CONFIDENTIAL

END OF MISSION REPORT

Alvaro de Soto
Under-Secretary-General
United Nations Special Coordinator
for the Middle East Peace Process
and Personal Representative of the Secretary-General
to the Palestine Liberation Organization
and the Palestinian Authority
Envoy to the Quartet

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INTRODUCTION

1. I was launched into my Middle East assignment on short notice, in order to accompany the Secretary-General, as his Envoy presumptive, at a meeting of the Quartet in Moscow in early May 2005, while still serving as Special Representative of the Secretary-General for Western Sahara. I assumed my duties in Gaza and Jerusalem on 1 June. Upon expiry of my contract on 7 May 2007, therefore, I shall have completed roughly two years in this position – and twenty-five years plus a few days at the United Nations.

2. It has never been the strong suit of the UN to evaluate missions or draw lessons from them.[1] I wrote an unsolicited End-of-Mission report when my assignment in the Western Sahara came to an end, having profited greatly from my predecessor's report. I did the same after the Cyprus good offices wound up in 2003, including a lessons-learned exercise with the participation of various colleagues. I am pleased that DPKO has now established this practice systematically, and adopted a template for that purpose. I am also gratified that DPA is following suit. I should point out, however, that I had in fact begun to write the current report in early April, shortly after notifying Secretary-General Ban Ki-moon of my desire to move on – weeks before receiving the cable request for such a report from USG/DPA and definitely too late to adopt the DPKO template which was sent by e-mail on 24 April. I have nevertheless followed many of the excellent suggestions contained therein, even though I suspect that once DPA sets about designing its own template it will find that it should differ considerably in light of the differences between the work under the two Departments. Such a report from my predecessor might have spared me the Champollion-like effort involved in decoding the arcana of late 20th and early 21st century UN Middle East diplomacy.

3. When I arrived, I inherited an office which, while it had some excellent people, had been somewhat hollowed out by the departure of key staff and the lack of strong leadership for a prolonged interval. For over a year, I had to devote almost equal time to both aspects of my terms of reference, coordination of assistance to the occupied Palestinian territory and the peace process, with only barebones substantive staff for many months. I worked step-by-step to appoint top-notch people to unfilled positions in the mission and to empower key staff to re-establish internal working methods. I discovered that UNSCO's relationships with the UN agencies and the regional peacekeeping missions (including UNSCO's landlord, UNTSO), as well as OPRSG in Beirut (which reports through UNSCO on the MEPP), were uneven, and sometimes marked by hostility and mistrust. I sought to put an end to this, and to ensure that all dealings were conducted on a basis of partnership and mutual respect -- with, I believe, some success. All

[1] At the UN, no wheel shall go unreinvented, goes de Soto's law.

personnel of the agencies and programmes are highly motivated and work as a team, but I should like to single out for their particularly valuable contribution Karen Abu Zayd (Commissioner General of the hugely important UNRWA), David Shearer (OCHA) and, more recently, Gen. Ian Gordon (CoS UNTSO), who were as keen as I was for the UN System to pull together. The change in tone was given added substance in mid-2006 when Secretary-General Annan's project of appointing a Deputy Special Coordinator responsible for the first aspect – UNSCO's original mandate – came to fruition. With the arrival of the creative, seasoned and energetic Kevin Kennedy, who is discharging his duties admirably, I devoted myself almost entirely to the peace process. I will therefore concentrate on the peace process in this report. Mr. Kennedy and the able team at UNSCO will be able to provide any newcomer with comprehensive briefing notes and ideas on the range of important issues not covered in this report.

4. My peace process-related terms of reference, pursuant to an exchange of letters between the Secretary-General and the Security Council, encompasses Israel, the occupied Palestinian territory and Israel's neighbours, Egypt, Jordan, Lebanon and Syria. My Area of Operations comprises all five countries and the oPt. I traveled frequently to Egypt and Jordan, states which have both long since reached peace agreements with Israel. As soon as I was appointed I sought to visit all my interlocutors in their capitals, but I was told by USG/DPA that I should consult before traveling to either Lebanon or Syria. I went to Lebanon, for the first and only time as Special Coordinator, late in 2005. I traveled there again as a member of the mission headed by Vijay Nambiar dispatched to the region by the Secretary-General in July 2006 during the war between Israel and Hizballah. Notwithstanding my strenuous efforts, of which there is plenty of evidence in the DPA cables file, I was never authorized to go to Syria. None of my arguments in favour of going were ever refuted, nor was I given any precise reason for denial of the authorization requested. In the past two years I have therefore confined my work to the Israeli-Palestinian conflict and my related duties as the Secretary-General's Envoy to the Quartet, to the extent that it is possible to so compartmentalize developments in this region. My capacity to carry out these duties fittingly has been immeasurably hampered firstly by not going to Syria and later by not having contact – save exceptionally, and only by telephone, at the specific request of Secretary-General Annan – with the Palestinian Authority government, duly appointed by the President of the PA and confirmed by the democratically elected Palestinian Legislative Council. In trying to fulfill my mission in these circumstances, I have frequently felt like the Black Knight in "Monty Python and the Holy Grail", who, after having both legs and both arms lopped off by the King, still accuses his adversary of cowardice and threatens to bite off his legs. At best I have been the "UN Special Coordinator for the Middle East Peace Process" in name only, and since the election of Hamas, I have been "The Secretary-

General's Personal Representative to the Palestinian Authority" for about ten or fifteen minutes in two phone calls and one handshake. But more on these handicaps later.

5. The Israeli-Palestinian question triggers strong views, and third parties are rarely exempt. There is no sense denying that passion also pervades the UN internal policy debate; it could hardly be otherwise. It also fuels the latent tension between the UN's humanitarian and development roles and its conflict resolution role. Participants in policy discussions, whether in meetings or in drafting exercises, sometimes are unable to repress their views which are sometimes passionately advocated, and incendiary epithets are sometimes lightly bandied about. I have been encouraged to be candid in this report, and readers will observe that I have been just that. Those who disagree with one, another or several of my Parthian shots may feel that I have tilted inappropriately one way or another. Portions of it may even be misconstrued, if malice is thrown into the brew, as unfair to one side or to one of the main international players. I am guided by what I believe the UN should be doing in furtherance of the goal of a two State solution in which Israel's existence and security are assured and legitimate Palestinian aspirations for end of occupation and statehood are made a reality. Readers are of course free to disagree with my assessment, but I hope they will resist temptations to nitpick and see the forest rather than the trees – the overall argument is what counts.

6. I wish to make clear that this report is entirely my own. It was almost entirely conceived on my laptop or my personal computer, and only shown to a very restricted few colleagues when it was far advanced. I am extremely grateful for their assistance in correcting facts and for making other valuable suggestions and pointing to omissions. But every single word in it is ultimately mine, and those who know my work will, I think, recognize my voice in it throughout.

THE CONFLICT TRANSFORMED

7. The first point I want to register is that, in the few months following my arrival, events affecting the Israeli-Palestinian conflict fundamentally changed the situation on the ground, namely, the *Israeli disengagement from Gaza and parts of the north West Bank* (August 2005), *Sharon's exit from the political scene* (January 2006) and the *electoral victory of Hamas* (January 2006). Each of these events by itself would have had a far-reaching effect on prospects for Israeli-Palestinian peace and the course of the "peace process". The three taken together, in merely five months, transformed the situation in far-reaching ways that affect not only the Israeli-Palestinian conflict but also the overall *problématique* in the region. While each of these events has been exhaustively reported on and analyzed by UNSCO, I will dwell on them so as to give those who come after me a

good sense of what went on, and to provide background for the conclusions and recommendations sections toward the end.

The Gaza disengagement

8. Prime Minister Sharon's announcement of his intention to withdraw from Gaza unilaterally threw the Palestinians and the international community for a spin. It was a spectacular *fuite en avant*. Sharon was leapfrogging the Road Map (by withdrawing from occupied territory, a Road Map phase III obligation, during phase I), but no-one – not the Palestinians, not the international community – could complain since he was unquestionably removing long-entrenched settlements and settlers from Palestinian territory. In fact the Quartet, trying to avoid appearing to be Sharon's *claque*, scrambled to set conditions which he, true to form, blithely ignored.

9. The Quartet designated James Wolfensohn to act as Quartet Special Envoy for Gaza Disengagement, with a mandate to bring about the revitalization of the Palestinian economy which had gone stagnant since the closure system was tightened at the beginning of the second Intifada. The ensuing closure system that still smothers the West Bank, impedes connectivity between the West Bank and Gaza, blocks Palestinian exports particularly from Gaza and prevents Palestinian workers coming from Gaza from going to work in Israel, largely remains to this day. Wolfensohn devoted his considerable clout to bring about some semblance of coordination between Israel and the Palestinians so as to ensure a smooth disengagement. He also worked to set out the preconditions for economic revival in the post-disengagement period.

10. Wolfensohn's appearance on the scene was not without its drawbacks: the origin, as I understand it, was a call from US Secretary of State Rice to Secretary-General Annan essentially to run by him, as a Quartet partner, her intention to announce, within hours, Wolfensohn's appointment as a US special envoy. The Secretary-General persuaded her and the other partners that he should be a Quartet envoy. The terms of reference originally proposed would have given Wolfensohn a writ, essentially covering the entire peace process, much wider than the narrower one that emerged as described in the previous paragraph. In the event, though, despite the narrowing of his mandate, his involvement had the effect of at least partially eclipsing and somewhat diminishing the role of the other envoys to the Quartet, since none of the Quartet members agreed to give up their own envoys.

11. My own experience was that interlocutors on both the Israeli and Palestinian sides found the differences between the multifarious envoys and the overlapping mandates difficult to fathom, and tended to give pride of place to Wolfensohn who brought along not only his own unparalleled

credentials and a high-level staff composed at the core of personnel appointed by each envoy, but also a robust and obtrusive State Department-provided security detail. Accommodating this rather large new building block into the architecture of international involvement in the Middle East did not prove easy for any of the other building blocks. Wolfensohn did little to hide his aspiration to broaden his mandate, but this was resisted perhaps most strongly by the US Department of State which had proposed him in the first place.

12. I cannot speak for other envoys to the Quartet, but in my case, coordination with Wolfensohn, not to mention with the envoys as a group, was good at the beginning, but as time passed dwindled to spotty at best. The fact that he had borrowed personnel from each of the Quartet members and reported directly to the Quartet principals also tended to cross wires with us. However, we must be pleased that Wolfensohn took advantage of UN resources to useful effect, particularly the OCHA data on the Israeli closure system which the IDF could no longer dismiss and UNDP's creative involvement in the removal of the settlers' rubble. It was a mutually beneficial arrangement in terms of enhancing the role of the UN family.

13. In the event, Wolfensohn's mission began to run aground after his attempts to broker an agreement on access and movement were intercepted – some would say hijacked – at the last minute by US envoys and ultimately Rice herself. While the Agreement on Movement and Access (AMA) of 15 November 2005 was painstakingly cobbled together by Wolfensohn and his high-powered team in the previous months, key alterations were made at the eleventh hour and he was virtually elbowed aside at the crowning moment. From that moment on his star in the Middle East peace process firmament began to dim, and a few months later it disappeared altogether when he testified in the US Congress in a way that left little uncertainty as to his disgruntlement and who he blamed. In the event, he left the scene with a more jaundiced view of Israeli (and US) policies than he had upon entering. An attempt by Secretary-General Annan late in 2006 to revive his mission met with Russian support but was received with little enthusiasm in Washington and shunned by Wolfensohn himself.

14. The disengagement proper was pulled off with extraordinary efficiency first because of Sharon's larger than life stature in Israeli politics – essentially he said what he was going to do and asked the people to trust him – second by the smoothness of the Israel Defence Forces' operation on the ground, and third by effective coordination between Israel and the Palestinians and the restraint of Palestinian militant groups. Another contributing element was that the GoI was able to persuade a number of settlers in Gaza to withdraw voluntarily even before the deadline set for the removal operation began, by offering them financial incentives. The IDF

demonstrated that it was capable of handling a difficult group of people with sensitivity and consideration. The emotional scenes witnessed by the entire world through TV images had a positive impact on the West's view of Sharon, until then viewed as a brilliant but ruthless warrior and rejectionist of any compromise with the Palestinians (or anyone else, for that matter).

15. Sharon had read the tea leaves, but, true to form, he wanted to do things his way. In a brief, emotional address to the nation on the eve of the operation, he spoke of the transcendental importance of the Gaza disengagement with unusual candour. He expressed his pain at having to remove settlements which, he said, he would have hoped to maintain forever. He explained that fundamental changes in circumstances internationally, regionally and at the level of the country had compelled him to take the decision. While he was referring to many such changes, I think the crucial one was the fact that the Zionist *aliyah* project – the return of Jews to make their home in Israel – did not succeed to anything like the extent Sharon had originally envisaged when he masterminded the settlement policy decades ago. As a result, two thirds of the world Jewish population remains outside Israel, and even the right wing has come to accept that Jews will never be the majority in the areas occupied in 1967, leave alone "from the sea to the river". The situation in Gaza – the juxtaposition between 8,000 successful settlers protected by the IDF in 30% of the Gaza Strip and the teeming Palestinian population *"living in hate and squalor"* – was therefore untenable. It obliged Israel to bring its Gaza settlers "home", and to begin doing the same in the West Bank, so that they would "converge" to the Israeli side of the dividing line (which would be set unilaterally by the route of the Barrier). It is said that he was urged by some of his advisers (including Olmert) to go much further beyond Gaza and the four northern West Bank villages he evacuated, and move out of very large chunks of the West Bank; another version is that this was not so, rather it was the US that pushed him to include the north West Bank so as to lay down a marker that it wasn't to be just a matter of giving up Gaza and keeping everything else. Be that as it may, the decision was very far-reaching in that it represented the first withdrawal of settlers from occupied Palestinian territory, and it shattered forever the illusion of the Israeli right that they would be able to hold on to all of Eretz Israel forever.

16. Even so, I don't think the disengagement marked in any way a conversion by Sharon to the idea of an independent and viable Palestinian State – on the contrary, it was a spectacular move that basically killed and put into "formaldehyde" the Road Map, to quote his key adviser. Sharon used the disengagement to gain vital concessions from the US – including the Bush letter of assurances on retention of settlement blocs and non-return of Palestinian refugees to Israel – while proceeding with the construction of the barrier and the implantation of more settlers in the West Bank.

