
MEMORANDUM

TO: DR. SAEB EREKAT
FROM: NEGOTIATION SUPPORT UNIT
SUBJECT: DISENGAGEMENT PLAN PART OF THE ROADMAP
DATE: WEDNESDAY, SEPTEMBER 29, 2004

Background

While many parties including the Quartet stated that the disengagement plan would be a significant step if carried out in the context of the Roadmap, no single party demonstrated how exactly it can become part of the Roadmap. This has created disconnect between the political principles and the actual political action on the ground.

In his 25th August 2004 letter to the Quartet, the Palestinian prime minister requested the Quartet to provide a plan that demonstrates how exactly the disengagement plan would be part of the Roadmap, and not just "leads to the Roadmap". While it is for the Quartet to adopt and present such a plan to the parties, the PA can contribute to this process by presenting a proposed plan for including the disengagement plan in the Roadmap implementation phases.

The PA proposal for making the disengagement plan part of the Roadmap might also residue in the current internal Israeli discourse between Sharon's camp and the extreme-right camp and might be used by the camp left of Sharon to provide an alternative to Sharon's unilateralism. It is important to plant such ideas in the Israeli internal discourse specifically before any possible forthcoming elections. It is also important to introduce this proposal prior to the US elections, so that the proposal becomes a factor in the formulation of the policy of the coming administration.

This memo, and accompanying power point presentation, offers a proposed plan for making the disengagement plan part of the Roadmap. The first section of this memo reminds the reader of the objectives of making the disengagement plan part of the Roadmap and the dangers of leaving the disengagement plan without a political framework and process. The second part of this memo presents the main components of the proposed plan and the third section details the exact elements of the proposed plan.

I. Objectives and Risks

The Palestinian **objectives** for making the disengagement plan part of the Roadmap include:

- Ensuring that the Roadmap's vision is upheld and remains the reference.
- Setting a timeframe for the commencement of permanent status negotiations based on clear terms of reference included in the Roadmap.
- Ensuring that Israel carries out a complete settlement freeze including "natural growth" as in the Roadmap.
- Ensuring that Israel will return to 28th September 2000 status quo ante and enter into bilateral ceasefire as in the Roadmap.
- Safeguarding the two-state solution and enabling a viable Palestinian state.
- Encourage (not postpone and not endanger) settlement evacuation, Israeli withdrawals and end of occupation.

The **risks** for not having the disengagement plan part of a larger political framework/process include:

- Israel's continued undermining of the two-state solution and the viability of a Palestinian state by building settlements, settlements' infrastructure, and the Wall on Palestinian land as stated in its June 6th 2004 government decision on disengagement.
- Israel's continued attack on Palestinian lives and livelihoods and naturally the continuation of the cycle of violence while suspending negotiations on ceasefire until the PA implements all its Roadmap security commitments.
- Palestinian Authority's inability to achieve a cessation of violence without reciprocal steps from Israel and therefore the continuation of lawlessness.
- Palestinian factions challenge to the PA's central control absent a political vision and process in Gaza and elsewhere.
- Increased Hamas and Jihad popularity when all the above would be coupled with evacuation from Gaza.

II. Necessary Elements

Any plan to incorporate the disengagement plan in the Roadmap's implementation should include three primary components for it to be a serious and promising one. The elements are: a day-after evacuation scenario, a combined sequence of steps, and Quartet drive and monitoring.

1. Day-After Evacuation Scenario

The biggest threat to Palestinian interests is "Gaza First, Gaza Last" or a "Palestinian State in Gaza and within the Wall". The uncertainty about where this Gaza evacuation will lead to gives rise to such concerns. That is why a clearly articulated "day-after" scenario to commence upon the evacuation of Gaza is essential.

Such day after scenario should be:

- A catalyst for negotiations between the PA & GOI on substantive issues;
- A step towards a two state solution and the establishment of a Palestinian State.
- Based on the Roadmap vision.
- Triggered by a clearly identifiable event i.e. Gaza evacuation.
- Clearly adopted by the Quartet at the outset of the process.

Specific guarantees will have to be worked out with the parties to ensure they adhere to the day-after scenario.

2. Declared Sequence

Even if a Day-After evacuation scenario is articulated, in order to ensure that Israel implements Roadmap obligations and in order to avoid the risks entailed with the absence of a process, a sequence of Israeli, Palestinian and international community support action would be agreed and declared from the very beginning.

Although many steps support each other, the steps should not be conditional on one another. Thus, for example, the commencement of settlement freeze should not be delayed until complete security reform is achieved by the PA. Conditionality has been used in the past as a method to delay implementation of Israeli obligation in all peace agreements and in the Roadmap. This is also possible given the third component of the plan which is the Quartet Drive.

