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Following Up on President Abbas' Visit to Washington

President Abbas' visit to Washington was much more successful than had been anticipated. President Bush described President Abbas as a man of courage. In addition, Bush stated in the private meeting his determination to press ahead on negotiations after Gaza evacuation and said firmly that Sharon would not determine Israel's borders unilaterally through settlement expansion.

The challenge facing the Palestinian leadership now is how to transform Bush's verbal assurances into meaningful policy, keeping in mind that positive Administration rhetoric on the Palestinian issue has not always been matched by action. **The keys to engaging the Bush Administration are twofold: (a) concrete moves by the PA on security reorganization; political, social and economic reform; and successful takeover of Gaza from Israel; and (b) engaging the Bush Administration in Washington through continuous dialogue by regular visits by Palestinian officials.**

More broadly, the Palestinian leadership needs to have a vision of what it wants to achieve by the end of this year and the next two years in the run-up to the 2008 U.S. Presidential elections, as well as a strategy for how to achieve that vision. The problem with focusing on internal reform is that this is an agenda imposed from the outside, even if the Palestinian people genuinely want political, social and economic reform. To the extent possible, the PA needs to divorce the internal agenda from policy toward Israel, although the U.S., Israel and the confines of the Road Map will try to link the two.

The Palestinian leadership should not be afraid to take actions on the political and diplomatic front that upset the Bush Administration, provided those actions fit into a larger strategy that promotes Palestinian interests. Some of the following proposals may upset the U.S. but they can be seen as promoting Palestinian interests.

For discussion purposes, here are some suggestions for a strategy:

Analysis and Assumptions:

Sharon's Actions

- Sharon will do all he can to frustrate a return to permanent status negotiations.
- He can do this by calling elections in spring 2006 (many observers think this is likely); by tying down the PA and the US for months after Gaza evacuation through negotiating issues such as access to Israel, safe passage, air port/sea port, etc; or by insisting the PA take concrete steps to "dismantle the infrastructure of terrorism," as called for in the Road Map.

- He could employ all three of these alternatives (or even more) simultaneously to avoid negotiations.

U.S. Response

- How will the Bush Administration react to stalling tactics by Sharon?
- The Administration is not likely to insist on resumption of final status talks after Gaza evacuation, and will fall back instead on the three phases of the Road Map.
- Elliott Abrams is known to favor a one year time out after Gaza evacuation, to be followed by another disengagement.
- Abrams and others within the Administration do not believe it will be possible to achieve Palestinian-Israeli agreement on Jerusalem or borders anytime soon.
- Abrams advocates, therefore, that the Bush Administration try to achieve a Palestinian state with provisional borders by the end of a second term, rather than a final status agreement.

Palestinian Response

- As a formal position, the PA should continue to insist on a resumption of final status talks after Gaza evacuation, but Sharon will likely find ways to stall while pressing ahead on unilaterally determining Israel's borders on the West Bank through settlement expansion and completion of the separation wall.
- The Palestinian leadership should, therefore, have a fallback position for the six months following Gaza evacuation (October 2005-March 2006), should Sharon stall and should the Bush Administration acquiesce in Sharon's delaying tactics.
- One fall back position might be to extract from phase two of the Road Map elements that lead to more Palestinian control over West Bank territory while avoiding a state with provisional borders, which President Abbas has publicly rejected.
- This could take the form of a second disengagement, hints of which have already appeared in the Israeli press.
- For Palestinian interests to be protected, however, a meaningful and verifiable settlement freeze would have to be in place, as stipulated in phase one of the Road Map, prior to a second disengagement.
- But the PA would probably be pressed much harder by the Bush Administration for concrete steps on "dismantling the infrastructure of terrorism," as also called for in phase one.
- The PA response could be that in return for dismantlement, the Bush Administration must deliver a real settlement freeze.
- A Palestinian strategy along these lines would fit a timetable based on the following: (a) completion of Gaza disengagement in 2005; a second

disengagement in 2006 and a settlement freeze along with Israeli elections; thereby (c) setting the stage for a final status agreement in 2007; (d) before the U.S. presidential elections in 2008.

If one accepts the analysis outlined above, it is clear that Israel and the Bush Administration are largely setting the agenda for the period ahead. **The Palestinian leadership needs to develop a course of action which changes this dynamic in a way that allows the Palestinians to have a greater say over the political agenda.** Another major objective is to put Israel on the defensive in terms of its occupation of the West Bank as well as Israel's continuing denial of freedom and self-determination to the Palestinian people.

The following actions could have that effect and would also put Israel on the defensive, and prod the Bush Administration to act in the interests on the Palestinians as well as the Israelis.

A Referendum on Peace: Either as part of the PLC elections or separately, the Palestinian leadership could ask Palestinian voters in the West Bank and Gaza to vote yes or no on the following question:

"I authorize the Palestinian Authority to begin final status negotiations with Israel no later than December 2005 and to terminate all violence during those negotiations. To be binding, the terms of any negotiation agreement must be approved by referendum by a majority of Palestinians in the West Bank, Gaza and East Jerusalem."

