

# Partial Agreements with the Palestinians

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## Background

Efforts to reach a permanent agreement between Israel and the Palestinians by the end of 2008, as mandated by the Annapolis process, did not succeed. This failure reflects not only the inability of both sides to meet the goal within the predetermined time frame, but also the weight of some of the basic elements that make it difficult for the two sides to reach a successful conclusion to the negotiations, even if the negotiators are given more time.

The first factor is the domestic political situation in the Palestinian Authority. It is split between the Gaza Strip, controlled by the Islamic Hamas government, and the West Bank, ruled by the government of Mahmoud Abbas/Salaam Fayyad, whose political base is the national secular Fatah movement. The Hamas government maintains effective control of the Gaza Strip by means of its militia force, but it does not recognize Israel and is not prepared to engage in negotiations with Israel over a permanent agreement. The Fatah government recognizes Israel, wants to conduct talks with Israel and conclude a permanent agreement with it, and is controlled by the veteran partners in talks with Israel (since 1993). However, it is questionable whether it has the power to reach an agreement with Israel and implement it. It is controlled by a political party, Fatah, which suffers from deep divides between the various factions and a poor public image among Palestinians – that of a corrupt

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and ineffective movement that cares only for its inner circles. This government has two fundamental problems: a lack of legitimacy and weakness. The government was not elected by the Palestinian public, but was appointed by President Abbas after Hamas wrested control of the Gaza Strip. The president himself was voted in by a general election, but his term of office has ended and the legitimacy of the decision to extend his term is questioned. This decision was not approved by the Palestinian parliament, where Hamas has a majority. The weakness of the Fatah movement and the deep divisions in it exacerbate the fragility of the government, which does not enjoy the support of certain important figures within Fatah itself.

After almost 15 years of rule in the Palestinian Authority, the Fatah government has not succeeded in establishing effective government institutions and mechanisms in many areas, and what was created was largely destroyed during the intifada. There are particularly severe problems regarding security. The government in Ramallah does not have sufficient security forces and mechanisms to maintain effective control in the West Bank, stop the activities of rival militias and – principally – armed elements of Hamas, or prevent the existence and operation of a terror infrastructure. There is also a lack of a judicial system and a prison system, which are important in establishing law and order. While there was progress in the past year in the performance of the Palestinian security forces, under the auspices of the Dayton task force and a European Union delegation that helped train the local police and security forces, the development of these capabilities is taking time.

This situation has several ramifications. First, it complicates the potential transfer of responsibility for Palestinian territories from the Israeli security forces to the Palestinian security forces, due to concern that the Palestinian security forces will not be able to carry out their tasks. Poor performance would allow the rehabilitation of the Hamas militia force and the extensive terror infrastructure, which would eventually enable Hamas to take control of the West Bank. This means that even if Israel succeeds in reaching a permanent agreement with the Palestinians, it will be difficult to implement. Second, there is a high degree of mistrust between the sides. The Israeli side is not confident of the ability or the will of the Palestinians to observe agreements, while the Palestinian side does not believe that Israel truly wants to cede its control over the Palestinians.

In such a situation it is very hard for both sides to relax their positions to an extent that makes it possible to reach and implement agreements. The problems of legitimacy and weakness of the Palestinian government also hinder concluding any agreement. The permanent agreement demands a compromise on the most sensitive issues, including refugees, Jerusalem, and territory. The Palestinian leaders, on the one hand, are concerned that any concession in talks will be exploited by their bitter political rivals, Hamas, to attack and undermine them. At the same time, they also suspect they will not receive the necessary backing from their divided party, and thus they are unable to display the necessary flexibility precisely because of their weakness.

