

**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 Salahi (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 km², 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.

(iii) What President Abu Mazen requested from President Obama?

One day after he took office, President Obama made the first contact with President Abu Mazen. On the third day, President Obama appointed Senator George Mitchell as a special envoy for the peace process in the Middle East. On all occasions, President Obama expressed his commitment to realise the two-state principle as soon as he could: “To achieve security for the Israelis and justice for the Palestinians through the realisation of the two-state solution; the State of Israel living side by side in security and peace with the State of Palestine”.

To prepare for President Abu Mazen’s visit to the USA in March 2009, Dr. Saeb Erakat travelled to Washington DC and met with General Jim Jones, National Security Advisor, Hillary Clinton, Secretary of State, Senator George Mitchell, and with other US officials. We concentrated on the fact that negotiations had exhausted designated purposes. It was time that President Obama propose solutions for the End Game on grounds of the Rice Understanding of 30 July 2008. The US side responded that it was too early to talk about the End Game. Then, President Obama, Clinton and Mitchell were examining all aspects of issues in question in order to identify the best means to realise the two-state principle on the ground.

On 28 May 2009, President Mahmoud Abbas met with President Obama in the White House and asked him to:

1. Propose principles for the End Game in regard of all issues: borders, Jerusalem, settlement activity, refugees, water, security and release of prisoners.
2. Refer to the briefing note on where negotiations with Olmert’s government ended.
3. Set a time limit for completing negotiations with the Israeli side.
4. Define a period of time for the complete withdrawal of the Israeli forces to the 4 June 1967 line.
5. Proclaim the Palestinian State following the complete withdrawal and emphasise rejection of the state with provisional borders.
6. In parallel with resuming negotiations on the basis of implementing President Obama’s principles, each party will implement its respective obligations under the First Phase of the Road Map. These will particularly include cessation of the settlement activities, including the so-called natural growth and in Jerusalem; reinstating the former situation as it was on 28 September 2000; reopen closed Palestinian offices and institutions in East Jerusalem; and lift the closure and siege on the West Bank and Gaza Strip on an equal footing.

President Abu Mazen affirmed that we would continue to implement all our due obligations (Enclosed is a list of obligations of all parties under the First Phase of the Road Map).

President Obama replied to President Abbas’ proposal as follows:

1. We have to restore credibility of the peace process. This cannot happen except with the implementation of obligations stated under the Road Map’s First Phase.
2. Israel must implement its obligations, particularly the cessation of settlement activity, including natural growth.
3. The Palestinian side must continue to implement all of its obligations and act towards the cessation of incitement.
4. Arab States must carry out steps towards Israel in order to promote mutual trust and confidence.
5. We have to resume negotiations from the point at which they ended in December 2008.

6. We will not propose any positions in the current stage. We have to see how the negotiations develop.

7. He requested that President Abu Mazen continue efforts to build institutions of the Palestinian State and promote principles of accountability, transparency, democracy and rule of law.

8. He considered that the establishment of a Palestinian State as a high US interest.

One week after the meeting, President Obama visited the Middle East and delivered an address at the Cairo University, in which he focused on the “necessity for a real cessation of the Israeli settlement activity.”

(iv) Positions of the Israeli Government under Benjamin Netanyahu

On 14 June 2009, the Israeli Prime Minister delivered an address at the Hertzliya Institute, in which he defined the policies of his government as follows:

1. Jerusalem would be a unified capital of the State of Israel. Negotiations about it will not take place.

2. Not even one Palestinian refugee will be allowed to return to Israel.

3. Construction works in settlements will be continued to meet natural growth needs. With respect to Jerusalem, construction works will be deemed to be ordinary. What is going on in Jewish quarters (i.e. settlements) cannot be considered to be settlement activity. Return to the 4 June 1967 will be rejected.

4. The Palestinian side will recognise the State of Israel as a Jewish State.

5. Israel will control Palestinian border crossings and aerial space.

6. Upon their consent to the above, Palestinians shall have the right to proclaim state (referring to Areas A and B) – i.e. a state with temporary borders.