The date to begin negotiations could be adjusted, but holding a referendum along these lines would have the following advantages. First, it would unite Palestinians behind a single policy, provided the referendum passes. Second, it would put pressure on Palestinian militants to abide by a ceasefire. Third, it would put the Israeli government under domestic and international pressure to return to negotiations.

Taking Advantage of the Hague Court Decision: For various reasons, the PA decided last year not to follow up in the UN General Assembly on the Hague Court decision stating that the separation wall and **Israeli settlements** are illegal under international law. As an element of its political strategy, the PA could revisit the Hague Court decision. The PA could state it is willing to enter into negotiations with Israel on the issue of the wall and settlements.

The objective would be the following. First, while Israel and the U.S. say that the wall and settlements are issues that must be settled through negotiations, Israel continues to avoid negotiations while creating facts on the ground.

Israel's avoidance of meaningful negotiations is its Achilles heel which should be exploited by the PA. The objective here is to call the bluff of the U.S. and Israel by offering negotiations. If Israel fails to follow through, the issue could then be referred to the UN Security Council with a request for sanctions against Israel. Anticipating an American veto, the issue could then be taken up by the UN General Assembly.

Transfer of Sovereignty over the West Bank from Jordan to the Palestinian Authority: Well-known international lawyers argue that Jordan never took formal action to renounce sovereignty over the West Bank, even though King Hussein declared some years ago that Jordan no longer had claims over the West Bank. These lawyers claim that Jordan continues to have residual sovereignty, even if it doesn't want to say so publicly. For Jordan to formally end its claim of sovereignty and transfer it to the Palestinian Authority, the Jordanian parliament would have to take an affirmative action.

This course would require coordination with Jordan, but doing so could strengthen Palestinian claims over the West Bank with the international community. If Jordan were to transfer sovereignty, the PA could call for international recognition of Palestinian sovereignty and the majority of the world would comply. This would put Israel on the defensive and weaken its negotiating position. Israel would no doubt claim that Jordan never had sovereignty, but whatever the claim, no one can argue Israeli sovereignty over the West Bank.

Taking this action does not imply that the PA would have to declare a Palestinian state with provisional borders. The PA could continue to defer this issue while strengthening its international claim over the West Bank and East Jerusalem.

Gaza Evacuation: International lawyers also believe that the PA has a legal case to claim compensation from Israel for the resources used by illegal Israeli settlements in the Gaza Strip. While the PA may not wish to pursue this course at the current time, a case could be prepared against Israel to be used at the appropriate time.

Once there is agreement on a vision and a strategy, visits to Washington could be calibrated to fit the strategy. Preparations for actions outlined above could proceed on a parallel track. I suggest that the following time line be considered:

- **June 2005:** Consultations with Secretary Rice and her team in Ramallah.

- **July 2005:** Visit to Washington by a Ministerial level delegation to brief the Administration on preparations for Gaza disengagement and updating, as necessary, on changes on the ground as a result of settlement expansion and construction of the separation barrier.
- The E-1 project needs to be monitored carefully. If illegal construction is going on, the PA needs to firmly ask the Administration to obtain a firm commitment from Sharon not to take legal steps on E-1 that would be irreversible under Israeli law (per the non-paper given to Rice and Hadley by Fayyad last May). The delegation could also begin putting ideas on the table for a post-Gaza evacuation scenario. In addition to meetings with Rice and Hadley, the delegation should have a heavy round of meetings with Congress in order to solidify ties and press the Palestinian position. The delegation should also meet with a think tank or two and be available for **quality** media interviews.
- **August 2005:** It is difficult to do business in Washington because August is traditionally a vacation month. Congress will be in recess and many senior officials will be out of town on vacation. Nevertheless, the Israelis will begin withdrawing from Gaza in mid-August. Depending on how the withdrawal proceeds, it may be necessary for consultations in Washington. Alternatively, there is the possibility that Secretary Rice or Welch and Abrams may return to Jerusalem and Ramallah.
- **September 2005:** President Bush and Secretary Rice will be preoccupied with the annual UN General Assembly and will spend a portion of the month in New York for meetings there. Congress will be in session following the September 5 Labor Day weekend. A visit to Washington by a ministerial level team would be in order as would a visit by a team from the Negotiating Support Unit. The latter would provide update briefings on Gaza disengagement, as well as settlement and wall construction.
- **October 2005:** Depending upon when the evacuation process is finished, President Abbas should consider a return visit to Washington. The focus of his visit should be revitalization of the Road Map and a resumption of negotiations. The PA should seek firm commitments from the President on both issues, but there should be an agreed strategy in place before the President comes.
- In addition to the above, carefully placed op-eds on a periodic basis should be used to advance the Palestinian position and to place the Israelis on the defensive. Rather than focusing on end of occupation, a concept that does not resonate particularly well with American audiences,

op-eds (and Palestinian visitors) should stress **freedom , democracy and self-determination for the Palestinian people, objectives that cannot be achieved so long as Israel denies the Palestinian people their freedom.**

- A revitalized PLO Mission in Washington can help considerably in advancing Palestinian goals.