Executive Summary

1. In this paper the Re'ut Institute lays out policy options for switching the PLO with the Palestinian Authority (PA) as Israel's formal Palestinian interlocutor for the 2nd Phase of the Roadmap (hereinafter "switching of interlocutor").

2. Our working assumption is that if the PA becomes the formal interlocutor, than prospects for reaching an agreement within the 2nd Phase of the Roadmap, which provides for a Palestinian State with Provisional Borders (PSPB), increase.

3. At some point, switching the interlocutor must be both public and formal. For this to occur the following conditions must be met:
   a. Release of the constraints of the Interim Agreement, which prohibits the PA from conducting formal international affairs;
   b. A policy that the PLO will not be the interlocutor to negotiations, which concern residents of the PA, including to negotiations regarding the implementation of the 2nd Phase of the Roadmap;
   c. A formal position that, within the 2nd Phase of the Roadmap, agreements will be signed with the PA, and subsequently the PSPB, and not with the PLO.

4. Switching the Palestinian interlocutor may cause constitutional and political upheaval on the Palestinian side. Palestinian capacity to absorb such a change will be impacted by the relative strength of the PA vis-à-vis the PLO.

5. Preparing the ground for switching the PLO with the PA may be based on the following guidelines: (a) strengthening the PA vis-à-vis the PLO; (b) distinguishing the PA from the PLO; (c) lowering the profile of Israel in this context; (d) framing the switch of the PLO with the PA as essential for the success of the Roadmap and the “Two-State Solution”.

6. The support of the international community may be contingent on its perception of whether switching the Palestinian interlocutor enhances the prospects for successful implementation of the Roadmap, strengthens moderate Palestinian factions and is conducive for the "Two-State Solution".
7. Timing – There are a number of milestones in which the feasibility of switching the interlocutor may be gauged including, inter alia, following the elections for Chairman of the PA (1/05), before commencement of a political process or upon the resumption of formal negotiations.

8. A key consideration is whether the PSPB will come into being by negotiations or through unilateral Israeli recognition. Negotiation justifies and necessitates switching the Palestinian interlocutor; unilateral recognition does not.

9. Nonetheless, strengthening the PA and distinguishing it from the PLO may be conducive for successful implementation of the Roadmap and the establishment of a PSPB, irrespective of whether:
   a. a PSPB is established through negotiations or by Israeli unilateral recognition;
   b. there is a formal switch of the Palestinian interlocutor from the PLO to the PA.
Policy Options for Switching the PLO with the PA as the Palestinian Interlocutor

The Re’ut Institute – Policy Product

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Forward: Switching the Palestinian Interlocutor

1. This document outlines policy options for switching the Palestinian interlocutor, so that within the framework of the “2nd Phase of the Roadmap” agreements will be signed with the “Palestinian Authority” (PA) and not with the “PLO” (hereinafter "switching the interlocutor").

2. The issue of the “Identity of the Palestinian Interlocutor” grapples with the question: Who should be the formal Palestinian interlocutor before "Permanent Status": the PLO or the PA and subsequently the "Palestinian State with Provisional Borders" (Hereinafter "PSPB")? Naturally, in Permanent Status, the Palestinian interlocutor will be the Palestinian state.

3. In its capacity as the "Sole Legitimate Representative of the Palestinian People", the PLO serves as the formal Palestinian interlocutor vis-à-vis Israel and the international community. Hence, the PLO formally represents the Palestinian Authority.

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1 The issue of the “Identity of the Palestinian Interlocutor” is connected to a broader set of issues pertaining to the “Structural Aspects of Israeli-Palestinian Negotiations”. This includes institutional and procedural aspects of the negotiation such as the “Sequence of the Israeli-Palestinian Political Process” or the agenda of the negotiations (see “Typology of Issues for Negotiations”).
4. The superior position of the PLO vis-à-vis the PA is provided for by the "Palestinian Constitutional Structure", as well as by the "Existing Agreements" with Israel.

