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# **The Political Situation in Light of Developments with the US Administration and Israeli Government and Hamas' Continued Coup d'etat**

## **Recommendations and Options**

**December 2009**

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**(i) Introduction**

This paper seeks to identify a future vision. In light of the suspended peace process; reversion by US President Obama's Administration of declared positions regarding the cessation of settlement activity and terms of reference of the peace process; insistence by Netanyahu's government to refuse to resume the final status negotiations from the point they ended at in December 2008 as well as to implement any of the obligations under the First Phase of the Road Map; Hamas' insistence to reject reconciliation, signing of the Egyptian Document, and the Presidential Decree on resorting to ballot boxes and hold presidential and legislative elections;

Due to the continued policy of polarisation in Arab and regional countries ( Iran and Turkey); and the real dangers that threaten the region, including collapses and potential new wars;

Given the understandings and deals reached between Russia and the USA on the one hand, and China and the USA on the other; in view of the EU member states' inability to adopt a unified foreign policy towards the Arab-Israeli conflict as well as unwillingness to detach from the US positions; and whereas the UN is just a reflection of member states, it has been necessary to develop this paper. Though we admit that opportunities of looking for gains are limited, the least we can do is to reduce damage, unify our discourse and preserve all our rights on grounds of the international law and legitimacy as well as exercise pressure on the Israeli government by exposing its policies and positions through all relevant international and regional organisations.

**(ii) Where negotiations between President Mahmoud Abbas and Israeli Prime Minister Ehud Olmert reached?**

On 30 July 2008, a trilateral US-Palestinian-Israeli meeting was held at the US Department of State in Washington DC. Chaired by Condoleezza Rice, then US Secretary of State, an Israeli delegation, including Tzipi Livni, Israeli Minister of Foreign Affairs, Tal Baker and General Udi Dickel, as well as a Palestinian delegation, including Ahmed Qurei', Saeb Erakat and Zeinah Salah (a legal advisor at the NAD NSU) took part in the meeting. Participants reached an agreement on the following:

- A. The basis of negotiations would be the 4 June 1967 Map, including East Jerusalem, the Dead Sea, Jordan Valley, the no-man's land and the Gaza Strip.
- B. The principle of land swaps through agreement, including a territorial link between the West Bank and Gaza Strip.
- C. The area of the no-man's land before 4 June 1967, which is 46 km<sup>2</sup>, would be divided on a 50 - 50 percent basis between the two States.
- D. The goal of the peace process would be to realise the principle of the two-state solution on the grounds of this understanding.

In light of this agreement, Palestinian-Israeli meetings were rejuvenated on all levels. A total of 12 committees elaborated on all negotiation issues. However, serious negotiations between President Abu Mazen and Ehud Olmert, the Israeli Prime Minister, reached the following:

(a) **The 4 June 1967 Border:** The Palestinian side proposed the exchange of 1.9 percent of the OPT in size and value.

On the other hand, the Israeli side proposed that 6.5 percent of the West Bank area be annexed and that 5.8% of the 1948 territory given to Palestinians. The remaining area (0.07 percent) would be in place of the territorial link between the West Bank and Gaza Strip.

**Note:** The attached maps show the settlement 'blocs', which Israel seeks to annex).

(b) **Jerusalem:** Israel suggested that Arab quarters in East Jerusalem would constitute part of Palestine (These include Beit Hanina, Shu'fat, Al 'Isawiya, At Tur, Silwan, Ras al 'Amud, As Suwwana, Ath Thori, and the rest of Arab quarters). On the other end, the Israeli settlements which have been constructed in East Jerusalem would be part of Israel.

In respect of the old city of Jerusalem, the Israeli side proposed a concept of the so-called " Holy Basin" along with special arrangements, ensuring that neither party exercises sovereignty thereon.

The Palestinian side insisted that the status of East Jerusalem should be identical to the rest of the Palestinian territory in the West Bank and Gaza Strip. It should be considered as an occupied territory, to which the principle stating that others' territory might not be occupied by force, shall be applicable. It should also be the capital of the State of Palestine, which would respect religions and be established on the principle of safeguarding the freedom of worship for everybody.

(c) **Refugees:** The Israeli side proposed the following:

- The return of 1,000 refugees to Israel annually and for a period of five years. These would return for humanitarian reasons.
- Return to the State of Palestine would be an internal Palestinian affair.
- An international compensation fund would be established, on which Israel would be a member.

- Israel rejected to bear any liability for the calamity caused to the Palestinian refugees.
- Israel would bear a special liability for the compensation of refugees.

On the other hand, the Palestinian side stated the following:

- Solutions for the refugees' properties would be discussed.
- The right to return is safeguarded by the international law and UN General Assembly Resolution 194.
- The return to Israel of 15,000 refugees per year for 10 years, renewable thereafter at the agreement of both parties.
- Return to the State of Palestine shall be subject to Palestinian law only.
- An international compensation fund shall be incorporated, whereby all refugees would be compensated regardless of their choice. The right is for return and compensation, not return or compensation.
- Host countries would be compensated.

**(d) Water:** The Israeli side proposed the following:

- A regional cooperation would be established to solve the problem of water.
- Desalination stations would be installed in Israel and the State of Palestine would be supplied with the water it needs.
- Israel would preserve control over water aquifers.

