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## **Assessment Report**

### *The Palestinian Leadership's Options Following the UN Membership Request*

*Doha, October- 2011*

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As we write these lines, the application for full UN membership of a Palestinian state along the June 4, 1967 borders is being discussed in the halls of the Security Council. Whether the results of such discussions will be approved or refused, the request presented by Palestinian President Mahmoud Abbas during the meetings of the 66<sup>th</sup> session of the UN General Assembly is, in sum, a declaration of a failed course of action consisting of dual negotiations with Israel under American sponsorship, which lasted twenty years, and a return of the Palestinian case to international institutions.

The former head of the Negotiations Affairs Department in the PLO, Saeb Erekat, announced on September 11, 2011 that the Palestinian UN request was “the beginning of the initiative, and not its end,” adding that there is a Palestinian commitment to place the international community in front of its responsibilities towards ending the Israeli occupation. Upon his return to Ramallah, PA President Mahmoud Abbas also asserted that there would be no return to negotiations without an end to settlement activity.

This initiative presents a concern as to whether or not the Palestinian Authority is able to depart from the bilateral track with Israel, which can be viewed through President Mahmoud Abbas' continued assertions that the UN request comes as one step within a larger negotiations framework and not as an end to such negotiations. The truth of the matter is that this initiative may turn out to be a political maneuver, the extent and significance of which does not surpass the mainstream political culture of the Mahmoud Abbas administration, who continuously asserted that the only choice available for Palestinians is that of negotiations. All along, the Palestinian side has worked towards seeking out recognition at any cost, expressing their willingness to offer the necessary compromises only if it meant gaining international recognition of its legitimacy. The political transformation that was revealed in the recent Palestinian political speech can be summarized through Mahmoud Abbas's affirmation of the indispensable basis for a permanent solution, and the impossibility of negotiations without the existence of a point of reference. This tone, which has led of the ceiling of demands to be raised, is precisely what elicited local and international compassion, respect, and support, in opposition to the previous tone that led to popular outrage and progressive loss of international stature.

It is important to note that the normal course of the matter is achieving sovereignty, practicing it, and then obtaining recognition. Attaining and practicing sovereignty is a necessary condition for the existence of a state, though recognition is not necessary for the existence of a state. Gaining admittance to the UN will not create a Palestinian state; it will only establish its legality. It is important to differentiate between admittance and recognition since there are currently 126 countries around the world that recognize the Palestinian state that was declared in Algeria in 1988; however, the purpose in 1988 was not to establish a Palestinian state because no state can be established unless it actually practices sovereignty within a specific realm. In the Palestinian

case, the occupation continues to persist; hence, the proposition of a series of concerns on the Palestinian Authority's leadership regarding its adoption of new strategies to achieve sovereignty in a way that supports either both initiatives of admittance to and recognition within the UN, or a return to the negotiations table with Israel, but with new and legal points of reference.

Negotiations came to a dead end when resistance within the occupied territories came to an equally dead end. The Palestinian Authority's conviction of this dead end, and the political transformation in the Arab world in light of the recent Arab revolutions, especially the collapse of Hosni Mubarak's regime in Egypt, deepened the crisis of the Palestinian Authority; at the same time, they have been relieved of many regional pressures, allowing it to raise the bar of its political discourse since the current situation in the region created new pressures on both Israel and the United States. Initially, President Mahmoud Abbas resorted to signing a reconciliation agreement with the " Hamas " movement in order to make the UN request with a government of national unity, but such reconciliation was a formality, and was not followed by any indication of its seriousness.

