

After the Road Map

Alek D. Epstein

The Palestinian-Israeli conflict – which may also be described in the broader sense as the Arab-Israeli conflict – has for decades been one of the driving forces of modern geopolitics. The victory of the Hamas movement in the recent Palestinian elections added more complexity to the situation and it is certain that the Middle East standoff will remain one of the major headline-making issues which pose a threat to the global collective security system. This conflict has involved the most influential international players, including Russia as a member of the UN Security Council and initiator of a number of crucial resolutions, such as Resolution 1515 of November 19, 2003, which endorsed the Road Map peace plan. For example, cooperation between Russia and the Moslem states in the field of military technologies, on the one hand, and the presence of an influential million-strong community of immigrants from Russia in Israel, on the other hand, predestine the huge import that the conflict has for Russian politics and diplomacy.

American and Russian diplomats insist that the Road Map plan for a peaceful settlement to the Israeli-Palestinian crisis, which the U.S. Department of State published on April 30, 2003 on behalf of the Quartet of international mediators (Russia, the U.S., the

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UN and the European Union), is a fundamental document capable of bringing the sides to a breakthrough in peace negotiations. And yet it seems that the document has proven its practical insolvency over the last three years.

DEMOCRATIZATION

AS A PRELUDE TO ISLAMIZATION?

The political rise of Hamas, the extremist Islamic movement, within the Palestinian National Authority (PNA), together with the consequential overturn of the entire system of Palestinian-Israeli relations, have been so far the only real effect of the Road Map plan.

The Palestinians' "free, open, and fair elections," which were organized according to the precepts stipulated in the Road Map, "in the context of open debate and transparent candidate selection/electoral campaign based on a free, multiparty process," thrust open the doors of the PNA for forces that do not recognize the very right of Israel to existence.

While the second Intifada was still in progress, Hamas became the chief engineer of terror against Israeli targets. From October 2000 through to March 2006, its shaheeds carried out more than 50 terrorist attacks, killing 269 civilian Israelis and 27 security servicemen, and leaving over 1,700 people wounded.

More than that, the Road Map broadly extended the authority of the Palestinian government. In a bid to neutralize — or, alternatively, to minimize — the clout Yasser Arafat enjoyed as the head of legislative and executive branches of power, the Americans demanded that the PNA be turned into a kind of a parliamentary republic in which the Prime Minister, and not the President, would hold power and control the security and military forces. A corresponding reform was carried out, but in a situation where the radical-minded Prime Minister Ismail Haniyeh stood in opposition to the moderate President Mahmoud Abbas, it played into Hamas' hands. Thus, the negotiating process retreated a few decades.

Israeli officials had maintained permanent contacts with Palestinian leaders since 1991, when a delegation of the West Bank

and the Gaza Strip, with Dr. Haidar Abdel Shafi at the head, joined the Madrid international conference on the Middle East. Israel did not suspend these contacts even after the second Intifada broke out in September 2000. The public negotiating process came to a halt due to the collapse of the talks in Taba in January 2001 and Ariel Sharon's coming to power in Israel, but relations with the Palestinians continued in the realms of the economy and security even during the Israeli government's boycott of Arafat.