5. The identity of the Palestinian interlocutor will impact the Israeli-Palestinian political process - its agenda and prospects for success – in the following ways:
   a. The PLO, as the representative of the entire Palestinian People, will likely demand the expansion of the agenda of the political process to include issues pertaining to the entire Palestinian people such as the issue of "Palestinian Refugeeism" or "Jerusalem"; whereas
   b. The PA, if recognized as the formal interlocutor, is likely to limit the agenda of the political process to issues affecting its residents in the "West Bank", "Gaza Strip", and, to a certain extent, "East Jerusalem".

For example, the PLO may not be a party to an agreement on the establishment of a PSPB, which does not address Palestinian Refugeeism. In contrast, the PA may be a party to a political process dealing with its residents and leading to a PSPB but not to an agreement dealing with the issue of Palestinian Refugeeism.

6. Therefore, in general, a mismatch between the identity of the Palestinian interlocutor, on the one hand, and the objectives and agenda of the political process, on the other, may cause failure.

7. The premise of this paper is that:
   a. There is a mismatch between the identity of the PLO as the Palestinian interlocutor, on the one hand, and working assumptions of the Roadmap, on the other;
   b. This mismatch renders the prospects of reaching an agreement on the establishment of a PSPB minimal;

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2 During the "Oslo Process", Israel was against the establishment of a Palestinian state and prevented the acquisition of symbols of statehood by the PA:
- According to the “Declaration of Principles” (9/93) (Article V, Paragraph 3), relations between the Palestinians and third parties was an “Outstanding Issue”, which was to be resolved in the “Permanent Status Agreement”;
- According to the “Gaza-Jericho Agreement” (5/94) (Article VI – Powers and Responsibilities, Paragraph 2) and the “Interim Agreement” (9/95) (Chapter I – the Council, Article IX – Powers and Responsibilities of the Council, Paragraph 5; Chapter 3 – Legal Affairs, Article XVII – Jurisdiction, Paragraph 1, Section a):
  1) The PA will not have responsibility or power to conduct foreign affairs, including placing representation abroad such as embassies, consulates, summon or receive diplomatic teams and consulates or perform any diplomatic functions;
  2) The PLO will manage all negotiations and sign all agreements with other countries and with international organizations on behalf of the PA.
c. **Switching the Palestinian interlocutor may dismantle this mismatch and increase the prospects of successfully implementing the 2nd Phase of the Roadmap.**

8. This assumption is based upon a document of the Re'ut Institute with the title: "Who Should be the Palestinian Interlocutor – The PLO or the Palestinian Authority?". See the attached appendix for the Executive Summary of this document.

### Preconditions for Switching the Palestinian Interlocutor

9. Prospects of successfully switching the Palestinian interlocutor are contingent upon a combination of formal and informal, declaratory and practical, overt and covert steps.

10. **At some point**, switching the Palestinian interlocutor must be **public and formal**.

11. Preconditions – which might not be sufficient – for successfully switching the interlocutor are:

   a. **Releasing constraints on the capacity of the PA to formally represent itself in the international arena and vis-à-vis Israel**, which were established by the "**Interim Agreement**";

   b. **At some point** (see below under "Timing"), establishing a clear stance that within the 2nd Phase of the Roadmap:
      1) The **PLO** will **not** serve as the Palestinian interlocutor for negotiations, which concern **residents of the PA** in the West Bank and Gaza Strip;
      2) Agreements regarding the West Bank and Gaza will be signed **exclusively with the PA and not the PLO**.

### Preparing the Ground for Switching the Palestinian Interlocutor

12. Preparing the ground for switching the PLO with the PA can be both overt and covert with the objectives that the switch is perceived as conducive for successfully implementing the Roadmap and realizing the "Two-State Solution", as well as strengthening Palestinian moderates. Another objective is to prevent the switch from becoming a point of contention between Israel and the Palestinians.