3. Quartet Drive

The Quartet would begin by agreeing the Day-After evacuation scenario with the parties and declaring it. Once that is achieved, the Quartet would present a sequence of steps for implementation of both the disengagement plan commitments and the Roadmap obligations in a way that enables each plan to support and build on the achievements of the other to create atmosphere for negotiations of permanent status issues. .

The Quartet would also establish a monitoring regime to force the parties to fulfill their commitments without the ability to delay fulfillment using excuses of conditionality. Only substantial breaches of Roadmap obligations, declared as such by the Quartet based on the conclusions of the monitoring mission, can be used by the Quartet to declare a delay in the implementation process. The PA and Israel would subject themselves to this monitoring regime.

The Quartet should coordinate between the parties and push them to direct coordination regarding the Roadmap obligations and Gaza handover specifics.

Most importantly, the Quartet should condition political and public endorsement and economic support for disengagement plan and economic rehabilitation on the parties' fulfillment of the Road Map obligations and acceptance of Israel of the day after scenario.

III. Proposed Sequence and Day-After Scenario

During and after the Gaza evacuation the PA proposes the following combined sequence of Road Map and Gaza Evacuation activities.

November 2004: starting point

The starting point is Sharon's government success in passing the law regarding compensation of Gaza settlers. This is a crucial milestone since it requires Sharon's government to have backing of majority of the Israeli Knesset. Failure to pass the compensation law will probably mean new Israeli parliamentary elections and a totally new plan by the winning coalition (even then the winning coalition will probably adopt some sort of Gaza evacuation plan). Success, on the other hand, means Sharon's government is stable for the near future and can count on coalition partners that lean left of Sharon such as labor and that are more accommodating to actions such as building the Wall on the Green Line, settlement freeze and dismantling outposts.

First group of steps: (see table attached)

Following the passing of the law, the Quartet will declare the day-after evacuation scenario and the sequence of steps.

Soon after, the Palestinian leadership will commence a concentrated visible effort on reform of the security forces including the appointment of an empowered interior minister. The effort on civil reform will continue and intensify and will be accompanied with a public awareness campaign. These steps are within the Palestinian interest and the PA has nothing to lose or give away in order to implement them.

On the Israeli side, the government will commence the effort to dismantle unauthorized settlement outposts which is a joint element of both the Road Map and the Israeli unilateral withdrawal plan. This effort on the Israeli side is probably the easiest of the Road Map and Israeli withdrawal plan elements given the antipathy the Israeli public has towards the "youth of the hills" and their image as the most extreme settlers outside of the consensus. Since this step is also part of the Israeli plan taken unilaterally and is included in Dov Wiesglass letter to National Security Advisor Rice its commencement will be presented by Sharon's government as delivering on Israeli promises to its friend and ally, the US.

However, dismantling outposts must be accompanied with full and complete settlement freeze to demonstrate serious commitment to the Road Map. The settlement freeze must cover any building to accommodate alleged "natural growth" in accordance with the Roadmap, any road construction for settlements and any activities regarding the Wall. Israel must stop building the Wall or at least any parts of the Wall that are not on the Green Line or not within its territory. The Wall system must be frozen thus for example the need for permits to access Palestinian lands beyond the Wall must be frozen.

It might be easier to demand Israeli passive activities such as freeze of settlements and freeze of wall construction and system. More active and visible steps such as rerouting of the Wall or destruction of parts of the Wall that have been built inside the OPT might be better delayed to stages where other steps by the PA such as ceasefire will yield results. Such active steps by the government of Israel have to be divided into pieces and thus no one expects dismantling of wall section to take place simultaneously with dismantling of outposts.

Second group of steps:

Once progress on the above mentioned commitments has been accomplished the parties should declare and implement a complete and mutual ceasefire. In such ceasefire Israel refrains from the Road Map termed "activities undermining trust such as deportations, attack on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet Work Plan". The Palestinian side in return should stop any acts of violence as specified in the Road Map and act on its other security related obligations as specified in the Roadmap.

A period of relative calm is necessary to allow Gaza Evacuation and other active steps by the Israeli government and in order to allow the PA to take charge on reform and elections effort.

Once major progress on these commitments has been accomplished the Israeli government should reopen the Jerusalem institutions according to its Road Map commitment. This will serve to highlight the issue Jerusalem and should include reopening the Jerusalem voting registration and polling centers.

Third group of steps:

Once relative calm has been achieved, the time becomes ripe for Israeli army to withdrawal to Sept. 28 2000 lines and restoration of pre-Sept. 2000 status quo ante. PA security forces, reformed and well trained by then, redeploy to those areas evacuated by Israel. Israel begins rerouting of Wall in those areas were it is not on the green line and is outside Israeli territory.

