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للبحوث
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Palestinian Center for
POLICY and
SURVEY RESEARCH

Changing the Status Quo: What directions for Palestinians?

Making Negotiation Viable

Dr. Ali Jarbawi

Comments by:

Dr. Azmi Shuaibi

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The Palestinian Center for Policy and Survey Research (PSR)

PSR is an independent nonprofit institution and think tank of policy analysis and academic research. It was founded in 2000 with the goal of advancing scholarship and knowledge on immediate issues of concern to Palestinians in three areas: domestic politics and government, strategic analysis and foreign policy, and public opinion polls and survey research. PSR conducts policy analysis and empirical surveys and public opinion research and organizes task forces, study groups, meetings and conferences. Its work focuses on current public policy issues with a special reliance on empirical evidence as a tool to advance scholarship and understanding.

PSR is dedicated to promoting objective and nonpartisan research and analysis and to encouraging a better understanding of Palestinian domestic and international environment in an atmosphere of free debate and exchange of ideas. PSR is registered as a nonprofit institution in the Palestinian Ministry of Justice.

This initiative has been organized in cooperation with the Norwegian Peacebuilding Resource Centre and the Netherland Representative Office in Ramallah.

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Commentators:

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The following is a translation of excerpts from and summaries of the original Arabic.

Preface:

Given the current stalemate in Palestinian-Israeli relations and the potential for wide-scale escalation in the near future, PSR has conducted a 6-month policy research on new directions for the Palestinians. The research sought to explore Palestinian discourse on the best means to move forward. Five short policy papers, written by senior Palestinian experts and academics, explore various approaches and directions for the PA to take (see list of papers and authors at the end of the report). All these directions are currently part of the Palestinian public and elite discourse. Each paper describes a specific approach, outlining its potential impact on the Palestinians and Israelis and exploring its contribution to a more effective Palestinian strategy to end the occupation. Each approach therefore represents a component in a larger proposed strategy. The five papers were reviewed and discussed by a task force, a core group of 20 made up of the five authors and fifteen reviewers and discussants. The discussion of the papers took place in six closed workshops attended by experts, policy makers, academics and activists. An open conference was organized on 29 February and was devoted to a discussion of all five papers.

This paper, a condensed version of the original Arabic, addresses the approach calling for the resumption of Palestinian-Israeli negotiations. Two commentaries by two members of the task force are inserted at the end of the paper. The discussion of this approach and paper among the members of the task force was very vibrant and insightful; for that, PSR wishes to express its appreciation for all members of the core group (see list of names and affiliations at the end of the report) for the time and effort they have devoted to this work. However, the discussion among the members of the task force indicated at times serious differences of opinion. In this light, it should be made clear that this report does not necessarily represent the views of every single member of the core expert group. It only represents the analysis and the assessment of its author.

PSR is also grateful for the support of *Norwegian Peacebuilding Resource Centre* (NOREF) and the *Netherland Representative Office* in Ramallah without which this project would not have been possible. But it should be made clear that this support does not in any way mean an endorsement, on the part of these two organizations, of the content of the five papers or this final report.

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Making Negotiation Viable

Dr. Ali Jarbawi

The purpose of this paper is to outline the case for achieving the two-state solution through negotiations. I aim to define the conditions that will allow the Palestinians to execute successful negotiations. Although it is possible to ponder many scenarios for the future of the Palestinian-Israeli conflict, the most probable scenarios in the immediate foreseeable future can be summarized in four main ones:

- 1- Continuation of the current status quo: The persistence of Israeli control of Palestinian lands occupied in the 1967 war. This scenario is not an option for conflict resolution, and it will continue to be the basis for perpetual flare-ups in the form of Palestinian uprisings.
- 2- Implementation of unilateral steps by Israel: Similar to its evacuation from Gaza, Israel could execute unilateral steps to annex selective parts of the West Bank and concede the rest to the Palestinian Authority (PA). Israel's goal would be to reaffirm its control over the largest possible amount of land and to empty these from their Palestinian inhabitants. Palestinian population centers will become small, isolated cantons with minimal interaction between Palestinians and settlers. Such actions will effectively divide the West Bank between the two sides.
- 3- The separation solution: This is the so-called two-state solution, based on ending the occupation and creating a Palestinian state along the 1967 borders with an acceptable solution to the refugee problem. This outcome is desired by Palestinians, provided the envisioned state is independent with complete sovereignty according to international standards. This solution could see an end to conflict through negotiations.
- 4- The merger solution: This is the bi-national state or one-state solution. It is based on removing internal boundaries in historic Palestine between the two peoples and creating a foundation for peaceful coexistence between Israeli Jews and Palestinians. This solution will be based on the realization of justice and equality between the two peoples. This option will also end the conflict, but one should not underestimate the likelihood of the continuation of internal tensions between the two sides, which could eventually undermine the one state.

