



**Group of 78 Annual Policy Conference 2009  
Peace, Human Rights and the Rule of Law:  
Canada's Role in the Middle East**

**Background Reading Materials**

# The Middle East Road Map

(April 30, 2003)

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## A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict

The following is a performance-based and goal-driven roadmap, 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](#), and welcomed by the EU, Russia and the UN in the 16 July and 17 September [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 I, 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. Non-compliance 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 I: Ending Terror And Violence, Normalizing Palestinian Life, and Building Palestinian Institutions -- Present to May 2003

In Phase I, 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 September 28, 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 I:

- Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security and calling for an immediate and unconditional ceasefire to end armed activity and all acts of violence against Israelis anywhere. All official Palestinian institutions end incitement against Israel.
- 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

- 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.
- 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.
- GOI 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](#).
- 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.
- 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.
  - All Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.
  - 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.
- [Arab states](#) cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terror.
- All donors providing budgetary support for the Palestinians channel these funds through the Palestinian Ministry of Finance's Single Treasury Account.
- As comprehensive security performance moves forward, [IDF](#) withdraws progressively from areas occupied since September 28, 2000, and the two sides restore the status quo that existed prior to September 28, 2000. Palestinian security forces redeploy to areas vacated by IDF.

## Palestinian Institution-Building

- 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.
- Appointment of interim prime minister or cabinet with empowered executive authority/decision-making body.
- GOI fully facilitates travel of Palestinian officials for [PLC](#) and Cabinet sessions, internationally supervised security retraining, electoral and other reform activity, and other supportive measures related to the reform efforts.
- 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.
- Establishment of independent Palestinian election commission. PLC reviews and revises election law.
- Palestinian performance on judicial, administrative, and economic benchmarks, as established by the International Task Force on Palestinian Reform.
- 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, multi-party process, Palestinians hold free, open, and fair elections.
- GOI facilitates Task Force election assistance, registration of voters, movement of candidates and voting officials. Support for NGOs involved in the election process.
- 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

- 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.
- 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.
- GOI and PA continue revenue clearance process and transfer of funds, including arrears, in accordance with agreed, transparent monitoring mechanism.

## Civil Society

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

## Settlements

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

## Phase II: 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 II 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 II 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 I, 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.

- **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.
  - 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.
  - Arab states restore pre-intifada links to Israel (trade offices, etc.).
  - Revival of multilateral engagement on issues including regional water resources, environment, economic development, refugees, and arms control issues
- 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.
- Empowered reform cabinet with office of prime minister formally established, consistent with draft constitution.
- Continued comprehensive security performance, including effective security cooperation on the bases laid out in Phase I.
- 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.
- Enhanced international role in monitoring transition, with the active, sustained, and operational support of the Quartet.
- Quartet members promote international recognition of Palestinian state, including possible UN membership.

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

Progress into Phase III, based on consensus judgment of Quartet, and taking into account actions of both parties and Quartet monitoring. Phase III 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.

- **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.
- Continued comprehensive, effective progress on the reform agenda laid out by the Task Force in preparation for final status agreement.
- Continued sustained and effective security performance, and sustained, effective security cooperation on the bases laid out in Phase I.
- International efforts to facilitate reform and stabilize Palestinian institutions and the Palestinian economy, in preparation for final status agreement.
- 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.
- 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.

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Source: [U.S Department of State](#)

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Department of Public Information • News and Media Division • New York

## STATEMENT BY MIDDLE EAST QUARTET

Following is the text of the statement issued today in Trieste, Italy, by the Quartet (United Nations, Russian Federation, United States and European Union):

The Quartet □□ United Nations Secretary-General Ban Ki-moon, Russian Foreign Minister Sergei Lavrov, High Representative for Common Foreign and Security Policy of the European Union Javier Solana, European Commissioner for External Relations Benita Ferrero-Waldner, Czech Foreign Minister Jan Kohout, United States Under Secretary of State William Burns, and United States Special Envoy for Middle East Peace George Mitchell □□ met in Trieste on 26 June 2009. They were joined by Quartet Representative Tony Blair.