7. This state will be disarmed.

8. Netanyahu also called the Palestinian side to resume negotiations without prior conditions (Note the list of conditions posed by Netanyahu).

According to this address, it is clear that Netanyahu:

1. Rejects the cessation of settlement activity, including the so-called natural growth.

2. Excludes Jerusalem from any discussion on this issue.

3. Rejects the resumption of negotiations from the point at which they ended in December 2008.

4. Does not intend to negotiate about Jerusalem, borders, settlements, refugees and security. This means that the Palestinian side will be obliged to accept the Israeli positions as well as recognise Israel as a Jewish State. The file of refugees will be excluded from negotiations and Palestinians need to agree that Israel preserve control over Palestinian border crossings and aerial space. Moreover, Netanyahu’s government has continued to impose an internal closure in the West Bank as well as a full siege on East Jerusalem. It has also continued to demolish Palestinian houses, displace residents, confiscate Palestinian land, intensify the blockade on the Gaza Strip and deny the transportation of all construction cargo and reconstruction efforts. Additionally, Netanyahu’s government has continued to expand settlements in the West Bank and Jerusalem.

(v) The deal between Senator Mitchell and Netanyahu

After President Obama held office on 20 January until the end of November 2009, we held a total of 31 meetings with Senator Mitchell in Jerusalem, Ramallah, Jericho, Washington DC, New York, Amman and Abu Dhabi.

Each time we met, Mitchell used to say: “Continue to implement your obligations. I have nothing to ask you. My major task focuses on the Israelis. They have to realise

that they must cease settlement activity, including natural growth, and resume negotiations from the point they ended at in December 2008. Arab States must also deposit with us steps to normalise with Israel in order to encourage it to implement the steps required from it.

This situation went on until August, when Mitchell began to talk in differently. “We no longer want any steps from the Arab States. As for Israel, we have not so far reached a deal with them. However, it seems that we will not attain all that we want.” Mitchell said.

Days before the Annual Session of the UN General Assembly convened, Mitchell arrived to Ramallah on 15 September 2009. He formally proposed that the President take part in a trilateral meeting (with Obama and Netanyahu) to be held in New York on 22 September. Resumption of the final status negotiations will be declared in that meeting.

“Have you managed to oblige the Israeli government to fully cease settlement activity, including in Jerusalem, and to resume the final status negotiations from the point they ended at in December 2008?” President Abbas inquired.

“We have not reached the deal yet. We need to agree on the period of time for the cessation of settlement activity. In respect of the cessation of settlement activity, we have received the best we could.” Senator Mitchell replied.

Mitchell did not disclose the deal. However, we had received certain information from the Israeli side, stating that the deal was as follows:

1. Construction of 3,000 settlement units in the West Bank will continue.
2. Jerusalem will be excluded from the deal.
3. Construction of public buildings and infrastructure will continue.

With reference to the resumption of negotiations, Mitchell agreed with Netanyahu on the following:

1. Negotiations will be restored without prior conditions.
2. Negotiation topics will include Jerusalem, borders, refugees, water and security.
3. Negotiations will not start from the point at which they ended in December 2008.
4. Reference will not be made to the Rice Understanding of 30 July 2008.
5. Each party can raise whatever it wants.

In an attempt to cover the US regression, the US Administration told Dr. Saeb Erakat and his team in Washington (on 30 September and 20 October 2009) that it would dispatch side letters, including:

1. The US Administration’s recognition that the Israeli settlement activity is illegitimate.
2. The US Administration’s recognition that the annexation of East Jerusalem to Israel is illegal.
3. The US Administration will pledge to make every possible effort to complete negotiations within a period of 24 months, following which the independent State of Palestine will be established.

President Mahmoud Abbas absolutely refused this offer and informed Senator Mitchell that he will not attend the proposed trilateral meeting in New York.