17. As part of Gaza disengagement and the AMA, Israel relinquished the control that it had exercised over the border with Egypt, thus providing the Palestinians with their first outlet to the outside world not directly controlled by Israel. This was a highly controversial step within Israel; many warned that removal of Israel's control over the Philadelphi corridor would open the way for smuggling of weapons and terrorists. Since the security régime along the border is governed by the Egypt-Israel peace treaty, Sharon was forced by angry dissidents from his party, then still Likud, to submit his proposals for approval by the Knesset. Sharon himself had no doubt that withdrawing altogether from the border was desirable since it would strengthen his case for saying that Israel was no longer in occupation of Gaza. In the event, most of the arguments of Likud dissidents were overcome when the European Union offered to monitor the crossing at Rafah under arrangements pursuant to the AMA, in a tripartite arrangement providing for Israeli and Palestinian border officials sitting together nearby, though not inside Gaza, to monitor movement of people by CCTV. This arrangement has been fraught with difficulties arising, *inter alia*, from frequent – and often apparently arbitrary – decisions by Israel, alleging security threats, which prevent the European monitors – who are billeted in Israel rather than inside Gaza or in Egypt – from acceding to the crossing which, under the agreed rules, cannot open without their presence. There are also frequent allegations by Israel that the Egyptians are lax about controlling the influx of undesirable people or goods, as well as of clandestine tunnels from the Philadelphi corridor into Gaza where the same occurs. Talk resurfaces every once in a while in Israel about retaking control of the Philadelphi corridor.

18. During his tenure Wolfensohn forced a semblance of coordination between Israel and the Palestinians which contributed to the smooth disengagement from Gaza which was Sharon's overriding concern. Wolfensohn also helped to carve out arrangements concerning the fate of Israeli infrastructure left behind by the settlers, including the reduction to rubble of edifices of all kinds and the clever deal to buy, then transfer to the Palestinians, most of their lucrative greenhouses. While US officials hint broadly that without their behind-the-scenes heavy lifting he would not have been as successful as he was on these issues, there is no doubt that Wolfensohn shook the trees and, at the very least, played a critical catalytic role.

19. Wolfensohn contributed greatly to highlighting the notion first put forward by the World Bank that the Israeli closure system was the determining factor in the decline of the Palestinian economy, and it is a source of satisfaction that the field office of OCHA played a key role in highlighting this reality, as it continues to do to this day.

20. Unfortunately, the disengagement raised expectations that were not to be met. Palestinians expected that at last the people of Gaza, rid of the settlers and the IDF, would be free to move around within Gaza – many people had not gone from the south to the north of this short and narrow strip for decades – and to go abroad at their leisure. Under the provisions of the AMA regarding the Karni crossing, it was also hoped that time-sensitive specialty agricultural products from Gaza would be able to go through. Israelis expected that the firing of improvised rockets – sometimes called "Qassams" – from Gaza into nearby Israeli towns would come to an end. Expectations on both sides were soon dashed.

21. The Palestinians consider that Gaza remains an open-air prison controlled directly by Israel on all borders, including the sea which is tightly patrolled by the Israeli navy, and indirectly the border with Egypt through Israel's ability to prevent the opening of the Rafah crossing simply by blocking the European monitors from crossing into Gaza to assume their positions at the crossing. Passage through Rafah is sporadic, chaotic and, by many Palestinian accounts, a humiliating experience. While there has been some improvement lately at Karni, this follows months and months of patchy operations and massive rotting of agricultural produce because of Israeli security exigencies, not to mention the difficulties faced by UN programmes and agencies wishing to move material through. The Erez crossing, meant for persons going to and from Israel and the West Bank, is almost irrelevant for Palestinians since Israel has completely shut off Palestinian workers from going to Israel at all – Palestinians who used to work in numbers over 100,000 in Israel have been reduced to zero. There has been no movement on the provisions of the AMA regarding the reopening of Gaza airport or the long awaited construction of the seaport. Nor has there been the slightest progress on connectivity between Gaza and the West Bank. Since, as I recall, the test of occupation in international law is effective control of the population, few international lawyers contest the assessment that Gaza remains occupied, with its connections to the outside world by land, sea and air remaining in the hands of Israel. The only thing that has really changed is that there are no settlers and no more Israeli boots on the ground – at least not based there.

22. The conventional wisdom in Israel is that "we have ended the occupation of Gaza" and the Palestinians are solely to blame for their current plight, and are fully responsible for the continued firing of rockets at nearby Israeli targets. (Palestinians reply that Israel can't continue knocking off militants in the West Bank and expect their brethren in Gaza to sit quietly.) In Israel today, there is great unhappiness at the results of the Gaza disengagement, which had clear majority support at the time but is now regarded, in retrospect, as having been a failure. Combined with the Second Lebanon war in the summer of 2006, which is widely seen as resulting from the loose ends left when Israel withdrew unilaterally (albeit in a UN-coordinated

process) in 2000, the policy of unilateral withdrawal from occupied territory which is at the heart of Kadima's agenda took a severe beating. Unilateral disengagement, justified by the urgent need to set Israel's borders before the demographic time bomb of Palestinian population growth overwhelmed the Jewish state, was shelved; however, it was not replaced by a renewed urgency to negotiate a settlement, but by a do-nothing policy reflecting the weakness of the Israeli government as well as its unreadiness to accept that the 1967 line must the basis for a settlement. In truth, the PLO is as entitled to ask of Israel whether it is a partner as Israel regularly asks of the PLO and PA.

Sharon's exit, Olmert's tribulations

23. Toward the end of 2005, basking in the glory of what still seemed to be a successful disengagement, and looking ahead to elections in the first half of 2006, Sharon decided to rid himself of the ankle-biters in Likud by founding a new party, Kadima ("Forward"), and taking along with him the cream of Likud, leaving the carcass to Binyamin (Bibi) Netanyahu. There was no doctrine for the new party other than Sharon himself and the unwritten understanding that he was trustworthy and would lead Israel to further unilateral disengagement from large parts of the West Bank while tightening his grip on the bits he wanted to keep – a united Jerusalem, the big settlement blocs and (probably, in terms of security arrangements) the Jordan Valley. He was also joined by key Labour leaders including Shimon Peres and Haim Ramon, one of the shapers of disengagement. Ehud Olmert, a widely experienced former Mayor of Jerusalem and holder of various ministerial portfolios, was his deputy, but future Foreign Minister Tzipi Livni, a "Likud princess" as the daughter of an early "freedom fighter" in Irgun during the British mandate, was prominently at Sharon's side. Then on 4 January, long ill and hugely overweight, Sharon was rushed to Hadassah Hospital from his Negev ranch, and rapidly fell into a coma from which it is assumed he will never recover.

24. Olmert averted the disarray that might have ensued after the exit of the *caudillo* by moving quickly to take over as provisional leader and Acting Prime Minister. At the time of Sharon's lapse into coma, support for Kadima, measured in the estimated number of Knesset seats that it could obtain were elections to be held then, was at 44. Olmert was elected in his own right but gained only 29 seats. Still, he put together a broad coalition which, despite the plummeting of support for Olmert, remains in power mostly because its members wish to remain in power. Olmert, constantly embattled, is approaching his moment of truth.

25. The victory of Hamas in the Palestinian legislative elections of 25 January 2006 was a severe setback for Olmert. Though he claims to share the consensus about supporting Abu Mazen, he has done little, grudgingly and

late, to strengthen his hand. He has refused to negotiate on substance with Abu Mazen, even though, as head of the PLO, he is fully empowered to negotiate on behalf of the Palestinians. Olmert has also frozen the transfer of VAT and customs duties which Israel collects from Palestinian exporters and importers in accordance with the Paris Protocol signed with the PLO in pursuance of the Oslo Accords. These normally constitute about one third of PA income, and PA salaries, not just of personnel of security bodies but also nurses, doctors and teachers, went unpaid for months. Israel clamped down on Gaza's communications to the outside world, stifling movement in and out of people and goods, even at Rafah, the EU-supervised crossing with Egypt. Economic activity in Gaza came to a standstill, moving into survival mode. Assistance from the international community shifted from support to the Palestinian Authority, which is responsible for the provision of basic needs including medical attention and education, into a humanitarian mode. Rocket firing from Gaza led to renewed incursions by the IDF into Gaza. Targeted killings continued – from memory, our Security Council briefings from spring 2006 reported an average of about 40 Palestinians killed a month by Israel. Things went from bad to disastrous in June 2006, after Palestinian fighters tunneled into Israeli territory near the IDF base at Kerem Shalom, killed some Israeli soldiers and captured an IDF corporal, Gilad Shalit. Three organizations claimed credit for this capture as a joint operation, but who exactly they are remains unclear even after 10 months of captivity. IDF action in Gaza intensified, including a deliberate and unjustifiable strike against the only Palestinian-owned power plant, leaving large segments of the civilian population in a dire situation. Sonic booms produced by Israeli jets terrorized the Gaza population at various times of the day, every day. Like the Lebanon War, Operation "Summer Rains" failed dismally in its stated goals of securing the return of the captured soldier and stopping rocket fire.

26. The Lebanon War began a few weeks after the capture of Shalit. With Israel's military focused in the south, Hizballah violated Israeli sovereignty by crossing the Blue Line, capturing two Israeli soldiers and killing several others, while letting off a volley of diversionary rockets. Olmert reacted immediately and fiercely by bombing targets deep in Lebanese territory. Hizballah retaliated by shooting over one hundred missiles a day against civilian targets deep in northern Israel. The war lasted a month and ended without Israel achieving its main stated objectives, except for the deployment of the Lebanese Armed Forces south of the Litani, the withdrawal of Hizballah armed personnel from that area, and the end, by and large, of incidents at the Blue Line. The conduct of the war, as well as the fact that it was initiated, has come under close scrutiny in Israel, with the appointment of a commission headed by former Supreme Court Justice Eliyahu Winograd. On 30 April, the Winograd commission made public its 200-page interim report, which harshly criticises the Prime Minister and

the IDF Chief of Staff (since resigned), and speaks disparagingly of the Defence Minister, casting doubt on the ability of Olmert to remain in power.

27. Olmert was already under a cloud for having allegedly obtained a sweetheart deal in the purchase of a house in a desirable section of Jerusalem and also for alleged political appointments in earlier ministerial portfolios.

28. None of this is to say that Sharon was free of suspicions of wrongdoing – to the contrary, he was constantly surrounded by the whiff of shady deals, and in late 2005 his son, a member of the Knesset, took the fall and was sentenced to prison. But the fact is that Sharon enjoyed a Teflon coating because he was a true and undisputed leader of men. People forgave him, and trusted his capacity to do what was right to ensure the safety of Israelis, regardless of whether in fact, in practice, his actions achieved that result. Olmert does not exude the self-assurance of Sharon – not by a long shot. Olmert is a savvy and highly experienced politician, who impresses his visitors with his *aisance*, sharpness and resourcefulness. He has a surfeit of street smarts, but neither he nor any other leader on the Israeli political scene today can fill Sharon's vacuum. Olmert's ratings in polls are dipping into the single digits, to the point where he is trying to make a virtue of it by speaking about it in public and taking a "let me do my job" attitude. My point is that he appears to be too weak to make bold moves and doesn't quite have what it would take to parlay such moves into recovering his political standing.

29. While the nature of the coalition that Olmert has built has to date lingered in power against all conventional political norms, the Winograd committee report might throw a spanner in the works, as would Labor's withdrawal which has now become possible. It is not clear whether Olmert's tribulations and the likely changes will alter prospects for advancing negotiations between Israel and the Palestinians in any substantive way, because the other side of the equation is the historically low prestige of the US among Arabs in the region, the ideological predispositions of the Bush Administration (with the possible exception of Secretary Rice herself), as well as the US political cycle. It appears that the US is beginning to relent on its policy of shunning the two 'axis of evil' members in the region; how soon and how substantive is the shift, combined with how the Israeli drama unfolds, will determine whether prospects improve.

The victory of Hamas

30. In March 2005, two months after his election to succeed Yasser Arafat in the presidency of the Palestinian Authority with an ample majority, Mahmoud Abbas (a.k.a. Abu Mazen) negotiated a three-part deal with the

Palestinian factions, mainly Hamas, under Egyptian auspices, in Cairo. The three parts were a) a "*hudna*" or "*tahdiyah*" – a lull, or informal ceasefire – on attacks against Israel, b) legislative elections, the first since 1996, in which Hamas would participate, and c) reform of the outdated PLO structures (in which Hamas does not participate). The electoral component of the deal included an agreement on a mixed electoral system, 50% national list, 50% district representation. By entering into such a deal, Abu Mazen clearly opted for the approach of co-opting Hamas rather than attempting to control or suppress it. This was contrary to Israel's (mistaken) reading, in accordance with the 14 reservations it expressed in accepting the Road Map, under which "terrorist infrastructures" must be dismantled before Israel discharges its obligations which include removal of unauthorized settler outposts and freezing of settlement activity. (The Road Map in fact provides for these actions by Israel and the Palestinians to be carried out in parallel. However, by accepting to implement the Road Map subject to its 14 reservations, one of which rejected the premise of parallelism, Israel's commitment to the Road Map was never complete, and the international community allowed it a major loop-hole to shirk its obligations).

31. As even Israelis admitted, the *hudna* was by and large observed by Hamas, though some questions remained about whether they were using surrogates to violate it, or, even if they weren't, they did little to stop them. The reform of the PLO is still a pending matter, which is repeatedly postponed, most recently at the Mecca summit at which it was agreed to create a National Unity Government (NUG). In the post-Arafat era, the PLO has become an even more squishy and fractious body than it was previously, and there is reluctance among many leaders, prominent among them the Tunis holdouts, to carry out a reform that would have the effect of reflecting a reality on the ground which is no longer favourable to the PLO dinosaurs.

32. The move to hold elections, however, had taken on a dynamic of its own by the time I took over on 1 June 2005. The importance of the elections could not possibly be underestimated, not simply because they were to be the first in over nine years, but more because of the participation of Hamas. Hamas is connected to the Muslim Brotherhood, but by most serious and objective accounts it is first and foremost a resistance movement, with a strong religious foundation and a network of programmes of social assistance to the downtrodden. In contrast with the decay and corruption and fecklessness of the Palestinian Authority under Fateh, which has essentially lost touch with the people, Hamas was widely seen as attentive to their needs and largely untainted by corruption. Furthermore, Hamas' undisguised skepticism, if not outright rejection, of the Oslo accords and framework, resonates among many, even though a majority appears still to adhere to a two-state solution.