The Quartet affirmed its determination to actively and vigorously seek a comprehensive resolution of the Arab-Israeli conflict, on the basis of United Nations Security Council resolutions 242, 338, 1397, 1515, 1850, the Madrid principles including land for peace, the Road Map, and the agreements previously reached between the parties. The Quartet underscored that the only viable solution to the Israeli-Palestinian conflict is one that ends the occupation that began in 1967 and fulfils the aspirations of both parties for independent homelands through two States for two peoples, Israel and an independent, contiguous, and viable State of Palestine, living side by side in peace and security. The Quartet welcomed the commitment of Prime Minister [Benjamin] Netanyahu and President [Mahmoud] Abbas to the two-State solution, and reiterated that lasting peace throughout the region can only be based on an enduring commitment to mutual recognition, freedom from violence, incitement, and terror; and the two-State solution, building upon previous agreements and obligations. The Quartet underscored the importance of fostering peaceful coexistence throughout the region through the conclusion of peace agreements between Israel and Syria and Israel and Lebanon, in a manner that is mutually reinforcing with efforts to establish the state of Palestine, and through the full normalization of relations between all States based on the Arab Peace Initiative.

The United States briefed the Quartet on its intensive, ongoing discussions with all parties in the region to create the conditions for the prompt resumption and early conclusion of negotiations to resolve all permanent status issues, without preconditions. The Quartet affirmed that these negotiations must result in an end to all claims. It agreed that Arab-Israeli peace and the establishment of a State of Palestine in the West Bank and Gaza in which the Palestinian people can determine their own destiny is in the fundamental interests of the international community. The Quartet called on all parties concerned to take meaningful steps to support this objective.

In that context, the Quartet called on Israel and the Palestinians to implement their obligations under the Road Map and affirmed that unilateral actions taken by either party cannot prejudice the outcome of negotiations and will not be recognized by the international community. The Quartet urged the Government of Israel to freeze all settlement activity, including natural growth; to dismantle outposts erected since March 2001; and to refrain from provocative actions in East Jerusalem, including home demolition and evictions. The Quartet acknowledged progress made by the Palestinian Authority to reform the Palestinian security sector and called on the Palestinian Authority to continue to make every effort to improve law and order and to fight violent extremism. It encouraged further Israeli cooperation for the success of Palestinian security reform. It also urged the Palestinian Government to enhance its efforts to build the institutions of the future Palestinian State. Both sides have to stop incitement and violence against civilians. Taking note of the 24 June meeting of the Arab League ministers and underscoring its commitment to comprehensive peace on all tracks, the Quartet expressed support for dialogue among all States in the region in the spirit of the Arab Peace Initiative and called on Arab States to take steps to recognize Israel's rightful place in the

region; to affirm that violence cannot achieve regional peace and security; and to assist the Palestinian people in building their future State through consistent support for the Palestinian Authority.

Noting the detrimental effect of Palestinian divisions and underscoring its desire for these divisions to be overcome, the Quartet called on all Palestinians to commit themselves to non-violence, recognition of Israel, and acceptance of previous agreements and obligations. Restoring Palestinian unity based on the Palestine Liberation Organization (PLO) commitments would be an important factor in this process, while facilitating reconstruction of Gaza and the organization of elections. The Quartet expressed support, on this basis, for the ongoing mediation efforts of Egypt and the Arab League for Palestinian reconciliation behind President Abbas and appealed to all States in the region to play a constructive role in supporting the reconciliation process.

The Quartet discussed Gaza and agreed that the current situation is unsustainable and not in the interests of any of those concerned. The Quartet expressed serious concern at the humanitarian and human rights situation of the civilian population. It reiterated the urgency of reaching a durable solution through the implementation of United Nations Security Council resolution 1860. The Quartet called for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including food, fuel, and medical treatment. The Quartet called for a complete halt to all violence, as well as an intensification of efforts to prevent illicit trafficking in arms and ammunition into Gaza and for a sustained reopening of all crossing points to ensure regular flow of people and humanitarian and commercial goods. The Quartet offered its support in this regard for the proposals of the United Nations to resume early recovery construction activities in Gaza. The Quartet called on those holding the abducted Israeli soldier Gilad Shalit to release him without delay.