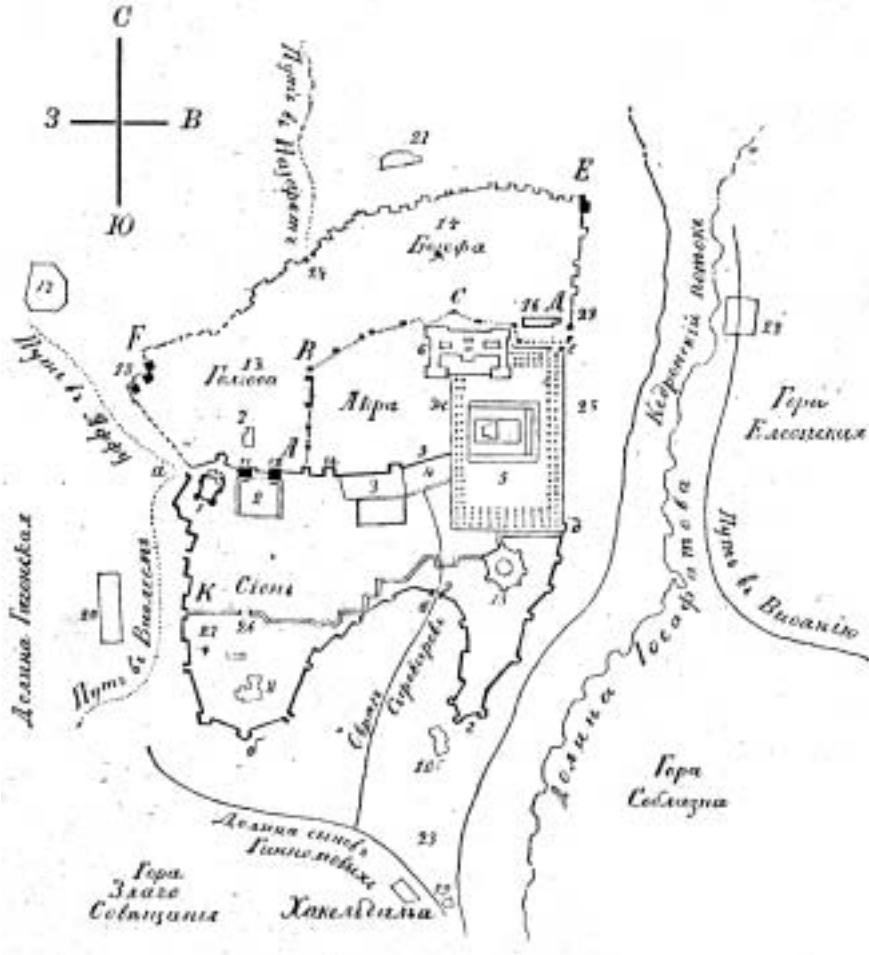
In spite of Hamas' election-day victory on January 25, 2006, the Israel Defense Forces coordinated actions until the end of March with Palestinian security forces that were guarding the Gaza Strip's border with Israel and Egypt. However, as control over defense and security forces in the PNA officially went over to Hamas on March 30, and the new Interior Minister Saeed Siyam took the ministerial powers over from General Nasser Yusuf (getting control of the police, security agencies and civil defense machinery), Israel decided to stop any cooperation or coordination of actions with Palestinian official representatives.

Previously, Israel criticized the leaders of the Palestine Liberation Organization and the Palestinian National Authority for holding talks and steering terrorist attacks against Israel, or simply overlooking them. Arafat's team would predictably reject the accusations of foul play (usually delivering their statements in English, not Arabic) and stressed its willingness for "peace of the valiant." Today, the leaders of the Palestinian government — one-party and only comprised of Hamas activists — do not speak of peace with Israel in any language. Instead, they have been openly declaring their clear goal of erasing the State of Israel.

CAPTIVE TO DEADLINES

Formally, the Road Map was to be in effect from May 2003 (the first stage) till late 2005 (the third stage).

The authors of the Road Map fully replicated the mistake made in the 1990s by the diplomats who drafted a Declaration of Principles on Interim Self-Government Arrangements, commonly known as the Oslo Accords, which the then Israeli



Russian map of Jerusalem, 1890

Foreign Minister Shimon Peres (Israel's Deputy Prime Minister now) and Mahmoud Abbas (then a member of the PLO Secretariat) signed on September 13, 1993. The document said: "The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council [...] for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years." The transition period began with the Israeli forces' with-

drawal from the Gaza Strip and from the Jericho area in the West Bank. With the expiry of that period of time, the Oslo Accords and the term of powers of the Palestinian Legislative Council, elected on January 20, 1996, would expire automatically as well. In other words, the Oslo Accords neither established mechanisms for an extension of the allotted time bracket, nor specified actions to be taken should the sides fail to reach agreement – within the designated five years – on more complex issues pertaining to permanent status. As history shows, events took precisely such a turn.

By the same token, the Road Map does not contain provisions for a possible prolongation or for its replacement by any other document if the measures it spells out fail. And that was exactly what happened.

Russia's official diplomacy has noted the discrepancies between the Road Map and the real situation. "We should have reached creation of a full-fledged Palestinian state by the end of the year but actually we're still in the beginning of the Road Map's first phase. It's not possible to meet those deadlines. So let's not put a good face on the matter," said Alexander Kalugin, Russia's special envoy for Middle East peace settlement, on August 18, 2005. Since then, Palestinian-Israeli relations have deteriorated, while the Road Map's legal effect has expired.