33. The decision of the political bureau of Hamas to participate in the legislative elections running as "Change and Reform" was also a notable turning point because they had refused to participate in the 1996 elections because they were taking place in the framework of the despised Oslo accords. One of the reasons Abu Mazen favoured Hamas' participation is precisely that he saw it as tacit acceptance of the Oslo framework, which fitted neatly into his strategy of co-optation. The question, which still remains, is whether this step by Hamas is strategic – i.e. a stage in a process which will eventually lead to folding their discrete armed capability into legal security bodies and irreversibly joining the democratic process – or whether it is merely a subterfuge so as to reap the benefits of a democratic image while buying time to rearm. Abu Mazen's approach was clear: assume that it was a strategic decision, and work to make sure that it remained that way. As Abu Mazen saw it, the alternative was for Hamas to remain in the cold, where it would always have the means and incentive to blow up any moves he might make towards a deal with Israel.

34. While the elections were set for July, they were unilaterally postponed by Abu Mazen until January 2006, mostly to quell squabbling within Fateh about candidates for office and attempts to revisit the Cairo accord concerning the electoral system. (A footnote is that the single person who can arguably take most credit – or debit – for maintaining the agreed mixed system is Saeb Erekat, who exercises considerable patronage in his fiefdom of Jericho, where Hamas is not an important presence.)

35. With Gaza disengagement at the end of the summer of 2005 Sharon, not much of a UN fan, deigned to come to the General Assembly in order to reap the unusual glory that was due to him for that feat. His message on the planned Palestinian legislative elections was unequivocal: Hamas is a terrorist organization and should not be allowed to participate, and Israel would not cooperate with – i.e. it would prevent – the holding of such elections if Hamas were a participant.

36. It was clear that Hamas' participation in the elections four months ahead was the central issue as preparations got underway for the Quartet meeting which the Secretary-General hosts every year on the margins of the general debate of the General Assembly. Secretary-General Annan agreed with my assessment and, with his support, I put this to my Quartet colleagues, the other three Envoys, David Welch (US Assistant Secretary of State), Marc Otte (European Union, Javier Solana's Envoy) and Alexander Kalugin (Russia). They all agreed, the stage was set, and a statement was prepared which tiptoed carefully around the question of participation.

37. At the Quartet meeting on 20 September 2005, the Principals deliberated and, after consulting by telephone with Abu Mazen, agreed to a formula which consisted of Secretary-General Annan reading to the press, on behalf

of the Quartet, a sentence – not included in the written statement that was issued – in which the view was expressed that the forthcoming Palestinian legislative elections should be seen as a stage in the Palestinian evolution toward democracy, and that the question of participation should be left to the Palestinians themselves, notwithstanding the "fundamental contradiction" between participation in elections and possession of militias. All (= Israel) should cooperate with what the Palestinians decided. Even accounting for the diplomatic prestidigitation, this was a far-reaching move by the Quartet, by which the Palestinians were in fact given a pass on the requirement, spelled out in the first stage of the Road Map, to disarm militias. In effect, Abu Mazen's co-optation strategy was being endorsed. In Israel it was denounced as a capitulation.

38. Abu Mazen moved toward the elections fairly confidently, reassuring visitors that they would see, in the new legislature, that he would bring about the disarmament of the militias. He predicted a good result for Hamas, but expressed no doubt that Fateh would retain its majority.

39. Well and good, but, of course, Hamas won. Or, rather, Fateh was defeated. It was routed at least partly because of its own blunders – including in many cases fielding more than one candidate for the same seat, partly a reflection of Abu Mazen's indecisiveness or perhaps powerlessness as party leader. The core of Hamas is generally estimated to be about 20% of the electorate, but it garnered the support of 43%, meaning that at least 23% of the electorate in addition to the card-carrying members rejected the usual suspects and voted for the candidates of a party which, in mayoral positions, had at least ended graft and established some semblance of order in the conduct of public affairs.

40. Be that as it may, an entirely new and unexpected dispensation, apparently a body blow to Abu Mazen's strategy, took the Palestinians, including, probably, Hamas itself, entirely by surprise. Much to the consternation of the Fateh establishment, Palestinians at large appeared to be elated that, behaving as the electorate might do in a European election, they had "thrown the rascals out". Moreover, there was an aggravating circumstance surrounding the vote: it had been conducted fairly and freely. Also, the run-up had been largely free of the kind of fecklessness generally expected of the Palestinians. Such incidents as there were could largely be attributed to Israeli disruption in the form of arrests and restriction of movement of Hamas candidates. Abu Mazen himself was philosophical and self-critical about it, even in public: Fateh had its own failings, and it must regroup, repent and rethink.

THE QUARTET AND THE PA GOVERNMENT

Reaction to the Hamas victory

41. Barely five days after the 25 January 2006 elections, however, the Palestinians received an icy shower in the form of a pre-programmed Quartet meeting in London on 30 January 2006. Just as the dominant issue in September had been whether Hamas should participate in the elections, in January it was how to handle the result.

42. Not that the Palestinians were totally unprepared for the shock: warning shots had been fired across their bow in two statements, both issued after teleconferences between the Principals, issued on 28 December 2005 and on 26 January 2006, the day after the elections. In the first, the Quartet called on all those "*who want to be part of the political process*" to "*renounce violence, recognize Israel's right to exist, and disarm*", and "*expressed its view that a future Palestinian Authority Cabinet should include no member who has not committed to the principles of Israel's right to exist in peace and security and an unequivocal end to violence and terrorism.*" In the second, also issued after a teleconference, the Quartet said: "*A two-state solution to the conflict requires all participants in the democratic process to renounce violence and terror, accept Israel's right to exist, and disarm, as outlined in the Roadmap.*"

43. Yet in a 13 January meeting, I had gathered the impression that, though the US had clearly decided who were "the bad guys", they were not entirely averse to the approach, which I floated. This approach, drawing on the flexibility of Russia and the UN – those members of the Quartet unencumbered by legislative constraints regarding dealings with Hamas – would have been designed to encourage Hamas to continue moving in the direction taken when it decided to participate in the elections.

44. What I had in mind was that the Quartet could adopt a *common but differentiated* approach towards Hamas and the new government, and I recommended to UNHQ that we avoid tying our hands in ways that we might come to regret later. I also said that, whereas we had to acknowledge that the US and the EU had real domestic constraints with regard to assistance to a government involving members of a movement listed by them as a terrorist organization, they should in turn acknowledge that a group that is likely to hold a high percentage of seats in the Legislature could not be effectively dealt with by pressure and isolation alone, that Hamas was evolving and could evolve still more, that if we are to encourage that evolution some channel of dialogue would be necessary, and that for the UN to play such a role, as it had done successfully in many cases elsewhere in the world, it had to be given some space. I also proposed that, regardless of what position it took regarding the new Palestinian dispensation, the Quartet should register concern about Israel's creation of facts on the ground, which impinges on the viability – indeed, let's not beat around the bush, the very achievability – of a future Palestinian state, and

agree to become more explicit about the need for negotiations and convergence on the end-goal of the road Map process.

45. I was further handicapped by the fact that the Secretary-General was in movement on the Continent, wending his way toward London, affording little time or opportunity for consultation.

46. I could not erase what the Quartet had already said on 28 December. However, to me, it was one thing to take positions before the elections, when we all assumed an outcome that would preserve Fateh's majority, and another to take positions in the face of an outright Hamas victory. The people had spoken in free and fair elections whose holding had been encouraged by the international community, and their wishes should be respected. We had an entirely new, unforeseen situation before us, and we should adjust our reaction accordingly. The 26 January statement, which in effect echoed the one of 28 December, undercut me seriously in that respect.

47. On 29 January we received a draft statement prepared by the US that would have had the Quartet, in effect, decide to review all assistance to the new PA government unless its members adhered to three principles: nonviolence, recognition of Israel, and acceptance of previous agreements and obligations including the Road Map. It was quite clear that the Secretary-General could not speak for donors. As a stopgap, therefore, with the approval of the Secretary-General, I proposed that either the reference to the review of assistance should be deleted altogether or the decision should be taken only by the donor members of the Quartet.

48. I had arrived in London bereft of guidance from UNHQ in response to my recommendations on the eve of the Quartet Principals meeting scheduled on 30 January, and was only able to consult with the Secretary-General at a rather late stage.

49. The Envoys met at 10 a.m. on 30 January in preparation for the Principals' meeting in the evening. I was subjected to a heavy barrage from Welch and Abrams, including ominous innuendo to the effect that if the Secretary-General didn't encourage a review of projects of UN agencies and programmes it could have repercussions when UN budget deliberations took place on Capitol Hill. This question was resolved when the US stepped back from insisting on a decision by the Quartet on the matter, and settled for language – proposed, incidentally, by the US legal advisor, a veteran of Camp David and other US Middle East efforts – under which the Quartet merely "*concluded* that it was inevitable that future assistance to any new government would be reviewed by donors against that government's commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Road Map".

50. Despite the constraints under which I was operating, I pleaded with the Envoys for an approach that would be more compatible with the United Nations playing the role which comes naturally to us as explained five paragraphs above. I was weakened by the willingness expressed by both my EU and Russian colleague, at the outset, to accept the language proposed by the US. I found myself arguing alone for formulations that would be more consistent with the Quartet's support for Abu Mazen's strategy of co-optation, firstly, and, secondly, more conducive to conveying to Hamas the message that the international community recognizes and welcomes the movement that they have made by participating in the elections and respecting the electoral rules of the game and by and large respecting the "*Hudna*", and that we earnestly hope that such movement will continue so that the international community can maintain the support it has always provided to the Palestinians. Predictably, I was unsuccessful in these endeavours; hence the undesirably punitive-sounding tone of the 30 January statement from which we have not succeeded in distancing ourselves to this day, and which effectively transformed the Quartet from a negotiation-promoting foursome guided by a common document (the Road Map) into a body that was all-but imposing sanctions on a freely elected government of a people under occupation as well as setting unattainable preconditions for dialogue.

The impact of Quartet policy on the Palestinians and on prospects for a two State solution

51. The devastating consequences of the Quartet position have been well documented, including in UN Security Council briefings. Those consequences were, in fact, predicted by UNSCO in a paper that we circulated to Quartet partners before the London meeting on the institutional implications of pulling the financial plug on the PA. The precipitous decline of the standard of living of Palestinians, particularly but by no means exclusively in Gaza, has been disastrous, both in humanitarian terms and in the perilous weakening of Palestinian institutions. International assistance, which had been gradually shifting to development and institutional reform, has reverted largely to the humanitarian. The service-delivering capacity of the PA, consisting of the thousands of doctors, nurses and teachers, employees of the PA, who provide the bulk of medical care and education, has suffered tremendously. Perversely, this regression has made the already critical role of UNRWA, as well as other UN agencies, even more crucial to the well-being of the Palestinians. The underpinnings for a future Palestinian state have been seriously undermined, and the capacity of the Palestinian security apparatus to establish and maintain law and order, to say nothing of putting an end to attacks against Israel, has diminished tremendously – hardly surprising, given that the security forces who would have to risk their lives to achieve these goals haven't been being paid regular salaries. Thus the steps taken by the international community with the presumed

purpose of bringing about a Palestinian entity that will live in peace with its neighbour Israel have had precisely the opposite effect.

52. Beyond the damage wrought in terms of international assistance, which in the final analysis is voluntary, there is that which has been inflicted by Israel, notwithstanding its responsibilities to the population, under international law, as occupying power: not just the killings of hundreds of civilians in sustained heavy incursions and the destruction of infrastructure, some of it wanton such as the surgical strikes on the only power plant, as well as bridges in Gaza; also the cessation of transfer to the PA, since February 2006, of the VAT and customs duties which Israel collects, under the Paris Protocol signed with the PLO pursuant to the Oslo Accords, on behalf of the Palestinians. This is money collected from Palestinian exporters and importers. It is Palestinian money. In normal circumstances it adds up to a full one third of Palestinian income. It is the main source of payment of salaries to PA employees. While the international community demands from the Palestinian government that it should accept "previous agreements and obligations", Israel deprives the PA of the capacity to deliver basic services to the Palestinian population in violation of one such "previous agreement", as well as its IHL obligations regarding the welfare of the population whose land it occupies.

53. Israel's cutoff of the main source of income of the PA was never intended by three of the Quartet members. The UN (myself) was the first to call on Israel not to do this, the very day that the decision was communicated to international representatives. The EU has since repeatedly called on Israel to resume transfer; the sums withheld surely add up to the high hundreds of millions of dollars by now. However, the Quartet has been prevented from pronouncing on this because the US, as its representatives have intimated to us, does not wish Israel to transfer these funds to the PA. It is interesting that in a recent interview in the *Financial Times* Secretary Rice was quoted as saying: "*I do think that there are certain responsibilities that come with governing and that Hamas has not lived up to those because it has been unable to deliver because it is isolated from the international system because it will not give up violence. So there's a consequence to being in power and being unable to deliver.*" One wonders whether it is credible to judge the ability of a government to deliver when it is being deprived of its largest source of income, to which it is indubitably entitled by virtue of an agreement endorsed by the Security Council, by the State which largely controls the capacity of that government and its people to generate income. In fact, the PA government is being expected to deliver without having make-or-break attributes of sovereignty such as control of its borders, the monopoly over the use of force, or access to natural resources, let alone regular tax receipts.

54. In general, the other consequence of Quartet policy has been to take all pressure off Israel. With all focus on the failings of Hamas, the Israeli

settlement enterprise and barrier construction has continued unabated. (In the same time period, the idea has also gained ground in Western public opinion and even some Arab governments that the problem in the region is Iran and the "Shia crescent" – a framing device which tends to mute attention to the Palestinian issue.)

Palestinian realignment and the formation of a National Unity Government (NUG)

55. Soon after the elections, Hamas expressed its desire to establish a broad-based government. The reactions in Fateh were mixed, but before the idea could advance any further the US made it known that they wanted Hamas to be left alone to form its government. We were told that the US was against any "blurring" of the line dividing Hamas from those Palestinian political forces committed to the two-state solution. Abu Mazen soon made clear that Fateh members would not participate in a Hamas-led government. The US reportedly also sent unequivocal signals to independents who had been approached about joining the government that they would be ill-advised to do so. In the event, Hamas formed a government that included some independents but was largely dominated by Hamas. This naturally facilitated the continued quarantine of the PA government, a.k.a. the "Hamas government".