In view of this position, Obama’s Administration abandoned its intention to declare the resumption of negotiations during the proposed trilateral meeting. However, it insisted to hold the trilateral meeting in presence of President Obama to confirm his commitment to the two-state principle. This is what happened:

During President Abu Mazen's meetings (with Hillary Clinton and Mitchell in Abu Dhabi and Amman), or Dr. Saeb Erakat's meetings (with James Jones, Hillary Clinton and Mitchell in Washington and Jericho), the US Administration attempted to obtain a Palestinian agreement on the resumption of negotiations without a cessation of settlement activity as well as on the identification of terms of reference. However, President Abu Mazen absolutely rejected this request. On the contrary, he declared his intention not to run for a new presidential term as well as keep for himself taking other steps, which he did not announce.

The outcome of the US position:

1. Reversion from President Obama's positions regarding the cessation of settlement activity as well as resumption of negotiations from the point at which they ended in December 2008.
2. They wanted to cover the regression by sending assurance letters on the illegality of settlement activity or annexation of Jerusalem. While reassuring, these letters do not have any legal significance.
3. Netanyahu will have excluded the First and Third Phases of the Road Map, whilst retaining the Second Phase. In other words, he would convert the option of a state with temporary borders into a compulsory track.
4. It seems that developments of the Iranian file, internal situations in the USA and the situation in Afghanistan and Iraq had been factors that motivated the US's regression.
5. The US Administration welcomed Netanyahu's decisions on the settlement activity, which he announced on 25 November 2009.

(vi) Arab and regional positions

Arab and Islamic countries were optimistic after President Obama was elected. They decided to cooperate with and assist him to a maximum level in an attempt to realise his interests as well as his internal and external aspirations.

With respect to Mitchell's mission, however, the majority of Arab countries rejected the idea of presenting deposits of normalisation steps towards Israel in order to encourage it to carry out its obligations, including the cessation of settlement activity and resumption of the negotiations.

Arab States linked normalisation with Israel to the implementation of the Arab Peace Initiative; i.e. Israel's withdrawal from all the territory occupied in 1967 [and a just solution to the Palestinian refugee issue in accordance with UN GAR 194](#) .

After it was clear to Senator Mitchell that Netanyahu's government would not fully cease settlement activity, he no longer demanded that Arab State take normalising steps towards Israel.

In the context of resuming negotiations, Arab States either supported the Palestinian position, which had associated the cessation of settlement activity and identification of terms of reference with the resumption of negotiations, or called for the resumption of negotiations without prior conditions. The latter position was announced in the Joint Statement made by the representatives of nine Arab states with Hillary Clinton, Secretary of State, in New York on 26 September 2009.

This position was retained until the Arab Peace Initiative Follow-Up Committee held an emergency session based on a request from Palestine on 12 November 2009. In the conclusive statement, the Committee:

1. Confirmed commitment to the Arab positions stating that the Palestinian-Israeli negotiations could not be resumed unless Israel fulfilled its obligation of a complete cessation of settlement activity in the occupied Palestinian territory, including in East Jerusalem.

2. Emphasised that final status negotiations about major issues, particularly about Jerusalem and refugees, should be resumed from the point at which they ended in December 2008.

3. Expressed concerns towards the declining US position in relation to the settlement activity and requirements of the resumption of negotiations.

The Arab position was clear and definitive. In their statement, the Arabs did not simply say that they supported the Palestinian position as to the resumption of negotiations, but rather, they stated that their position called for a complete cessation of settlement activity, including in Jerusalem, as well as for resumption of negotiations from the point at which they ended in December 2008.

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. This is not a proclamation of independence by one side or a unilateral decision. On the contrary, it is based on the UN Security Council Resolution 1515, which endorses the Road Map and the two-state solution. What is required from the international community now is to de **limit the** borders of the State of Palestine. Should this be done, all Israeli measures, including annexation, displacement and creation of facts on the ground, will not devise a right or establish an obligation.

There is an Arab consensus on all these issues. The statement and recommendations of the Arab Peace Initiative Follow-up Committee should be utilised and submitted to Arab Ministers of Foreign Affairs for approval as soon as possible. In light of the decisions announced by the Israeli Prime Minister on 25 November 2009, which introduced nothing new but only received formal US endorsement, we think it would be appropriate that Arabs address the US with a unified discourse. Netanyahu's decisions might have influenced the international public opinion in that he made a step forward and agreed to "restrain" some settlement activity for a period of ten months – a step that was welcomed by the US. As a result, it would appear that the Palestinian side impedes resumption of the negotiations.