The second factor is the domestic political situation in Israel. After long years of the intifada and two wars, in Lebanon in the summer of 2006 and in the Gaza Strip in late 2008 and early 2009, the Israeli public has lost faith in the ability to reach an agreement with the Palestinians that will end the conflict between them. There is also a lack of faith in the principle of land for peace. From what is considered the failure of the unilateral withdrawal from southern Lebanon and the disengagement from Gaza, the Israeli public has concluded that withdrawing from territories and transferring them to the Palestinian side only generates new threats against Israel. This sentiment was reflected in the results of the last elections, which brought a largely right wing government into power. Furthermore, the continued deep split in the Israeli political system weakens the government and makes it hard to reach and implement decisions on controversial issues. The negotiations with the Palestinians are at the center of a fierce debate in the Israeli public and necessitate tough decisions on sensitive issues, such as evacuation of a large number of settlements, division of neighborhoods in Jerusalem, control of the Temple Mount and other holy sites, and a solution to the refugee problem. Like the Palestinians, the Israeli side is hard pressed to demonstrate flexibility on the sensitive issues, and will also find it difficult to implement an agreement in these areas.

There are various ways to deal with the difficulty of reaching a permanent agreement and implementing it. The approach that was chosen for the Annapolis process was to maintain parallel tracks. On the one hand, there were talks on a permanent agreement and an attempt to reach its successful conclusion. On the other hand, it was possible to start

off under the heading of implementing the first phase of the Roadmap, a process of building Palestinian capabilities and institutions, primarily in the area of security, which would enable the Palestinians to implement the agreement they reach. From the outset, this approach had two main problems. First, it did not address the main obstacles, described above, that prevent reaching an agreement. Second, there was a lack of synchronization between the two processes. The deadline for completing the talks was the end of 2008, even though it was clear that the process of building capabilities, which is more gradual, could not evolve at the same rate. The attempt to solve this problem led to the development of the idea of a shelf agreement, in other words, an agreement that is not designed for immediate implementation after it has been concluded, rather implementation on a gradual basis, determined by when and at what rate Palestinian Authority capabilities are successfully generated. This solution also entails significant weakness, as signing an agreement without actually realizing it can only increase the mistrust of both sides with regard to the ability to reach and implement a permanent agreement. Thus, it could impinge on the ability to foster the conditions that make it possible to implement the agreement.

In the current political reality of both sides to the talks, and in particular, following the elections in Israel, it is doubtful whether it will be possible to continue utilizing the approach of the Annapolis process. On the other hand, a situation of total stagnation is dangerous. There is a danger that the situation on the ground will become irreversible, and a two-state solution will become impossible. Stagnation will also not be acceptable to the international community and, in particular, to the Obama administration, which in contrast with the previous administration views a solution of the Arab-Israeli conflict as urgent. The European Union takes a similar view and will pressure Israel to continue participating in a political process with the Palestinians, beyond improving the basic conditions of the Palestinian population (which has been called “economic peace”).

For all these reasons an alternative approach should be considered. This approach centers on bypassing the difficulty of reaching and implementing a permanent settlement within a short time frame, particularly regarding the sensitive issues. At the same time, it avoids stagnation and can generate a process of negotiations that will ultimately

address many of the problems between the sides and persuade both publics that they are capable of living side by side. One possible approach is the generation of a gradual process of attaining and implementing partial agreements so that in effect, the two sides are brought closer to the permanent agreement even if during the course of the process they encounter difficulties in reaching agreement on various sensitive areas.

### **The Advantages and Disadvantages of Partial Agreements**

Partial agreements offer a number of main advantages. One, they are easier to achieve because they make it possible to defer agreement on the sensitive issues. Two, there is a wide range of potential agreements and therefore it is possible to allow more flexibility and gradual progress, in tandem with creating the necessary capabilities within the Palestinian Authority. Three, partial agreements allow for rapid change in the situation on the ground and demonstration of the fruits of the agreements to the public on both sides, thereby engendering mutual trust. Four, this process does not contradict the Roadmap since it gradually realizes the Roadmap's second phase, creation of a Palestinian state with temporary borders. Finally, it does not preclude continued negotiations on a permanent settlement either. If the sides are interested as such, they can proceed with talks on the permanent settlement without the time pressure.

At the same time, a process of partial agreements also has its fair share of disadvantages. First, the Palestinian side will be concerned that the temporary will become permanent and that by means of the partial agreements, Israel will create a permanent reality that does not provide a solution for the needs of the Palestinians and obviates the need to make the concessions demanded by a permanent agreement. This is why Palestinian Authority president Mahmoud Abbas strongly opposes negotiations that do not relate to a permanent settlement. It will be difficult to persuade the Palestinian side to participate in a process of partial agreements, and certainly such that do not refer to the political horizon of two states.