56. Before going on, I want to stress that, in effect, a National Unity Government with a compromise platform along the lines of Mecca might have been achieved soon after the election, in February or March 2006, had the US not led the Quartet to set impossible demands, and opposed a NUG in principle. At the time, and indeed until the Mecca Agreement a year later, the US clearly pushed for a confrontation between Fateh and Hamas – so much so that, a week before Mecca, the US envoy declared twice in an envoys meeting in Washington how much "I like this violence", referring to the near-civil war that was erupting in Gaza in which civilians were being regularly killed and injured, because "it means that other Palestinians are resisting Hamas". Please remember this next time someone argues that the Mecca agreement, to the extent that it showed progress, proved that a year of pressure "worked", and we should keep the isolation going. On the contrary, the same result might have been achieved much earlier without the year in between in which so much damage was done to Palestinian institutions, and so much suffering brought to the people of the occupied territory, in pursuit of a policy that didn't work, which many of us believed from the outset wouldn't work, and which, I have no doubt, is at best extremely short-sighted.

57. In any case, toward the beginning of the summer of 2006, advisers close to Abu Mazen set in motion an initiative whose purpose – as underscored to us privately – was to bring about the untimely demise of the PA government led by Hamas, through the convening of a referendum to ratify the adherence of the Palestinians to Abu Mazen's programme of

negotiating a two-state solution in accordance with the Oslo Accords and the commitments entered by the PLO. They wanted to get from the people what they had not succeeded in getting from the government in its programme. It reached the point at which Abu Mazen, despite the strong opposition of the government, actually announced the convening of the referendum, albeit stopping short of setting a date. Abu Mazen intimated to me, however, that he was using this as leverage only to prod movement in the direction of acceptance of a two-state solution by the government. It is my conviction that Abu Mazen has throughout remained true to his strategy of co-optation, and that he was never seriously committed to the plot that his advisers tried to foist on him. This includes the threat to convene early elections, which he was pressed to do by the US, late in 2006. Abu Mazen is philosophically as well as strategically disinclined to cross the line from brinkmanship into confrontation. The US, which appears to listen to a small clique of Palestinian interlocutors who tell them what they want to hear, seemed to believe on any number of occasions that Abu Mazen was just around the corner from taking Hamas on – but this misjudged both the man and the balance of forces he faced.

58. In the event, the renewed effort at the beginning of 2007 to form a national unity government overtook all such manoeuvres. A spate of interfactional violence between December and February, during which both sides came close to the abyss of civil war, raised widespread alarm which appears to have had a bracing effect not just on the Palestinian leadership in Fateh as well as Hamas, but also abroad. It seems to have inspired King Abdullah of Saudi Arabia to convene a meeting between the leaders of the two sides in Mecca, including not just Prime Minister Hanniyeh but also the notorious Khaled Meshal, head of the Hamas political bureau, who is based in Damascus. There is disagreement on whether the intention of the Saudis was merely to bring about a ceasefire between the factions – which had in any case already been obtained through Egyptian good offices – or whether it was to promote a National Unity government (NUG). According to the US, there was some bemusement amongst Saudi Arabia's partners (the "moderates" who are also in the "Arab Quartet"), who were expecting the former rather than the latter. The fact is that Hamas and Fateh came away from Mecca with an agreement to form a NUG. As agreed beforehand, within a few days PM Hanniyeh resigned, Abu Mazen wrote back asking him to form a new government in accordance with the terms agreed at Mecca, Hanniyeh promised to comply, and after some hesitation about the composition, the NUG was put in place, with Hanniyeh as PM but Hamas, Fateh and independent figures in the cabinet, including key ones such as Finance, Foreign Affairs and Interior and a Fateh Deputy PM. Also, a National Security Council has been formed with Fateh Gaza strongman Mohammed Dahlan as Secretary-General. Hanniyeh is a member.

59. In the meantime, at the urging of the US after the apparent failure of the tripartite mechanism which Rice tried to set in motion, there is an

agreement between Abu Mazen and PM Olmert to hold meetings every two weeks. The original intention behind the effort was to provide a forum for the parties to address Abu Mazen's repeated appeal for the need to address the "political horizon", meaning the final status issues. This is not just a trick to circumvent the Road Map and the stages provided therein, under which the negotiation of those issues – especially refugees, Jerusalem and borders – is to take place only in the third phase. Rather, it appears to be an effort to confirm that there is indeed still available, in the ever-receding third phase of the Road Map, a viable solution to the final status issues despite the creation by Israel of extensive facts on the ground, including vast and heavily populated settlements and the Barrier. Abu Mazen seems to believe that if he can confirm understandings to this effect, and even seek confirmation from Palestinians that these are agreeable, this would create an incentive to then walk back and go through all the stages in the Road Map in order to come to the third phase at an early date. It is not an unreasonable endeavour on Abu Mazen's part. Whether it is achievable or a pipe dream is another matter, particularly given the current Israeli predicament, and the fact that Rice's backing from the White House appears lukewarm and comes with the enormous string attached that she must not unduly pressure Israel. At these meetings Olmert has to date reportedly refused to discuss final status questions in earnest. The official agenda of the bilateral meetings is confined to security and humanitarian matters, but he does spend some time in tête-à-tête with Abu Mazen at which the bigger picture is apparently touched upon. At a meeting in December he agreed to hand over $100 million from the Palestinian clearance funds, and in the most recent meeting he appeared receptive to further appeals from Abu Mazen on this vital issue. Given the reverberations of the Winograd report, however, the prospects for progress in the talks are uncertain at best.

THE QUARTET AS A DIPLOMATIC INSTRUMENT

Assessment of its value and methods of work

60. When I first learned of the creation of the Quartet some years ago, it struck me as an ingenious diplomatic experiment. I am credited with having invented the "Friends of the Secretary-General", in the 1990-1991 El Salvador negotiations, whose main purpose was to harness the diplomatic energies of would-be competing mediators. Be that as it may, as a practitioner I am always on the lookout for creative additions to the good officer's toolbox. The idea of a mechanism to harmonize disparate diplomatic efforts and to discourage potentially contradictory solo forays by important actors in the Middle East, where there is a crying need for some sort of mediators' traffic cop, had distinct appeal. Moreover, I could see the allure of the UNSG recovering, possibly for the first time since Ralph Bunche mediated the 1949 armistice after the first Arab-Israeli war, a UN diplomatic role in the region. Since I was totally absorbed in the

Cyprus negotiation at that time, and therefore not privy to the nuts and bolts and rationale of the Quartet, I only intuited through guesswork that the UN's membership in the Quartet was the vindication and culmination of SG Annan's risky but successful effort over several years to regain Israel's confidence by helping it to be welcomed in the UN regional group system, erase the Zionism=racism GA resolution from the books, and (though this would come later) getting the General Assembly to commemorate the Holocaust, thus marking its unique character in the annals of genocide.

61. I was therefore particularly interested to see how the Quartet could, in practice, reconcile the previously differing, frequently clashing policies of the US, the European Union and Russia, as well as the UNSG as a sort of guardian of the legitimacy enshrined in international law and particularly in Security Council resolutions, having regard also to the very large UN role in the occupied Palestinian territory. The Quartet, I was to learn, functions in a flimsy framework of ritual and tradition passed orally from person to person. Unfortunately, it is a bit like the children's game of "Chinese Whispers", where the message transmitted at one end reaches the other end in a manner that doesn't necessarily resemble the original.

62. With this latter caveat, I regret to conclude, after two years, that the Quartet, with all its promise, may well epitomize, in the field of diplomacy, Bismarck's sausages theory regarding democracy – they may be delicious, but you don't want to visit a sausage factory to see how they are made. Unfortunately also, the Quartet's sausages, with notable, occasional exceptions, don't have the indescribable combination of spice, juice and tanginess that can make them so scrumptious. Moreover, I am fast approaching the conclusion that, unless he is willing to take a stand to alter the status quo, the Secretary-General should seriously reconsider continued membership in the Quartet. More on that later.

63. In my experience, the nature of the Quartet lies somewhere between a "contact group" and a "group of friends", concepts familiar to UN veterans. Contact groups are frequently used by chairpersons of the UN General Assembly to bring together the main players, including the most recalcitrant ones, on a given issue; there is also the Afghanistan contact group which gathers the country's neighbours plus the US and Russia, and the one on the former Yugoslavia, etc. Members of a contact group are usually not like-minded, and they operate as rather loose mechanisms. A "group of friends" presupposes that the members of the group have in common a friend who is in the lead and shared goals. Whatever the Quartet was at the inception, let us be frank with ourselves: today, as a practical matter, the Quartet is pretty much a group of friends of the US – and the US doesn't feel the need to consult closely with the Quartet except when it suits it. Merely the latest example is the list of benchmarks on security formulated by the US after Rice's last visit here – while UNSCO is

aware of them because of the resourceful work of our staff on the ground, these benchmarks have not been consulted with the Quartet. Yet no doubt when the Quartet next meets, it will be expected to give those benchmarks its backing, even though they don't directly conform with the frame of the Road Map and the AMA, and include dubious one-sided security assistance which is as likely to inflame as calm the security situation in the oPt.

64. Be that as it may, as a group of US friends, the Quartet's shared goal is a two-State solution to the Israeli-Palestinian conflict. However, at least since the end of 2005, even though there has developed a generally agreed approach on some aspects of what should be demanded of the Palestinian side, this is not the case as regards Israel. Any grouping that operates on the basis of consensus is at the mercy of the lowest common denominator, and that denominator is defined by the US, which has very serious qualms about exerting pressure on Israel. US leadership may be inevitable given that the US is, as I will make clear below, an indispensable player in the Middle East and it holds the key – if anyone does – to Israel. But we must be utterly clear-headed about the downside of being among the led, given that the Israeli-Palestinian conflict is but one piece of the Middle East peace process, which should (but doesn't) include the search for comprehensive peace between Israel and all its neighbours, including Syria, and also that the MEPP has become strategically subservient to US policy in the broader Middle East, including Iraq and Iran – a policy that has become discredited not just by the usual suspects abroad but also in the party in the opposition in the US and irreproachable Republican elders.

65. I will come back to the Middle East beyond Israel and the Palestinians later. As concerns the Holy Land, it is well known that Israel would prefer to have no third party involvement in peace efforts at all, leave alone a third party in the same room. Israel feels perfectly able to deal directly with their interlocutors – no intermediaries needed, thank you very much. While there is inevitably a fair amount of behind-the-scenes cajoling of Israel going on, about which one eventually learns through the memoirs of US Middle East players, and receives hints at Quartet meetings and bilaterals, it is only exceptionally that Israel agrees to intrusive US involvement (as it did at Camp David and Taba and Sharm el-Sheikh and, more recently, on 18 February, in the much-ballyhooed but ill-fated meeting of Secretary Rice with Olmert and Abu Mazen).

66. The Israelis joke that the Palestinians would be quite content if negotiations were to be held in a replete stadium, which is unfair to Abu Mazen, who has a predilection for back-channels, but otherwise not entirely untrue, judging from the list of speakers at open debates on the MEPP in the Security Council. The Palestinians, or at least the PLO/Fateh players, have gotten quite used to, and indeed crave, a strong US role. There is a curious, asymmetric coincidence between Israel and the Palestinians regarding the US's third-party role in negotiations between

them: when push comes to shove Israel can accept an intrusive US third-party role because they know that the US is a close ally which can be counted on not to betray it or even pull any surprises – the US usually floats proposals with the Israelis before presenting them to the Palestinians. Israelis also take advantage of their unique ability to influence the formulation of US policy. The Palestinians, for their part, accept and indeed have traditionally encouraged the US role because they believe that only the US, if anyone, can deliver Israel. These factors put the US in a quasi-indispensable position.

67. The question in the Quartet is whether the US can be kept honest, in a manner of speaking, by the other three members. Acknowledgement of the leading US role by its Quartet partners is not made explicit in any formal or public way. There is no designated leader of the Quartet. The chair rotates according to where the meetings are held; in fact the Secretary-General chairs them wherever they take place other than at the headquarters or capital of one of the members. None of the members of the Quartet speaks for the Quartet as a whole, which somewhat comically translates into all six Principals (since there are three EU principals) appearing awkwardly on the dais with each at his/her own microphone at press appearances, with members sometimes differing publicly with each other and even with the statement they have just issued – not to mention separate and discrete spinning by each member and surrogates.

68. The closest thing to a spokesman for the Quartet is the Secretary-General, to the extent that he traditionally performs the function, usually discharged by a Rapporteur or a Master of Ceremonies, of reading to the press, sometimes verbatim, the statement just agreed (usually as it is being distributed to the press). (I don't know how this task came to fall on the Secretary-General – this bit of the *petite histoire* of Quartet diplomatic history has yet to be written up. Perhaps it is because in terms of diplomatic precedence the Secretary-General comes before all the other members, who are merely at the Ministerial or equivalent level. He is thus treated as something like *primus inter pares*. To my mind, such a rapporteurial function should be left to the *ultimus inter pares*.)

69. I have always felt uneasy at this liturgy. Even if the Secretary-General's role has been accorded to him on protocol grounds, the other side of the coin is that he is being used to provide the appearance of an *imprimatur* on behalf of the international community for the Quartet's positions. This in itself is awkward since the Secretary-General participates in the Quartet not by delegation or mandate from any UN body, leave alone the Security Council, but in his semi-stand-alone capacity. There are large segments of the international community not represented in the self-appointed Quartet, including the Arab shareholders. Nevertheless, I could live with the arrangements until the point came when the Quartet started taking positions which are not likely to gather a majority in UN bodies, and which

in any case are at odds with UN Security Council resolutions and/or international law or, when they aren't expressly so, fall short of the minimum of even-handedness that must be the lifeblood of the diplomatic action of the Secretary-General.