The Palestinian side stated the following:

- The water issue would be resolved in accordance with the international law.
- Palestinian water aquifers would fall under the sovereignty of a Palestinian State.
- Palestine's water rights in the River Jordan.
- Palestine would be a riparian state on the Dead Sea, with a total length of 37 km. The total area would be 220 km.
- The Gaza Strip would have 12 territorial miles on the Mediterranean Sea.
- Compensation for Israel's theft of our water since 1967.
- Regional cooperation for solving the water problem.

**(e) Security:** The Israeli side proposed the following:

- A demilitarized Palestinian state.
- Israeli presence on several sites within the State of Palestine.
- Israel would preserve control over the aerial space of Palestine.

The Palestinian side stated the following:

- Any Israeli presence on the territory of the Palestinian State would be prohibited.
- The borders, border crossings, aerial space and territorial waters of Palestine would be under its full sovereignty.
- Agreement on the presence of a third party for a limited period of time.
- In cooperation with the third party, Palestine would have the right to possess the weapons necessary for the full assumption of its responsibilities.

**(f) Prisoners:**

The Palestinian side proposed that Israel release [all remaining](#) prisoners and detainees upon signing the final agreement.

**Deposit with the US Side**

On 18 December 2008, and one month before the US President's term expired, President Mahmoud Abbas travelled to Washington DC and met with George W. Bush. President Abbas presented a briefing note, including a summary of the point at which negotiations between both parties on all issues ended. Having viewed the briefing note, President Bush said **"I want Israeli and Palestinian delegations review this briefing note as well as maps and have initial comments thereon on 3 January 2009. These will be sent to the new US Administration. A recommendation will be made to start the negotiations from the point they ended at in December 2008"**.

President Bush added, **"You have done all that you could. No one can blame you. I fulfilled my part and you fulfilled yours. However, the Israeli side has fallen in the whirlpool of its internal problems and evaded from the agreement."**

President Abu Mazen said that he would send Dr. Saeb Erakat along with a technical team to review the briefing note on positions and maps on 3 January 2009. "This will be like a deposit to be kept with you," President Abbas concluded.

Instead of going to Washington, Olmert decided to wage the criminal war on the Gaza Strip.

We learned from President Bush's Administration that they left an 11-page letter to President Obama's Administration, including the Rice Understanding of 30 July 2008 as well as a summary of the point, which negotiations between both sides reached.

**(vi) Arab and regional positions**

In addition to expressing concern about the regressing position of the USA, Arab States supported the Palestinian position to approach the UN Security Council for a resolution that will recognise the establishment of a Palestinian State, with East Jerusalem as its capital, on the 4 June 1967 border; i.e. to de [limit](#) the borders.

The US will attempt now to lobby states, including some Arab states, to exercise pressure on the Palestinian side to resume negotiations in accordance with Netanyahu's vision. Therefore, we should intensify our communications with the EU, Russia, UN and Arab States in order to expose the truth of Netanyahu's positions, which effectively mean continued settlement activity, separation of East Jerusalem from the West Bank and the continuation of what is effectively a siege and refusal of resuming negotiations from the point at which they ended in December 2008.

**(viii) Reconciliation efforts with Hamas**

Against these developments and in light of our dire need to unify ourselves and empower our internal front, we must make every possible effort to put an end to Palestinian disunity.

Calling for reconciliation is a foregone conclusion and should continue. However, we would probably better initiate a clear and specific action programme on the Arab and Islamic levels. For example, we may request that the forthcoming Arab Summit Conference and the Islamic Conference Organisation denounce the party that rejects the Palestinian reconciliation effort.

Action must also be taken on the level of the Arab and Islamic public. Facts should be explained and clearly communicated to the Arab and Islamic nations as well as to political movements from across the spectrum.

Even if carried out in line with a programme, this action will disclose and expose the real positions of the Hamas Movement as well as its utilisation of resistance and religion. It will also expose the Arab and Islamic regimes which use Hamas' forcible take-over of Gaza for the sake of their own regional and international interests.

### Internal Palestinian Options and Actions

1. Intensify efforts to achieve national reconciliation, put an end to Hamas Movement's coup d'etat in the Gaza Strip and expose the party that impedes the conciliation process. On all bilateral and multilateral levels, Arab and Islamic States will be requested to hold Hamas Movement responsible for disrupting the reconciliation process by refusing to sign the Egyptian Reconciliation Document as well as by rejecting the Presidential Decree on the conduct of presidential and legislative elections.
2. Rejuvenate the PLO Expatriate Affairs Department and develop an action strategy to communicate with Palestinian communities in the Diaspora. This can be achieved through cooperation and coordination with the PLO Refugee Department, the PNA Ministry of Foreign Affairs and the Departments of Foreign Affairs among the Palestinian factions. In addition, this effort can be combined with a transparent fund-raising mechanism.
3. Pursue additional/other options for ending the occupation and achieving Palestinian rights, besides open ended negotiations. For example:
  - a. A campaign of non-violent resistance (e.g., prohibition on Palestinians working in settlements, boycott of Israeli products, etc.)
  - b. Develop credible alternatives to the traditional two-state solution, such as a one-state, a binational state, etc. If adopted in lieu of the two-state solution, dissolve/utilize the PA and alter the mandate of the PLO accordingly.
4. Re-evaluate the Oslo accords and consider declaring them null and void, partially or completely, or applying them selectively in a manner consistent with Palestinian interests. For

example, link co-operation on issues that matter to Israel , such as security cooperation, with Israel upholding its obligations.