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The Road Map

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SPECIAL DOCUMENTS

THE ROAD MAP

In the summer of 2002, as the preparations for the war against Iraq were gearing up, the Bush administration, in cooperation with its partners in the Quartet (the European Union, Russia, and the United Nations), turned its attention to reviving the Palestinian-Israeli peace process. Washington's involvement of the Europeans and the UN (for the first time) in formulating and overseeing a peace initiative was widely seen as a bid for international support in the run-up to war in Iraq, and as assuring a more "evenhanded approach." The EU was initially given the lead in drafting a "realistic road map" toward peace and Palestinian statehood based on U.S. President George W. Bush's 24 June 2002 policy speech on the Middle East (see Doc. C1 in JPS 125).

Though the EU presented a draft (never released) in September 2002, it was the U.S. alternative draft, formally named "Elements of a Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict," shown to Israeli PM Ariel Sharon on 16 October and first presented to the Quartet members and the Palestinians on 17 October, that served as the basis for further fine-tuning.

Originally slated for finalization at the Quartet meeting scheduled for 20 December 2002, the road map was delayed by the United States as a result of "heated Israeli objections" (see Doc. C3 in JPS 127 for the State Department's summary of progress on the road map). Further delays were requested by the United States until after the Israeli elections for prime minister, the formation of the new Israeli government, the end of the war against Iraq, the nomination of a Palestinian prime minister, and the installation of a new PA government. The road map was finally presented to the Israeli government and Palestinian Authority on 30 April 2003.

The road map refers to several earlier documents: the Mitchell Report (Doc. A2 in JPS 120), the Tenet work plan (Doc. D2 in JPS 121), the Saudi-Arab League initiative (Doc. B1 in JPS 124), and the Bertini report, which resulted from an August 2002 mission to the occupied territories led by Catherine Bertini, personal humanitarian envoy to UN Secretary-General Kofi Annan, and was ultimately expanded and adopted as the United Nations "Humanitarian Plan of Action 2003" (Doc. A1 in JPS 126).

A. INTERNATIONAL CRISIS GROUP, "A MIDDLE EAST ROAD MAP TO WHERE?" AMMAN/BRUSSELS/WASHINGTON, 2 MAY 2003 (EXCERPTS).

The International Crisis Group (ICG) is an independent, nonprofit, multinational organization based in Brussels, with branches throughout the world. Established

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in 1996, the organization aims at “strengthening the capacity of the international community to anticipate, understand, and act to prevent and contain conflict.” The following sections, taken from the introduction to its forty-one-page report on the road map, discuss the background to the road map and give a broad picture of official Israeli and Palestinian reservations concerning the plan. (Notes have been omitted due to space constraints.) The full report is available on the ICG Web site at www.crisisweb.org.

A. Origins

What is known as the road map (“A Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict”) was jointly prepared by the United States, the European Union, the Office of the Secretary General of the United Nations, and the Russian Federation during the second half of 2002. It reflects the latest, most comprehensive, and most multilateral effort to date to put an end to the violent Israeli-Palestinian confrontation that began in September 2000 and resume the political process interrupted in early 2001. Its antecedents are varied: the Mitchell Report, the Tenet work plan, and, perhaps most important of all, President Bush’s 24 June 2002 speech. In that speech, the president first laid out the prerequisites (an end to violence and a change of Palestinian leadership) and the aims (a final status agreement in which Israel and a Palestinian state would live in peace) for renewed Arab-Israeli diplomacy. The road map is a composite document, a product of intense negotiations between the United States and the three other members of the Quartet (and, indeed, between various schools of thought within the U.S. administration). Accordingly, it reflects a complex and at times uncomfortable compromise. In essentially conditioning political progress upon Palestinian political reform and an end to the violence, Quartet members effectively bowed to Washington’s demand. On other aspects of the road map (regarding reciprocal Israeli obligations, the need for monitoring, providing a role for the Quartet and defining the end-state), the United States appears to have moved somewhat in the direction of its Quartet partners.

After having repeatedly postponed its official release—in light first of the Israeli elections, then of the formation of the cabinet and the war on Iraq—the United States finally agreed to do so once a new Palestinian cabinet led by Abu Mazin was confirmed by the Palestinian Legislative Council (PLC). Washington also has made clear, resisting pressure from Israel and from members of the U.S. Congress, that the road map as it now stands is final and “nonnegotiable”: while both Israelis and Palestinians may present their comments and reservations, it will no longer be altered. What this means in practice is another matter. As U.S. officials have made clear, it will be up to the Israelis and Palestinians to discuss the road map and its implementation, leaving open the possibility of protracted negotiations over the timing, sequence and definition of its numerous steps.