The Quartet welcomed plans by the Government of Israel to promote Palestinian economic development. The Quartet declared its readiness to work closely with Israel, the Palestinian Government and international donors in order to achieve sustainable economic development on the basis of the full implementation of the Agreement on Access and Movement of 2005 and in the broader perspective of the two-State solution. Recalling the recent meeting of the Ad Hoc Liaison Committee (AHLC), the Quartet called for robust and sustained financial support for the Palestinian Authority. The Quartet welcomed recent steps by Israel, which if expanded and sustained, can have a significant impact on Palestinian freedom of movement. The Quartet recognizes that Israel has legitimate security concerns that must continue to be safeguarded, and believes efforts to maintain security while enabling movement and access for Palestinian people and goods are critical. Noting that delivering transformative change on the ground should form an integral and essential part of the agenda for peace, the Quartet encouraged cooperation of the parties with the Quartet Representative in order to deliver such change and in particular to improve the movement of goods and people in the West Bank and Gaza, concurrently with security and broader rule of law efforts.

The Quartet expressed its determination to support the parties and regional and international partners to successfully pursue negotiations and to implement agreements, on all tracks of the process. The Quartet tasked the envoys to meet regularly and actively follow up with the parties to promote implementation of Quartet positions and formulate recommendations for Quartet action.

The Quartet re-affirmed its previous statements and supports, in consultation with the parties, an international conference in Moscow in 2009.

# The Geneva Initiative - Summary and Key Points

By Gidon D. Remba, President, Chicago Peace Now and Marc Swetlitz

"We, the undersigned, a group of Palestinians and Israelis, endorse, on this day October 12, 2003, a model draft framework final status agreement between the two peoples. At this point in time, after the Palestinian government and the Israeli government have accepted the Road Map, which includes reaching a final-status settlement by 2005, based on a two state solution, we consider it to be of the utmost importance to present to the two peoples and the entire world an example of what such a final status agreement could include. This is proof that despite all the pain entailed in concessions, it is possible to reach a historical compromise which meets the vital national interests of each side." From the cover letter signed by Israeli and Palestinian participants

## Principal Palestinian signatories:

Former Minister of Information and Culture Yasser Abed-Rabbo; Former Minister of Tourism Nabil Qassis; Palestinian Legislative Council members Qadoura Fares and Mohamed Horani, associated with the Fatah/Tanzim; Samih al-Abed; Bashar Jum'a; Dr. Nazmi Shuabi; Gheith al-Omri, from the PLO Negotiations Support Unit; Jamal Zakut; Prisoners Affairs Minister Hisham Abdel Raziq; Ghadi Jarei, member of the Prisoners Committee and Fatah; Nazmi Jub'a; General Zoheir Manasra, former governor of Jenin and head of Preventative Security in the West Bank.

## Principal Israeli signatories:

Former IDF Chief of Staff Amnon Lipkin-Shahak; Brigadier General (res.) Giora Inbar, a former division commander in Lebanon; Brigadier General (res.) Gideon Sheffer, former director of the IDF Personnel Branch and deputy director of the National Security Council; Brigadier General (res.) Shlomo Brom, former head of the strategy staff; Colonel (res.) Shaul Arieli; former Justice Minister Yossi Beilin; Member of Knesset (Labor) Amram Mitzna; Member of Knesset (Labor) and former Speaker of the Knesset Avraham Burg; Former Minister of Immigrant Absorption and Member of Knesset (Labor) Yuli Tamir; Member of Knesset (Meretz) and former Minister of Agriculture Haim Oron; Member of Knesset (Meretz) and former Minister of Education Yossi Sarid; Professor Aryeh Arnon (a leader of Peace Now); former Member of Knesset (Likud) Nehama Ronen; authors Amos Oz, David Grossman, and Zvia Greenfield; Jerusalem expert Dr. Menachem Klein; and economist Yoram Gabay.

The following is a summary of key points in the Geneva Initiative:

**Preamble:** This agreement marks the recognition of the right of the Jewish people to statehood and the recognition of the right of the Palestinian people to statehood, without prejudice to the equal rights of the Parties' respective citizens. The Parties recognize Palestine and Israel as the homelands of their respective peoples.

**Article 1 - Purpose:** The implementation of this Agreement will settle all of the claims of the Parties arising from events occurring prior to its signature. No further claims related to events prior to this Agreement may be raised by either Party.

