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The New-Old Palestinian Initiative to Establish a State

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Over two decades of negotiations with Israel, the Palestinian leadership was careful to present demands and conditions but avoided coming up with its own initiative to resolve the conflict. In contrast, at the September 7, 2014 conference of Arab foreign ministers in Cairo, Palestinian Authority President Mahmoud Abbas is expected to spell out his initiative for establishing an independent Palestinian state. Abbas first presented the plan to Khaled Mashal in Doha toward the end of Operation Protective Edge. According to Palestinian sources, Mashal approved it. It was also reported that a Palestinian delegation headed by Saeb Erekat will travel to Washington to discuss the plan with Secretary of State John Kerry.

The Abbas plan does not relate to the Arab Peace Initiative or any existing regional framework for resolving the Israeli-Palestinian conflict. The plan consists of three graduated alternatives. The first involves US-led negotiations between Israel and the PA for a limited time period, which would begin with Israel's presentation of its idea of permanent borders. The goal is to determine the borders of the Palestinian state and achieve Israeli recognition of the state, all within four months. Little is new in this idea. In case this alternative fails or is not tried at all due to Israeli and US rejections, the second alternative would be activated, whereby the PA, through the Arab League, would demand that the UN Security Council instruct Israel to withdraw from Palestinian territory within three to five years. Should both the first and second alternatives fail, the PA would join all international institutions and organizations, sign the Rome Statute of the International Criminal Court in The Hague, and subsequently file a suit against Israel and its leaders.

Abbas' new-old initiative emerges against a fairly complex background. The PA is ostensibly one of the winners in the Israel-Hamas ceasefire recently sewn by Egypt. According to the 11-point Egyptian document of August 15, 2014, the transfer of goods to the Gaza Strip will be coordinated with the PA; the PA will participate in the reconstruction of Gaza's infrastructures and will, together with Israel and international aid organizations, coordinate the supply of resources intended for reconstruction; and

starting January 2015, the PA's security services are to redeploy to the north and east of the Gaza Strip. Finally, according to the Egyptian document, the possibility of building an airport and seaport will be discussed in the context of the Oslo Accords and earlier agreements, all of which were signed between Israel and the PLO.

In fact, the word " Hamas " is not mentioned at all in the ceasefire agreement, meaning that Egypt and Israel acknowledge the PA as the entity responsible for what happens in the Gaza Strip. At the same time, however, this says nothing about the situation on the ground where Hamas currently is in practice in control and enjoys rising popularity. It is doubtful that the PA will succeed in handling the security challenges of the ceasefire agreement and impose its rule on the Gaza Strip. Still, the agreement formally cements a situation in which Hamas is weakened and contained, and Mashal recognizes – if only implicitly – negotiations with Israel as a means to the establishment of a Palestinian state.

The Palestinian public thinks otherwise. Surveys taken in Gaza in mid-August showed that the population favors continued rocket and mortar bomb fire on Israel, seeing this as means to weaken Israeli deterrence. Hamas' demand not to disarm the resistance organizations also enjoys public support in the West Bank. A large survey published by the Arab Center for Research and Policy Studies in Doha showed that 94 percent of respondents in the West Bank and Gaza Strip reject Palestinian disarmament. The survey further showed that 80 percent of the Palestinian public is opposed to continued security coordination with Israel. Another prominent trend noted in the April and June 2014 surveys, i.e., prior to Operation Protective Edge, is a 70-80 percent support rate among Palestinians in the West Bank and Gaza Strip for joining international institutions. Against this background, President Abbas is the object of harsh criticism for his willingness to continue security coordination even at the cost of damaging intra-Palestinian reconciliation efforts, which was also manifested in his public censure of the abduction and murder of the three Israeli teenagers this summer.

It thus seems that Abbas, by presenting his three-stage process, is now trying to maneuver amid the complex circumstances in which he finds himself: the renewed call for negotiations with Israel in the first stage is designed to twist Hamas' arm, contain intra-Palestinian tensions, and influence the US mediator, whereas promoting the idea of joining international institutions and threatening to take Israel to court stem in part from the lack of domestic legitimacy to negotiate with Israel.

This tactical political maneuver allows Abbas to create a more comfortable position for himself vis-à-vis Israel: should the negotiations take place, the tight time frame and its defined goals will dictate the contents and progress. Should these negotiations fail, Abbas proceeds unilaterally in the international arena. The three alternatives provide the Palestinians a variety of ways to achieve statehood in a setting that is on the one hand rigid in terms of its schedule, while on the other hand, flexible in terms of independent

means of leverage likely to gain the support of quite a few players on the international arena.

Abbas is also handling the internal tension in the Palestinian public and fierce opposition to his leadership by bringing Hamas into the political process through the back door. The Abbas-Mashal axis – despite deep-seated differences of opinion and public collisions between the two – makes Hamas into a potential partner for future negotiations with Israel.

Independent Palestinian progress to the second and third alternatives of the Abbas plan is liable to have further implications, reminiscent of those aired before Abbas made his November 2012 appeal to the Security Council. While it is highly unlikely that the United States will not veto a Security Council resolution instructing Israel to withdraw from the West Bank without a political agreement in place, a theoretical analysis cannot rule out a scenario in which, under certain circumstances, the PA, according to plan, manages to forge an anti-Israel diplomatic political front in the Security Council and a legal front against it in international tribunals.

In the absence of an agreed-upon setting, unilateral Palestinian progress is liable to result in the abrogation of the interim agreement (“Oslo II”) signed in 1995 and still applicable today; it is liable to allow the establishment of a state-sponsored Palestinian army and a unilateral declaration of East Jerusalem as the capital of the Palestinian state; and it is liable to change completely the international consensus on the status of Jewish settlement in Judea and Samaria, including the large settlement blocs, which in an agreement would almost certainly be within Israel’s borders in exchange for land swaps. There would undoubtedly also be unilateral Israeli counter moves.

To the extent that the Abbas-led Palestinian initiative gathers momentum, Israel will in the next few months be left with a difficult starting position for political moves, both vis-à-vis the Palestinians and the international community. Therefore, an Israeli initiative that manages to convey the drive to resolve the Arab-Israeli conflict based on a responsible, long term, sober view of Israel’s vital national interests could well balance the scales in advance of the coming political rounds.