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C. Views on the Road Map

To best appreciate the road map, it is useful to understand what it is and what it is not. The road map is not a detailed, self-executing peace plan. It lacks specificity in terms of sequencing (who does what when), definitions (what is a settlement freeze,

which attributes of sovereignty, and so forth), mechanisms (how will compliance be assessed), and sanctions for noncompliance. Indeed, as some critics have noted, it is less detailed in some respects than some of the plans that preceded it, such as the Tenet work plan. However difficult the tasks of putting the road map together and agreeing on its launch date may have been, they pale in comparison to the forthcoming endeavor of reaching agreement on its implementation.

The road map is more accurately described as a set of vital, well-crafted and balanced exhortations to the parties: end the violence; halt settlement activity; reform Palestinian institutions; accept Israel's right to exist; establish a viable, sovereign Palestinian state; and reach a final settlement on all issues by 2005. The principles themselves are unassailable and, were they to be fully and publicly endorsed by the parties and key regional actors, it would constitute a real advance. The central question is whether the political will exists to begin implementing these principles or whether the road map will go the way of its myriad predecessors: endorsed in theory, rejected in practice—"Mitchellized," as a European diplomat said with reference to the earlier initiative that carried the name of the former U.S. senator.

The hybrid nature of the road map is reflected in the parties' respective reactions to it. Prime Minister Sharon consistently has pointed to President Bush's 24 June 2002 speech as the fundamental reference point, and his supporters have objected to aspects of the road map that in any way deviate from their understanding of that speech. On the Palestinian side, however, virtually anything put forward by the Quartet is considered an improvement over that same speech. The paradoxical result is this: although based on a vision to which the Palestinians strongly objected, they have chosen not to question the details of the road map, submitting some reservations but essentially accepting it as is; conversely, while members of the Israeli government hailed President Bush's words, they have voiced serious concerns about the plan that grew out of them, submitting numerous reservations and variously suggesting it was not a serious exercise, inconsistent with Mr. Bush's vision, or incompatible with Israel's vital interests. At the same time, neither side appears persuaded that the road map will ever be implemented or that it is anything more than a diplomatic feel-good exercise intended to demonstrate concern without practicing it.

In criticizing the road map and drawing distinctions between it and the Bush speech, Israeli officials have raised a number of issues, among them the following:

- *Security and Sequencing:* Israel insists that the precondition for any political progress is decisive Palestinian steps against violence and incitement and leadership change, and complains about the road map's lack of clarity in this regard. It believes these objectives should be achieved before undertaking any steps of its own, including scaling back its presence in Palestinian areas and instituting a settlement freeze. Because there is no confidence in the Palestinians' willingness to crack down on militant organizations and fear that any Israeli relaxation will only give such organizations greater opportunity to regroup and strike with greater vigor, Jerusalem insists on iron-clad evidence of a deep, structural change in Palestinian behavior before it modifies its own approach. More generally Israel, worried about being forced to take steps inconsistent with its

security requirements, insists that transition from one phase to another should not be a function of an artificial timetable imposed from the outside but rather a function of performance: "The determining factor is not the timetable but the execution." As noted previously, the road map appears of two minds on this issue, mentioning dates, but characterizing them more as targets than deadlines.

- *Palestinian Right of Return*: Israel complains that the road map does not require the Palestinians to recognize Israel's right to exist as a *Jewish* state. Agreement on the establishment of a Palestinian state, even with provisional borders, should, according to the Israeli government, be conditioned on an unequivocal Palestinian abandonment of the refugees' "right of return" and their recognition of "the Jewish people's right to a homeland and the existence of an independent Jewish state in the homeland of the Jewish people. . . . The issue must be clear from the outset."
- *Limitations on the Sovereign Attributes of the Palestinian State with Provisional Borders*: These, according to Israel, must be made far clearer in the road map, for example: demilitarization; Israeli control over exit and entry points and over the airspace; and a ban on Palestinian alliances with "enemies" of Israel.
- *Reduced Role for the Quartet*: Israel wants the United States, and not the Quartet, to judge whether the parties have complied with their obligations and even then for this to be in agreement with the Israeli government. Israeli officials expressed some satisfaction with the clause calling for a "consensus" view, taking it to mean that the United States will be able to veto any decision regarding road map implementation. Still, they would prefer clear assurances in this regard.

Far-right members of the Israeli governing coalition have gone further. For Uzi Landau, the Likud minister-without-portfolio responsible for the secret service and strategic relations with the United States, the road map is a "map to national disaster," rewarding Palestinian violence with a state, failing to mention its necessary limitations (e.g., demilitarization), suggesting a return to the unacceptable borders of 1967 and a division of Jerusalem, and, to top it all, leading to the internationalization of the conflict, something Israel had spent years seeking to avert.