**Article 4 - Borders & Settlements:** The border between the states of Palestine and Israel shall be based on the June 4th 1967 lines with reciprocal modifications on a 1:1 basis. Approximately 97.5% of the West Bank and 100% of Gaza will become part of Palestine, plus 2.5% of Israel from two areas: one area near Gaza to widen the Gaza Strip by 90 square kilometers, and another area adjacent to the southern West Bank. All of the 2.5% of West Bank territory that will become part of Israel comes from around Jerusalem. (See below for more on Jerusalem)

□ The state of Israel shall be responsible for resettling the Israelis residing in Palestinian sovereign territory outside this territory. Israel shall keep intact the immovable property, infrastructure and facilities in Israeli settlements to be transferred to Palestinian sovereignty. The value of Israeli fixed assets that remain intact shall be deducted from Israel's contribution to the International Fund established to compensate Palestinian refugees (see below). In



addition to evacuating settlers from most smaller settlements, a number of large settlements will also be left for the Palestinian state, including Ariel, Efrat, Kiryat Arba, Ofra, Elon Moreh, Bet El, Eli and Har Homa. Israel will absorb settlement blocs that contain 110,000 settlers, in addition to the Jewish neighborhoods in East Jerusalem which include 200,000 Israelis. 110,000 Israelis living in 120 out of 140 West Bank settlements, and all settlements in the Gaza Strip, will be evacuated.

□ The states of Palestine and Israel will establish a corridor linking the West Bank and Gaza Strip. The corridor, which will traverse Israeli territory, will be under Palestinian administration and under Israeli sovereignty, and it will be permanently open.

Articles 3 & 5 - Implementation & Security: An International Implementation and Verification Group (IVG) - including the US, Russia, the EU, the UN and others - and a Multinational Force (MF) in Palestine will be established to provide security guarantees to both parties, act as a deterrent, and to help insure implementation and to monitor compliance by both parties to the terms of the agreement.

□ Palestine shall be a non-militarized state, with a strong security force. The MF will protect the territorial integrity of the state of Palestine and oversee the Israeli withdrawal from Palestinian territory. The MF will help enforce anti-terrorism measures, monitor Palestinian security compliance, and train the Palestinian Security Service. The force cannot be withdrawn except by consent of both Israel and Palestine.

□ Existing irregular forces and armed groups shall be disbanded and prevented from reforming at any future date. A Trilateral Security Committee - including Israel, Palestine, and the US - shall develop comprehensive policies and guidelines to fight terrorism and violence. Israel and Palestine will promulgate laws to prevent incitement to irredentism, racism, terrorism and violence and vigorously enforce them and the IVG shall monitor compliance.

□ Israeli military forces and settlers will be removed from Palestinian territory within 30 months.

□ Israel will maintain a small military presence in the Jordan Valley under the authority of the MF for an additional 36 months. Israel may maintain two Early Warning Stations (EWS) in the northern and central West Bank at locations specified in the Agreement. The EWS will be staffed by the minimal required number of Israeli personnel and will use the minimal amount of land necessary for their operation. The MF will monitor and verify that the EWS is being used for purposes recognized by the Accord.

□ All border crossings in the State of Palestine will be monitored by joint teams composed of members of the Palestinian Security Force and the Multinational Force. There will be no Israeli forces at border crossings between the state of Palestine and the Arab world following the 30-month Israeli withdrawal process; during the 30-month withdrawal period, Israel will be able to maintain only an unseen presence at a designated facility in passenger and cargo terminals.

□ The Palestinian state will enjoy sovereignty and security control over all roads in its territory.

□ The state of Palestine will enjoy sovereignty over its own airspace. The Israeli Air Force will be entitled to use the Palestinian sovereign airspace for training purposes.

Article 6 - Jerusalem: Israel and Palestine shall have their mutually recognized capitals in areas of Jerusalem under their respective sovereignty.

□ Israel will receive sovereignty over the "Wailing" Wall, the Jewish Quarter of the Old City, and Jewish neighborhoods in East Jerusalem, including Givat Ze'ev, Ma'aleh Adumim, and the original historically Jewish area of Gush Etzion. Israel shall administer the Tower of David, the Western Wall tunnel, and the Jewish Cemetery on the Mount of Olives.

□ Palestine will receive sovereignty over al-Haram al-Sharif/Temple Mount (the "Compound"), the Muslim, Christian, and Armenian Quarters of the Old City, and the Arab neighborhoods of East Jerusalem.

□ An International Group, including members of the Organization of the Islamic Conference, will be established to monitor, verify, and assist in the implementation of the terms of the agreement regarding the Compound. The Compound will be open to people of all faiths, with the Multinational Force ensuring freedom of access to the site.