Why the Two-State Solution?

The supporters of the separation option (the two-state solution) believe it is the most practical option and the most realistic solution. Moreover, the majority of Palestinians support this option, as does the PA. Despite frenzied Israeli activity in the Judaization of Jerusalem and the West Bank, the majority of Palestinians, and the international community, still consider the two-state solution as the only viable option capable of achieving a permanent resolution of the conflict. The official Israeli position claims to support this solution.

A permanent solution based on the principle of separation (i.e. the two-state solution) requires the commitment of both parties: Palestinians and Israelis. This commitment will not be realized until the two sides firmly accept its rationale, and are convinced that this solution provides each of

them with the best final possible outcome given an extremely complex reality. Naturally, this will not be achieved unless each side receives a minimum acceptable level of gains from their respective lists of desires and hopes. This requires mutual acceptance from both parties as a necessary and fundamental precondition to ensure the sustainability of the negotiated solution, which can also be called a “consensual solution.”

Since the balance of power between Palestinians and Israelis is overwhelmingly to the advantage of Israel, and given that the relationship between them is vertical and not horizontal; where the stronger Israeli side controls the weaker Palestinian side through occupation; it is prudent for Israel to consider imposing its vision of a two-state solution on the ground without the consent of Palestinians. In other words, it is possible for Israel to force the Palestinians to live under a two-state model favorable to Israel but not necessarily acceptable to Palestinians. This could happen through enforcing unilateral measures, where Israel re-draws separation boundaries within the West Bank and permanently annexes the land that it desires (Greater Jerusalem, land west of the Separation Wall, the Jordan Valley and the settlement blocks), leaving the remaining cantons, connected via tunnels or bridges, as a Palestinian state.

The persistence of the Palestinian vision of an independent Palestinian state does not imply continuing the acceptance of negotiations as a means to achieving it. Considering what I outlined above, Palestinians will have to select one of the following paths:

- 1- Continue to boycott negotiations: This means continuing to accept negotiations in principle, but refusing to participate until Israel fulfills key Palestinian pre-conditions: the halting of settlement building and expansion; and the release of prisoners jailed for many years in Israeli jails. This option is not strategically useful for Palestinians as it would not provide any tangible results if Israel refuses to accept such pre-conditions in order to continue negotiations.
- 2- Negotiations without negotiating: This means that the suspension of negotiations continues, because the Palestinian side cannot negotiate without their preconditions being met, and because the Israeli side refuses to meet these preconditions. In this scenario, direct negotiations are replaced with negotiations through mediators. However, this kind of negotiation might succeed in solving marginal issues, but it is not capable of solving fundamental problems which require the active and face-to-face participation of the two adversaries.
- 3- Resumption of negotiations: A return to direct, face-to-face negotiations, which restart from their last point of departure, and without any change to original principles. This path is the preferred option by Israel, as it served it well during the entire history of negotiations. Accepting this option will be catastrophic for the Palestinians, because the attrition of their national resources will continue in parallel with useless negotiations, where Israel pretends to be a peace-seeker while continuing its colonial activities through building more settlements and Judaizing Jerusalem and the West Bank.
- 4- Utilization of negotiations as a cover: In choosing this option, the Palestinians will not have any illusions about achieving any positive results concerning the success of their preferred two-state solution, but they will participate in negotiations in order to satisfy international demands. This option has the benefit of achieving another goal: since Palestinians cannot achieve a two-state solution, they will use the pretense of negotiations to enhance the steadfastness of Palestinians in their homeland. Since this option does not contradict the two-state solution, it can eventually revitalize the option of the one-state solution.
- 5- Change the principles of negotiations: This represents the most suitable choice, which Palestinian supporters of the two-state solution should adhere to. It is the only option which

allows its supporters to reach a certain conclusion on whether the two-state solution is possible or not; either it is achievable, or if not then it should be abandoned permanently.