DISREGARDING MAIN PROBLEMS

The Road Map does not provide for any specified solutions – even provisional – to the two most acute problems of Palestinian-Israeli relations, specifically: the status of Jerusalem and the fate of the refugees. It only repeats the errors found in the Oslo Accords which predetermined that document's failure. When representatives of the two sides held a summit in Camp David in July 2000, they discussed these issues without any prior preparation at the stage of a "provisional" settlement. Those talks collapsed, triggering the second Intifada. The issues that the sides put off "until a better day" eventually served as a time bomb, which set the entire Middle East process ablaze.

The Road Map only makes a brief and vague mentioning of both issues. It says: “Parties reach final and comprehensive permanent status agreement that ends the Israeli-Palestinian conflict in 2005, through a settlement negotiated between the parties based on UN Security Council Resolutions 242, 338, and 1397, that ends the occupation that began in 1967, and includes an agreed, just, fair, and realistic solution to the refugee issue, and a negotiated resolution on the status of Jerusalem that takes into account the political and religious concerns of both sides, and protects the religious interests of Jews, Christians, and Muslims worldwide, and fulfils the vision of two states, Israel and sovereign, independent, democratic and viable Palestine, living side by side in peace and security.”

This provision is nothing more than an act of wishful thinking, especially since Israelis and Palestinians understand it differently. Former U.S. Secretary of State Henry Kissinger commented: “The treatment of the refugee issue in the ‘Road Map’ is a good example. It calls for an ‘agreed, just, fair, and realistic solution.’ To the Palestinians, ‘fair and just’ signifies a return of refugees to all parts of former Palestine, including the current territory of Israel, thereby swamping it. To the Israelis, the phrase implies that returning refugees should settle on Palestinian territory only” (*The Washington Post*, February 27, 2006).

It is impossible to comprehend why the Road Map authors reversed to the lame logic of “don’t wake up a sleeping dog” that underlay the Oslo Accords concept. It is not surprising that the fruits of the Road Map were even more lamentable: having endured a bitter experience and realizing perfectly well how the negotiations on Jerusalem and refugees will end, the sides did not even seek discussion of these issues.

STEPPING ON THE RAKE A THIRD TIME?

There is no sense trying to guess what chances the Road Map may have after the new leadership’s accession to power in the Palestinian National Authority. Haled Mashal, who heads Hamas’ Damascus-based Political Bureau and who is viewed as its most influential figure, said in an interview with the Italian

daily *La Repubblica* that all the talks beginning with Madrid, Oslo and so on had led to nothing. He noted that the peace process was stagnant, while the Palestinians' life had deteriorated and the Israelis continued building the security wall that was swallowing ever more Palestinian lands. Mashal also said the Road Map was unacceptable since it set forth detailed conditions to the Palestinians like disarmament, arrest of the *mujaheddins*, and the renunciation of resistance. However, the plan was too obscure when it came down to the Israelis' responsibilities, Mashal claimed. He insisted the document did not say anything about Jerusalem, the plight of refugees and expansion of the 'colonies' [the term the Palestinians apply to Jewish settlements in the West Bank]. Hamas' position, supported by a big majority of Palestinian voters, is clear-cut: talks are senseless if they ignore the status of Jerusalem and the destiny of the Palestinians who became refugees, together with their descendants, beginning in 1948. As for the Road Map, the very document that helped Hamas come to power, Mashal calls it 'unacceptable'.

In this context, Kissinger's proposal to sign "an interim agreement of indefinite duration," in the course of which "both sides would suspend some of the most intractable claims on permanent borders, on refugees and perhaps on the final status of the Arab part of Jerusalem" is utopian. The picture of some future peaceful coexistence as drawn by the former Secretary of State is idyllic: "Israel would withdraw to lines based on the various formulas evolved since Camp David and endorsed by American presidents. It would dismantle settlements beyond the established dividing line. The Hamas-controlled government would be obliged to renounce violence. It would also need to agree to adhere to agreements previously reached by the PLO. A security system limiting military forces on the soil of the emerging Palestinian state would be established. State-sponsored propaganda to undermine the adversary would cease."

In the meantime, the whole story spins around a movement that, according to a keen remark by Russian orientalist Grigory Kosach, "has not abandoned its main objective of restoration of

the Palestine stretching from the River [Jordan] to the [Mediterranean] Sea as an inalienable Islamic wakf [property], i.e. its objective of liquidating Israel, which Hamas tried to implement fairly recently in Israeli cities with the aid of suicide bombers.” It is precisely this organization that Kissinger expects to denounce terror and recognize earlier political agreements between the PLO and Israel. As he passes the imaginary for the real, the patriarch of U.S. diplomacy actually calls for repeating once again the error already made twice in the past. It is impossible to understand the motives of people who believe that all the attempts that have failed over the past three years can suddenly become successful now.