In addition, the Israeli side will be concerned about entering a gradual process of concessions over negotiating assets without obtaining "an end to the conflict" and Palestinian concessions on issues that are central for the Israelis, such as a solution to the refugee problem, in a manner

that does not threaten Israel's identity. And third, gradual process can become a process of confidence destroying instead of confidence building between the two peoples if the sides do not meet their commitments. In such a case this will reduce the chance of reaching a permanent agreement instead of bringing the sides closer to it. This is what happened with the Oslo process: the sides did not honor their commitments and it became a process of shattering trust.

This paper represents work by an INSS team that was created in order to develop a workable approach to partial agreements with the Palestinians. The team analyzed the potential for possible partial agreements with the Palestinians in the various areas, and attempted to imbue them with content in a manner that takes into consideration the sides' respective realities and constraints.

### **Basic Premises**

The main premise is that a permanent agreement is not feasible at the moment, due to the internal political situation on both sides that does not allow them to bridge the gap in their stances. Furthermore, even if the sides do reach an agreement they will struggle to implement it. The Palestinians suffer from the weakness of the Palestinian Authority and the Israelis have to deal with evacuating a large number of settlements. At the same time, the unilateral option is not practical for the Israeli public, due to the perception that the disengagement from the Gaza Strip and the unilateral withdrawal from Lebanon failed and created severe security threats in the absence of commitments by the other side.

Partial agreements serve interests on all sides. For Israel, the aim of these agreements will be to strengthen the Palestinian partner for a permanent agreement, weaken those who oppose an agreement between the two sides, and lay the infrastructure for the permanent agreement. On the Palestinian side, partial agreements will allow additional territories to be transferred to Palestinian control, and will facilitate the establishment of a state entity infrastructure and a return to normal life. They will also make it possible to improve the economic situation in the West Bank in a manner that will strengthen the Palestinian Authority and the administration there, and will lay the infrastructure for a permanent agreement that will be acceptable to all. The United States and the European Union will be able to support a realistic process with

chances of success that will help advance a permanent agreement and an improvement in the Palestinians' security and economic situation.

Partial settlements constitute a possible interpretation of the Roadmap, do not contradict it, and can be maintained alongside a quasi-Annapolis process. They also suit a situation in which Israel decides to give priority to the negotiations channel with Syria but cannot allow stagnation along the Israeli-Palestinian channel.

The analysis of partial agreements principally refers to agreements that relate only to the West Bank and the Palestinian partner in this region. The assumption is that at the initial stage, there is no Palestinian unity government with which Israel, in accordance with a policy that negates dialogue with Hamas, would be hard pressed to negotiate. Hamas, which controls Gaza, is not powerful enough in the West Bank to be capable of preventing the two sides from reaching and implementing partial agreements in the West Bank. It is possible that it even would not oppose them because they would mean that additional territories would be transferred to Palestinian hands, and Hamas will not want to be perceived in Palestinian public opinion as opposing this on political grounds.

### **The Interests of Both Sides**

In the process of negotiations for partial agreements the conduct of the sides will be guided by their interests. It appears that the interests on the Israeli side include:

- a. Motivating a process on an Israeli initiative and preventing being dragged into scenarios that do not suit Israel's policies and interests and where other players have taken the initiative.
- b. Motivating a process that will ultimately lead to a permanent settlement, or a permanent reality that is in Israel's favor.
- c. Optimum management of the conflict with the Palestinians during the process, in other words, preventing escalation and dealing with problems that arise before they become more severe.
- d. Maximum security for Israeli residents during and after the process.
- e. Maintaining the cohesiveness and resilience of the Israeli public by conducting a process that the public can accommodate, particularly in all aspects relating to the future of Israelis living in the territories.

The Palestinians will likely be guided by the following interests: preventing damage to the chances of reaching a permanent agreement that will be acceptable to their public; laying the infrastructure for the Palestinian state; improving the living conditions of the Palestinian population; and achieving unified national agreement around the idea of two states for two peoples.