Lack of normatively based and even-handed positions

70. **Take as a sample the Quartet statements issued since the start of 2007. The first was issued at the Washington, D.C. meeting on 2 February, the second on 9 February pursuant to a Principals teleconference, the third at the Berlin meeting on 21 February, and the fourth, also pursuant to a Principals teleconference, on 21 March.**

71. **The 2 February meeting was the first since the 20 September meeting hosted by Secretary-General Annan at UNHQ, which itself was the first since the Israel-Hizballah war. Strenuous UN efforts in the months following to organize another meeting led to nought. All of us could sense Washington's reluctance to another meeting with the outgoing Secretary-General – probably confirmed when he submitted to the Security Council, *motu proprio*, a comprehensive report on the handling of the Middle East during his time in office, and delivered a speech that raised some of the concerns which I am delving into in this report. The 2 February Washington meeting was the first hosted by the US in over two years, and it was designed as a launching pad for the Rice initiative to set in motion monthly trilateral meetings with Olmert and Abu Mazen, the first of which was scheduled for 18 February.**

72. **The US admitted having difficulty in ensuring that Olmert would actually turn up at the meeting. Besides his political weakness, Olmert had to be aware, as was everyone else, that the motor behind the new US push spearheaded by Rice was the insistence of the US's "Arab Quartet" – the "moderate" Arabs, Egypt, the United Arab Emirates, Jordan and Saudi Arabia – that the US should push the Israeli-Palestinian track in order to facilitate their continued support on Iraq and vis-à-vis Iran.[2] Accordingly, in a draft statement the US asked their Quartet partners to go light on Israel (and, by this omission, heavy on the Palestinians). That is how we ended up with a statement that is, to put it mildly, charitable to Israel. All the Quartet said on 2 February in regard to Israeli behaviour (an EU suggestion) is in the sixth paragraph, without even mentioning Israel by name: "*The Quartet urged the parties to implement fully steps discussed at the December 23 meeting, to refrain from taking any measures that could predetermine the number of issues that will be resolved in negotiations, to***

[2] By the way, when it talks to the US, the "Arab Quartet" is usually represented by intelligence chiefs. The Foreign Ministries of the same countries don't always see things the same way the spooks do, which explains why the US tends to believe that the Arab Quartet secretly goes along with the punishment of Hamas, while most others think the Arab countries actually mean it when they say they want the siege lifted.

meet their respective obligations under phase one of the Road map and under the Agreement on Movement and Access, and to seek to fulfill their obligations under the Sharm el-Sheikh Understandings of 2005." Very careful study of this text, and a Sherlockian magnifying glass, are required to detect the allusions to Israel's total noncompliance with its Road Map obligations (including to freeze settlements, dismantle unauthorized settlement outposts, open Palestinian institutions in East Jerusalem, and facilitate movement of PA representatives) or its AMA obligations (such as easing West Bank checkpoints, reaching targets for movement through crossing points in and out of Gaza, facilitating a seaport and airport in Gaza etc). An even stronger lens would be needed to detect anything about Israel's broader international legal obligations, such as to ensure, pursuant to the ICJ advisory opinion, that the Barrier is built on its own land rather than on occupied territory. No amount of magnification would find any language that refers to Israel's responsibilities, under the 4th Geneva Convention, to ensure the welfare of the population.

73. Yet the 2 February statement was, by comparison, the high point of even-handedness of 2007 so far: the other three are completely silent regarding Israel's failings. To be sure, the Quartet's evenhandedness deficit is not a recent phenomenon; as I have made clear, it began to wane toward the end of 2005 and continued to wilt throughout 2006. But the fact is that even-handedness has been pummeled into submission in an unprecedented way since the beginning of 2007.

74. I should make clear that I do not for a nanosecond condone the failings of the Palestinian side, notably its incapacity or unwillingness to comply with its obligations under the Road Map. Abba Eban is famously quoted as having observed, decades ago, that the Palestinians (in his time, Yasser Arafat) never miss an opportunity to miss an opportunity. The Palestinian record in stopping violence directed at Israel and, unforgivably and cruelly, Israeli civilians, with only occasional glimmers and ephemeral springtimes, is patchy at best, reprehensible at worst. Arafat's legacy in the form of a dysfunctional PA saddled with competing security bodies who don't act effectively to ensure minimal public security hangs heavy over all efforts to advance the political process. The arrival of Hamas on the scene, with its abominable Charter and alleged links to an Iranian regime which makes blood-curdling statements about Israel, adds to Israel's concerns about its security. The Israelis are understandably skeptical about moving towards the end game in the absence of better Palestinian performance on this central matter – something which Abu Mazen has, alas, not shown the leadership ability to pull off. It is clear that Israel will never allow the creation of a Palestinian State without reasonable assurances that it will not soon after become a permanent launching pad for attacks against Israel either by the government of that state or terrorist elements within it supported by outside powers.

75. **But it is also true that Israeli policies, whether this is intended or not, seem frequently perversely designed to encourage the continued action by Palestinian militants. The occupation/resistance dynamic may be a textbook example of the chicken/egg quandary, and it is difficult to refute Israel's argument that it is obliged to hammer the Palestinians because it must protect its citizens. But I wonder if Israeli authorities realize that, season after season, they are reaping what they sow, and are systematically pushing along the violence/repression cycle to the point where it is self-propelling. As I read reports last summer of Israel's raking through Beit Hanoun block by block and house by house – even before an allegedly misguided Israeli projectile massacred a family of twenty cowering in their basement – it occurred to me that a team of sociologists and psychologists could probably project how many future *shaheed* (martyrs) per block were being pre-enlisted among the children watching their parents being humiliated by Israeli soldiers bursting into their houses.**

76. **None of this excuses the actions of cold-blooded masters, frequently based abroad, who dispatch these *shaheed* to their deaths and those of dozens of Israeli civilians with promises of quick access to paradise and a better life in this world for their families. One can only weep for the Israelis who have lost their lives or have been maimed as a result of terrorist acts as they go about their daily lives, and mourn with their families. One must also view with scorn the actions of outside powers who continue to fund and encourage militant groups in the oPt to send rockets or suicide bombers against the Israeli population. There is no doubt, moreover, that Palestinian terror strengthens the hardliners and weakens the peace camp in Israel. Nevertheless, if Israel was less heavy-handed about the way it conducts its military business and, more to the point, if it was seen to be moving earnestly to end the occupation, I believe it would aid rather than handicap its legitimate fight against terrorism. As Secretary-General Annan said in an address in 2003:**

> ***"Terrorists thrive on despair. They may gain recruits where peaceful and legitimate ways of redressing grievance do not exist, or appear to have been exhausted. By this process, power is taken away from people and placed in the hands of small and shadowy groups. But the fact that a few wicked men or women commit murder in its name does not make a cause any less just. Nor does it relieve us of the obligation to deal with legitimate grievance. On the contrary, terrorism will only be defeated if we act to solve the political disputes and long-standing conflicts which generate support for it. If we do not, we shall find ourselves acting as a recruiting sergeant for the very terrorists we seek to suppress."***
>
> ***"Paradoxically, terrorist groups may actually be sustained when, in responding to their outrages, governments cross the line and commit outrages themselves..... [Such acts] may be exploited by terrorists to gain new followers, and to generate cycles of violence in which they thrive.... To***

compromise on the protection of human rights would hand terrorists a victory they cannot achieve on their own. The promotion and protection of human rights, as well as the strict observance of international humanitarian law, should, therefore, be at the centre of anti-terrorism strategies."[3]

77. **But the Quartet, I regret to say, can't escape its share of responsibility for feeding despair. What the Palestinians – Abu Mazen as much as Hamas – refer to as the "siege"[4] that has befallen them since the January 2009 elections is widely seen in the occupied Palestinian territory and in the "Arab street" as collective punishment for their democratic choice, and the Quartet is seen as the punisher. There is plenty of empirical evidence that the siege has served only to radicalize Palestinian sentiment, and create the kind of institutional chaos and social suffering that strengthens radical elements.**[5]

78. **Strictly speaking it is not the Quartet as such which has reviewed assistance, circumvented the PA and shifted aid to the preponderantly humanitarian, imposed stifling banking restrictions or deprived the Palestinians of their main source of income. It is, respectively, the US and the EU and Israel who must take responsibility for these actions. Due to the amendments to which our Quartet partners agreed in January 2006, we are able to say that none of these measures emanate directly from Quartet decisions, and to dissociate ourselves from those measures or openly criticize them (Israeli non-transfer of Palestinian money to the PA). And we do so. But in the wide-angle lens of Palestinian and Arab public opinion this is verbal prestidigitation, and it doesn't wash. By our association with all that has been inflicted on the Palestinians since the beginning of 2006 we are guilty as charged in the court of Palestinian and Arab public opinion. Our standing to play an effective political role where we have a natural one to play has been accordingly damaged, while the faith of people in this volatile region in the United Nations has been further shaken.**

79. **Another public misunderstanding is the characterization of the principles laid down by the Quartet as "*conditions*" which, until they are met, stand in the way of contacts with and assistance to the Palestinian Authority government. I have personally jumped through hoop after hoop in**

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[3] Address to IPA Conference on "Fighting Terrorism for Humanity", 22 September 2003, organized, among others, by Elie Wiesel.

[4] The word "siege" is hardly an exaggeration; it is not just a question of suspension or diversion of aid, but more of the combination of Israeli restrictions on movement of people and goods, the suspension of transfer of their money to the Palestinians and the US banking restrictions which would penalize any bank engaged in transferring any funds to the PA through regular channels. Because of the banking restrictions, a decision by Europe to resume aid might be purely academic.

[5] The most serious public opinion researcher in the oPt confirms that support for Hamas has remained consistently at around 40%. His evidence shows that Hamas benefits from external pressure, because when economic conditions worsen and political structures degrade, people resort to traditional politics, while perceived injustice strengthens radicalism. Only a credible peace process delivering tangible results could alter that.

encounters with the press to explain that the Quartet has never once referred to the principles – nonviolence, recognition of Israel, acceptance of previous agreements and obligations, including the Road Map – as "conditions", and that while they appear to be conditions for two Quartet members – the US and the EU – this is due to their own legislation rather than to a Quartet decision. For their part, the Russians host Hamas in Moscow and talk freely to the movement and the PA government in the region. In fact, the "conditions" would in all likelihood be in place even if the Quartet hadn't taken the position it did in January 2006, or if the Quartet rescinded it. There is no getting around the reality that the Quartet – Russia and the UNSG – provides a shield for what the US and the EU do.

80. Many EU member governments have felt uncomfortable with the existing state of affairs for quite some time. They have tried to find ways around it. The adoption of the TIM (Temporary International Mechanism) was an attempt to address their growing unease. (The TIM was initially strongly opposed by the US, but they gave in when they faced a united front from the other three Quartet members.) But it is not a popular mechanism either in Europe or Palestine, and there is increasing awareness of its downside as referred to in earlier paragraphs. Eurocrats realize that they have actually spent more money boycotting the PA than they did when they were supporting it – but since the money bypasses the PA and does nothing to build PA capacity, it is increasingly seen as money down the tube. We are aware that the number of European governments raising their voices in European bodies is growing. Israel's excesses in Gaza and Lebanon have also contributed to a turn in public opinion. This trend continued when the effort to form a national unity government revived in early 2007. The UN not only supported the NUG efforts; we tried to help Palestinian and other players involved in those efforts to shape the political programme in a positive way.

81. In respect of the recognition of Israel, we knew that there was no chance that Hamas could agree to go further than to accept by implication what the PLO had agreed to explicitly in 1993 in the Oslo framework. To try to get them to go beyond this would have been a waste of diplomatic capital and of doubtful usefulness.[6] So we concentrated on addressing the need to

[6] A good case can and has been made by the peace camp in Israel that the whole idea of requiring the Palestinians to recognize up front, as a precondition to talks, that Israel has the right to exist is bogus. Israel has never been asked to recognize up front that the Palestinians have a right to a State – all Israel has ever done is recognize the PLO as a valid interlocutor (the equivalent would be if the Palestinians recognized the Israeli government as a legitimate representative of the Jewish people living in historic Palestine). For all these reasons, this precondition is seen in such circles as imbalanced and an excuse not to engage in negotiation. When Hamas members are asked about the recognition demand, they respond with a rhetorical question: "What are the borders of this Israel that you would have us recognize?" The pragmatists in Hamas argue that recognition amounts to acceptance of the occupation, and that only if Israel recognizes the right of the Palestinians to a state in the 1967 borders would the question arise whether Hamas should recognize Israel. For the ideologues in Hamas, their objections are even more fundamental, of course.

end violence. In a nutshell, what we urged them to do was to declare that the NUG's priority was to maintain and expand the ceasefire, and that to that end they would marshal the various and sundry security bodies to work together not only to establish law and order but also to enforce the ceasefire. I would like to believe that the Europeans were working in the same direction; several representatives told me that if they said this and moved quickly to free the Israeli soldier, it was likely to produce a substantial shift not only in European policy but also in Israeli public attitudes.

82. My verbal acrobatics to dissociate the UN from the decisions of two Quartet members while avoiding an outright break with our partners were performed in the framework of Secretary-General Annan's compatible positioning. I have already made clear that he was squarely behind my language contortions in January 2006. On the question of contacts, there was less decisiveness. My stance was clear: the UN is not in the business of recognizing governments; we deal pragmatically with whoever are the authorities. In good offices, we deal with the players who need to be part of peace agreements. We should practice *realpolitik* in the purest sense, by removing the *politik* and dealing with reality. I will come back to this later.

The UN and the Quartet

83. The Middle East has substituted the Hindu Kush of the XIXth Century as the contemporary "Great Game". Membership in the Quartet gives the UN the illusion of having a seat at the table where it is being played out. Alas, it isn't being played out there. The Quartet has become a side show: because it is as much about managing trans-Atlantic relations as anything else, it is only partly about the Middle East, it isn't a very apt mechanism for solving the Israeli-Palestinian conflict, and other members don't necessarily use it for that purpose.[7]

84. The UNSG fits awkwardly in the Quartet. His partners are a powerful permanent member of the Security Council, another hyper-powerful one, and the most powerful regional grouping in history. Whether by design or default, the EU, institutionally the closest to the UN, approaches the Quartet in a completely different way. The EU is, of course, a rather unwieldy animal, and there is much Quartet corridor snickering about the embarrassment of the Union having three representatives at the table, which hampers their ability to present their position forcefully, but results in greater representativity. The Secretary-General is not in the Quartet pursuant to a mandate from the Security Council or the General Assembly, nor does he represent member states; rather, he is there as a result of old-fashioned envelope-pushing which rests on his ability to keep the

[7] I would recommend, in this regard, the passages from Chris Patten's book, *Not Quite the Diplomat*, about the Quartet.

membership behind him. He is apparently at liberty to take positions without having to consult members, but he has the handicap of not really being able to speak for the UN as a whole. But he is in fact constrained by the body of law – UN law – which is the background against which he must operate.

85. The Secretary-General's handicaps and constraints don't necessarily mean that he shouldn't participate in the Quartet, but rather that he must be clear in his mind about them and act within the parameters: the Secretary-General has the duty to uphold international law and more particularly UN resolutions – he does not have the independence of policy direction or the political latitude of a government leader or foreign minister.

86. The positions taken by the Quartet since the end of 2005, and particularly as of the Palestinian elections of January 2006, have led the UN onto thin ice, and put personnel in the field in the uncomfortable position of trying to alleviate the effects of the 'siege' while being seen as one of those who have imposed that siege, or at least having condoned it, and also as part of the international effort to maintain it.

87. If the UNSG strays, or is seen to stray, from the parameters within which he should operate, the mix between the twofold mandate of UNSCO – coordination of assistance and promotion of the MEPP – will be difficult to sustain.

