

PALESTINIAN
TERRITORIESFELIX DANE
JÖRG KNOCHA

February 2011

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Back to square one?

THE PUBLICATION OF CONFIDENTIAL DOCUMENTS BY AL-JAZEERA AND THEIR IMPLICATIONS FOR THE MIDDLE EAST PEACE PROCESS

The publication of documents related to the Israeli-Palestinian peace talks from 1999 until 2010 by the Arabic satellite channel al-Jazeera in January 2011 seems like a PR disaster for the entire Palestinian leadership. The enemies of peace, especially the Islamist movement Hamas, see the opportunity to improve their standing. But are these publications really a catastrophe or rather similar to the WikiLeaks documents about secret American diplomatic cables: No groundbreaking new insights, but more of polemic-enhanced evidence of what everyone had suspected anyway?

On January 23, after al-Jazeera had announced to unveil exclusive material later that day, most Palestinians did not expect the release of confidential documents about Middle East peace talks. Over 1600 papers, ranging from September 1999 until September 2010 and covering hundreds of meetings between Palestinians, Israelis and Americans, have found their way to the Gulf state of Qatar, where the headquarters of al-Jazeera is located. The British newspaper *Guardian* also published the documents. It described the material as "biggest leak of confidential documents in the history of the Middle East conflict."

What the documents say

The so-called "Palestine Papers" show no fundamentally new concessions from the Palestinian side. Those who are following the peace process closely already know the Palestinian

proposals regarding Jerusalem, settlements and refugees.

1. Settlements: Concerning the question of Jerusalem, the Palestinian negotiators – namely Ahmed Qurei (Abu Ala) and Saeb Erekat – offered their Israeli counterparts to give up nearly all Jewish settlements in occupied East Jerusalem. One exception was Har Homa (Jabal Abu Ghneim in Arabic), a settlement that was constructed after the Oslo Accords. The fact that Israel would never give up settlements such as Pisgat, Ze'ev, Neve Ya'akov, Ramat Shlomo or Gilo was manifest to Palestinians and international observers alike. This shows the pragmatism of the Palestinian approach. It was in no way a sell out of the Palestinian cause, as it was described by al-Jazeera. It did show, however, the explicit Palestinian demand for the removal of those settlements that reach deep into the West Bank. In addition, the documents clearly verify, that the Palestinians insist on a 1:1 ratio for any land swap, meaning in exchange for settlements east of the so-called "Green Line", the Palestinians would receive equal amounts of Israeli land. This idea was already discussed during the Annapolis Process 2007/08. Palestinian President Mahmoud Abbas offered then Israeli Prime Minister Ehud Olmert a land swap that included roughly two percent of the West Bank. There is also nothing insincere in Saeb Erekat's proposal to give the Israelis the "biggest Yerushalayim in Jewish history", using the Hebrew name for Jerusalem.

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2. *Old City of Jerusalem*: The issue of the holy sites within the Old City was one of the topics that then Prime Minister of Israel Ehud Barak and former Palestinian President Yassir Arafat could not resolve in 2000. How a possible solution could look like was outlined only months later in the so-called Clinton-Parameters of then US President Bill Clinton: What is Arab should be Palestinian and what is Jewish should be Israeli. The offer from Saeb Erekat was only a repetition of the very same goal. The Muslim, Christian and also parts of the Armenian quarter of the Old City would fall under Palestinian sovereignty, the Jewish and rest of the Armenian quarter under Israeli. Regarding the Muslim Dome of the Rock, which is next to the Jewish prayer site at the Western Wall, Erekat proposed a "creative" solution.

3. *Palestinian refugees*: The fate of the Palestinian refugees is one of the most emotionally charged issues. During the first Arab-Israeli War 1947–49, hundreds of thousands of Arabs left their home – either fleeing or being expelled. Until today the number of refugees and their descendants rose to several millions. Hundreds of thousands live in refugee camps throughout the region, while others are living in countries around the world. It is perfectly clear to the Palestinian government that resettling millions of Palestinians to Israel is impossible because the state would lose its Jewish character. No Israeli government will ever agree to that. The leaked documents show that the Palestinian negotiators are willing to accept a smaller, symbolic number. The documents intended that Erekat could agree to Olmert's plan to allow the return of ten thousand refugees over a period of 10 years. After the publication he strongly denied any such intention. Until now, the official position of the Palestinian Liberation Organisation is the return of at least a hundred thousand refugees over 10

years. Compared to the numbers of the Olmert plan this sounds rather modest but then again anything more than a symbolic number was never realistic. This again demonstrates the willingness of the Palestinian side, which had to negotiate with a state that is considered a military and politically heavy weight.

4. *Security cooperation with Israel*: The WikiLeaks publication of classified US State Department documents already mentioned the close partnership between Israeli and Palestinian security services. Only days before Hamas took control of the Gaza Strip in June 2007, President Abbas asked Israel for help. Yuval Diskin, the chief of the Israeli internal intelligence agency, was quoted that the Palestinians shared nearly all of their security information with Israel. The documents show that on the eve of the Gaza War 2008/09 Israel tried to convince the Palestinian Authority (PA) to cooperate with them. This implies that the Palestinian leadership knew about the coming war which left 13 Israelis and as many as 1400 Palestinians dead. The Palestine Papers contain nothing new about the Israeli-Palestinian security cooperation. There was only one specific example that stirred media attention: The case of Hassan al-Madhoun, who was killed by Israeli forces. He was suspected of cooperating with Hamas and preparing attacks against Israel. Even though he was a member of the Fatah splinter group al-Aqsa Martyrs' Brigades, Israel asked the Fatah to assassinate al-Madhoun. But the Palestinians did not see themselves up to the task because the "environment is not easy", which why Israel took over. But the Palestine Papers do not offer any evidence of an extensive collaboration with Israel. They only show that the Fatah has a genuine interest to weaken an enemy which has repeatedly shown that it has no hesitation to use violence against a political rival.

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**Konrad
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Stiftung**

Imprint

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The Palestinian reaction

The reaction of the political leadership towards the publication was clear. The top leaders of the PA gathered behind President Abbas to show their support. During the weekly cabinet meeting on January 25, the government of Salam Fayyad condemned the "campaign of incitement and deception which the Aljazeera Channel has launched against the Palestinian National Authority." The Cabinet also reaffirmed their "determination to end Israeli occupation of all 1967 occupied land, the establishment of an independent Palestinian State with East Jerusalem as its capital, the resolution of the Refugees issue based on UN Resolution 194, and the release of all prisoners." This Resolution dates back to 1948 and, arguably, calls for a return of all refugees "at the earliest practicable date." The reaction of the population was similar. After his return from a travel abroad Abbas was welcomed enthusiastically by more than 3000 supporters. He accused al-Jazeera of forging the documents and reiterated the official Palestinian position regarding negotiations with Israel. Many Fatah supporters argued that this is just the latest chapter of Qatar's efforts to undermine the PA. It is widely known that Qatar has excellent connections to Hamas and has been accused to support them financially. The question remains if Hamas can exploit the current situation to gain influence in the West Bank. Leading Hamas politicians have already rejected the concessions and organised demonstrations in Gaza.

Implications on future negotiations

Albeit the situation in the Palestinian Territories remains calm, the publications could lead to a more difficult environment for coming negotiations. President Abbas and other officials declared that they would not retreat from their official viewpoint. This diminishes the chances for future con-

cessions. The alternative would be a debate between all relevant political, social and media protagonists about the results of past negotiations. Which demands are non-negotiable and where are concessions possible? As long as this discourse is not implemented thoroughly, the discrepancy between a public declarations and private concessions will prevent any success in future negotiations.