The various levels of partial agreements must provide a solution for these interests of the two sides, to make it possible to reach agreement on them.

### Principles

The primary components of partial agreements of this nature are a *territorial component* that will generally include transfer of territories to Palestinian control and a change in the status of these territories; a *security component* that will address the relevant security arrangements; and an *economic component* that will address a change in the civilian reality in the field. As the process progresses, there will also be a need to address the sensitive areas, such as the issues of Jerusalem and refugees, if only to demonstrate that these issues will also be ultimately addressed, and thereby to facilitate the acceptance of the partial agreements on both sides.

In devising the agreements it will be important to preserve the *visibility component* of the process, particularly in areas such as the welfare of both populations, in order to achieve support on both sides and international support. Consideration will also be given for the need to reserve “assets” for the final stage of the negotiations on the permanent agreement. In addition, the process should be designed to minimize internal conflict in Israel, particularly in all aspects relating to evacuation of settlements in the early stages.

There are other important guiding principles. The tension between the drive to generate genuine change at any level of a partial agreement, and the wish to maintain the ability to reverse the process if its implementation fails must be considered. The different stages must be devised to avoid impinging on security at any of the stages. The territorial solutions need to preserve maximum territorial contiguity on both sides. The main consideration in the territorial solutions is demographic, in other words, generating a reality in which the entire Jewish population and the smallest

possible number of Palestinians are under Israeli control. Cooperation with international and Arab parties should be incorporated in reaching the agreements, even though this is not an essential condition. Finally, at any stage there will be a need to construct joint control and supervision mechanisms that will make it possible to oversee the agreements, and to amend the situation in case of non-implementation.

### **The Range of Agreements**

There is a wide range of possible partial agreements. The various issues included in the agreements have been divided into five main areas – the territorial component, security arrangements, economics and others civilian areas, Jerusalem, and refugees. The range of possible agreements has been identified in each of these areas. This analysis makes it possible, at this stage, to devise different levels of a partial agreement from elements of these five areas.

#### *The Territorial Component*

Analysis of the territorial component suggests six possible levels:

- a. Restoring security and civilian responsibility for part or all of Area A to the Palestinians, and lifting some restrictions on movement in other areas.
- b. Redesignating parts of Areas B or C to enjoy the status of Area A, de facto or de jure.
- c. Allowing Palestinian economic activity in parts of Area C.
- d. Evacuating individual settlements in order to create Palestinian territorial contiguity in certain regions (mainly in the north and the south of the West Bank).
- e. Evacuating all the isolated settlements on the mountain ridge (around 17 settlements) and creating fuller Palestinian territorial contiguity.
- f. More extensive dismantlement of settlements, which will create a reality that is closer to the status of the permanent agreement (near the line of the security fence). This is a territorial solution based on the principle of a return to the 1967 lines, taking into consideration security requirements and the demographic reality that has emerged on the ground.

At the lower levels, evacuation of unauthorized outposts and freezing the expansion of settlements can be incorporated based on parameters to be negotiated.

### *Security Arrangements*

There are a number of parameters for determining the content of the security arrangements that will be coordinated with the territorial component.

The first parameter relates to the areas where the Palestinian forces will be deployed. The partial agreements should aim to achieve gradual elimination of the difference between Area A and Area B. In each area that is transferred to the Palestinians, they will be able to deploy security forces based on a map to be agreed on between the sides, and to transfer forces from place to place without interference, so that they can honor their commitments in the area of security.

The second parameter is the scope of the Palestinian security forces. There is mutual dependence between the size of the forces and the areas transferred to the Palestinians. On the one hand the Palestinians will need to have sufficient forces to carry out the security tasks in the areas that will be transferred to their control, and the size of the forces will dictate the rate of transfer of the areas to their control. On the other hand, transfer of territory requires Israel to agree to an increase in the force that the Palestinians can operate.

The third parameter is the nature and equipment of the forces. In this area Israel need not deviate from its previous criteria, whereby the Palestinian state will not have a military and its security forces will be police and gendarmerie forces, with equipment that is suitable for such forces.

