

Proposal for Creating Suitable Conditions for Ending the Conflict

The following was recently leaked as a document worked out by a group of Hamas and Israeli leaders, who met in Europe with the sponsorship of a European element. No one who was involved in the drafting has come forward to assume responsibility for it; therefore it has become an “orphan document,” without any official parents. However, it is a document of great potential value — which may be proven in the days to come. This is the first publication of the document in English.

The Editors

Summary:

- 1- Israeli withdrawal from the West Bank to an agreed temporary line.
- 2- A five-year Armistice/Hudna¹, i.e., no Palestinian attacks in Israel or on Israelis anywhere, and no Israeli attacks in Palestinian Territory or on Palestinians anywhere.
- 3- No Israeli steps to change the status quo that existed in areas outside the territory under Israeli control on the June 4, 1967 lines. No houses to be built in settlements, no roads or any change to the landscape.
- 4- Free and unhindered access for Palestinians to East Jerusalem and the rest of the Israeli-occupied West Bank.
- 5- Free and unhindered travel from Gaza to the West Bank (and vice versa) as well as to Jordan and Egypt.
- 6- International supervision: Any violation of points 1-5 will be considered as a violation of the Armistice/Hudna.

Rationale:

¹ The concept of “Hudna” in Islamic Law is the following: When parties cannot agree on a permanent end to a conflict for any reason or when final agreements seems premature, Hudna is introduced as an interim and temporary solution that could lead to a permanent one when the time is ripe. The Hudna is an agreement between two parties or more, binding on all according to the agreed conditions and timeframe. The aim of the Hudna is to stop the hostilities and end the conflict for the agreed period, by putting down arms and stopping all forms of military attacks between parties. The Hudna is created to last for the whole of the agreed period, and no party is allowed to violate its conditions under any circumstances. Any violation of the agreement breaks the Hudna and may trigger sanctions or the end of the Hudna itself. Like any “end of hostilities,” successful fulfillment of the Hudna may mean either the renewal of the Hudna or the achievement of a permanent peace agreement. As long as the Hudna is respected by the other side, neither party has the right to resume hostilities even after the agreed period has ended.

This Armistice/Hudna is a phase designed to improve the atmosphere between Israel and Palestine in order to progress via practical and serious steps to build two viable neighboring states in the future. This five-year Armistice/Hudna will be a serious preparatory phase towards considering a final peace agreement with Israel.

This five-year period will provide the Israeli and Palestinian Peoples with the chance to gain confidence in one another and to explore the possibilities of the future. If successful, the Armistice/Hudna will allow the Muslim world to provide the Palestinian Government with greater space and freedom to explore ways of resolving the conflict with Israel in a lasting way.

The Palestinian vision beyond the Armistice/Hudna is a Palestinian State within all the Palestinian Territory occupied by Israel in 1967 and with East Jerusalem as its capital, while conserving the principle of the right of return.

Immediate Goal:

Ending the current armed confrontation, including all attacks by Palestinians and Israelis on each other, as well as the international economic and political isolation of the Palestinian Government. This will help the Palestinian People to build their own economy and gain some prosperity.

Palestinian Responsibilities:

- 1- Respect the Armistice/Hudna, which will:
 - a) Last for five years.
 - b) Be binding on all Palestinian factions.
 - c) Be applicable throughout the Israel and the Palestinian Territory occupied in 1967.
- 2- Halt all forms of military actions within Israel and attacks on Israelis anywhere in the world.
- 3- Facilitate the establishment of joint Israeli and Palestinian economic zones and projects (industrial, agricultural, etc.) between Gaza, the West Bank and Israel.
- 4- Continue normal trade relations with Israelis.
- 5- Ensure that all international funds go only to governmental activities and projects and not to the Hamas movement: to this effect, the government will create an independent Economic Council composed of Palestinian academics and professionals who will deal directly with and report to the international community. This council will monitor the use of governmental funds and make sure that the government respects international guidelines.
- 6- Provide transparent reports on spending of Arab and Muslim funds which go directly to the Ministry of Finance.
- 7- Provide any needed security guarantees in exchange for freedom of movement and trade with the rest of the world (similar to the Rafah Border arrangement).
- 8- Fully comply with international standards of Democracy, Rule of Law and Good Governance.
- 9- Fully respect applicable international laws, including the Geneva Conventions.

Israeli Responsibilities:

- 1- Respect the Armistice/Hudna, which will:
 - a) Last for five years.
 - b) Be respected by all Israeli forces and security services.
 - c) Be applicable throughout the Israel and the Palestinian Territory occupied in 1967.
- 2- Halt all forms of military actions within the Palestinian Territory occupied in 1967 and (targeted) killings of Palestinians anywhere in the world; remove all military checkpoints within the Palestinian Territory occupied in 1967.
- 3- Freeze all Israeli construction activities (settlements, roads, schools, etc.) outside the area controlled by Israel on June 4, 1967, including the wall/Barrier.
- 4- Release all political prisoners.
- 5- Ensure freedom of movement and trade between Gaza and the West Bank and between the occupied Palestinian Territory and the outside world.
- 6- Allow rebuilding of the Gaza International Airport and Seaport (according to previous agreements) and of the existing airport within the West Bank (Qalandia).
- 7- Provide free access for all West Bankers and Gazans to East Jerusalem and for all Palestinians with Jerusalem IDs to the West Bank and Gaza, while protecting their IDs and ensuring their free participation in Palestinian political life.
- 8- Establish joint Israeli and Palestinian economic zones and projects (industrial, agricultural, etc.) between Gaza, the West Bank and Israel; provide access to Palestinian workers onto Israeli labor market.
- 9- Fully respect applicable international laws, including the Geneva Conventions.

Role of the International Community:

The role of the International Community is to preserve the Armistice/Hudna and to contribute to the building of trust between the two parties. It plays a key role in preventing the shortcomings seen in the implementation of previous agreements.

To this effect, a Multinational Force (MF) under the leadership of the Middle East Quartet and Turkey shall be established in order to monitor the compliance of both parties with the terms of the Armistice/Hudna and to provide security guarantees. The MF shall facilitate, assist in and guarantee the implementation of the agreement, resolve disputes related to it and take punitive measures in case of violations.

Reporting is to be submitted to the Security Council at regular intervals on the respect of all aspects of the Armistice/
Hudna by the parties.