The reconciliation agreement was met with direct opposition by the Netanyahu government, who gave the national authority the choice between " Hamas " or negotiating with Israel. Obama noted in his speech on May 19, 2011 that " The declaration of an agreement between ( Hamas ) and ( Fateh ) bears grave and legal concerns regarding Israel: How can Israel negotiate with someone who is unwilling to recognize their right to exist. " Obama then called on the Palestinian leadership to provide an answer to this concern. In his speech three days later in front of the American Israel Public Affairs Committee ( AIPAC ), Obama stressed that such an agreement creates a " large obstacle to peace, " demanding that " Hamas " bears the " primary peace responsibilities " ( which he defines as: recognition of the state of Israel, renunciation of violence, and acceptance of all agreements ). While he affirmed the 1967 borders as a basis for a two-state solution and an acceptance of the principal of land swap, he maintained that there would be one state for the Jewish people and another for the Palestinians. He also reaffirmed the necessity of recognizing Israel as a Jewish state in the last UN General Assembly session. The retreat in Obama's position came in junction with an increased emphasis in Netanyahu's policies, which attained unprecedented support within the American congress on May 24 of last year during his speech to American legislators, in which he reaffirmed his absolute rejection to either the ceasing of settlement building or a return to the borders of June 4, 1967.

Practically speaking, the Palestinian Authority led by Palestinian President Mahmoud Abbas did not embark upon the UN initiative until after it was sure that Obama was unable to impose the settlement freeze upon the Israeli government, and when there was no point in pursuing negotiations with Israel using past tactics, which did nothing but increase the annexation-by-settlement policies, the justification of East Jerusalem, the siege of the Gaza Strip, and the isolation of Palestinian communities in the West Bank into cantons that can only be accessed via

check points and walls. The security agreements handcuffed the Palestinian Authority while the funding conditions further deepened its powerlessness over the occupation.

The documents leaked by the Palestinian Negotiations Support Unit at the end of 2010 revealed the extent of compromises that the Palestinians were willing to offer to Ehud Olmert's government (2006-2009), but that was not enough to urge Israel to sign the final peace agreement; instead the Olmert government engaged in feverish settlement activity, while taking advantage of the reality of negotiations with the Palestinians to launch two wars – one against Lebanon in 2006 and the other against Gaza in 2008.

With the advent of an extreme right wing government, led by Benyamin Netanyahu, the Palestinian Authority received numerous pledges from American President Barack Obama and the Quartet Committee for Peace in the Middle East asserting that the beginning of peace negotiations would eventually lead to the establishment of a Palestinian State based on the principle of a two state solution in 2011. The beginnings of such negotiations, however, were hindered by both Israel's persistence to expand its settlement projects, and the American administration's inability to rein them in.

In light of such circumstances, the Palestinian Authority decided, with Arab support, to continue with what it called a new strategy of negotiations, including its UN initiative, all of which the PA held to in the face of continued American pressure. On September 23, President Abbas made an unusual speech in front of the UN General Assembly, using a more stern language that addresses the tragedy of the Palestinian people since the Nakba, while describing the occupation regime as "Apartheid," even if the tone of concessions that has been adopted since 2005 remained part of this new language.

Palestinian President Mahmoud Abbas needed to raise the tone of his discourse, to reject American pressures, due to the progression of events over the last years, which widened the existing crisis of trust between him and the Palestinian people: this was also influenced by the Arab Spring. This, aside from the matter of Palestinian division, and the inability of the Palestinian Authority to take effective stances against the continuing practices of the Israeli occupation against the Palestinians created distrust; in fact, the PA maintained security coordination, up to the point where Palestinian diplomacy wasted an opportunity to benefit from the recommendation of the International Court of Justice in 2004, which related to the illegality of the separation wall and settlement. The Abbas administration also refrained from making news of the report of Judge Richard Goldstone, condemning Israeli aggression on the Gaza Strip in the winter of 2008-2009 – the Authority did not even consider exploiting the seventh chapter of the UN Charter, nor attempt to transform Resolution 242 into a mandatory resolution, when it is implemented.