The fourth parameter will be the degree of the forces' freedom of movement. Efforts should be made to allow the Palestinian forces maximum freedom of movement in the areas they control, and the ability to move forces between areas. On the lower territorial levels, at which Palestinian territorial contiguity is not extensive, coordination mechanisms and arrangements should be devised that allow movement of these forces as required via areas controlled by Israel.

The fifth parameter is the degree of freedom of action of the Israeli forces in the territories under Palestinian responsibility. In the early

stages, when there is little faith in the ability of the Palestinian forces to operate, there will be a requirement for a great degree of freedom of action by Israel. If the process proves successful the requirements will decrease over time.

The sixth parameter is the degree of intervention by international forces in the security arrangements, either through supervision and verification tasks or in more operational ways.

An additional important component is the degree of involvement of Palestinian forces in the international crossings. The gap is between symbolic presence and full control with international and Israeli supervision.

The security arrangements should also include mechanisms for liaison and cooperation between both sides' security forces. Two different approaches can be considered for the security arrangements. According to one approach a uniform model for security arrangements will be devised, and its graduated element will be reflected in extending the arrangements to additional areas, in accordance with the territorial changes. According to a second approach there will be different levels of the security arrangements, and there may be some difference between the arrangements in different zones transferred to Palestinian control according to the security situation and the state of the Palestinian forces there.

#### *Economic and Civilian Issues*

The flexibility range in the economic area pertains to the following issues:

- a. The number of permits issued to entry of Palestinian workers into Israel.
- b. The nature of the economic regime between the two sides – from a unified customs zone (the present situation) to a free trade area to a third option of a regime that integrates elements from the first two options.
- c. The nature of the arrangements at the international crossings and crossings into Israel.
- d. The range of freedom of movement among the different Palestinian regions in the West Bank (the issue of checkpoints).
- e. Allowing an airport (subject to Israeli air control).

- f. Allowing the Palestinian Authority to sign economic agreements with third parties.
- g. Allowing access of Palestinians to the Dead Sea.

Other civilian issues that allow a degree of flexibility pertain to various state symbols, including Palestinian participation in international organizations and improved arrangements for dividing shared aquifer water.

### *Jerusalem*

Due to the sensitivity of issues connected to Jerusalem, it seems that it will be possible to include such measures only in the very advanced stages of partial agreements.

A move that can be of great symbolic importance is moving the route of the security wall/fence in Jerusalem. Changing the route can convey a message to the Palestinian side of a willingness to transfer control of neighborhoods in Jerusalem to them in the future.

Administrative steps can also be taken that entail recognition of the Palestinian character of East Jerusalem. One such step is the establishment of Palestinian municipal administrations in the Arab neighborhoods, with agreement on links of these administrations to the Palestinian Authority for certain issues (such as health and education). This proposal does not apply to the Old City and the historic basin in general, due to their sensitivity. There may also be different levels of authority to be granted to these administrations.

A more advanced measure is a change in the administrative structure of Jerusalem, to an umbrella municipality that includes an Israeli municipality and a Palestinian municipality, with each responsible for part of the city.

Another possible move is a change in the status of Palestinian neighborhoods that are already on the other side of the fence. This would constitute an Israeli declaration that in a permanent solution, Israel accepts that these neighborhoods will be part of the Palestinian state. The change will be reflected in a transition to the status of Area B. Such a move is not complicated where the neighborhoods are outside the area defined as part of Jerusalem according to the Jerusalem Law, and is far more complicated when they are in the area, as this requires legislation.

Israel can allow a Palestinian Authority representative office in Jerusalem, formally or less formally, through Israeli consent to honor its commitment in the interim agreement, and to allow the operation of cultural and financial Palestinian institutions, such as the Orient House.

On the Temple Mount, the most sensitive holy place in Jerusalem, the Palestinian Authority already enjoys *de facto* control, through its control of the waqf. More formal presence of the Authority there can be considered.

Again, due to the sensitivity of issues relating to Jerusalem, it seems that it will be possible to incorporate steps of this nature only at the more advanced levels of partial agreements.