THE SHORT-TERM MEMORY OF THE DIPLOMATS

The current situation in the region calls for a revision of the presumptions that the Road Map is based on and for a dismissal of that document as failing to meet the new realities. It is also important to remember that the political situation in Israel has changed dramatically. Since the establishment of that state, leaders of the “right-wing” Likud or “left-wing” Labor Party have occupied its key posts. Today the country is governed by the centrist Kadima party, which is not bound to past obligations.

In the past year and a half, the Israeli government has been building its policies on the principle of comprehensive ethnic and territorial disengagement with the Palestinian Arabs, instead of clinging to the principle of “territories in exchange for peace” espoused by left-wing parties in the past. Nor is there a desire to “create a Jewish state over the entire territory of the former Palestine Mandate,” which was the goal of the right-wing parties. The Israeli government says it is ready to withdraw from the West Bank territories that are inhabited by a predominantly Arab population, although it realizes that such steps cannot bring about a peace settlement.

Many failures of international diplomacy concerning the solution of the Palestinian-Israeli conflict arise from the fact that Israel’s retreat behind the so-called Green Line has been viewed as an essential prerequisite for a peace settlement. The Green Line

is Israel's border before the Six-Day War of June 1967 or, more specifically, the ceasefire line established in 1949 by armistice agreements between Israel and the neighboring Arab countries. Specifically, Paragraph 2 of Article V of the Israel-Egypt Armistice Agreement (February 24, 1949) says: "The Armistice Demarcation Line is not to be construed in any sense as a political or territorial boundary, and is delineated without prejudice to rights, claims and positions of either Party to the Armistice as regards ultimate settlement of the Palestine question." All other bilateral agreements contain such paragraphs as well.

Suggesting that Israel's retreat to its pre-1967 borders is the main condition for achieving peace is as hopeless as supporting the demagogical statements by the U.S. Department of State on its commitment to the Road Map. Let us recall that even at the time when the Green Line was Israel's state border the Arab countries refused to recognize it.

It is also important to note that those agreements left out the Palestinian Arabs and fully ignored the UN General Assembly's Resolution 181, which stipulated a simultaneous creation of the Jewish State of Israel and the Arab State of Palestine. The aggression against Israel that was launched right after its creation in May 1948 and was provoked – to a great degree – by Jerusalem's Mufti Haj Amin al-Husseini, resulted in a defeat of the Arab armies. The situation hit the Palestinian Arabs especially hard: large numbers of Palestinians fled the country, and their state never came into existence. The problem of Palestinian refugees has not been solved till the present day. Moreover, only Palestinians living in Israel and in Jordan have citizenship. Especially difficult is the position of refugees in Lebanon (more than 95 percent of them are descendants of the people who were forced to emigrate in 1948). These refugees have been living in the south of Lebanon for almost six decades deprived of any political rights. Therefore, the international community must exert stronger pressure on the Lebanese government for improving their position.

Clearly, Israel's return to the Green Line will not solve the Palestinian problem. Furthermore, it may provoke a civil war in

the country. Israel's Arab population increased fourfold since 1967 and now exceeds 1.3 million people. The attempts to fully integrate them into Israeli society have failed – those people do not feel part of the Jewish state even though they are its citizens. On the other hand, more than 250,000 Jewish settlers now live on the territories of the West Bank – Judea, Samaria, and Jordan Valley – where there had been no Jews before 1967. Naturally, they do not link their future with the Palestinian National Authority.

GROUND S FOR HOPE

Russia has a unique opportunity for playing a successful role in the Middle East negotiation process. On the one hand, it has especially trustworthy relations with Arab and Moslem countries (for example, the latest meeting between President Vladimir Putin and Mahmoud Abbas took place on May 15, 2006). On the other hand, it supports normal working relations with Israel both in the political sphere (reaffirmed by Putin's visit to Israel in April 2005) and in defense cooperation (the Israeli spy satellite Eros B1 was launched on April 25, 2006 from the Svobodny Space Center in the Russian Far East). Officials of the highest rank are considering supplies of Russian natural gas to Israel. Joint efforts in fighting Islamic extremism may play the role of a bridge in the system of Russian-Israeli bilateral relations.