In view of the sanctity of the Compound, and in light of the unique religious and cultural significance of the site to the Jewish people, there shall be no digging, excavation, or construction on the Compound, unless approved by the two Parties.

Article 7 - Palestinian Refugees: The Parties recognize that, in the context of two independent states, Palestine and Israel, living side by side in peace, an agreed resolution of the Palestinian refugee problem is necessary for achieving a just, comprehensive and lasting peace between them. The Parties recognize that UN General Assembly Resolution 194, UN Security Council Resolution 242, and the Arab Peace Initiative concerning the rights of the Palestinian refugees represent the basis for resolving the refugee issue, and agree that these rights are fulfilled under the Accord.

- All Palestinian refugees shall be entitled to compensation for their refugeehood and for loss of property.
- Refugees will be given the choice to (1) move to the new Palestinian state, including areas formerly in Israel [unlimited numbers], (2) remain in the countries where they currently reside or move to a third country [numbers based on sovereign decision of the host country], or (3) move to Israel [numbers based on the sovereign decision of Israel]. In determining its numbers, Israel will consider the average of the numbers submitted by other countries. Refugees who opt to remain in countries where they now reside will also receive prompt and extensive development and rehabilitation programs for their communities.
- An international commission and international fund will be established to deal with implementation of these residence options and compensation. Funds will be disbursed to refugee communities in the former areas of UNRWA operation, and will be at their disposal for communal development and commemoration of the refugee experience. Israel will contribute an agreed amount based on the value of the loss of property resulting from the refugees' displacement. Refugee status of individual Palestinians will be terminated once a permanent residence option has been realized.

Article 10 - Sites of Religious Significance: Israel and Palestine shall establish special arrangements to guarantee access to agreed sites of religious significance, which will apply, inter alia, to the Tomb of the Patriarchs, Rachel's Tomb, and Nabi Samuel.

Article 11 - Palestinian Prisoners & Detainees: All Palestinian and Arab prisoners detained in the framework of the Israeli-Palestinian conflict prior to the date of signature of the agreement shall be released according to a three-phase plan as outlined in the agreement-some immediately, some within 18 months, and "exceptional cases" in 30 months.

Article 17 - End of Conflict: The Parties agree that the Geneva Accord will replace and supplant all UN resolutions, including those dealing with refugees, as well as other previous agreements. The Parties request that the UN Security Council and UN General Assembly endorse the Accord and declare that it supercedes all previous UN resolutions.

"For the first time in more than a 100 years of conflict a detailed and comprehensive solution was agreed upon which settles the most critical issues to the [Palestinian-Israeli] conflict, such as borders, ending occupation, the future of Jerusalem and its holy places, and the Palestinians refugees, thus addressing the roots of the conflict, and leaving no room for further claims by the parties in the future....The participants have proven by this draft agreement that there are partners for peace on both sides and that a peace agreement is possible. These understandings can radically change the mood of pessimism and despair, create emotional and political momentum and bring into every Israeli and every Palestinian home the sense of hope, confidence, security, and human dignity. With this agreement years of conflict can finally give way to the dawn of a new era." From the participants' press release, Oct. 11, 2003

A full-text version of the Geneva Initiative can be found at: [www.peacenow.org](http://www.peacenow.org) and [www.chicagopeacenow.org](http://www.chicagopeacenow.org).  
For maps, see [www.heskem.org.il/maps/map\\_general.html](http://www.heskem.org.il/maps/map_general.html) (proposed borders) and [www.heskem.org.il/maps/map\\_israel.jpg](http://www.heskem.org.il/maps/map_israel.jpg) (territorial exchange).

# Canadian Policy on Key Issues in the Israeli-Palestinian Conflict

*Extract from DFAIT Website updated to August 21, 2009 [http://www.international.gc.ca/name-anno/peace\_process-processus\_paix/canadian\_policy-politique\_canadienne.aspx?lang=eng]*

## Support for Israel and its Security

Canada supports Israel's right to live in peace with its neighbours within secure boundaries and recognizes Israel's right to assure its own security, as witnessed by our support during the 2006 conflict with Hezbollah and our ongoing support for Israel's fight against terror. Israel has a right under international law to take the necessary measures, in accordance with human rights and international humanitarian law, to protect the security of its citizens from attacks by terrorist groups. Canada and Israel enjoy a steadfast friendship and strong, growing bilateral relations in many areas based on shared values, including democracy.