### *Refugees*

There is a clear Israeli interest that part of the Palestinian response to Israeli action in realizing the partial agreements will be steps connected to a solution of the refugee problem. Clearly, they cannot be steps in which the Palestinians waive their principal claims on this issue outside the framework of a permanent agreement; thus the steps will have to be mainly oriented towards practical treatment of rehabilitation of the refugees.

One step can be the start of discussion and the creation of frameworks for discussion with international elements regarding their participation in, and funding of, the rehabilitation process. Another step can be a basic discussion on the level of compensation for the refugees, and on the international implementation mechanism of the compensation. Third is agreement on discussion of the narratives of both sides on this subject, designed to bridge as far as possible the gaps in the narratives: this will generate a willingness on both sides to recognize their responsibility. Such discussion can be of great symbolic importance.

At an advanced stage there can be Israeli consent to controlled return of Palestinian refugees to areas in the West Bank controlled by the Palestinians (as Israel controls the crossings, this return will in any event be controlled).

### **Some Concrete Scenarios**

It is possible to put together a host of variations of levels of partial agreements based on the domains of flexibility in each of the five areas.

Four possible stages will be presented to illustrate this, from the lowest level that is easiest to put into practice to a partial agreement that is close to a permanent agreement. The selected levels are “Jenin plus,” “the northern and southern West Bank,” “the northern and southern West Bank with settlement evacuation,” and the last is “permanent agreement minus.” These are not the only possible variations. They were selected because they represent the ends and the middle of the spectrum of possibilities.

### *Jenin Plus*

The main idea behind the Jenin plus agreement is to build on the success of deploying the Palestinian security forces that were trained by General Dayton in Jenin, and to establish a relatively large area under full Palestinian control in the north of the West Bank. Within this area there will be free movement for Palestinians and there will be arrangements that will facilitate the entry and exit of goods and people between the area and the rest of the West Bank, and also from Israel, in order to revitalize the area’s economy.

The agreement will apply to the entire north of the West Bank up to the outskirts of Nablus, and will also include Tul Karm and its surroundings. It mainly comprises A and B areas, although it is also important to include some Area C territory, to a limited extent. These will be territories that Israel clearly has no intention of annexing as part of the permanent agreement. It is important that these C areas are included to allow better contiguity within the zone, and they will convey to the Palestinians a message that the partial agreements are not designed to freeze the situation of an interim agreement, rather to gradually expand the territories for which the Palestinians have control and responsibility. All these areas will become de facto, if not de jure, Area A. In other words, they will be areas under full Palestinian responsibility, in terms of both security and civilian matters.

This agreement also considers the limitations of the Palestinian Authority – how much it can take on itself – and gives it the control and responsibility it is capable of applying with the security forces it has at its disposal and the forces that are about to complete training. In addition, it is relatively easy to implement this agreement, as since the 2005 disengagement the area is almost completely free of settlements.

According to the security arrangements relating to this area, the Palestinians will have full security responsibility and freedom of action and deployment in all parts of the area. There will be an Israeli commitment not to operate in this area, except in exceptional circumstances. In this area two national security battalions will be deployed, in addition to civilian police forces. There will be a strong presence of the Dayton mission there, in order to help the Palestinian forces and also act as a monitoring and verification body. There will also be a mechanism for joint security liaison with Israel. Special arrangements will be necessary to allow movement of reinforcement forces to and from the area.

This area should act as a model of success that will allow subsequent expansion to other areas, and therefore it is important that its operation also fuel economic and welfare activity. In this framework, important measures will include the operation of an economic corridor with easier transit arrangements to Israel via the northern crossing (Jelama), adding work permits in Israel for local residents, and cooperation with the delegation of the Quartet's special representative, Blair, on promoting economic projects in the area. It will be possible and desirable to incorporate in the area's economic projects internationally supported projects for improving conditions in the refugee camps.

The main obstacle to be overcome in the talks with the Palestinians over such an agreement is the Palestinian concern that Israel is trying to implement a cantonization plan in the West Bank. In order to allay this fear, cooperation with Arab and international elements may be necessary, to provide guarantees to the Palestinians that this is an initial step and part of a process that will lead to the conclusion and implementation of a permanent agreement. The very willingness to allow the Palestinian Authority into parts of Area C, at least in economic terms, will make it easier to convince the Palestinians.