Requirements for the Success of Negotiations

Employing negotiations as a means to solve differences and conflicts is a natural impulse. It even could be claimed that no solution to any conflict is attainable without using one form or another of negotiations at a certain stage of the said conflict. Hence, the principle of negotiating with Israel should not be considered a disgrace, and its adoption should not be understood as a compromise, or a sign of weakness, but as a means to achieving a goal. Palestinians' negative views of negotiating with Israel do not originate from a rejection of negotiations as a means to achieve their goals, but stems from the disastrous accumulation of setbacks resulting mainly from poor preparation and the poor performance of their negotiators in the past. This has greatly harmed their cause.

If supporters of the two-state solution still desire to achieve their goals, then it is their duty to learn lessons from past negotiations. So far, all efforts in negotiating with Israel have failed to achieve any of the Palestinians' goals. Hence, it is of paramount importance to reconsider lessons learnt and implement the necessary changes to their motivation, preparation and performance. This will allow them to use the means (negotiations) to achieve the goal (the two-state solution). The required changes are:

1. **Reformation of internal Palestinian affairs:** Negotiations will never succeed without ending divisions and infighting that plague Palestinian society as a whole. The internal strength and unity of a society involved in an existentialist struggle is indispensable to strengthening its negotiating position. The recovery of Palestinian society from multiple schisms is a fateful prerequisite to improving the Palestinian position. To achieve this, Palestinians must do the following:
 - a. End their divisions by uniting the PA in the West Bank and Gaza
 - b. Enhance democracy within society and within the political institutions of the PA through conducting general elections for the Presidency and legislative branches
 - c. Formulate and execute a plan to reform the PA and the professional competence of its employees and elected officials
 - d. Implement steps to improve the transparency and performance of the public sector

2. **Implement an active public relations campaign:** Since sympathy and support from the international community require the continuous exposition of Israeli injustices and aggression, Palestinians must implement an active public relations plan to explain the Palestinian cause to the people and governments of the world, with the goal of expanding the Palestinian solidarity movement. The plan should include:
 - a. Renewal and activation of diplomatic efforts to create an energetic Palestinian corps, staffed with highly trained and effective professionals
 - b. Work to empower the Palestinian people to actively participate in promoting their cause to the world
 - c. Work to expand the base of Israelis supporting the two-state solution

3. Pressure Israel to end its occupation and to accept the two-state solution: Convincing the Israeli public about the viability of the two-state solution through dialogue is of paramount importance. A vital result of engaging Israeli public opinion is to expand the support-base of the two-state solution. However, it is also imperative that Palestinians increase all possible peaceful methods of pressure, in order to increase the cost of occupation and to make it intolerable to Israeli society. This peaceful confrontation should not be limited to interactions between Palestinians and marginal sectors of Israeli society, such as settlers, but it should be escalated to a general peaceful effort between Palestinians as the occupied and Israelis as the occupiers. Israel must be made to pay a high cost for its occupation, which will never end by simply trying to draw sympathy from the Israeli public. In this regards, the Palestinians could implement the following:

- a) Internally: Palestinians must confront Israel and its occupation within Israel and the Occupied Territories. Plausible activities that could be implemented are:
 - i. Expansion of the boycott movement to make it a way of life
 - ii. Organization of periodic sit-ins (e.g. weekly) by large numbers of Palestinians under the slogan of ending the occupation
 - iii. Continue resistance according to the principle of maximizing Israeli losses and minimizing Palestinian ones: this should include innovative methods of peaceful resistance
- b) Internationally: Since Israel is the occupier and Palestinians are occupied, the latter should not allow themselves any measure of procrastination in applying all available kinds of pressure against Israel in the international arena. It is therefore imperative that official Palestinian bodies implement the following:
 - i. Launch a wide-ranging public relations campaign to confront Israel in various international organizations and institutions, especially the International Criminal Court
 - ii. Support the international boycott campaign active against Israel and work to accelerate and expand its activities
 - iii. Launch public relations campaigns within influential countries to change their popular opinion on Israel, including the lobbying of these governments to adopt balanced policies towards this conflict