On the Israeli side, successive Israeli governments met the Arab Peace Initiative and the Palestinian (Goodwill) initiatives with further settlement expansion and in a harsher siege and restrictions over Palestinians, which at the end of the day, would lead to the collapse of the eminence of legitimacy of the Palestinian Authority. Thus, Mahmoud Abbas affirmed, in clear language, that he will not recognize Israel as a state for the Jewish people (for this is a new condition and does not constitute a part of any agreement), addressing the UN General Assembly member states, placing upon them the responsibility for the establishment of a state for the Palestinian people after 63 years of conflict with Israel. The argument, in other words, was that conceding 78% of historic Palestine is considered a major sacrifice that merits the international community's support of the peaceful and legitimate demands of the Palestinian people. He reiterated his affirmation that the UN move does not signify exiting the negotiations, but changing its rules with the necessity of Israel's acknowledgement of a Palestinian state along the 1967 borders, and placing a halt on settlement building. Abbas's speech was broadly well received internationally, and gathered popular Palestinian support, despite the lack of consensus among the Palestinian factions over this move. Hamas saw the initiative as a demarcation of Israel's borders without any concessions in return; the head of the Hamas government in Gaza, Ismail Haniya, said that states are established through resistance and liberation and not by "begging for international sympathy". Hamas also considered the move as giving up the right of Palestinian refugees to return to their original areas of residence, despite the fact that giving up on the right of return had been implied many years before this initiative, within the formula of a "just solution" based on Resolution 194.

The position of the Hamas leadership could be interpreted as a result of the political rivalry with the Fateh movement, which causes Hamas to reject any political initiative by the Palestinian Authority. The Islamist movement itself, following its isolation in the besieged Gaza Strip, and despite the political transformation witnessed in Egypt, is still suffering from a crisis in the resistance strategy since the aggression on Gaza in 2008-2009; at the same time, Hamas is incapable of proposing any political alternative on the regional and international levels. Given the situation, the authorities in Gaza and Ramallah have no way out in this critical phase except through unity, which, in our opinion, begins with the rebuilding of the PLO through common action between Fateh, Hamas, and others.

The Palestinian leadership has achieved through this initiative, in the short-term, two objectives:

Firstly, they have surpassed the crisis of popular legitimacy, especially after the crushing defeat in the Palestinian Legislative Council elections of 2006, which explains why Fateh is moving slowly in applying the Cairo Agreement with Hamas until the results of the UN initiative are made clear. However, if the PA does not benefit from this move to build a more effective strategy that forces Israel to make concessions, this reprieve could be temporary.

Secondly, the notion of a Palestinian state along the June 4, 1967 borders is taking root, with a resurgence of popular support for this project as an acceptable solution, despite the fact that it concedes on the historic rights of the Palestinian people. It should be noted that the majority of Palestinian forces and factions have agreed with the solution of a state on 22% of historic Palestine (even if as a temporary arrangement in the case of Hamas).

Israeli Prime Minister Benjamin Netanyahu, whose speech followed the address of the Palestinian President, used the UN lecter to present a speech to the Israeli public affirming the same negations made to the American congress regarding settlement, the borders of the Palestinian state, and pre-set dates for the completion of the peace process. Like Abbas, Netanyahu's popularity in Israel rose from 32 to 41% following this speech. The Israeli prime minister also used a familiar "theatrical" language in order to draw the sympathy of Western public opinion, discussing the threats surrounding Israel in order to argue that negotiations must remain in the context of "land in exchange for security".

While the members of the Quartet Committee for Peace were preparing a plan to restart negotiations within a month, with the assumption that they would last for one year, Netanyahu announced the proposal to meet Abbas in New York to resume negotiations. The offer in itself was empty, for it is the same one made to President Abbas in 2010, and it is a duplicitous proposal that shines of dishonesty. Its real purpose is to gain time and postpone the crisis, especially since days after the Palestinian UN request Netanyahu announced the building of 1,100 settlement units in East Jerusalem. While this position expresses the continuation of the same intransigent Israeli policy, it also represents – in the current conditions – a practical response to the Palestinian insistence to move ahead with the UN bid; it also constitutes a challenge to the international organization and its resolutions regarding settlement activity with the use of American cover and support.