#### *The Northern and Southern West Bank*

The main idea behind an agreement that includes the northern and southern West Bank is identical to the principal idea of the previous partial agreement, but this agreement will apply to a larger area of the West Bank. These two regions were chosen because in the north, there are almost no settlements that interrupt Palestinian territorial contiguity,

in the south of the West Bank there are very few settlements, and it is possible to create Palestinian territorial contiguity in a relatively large area.

Given the difference in the area to which the agreement applies there will be a need for more security forces so that the Palestinian Authority will be able to govern the area effectively without a need for Israeli security activity. This means that the national security force will have to be doubled in the area of the agreement, from two battalions to four battalions, with additional civilian police forces.

In the economic field an additional economic corridor will be established that leads to the Tarkumiya crossing, similar to the northern corridor. In the other areas this agreement is identical to the previous one.

This agreement too can be implemented by Israel without special internal political difficulties, particularly in the wake of the success of the Jenin plus model and with a reasonable level of risk in terms of security. The principal factor that will determine the practicability of the agreement is the situation of the Palestinian security forces. According to the Palestinian Authority plans agreed on with the Dayton delegation, the Palestinian security forces are close to the size of the forces required.

#### *The Northern and Southern West Bank plus Settlement Evacuation*

This partial agreement also applies to the northern and southern West Bank but entails the evacuation of a small number of settlements, in order to improve Palestinian territorial contiguity and better freedom of movement. In the north of the West Bank, for example, it is possible to create far better contiguity by removing only two settlements, Maaleh Dotan and Hermesh.

This addition offers a significant qualitative change as it transmits a clearer political message to the Palestinian Authority, and also points inwards to the Israeli public. It demonstrates willingness to pay a political price in order to progress towards a two-state solution, and it enhances the message that there is no intention to maintain the status quo. For that reason this agreement is harder to implement from Israel's point of view.

From the other vantages this agreement is largely identical to the previous agreement. The economic elements can be augmented by approval to build and operate an airport in the area of Jericho.

### *Permanent Agreement Minus*

Permanent agreement minus allows establishment of a Palestinian state and, in fact, constitutes full implementation of the stage of creating a Palestinian state with temporary borders, based on the Roadmap. This is a far more advanced step that is not very different from the permanent agreement itself. The main differences between this partial agreement and the permanent agreement is that the agreement does not include a full solution to the problem of the refugees and a full solution on the subject of Jerusalem, and therefore does not incorporate agreement on an end to the conflict as well.

The territorial border of the agreement is close to that of the route of the separation fence, and all the settlements beyond the separation fence will be evacuated. This is an agreement that leaves several territorial bargaining chips for the last stage of negotiations of the permanent agreement, particularly because there is no swap in the partial agreement and the Palestinians do not receive alternative territory for the areas that remain under Israeli control. The territorial part of the agreement will also include an arrangement over safe passage between Gaza and the West Bank (whereby agreement will have to be reached later regarding “its cost” as part of the swap).

With regard to security this agreement will include the final agreement on the size and arming of the Palestinian security forces, whereby the basic idea is that the Palestinian state will not have a military but only a gendarmerie force, a civilian police force, and intelligence organs, and they will be armed accordingly. The agreement will also include a strong international presence that will assist the Palestinians with security tasks, will monitor implementation of the agreement, and will participate in supervision of the borders, at least in the first years following the signing of the agreement. There will also be cooperation and coordination mechanisms with Israel.

The agreement will include Palestinian control of the international crossings, including seaports and airports with an international presence for monitoring and verification, and effective remote Israeli monitoring. There will be a limited Israeli military presence at warning stations and as part of the international force deployed in the Jordan valley. Final arrangements in the area of aviation and the electromagnetic spectrum will be agreed on.

The Palestinians will have full civilian authorities. In the economic arena, the two states will agree on the format of economic relations between them – continued customs unification based on an enhanced format or a free trade area. More efficient arrangements will be set for the passage of goods and people to and from Israel. Palestinians will have full authority to sign economic agreements with other countries. Final arrangements will be agreed in the area of water and the environment, in addition to coordination and cooperation in other civilian areas.