88. Reasonable people may disagree with my contention that the Quartet is, as a practical matter if not *de jure*, more like a group of friends of the US than anything else. In any case, this can easily be tested, by insisting, the next time the Quartet meets and considers issuing a statement, on taking Israel to task on its failings as it does the Palestinians. A good issue on which to do this would be to propose that the Quartet should urge Israel to transfer promptly to the PA (whose Minister of Finance, Salaam Fayyad, is beyond reproach, and besides, double-hatted as a PLO official) the VAT and customs duties which Israel collects on behalf of the Palestinians, but which it has withheld, except for one recent transfer of $100 million, since the Palestinian elections. The US happens to support Israel on this action, even though it flies in the face of the very 'previous agreements' that the Quartet expects the PA government to adhere to (though, in fairness, the US appears to have urged Israel to feed some of the monies into the TIM). The absence of any complaint or criticism by the Quartet has in effect given Israel a free pass, enabling them to argue that withholding these monies is in conformity with Quartet policy. (Listen carefully to the resourceful Israeli MFA Spokesman Mark Regev next time he's on CNN: because of the 30 January 2006 Quartet statement, he is able to get away with the assertion that in denying Palestinians their own money until the PA government accepts the three Quartet "conditions", Israeli is only applying the demands of "the UN".) The EU and Russia would no doubt agree to

such a proposal, but might not press. The UNSG should take the position that he will not agree to a statement unless it contains such an appeal. If it is turned down, the UNSG should, as a fallback, insist that criticisms or calls on the Palestinian side should be equally muted. If even that is not acceptable, there shouldn't be a statement at all.

89. In fact, there would be considerably more usefulness in a Quartet that isn't expected to issue statements. The UNSG might advocate such a line. In that case there would be less need for meetings of Principals and more at the level of Envoys, who in my time have never issued any statements (though they have done previously). This would gradually make the Quartet a forum for comparing notes and consulting on policy, i.e. more like a contact group, thus avoiding to place its members in difficult situations.

90. With the benefit of hindsight, perhaps we got carried away somewhat by our desire to be in the political game, after a fashion, in the Middle East. Embarking on this endeavour in a role for which the UNSG, because of the unique nature of his job, may not be suited, has put us in a difficult position, where our responsibilities toward the Palestinian people and the MEPP in general are compromised, if not sacrificed, on the altar of an improved relationship with certain member states, however important they may be. One way to handle the Quartet in the future might be to downgrade our representation in it, arguing a reordering of the UNSG's priorities onto conflicts where he can really make a difference diplomatically, and, in the future, for him to be represented at the Principals level by an Under-Secretary-General who would participate not as a full member but in a capacity that would allow him to provide input and advice but not be associated with the positions taken – a sort of Observer plus.

CONTACTS

The Palestinian Authority Government

91. As one of my official Israeli interlocutors said to me early in my mission, asking about Syria – even before I could explain my five-country + one territory mandate: "Yes, I know, (foolish of me to ask) the UN talks to everybody". Since the late 1980s the UN has become rather adept dealing with groups that most governments can't or won't touch. If this ability is removed we would seriously weaken our hand as a peacemaking tool. A lot rests on our freedom to do what we have done in El Salvador, Guatemala, Mozambique – to name but a few – which is to take groups that have gone wayward and, leading them by the hand, explain how the world works and what it expects of them and what would best assist their people, and bring

them in from the cold – as we have done world-wide.[8] I am acutely aware that times have changed and that 9/11 has made it more difficult to sustain the distinction between freedom or resistance fighters and terrorists. But I see these new conditions as a challenge to us to argue our case for dealing with whoever it is necessary to deal with imaginatively, in the interest of the peaceful solution of disputes which is at the heart of the UN Charter. On this I strongly believe that the UNSG must be prepared to take a stand. He should not yield the ground gained by his predecessors since the late 1980s. If he does, he will unavoidably contribute to the post-9/11 polarization rather than help to bridge it. There are signs that the polarization may be on the wane; we should not concede our *acquis*.

92. Moreover, my terms of reference, as included in my (embarrassingly) long title, include that of "Personal Representative of the Secretary-General to the Palestine Liberation Organization *and the Palestinian Authority*". No one has suggested any qualification to those terms of reference, yet we have allowed them to become dead letter. How could I abruptly cut off contacts with the executive branch of the PA with whom my predecessors and I had dealt routinely until then, and to which the international community had forced the transfer of authority over the years to circumvent Arafat, and which is the result of elections in which we played an important role? To me the answer seemed obvious. Yet besides two telephone calls on specific instructions from Secretary-General Annan and a fortuitous encounter under the auspices of Abu Mazen, I have had no contact with the Prime Minister of the PA, Ismail Hanniyeh, or any other member of his cabinet before the NUG was put in place.

93. After much internal deliberation, Secretary-General Annan issued guidelines regarding contacts by the UN with members of the PA government. These guidelines made clear that there was no impediment to continued contacts by UN programmes and agencies in the field as necessary for the conduct of their work, while the Secretary-General retained for himself the power to authorize higher-level (i.e. political) contacts. (As authorized by SG Annan, UNSCO maintains discrete working-level contacts with the PA government, but not at the level of the Special Coordinator.)

94. To put it mildly, I was less than satisfied with these guidelines. While they did not close the door on meetings with the PA government leadership, they certainly foreclosed my latitude to have such contacts, and they made it plain that no such contacts were taking place – at least not at a senior level. In the event, as I have earlier stated, my repeated appeals to Secretary-

[8] In the El Salvador negotiations we had to deal with people with a lot of blood on their hands. If those negotiations were being held today they would surely be on somebody's list of terrorists or terrorist organizations, and the UN might feel squeamish about dealing them.

General Annan to allow me to initiate such contacts did not elicit an authorization.

95. At no point was it ever explained to me why this was so. My appeals were met with promises to consider the matter. There were dark hints to the effect that for the UN to have contacts with the PA government would somehow place it in contravention of Quartet policy. My clarification that *there is no Quartet policy on contacts* went unheeded. The most feedback I ever really got usually referred to how "difficult" it would make things with our Quartet partners if we took this step. No-one as I recall seriously challenged my contention that talking to the government would actually be, objectively, good policy for the UN to follow, in the sense that it could assist in pushing along the evolution toward democracy and peaceful resistance of the new government and of Hamas, and thus help to solve the conflict we were there to help solve. A UNSG and his envoys should be able honestly to say that, whatever he or she has done in a conflict zone, it was guided by the best interests of the people the UN was there to assist. I don't think even the defenders of the approach we have taken could argue that the UN's policy would measure up to this standard.

96. My predecessor frequently highlighted, as part of the UNSG's comparative adavantage in the MEPP, the fact that his Envoy to the Quartet was the only one of the four who was based in the field. I don't doubt that this was the case in his time. However, it is no longer the case, because being on the ground is only useful if the Envoy speaks to all the players. So much for the value added. Contrast what we do in Lebanon – talking to Hezbollah, which is not the elected government (as Hamas was) or the majority party (as Hamas still is) , and which started an international war last summer (unlike Hamas, whose restraint over the last two years is undeniable). If we really tied our diplomatic boycotts to behaviour, we'd talk to Hamas and boycott Hezbollah. But we talk to Hezbollah, and rightly so, because they are important and no solution to Lebanon's problems is achievable without their buy-in. It should be the same in Palestine with Hamas.

97. As best I can fathom, at almost every policy juncture, a premium is put on good relations with the US and improving the UN's relationship with Israel. I have no problem with either goal, but I do have a problem with self-delusion. We are probably deluding ourselves if we think we can really be main diplomatic players with the Israelis. Forgoing our ability to influence the Palestinian scene in the hope that it keeps open doors to Israel is to trade our Ace for a Joker. Where we'd be useful – including to Israel, but also to our Quartet partners and the cause of peace – would be if we were able to position ourselves as the best analysts and most credible advisers of the Palestinians. Who knows what we might have been able to do had we done this systematically from January 2006 with the new PA government? Given that the PA government is, allegedly, responsible in one way or another for most of the main blockages – whether on Shalit or

rockets or Alan Johnston or the three principles – and given that they are, for the most part, uneducated in the ways of international diplomacy, we potentially could have played a very important role. The Egyptians talk to Hamas and play a vital role on the ground in Gaza, even though, given Egyptian domestic concerns about the Muslim brotherhood, Hamas does not view them as a neutral player. The only really neutral players who work to push Hamas in the right direction through dialogue are Norway and Switzerland, but they aren't Quartet members. Given the stresses that are already apparent on and within the National Unity Government, its unraveling in the coming months can't be ruled out. Should that happen, it will be a huge setback for Israel and the Palestinians alike and be a major setback for efforts to resolve conflict through diplomacy rather than violence in the region and even beyond – and I fear that the UN will not be able to say that we did what we could to prevent it.

98. Just as I had put my views on these matters to Secretary-General Annan with all clarity[9], I put them to Secretary-General Ban even before he took office, and I have done so again repeatedly, both in writing and in those policy discussions in which I have been included. I regret that my advice has gone unheeded. I noted with particular dismay that at the press conference that followed immediately on the Secretary-General's meeting with President Abbas (Abu Mazen) when he visited him in Ramallah on 25 March 2007, he introduced explicitly, for the first time, the notion of conditionality – i.e. that meeting in future with the Prime Minister of the Palestinian Authority would depend on the position and actions of that government. I fail to see why it was necessary to escalate the UN's position, and more so to cross the conditionality line. On the contrary, given that this was post-Mecca, we should, I felt, have been loosening, not tightening, our policy. His taking that position effectively buried my consistent efforts to salvage the significant role which the UN might have played in assisting the evolution of Hamas in government, and even as a movement, and with it the search for a solution to the Israeli-Palestinian conflict. My decision to leave the UN was reached for a number of reasons, and cumulatively, but, in retrospect, that was probably the tipping point – the point at which I concluded that my uphill effort was not going to succeed.

Syria

99. There is an old saying that in the Middle East you can't make war without Egypt and you can't make peace without Syria. The first half is no longer valid, but I sense that the second remains true. For the UN Special Coordinator for the Middle East Peace Process, keeping Syria at arm's length is particularly galling. Those who advocate it seem to believe that it

[9] Indeed, I had hoped that my El Salvador experience, in which we brokered the full reinsertion of the insurgents into civil life and acceptance of the democratic rules, which sometimes put us at odds with, but at the end was applauded by, the US, could have been useful to this end.

is possible to pursue an Israeli-Palestinian track while isolating Damascus. I know that that is the thinking; it has been made perfectly clear by the US Envoy, who reported to his Quartet colleagues that, in discussing the Arab initiative with the "Arab Quartet", they put to them whether the Arabs would be prepared to reciprocate if Israel reached an agreement only with the Palestinians – as opposed to the comprehensive withdrawal from all occupied territory (including the Syrian Golan provided for in the Beirut agreement of 2002 as the requirement for gaining normalization with Arab countries). The Arab Quartet, we were told, had replied in the affirmative.

100. I am gobsmacked. If indeed they did reply in the affirmative, it must be because of a desire to tell their interlocutors what they want to hear. Such an approach would be highly divisive amongst the Arabs, and it could seriously undermine that Arab unity which is behind the Arab initiative and is one of its main attributes. I don't believe they can seriously believe that it is possible to neatly compartmentalize the various fronts and deal with them sequentially, bestowing the favour of attention on well-behaving parties first.

101. In much the same way, does anyone seriously believe that a genuine process between Israel and the Palestinians can progress without Syria being either on board or, at the very least, not opposing it, and without opening some channel for addressing Syria's grievances? If this should be attempted, we can be sure that a reminder of the Syrian capacity to spoil it wouldn't be long in arriving.

102. The conventional wisdom is that Israel can't handle more than one negotiation at a time. As recently as 27 April, in a piece in *Haaretz* titled "Why Syria must wait", an Israeli ambassador wrote: "Few would dispute the assertion that the Israeli bridge is incapable of supporting two peace processes, a Syrian and a Palestinian one, at the same time." I understand the political difficulties involved. But I believe it's just not possible to completely disaggregate the two, or calmly wait for their turn with the occupier (*take a number and have a seat in the waiting room until you are called, please*), and that is why the Madrid conference was conceived as it was. This can't be anything but one more layer of excuses not to negotiate. I note further that the Winograd Committee has criticized the Israeli establishment for its lukewarm attitude to trying to make peace with Syria (and Lebanon). Its interim report notes that Israel believed it enjoyed military superiority over its neighbours, and that, "given this analysis, there was no need to prepare for war, *nor was there a need to energetically seek paths to stable and long-term agreements with our neighbours*". In the wake of the report, Olmert has declared that he will implement the Winograd recommendations and has mobilized the Cabinet energetically toward that end. There is, of course, an element of diversion in this, since it is part of his grander scheme of staying in power, but a key point to watch

is whether implementation of the recommendations will include a change toward Syria and whether the US will allow it.

103. While, as I say, no one ever gave me a cogent reason why I should have shunned Damascus for two years, I sometimes heard on the grapevine the idea that, since the main business with Syria related to its role in Lebanon, and in particular the implementation of SCRs 1559 and, lately, 1701, it would be distracting if anyone from the UN were to talk to Syria about anything else. Let me record that, in two years, I received not one report of the meetings or work of the Special Envoy for SCR 1559, even though I was informed that he regularly received the material I shared with HQ, and I was aware that he had certain contacts with the Syrian government (as well as the Palestinian and Israeli ones, of course – which I usually learned about from them rather than the UN). He had a narrow and confined mandate. I had a broad and over-arching one. Were the UN's house in order, EOSG and DPA would have ensured that the envoy charged with taking a broad view would have been kept fully abreast of the work of the one working on a narrower front. And it would not have been at all difficult for a well-briefed Special Coordinator, when in Damascus, to ensure that there were no crossed wires, and that nothing he said or did undermined the need to make progress on other fronts, or the vital work of colleagues.

104. Given my constant efforts, opposed by HQ, to ensure that the UN had a good channel to Syria on the Arab-Israeli conflict, it is ironic that on the eve of my departure, the US Secretary of State is meeting the Foreign Minister of Syria, and members of the Quartet are meeting Syria as one of the members of the follow-up committee of the Arab League Initiative, in Sharm el-Sheikh. The UN played little or no role in bringing this about, but I devoutly hope that we will no longer isolate Syria and ensure that whoever deals with the MEPP for the UN maintains a dialogue and relationship with Damascus. Sadly, I wouldn't augur him/her a privileged relationship. Since we went along with the ostracism docilely when they were out in the cold, we are likely seen not as impartial good officers, but as fair-weather friends.