The road map is a huge prize for terror. In its wake, the Palestinians will not only achieve their strategic goals, but will reach a clear conclusion: terror pays. . . . If Israel wants to live, it must make as clear as possible and as early as possible that without basic preconditions, the map is totally unacceptable.

The Palestinian attitude toward the road map is less a function of its substance (of which they are critical) and likelihood of implementation (of which they are dubious) than of its purpose: to restart a political process and help rehabilitate the Palestinian Authority in international, and especially U.S., eyes at a time when "the PA feels it cannot afford a confrontation with the Quartet or make it easy for Sharon to get out of

a potential trap.” Consistently characterized as “the only game in town,” the road map is viewed as an offer that, however paltry, the Palestinians in their current circumstances simply cannot afford to refuse. Hence, and unlike the Israeli government, the PA has from an early stage refrained from arguing over its details and repeatedly called for its publication—and implementation—without further amendment.

In private, Palestinians are more critical. In particular, . . . while some point out that it is in fact an “improvement over Oslo, which consisted only of an agreement to negotiate, because the road map explicitly identifies the end of occupation and an independent Palestinian state as an objective,” most seem to view its emphasis on a gradual, sequential approach as reminiscent of the failed Oslo agreements, leading them to conclude that it is unlikely to ever get beyond the initial stages of implementation. They contend that the endgame vision outlined in the plan is insufficiently concrete, thereby depriving the PA of the political argument it feels it needs to either persuade violent groups to cease their attacks or to marginalize them in the public’s eye. A related concern is that “the transitional will become permanent. We are convinced that Israel will behave as it did during Oslo, and as Shamir did at Madrid, which is basically to play for time and avoid real change.” Anxiety about the prospect of an indefinite interim phase has been expressed with particular regard to the concept of a transitional state without final borders.

Chastened by the experience of the Oslo process and fearful that Israel is content with the status quo, in spite of the violence, and will drag its feet, Palestinians further express their desire for measures to compel compliance. Otherwise, they argue, delay only serves the interests of Israel’s current government: short of the threat of international punitive action, what incentive will it have to comply and meet its deadlines if missing them merely means postponing the establishment of a Palestinian state and reaching a final deal?

The structural weaknesses of the road map, highlighted by these various concerns, give room for pause about its practical ability to change the situation on the ground. A principal fear is that, as was the case with Oslo, neither side will take the most important, difficult steps as part of a gradual process so long as the outcome remains in doubt: Palestinians will not seriously crack down on militant groups, Israel will not halt settlement activity, and so forth. Moreover, the degree to which much of the detail is left to the parties to negotiate directly has led a former U.S. diplomat to conclude: “The road map as it currently stands is simply unimplementable. We have the principles. Now it is time to get down to work.”

B. U.S. PRESIDENT GEORGE W. BUSH, STATEMENT ON THE MIDDLE EAST UPON RELEASE OF THE ROAD MAP, WASHINGTON, 30 APRIL 2003.

The president’s low-key statement announcing the release of the road map is noteworthy for making clear that the provenance of the plan is the United States, not the Quartet. It was carried on the White House Web site at www.whitehouse.gov.

On 14 March, I noted the important steps taken by the Palestinian Legislative Council (PLC) toward the creation of an empowered, accountable office of prime minister.

The PLC has now confirmed a new Palestinian prime minister and cabinet. Today, the road map for peace developed by the United States over the last several months in close cooperation with Russia, the European Union, and the United Nations has been presented to Israel and the Palestinians.

The road map represents a starting point toward achieving the vision of two states, a secure State of Israel and a viable, peaceful, democratic Palestine, that I set out on 24 June 2002. It is a framework for progress toward lasting peace and security in the Middle East. Implementing the road map will depend upon the good faith efforts and contributions of both sides. The pace of progress will depend strictly on the performance of the parties.

I urge Israelis and Palestinians to work with us and with other members of the international community, and above all directly with each other to immediately end the violence and return to a path of peace based on the principles and objectives outlined in my statement of 24 June 2002. Both Israelis and Palestinians have suffered from the terror and violence, and from the loss of hope in a better future of peace and security. An opportunity now exists to move forward. The United States will do all it can to seize this opportunity. To that end, I have asked Secretary [of State Colin] Powell to travel to the region to begin working with the parties so that we can take advantage of this moment.

C. U.S. DEPARTMENT OF STATE, "A PERFORMANCE-BASED ROAD MAP TO A PERMANENT TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT," WASHINGTON, 30 APRIL 2003.

