

## **(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.
  - i. In addition to freezing settlement activity, Israel must:
    - Remove settlement outposts, which have been established since March 2001;
    - Reopen Palestinian institutions in East Jerusalem;
    - Reinstate 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. Seek a 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'etat 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.