Organization of the Process of Future Negotiations

Palestinians must learn the lessons gained from their previous experiences of negotiating with Israel. With the benefit of hindsight, they should not repeat the same mistakes of offering unreciprocated concessions. If progress is made along the lines proposed in this paper - in terms of focusing resources on supporting negotiations - it is possible to enter a new round of negotiations, but with the following precautions:

- 1- Negotiations must conform to the basic premise of ending the occupation and the establishment of a Palestinian state within 1967 borders. Negotiations should not continue from where they ended in previous rounds.
- 2- Negotiations must focus on a permanent solution only, and on details and methods for implementing it. On the other hand, Palestinians must reject negotiating any other marginal or provisional points.
- 3- Conduct negotiations under the auspices of International Law, and the UN's general principles and its resolutions related to the conflict.

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- 4- Restrict the negotiations to the official realm only and rejecting any “parallel negotiations,” or what used to be known as “second-track negotiations.”
 - 5- Replace the old negotiating team with a new one, and supporting it with local and international advisors, especially with experts in international law.
 - 6- Assign a single and clearly-defined authority to oversee and review the progress of negotiations, and instruct the negotiating team on how to react to contingencies.
 - 7- Establish a single location to use for the entire time of negotiations, preferably in a neutral country.
 - 8- Create a specialized media agency to cover the progress of negotiations. It should have two basic tasks: first, keep the Palestinian public informed about the progress of negotiations, and second, broadcast detailed reports about Israeli violations in Palestinian areas, with a focus on supporting the negotiations’ process and applying pressure on the Israeli side.
 - 9- Establish a firm deadline for the end of the negotiating process, without allowing it to extend indefinitely, as was the case before.

Comment by Dr. Azmi Shuaibi:

I acknowledge that personal and technical issues played a role in the failure of previous negotiations, but the reform of only this aspect will not remedy the absence of fundamental conditions required for an acceptable solution. Therefore, focusing on these issues is not sufficient for serious negotiations that solve real problems.

Concerning the conditions identified by Professor Ali to improve our negotiating position:

1. Reformation of internal Palestinian affairs: I agree on the necessity of ending Palestinian divisions. However, mentioning the possibility of allowing the opposition to stay in the PLO does not solve the fundamental reason behind Palestinian infighting, which is rooted in the problem of representation.
2. International diplomacy: Enlisting the support of the international community, especially Arab countries, by employing professional, highly-competent and efficient diplomacy, and engaging the people of the world in support of the two-state solution.
3. Escalate the Palestinian resistance to an overall confrontation: Fundamentally, this is right, but the examples he suggests are not adequate considering the realist balance of power. Examples cited in his paper are:
 - a) Boycott of Israeli products
 - b) Periodic sit-ins (weekly)
 - c) Use of “intelligent force” which he explains as:
 - i. Prosecute Israel internationally
 - ii. Campaigns to boycott Israel
 - iii. Public relations campaigns

From my point of view, it is not possible to stop the Israeli colonial project in Palestine, or even to increase its cost to Israel, by simply objecting to it.

4. Productive negotiations require:
 - a) A single channel
 - b) New negotiations team
 - c) Experienced consultants under a single political authority
 - d) Media team

I do not believe that the previous problems in negotiations can be remedied by the Professor’s specific proposals. The final status was defined as ending the occupation, creating a Palestinian state on lands occupied in 1967, with international supervision and according to international law, and within a pre-determined deadline.

Comment by Dr. Ayman Daraghmeh

I agree with the four possible scenarios listed by Dr. Jarbawi, but given foreseeable reality, I think the most likely amongst them is the continuation of the status quo, with periodic outbursts of resistance in the West Bank; limited military battles in Gaza; and attempts to diminish the PA in international forums. The second most-likely possibility is the expectation that Israel will implement unilateral steps whereby it will complete its annexation of the West Bank, consolidate its hold on Greater Jerusalem and the Jordan Valley, and complete the Separation Wall in order to strangle Palestinians into three cantons with a high population density. These

steps will allow Israel to confiscate the largest-possible amount of land, while reducing interaction with its soldiers and settlers to a minimum.