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.

On the regional level, in spite of the very important and serious developments witnessed in our region and in view of the nature of the specific mission of this paper, we will not delve into the analytical aspect of the Iranian, Turkish, Pakistani and Afghan positions, or those positions pertinent to the Horn of Africa. Issues are intertwined and links are in place. Everybody is trying to fill what they believe to be a vacuum in the leadership in the region. The question of Palestine constitutes a hub for ongoing interplays in our region. The goal is to lead the region through hegemony, blackmail or control. This will not be realised without the Palestinian question. Accreditation papers cannot be presented to the US Administration and to others without the Palestinian paper. These issues bear a significant link with the forcible take-over of the Gaza Strip, which cannot be construed except by accurately understanding regional developments and how to present accreditation papers.

(vii) Positions of the European Union, Russia and United Nations

Members of the Quartet have identified their positions in the Road Map. However, the United States decided to abandon the Road Map. Will the remaining members of the Quartet abandon their positions? What is the way to prevent such regression?

The Quartet emphasises the two-state solution, termination of the Israeli occupation which began in 1967 and implementation of obligations under the Road Map's First Phase, particularly a complete cessation of settlement activity and resumption of negotiations from the point they ended at in December 2008.

President Mahmoud Abbas made intensive contacts with a considerable number of EU member states and with Russia and the UN Secretary General. In these, President Abbas emphasised the following:

1. The Quartet should retain its positions regarding the expedient full cessation of Israeli settlement activity, including in Jerusalem.
2. Final status negotiations on all major issues should be resumed from the point they ended at in December 2008.
3. States worldwide should recognise the State of Palestine, with East Jerusalem as its capital, on the 4 June 1967 border and call for a just resolution to the [Palestinian refugee issue in accordance with UN General Assembly Resolution 194](#).
4. As a ground of this action, members of the Quartet may not consider Netanyahu's proposals as a foundation for the start of negotiations. It is emphasised that the Israeli government's positions mean an annulment of the First and Third Phases of the Road Map, promotion of the option of the state with provisional borders on 40 percent of the West Bank, and exclusion of the files of Jerusalem, refugees, security and borders from negotiations.
5. Accordingly, President Mahmoud Abbas requested that a resolution be issued by the UN Security Council, recognising a Palestinian State on the 4 June 1967 border. Consequently, Israel's settlement practices, creation of facts on the ground, attempt to Judaise Jerusalem and the Wall construction will not create a right or establish an obligation.

Thereupon, de [limitation](#) of the 4 June 1967 border by a Security Council resolution will preserve the two-state option.

In spite of electing a chair and minister of foreign affairs for the EU in line with the Lisbon Constitution, which will enter into force in January 2010 as Spain presides over the EU, there are still 27 foreign policies, not just one policy, for the EU.

Efforts should be intensified with the major EU member states, including the United Kingdom, France, Italy, Germany and Spain, as well as with Russia, in order to retain the Quartet positions towards the resumption of negotiations and the two-state solution on the 1967 border through a relentless and intensive action to drive the Security Council to pass the relevant resolution.

In addition, the possibility of addressing Switzerland – the depositary of the Fourth Geneva Convention of 1949 – as well as calling the high contracting parties to implement the principle of protecting civilians at the time of war in the West Bank, including East Jerusalem, and the Gaza Strip, should be examined.

We can also refer to the International Court of Justice in the Hague and request an advisory opinion on the Israeli occupation and its policies since 1967, including settlement activity, the Wall, etc.

The option of the International Criminal Court remains open for us. We are now trying to attain a jurisdiction to file petitions before this Court as we are not a state yet.

(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.

The question to be posed, however: Have we not made every possible effort to achieve this goal?

The answer is yes. We signed the Reconciliation Document, which had been a fruit of the Egyptian efforts and dialogue between all factions. Earlier, we had signed the Mecca Agreement. President Abbas also promulgated a decree, calling for the conduct of presidential and legislative elections in January 2010 as stipulated by the Basic Law.

