

August 2005

Palestinian State – Inversion of Positions

The Re'ut Institute – Fundamental Early Warning Paper

A **Fundamental Early Warning** is a Re'ut Institute product whose aim is to reveal gaps between new trends and events, *on the one hand*, and primary assumptions of the Government of Israel (GOI), *on the other hand*.

Failure to adjust to such gaps may lead Israel to a “**Fundamental Surprise**”¹ which may expose its policy as not relevant.

This paper attempts to highlight the working assumptions behind the policies of the GOI, indicate new trends and recommend policy options to close the relevancy gap.

Essence of the Warning

Israel and the Palestinians are undergoing an **inversion** of their positions regarding the possible establishment of a Palestinian State with Provisional Borders (PSPB).

In the past, the Palestinians **demand**ed a state, even with provisional borders, while Israel **opposed** this demand.

Currently, The Palestinians **object** to a state with provisional borders, while Israel insists on the implementation of the Roadmap, which calls for the establishment of a PSPB within its Second Phase.

Existing Mindset – A State in Provisional Borders is a Prize to Palestinians

1. The basic assumption of the GOI is that **upgrading the political status of the Palestinian Authority (PA) and establishing a Palestinian state, even in provisional borders, are interests that drive Palestinian decision-making.**
2. *In the past*,
 - a. The Palestinians demanded the immediate establishment of a Palestinian state, even if its final borders were not yet determined;²

¹ The concepts “Fundamental Early Warning” and “Fundamental Surprise” were coined by Dr. Zvi Lanir, founder of Praxis Institute. For further information, see: <http://www.praxis.co.il/>; Zvi Lanir. *Fundamental Surprise – Intelligence in Crisis*. 1983 (Hebrew).

² In 1988 the PLO declared Palestinian statehood (“**Algiers Declaration**”) despite having no control over any part of Mandatory Palestine. Approximately 100 countries recognized the declaration.

- b. Israel refused to allow the PA attributes of statehood and threatened to prevent the upgrading of its political status, even through use of force;
 - c. Agreements between Israel and the PLO determine that the PA is a political entity *which is not* a state.³
3. *Currently*, the Israeli mindset can be elicited from:
- a. The perception of the Roadmap as stipulating the requirements within the First Phase as a **condition** for a Palestinian State with Provisional Borders (PSPB);⁴
 - b. Declarations by the PM, his advisors and leading Ministers, frame the establishment of a Palestinian state as an "Israeli concession" or a "prize for the Palestinians".⁵
 - c. Israel's reservations to the Roadmap establish conditionality between Palestinian performance and Palestinian statehood.⁶

Throughout the "[Oslo Process](#)" and until 2000, the Palestinians demanded the establishment of a state and threatened to unilaterally declare one on multiple occasions (for example, in 5/99, 9/00 and 11/00).

- ³ Relevant provisions in these agreements are:
- a. "[PLO](#)" was recognized as "Sole Legitimate Representative of the Palestinian People" by the Arab League (10/74), the UN (11/74), Israel and the United States (9/93);
 - b. According to the "[Interim Agreement](#)", the PA does *not* have the capacity to conduct foreign affairs, including establishment of diplomatic missions abroad, *or* of foreign missions in the West Bank or the Gaza Strip; PLO conducts negotiations and signs agreements on behalf of the PA (see Article IX: "Powers and Responsibilities of the Council", paragraph 5 – a and b);
 - c. Therefore, all the "[Signed Agreements](#)" within the framework of the "[Oslo Process](#)" (from 9/93) were signed with the PLO;
 - d. Israel refused to allow the PA to upgrade its powers, authority and political status except under special circumstances (e.g. the appointment of a Palestinian Prime Minister in order to erode the status of Arafat).

⁴ Please see statements tying the essence of the "[Roadmap](#)" with its phased nature: Only after the fulfillment of Palestinian obligations, as stipulated within the "[First Phase of the Roadmap](#)", will negotiations over PSPB within the "[Second Phase of the Roadmap](#)" commence. Only after the PSPB is satisfactorily functioning, will negotiations over the "[Third Phase of the Roadmap](#)" and a "[Permanent Status Agreement](#)" begin (Dov Weisglass, political advisor to the Prime Minister, at a lecture in Tel Aviv University, 6/2/05).

⁵ PM Sharon declared that, "It is clear to all that Israel can no longer be expected to make political concessions until there is proven calm and Palestinian governmental reforms" (12/02, "[2002 Herzliya Speech](#)"); Dov Weissglass stated that, "when you freeze that process, you prevent the establishment of a Palestinian state..." (Interview with Ari Shavit, "Ha'aretz", 10/2/04).

⁶ See, Israel's reservations to the Roadmap, Articles 2 and 3.
http://www.knesset.gov.il/process/docs/roadmap_response_eng.htm

Diverging Reality

In practice, emerging trends may undermine this mindset, rendering it irrelevant:

4. **Palestinian rejection of PSPB and erosion of the Roadmap** – Establishment of PSPB prior to a Permanent Status Agreement is the mainstay of the Roadmap. However:

- **Palestinians** tie the establishment of a PSPB with guarantees for the Third Phase of the Roadmap (Permanent Status Agreement).⁷ They demand a **return to the path of a comprehensive Permanent Status Agreement** ("Package Approach" in the Oslo framework) i.e. that a Palestinian state with **permanent** borders be established *after and in accordance with* a comprehensive Permanent Status Agreement;⁸

while

- According to **Israel**, the PSPB will be established within the Second Phase of the Roadmap and is *independent* of discussions on Outstanding Issues such as, permanent borders / '67 borders; refugees / the right of return; and Jerusalem / Holy places.⁹

5. **Erosion of the "Two-State Solution"** – The "Two-State Solution", established UN Partition Plan (UN General Assembly Resolution 181, 11/47) and Security Council Resolutions 242 and 338, has been at the core of the political process since the early 90's.