The official text was released to Israel and the Palestinian Authority on 29 April, prior to being made public the following day. A U.S. codicil outlining the formation of an on-the-ground committee to monitor and oversee compliance with and implementation of the plan (entitled "Verification Mechanism for the Quartet Road Map") was reportedly given to both sides as well, but was not made public. Above and beyond the vagueness, absence of definitions, and other problems outlined in the ICG report (Doc. A above), critics of the plan cite among its numerous shortcomings the absence of a "destination" beyond Palestinian statehood (a concept long accepted by Sharon) and an undefined "comprehensive settlement," the absence of a territorial dimension of the state "option" (no indication of size, no mention of borders beyond "provisional"), the disparity between the requirements each side must fulfill, and the failure to address in any way the final status issues, including settlements (beyond reference to a "settlement freeze" and dismantlement of settlement outposts established since March 2001). Also of note: The target dates set out in the plan are those agreed to during the December 2002 Quartet meeting. The United States, pressed for months to release the road map without changes (i.e., without incorporating any of Israel's 100 requested changes; see Quarterly Update), kept the dates as they were. The road map is available online at www.usinfo.state.gov.

The following is a performance-based and goal-driven road map, with clear phases, timelines, target dates, and benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and

institution-building fields, under the auspices of the Quartet (the United States, European Union, United Nations, and Russia). The destination is a final and comprehensive settlement of the Israel-Palestinian conflict by 2005, as presented in President Bush's speech of 24 June [2002], and welcomed by the EU, Russia, and the UN in the 16 July [2002] and 17 September [2002] Quartet ministerial statements.

A two-state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism, when the Palestinian people have a leadership acting decisively against terror and willing and able to build a practicing democracy based on tolerance and liberty, and through Israel's readiness to do what is necessary for a democratic Palestinian state to be established, and a clear, unambiguous acceptance by both parties of the goal of a negotiated settlement as described below. The Quartet will assist and facilitate implementation of the plan, starting in phase 1, including direct discussions between the parties as required. The plan establishes a realistic timeline for implementation. However, as a performance-based plan, progress will require and depend upon the good faith efforts of the parties, and their compliance with each of the obligations outlined below. Should the parties perform their obligations rapidly, progress within and through the phases may come sooner than indicated in the plan. Noncompliance with obligations will impede progress.

A settlement, negotiated between the parties, will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbors. The settlement will resolve the Israel-Palestinian conflict and end the occupation that began in 1967, based on the foundations of the Madrid Conference, the principle of land for peace, UNSCRs 242, 338, and 1397, agreements previously reached by the parties, and the initiative of Saudi Crown Prince Abdullah—endorsed by the Beirut Arab League Summit—calling for acceptance of Israel as a neighbor living in peace and security, in the context of a comprehensive settlement. This initiative is a vital element of international efforts to promote a comprehensive peace on all tracks, including the Syrian-Israeli and Lebanese-Israeli tracks.

The Quartet will meet regularly at senior levels to evaluate the parties' performance on implementation of the plan. In each phase, the parties are expected to perform their obligations in parallel, unless otherwise indicated.

Phase 1: Ending Terror and Violence, Normalizing Palestinian Life, and Building Palestinian Institutions—Present to May 2003

In phase 1, the Palestinians immediately undertake an unconditional cessation of violence according to the steps outlined below; such action should be accompanied by supportive measures undertaken by Israel. Palestinians and Israelis resume security cooperation based on the Tenet work plan to end violence, terrorism, and incitement through restructured and effective Palestinian security services. Palestinians undertake comprehensive political reform in preparation for statehood, including drafting a Palestinian constitution, and free, fair and open elections upon the basis of those measures. Israel takes all necessary steps to help normalize Palestinian life. Israel withdraws from Palestinian areas occupied from 28 September 2000 and the two sides restore the status quo that existed at that time, as security performance and cooperation progress. Israel also freezes all settlement activity, consistent with the Mitchell Report.

At the outset of phase 1:

1. Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security and calling for an immediate and unconditional cease-fire to end armed activity and all acts of violence against Israelis anywhere. All official Palestinian institutions end incitement against Israel.
2. Israeli leadership issues unequivocal statement affirming its commitment to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel, as expressed by President Bush, and calling for an immediate end to violence against Palestinians everywhere. All official Israeli institutions end incitement against Palestinians.

Security

3. Palestinians declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere.
4. Rebuilt and refocused Palestinian Authority security apparatus begins sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure. This includes commencing confiscation of illegal weapons and consolidation of security authority, free of association with terror and corruption.
5. GOI [the Government of Israel] takes no actions undermining trust, including deportations, attacks 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.
6. Relying on existing mechanisms and on-the-ground resources, Quartet representatives begin informal monitoring and consult with the parties on establishment of a formal monitoring mechanism and its implementation.
7. Implementation, as previously agreed, of U.S. rebuilding, training, and resumed security cooperation plan in collaboration with outside oversight board (U.S.-Egypt-Jordan). Quartet support for efforts to achieve a lasting, comprehensive cease-fire.
8. All Palestinian security organizations are consolidated into three services reporting to an empowered interior minister.
9. Restructured/retrained Palestinian security forces and IDF counterparts progressively resume security cooperation and other undertakings in implementation of the Tenet work plan, including regular senior-level meetings, with the participation of U.S. security officials.