13. The organizing logic of preparing the ground to switch the Palestinian interlocutor is an **“Upgrade of the Political Status of the PA”** which falls short of formally recognizing a PSPB. This may be achieved on the basis of the following guidelines:

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3 For details on a possible agenda for negotiations between Israel and a PSPB see “Typology of Issues for Negotiation”. This document suggests replacing the current agenda – i.e. refugees, borders, Jerusalem, security and so forth – with an agenda that is focused on creating a stable “Two-State Solution” comprising of the subjects: “**Movement and Personal Security issues**”, “**Conventional Issues**” and “**Intrusive Issues**” i.e. subjects that require Israeli and Palestinian infringement on their respective territorial sovereignty.
a. Strengthening the PA vis-à-vis the PLO – The stronger the PA is in the international arena, as well as internally, the more natural it will be for the PA to become the Palestinian interlocutor;

b. Distinguishing the PA from the PLO – As the distinction between the PLO and the PA becomes sharper, and the PA stronger, the capacity to turn the PA into the Palestinian interlocutor is enhanced;

c. Lowering Israel's profile – Prospects of successfully switching the Palestinian interlocutor increase if it is perceived as an agenda of the international community and primarily the "Quartet";

d. Framing the switch of the interlocutor as essential for the success of the Roadmap and the Two-State Solution – The international community will be more likely to support switching the Palestinian interlocutor if the switch is perceived as being conducive for successful implementation of the Roadmap and for the Two-State Solution.

14. Examples:

a. **Ratification of the Roadmap by the PA** – Pressure on the PA to ratify the Roadmap would lay the ground for the PA to become a formal party to it;

b. **Upgrade the political status of the PA** – Recognition of the powers of representation of the PA in the international community and vis-à-vis Israel. Such an upgrade may include:

   1) **Membership of the PA in international organizations** such as the World Trade Organization or the World Health Organization;¹

   2) **Designating missions of the PA abroad** – Currently all Palestinian missions, including at the UN, are appointed by and report to the PLO. Allowing the PA to appoint representatives abroad reporting directly to the PA Minister of Planning and International Cooperation (PA’s Foreign Minister), Prime Minister of the PA or to the Chairman of the PA (PA’s President) strengthens the status of the PA in relation to the PLO;

   3) **Diminishing power of PLO missions abroad** will strengthen the power of the PA. Marginalizing the PLO missions may take place by channeling all issues pertaining to the PA through the PA’s representatives or even by severing diplomatic ties with the PLO altogether;

   4) **Designating diplomatic representatives to the PA** by inviting other nations to send diplomatic representatives to submit their credentials to the Government of the PA, which will subsequently serve as the nuclei of future embassies to the PSPB;

¹ The Interim Agreement prohibits the PA from participating in international organizations. It is represented by the PLO (See footnote number 2 above).
5) "President" and "Foreign Minister" – According to the Interim Agreement, Abu Mazen and Nabil Sha'ath are "Chairman of the PA" and "Minister of Planning and International Cooperation", respectively. Israel may use the titles: "President" and "Foreign Minister".

c. Formal transfer of powers within the Disengagement Plan to the PA (and not to the PLO) in Gaza and Northern Samaria;

d. The PA as a democratic entity; the PLO as an authoritarian entity – A public relations campaign may sharpen the differences between the democratically elected leadership of the PA and the non-democratic and authoritarian structures of governance of the PLO making the PA a more legitimate interlocutor for agreements within the framework of the Roadmap.

Timing

15. The identity of the Palestinian interlocutor has a profound influence on the prospects of successfully establishing a PSPB through agreement within the framework of the Roadmap. Hence, the acuteness of the issue of the identity of the Palestinian interlocutor increases as the establishment of the PSPB grows closer.

16. Switching the Palestinian interlocutor may cause constitutional and political upheaval on the Palestinian side (see below). It will impact the makeup of the Palestinian negotiating team and the agenda of the political process.

17. Accordingly, the timing of the switch should take into account the Palestinian capacity to "stomach" the change, and the period of time required for its realignment.