## Support for the Palestinians

Canada recognizes the Palestinian right to self-determination and supports the creation of a sovereign, independent, viable, democratic and territorially contiguous Palestinian state, as part of a comprehensive, just and lasting peace settlement.

Canada recognizes the Palestinian Authority (PA) as the governmental entity in the West Bank and Gaza. Canada also recognizes the Palestine Liberation Organization (PLO) as the principal representative of the Palestinian people. Canada continues to support Palestinian President Mahmoud Abbas and is working with the government led by Prime Minister Salem Fayyad in terms of much needed reform.

Working with its partners and through the United Nations, its agencies and other organizations, Canada continues to support and respond to the humanitarian and development needs of the Palestinian people. At the Paris Donors Conference in December 2007, Canada announced a commitment of \$300 million over 5 years towards improving Palestinian security, governance and prosperity.

## Support for a Comprehensive Peace Settlement

Canada is committed to the goal of a comprehensive, just and lasting peace in the Middle East, including the creation of a Palestinian state living side by side in peace and security with Israel.

The 1993 Israel-Palestine Liberation Organization Declaration of Principles continues to provide the basis for a comprehensive agreement based on UN Security Council Resolutions 242 and 338. Canada welcomed the decision of the Palestine National Council to accept UN Security Council Resolution 242 as a basis for peace negotiations as well as mutual recognition by Israel and the PLO in 1993. Canada also strongly supports the Quartet's Road Map, which sets out the obligations of both parties and steps for establishment of a Palestinian state, and the process launched by the Annapolis Conference. Canada also supports the Arab Peace Initiative as a potential basis for a comprehensive Arab-Israeli settlement.

## Status of Jerusalem

Canada considers the status of Jerusalem can be resolved only as part of a general settlement of the Palestinian-Israeli dispute. Canada does not recognize Israel's unilateral annexation of East Jerusalem.

## Palestinian Refugees

Canada believes that a just solution to the Palestinian refugee issue is central to a settlement of the Israeli-Palestinian conflict, as called for in United Nations General Assembly resolution 194 (1948) and United Nations Security Council resolution 242. A solution to the Palestinian refugee issue must be negotiated among the parties concerned in the context of a final status peace agreement. This solution should respect the rights of the refugees, in accordance with international law.

Canada has played a prominent role in the search for a viable and comprehensive solution to the Palestinian refugee issue, including through continuing to focus international attention on improving the situation of the more than four million Palestinian refugees.

## Occupied Territories and Settlements

Canada does not recognize permanent Israeli control over territories occupied in 1967 (the Golan Heights, the West Bank, East Jerusalem and the Gaza Strip). The Fourth Geneva Convention applies in the occupied territories and establishes Israel's obligations as an occupying power, in particular with respect to the humane treatment of the

inhabitants of the occupied territories. As referred to in UN Security Council Resolutions 446 and 465, Israeli settlements in the occupied territories are a violation of the Fourth Geneva Convention. The settlements also constitute a serious obstacle to achieving a comprehensive, just and lasting peace.

Canada believes that both Israel and the Palestinian Authority must fully respect international human rights and humanitarian law which is key to ensuring the protection of civilians, and can contribute to the creation of a climate conducive to achieving a just, lasting and comprehensive peace settlement.

### **The Barrier**

Canada recognizes Israel's right to protect its citizens from terrorist attacks, including through the restriction of access to its territory, and by building a barrier on its own territory for security purposes. However, Canada opposes Israel's construction of the barrier inside the West Bank and East Jerusalem which are occupied territories. This construction is contrary to international law under the Fourth Geneva Convention. Canada not only opposes Israel's construction of a barrier extending into the occupied territories, but also expropriations and the demolition of houses and economic infrastructure carried out for this purpose.

### **Terrorism**

Canada condemns all acts of terrorism and terrorists should be brought to justice and prosecuted in accordance with international law. Terrorism must be rejected as a means for achieving political ends. It is counter-productive to reaching a comprehensive, just and lasting peace settlement. Canada equally condemns all forms of incitement. Canada has listed Hamas, Palestinian Islamic Jihad, Hezbollah, the Al-Aqsa Martyrs' Brigades, and other groups as terrorist organizations in accordance with UN Resolution 1373 (2001) and Canadian legislation. The Government of Canada has no contact with these groups.