10. Arab states cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terror.
11. All donors providing budgetary support for the Palestinians channel these funds through the Palestinian Ministry of Finance's Single Treasury Account.
12. As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since 28 September 2000 and the two sides restore the status quo that existed prior to 28 September 2000. Palestinian security forces redeploy to areas vacated by IDF.

Palestinian Institution Building

13. Immediate action on credible process to produce draft constitution for Palestinian statehood. As rapidly as possible, constitutional committee circulates draft Palestinian constitution, based on strong parliamentary democracy and cabinet with empowered prime minister, for public comment/debate. Constitutional committee proposes draft document for submission after elections for approval by appropriate Palestinian institutions.
14. Appointment of interim prime minister or cabinet with empowered executive authority/decision-making body.
15. GOI fully facilitates travel of Palestinian officials for PLC [Palestinian Legislative Council] and cabinet sessions, internationally supervised security retraining, electoral and other reform activity, and other supportive measures related to the reform efforts.
16. Continued appointment of Palestinian ministers empowered to undertake fundamental reform. Completion of further steps to achieve genuine separation of powers, including any necessary Palestinian legal reforms for this purpose.
17. Establishment of independent Palestinian election commission. PLC reviews and revises election law.
18. Palestinian performance on judicial, administrative, and economic benchmarks, as established by the International Task Force on Palestinian Reform.
19. As early as possible, and based upon the above measures and in the context of open debate and transparent candidate selection/electoral campaign based on a free, multiparty process, Palestinians hold free, open, and fair elections.
20. GOI facilitates Task Force election assistance, registration of voters, movement of candidates and voting officials. Support for NGOs involved in the election process.
21. GOI reopens Palestinian Chamber of Commerce and other closed Palestinian institutions in East Jerusalem based on a commitment that these institutions operate strictly in accordance with prior agreements between the parties.

Humanitarian Response

22. Israel takes measures to improve the humanitarian situation. Israel and Palestinians implement in full all recommendations of the Bertini report to improve humanitarian conditions, lifting curfews and easing restrictions on movement of persons and goods, and allowing full, safe, and unfettered access of international and humanitarian personnel.
23. AHLC reviews the humanitarian situation and prospects for economic development in the West Bank and Gaza and launches a major donor assistance effort, including to the reform effort.
24. GOI and PA continue revenue clearance process and transfer of funds, including arrears, in accordance with agreed, transparent monitoring mechanism.

Civil Society

25. Continued donor support, including increased funding through PVOs/NGOs, for people to people programs, private sector development and civil society initiatives.

Settlements

26. GOI immediately dismantles settlement outposts erected since March 2001.
27. Consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements).

Phase 2: Transition—June 2003–December 2003

In the second phase, efforts are focused on 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. As has been noted, this goal can be achieved when the Palestinian people have a leadership acting decisively against terror, willing and able to build a practicing democracy based on tolerance and liberty. With such a leadership, reformed civil institutions and security structures, the Palestinians will have the active support of the Quartet and the broader international community in establishing an independent, viable state.

Progress into phase 2 will be based upon the consensus judgment of the Quartet of whether conditions are appropriate to proceed, taking into account performance of both parties. Furthering and sustaining efforts to normalize Palestinian lives and build Palestinian institutions, phase 2 starts after Palestinian elections and ends with possible creation of an independent Palestinian state with provisional borders in 2003. Its primary goals are continued comprehensive security performance and effective security cooperation, continued normalization of Palestinian life and institution building, further building on and sustaining of the goals outlined in phase 1, ratification of a democratic Palestinian constitution, formal establishment of office of prime minister,

consolidation of political reform, and the creation of a Palestinian state with provisional borders.