18. Assuming that switching the interlocutor will be preceded by an attempt to prepare the ground, there are a number of milestones during the coming months when a public and formal effort to switch the interlocutor may be gauged as follows:

a. Following the elections for Chairman of the PA, which took place in 9/1/2005;

b. Elections for the "Palestinian Legislative Council" (scheduled for 7/05) that will conclude the process of establishing an elected leadership for the PA;

c. Renewal of the Political Process – before resumption of negotiations – in order to shape its structure;

5 During the Oslo Process, Israel was against the establishment of a Palestinian state and prevented the PA from acquiring symbols of statehood such as the titles of “President”, “Foreign Minister” or “Foreign Ministry” and so forth. Titles such as “Chairman” (Ra’ees), “Minister of Planning and International Cooperation” and “Ministry of Planning and International Cooperation” were chosen instead. In 2003, the position of “Prime Minister” was created in order to lessen Arafat's power.

6 For further elaboration see footnote number one above.

7 See the concept “Carrying Capacity” for further elaboration on the ability of political entities to plan, make decisions and implement them.
d. Upon Entering into Negotiations – following the renewal of the political process and before the assembly of negotiation teams – in order to impact the agenda of the negotiations and the makeup of the Palestinian negotiation team;

e. Israeli decision to coordinate the Disengagement Plan with the Palestinian side;

f. Other milestones such as convening international conferences.

**Switching the Interlocutor and Unilateral Recognition of Palestinian Statehood**

19. There are two alternatives for the establishment of a PSPB:

a. "**Israeli Unilateral Recognition of Palestinian Statehood**" – Israeli unilateral recognition is not dependant upon Palestinian acquiescence. Arriving at a PSPB through unilateral recognition by Israel justifies postponing the switching of the Palestinian interlocutor until after a PSPB is established since a PSPB will irreversibly transform "**The Issue of Palestinian Representation**";

b. Negotiations – Israeli-Palestinian negotiations regarding the establishment of a PSPB during the 2nd Phase of the Roadmap justify and necessitate switching the Palestinian interlocutor.

20. The strategy of strengthening the PA, while distinguishing it from the PLO, will enhance the prospects of successfully establishing a PSPB whether the switch of the Palestinian interlocutor occurs or not.

**The Palestinian Side**

21. Switching the Palestinian interlocutor may create constitutional and political upheaval. The Palestinian constitutional structure, as well as the signed agreements with Israel, are based on and provide the foundation for the status of the PLO as the sole Palestinian formal interlocutor vis-à-vis Israel and the international community.  

22. Therefore, forceful external attempts to switch the Palestinian interlocutor may pressure even moderates to affirm the status of the PLO as the sole legitimate representative of the Palestinian people and therefore of the PA.

23. A harbinger of things to come may be the decision of the "Fatah" Central Committee that, in the service of Palestinian national interests, the positions of Chairman of the PA and "Chairman of the PLO" should remain in the hands of one person. 

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8. See footnote number 1 above.

9. This arrangement originated in the days of Yasser Arafat. See ICG, Middle East Briefing, *After Arafat? Challenges and Prospects*, 23; 12/04, p. 7. This article provides the reason for the pressure on Marwan Barghouti to withdraw his candidacy for the position of Chairman of the PA. The concern was that a Barghouti victory may have resulted in a distinction between the identities of the Chairman of the PA (Barghouti) and Chairman of the PLO (Abu Mazen).
24. However, the leadership of the PA has an obvious interest in becoming the formal interlocutor to a political process that not only pertains to its own political status and residents, but also may strengthen its power.

25. Furthermore, it seems that there may be certain constitutional flexibility on the Palestinian side to allow for switching the interlocutor. This may take place if the PA becomes the interlocutor for issues pertaining to its residents, primarily during the 2nd Phase of the Roadmap, notwithstanding the role of the PLO as the interlocutor to issues pertaining to the entire Palestinian people, which will be discussed during the "3rd Phase of the Roadmap".

26. The Palestinian capacity to digest the changes will be impacted by the relative stature of the PA vis-à-vis the PLO. The stronger the PA, the smoother the switch.

The International Community

27. The international community is a key player in switching the PLO with the PA as the Palestinian interlocutor. Its willingness to endorse this switch will depend on the extent to which it will perceive the switch as serving the realization of the Roadmap and the "Two-State Solution" and strengthening the moderate Palestinian factions.