UNITED NATIONS ARCHITECTURE ON THE MEPP

The UNSG's value as a diplomatic actor

105. Members of the Policy Committee will recall that the question of how the UN is equipped at Headquarters and in the field to tackle the Middle East has been raised as an issue to be addressed at an early date. Some might also recall my contention, in welcoming such a proposal, that there is a prior issue which must be resolved before the architecture can be seriously addressed: what is going to be the UNSG's substantive policy? Architects are traditionally taught that *form follows function*: the design of a building

must be determined by the purpose of a building – airports, hospitals, sausage factories, etc., are not susceptible to interchangeable design. Put another way, what is it that the UNSG would seek to achieve in the MEPP? What is he *able* to achieve? How does the UNSG see his role? In fact, a careful, bottom-up review about whether a political role by the UN is highly desirable, and, if such a political role has a downside, whether that is outweighed by the upside, seems to me to be imperative before the appointment of new players.

106. As part of those prior determinations, I would advise the UNSG to bear in mind that he is not just one more common-and-garden actor on the international scene. My predecessor, in explaining the Quartet's value added, argued that it brought together synergistically the US's power, the EU's economic leverage, Russia's historic role in the region, and the legitimacy represented by the UN. Well and good, so long as the UN does indeed represent that legitimacy, and is in a position to ensure that it is respected in the Quartet's positions and actions. While all states are bound by international law to the same principles and law as the UNSG, the UNSG has a *responsibility to uphold* that legitimacy that is unique and puts him in the spotlight in a way that is not the case for a major or even middle power or a regional organization or, for that matter, an NGO. The Secretary-General is the *normative mediator* par excellence. It follows that the Secretary-General's diplomatic action in the Middle East should be guided at least in part by the extent to which he can exercise that normative role. If in the Quartet he behaves like other players – like the US, the EU or even Russia – he runs the risk of betraying a trust that is part of his ethos as Secretary-General.

107. This is not only a matter of principle; it has practical consequences which can impact on the role of the Secretary-General and his representatives at large. Bear with me while I explain, taking a slight detour.

108. Many draw attention to Article 99 as the most important article of the UN Charter in terms of the Secretary-General's role. Sir Henry Drummond, the last Secretary-General of the League of Nations, is often quoted as saying that, had there been such a provision in the League's Covenant, the League might have been more successful. I have no doubt that Article 99 is very important (not so much because of the power it gives to the SG to bring a matter to the Security Council -- a power rarely exercised or even necessary -- but rather because it implies that he must have the capacity to make a judgement as to what needs to be taken to the Council, thus presupposing the means to make that judgement – but that's material for another lunch).

109. Be that as it may, my contention is that the most important provision in the Charter, for the Secretary-General as a peacemaker, is in fact the second paragraph of Article 100 which, though it is placed in Chapter XV, "The

Secretariat", in fact places an injunction on member States: "*Each Member undertakes to respect the exclusively international character of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities*". This isn't just the basis for fending off pesky pressure-wielders: this is the provision which guarantees to the weaker members of the Organization the assurance that in entrusting themselves to the Secretary-General's good offices, they will be treated fairly. A Secretary-General who compromises the independence of his role as enshrined in the Charter by ignoring Article 100.2 will do so at the peril of the continued exercise of that role and the cause of peace in conflicts where he can actually make a difference.

110. The practical translation of the above – and this is my point – is that if the Secretary-General is swayed, or seen to be swayed, by one or the other Member State, other members, and indeed any party to a conflict susceptible of being entrusted to the Secretary-General's good offices, will justifiably hesitate to deposit that trust in him. What we do in the Middle East has repercussions everywhere.

111. Let me be more precise and concrete: the Secretary-General's so-called "Special Coordinator for the Middle East Peace Process" is prevented from even talking to the PA government leadership (to which he is the "Personal Representative of the Secretary-General"). Since the UN traditionally talks to every player to whom it needs to talk (examples abound), and there is no Quartet policy barring contacts by its members, since the Secretary-General has a personal representative accredited to the PA, and since only one member of the Quartet actively discourages contact with it, the leadership of the PA government might justifiably wonder whether that member isn't behind the decision of the Secretary-General to ostracize that government.

112. Similarly, there is no Security Council resolution prohibiting contact with the Government of Syria. Syria's territory remains occupied in contravention of international law and Security Council resolutions, and the Security Council advocates a comprehensive settlement to the Middle East conflict – that between Israel and its neighbours – thus making an end to the occupation of Syrian territory part and parcel of such a comprehensive settlement. Given all these circumstances, the Syrian government, in light of the truncation of the exercise of the terms of reference of the UN "Special Coordinator for the Middle East Peace Process", might be forgiven for wondering whether the Secretary-General's policy is inspired not by international law including Security Council resolutions but by the bidding of one or two permanent members of the Council.[10]

[10] Indeed, I wonder whether we have failed in our duty to the Council in briefing them every month on the conflict without ever consulting a key State party to it whose territory happens to be occupied.

113. It almost goes without saying that the impression that both the PA government and that of Syria will have gathered – even though they might tell us the contrary – is not one favourable to their viewing the UN as a trusted interlocutor. I am sure that many UN members, including those in conflict situations needing diplomatic attention, have also formed this impression. It is my experience that, just as managers go to previous supervisors for references before hiring a candidate for a position, parties to conflicts who are considering to whom to resort for impartial good offices will shop around for references from other parties. If dealing with the Secretary-General is inevitable by reason of his office or because he has a mandate from the Security Council, a reluctant party might understandably insist on much more tangible, possibly unattainable guarantees than he might otherwise do. I am very conscious that I am in effect saying that the Secretary-General's good offices and perhaps his conduct more broadly of peace operations in which the UN plays a central role, in which the UNPKO's Security Council-vested authority is discharged through the Secretary-General, might be in jeopardy. I don't believe that anything less than that is at stake in whether the Secretary-General discharges his duties truly independently, having regard only to the law, the Charter, Council resolutions and his own judgement of what is right for the solution of the Arab-Israeli conflict, rather than providing an alibi for a wider strategy which hasn't been espoused by the Security Council.

Staff security

114. I have one further point of a starkly practical nature, which I raise at the risk of sounding like an alarmist. Like anyone from the UN who works in the Middle East – or perhaps anywhere – the Baghdad attack against the UN of August 2003 haunts me. The UN deployed there in circumstances under which the UN does not normally operate. Does anyone doubt that that attack took place because the UN was seen to be under the aegis of those who are seen by the perpetrators as the occupiers? Am I mistaken in believing that the UN was attacked as a proxy for the real target under whose auspices the UN was there? My point is not that we should withdraw our assistance on the ground to the Palestinians in the oPt on security grounds – I will let the security experts opine and rule on that. My point is that our association in the public eye with policies that have harsh consequences for the Palestinian people – traced, rightly or not, to the Quartet – might well place our personnel in jeopardy over time. I was concerned when UNOPS, without UNSCO's knowledge, was drawn on by the US Security Coordinator to provide technical assistance for his projects, which are seen locally as supporting one side (Fateh and its affiliates) against the other (Hamas). I also note that long before current Quartet policies were put in place personnel from the agencies and programmes operating in the oPt harboured the gravest of doubts about Quartet positions and our involvement in them. (The former PA FM,

Nasser al-Qidwa, repeatedly told me that "the UN should be the UN and get out of the Quartet", meaning that it should stick to being the guardian of UN and international law and not attempt to be a political player.) Al Qaeda is already in Gaza, and building up: I need elaborate no further.

A new envoy?

115. For the many reasons cited above I have concluded that unless there is a determination by the Secretary-General to take a stand on the issues and on matters which are unquestionably under his jurisdiction, such as who he and his representatives deal with, and stick to it *sine qua non*, he should at least play down his political role, such as it is, in the Middle East Peace Process until more propitious times come.

116. In any case, if the Secretary-General's representative for the region – me, in title, until now – is not allowed to talk to everyone, there is no comparative advantage whatever to placing him in the region. I gather from occasional, sporadic notes of the Secretary-General's meetings that the possibility is still under consideration of appointing a Middle East Envoy based at UNHQ. In my view, for the reasons given above, the UN should resist the natural temptation of almost every governmental and intergovernmental institution to throw a committee or a czar or, in this case, an envoy, at a problem. I believe that a sober examination should lead to the conclusion that there isn't a role for the Secretary-General that would justify the appointment of such an Envoy. We are not in the lead, and the role we play is subsidiary at best, dangerous at worst.

117. Please note in this regard that neither the EU nor Russia have high-level Envoys on the ground in the Middle East. Solana's Envoy comes and goes from Brussels, and Russia's Envoy, a former ambassador to the UAE, doesn't even report directly to the Foreign Minister, and is based in Moscow – the person really in charge is the Deputy FM. Both Solana and the DFM go to the region frequently. I surmise that if either the EU or Russia thought there was a prospect for serious peacemaking they might adjust their representational architecture accordingly.

118. I don't see the case for a higher profile involvement by the UNSG. But in any case, I would strongly advise a review of the substantive policy and prospects and take a considered position. I just don't see anything developing any time soon, given the travails of the Israeli government and the policies of the indispensable power. Would the UN attempt to substitute the indispensable power? One is reminded of Brian Urquhart's admonition against jumping into an empty pool. Would the UN be John the Baptist? Would it be a spear carrier for the indispensable power (with all the perils that that entails)? None of these options seem particularly promising, let alone alluring or a fitting role for the UN.

119. I note that the Secretary-General continues to repeat that things are moving in a positive direction – the NUG, the revival of the Arab initiative, the Olmert-Abbas talks, the re-energization of the Quartet. This enumeration was in fact initially coined by my resourceful staff at UNSCO, and it is an understandable way of trying to send an encouraging message. But we shouldn't fall for our own propaganda. We obviously should hope that these efforts lead somewhere, but we should also be aware that they are not likely to, because they don't rest on the sturdy foundations of proper situation analysis and even-handedness. It may be better to be the one who raises questions about the Emperor's new clothes than to be ridiculed as the naked Emperor oneself.

120. Absent a sharp change in policy – taking a stand on UN positions to the point of making agreement to Quartet statements conditional on them, and lifting all restrictions on contacts with the likes of the PA government and, indeed, with Hamas itself, as well as, of course, Syria – the UNSG should take a good, hard look at UN Middle East diplomacy, before he takes any further steps including personnel decisions. In particular the question of the UN role in the Quartet needs to be seriously reviewed. We have seen large chunks of 2006 go by without Quartet meetings, mostly due to the Lebanon war, and we have seen how it is possible, when a single member is not anxious to hold a meeting, to avoid it. The UNSG doesn't need to allow himself to be frog-marched down a path that he doesn't fully adhere to.

121. I certainly do not believe it would be advisable to appoint someone to succeed me as Head of UNSCO, either at the present level (USG) or at a level below, unless the present constraints are totally removed, or unless all pretence is removed about the person in the field being the "Special Coordinator for the Middle East Peace Process". Also, it should be quite clear that you can't have *both* a high-level Envoy based at UNHQ *and* a Special Coordinator nominally responsible for the MEPP in the field. If there is one at HQ the one in the field would be eclipsed – I can cite concrete examples of this happening; it's only natural that the local players will ignore the person in the field and keep their powder dry for when the knight in shining armour rides in from Camelot enveloped in the SG's aura. Perhaps it would be best to limit the Special Coordinator in Gaza/Jerusalem to assistance coordination duties, which the Deputy Special Coordinator is doing today. This would be the most sensible way to proceed if an HQ-based envoy is appointed. In that case the medium-level, intellectually high-powered "Regional Affairs" Unit, as the political bit of UNSCO is called, should be kept so as to run interference and keep tabs on the region – without restrictions, of course, as to whom they deal with.

122. One final point on this. If indeed he does decide to send an envoy, without the policy adjustments I have suggested above, on another hapless assignment, the Secretary-General and those around him should be prepared to back him implicitly and unflinchingly, and defend him stoutly

in the face of the almost inevitable perfidious attempts by one or more of the parties to circumvent him and his staff. The envoy and members of his/her staff should not be left out of the Secretary-General's entourage at any stage of the Secretary-General's travels in the region, or at key meetings during those travels, as was the case on the three trips he has undertaken to date. The leadership at Headquarters should enforce discipline in the Secretariat to cease external airing of internal debates and observe proper channels of communication and decision-making. The lack of such discipline has been a serious constraint on UN effectiveness during my time. There is no point in denying this: one of the beauties of dealing with the Israelis is that they are not very good at keeping secrets, so we go through the needless humiliation of receiving from them versions of discussions with Headquarters colleagues about which we hadn't heard from our own colleagues. It was sad to discover that often these conversations involved airing the UN's dirty laundry and undermining colleagues rather than serious dialogue with Israel about the substantive issues. This unprofessional behaviour must stop forthwith.

THE PARTIES

Palestinian perspectives

123. The Palestinians took a very important step in forming the National Unity Government (NUG), but it has yet to prove its worth. The danger of civil war between the factions seems to have been averted for the moment, but the family-based, mafia-type militias are rearing their ugly head. It remains to be seen whether the PA will have the ability and the will to follow through with the promise of the NUG and to establish law and order in the territory that comes under the PA, not to mention to enforce a ceasefire with Israel. The work of the National Security Council which is meant to ensure that all security bodies work together is meant to be the focus of these efforts; this should be carefully watched. There will also be a need to watch carefully the effort underway by the US, apparently with Arab partners, to beef up the capabilities of the security bodies under Abu Mazen's lead, using like-minded Palestinians close to the President – a precautionary measure in case of interfactional strife, we are told, but one which holds the potential of a self-fulfilling prophecy and doesn't address the need for the disparate security bodies to work in harmony. It would not be surprising if there were an attempt to get Quartet support for this attempt; this should be studiously avoided. A far greater contribution to security stability would be made by easing the siege so that the security forces – tens of thousands of armed men, to be precise – were actually paid.

124. Israel and the US have tended to deal with Hamas as if it were an *épiphénomène*. It is a mistaken appraisal: Hamas is deep-rooted, has struck many chords including its contempt for the Oslo process, and is not likely to disappear. Erroneous treatment of Hamas could have repercussions far

beyond the oPt, because of its links to the Muslim Brotherhood, whose millions of supporters Islam-wide might be led to conclude that peaceful and democratic means are not the way to go. Hamas is in effervescence and can potentially evolve in a pragmatic direction that would allow for a two-state solution – but only if handled right.

125. On the other hand, it is difficult to be sanguine about Fateh. They seem to have lost their compass long before their rout in the January 2006 elections. Abu Mazen does his level best to keep things on track and to rebuild the broad pre-existing Palestinian consensus in favour of Oslo by trying to lure in Hamas, but it is not clear that he has substantial support among his advisors, let alone the broader Fateh constituency which has been taken for granted for so long.