28. INTERNATIONAL CONFERENCE: Convened by the Quartet, in consultation with the parties, immediately after the successful conclusion of Palestinian elections, to support Palestinian economic recovery and launch a process, leading to establishment of an independent Palestinian state with provisional borders.
29. Such a meeting would be inclusive, based on the goal of a comprehensive Middle East peace (including between Israel and Syria, and Israel and Lebanon), and based on the principles described in the preamble to this document.
30. Arab states restore pre-intifada links to Israel (trade offices, etc.).
31. Revival of multilateral engagement on issues including regional water resources, environment, economic development, refugees, and arms control issues.
32. New constitution for democratic, independent Palestinian state is finalized and approved by appropriate Palestinian institutions. Further elections, if required, should follow approval of the new constitution.
33. Empowered reform cabinet with office of prime minister formally established, consistent with draft constitution.
34. Continued comprehensive security performance, including effective security cooperation on the bases laid out in phase 1.
35. Creation of an independent Palestinian state with provisional borders through a process of Israeli-Palestinian engagement, launched by the international conference. As part of this process, implementation of prior agreements, to enhance maximum territorial contiguity, including further action on settlements in conjunction with establishment of a Palestinian state with provisional borders.
36. Enhanced international role in monitoring transition, with the active, sustained, and operational support of the Quartet.
37. Quartet members promote international recognition of Palestinian state, including possible UN membership.

Phase 3: Permanent Status Agreement and End of the Israeli-Palestinian Conflict—2004–2005

Progress into phase 3, based on consensus judgment of Quartet, and taking into account actions of both parties and Quartet monitoring. Phase 3 objectives are consolidation of reform and stabilization of Palestinian institutions; sustained, effective Palestinian security performance; and Israeli-Palestinian negotiations aimed at a permanent status agreement in 2005.

38. SECOND INTERNATIONAL CONFERENCE: Convened by Quartet, in consultation with the parties, at beginning of 2004 to endorse agreement reached on an independent Palestinian state with provisional borders and formally to launch a process with the active, sustained, and operational support of the Quartet, leading to a final, permanent status resolution in 2005, including on borders, Jerusalem, refugees, settlements; and, to support progress toward a comprehensive Middle East settlement between Israel and Lebanon and Israel and Syria, to be achieved as soon as possible.
39. Continued comprehensive, effective progress on the reform agenda laid out by the Task Force in preparation for final status agreement.
40. Continued sustained and effective security performance, and sustained, effective security cooperation on the bases laid out in phase 1.
41. International efforts to facilitate reform and stabilize Palestinian institutions and the Palestinian economy, in preparation for final status agreement.
42. Parties reach final and comprehensive permanent status agreement that ends the Israel-Palestinian conflict in 2005, through a settlement negotiated between the parties based on UNSCR 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 fulfills the vision of two states, Israel and sovereign, independent, democratic and viable Palestine, living side by side in peace and security.
43. Arab-state acceptance of full normal relations with Israel and security for all the states of the region in the context of a comprehensive Arab-Israeli peace.

D. U.S. SECRETARY OF STATE COLIN POWELL, COMMENTS ON THE ROAD MAP, CAIRO, 12 MAY 2003.

In an effort to move the road map forward, Secretary Powell toured the region from 10 to 15 May. During his visit to Egypt, he was questioned by reporters on Israel's refusal to accept the plan (the Palestinians had accepted it on 3 May). The first comments reproduced below are from an interview with Egyptian newspapers, the second from a press briefing with Egyptian foreign minister Ahmad Maher. Commenting during the same briefing on Secretary Powell's statement that "it makes no difference" whether or not the Israelis use the word "accept," the Egyptian foreign minister said, "I appreciate what he [the secretary] said, that it is important to move forward, but it seems to me a little strange that if you are willing to do things, you are not ready to say that you are willing to do that. I think the word 'accept' is not a very difficult word to pronounce." The texts of the interview and the briefing were taken from the State Department Web site at www.state.gov.

1.

Powell: We support the road map. It is something that we wrote with our Quartet partners. The Palestinians have fully accepted it. The Israelis have not accepted, nor rejected. They have issues with respect to it. They have questions. They have comments they wish to provide us. They are a free sovereign nation. If they wish to provide us comments, we will look at them. We haven't changed the road map. We still think the road map captures the president's vision. What is important, I think, is for Prime Minister Abbas to meet with Prime Minister Sharon so that they can start talking directly to one another. . . .

So, this is a time of promise. Both sides want to see the other side do more. Security remains a key issue that has to be dealt with. Whether one accepts or does not accept or remains silent at the moment on the road map, or whether one fully accepts the road map, the issue of right of return or the issue of Jerusalem and its final status, all these are interesting questions. They are important questions. But, the most important issue and the most pressing question is get started, get started on security, get started with the political transformation in the Palestinian Authority, and get started on the Israeli side with starting to open up things, open up closures, open up opportunities for people to move, and get on with their lives, increase the flow of revenue to the Palestinian Authority from the revenues that the Israelis are holding which belongs to the Palestinian Authority. And we got a commitment from the prime minister, increasing the rate of revenue return [i.e., transferring VAT revenues] to assist in housing and people.

2.

Question: Secretary Powell, we heard loud and clear from the Palestinian side, from Mr. Mahmoud Abbas, that the Palestinians accept the road map as it is without reservations. Did you get the same response from the Israeli side?