Although I should not be overly pessimistic, the third scenario on creating an independent and sovereign state on lands occupied in 1967 is very difficult to achieve in the foreseeable future, as shown by realistic indicators on the ground. Given that the Israeli mentality will never accept living with the “other,” then the idea of a bi-national state is impossible to realize. In addition, the latest polls conducted by the Palestinian Center for Political Studies shows that this solution is not favored by Palestinians.

I do not disagree with Dr. Jarbawi that the easiest option to work with is the one recognized by the international community: the two-state solution. All Palestinian national and Islamic organizations have accepted the “Prisoners’ Document,” officially known as the “National Reconciliation Document,” which specifies the minimum level of agreement amongst Palestinians. Significantly, these include the acceptance of the two-state solution.

Our past experiences in negotiating with Israel proved that the extreme asymmetry in the balance of power, to Israel’s favor, is a hindrance to useful negotiations and has negative connotations for Palestinian rights. I do not think that acceptance of the two-state solution implies an acceptance of negotiations as an alternative to a complete program, capable of forcing Israel not only to accept negotiations, but to appeal for them.

The paper’s request to change the principles of negotiations is the best option, because it conforms to other historical liberation struggles and is a natural response to Israel’s crimes. This option forms an opportunity to propose new visions for national reconciliation, based on a completely new strategy which rests on safeguarding Palestinian rights, resisting the occupation and supporting the steadfastness of the Palestinian masses. This option should be realized through a national program formulated by national organizations and institutions, representing the largest possible sector of the Palestinian people.

Recommendations and Proposals:

- 1- Establish a comprehensive Palestinian strategy, formulated according to a national program and elucidated by representatives from all elements of Palestinian society and revamped official institutions.
- 2- Achieve serious and sincere unity among Palestinians factions.
- 3- Implement solutions to outstanding issues, including legislative and presidential elections, and articulate an agreement to renew the Palestinian National Congress and form an Executive Committee that reflects the diversity of the Palestinian people.
- 4- Boycott negotiations with Israel until the completion of elections for Palestinian legislative and executive bodies.
- 5- Discontinue commitments to abide by all agreements made with Israel, since Israel itself has repudiated all its commitments to agreements signed with the Palestinians.

I agree with Dr. Jarbawi’s proposal to enable people to continue their steadfastness in their homeland, and to resist and confront the occupation’s plans to evict people from their land. I agree with all his recommendations pertaining to this topic.

What Directions? – list of policy papers, authors and commentators

#	Author	Title	Commentators
1	Dr. Sufian Abu Zaida	Peaceful Popular Resistance, is it a Feasible Option?	Qais Abd al-Karim & Mr. Jamal Zakout
2	Mr. Sam Bahour	Asynchronous and Inseparable Struggles for Rights and a Political End-Game	Mr. Mohammed Daraghmech & Mr. Radi Jarai
3	Dr. Ali Jarbawi	Making Negotiation Viable	Dr. Ayman Daraghmech & Dr. Azmi Shuaibi
4	Mr. Raja Khalidi	The Prospect for Palestinian Economic Boycott of Israel: Forms and Difficulties	Mr. Fajr Harb & Dr. Ghassan Khatib
5	Mr. Hani al-Masri	Is It Possible to Suspend Security Coordination?	Dr. Naser al-Shaer & Dr. Husam Zomlot

What Directions? members of task force

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2	Dr. Sufian Abu Zaida	Birzeit University
3	Dr. Hanan Ashrawi	PLO
4	Mr. Sam Bahour	AIM
5	Mrs. Fadwa al-Barghouti	Fatah
6	Dr. Ayman Daraghmech	PLC
7	Mr. Mohammed Daraghmech	Journalist
8	Mr. Fajr Harb	Activist
9	Mr. Radi Jarai	Al-Quds University
10	Dr. Ali Jarbawi	Birzeit University
11	Mr. Raja Khalidi	MAS
12	Dr. Ghassan Khatib	Birzeit University
13	Mr. Alaa Lahlouh	PSR
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17	Dr. Khalil Shikaki	PSR
18	Dr. Azmi Shuaibi	AMAN
19	Mr. Jamal Zakout	PNC
20	Dr. Husam Zomlot	Fatah

Changing the Status Quo:

What directions for Palestinians?

September 2015-March 2016

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