126. The Palestinian palette of players on the political scene is most varied and complex, and has acquired an entirely new texture as of the loss of power of Fateh and the advent of Hamas to government. This poses serious problems for the UN's dealings with the various bits and pieces of the PA, which almost require a bathymetric chart to navigate.

127. Prior to the Mecca agreement, some of Abu Mazen's advisors collaborated in the isolation of the PA government and indeed plotted its removal. This changed, at least in public, after Mecca. Reservations remain, however, and some of these people hope that the Hamas members of it will remain somewhat apart in the international community's dealings with the PA. This is not without its dangers – there is some question, in fact, about how long the NUG can survive without a significant breakthrough in the boycott and particularly in assistance returning to PA channels. The notion of dissolving the PA entirely is often bandied about as a threat to Israel so that it will face up to its responsibilities as occupying power. Today, such a drastic development no longer seems entirely absurd, if not as a result of a deliberate decision, then possibly by an implosion of the PA government. The continuation of the "siege" at the behest of the Quartet makes this disastrous result more likely. Should it happen, the responsibility for the welfare of the population would revert directly to Israel as occupying power, while the major institutional achievement of the Oslo Accords would vanish.

128. It is worth being aware that the combination of PA institutional decline and Israeli settlement expansion is creating a growing conviction among Palestinians and Israeli Arabs, as well as some Jews on the far left in Israel, that the two State solution's best days are behind it. Given that a Palestinian State requires both a territory and a government, and the basis for both is being systematically undermined, they believe the only long-term way to end the conflict will be to abandon the idea of dividing the land and, instead, simply insist on respect for the civil, political and national rights of the two peoples, Jews and Arabs, who populate the land, in one

State. The so-called "one State solution" is gaining ground. The biggest loser, of course, is Israel, since it is Israel that is so determined to have a Jewish democratic state. It is this realization that led Sharon and Olmert towards "convergence", but this is now off the table and the demographic clock continues to tick. Should the PA pass into irrelevance or non-existence, and the settlements keep expanding, the one State solution will come out of the shadows and begin to enter the mainstream. (We may yet see the application of the paradigm of the Cyprus conflict to the Israeli-Palestinian one, and vice-versa -- one State in the Middle East, two States in Cyprus. If so, the 2004 Annan Plan may have life yet, if in another place.)

129. It is the view of many that the only way out is to end the occupation in stages – first remove the outlying settlements and create a Palestinian State with provisional borders, then complete the final deal in State-to-State negotiations. This, it is thought, is the only way to give the Palestinians enough to empower moderates, while not asking more of the Israeli system than it can deliver in one go. Three points of caution on this. First, this approach is just as likely to destroy Abu Mazen and his brand of politics as vindicate it, because Hamas will argue, and it will resonate with many Palestinians, that the interim will become permanent. Second, the UN would have to be extremely careful about giving its blessing to any such enterprise, and only even consider doing so with a litany of strings attached. Third, the only possible way such a project could be a step to peace would be if, in fact, the parties first agreed on the details of the final settlement, and then *implemented* it in stages. That, presumably, is the goal Rice has in mind with her efforts to focus on the "political horizon", though for the reasons mentioned earlier, she's not likely to succeed.

Israeli perspectives

130. At this writing, the Israeli government, not for the first time, is showing its organic flaws in the form of the seeming inability of the electoral system to produce strong leaders, and, with the eclipse of the generation of larger-than-life leaders, its tendency to turn to military heroes or to fall prey to machine politicians. The Israeli electoral system does not lend itself to governments with strong mandates; indeed coalitions are a permanent feature. It is anybody's guess whether the present government, headed by a Prime Minister whose support today is near zero, will survive the current travails. Nor is it at all clear that a successor government, should he go, will have either the clarity of vision or determination to actually move ahead.

131. In the meantime, Israel has sought refuge in, and locked itself into, an essentially rejectionist stance with respect to dealing with the Palestinians, by insisting on preconditions which they must know are unachievable. Experience has made me a sceptic of preconditions, which usually mask a reluctance to negotiate. It was one thing for Israel to expect acceptance of previous agreements (the third Quartet principle) – though one might

query whether Israel is itself compliant, and one could argue that it should be considered implicit that a new government is bound by earlier commitments, as I did in London in January 2006. It is something else altogether for Israel to demand an end to violence when it carries out military operations non-stop in the West Bank, and while it remains non-compliant with its parallel obligation, under the Road Map, to dismantle unauthorized settler outposts and freeze settlement activity and continues to create almost irreversible facts on the ground, including by building the security barrier on Palestinian land, while withholding Palestinian money and maintaining a stranglehold on Palestinian development through the closure system. Similarly unrealistic is the demand for recognition of Israel, which sometimes slides into forms of words such as "recognition of Israel's right to exist as a Jewish state", despite the fact that a consensus in Israel itself on its Jewish character is absent, and despite Israel's occupation of Palestinian territory and colonization of large chunks of it. As Colin Powell said to Newsweek recently: "*You can't negotiate when you tell the other side, 'Give us what a negotiation would produce before the negotiations start'.*"

132. Unfortunately, the international community, through a policy hastily laid down, has gone along with Israeli rejectionism, making it very difficult to climb down even if Israel decided to do so.

133. Israeli rejectionism extends also to Syria on which, echoing the US, Olmert has taken the position that Syria knows what it must do to prove that it is an acceptable negotiating partner, and insists on compliance, prior to any contact or negotiation, with goals that might be achieved precisely as a result of negotiations. Much is made of the fact that visitors to Syria have returned empty-handed. I wonder, do they seriously believe that Syria is going to give up negotiating cards outside of the framework of a negotiation – *gratis*? If I believed that, I would be insulting their intelligence. Powell's quote applies here as well, in spades. The Israelis wouldn't do it – why would the Syrians?

134. A few months after I began my assignment, at the commemoration of the tenth anniversary of the Rabin assassination, I bumped into James Baker, whom I had dealt with on El Salvador and Western Sahara. I asked him whether he had any advice for me. He said only, "Be strong. These guys can smell weakness a mile away." Sound advice, even if you represent the UN rather than the superpower. What he was warning against, clearly, was the tendency that exists among US policy-makers and even amongst the sturdiest of politicians to cower before any hint of Israeli displeasure, and to pander shamelessly before Israeli-linked audiences. It has become vividly clear to me these past two years that the same ensuing tendency toward self-censorship – treating Israel with exquisite consideration, almost tenderness – exists at the UN, partly for our own reasons – the legacy of the Zionism=racism resolution and the resulting political and budgetary cost for the UN, and Israel's demonstrated capacity to undermine US-UN

relations. The Israeli mission to the UN, in my experience, has unparalleled access in the Secretariat even at the highest levels, and not just because of the considerable skills of the permanent representative. There is a seeming reflex, in any given situation where the UN is to take a position, to ask first how Israel or Washington will react rather than what is the right position to take. I confess that I am not entirely exempt from that reflex, and I regret it.

135. A case in point is an incident which took place at a very sensitive moment before the advent of the new PA in March 2006, when the UK and the US, who did not want to interface at all with the government or any of its representatives including prison wardens, decided that the time had come to remove their monitors in place at a penitentiary near Jericho, who were there as part of a deal some years before to ensure the continued imprisonment of some of the Palestinians who had taken hostages in the Church of the Nativity. They also guarded PFLP leader Ahmed Sa'adat, alleged mastermind of the 2001 assassination of Israeli minister Rehavem "Gandhi" Zeevi.[11] The British and Americans gave advance notice to Israel which promptly besieged the penitentiary with twenty tanks and forced out and seized a number of prisoners, including Ahmed Sa'adat. This put Abu Mazen in an extremely difficult situation about which he complained bitterly to me, taking the position that there was no legal basis for Israel to have taken or to hold Sa'adat, who had been tried and imprisoned by the PA, according to the formula agreed with Israel in the Oslo Accords (which included a prohibition against double jeopardy). Abu Mazen asked me to intercede with Israel for his return to Palestinian custody.

136. I took Abu Mazen's request with a grain of salt, and requested a meeting with the newly minted Foreign Minister, the minimum level, I thought, to pursue a presidential demarche. The Minister – despite a good relationship that we had established earlier, when she was holding the Justice portfolio – did not receive me, and I was referred not to her second in command, the Director General of the Ministry, but to the Deputy Director General for the United Nations. I decided instead to write the Foreign Minister a rather antiseptic letter in which, without taking a position on the question, or even pleading for the release of Sa'adat, I merely queried what was the legal basis for Israel to have apprehended and to continue to hold him.

137. I got back from the Deputy Director General a vitriolic two-page reply which, however, failed to answer my query, and I learned that there was a strong demarche carried out by the Israeli mission in the Secretary-

[11] Gandhi, incidentally, was a major advocate throughout his career of transferring Arabs from the West Bank and Gaza to surrounding Arab countries, and the PFLP held him responsible for the targeted killing of one of their senior leaders. The major north-south road in the occupied Jordan Valley was named "Gandhi's road" by the Knesset after his death. As Palestinians point out, naming permanent infrastructure in the West Bank after Israeli ministers is hardly a sign that the occupation will end soon. (Gandhi gained his nickname because of his emaciated appearance rather than his devotion to nonviolence.)

General's office. I got no feedback of that demarche or of how EOSG reacted to it. What I do know is that some time later, when, at my request, Secretary-General Annan appealed to the Foreign Minister during a telephone conversation for her to have a fluid dialogue with me, she demurred, and the matter was not pursued further. In the event, my staff had very good relations with the Israeli MFA, and I had a broad spectrum of contacts in the Prime Minister's office, the Defence Ministry, the National Security Council, internal security establishment, Knesset, etc., but there did not seem to be at Headquarters any particular concern about the absence of a fluid relationship between its envoy and the Foreign Minister. It seems to have simply been taken as a given that that was the last word, despite the handicap that this entailed.[12]

138. Reasonable minds can differ on whether I should have written the letter – in retrospect, it may have been a mistake, and I'm sure this isn't the only one I made while serving in this difficult post. But my point remains that if it aspires to play a role of any significance the UN must get over this tendency to allow itself to be pushed around. This will require not just a steel-spined envoy but also the determination of Headquarters, from the Secretary-General on down, to close ranks and back him up.

139. While this cannot be proven, I also feel strongly that if I had been allowed to talk to the PA government and Hamas and Syria I would have earned greater respect from my Israeli interlocutors, and the UN could have played a far more authoritative and useful role in the Quartet. Whatever Israel might say about UN dialogue with Syria and the PA government, they rely on us to have channels when it really counts – as it did during last summer's war when the Secretariat played a role in developing, through consultations with all players, elements that then found their way into the hands of the US and French for them to finalize SCR 1701; and as it does, for example, on Goldwasser and Regev. Were a crisis to break out over the Golan, for instance, the UN Special Coordinator should have already established the relationships he needs with all parties to be able to have direct high level contact to defuse tensions and handle the political aspects.

140. I welcome and encourage the efforts to improve UN-Israeli relations in general, particularly on issues such as the Holocaust and anti-Semitism, which are issues the UN should have a strong and clear position on because it is the right thing to do. But I don't honestly think the UN does Israel any favours at all by not speaking frankly to it about its failings regarding the peace process. Treading softly may lower the attack by one decibel in certain press circles, but it doesn't actually contribute much to pushing Israel to resolve the conflict with the Palestinians or its Arab neighbours. If one believes, as I strongly do, that such a resolution is a vital interest of Israel, then it follows that the UN has to work to keep Israel's eyes on that

[12] Mr. Sa'adat has as of now not been charged, nor has Israel provided any legal basis for holding him.

goal, and not buy into the multitude of diversions and excuses that the Israeli political system can produce, sometimes in good faith, other times not. Unfortunately, the Israeli political system tends to privilege the immediate and ephemeral over the long-term vital interests of the country. There is a broad swathe of Israeli opinion fully aware that time is not on Israel's side. We are not a friend of Israel if we allow Israel to fall into the self-delusion that the Palestinians are the only ones to blame, or that it can continue blithely to ignore its obligations under existing agreements without paying an international diplomatic price in the short-term, and a bitter price regarding its security and identity in the long-term.

141. I also regret that I have not followed through with a project that I have had for a long time, which is to stage a presentation by OCHA on the Israeli closure system for the Security Council in the framework of a monthly briefing. Since before my arrival, OCHA has been tracking, using satellite imagery and on the ground, the combination of checkpoints, roadblocks fixed and floating, earth mounds, trenches and other obstacles which strangle the West Bank and stifle the economic life and social fabric of the Palestinians, and providing updates on which the Secretariat and many others rely. The OCHA presentation is a regular feature of officials visiting Jerusalem. It is a straightforward presentation which, with computerized visual aids, but without embellishment, starkly renders the extremely difficult situation which the population endures. Precisely because it is fact-based, it cannot be characterized as propaganda. I never got around to proposing that this be presented to the Council precisely because of the reflex of self-censorship which I warned against in this report. I hope that the Secretariat will find the will to make this presentation before too long – it could easily be done, for instance, by the Under-Secretary-General for Humanitarian Affairs.

CLOSING THOUGHT

142. Though I have no intellectual doubt, and therefore no regret, about the correctness of my decision to leave the United Nations, I cannot deny that I do so with a heavy heart. My UN career has been longer by far than my first, as a Peruvian diplomat, and I have had the good fortune to work almost intimately with one Secretary-General, very closely with another, and, at key moments in UN diplomacy, hand in glove with a third.

143. This past quarter century has spanned the doldrums of the cold war, the explosion of UN activity that followed it, the skyrocketing of expectations, the dashed illusions and many setbacks. The United Nations is, in a sense, still finding its way after having emerged from that gloomy forest. I joined the UN with a great illusion because of my sense that the UN is in itself a milestone in human progress as it attempts to go beyond the creaky state system that followed the Treaty of Westphalia, to create something that is more than the sum of its parts, the member states.

144. **The Secretary-General can and, fortunately, frequently has been be a crucial component in this endeavour, and that is what has made involvement in it so thrilling for me at key moments – paraphrasing what King Gustav III of Sweden wrote in a letter to Catherine the Great, I have basked in the UN Secretary-General's immortality. It has always been the case that some member states have considered the notion of the Secretary-General rising somewhat over and above the milling crowd of world leaders ahead of its time. The Secretary-General's refusal to accept this and to forge on tenaciously, with dexterity and imagination, pushing at the envelope, is what ultimately will determine whether this experiment will succeed over time and whether humankind will indeed cross this threshold. This places a heavy burden of responsibility on the Secretary-General, to which he will accountable in history.**