Powell: The Israeli side did not use the word "accept." The Israeli side has made it clear over the months that they had some comments with respect to the road map; but the road map as it was finished in December is the road map that was released a few weeks ago. So, we will listen to additional Israeli comments that might come forward and more importantly, it is important for the Israelis to talk directly to the Palestinians, which they have the opportunity to do and vice versa in the very near future, to see what differences exist and see how those differences can be bridged between the parties with the assistance of the United States and the other Quartet members. And so, rather than focus on that particular issue, I am focusing on it, appropriately so, on the steps that we can take. It makes no difference whether you have a word "accept" or not have the word "accept." What makes the difference is whether or not both sides find enough in common with the road map that they can begin the process of moving down this road. If we don't get started now on issues related to security, on issues related to going after terrorists and terrorism, on improving the lives of the Palestinian people by granting access in the territories again, making it easier for the Palestinian people to go back and forth to the workplace, making it easier for them to start to restore their basic lives again and to pursue their lives. If we don't get started on these

issues, we will never reach the point where we can deal with these more difficult issues that are on the path ahead.

E. SECRETARY OF STATE COLIN POWELL AND NATIONAL SECURITY ADVISER CONDOLEEZZA RICE, STATEMENT ON ISRAEL'S RESERVATIONS ON THE ROAD MAP, WASHINGTON, 23 MAY 2003.

With Prime Minister Sharon refusing to accept the road map because of major reservations, National Security Adviser Rice and Assistant Secretary of State for Near East Affairs William Burns met with Sharon's Chief of Staff Dov Weisglass on 21 May to work out a compromise. According to the New York Times (22 May), the discussions focused on drafting "some artful language that would allow Mr. Sharon to endorse the plan, but somewhat ambiguously, making it possible for him to tell his fractious cabinet that he had not really endorsed it in its entirety." (According to an administration official quoted in the Washington Post [23 May], the question was "how to keep the concept of the road map while changing the substance.") Two days after the meeting, Powell and Rice released a statement acknowledging Israeli concerns, which paved the way for Sharon's formal acceptance of the plan. A side letter to the same effect was reportedly given to Israel as well. Administration officials were quoted in the press as saying that the United States had given in to Israeli demands to avoid a deadlock. The Powell-Rice statement was carried on the State Department Web site at www.state.gov.

The road map was presented to the Government of Israel with a request from the president that it respond with contributions to this document to advance true peace. The United States government received a response from the Government of Israel, explaining its significant concerns about the road map.

The United States shares the view of the Government of Israel that these are real concerns, and will address them fully and seriously in the implementation of the road map to fulfill the president's vision of 24 June 2002.

F. ISRAELI PRIME MINISTER ARIEL SHARON, STATEMENT ACCEPTING THE ROAD MAP, JERUSALEM, 23 MAY 2003.

Prime Minister Sharon's acceptance was issued immediately after the Powell-Rice statement; both statements grew out of the 22 May meetings in Washington and were agreed in advance by both parties. Sharon's statement contains the "artful language" referred to by the New York Times (see Doc. E above), accepting "the steps set out in the road map." After the cabinet endorsed Sharon's statement on 25 May, cabinet members and senior Israeli officials refused under questioning from the press to say explicitly that the road map itself or the road map in its entirety had been approved. Sharon's statement, communicated by the media adviser of the Prime Minister's Office, was carried on the Israeli Foreign Ministry's Web site at www.mfa.gov.il.

In view of the recent statement of the United States regarding the Israeli comments on the road map, which shares the view of the Government of Israel that these are real concerns and in view of the U.S. promise to address those concerns fully and seriously in the implementation of the road map to fulfill the president's vision of

24 June 2002, we are prepared to accept the steps set out in the road map. I intend to submit this acceptance to the Government of Israel's approval.

G. HA'ARETZ, "ISRAEL'S ROAD MAP RESERVATIONS," JERUSALEM, 27 MAY 2003.

On 25 May, the Israeli cabinet narrowly endorsed (12–7, with 4 abstentions) Sharon's acceptance of the "steps set out in the road map" (Doc. F above), attaching fourteen reservations as conditions to its approval. Though Israel has not published the reservations, the Foreign Ministry Web site (www.mfa.gov.il), in posting the government statement on the cabinet endorsement, has a link to the Ha'Aretz article reproduced below, suggesting the accuracy of the list it lays out. A Ha'Aretz article dated 23 May states that Washington had agreed to all of Israel's reservations except two: insistence on a Palestinian waiver of any right of return for Palestinian refugees (number 6) and deletion of any reference to the Saudi initiative (number 10). The Zinni plan mentioned in number 1 is virtually identical to but less detailed than the Tenet plan (see the Quarterly Update in JPS 124).