### **United Nations Resolutions on the Middle East**

Every year, resolutions addressing the Arab-Israeli conflict are tabled in the United Nations, such as at the United Nations General Assembly and the Human Rights Council. Canada assesses each resolution on its merits and consistency with our principles. We support resolutions that are consistent with Canadian policy on the Middle East, are rooted in international law, reflect current dynamics, contribute to the goal of a negotiated two-state solution to the Arab-Israeli conflict, and address fairly and constructively the obligations and responsibilities of all parties to the conflict. Canada advocates a fair-minded approach and rejects one-sided resolutions and any politicization of the issues. Successive Canadian governments have been concerned about the polemical and repetitive nature of many of the numerous resolutions. Canada believes that the United Nations and its member states have a responsibility to contribute constructively to efforts to resolve the Israeli-Arab conflict. Canada will continue to examine carefully each of these resolutions as they come forward.

## Justice in Gaza

By **RICHARD GOLDSTONE**

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I ACCEPTED with hesitation my [United Nations mandate](#) to investigate alleged violations of the laws of war and international human rights during Israel's three-week war in Gaza last winter. The issue is deeply charged and politically loaded. I accepted because the mandate of the mission was to look at all parties: Israel; Hamas, which controls Gaza; and other armed Palestinian groups. I accepted because my fellow commissioners are professionals committed to an objective, fact-based investigation.

But above all, I accepted because I believe deeply in the rule of law and the laws of war, and the principle that in armed conflict civilians should to the greatest extent possible be protected from harm.

In the fighting in Gaza, all sides flouted that fundamental principle. Many civilians unnecessarily died and even more were seriously hurt. In Israel, three civilians were killed and hundreds wounded by rockets from Gaza fired by Hamas and other groups. Two Palestinian girls also lost their lives when these rockets misfired.

In Gaza, hundreds of civilians died. They died from disproportionate attacks on legitimate military targets and from attacks on hospitals and other civilian structures. They died from precision weapons like missiles from aerial drones as well as from heavy artillery. Repeatedly, the Israel Defense Forces failed to adequately distinguish between combatants and civilians, as the laws of war strictly require.

Israel is correct that identifying combatants in a heavily populated area is difficult, and that Hamas fighters at times mixed and mingled with civilians. But that reality did not lift Israel's obligation to take all feasible measures to minimize harm to civilians.

Our [fact-finding team found](#) that in many cases Israel could have done much more to spare civilians without sacrificing its stated and legitimate military aims. It should have refrained from attacking clearly civilian buildings, and from actions that might have resulted in a military advantage but at the cost of too many civilian lives. In these cases, Israel must investigate, and Hamas is obliged to do the same. They must examine what happened and appropriately punish any soldier or commander found to have violated the law.

Unfortunately, both Israel and Hamas have dismal records of investigating their own forces. I am unaware of any case where a Hamas fighter was punished for deliberately shooting a rocket into a civilian area in Israel — on the contrary, Hamas leaders repeatedly praise such acts. While Israel has begun investigations into alleged violations by its forces in the Gaza conflict, they are unlikely to be serious and objective.

Absent credible local investigations, the international community has a role to play. If justice for civilian victims cannot be obtained through local authorities, then foreign governments must act. There are various mechanisms through which to pursue international justice. The International Criminal Court and the exercise of universal jurisdiction by other countries against violators of the Geneva Conventions are among them. But they all share one overarching aim: to hold accountable those who violate the laws of war. They are built on the premise that abusive fighters and their commanders can face justice, even if their government or ruling authority is not willing to take that step.

Pursuing justice in this case is essential because no state or armed group should be above the law. Western governments in particular face a challenge because they have pushed for accountability in places like Darfur, but now must do the same with Israel, an ally and a democratic state.

Failing to pursue justice for serious violations during the fighting will have a deeply corrosive effect on international justice, and reveal an unacceptable hypocrisy. As a service to the hundreds of civilians who needlessly died and for the equal application of international justice, the perpetrators of serious violations must be held to account.

Richard Goldstone, the former chief prosecutor for war-crime tribunals on Rwanda and the former Yugoslavia, is the head of the United Nations Fact-Finding Mission on the Gaza Conflict.