Russia's growing importance in world politics and economy helps it assume a more independent role in international policies in the Middle East. Specifically, Russia should come up with its own proposals on the Middle East issue, taking into account the causes of the failure of past initiatives. Moscow has partners to negotiate with in both Israel and the PNA, especially considering that many of them speak Russian: apart from Palestinian President Mahmoud Abbas, one in nine members of the Israeli parliament Knesset communicate in this language.

Russia (possibly in cooperation with other international mediators) could offer a new diplomatic initiative for scaling down tensions in the Palestinian-Israeli conflict. This may occur if it bases its incentive on the principle of 'demographic disengagement' of the Israelis and Palestinian Arabs. The initiative may proceed as follows: Israel

annexes – by accord from the international community – regions on the West Bank beyond the Green Line that are populated exclusively by Jews (including Ma’aleh Adumim, Ariel, Givat Ze’ev, Gush Etzion, Modiin Illit, and Beitar Illit, each of them having populations between 10,000 and 32,000). As compensation, Israel will transfer over to Palestine’s jurisdiction – on proportional terms – those lands that have a predominantly Arab population located on the sovereign territory of Israel within the Green Line (primarily, the so-called ‘Triangle’, in which the Arab towns of Al-Tira, Umm al-Fahm, Baka al-Garbiya and some others are located).

As regards the problem of Jerusalem, a possible solution could be an “umbrella-type” municipality, in which the Jews and Arabs would work together, as was the case during the British Mandate over Palestine. A municipal body of this type may be formed with each of the city districts, including Arab ones, delegating its representatives to a united municipal assembly – as an alternative to the regular municipal elections. This innovation could break the 40-year situation where Arabs, who now account for one-third of Jerusalem’s population, boycott municipal elections and are reluctant to take part in managing the city. In the medium and long term, Jerusalem, too, should be delimited on the demographic principle, under which separate Arab districts of Jerusalem, such as Shuafat and Beit Hanina, would be included in the Palestinian state, while Jewish Jerusalem (districts currently populated by Jews) would be recognized as Israel’s capital.

Contrary to widespread erroneous belief, Washington does not support Israel in its conflict with the Arabs in many of the vital litigious issues. The U.S. has not recognized Jerusalem (even its western part, to say nothing of a united Jerusalem) as Israel’s capital, and hence it has not moved its embassy there. Not a single statement has ever come from the U.S. that would reaffirm Israel’s right to deny the readmission of the Palestinian refugees of 1948, or their successors. On the contrary, one of the five possible solutions to the refugee problem that Bill Clinton came up with in December 2000 implied their return to Israel. In particular, the proposal involved those people who live

in refugee camps in Lebanon. Since many of them have relatives in Galilee, Clinton suggested that Israel should readmit them, proceeding from the principle of reunification of families and humanitarian considerations.

The U.S. vehemently opposes the establishment or expansion of Jewish settlements. It has not recognized Israel's annexation of Eastern Jerusalem or the Golan Heights. Even the closest political advisors to Prime Minister Ehud Olmert do not harbor illusions concerning the possibility of getting U.S. consent to the Israeli annexation of any territories on the West Bank, whatever arguments there may be for a 'consolidation program.' A completely absurd situation may take shape: Israel may abandon sizable territories that will go over to the Palestinian National Authority, and yet the border between the two states and nations, separated by the security wall, will not be recognized, thereby turning from a factor of stability into a new source of tension. This is exactly a situation where other international mediators, including Russia, could have considerable input.

The collapse of the Oslo process and the Road Map, against the background of Israel's revamped relations with Egypt and Jordan, shows that the only way to peaceful coexistence between Israelis and Arabs is found in a model of interstate relations built on recognition of borders between countries. In the future, it is extremely important to think out the best possible pattern of cooperation between the Palestinian National Authority and Jordan. The possibility should not be excluded that the Palestinian National Authority fails to be politically and economically viable. In such a situation, its federation with Jordan may appear as the best possible option for all the parties involved in the conflict.

It is critical that the Israeli-Palestinian border be built according to the current state of affairs as opposed to past realities. The more comprehensive and impermeable the delimitation of territories between the two nations becomes, and the sooner the international community recognizes the border between them, the greater the chances that the Middle East will cease to be a source of persistent tension for the entire world.