Conclusions and Recommendations

28. This document rests on the assumption that there is a structural mismatch between the identity of the PLO as the formal Palestinian interlocutor, on the one hand, and the structure of the Roadmap calling for a PSPB in its 2nd phase, on the other hand.

29. This mismatch warrants that the PA (instead of the PLO) becomes the formal Palestinian interlocutor for the implementation of the 2nd Phase of the Roadmap and the establishment of a PSPB. This document presents policy options for such switch.

30. Switching the PLO with the PA may create constitutional and political upheaval on the Palestinian side and may be met with opposition. At the same time, there is obvious interest among the leadership of the PA to become the formal interlocutor to a political process that addresses its direct interests.

31. Therefore, it is necessary to prepare the ground on the Palestinian side and internationally by strengthening the PA and further distinguishing it from the PLO. A central concept in this context is upgrading the political status of the PA.

32. A key consideration related hereto is whether the PSPB will come about by means of negotiations or through unilateral Israeli recognition. Negotiations justify and necessitate switching the Palestinian interlocutor; unilateral recognition does not.

33. Strengthening the PA and distinguishing it from the PLO will have the positive effect of enhancing prospects of successfully implementing the Roadmap and establishing a PSPB. This would be notwithstanding whether a PSPB is established through negotiations or by Israeli unilateral recognition, or whether the switch of the interlocutor occurs or not.

End.
Annex

Who Should be the Palestinian Interlocutor:
the PLO or the Palestinian Authority?

This attachment is the Executive Summary of the paper “Who Should be the Palestinian Interlocutor - the PLO or the Palestinian Authority?” which provides the fundamental assumptions for this paper.

Executive Summary

1. In this document, the Re’ut Institute contends that within the framework of the 2nd Phase of the Roadmap, toward and following the establishment of a Palestinian State in Provisional Borders ("PSPB"), future agreements should be signed between Israel and the Palestinian Authority ("PA") and not with the PLO.

2. In theory, two options exist:
   a. Proceed with the structure of the Oslo Process i.e. (1) agreements are signed with the PLO on behalf of the PA; and (2) the PA doesn't possess formal powers of representation in the international community or vis-à-vis Israel; or
   b. The PA will become the Palestinian interlocutor for future agreements within the 2nd Phase of the Roadmap instead of the PLO. This is with the understanding that, presently, there is no “stomach” for a comprehensive Permanent Status Agreement.

3. The identity of the Palestinian interlocutor will impact negotiations as follows:
   a. The PLO, as the representative of the entire Palestinian People, will likely demand the expansion of the agenda to include issues pertaining to the entire Palestinian people such as the issue of Refugees or Jerusalem; whereas
   b. The PA is likely to limit the agenda to issues affecting its residents.

4. The Roadmap, providing for the establishment of a PSPB before a comprehensive agreement, frontloads issues relating to the West Bank and Gaza while postponing issues relating to the Palestinian Diaspora.

5. Hence, there is a structural mismatch between the status of the PLO as the Palestinian formal interlocutor, on the one hand, and the Roadmap and/or the Disengagement Plan if coordinated, on the other. Therefore:
   a. It may be impossible to reach an agreement with the PLO on a PSPB;
b. Hence, the objective of an agreement leading to a PSPB necessitates and justifies switching the Palestinian interlocutor;

c. Consolidating the PA as the Palestinian interlocutor may allow for the shaping of Permanent Status before the 3\textsuperscript{rd} Phase of the Roadmap.

6. The Palestinian constitutional structure provides for the representation of the PA by the PLO.

7. Hence, switching the Palestinian interlocutor will upset the Palestinian constitutional and political system. In 11/04 the Fatah Central Committee decided that it is in Palestinian interests for one person to serve as Chairman of the PLO and Chairman of the PA.

8. Nevertheless, the PA might be interested in becoming the Palestinian interlocutor to negotiations in order to better represent its residents.

9. Israel can impact the capacity and willingness of Palestinians to switch the PLO with the PA as the representative of the West Bank and Gaza. Policies directed at strengthening the PA and distinguishing it from the PLO may prepare the ground for switching the Palestinian interlocutor.

End.