

US Proposed Monitoring Mechanism—Further Additional Questions

Major Problems

- The monitoring mechanism is a US-dominated body. The US diplomat has authority, and any arrangement to include other nations, whether as “observers”, “consultants” or “visitors” will not have the same status. This will be the case whether international individuals attend the diplomatic level meetings, or are attached to the technical teams.
- How will the international “consultants” or other experts for the latter stages of Mitchell implementation be chosen? Will they have any capacity to act if they are just single individuals (that is, will they have the freedoms of the security members of the technical team? Will they be deployed in numbers so they can monitor and not just report? Will they constitute a permanent presence, like the security team, or just visit periodically?
- The nations being reported to are too far away and high up. They need to be formed as a contact group with named envoys or representatives that can remain engaged in the process.
- If mediation fails, or if the monitoring mechanism becomes distorted, a higher court of appeal is needed.
- Can one side invite international observers or experts to the process? Does it have to be agreed to only by the US diplomat, or by both sides as well?

Additional Questions

- Will confidential minutes of the diplomats’ meetings be taken?
- What will be the frequency of reports from the mechanism upwards to the other nations? What will be the frequency of reports from the two sides to the US diplomat?
- How can the DCOs/trilateral meetings be used in this process?
- Can the diplomats be changed in mid-stream?
- How will the diplomats’ meetings be run? (Each side should have the right to include a back-up team composed of any number or expertise of their choosing—including technical team members, other experts, ie. NSU staff, and/or international/non-Palestinian individuals.)
- Should there be a written “code of conduct”, “modus operandi” or other documents that govern the internal workings of the mechanism.

- What happens if there is a serious violation of the process? Is the proposed timetable not based on a “best-case scenario” rather than accounting for the contingency of a “worst-case scenario”?
- Regarding reports: where is the line drawn between a factual accounting of an event and laying blame to one side or the other?
- Do the technical teams have the freedom to set the schedule of their own meetings? Or must they get approval first?
- If the 10-12 number of the technical team can’t politically change, can the composition of the members change to reflect a shift from security monitoring to the settlements freeze monitoring?

Potential Israeli Tactics of Obfuscation

- Israel may hinder the initial workings of the mechanism for an indefinite period of time while it challenges the definition or meaning of each aspect of the mechanism. (This will be problematic if there is a desire for a code of conduct or any written outline of the internal workings of the mechanism.)
- Could Israel include anyone in their technical team that would be unacceptable to the Palestinians? Would they object to anyone in the Palestinian team? (There should be rule established that each side has exclusive rights to identify the members of their respective teams at all levels.)
- Israel might refuse to provide various kinds of information. This will mean the need for independent information sources on security, settlements and all aspects of Mitchell.
- Israel may hinder freedom of movement. It may provide one or more of several excuses, including not being able to provide security at a particular location.
- Israel may resist “internationalization” of the mechanism and object to international visitors or observers being engaged in the mechanism.
- Israel may use the issue of “confidentiality” as a way of preventing “transparency”. It’s one thing to argue this point during the security stages of the process, but will be problematic at the settlements freeze stage.
- What can Israel do outside the mechanism for which it can claim “plausible deniability”, while appearing behaved within the mechanism? This may require PA intelligence to catch and identify.

- Israel could capitalize on gaps in the mechanism and drive wedges in them to undermine effectiveness. (This is the contrary to the whole object of the two-tier structure that attempts to tighten political will and technical operations.) For instance, it could delay meetings, fail to attend meetings, ensure meetings are periodic. This will make the mechanism very reactive and ineffectual.
- Israel could complain about the substance of the reports to such an extent, that the report-writing process becomes self-censoring. This will place pressure on the two sides to demand that their views be appended to the reports.

Selection of Palestinian Diplomat and Members of Technical Committee

The 'Palestinian Diplomat' should have the following profile:

- Clever enough to maneuver around manipulation – but not for personal reasons;
- A good listener, and willing to work closely with the NSU and to appoint someone from the NSU;
- Military/security and political background;
- Good command of English;
- Good public relations skills, and
- Strong and sincere.

Questions

- Who will appoint the Palestinian diplomat? Will the Palestinian diplomat then appoint members of the security/technical committee, or will it be the same person that appointed the diplomat?
- How many members will be appointed in the technical committee? Are they representatives from various security agencies?
- Level or rank of members in the technical committee? Are they senior in rank, or field officers who understand the situation on the ground?
- What is the committee's scope of work? Who determines the agenda?
- Will the committee include members with different expertise other than security, such as experts in settlements? This would allow an easy transition from a security team to a committee that would oversee the implementation of the Mitchell Recommendations.
- Would the committee be able to request emergency backup during response visits? How many offices are to be established in the region? Where will the

meetings take place? Are there any limits as to what the Palestinian technical committee can do in terms of assigning additional people/designating operating offices with tasks and functions to carry out related to the mission?

- Who is the right to choose members of the technical committee?
- What type of freedom will the committee have in regard to movement in the West Bank and Gaza Strip, including East Jerusalem, and Israel? What are the procedures for responding to incidents, preventing incidents from occurring, and participating in incidents?