1. Both at the commencement of, and during the process, and as a condition to its continuance, calm will be maintained. The Palestinians will dismantle the existing security organizations and implement security reforms during the course of which new organizations will be formed and act to combat terror, violence, and incitement (incitement must cease immediately and the Palestinian Authority must educate for peace).

These organizations will engage in genuine prevention of terror and violence through arrests, interrogations, prevention and the enforcement of the legal groundwork for investigations, prosecution, and punishment. In the first phase of the plan and as a condition for progress to the second phase, the Palestinians will complete the dismantling of terrorist organizations (Hamas, Islamic Jihad, the Popular Front, the Democratic Front, al-Aqsa Brigades, and other apparatuses) and their infrastructure; collection of all illegal weapons and their transfer to a third party for the sake of being removed from the area and destroyed; cessation of weapons smuggling and weapons production inside the Palestinian Authority; activation of the full prevention apparatus and cessation of incitement.

There will be no progress to the second phase without the fulfillment of all above-mentioned conditions relating to the war against terror. The security plans to be implemented are the Tenet and Zinni plans. [As in the other mutual frameworks, the road map will not state that Israel must cease violence and incitement against the Palestinians.—*Ha'Aretz*]

2. Full performance will be a condition for progress between phases and for progress within phases. The first condition for progress will be the complete cessation of terror, violence, and incitement. Progress between phases will come only following the full implementation of the preceding phase. Attention will be paid not to time lines, but to performance benchmarks (time lines will serve only as reference points).

3. The emergence of a new and different leadership in the Palestinian Authority within the framework of governmental reform. The formation of a new leadership constitutes a condition for progress to the second phase of the plan. In this framework, elections will be conducted for the Palestinian Legislative Council following coordination with Israel.

4. The monitoring mechanism will be under American management. The chief verification activity will concentrate upon the creation of another Palestinian entity and progress in the civil reform process within the Palestinian Authority. Verification will be performed exclusively on a professional basis and per issue (economic, legal, financial), without the existence of a combined or unified mechanism. Substantive decisions will remain in the hands of both parties.

5. The character of the provisional Palestinian state will be determined through negotiations between the Palestinian Authority and Israel. The provisional state will have provisional borders and certain aspects of sovereignty; be fully demilitarized, with no military forces, but only with police and internal security forces of limited scope and armaments; be without the authority to undertake defense alliances or military cooperation; and [allow] Israeli control over the entry and exit of all persons and cargo, as well as of its air space and electromagnetic spectrum.

6. In connection to both the introductory statements and the final settlement, declared references must be made to Israel's right to exist as a Jewish state and to the waiver of any right of return for Palestinian refugees to the State of Israel.

7. End of the process will lead to the end of all claims and not only the end of the conflict.

8. The future settlement will be reached through agreement and direct negotiations between the two parties, in accordance with the vision outlined by President Bush in his 24 June address.

9. There will be no involvement with issues pertaining to the final settlement. Among issues not to be discussed: settlement in Judea, Samaria, and Gaza (excluding a settlement freeze and illegal outposts); the status of the Palestinian Authority and its institutions in Jerusalem; and all other matters whose substance relates to the final settlement.

10. The removal of references other than 242 and 338 (1397, the Saudi initiative and the Arab initiative adopted in Beirut). A settlement based upon the road map will be an autonomous settlement that derives its validity there from. The only possible reference should be to Resolutions 242 and 338, and then only as an outline for the conduct of future negotiations on a permanent settlement.

11. Promotion of the reform process in the Palestinian Authority: a transitional Palestinian constitution will be composed, a Palestinian legal infrastructure will be constructed, and cooperation with Israel in this field will be renewed. In the economic sphere: international efforts to rehabilitate the Palestinian economy will continue. In

the financial sphere: the American-Israeli-Palestinian agreement will be implemented in full as a condition for the continued transfer of tax revenues.

12. The deployment of IDF forces along the September 2000 lines will be subject to the stipulation of article 4 (absolute quiet) and will be carried out in keeping with changes to be required by the nature of the new circumstances and needs created thereby. Emphasis will be placed on the division of responsibilities and civilian authority as in September 2000, and not on the position of forces on the ground at that time.

13. Subject to security conditions, Israel will work to restore Palestinian life to normal: promote the economic situation, cultivation of commercial connections, encouragement and assistance for the activities of recognized humanitarian agencies. No reference will be made to the Bertini report as a binding source document within the framework of the humanitarian issue.

14. Arab states will assist the process through the condemnation of terrorist activity. No link will be established between the Palestinian track and other tracks (Syrian, Lebanese).



A poster in East Jerusalem, 29 April 2003. (AFP/Gali Tibbon)