems of the Middle East. The Center upholds the Brookings tradition of being open to a broad range of views. Its central objective is to advance understanding of developments in the Middle East through policyrelevant scholarship and debate.

The Center's establishment has been made possible by a generous founding grant from Mr. Haim Saban of Los Angeles. Ambassador Martin S. Indyk, Senior Fellow in Foreign Policy Studies, is the Director of the Saban Center. Dr. Kenneth M. Pollack is the Center's Director of Research. Joining Ambassador Indyk and Dr. Pollack in the work of the Center is a core group of Middle East experts, who conduct original research and develop innovative programs to promote a better understanding of the policy choices facing American decision makers in the Middle East. They include Professor Shibley Telhami, who holds the Sadat Chair at the University of Maryland; Professor Shaul

Bakhash, an expert on Iranian politics from George Mason University; Professor Daniel Byman from Georgetown University, a Middle East terrorism expert; Dr. Flynt Leverett, a former senior CIA analyst and Senior Director at the National Security Council who is a specialist on Syria and Lebanon; and Dr. Philip Gordon, a Senior Fellow in Foreign Policy Studies at Brookings who specializes in Europe's and Turkey's relations with the Middle East. The Center is located in the Foreign Policy Studies Program at Brookings, led by Vice President and Director, James B. Steinberg.

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