

# Inside a Flawed 'Roadmap': Truth or Consequences for the Peace Process

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## ABOUT THE AUTHORS



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## Brief Analysis

**A**s one clock ticks toward a decision on the use of force to disarm Iraq, a second clock clicks toward the formal launching of the "roadmap" for Israeli-Palestinian peacemaking drafted by the Quartet (i.e., the United States, the European Union, Russia, and the United Nations). Barring some major external development—such as the death or exile of Yasir Arafat, a cataclysmic act of Palestinian terrorism, or an unexpected Israeli-Palestinian initiative—the roadmap process is likely to begin, as President George W. Bush might say, in a matter of weeks, not months.

Given the potential importance of this document, it is remarkable how little attention has been given to its contents. So far, most commentators have focused on the roadmap's failure to specifically endorse President Bush's call for "new Palestinian leadership"; on its requirement that Israel freeze settlements (including "natural growth") much earlier than agreed to under the Mitchell Plan; and on its call for Palestinian elections without clarifying whether these would be presidential (as Arafat wants), legislative (as reformers want), or municipal (as President Bush called for in his June 24, 2002, speech.)

Although these are important issues, they only begin to touch on the glaring intellectual and policy lacunae dotting a text that could govern U.S. diplomacy through the next administration. The roadmap suffers from several basic conceptual problems that could make it a source of conflict rather than a path to peace. The most significant is its advocacy of a sham, even indecent, parallelism between Palestinian and Israeli behavior, demands, and benefits.

## Terror and Response Equated

At the "outset" of Phase I of the roadmap, two events are supposed to occur. First, the Palestinian leadership is to issue an "unequivocal" declaration "reiterating" Israel's right to exist and calling for an "immediate and unconditional ceasefire to end armed activity and all acts of violence against Israelis anywhere." Second, the Israeli leadership is to issue an "unequivocal" declaration "affirming" its commitment to a two-state solution and calling for an "immediate end to violence against Palestinians everywhere." Yet, not all "violence" is alike, and not all "violence" is illegal or even worthy of condemnation. Terrorism and retaliation are two very different things; arguing that the latter requires restraint is a far cry from asking the victimized party to ban it altogether. The text also makes clear that Israel is responsible for the inaugural concession of the roadmap process, i.e., the Palestinians are asked only to

"reiterate" promises broken long ago, while Israel is asked to "affirm" what would be, from a juridical perspective, an unprecedented commitment directly to the Palestinian Authority to accept a "sovereign" Palestinian state.

### "Cart before the Horse" Logic

In the "humanitarian response" section of Phase I, the roadmap calls on "Israel and Palestinians [to] implement in full all recommendations of the Bertini report." This report, drafted following an August 2002 fact-finding mission by special UN envoy Catherine Bertini, assessed the humanitarian plight of Palestinians and offered numerous useful suggestions. In her recommendations section, Bertini made sixteen demands of Israel and one of Palestinians, apparently reflecting the fact that Israel is the dominant party largely responsible for the humanitarian situation. The sole Palestinian requirement is simple enough: preventing its official personnel and goods (such as ambulances) from being used for "criminal purposes," which is UN-speak for complicity in terrorism. Israel, however, is asked to take numerous steps on the expectation—rather than the confirmation—that this one Palestinian requirement is implemented in full. These include increasing the number of permits for Palestinians to work in Israel and permitting free passage to all goods destined for, and all Palestinians employed by, nongovernmental organizations, without regard to the funding, leadership, or political orientation of these organizations. Neither the Bertini report nor the roadmap require the Palestinians to ensure that such organizations do not engage in, support, or incite terror. It is inappropriate to ask Israel to allow the free flow of goods to terror-supporting organizations or to loosen its security on the belief, rather than the proof, of Palestinian compliance. Yet, that is precisely what the roadmap demands.

### No Guaranteed Acceptance of Israel As a Jewish state

According to the roadmap, the ultimate aim of diplomacy is Israeli recognition and fulfillment of the national aspirations of the Palestinian people; the text does not emphasize Palestinian recognition and fulfillment of the national aspirations of the Jewish people. The roadmap frequently assuages Palestinian fears that never-ending talk will deprive them of their right to a "sovereign, independent, democratic and viable" state, reiterating that such a state is, indeed, the objective of the entire endeavor. In contrast, the text makes no attempt to assuage Israeli fears that the Palestinian uprising is but the spearhead of a long-term effort to undermine Israel's right to exist as a Jewish state. By failing to clarify this latter point, the roadmap advocates asymmetrical objectives that belie the political realities between the parties.