On the day preceding the Abbas and Netanyahu speeches, French President Nicholas Sarkozy made an offer to accept a Palestinian state with undefined borders, with an observer status in the General Assembly in order to bypass the crisis of voting in the Security Council. The American president, who is on the doorstep of presidential elections at the end of next year, needs the support of Zionist lobbies and interest groups in the United States, especially with his country burdened with crisis and a weak economy. However, American diplomacy would be placed in a difficult position if it vetoed the Palestinian request in the Security Council, especially with Washington's need to show sympathy with the revolts of the Arab spring as a supporter of freedom and democratic change in the region; this may explain the pressuring of Abbas from the get go, and the dragging of consultations within the Security Council though even according to the logic of domestic American politics, there is no justification for the US president adopting the Zionist discourse in its entirety during his UN address – even where it comes to the understanding of the conflict's history.

Until now, the Palestinian request officially garners the support of the president of the periodic session of the Security Council – Lebanon, in addition to India, Brazil, and South Africa. Germany and Portugal have both declared their support of the quartet's initiative to return to negotiations within a month, without specifying a stance on the vote. Bosnia-Herzegovina, Gabon, and Nigeria did not specify their positions in a final manner, but it is without a doubt that some of them support the Palestinian request. Colombia rejected the decision due to its economic relations with Israel, and the remaining four countries with permanent membership (the United Kingdom, France, Russia, and China) prefer consensus, despite the fact that both Russia and China have expressed their wish to accept the membership of the state of Palestine.

Until the final stance of these countries is made clear, the new political situation emerging from this move places the Palestinian Authority in front of four possible scenarios:

First: The membership request is shot down through a US veto or by not garnering enough votes; in such a case, the Palestinian Authority may head towards the General Assembly to ask for incomplete membership, or may accept the offer of the international quartet along the same previous commitments with Israel – with slight modifications in the conditions of negotiating, which may be accepted by Israel as a way of overcoming its diplomatic crisis. In such a scenario, the Palestinian Authority would have gained a moral victory on the Palestinian street, which would only improve its position in relation to the besieged Hamas, but resuming negotiations according to the quartet's proposal will quickly bring the Authority back to its former critical position.

Second: The Palestinian Authority exploits the environment of support inside the United Nations, regardless of the nature of the membership, in order to foment an international base of support that would place pressure on the American's regarding their manner of managing the conflict, on the one hand; on the other hand, the Authority would seek to employ the international support to pressure Israel by imposing direct sanctions aimed at preventing the continuation of settlement activities. The escalation may also lead to the imposition of sanctions on Israel itself as a racist apartheid state in order to force it to accept a halt to settlement, and to negotiate on the basis of a Palestinian state largely conforming to the 1967 borders, within security conditions that are acceptable to both sides. This would be a new strategy requiring a rupture with the existing strategy, and even the mentality, of the Palestinian Authority.

Third: The Palestinian Authority works in two directions, benefiting from international support from the political negotiations, on the one hand, while, on the other, rebuilding the Palestinian Authority on the basis of reconciliation with Hamas, reforming the PLO, and committing to national unity as a realistic option for an authority under occupation – instead of hollow elections. This option requires breaking free from the dependency rules of foreign funding,



completely halting security coordination with Israel, and seeking varied and more effective and efficient resistance strategies in order to pressure Israel from the inside (i.e., a new strategy).

Fourth: The Palestinian Authority is faced – regardless of the result of the UN vote – with American sanctions. Congress members have practically called for this, as did influential centers in Washington, including Elliot Abrams, former senior director for the National Security Council for Near East and North African Affairs; Abrams called for harsh financial sanctions against the Palestinian Authority so long as they do not touch the sectors linked to security coordination between the Authority and Israel. In such an eventuality, the Authority could bow down, deepening Abbas' domestic crisis in favor of Hamas, or it would collapse with Abbas declaring his resignation, or through a dissolution of the Authority entirely – having become reduced to a mere security agent for the Israeli occupation without even the capability of managing Palestinian civic projects.

It is evident that the initiative of the Authority and the PLO would lose its effect and become a one-time event if the Authority reverts to its original strategy. The initiative would acquire real significance if it were part of a new strategy; the difficulty in imagining this is because such an action involves a rebellion against the status quo and its structures, which were hardened over two decades of negotiating, interest-based adherence to security coordination, and foreign funding.