In Jerusalem, the agreement will incorporate altering the route of the wall, so that districts of East Jerusalem, to which there is no Israeli claim, will move to the Palestinian side. Palestinian state representation will be allowed in the area of East Jerusalem that will remain on the Israeli side of the wall, and there will be more Palestinian control in various areas of life in the Palestinian neighborhoods, including full control of education and health.

On the subject of the refugees, agreement will be reached by the two sides with international bodies with regard to the amount of compensations, the criteria for allocating them, and the mechanism involved. A discussion will take place designed to develop a shared narrative. Refugees will be allowed to return to the Palestinian state based on terms to be accepted between the two states. Implementation of a plan to rehabilitate all the refugees in the area of the Palestinian entity will be started, in fields such as residence and employment, with international assistance.

This stage also allows greater involvement of Arab states, in accordance with the Arab peace initiative. Involvement will on the one hand be reflected in the provision of benefits to Israel with regard to relations with Arab states, and on the other hand, involvement in implementation of the agreement, through the provision of economic aid to the Palestinian state. This will include rehabilitation of the refugees in the West Bank, participation in the international force, and rehabilitation of the Palestinian refugees who choose individually already at this stage to stay in Arab states and relinquish a right of return, including providing them with full citizenship in those countries that have yet to offer this.

In the current political circumstances on both sides, it is difficult to envisage implementation of this extensive partial agreement. Its full implementation will require successful implementation of partial

agreements based on the format of the agreements mentioned above. Success in these smaller agreements will boost trust on both sides and will help to make the leap to a big agreement. Such success also means that the Palestinians have made great strides in building state institutions, in particular security mechanisms, and have proved their effectiveness.

It is hard to assume that it will be possible to implement the agreement fully without restoring effective control by the Palestinian Authority of the Gaza Strip, which means that Hamas has been fundamentally weakened and lost its control of the Strip, or that a situation of national Palestinian reconciliation with a more moderate Hamas has taken place. However, one can consider a partial alternative that will be implemented in the West Bank only, should the Palestinian Authority not regain effective control of Gaza.

### Conclusion

The idea of a process of partial agreements has gained a bad reputation in the wake of the Oslo process, and it has many opponents. Its weaknesses are known and it is hard to present it as an ideal solution. However, it is possible that in the current reality, this is the only possible solution that will make it possible to prevent stagnation, and will allow progress on the Israeli-Palestinian track that will prevent an irreversible situation that damages the interests of both nations.

The lessons learned from the Oslo process make it possible to take a number of steps that will avoid the failures and pitfalls of that process:

- a. Ensuring that both sides honor their commitments, by establishing a reliable monitoring and verification mechanism.
- b. Involvement of international players: in assistance to both sides, and particularly for the Palestinian side in meeting their obligations, in providing rewards and guarantees to both sides, and in monitoring and verification.
- c. Simultaneous honoring of obligations by both sides.
- d. Transition to the next stage will be contingent on the success of the current stage, and will not be automatic.
- e. Underscoring to the Palestinians the importance of state building and institutions building, with intensive international help and sponsorship.

- f. Recruiting the Arab world, through the Arab peace initiative, for support of the agreements and involvement in their application.

The most difficult obstacle to overcome will be persuading the Palestinian partner to participate in this process and to waive its basic position that negates negotiations on partial agreements. The willingness of the international players will be necessary (including the Arab players) to provide the Palestinians with guarantees and help win them over. If the Palestinian leadership is convinced there is no better alternative and they have sufficient guarantees from the international community for the permanent agreement, it may agree – for the lack of other options – to take part in such a process.

Another tough obstacle, from Israel's point of view, is the absence of an end to the conflict as the only meaningful reward that the Palestinians can give to Israel for all its concessions. An end to the conflict means an end to reciprocal claims and, possibly, this may constitute the temporary solution: in presenting partial agreements, it will be possible to say to Israeli public opinion that although Israel wants to reach a permanent agreement centered on an end to the conflict, as long as the other side insists on certain claims Israel also retains that right.