Nevertheless, the Hamas Movement refused all these initiatives. As mentioned above, it has been clear that regional developments forcefully influence the Palestinian landscape, rendering unrealistic Hamas' approval of reconciliation before the fate of several regional files, particularly the outcome of issues between the US and Iran, are clear or determined.

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.

The question of Palestine , Jerusalem , and refugees are far more important than Palestinian political factions, which have existed with the sole objective of liberating Palestine, including Jerusalem.

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.

With respect to the Palestinian communities in Europe, Americas, Asia and in countries worldwide, as well as throughout Arab States, a comprehensive strategic plan should be developed to confirm the unified and legitimate representation by the Palestine Liberation Organisation (PLO) of all Palestinians wherever they are.

The PLO Expatriates' Affairs Department, Palestinian Ministry of Foreign Affairs, Fatah's Commission of External Territories, Foreign Communications Committees within Palestinian national factions and PLO Department of Refugees' Affairs should develop a strategy under the umbrella of the PLO to protect the question of Palestine from attempts targeting the promotion of division, separation and fragmentation and finding an alternative for the PLO by manipulating religion and resistance. A real danger threatens our communities abroad; that is, losing the essential dimension of the Palestinian national identity.

(ix) Action to be taken? Recommendations and options

This section is broken down into two parts. The first part is an effort at unifying our messaging, and the second part provides the options for moving forward with the different relevant parties.

A. Messaging on Palestinian Positions:

1. Final status negotiations must be based on previously agreed terms of reference: international law; UN resolutions, including UNSCR 242, 338, 1397 and 1515 and UNGAR 194; the Road Map; agreements previously concluded between the parties; and the Arab Peace Initiative.
2. Final status negotiations must have as their objective ending the Israeli-Palestinian conflict, which requires (i) ending the Israeli occupation that began in 1967 with the establishment of a fully sovereign and viable Palestinian state on the 1967 border with East Jerusalem as its capital; and (ii) a just and agreed solution to the Palestinian refugees issue in accordance with UNGAR 194; and must address *all* core issues (borders, settlements, Jerusalem, refugees, water, security and prisoners).
3. Final status negotiations must resume from the point at which they left off in December 2008.
4. In order to salvage what remains of the two-state solution physically and politically, Israel must implement a comprehensive settlement freeze, including in East Jerusalem. The truth must be exposed about the serious shortcomings of Netanyahu's offer of restraining settlement activity for a period of ten months:
 - Israel will continue to construct 3,000 settlement housing units in the West Bank.
 - East Jerusalem is excluded from the Israeli decision. Thousands of housing units will continue to be built in the Jerusalem area.
 - Public buildings and infrastructure projects will continue to be constructed throughout the West Bank.
 - All these activities mean that construction works will go on during the next 10-month period (the so-called 'freeze') at a similar or faster pace in comparison to the previous 10 months.
 - Risks associated with the exclusion of East Jerusalem should be highlighted in political and legal terms. To separate Jerusalem from the West Bank is a dangerous precedent and is at odds with the positions of the US and other countries that have not recognised Israel's unilateral and illegal decision to annex East Jerusalem.
 - Palestinians have serious concerns about the US Administration's about-face on the issue of the settlement freeze.
 - There are serious risks associated with the Quartet members' approval of Netanyahu's attempts to separate East Jerusalem from rest of the West Bank or their rendering as legitimate any settlement activity throughout the Palestinian territory occupied in 1967.
5. To create an environment conducive to the success of negotiations, Road Map obligations must be met by both parties.