The Palestinians hold general, national-level elections for President and PLC before the Gaza Evacuation is complete and thus empowers the PLC and appointed government to make all the decisions necessary for proper handover of Gaza and West Bank settlements. This will also allow candidates to campaign on Gaza Evacuation and the political steps that will follow the Gaza evacuation.

The unprecedented dynamic created by the unilateral withdrawal of the Israeli occupation army from the Gaza Strip – with its emphasis on marginalizing the PA and national-level political institutions – may create or even just suggest the possibility of a political vacuum leading to a power struggle at the expense of the current leadership.

This process has already started and cannot be prevented but can be channeled into a democratic election process with clear rules including the need for law and order. This orderly process is much better than the alternative unstructured power struggle, (influenced also by external opportunistic players) that may lead to inter-Palestinian violence or the creation of a state within a state at the expense of the PA. The emphasis on law and order during elections and the legitimacy this emphasis will have as a Palestinian internal demand will allow the emergence of centralized security structure to curb violent factions as part of the nation-building process and not as an externally imposed condition.

Logistically elections can be held before evacuation but it would be necessary to gain external political support as well as monitoring from the EU or the UN to facilitate the freedom of movement necessary to start the voter registration process in the Gaza Strip and West bank including East Jerusalem.

Immediately after elections are complete and an elected empowered Palestinian leadership and PLC are in place the preparation for the Permanent Status Negotiations will commence (these could include actions by the Quartet in

preparation for PSN) and possibly and as envisioned in the Road Map the parties under the auspices of the Quartet will revive multilateral engagement on issues including regional water resources, environment, economic development, refugees, and arms control issues.

Fourth group of steps: Gaza evacuation:

Israel declared it will start Gaza Evacuation on March 2005 and will complete it by December of the same year. Upon completion of the evacuation, the Palestinian Authority will takeover the settlement assets and be handed over all evacuated areas and the PA security forces will be responsible for law and order following the evacuation.

Day after scenario:

Immediately after the Gaza Evacuation is complete the parties will go to the Roadmap Phase III and begin Permanent Status negotiations.

The process will commence with international conference ("Second" International Conference) leading to a permanent status agreement as stated in the Roadmap, meaning:

- To achieve President Bush Vision;
- To end the occupation that began in 1967;
- Based on the foundations of the Madrid Conference, land for peace, UNSCR 242, 338 and 1397, agreements, Saudi initiative etc;
- To achieve an agreed, just, fair and realistic solution to the refugees issue;
- To reach a negotiated resolution on status of Jerusalem;
- To achieve a sovereign, independent, democratic and viable Palestine.

The international conference with PLO and PA participation enforces their role as partners to the peace process and as the legitimate representative of all the Palestinians including those in Gaza even after the evacuation of Gaza is complete and thus rejects attempts to create alternative leadership in Gaza.

The suggested scenario will accelerate permanent status negotiations and will bring back issues of Jerusalem, refugees to the negotiations table and the public and diplomatic attention.

The suggested international conference is attractive since it is visible and easy to accomplish. It is linked to a specific event and specific point of time - end of Gaza Evacuation.

Turning the international conference to a mere photo opportunity is a risk all parties must try to avoid but the biggest risk to such a day after scenario is a problematic and chaotic Gaza handover since it will destroy any achievements of the cease fire, elections and improvements on the daily life of Palestinians.

That said, however, delay or lack of implementation of Phase I & II commitments should not be used to as pretext to delay Phase III indefinitely. Thus the day after scenario will commence no matter how the parties have faired on implementing phase I & II commitments as long as the Israeli side has completed Gaza Evacuation plan and the last soldier and settler has left the Gaza strip and the four West bank settlements. Only substantial breaches of Roadmap obligations, declared as such by the Quartet based on the conclusions of the monitoring mission, and that directly prevent commencement of final status negotiations can be used by the Quartet to declare a delay in the commencement of phase III of the Roadmap.

Some might argue that the Roadmap (Phase II) provides for "the option of creating an independent Palestinian state with provisional borders and attributes of sovereignty, based on the new constitution as a way station to a permanent status settlement"

The creation of a state with provisional borders could coincide with a third redeployment with evacuation of some settlements in WB and all of Gaza Strip "implementation of prior agreements to enhance maximum territorial contiguity including further action on settlements"

However, this option is not viable anymore and should be rejected since it was inserted in the Roadmap despite strong opposition voiced by several Palestinian leaders only as an option and mainly because it was inserted before the full impact of the Wall was known. A state with provisional borders will be used to delay permanent status negotiations to unknown time in future and might solidify Wall as border and thus transform conflict into a border dispute while neglecting issues of refugees and Jerusalem and allowing for creating of irreversible facts on the ground in Jerusalem and the whole West Bank.