

Challenges Facing the Palestinian Authority and the Peace Process

Jul 3, 2001



Brief Analysis

The current Palestinian-Israeli tension is creating an explosive situation throughout the region -- a situation that seriously threatens regional stability and affects the security, economic, and geopolitical interests of the United States as well as those of every Middle East country. The international community has a real interest in moving Israelis and Palestinians away from the brink and back to the negotiating table. This is where the support of the new U.S. administration is needed.

In reaching their objectives of freedom and independence, the Palestinian Authority (PA), Yasser Arafat, and the Palestinian people still see no alternative to a peace process and a negotiated settlement leading to an outcome that is seen as fair, comprehensive, and just, with a viable Palestinian state as the ultimate goal.

Taba Talks

The Taba talks at the end of January 2001 witnessed significant progress in all aspects. The Israeli and Palestinian negotiators on both sides were those most dedicated to the peace process. Even though actual negotiations took place over the course of only a few days, the two sides were able to reach a tentative conceptual agreement on the following issues:

- Land and the boundaries of the Palestinian state. The Israelis improved their offer from 87 percent to 97 percent of the West Bank, while the area of the land swap they proposed improved from 1 percent to 3 percent.
- Jerusalem. The Israelis agreed to hand over to the Palestinians almost all the Arab quarters of east Jerusalem, which would then become the capital of the state of Palestine.
- Right of return. The negotiators' approach was to discuss concepts without reference to numbers. On that basis, they achieved a conceptual breakthrough on the issues of refugees and the right of return. Israel recognized at Taba that it was responsible for the initiation of the refugee problem and therefore for the problem's resolution in all its aspects. Israeli negotiators also acknowledged that a solution had to be based on UN General Assembly Resolution 194 and that the Palestinians had a right to return to both Israel and Palestine. The Palestinians recognized that the 1947 UN partition resolution created two states: one Palestinian and one predominantly Jewish. Both sides agreed that the right of return is a collective right, but its implementation is individual, and that this implementation should allow the refugees several options.

Of course, some issues were left unresolved. With regard to security, Israel insisted on eight military positions in the Jordan Valley and on full control of the skies over the West Bank and Gaza; this was rejected by the Palestinian delegation. The question of the holy places -- especially the so-called Holy Basin around and including the Haram al-Sharif -- also remains unresolved, although the issue does not present an impossible hurdle. The modalities of the refugee issue in terms of numbers, size, and legality may also be approached again in negotiations.

Despite the progress that was made at the Taba talks, no peace agreement was signed. The Israelis offered two reasons: The first was moral, namely, that it was inappropriate for the Ehud Barak government to sign a peace

agreement a week before the Israeli elections, especially when it lacked Knesset support. The second was military -- that signing an agreement while the intifada persisted would lead to the perception that Israel was rewarding violence with political concessions, which would only encourage more violence. All in all, the Taba talks were a success. Everyone at Taba knew that had months not been wasted and had Taba taken place immediately after Camp David II, then a completely different outcome would have been reached. In brief, Camp David II was too little and Taba was too late.

The Mitchell Report

The Mitchell report is an embodiment of the sturdy and viable coalition for peace that currently exists. Despite its lack of precision about a timeline and about what specific steps must be taken from here, the Mitchell report has been accepted by both sides without reservations, and has been endorsed by the international community, including the Bush administration. It is very important that the Mitchell report be accepted as is, its feeble points along with its strong points. It must be accepted as a package deal, with full recognition that the last part -- the resumption of negotiations -- must follow preceding steps. The Mitchell report does not discuss different stages, but rather rolling stages that support each other.

In order for the ceasefire called for in both the Mitchell report and the Tenet security plan to be implemented, both parties must do everything they can to stop the shooting. In this regard, the PA must have a functioning security force -- thus the need for rebuilding the capacity and the mobility of the Palestinian police. At present, the Palestinians maintain a security force only in Area A, the area under full PA control. The security force there has found moving within that area extreme difficulty because of Israeli blockades. Israel has also decimated the PA police capability over the past nine months by destroying most of the police stations, along with communications equipment, as well as many police vehicles, including all of the armored vehicles needed to confront armed rioters. At present, Palestinian security can provide some help in implementing the ceasefire in Areas B and C in the fields of intelligence and preemption, but only if a real partnership and cooperative spirit can be restored with the Israeli security forces -- such as existed prior to the eruption of the intifada in September.

Next Steps

It is impossible today to resume negotiations as if nothing happened. The present situation must be dealt with. The ceasefire must be consolidated, a timeline for implementing the Mitchell report must be drawn, and some precision must be given to the Mitchell report recommendations. A third party presence -- although not necessarily a military presence -- on the ground is needed to monitor the situation, stop any eruption, preempt deterioration, resolve disputes, and relay information among all the players.

In the larger framework, it is important for Israel to recognize that the Palestinians are an occupied people, with all the legal rights accorded to such people by the Fourth Geneva Convention. The Palestinian territories cannot be considered merely a renegade, rebellious province that a democratically elected central government is trying to rein in. If the Sharon government approaches the Palestinian problem through that lens, it will force Palestinians to act beyond the limits imposed by a desire for a peaceful solution.

This Special Policy Forum Report was prepared by Ashraf Zeitoun.

Policy #336

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