- a. In addition to freezing settlement activity, Israel must:
 - Remove settlement outposts, which have been established since March 2001;
 - Reopen Palestinian institutions in East Jerusalem;
 - Reinstatement of the former situations as they were prior to 28 September 2000, including on the international border crossings, lift the siege and closure (on the West Bank and Gaza Strip) and restore the legal and security status of Areas A and B; and
 - Halt raids, arrests, assassinations and all activities that may jeopardise building mutual trust and confidence.
 - b. Palestinians will continue to implement their obligations.
6. Palestinians reject the option of a “state with provisional borders” or any further transitional or interim solutions. Palestinians also reject Netanyahu’s attempts to exclude the First and Third Phases of the Road Map.
 7. Abide by our right to popular resistance so as to confront the occupation, settlement policies, Wall construction, siege, closure, house demolitions, land confiscation, assassinations and arrests.
 8. Reaffirm that the Palestinian side is committed to resolving the refugee issue in a just manner in accordance with UN General Assembly Resolution 194.
 9. Security, stability and peace in the region will not be attained unless the Israeli occupation of all Arab and Palestinian territories occupied in 1967 comes to an end. An interest-based model of cooperation, taking into account that the US deploys over 230,000 troops in the Middle East, should be adopted by all.

B. Options :

All these recommendations can be accompanied by a consolidated media action plan to be adopted by all PLO factions. The options and the media action plans can unify the Palestinian discourse on all levels in order to utilise all energies and resources of our people to lobby support our just cause.

International Community Options (UN, US, EU, Quartet)

1. **Secure a UN Security Council Resolution.** There are many forms of this option, each with different implications and strategies. Depending on which option we choose to move with, we can tailor our approach to maximize our chances of success.
 - a. Secure a UN Security Council resolution that **recognizes the State of Palestine** on the 1967 border with East Jerusalem as its capital, as well as a just and agreed solution to the Palestinian refugee issue in accordance with UNGAR 194.
 - i. In essence, this option is an international imposition of final status solution between the parties based on International law. This leaves the option of accepting the solution or rejecting it. Thus, it will not be a unilateral declaration of independence.

- ii. Having adopted UNSCR 1515 (2003), the Security Council already approves of the two-state solution. What should now follow is recognition of the Palestinian state on the 1967 border in line with the UN Charter.
 - iii. Establish an Arab Working Team to follow up on the process of issuing a resolution by the UN Security Council for demarcation of borders of the State of Palestine, with East Jerusalem as its capital on the 4 June 1967 border. The Arab Working Team will follow up on and coordinate this issue as well as carry out required preparations with all relevant international groups.
 - iv. Following this resolution, we should seek recognition of Palestine as a full state member of the United Nations.
- b. Secure a UN Security Council resolution that **delimits the 1967 border, along with core issue parameters**, including the UNGA 194 as a basis for a solution to the Refugee issue **for future negotiations**.
- i. This is not a comprehensive solution, but rather, a redrawing and strengthening the Terms of Reference for negotiations.
 - ii. While there may be some hesitation by UNSC members to push forth this resolution, it is a more likely option than that of an imposed solution or parameters.
- c. See an UN Security Council resolution **endorsing the Arab Peace Initiative** and or **UNSC 242**.
- i. Less comprehensive than the previous option, the passage of this resolution with wide support would bolster the Palestinian positions with respect to ToRs and would allow the Palestinian leadership to place the “blame” for stalled negotiations squarely on Israeli intransigence.
 - ii. An endorsement of the API at the UN would prevent dilution of Palestinian rights that may otherwise take place because the plan would be incorporated in full, and this inclusion by reference may act as a useful strategic barrier to negotiations on other, potentially damaging parameter language.
- d. UN Security Council resolution on a the limited subject of calling on the parties to **honor the Road Map, particularly focusing on an Israeli Settlements freeze**, as a concrete measure that the UNSC believes will hasten the Parties’s return to the peace process.
- i. This approach is a more moderate method to bring the focus back to Israel’s responsibilities, while bolstering the Palestinian position in an international forum.
 - ii. Because of its limited nature, we are more likely to have successful passage of this resolution with broad support.
2. Seek, through the UN General Assembly, a second advisory opinion from the **International Court of Justice** challenging the systematic policies of Israel in the occupied Palestinian territory in violation of international law over the last 42 years. Such a case could lead to a declaration by the ICJ on the illegality of Israel’s occupation, as well as colonial and apartheid related practices, and the legal

consequences resulting from such a declaration to Israel and the international community.

a. In an effort at building momentum for this, we should launch serious and discrete discussions with members of the UN General Assembly, as part of a general lobbying to build wide support for a resolution requesting an advisory opinion.

b. A second advisory opinion has the potential of strengthening the Palestinian position within International law and place Israel on the defensive. In addition, the generality of the question posed, will allow for judgement on all aspects of the Israeli occupation and will touch upon questions relating to settlement activity, attacks against civilians, displacement, creation of facts on the ground, illegal Israeli policies in East Jerusalem, as well as the siege and closure imposed on the West Bank and Gaza Strip.