### The Chimera of a Status Quo Ante

One of the underlying goals of Phase I is to roll back the clock to September 28, 2000—the date that then-opposition leader Ariel Sharon visited the Temple Mount—and restart diplomacy from that point. Hence, the roadmap offers ten paragraphs on security that culminate in a call for the two sides to "restore the status quo that existed prior to September 28, 2000." By referencing this magic date—which first took on a life of its own in the abortive Clinton-era effort to put the intifada genie back into its bottle—the roadmap assumes that all was reasonably well in Israeli-Palestinian relations on the eve of the uprising. Yet, the period since that date has shown that the status quo ante was itself deeply flawed, i.e., the infrastructure for illegal smuggling and manufacture of weaponry was well established; the commingling of terrorist organizations and Palestinian security forces was deeply entrenched; and the preparations for armed uprising were well advanced, as evidenced by the testimony of senior Palestinian officials. Rolling back the clock without addressing the organic problems at the heart of Oslo circa September 2000 is a surefire way to guarantee that the roadmap will share Oslo's fate.

### Haste, Not Verification

One of the roadmap's key rationales is to establish a culture of compliance with commitments—a culture that, regrettably, was largely absent throughout the Oslo period. Yet, despite the roadmap's self-congratulatory references

to being a "performance-driven" document, the entire structure it proposes echoes the Oslo-era mistake of overlooking infractions or partial compliance so as not to upset the overall march to the next major agreement. For example, Phase I outlines a five-month period in which the Quartet has crammed the following: the consolidation of a dozen Palestinian security forces into three services; the rebuilding and retraining of these forces by foreign instructors; the resumption of security cooperation with Israel; the commencement of weapons confiscation; and the dismantling of terrorist capabilities and infrastructure. Each of these tasks would require months of effort; the notion that all of them could be accomplished in 150 days is ludicrous, as is the prospect of verifying that such hasty changes were structural, not just superficial.

### The Death of a Negotiated Solution

In a marked departure from traditional U.S. diplomacy, the roadmap makes almost no reference to direct, bilateral negotiations as the route to achieving Israeli-Palestinian peace. Although it is true that no Arab-Israeli agreement has ever been reached without some level of U.S. participation, the roadmap envisions virtually no role for the process of bilateral bargaining that is especially important in a relationship as intertwined as the Israeli-Palestinian one. According to the roadmap, when the parties move from the security focus of Phase I to the diplomacy focus of Phase II, the goal becomes creating a Palestinian state rather than fostering an environment conducive to negotiations that, if successful, could produce such a state. Indeed, in the operative paragraph, the roadmap speaks only of "a process of Israeli-Palestinian engagement," not negotiations. Indeed, the only operative reference to negotiations is in the penultimate paragraph of the entire roadmap, which refers to a "final and comprehensive" agreement reached through a "settlement negotiated between the parties." By implication, none of the diplomacy that occurs prior to that final step need involve direct, bilateral negotiations.

### The Vanishing Arab Role

One of the most hopeful trends in the past year has been the emergence of moderate Arab voices—especially the troika of Egypt, Jordan, and Saudi Arabia—calling for diplomacy rather than violence as the path to achieving Palestinian aspirations. Although their message is often muffled by other official Arab voices praising Palestinian martyrdom operations, the troika's contribution is, on the whole, welcome. Regrettably, however, the roadmap fails to press Arab states to make any further substantial contribution to the peace process. Specifically, it asks Arab states to do only three things: to "cut off public and private funding and . . . support" to terrorist groups (a task to which these states have already agreed under separate counterterrorism initiatives); to participate in the retraining of Palestinian security forces during Phase I (a request directed at Egypt and Jordan); and to restore their "pre-intifada" links to Israel during Phase II (e.g., reopening trade offices; participating in multilateral negotiations). The only other request related to Arab states—"acceptance of full normal relations with Israel"—is conditioned on a "comprehensive Arab-Israeli peace," a formula that the Saudi peace plan used in calling for Syrian-Israeli and Lebanese-Israeli peace treaties, both of which could take years. Nowhere are Arab states asked to end their own government-supported incitement against Israel; to recognize unconditionally Israel's right to live in peace and security as a Jewish state; or to participate in people-to-people efforts that would have a salutary impact on peacemaking. By failing to press Arab states to contribute more, the roadmap again fails to draw the right lesson from the Oslo experience.

### Conclusion

The roadmap has serious and substantial structural flaws. If implemented as written, it would almost surely fail to produce peace. More likely, it would spark a series of clashes—between Israelis and Palestinians, between Israel and members of the Quartet, and between the United States and its Quartet partners. (Indeed, current differences between Washington and Europe over Iraq pale in comparison to likely postwar differences over Israel and the peace process.) It is not too late, however, to fix the text; at the very least, the Quartet can repair some of the most

significant mistakes, fill in the glaring lacunae, and restore a sense of balance, sequence, and common sense where they are needed most. Given that the United States may find itself bound to this document for years to come, going the extra mile to improve the text now will almost surely prevent major conflicts down the road.

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