3. Seek, through a UN General Assembly recommendation, the reconvening of a conference of the **High Contracting Parties to the Fourth Geneva Convention**.

a. The Conference can be utilized to discuss Israel's violations of the Fourth Geneva Convention and a means of enforcement and implementation of the Convention in the occupied Palestinian territories.

b. The Conference can be an option to increase pressure on Israel and on states that provide the political cover for Israel's violations of international humanitarian law.

c. This option has been explored in the past, and despite the effort and time that was invested in this option (almost a full year), the high contracting parties chose not to reconvene the conference.

4. Continue Palestinian efforts at the International Criminal Court. We are now trying to attain a jurisdiction to file petitions before this Court as we are not a state yet.

5. Urge the **US to propose principles for the resolution of all core, final status issues** (borders, settlements, Jerusalem, refugees, security, water, prisoners) in accordance with previous ToR. Bilateral negotiations would then focus on fleshing out the US proposal.

a. Palestinians ask that President Obama announce parameters for PS negotiations (as articulated in President Abbas' letter to President Obama) that define up front the 'end-goal' of these negotiations in a way that is consistent with the benchmarks set by international law and UN resolutions for the just resolution of all PS issues. This includes affirming the June 4, 1967 border as the default baseline border for implementing the two-state solution and the requirement that all permanent status issues be on the table.

b. These parameters can also include requirements for the process itself, including, but not limited to, a) 'locking in' the gains made during the Annapolis round of negotiations as the starting point for a resumption of negotiations; b) establishing a two-year timetable and options regarding what actions will be taken should negotiations fail to produce an agreement; c) a clear commitment by the US to be fully engaged in facilitating discussions.

6. Secure international recognition (Quartet, EU, individual states) of the State of Palestine on the 1967 border with East Jerusalem as its capital, as well as of a just and agreed solution to the Palestinian refugee issue in accordance with UNGAR 194.

a. Following Netanyahu's announcement for his plan restraining settlement activity, excluding East Jerusalem, the US Administration stepped up efforts to convince the Quartet members to issue a joint statement welcoming this announcement. President Abu Mazen acted quickly in contacting the other members of the Quartet, including the EU, Russia and the UN, and we have managed to convince them to refrain from issuing such a statement. Despite this significant achievement, we should not rest in confidence. Continued US pressures and efforts, and their mutual interests with these parties necessitate that we carry on our communications with the International Community, particularly members of the Quartet to convince them to abide by the Quartet Statement of 25 September 2009, which was released during UN General Assembly meetings.

b. In addition, we should approach the different blocks of, Asian, Latin American, African and European states, to help build momentum and support for the Palestinian position. This is important to all of the options listed above.

7. Invigorate contacts and working relationships with the Israeli and International Jewish peace camp regardless of its current weakness in this political phase.

Arab and Islamic State Options and Actions:

1. Push to expedite the convening of the Ministerial Council of the Arab League of Nations in order to approve the recommendations made by the Arab Ministers of Foreign Affairs at the Arab Peace Initiative Follow-up Committee on 12 November 2009.

2. Reaffirm the Arab position regarding the obligation of ceasing settlement activity, including the so-called natural growth and in Jerusalem, as well as resumption of negotiations from the point at which they ended in December 2008 on all the final status issues.

3. Invigorate communications between the Palestinian National Council and all Arab and international parliaments on the basis of an action plan. These will address political issues (i.e. demarcation of borders of the State of Palestine on the 4 June 1967 border). Hamas Movement's insistence on the rejection of reconciliation and resorting to ballot boxes will be exposed.

4. Explore regional options and alliances to bolster our position.

Internal Palestinian Options and Actions

1. Intensify efforts to achieve national reconciliation, put an end to Hamas Movement's coup d'état 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.