This principle has been eroded by both Palestinian and non-Palestinian actors who reject the Jewish character of the State of Israel and promote the principle of a "State for All its Citizens".¹⁰ The **manifestation** of these forces includes:¹¹

⁷ Abu Mazen stated that establishing a PSPB **prior to** a Permanent Status Agreement is a "trap", and called for the establishment of back channels to discuss a Permanent Status Agreement **alongside** the negotiations over the Roadmap (*New York Times*, 2/14/05); The Fatah Central Committee decided to reject the idea of a PSPB and supported the establishment of a fully sovereign Palestinian state instead (6/30/05) (http://www.news.monstersandcritics.com/mediamonitor/printer_1027231.php); Abu-Ala declared that "We will not establish a Palestinian state with a racist Separation Fence, there will not be a state with aggressive settlements in it and there will be no state unless it has all the rights of a state as well as the right of return." (7/26/05) in Hebrew: (<http://www.ynet.co.il/articles/0,7340,L-3118855,00.html>).

⁸ See "[Package Approach to Israeli-Palestinian Permanent Status Agreement](#)"

⁹ Israel stated fourteen reservations to the Roadmap (5/03), according to which, the sovereignty of the PSPB will be limited (mainly concerning military powers). For Israel's reservations, see "[Roadmap](#)".

¹⁰ Rejection of the "Two-State Solution" is based on liberal theories that reject the definition of a political entity on the basis of culture, ethnicity, or religion, thus undermining the right of the Jewish people to self-determination in a state of their own (see "[Contemporary One-State Argument](#)", "[One-State Threat](#)" and "[Anti-Zionism](#)").

¹¹ Examples for such manifestation:

- **Negotiations over a Permanent Status Agreement (1999-2001)** – The Permanent Status negotiations failed due to the combination of violence and the increase of

- **Strategic Terror** against Israel and Israelis at key points of negotiations;
 - **Undermining the governing capacity of the PA**,¹²
 - **"Elusive Horizon" – Raising the bar for a Two-State Solution** – Groups that allegedly accept a Two-State Solution, but throughout negotiations raise claims that are inconsistent with this solution;¹³
 - **Contention that the Two-State Solution is unfeasible** – Various groups claim that the situation on the ground, particularly the settlements, has rendered the Two-State Solution impossible;¹⁴
 - **De-legitimization**¹⁵ – Groups that reject Israel's Jewish character, converge their efforts against the acceptance of the Two-State Solution, which is framed as a Palestinian capitulation.
6. **Dysfunctional Palestinian political system** – The carrying capacity of the Palestinian government is weak and getting weaker:
- a. Palestinian leadership has a poor record of using military and police forces to enforce the law on extremist elements;
 - b. With Hamas entering the political system of the PA, its capacity to be a reliable partner to Israel in a political process is weakened.

demands for the fulfillment of the "Right of Return" of "Palestinian Refugees" to Israel's territory; exclusive Palestinian sovereignty over the "Temple Mount" and rejection of any Jewish linkage to the area; and refusal to accept the concepts of "End of Conflict" and "Finality of Claims";

- **Roadmap (2002-2003)** – The implementation of the First Phase of the Roadmap was blocked by an eruption of violence and the demand to validate understandings regarding a "Permanent Status Agreement" *prior to* the establishment of a PSPB;
- **Issue of the End of Responsibility / Occupation** – It is likely that the Palestinians will object to Israel's claim that it has ended its responsibility over Gaza, even in the absence of both military and civilian Israeli presence in Gaza (see "End of Occupation" and "End of Responsibility").

¹² For this purpose, Palestinian resistance factions, most notably the Hamas, are maintaining independent military capabilities, creating enclaves that are "off-limits" to PA security forces and fostering independent political systems (Amos Harel, "Ha'aretz", 6/29/05).

¹³ For example, these groups allegedly recognize the State of Israel, but still demand full recognition and implementation of the Palestinian "Right of Return", Palestinian sovereignty over the "Temple Mount" and large-scale monetary compensation for the "Occupation" (see "Responsibility" and "The Concept of Viable Palestinian State").

¹⁴ These groups also refer to the deadlocks in the negotiations over the "Outstanding Issues" to support the argument that Israel and the Palestinians are irreversibly and intractably intertwined. See Tony Judt, "Israel: The Alternative," **The New York Review of Books**, Vol. 50, No. 16, Oct. 23, 2003; and Michael Tarazi, "Two Peoples, One State", *Haaretz*, 10/20/04.

¹⁵ The concept "Convergence Phenomenon" refers to the convergence of seemingly unrelated movements and associations into a coalition that fundamentally reject the Jewish character of the State of Israel. This convergence shifts from one issue to another.

7. Hence, the positions of Israel and the Palestinians regarding a PSPB are undergoing inversion (hereinafter: the Inversion):
 - *In the past*, the Palestinians demanded a PSPB and Israel objected.
 - *Currently*, the Palestinians object to a PSPB and Israel insists that the Roadmap, providing for a PSPB, remains the framework for the political process.¹⁶

Implications

The inversion of position regarding the PSPB may have far-reaching implications on Israel's national security and foreign affairs:

8. **Deadlock in the negotiations over the Roadmap** – Palestinian rejection of the concept of a PSPB may drive the Roadmap to a deadlock.
9. **Incentive for further Israeli Unilateral Actions** – A deadlocked Roadmap will push Israel to further unilateral moves on the basis of the logic of the Disengagement Plan. This is particularly feasible if the prospects for a comprehensive Permanent Status Agreement remain dim.
10. **Inversion of positions in negotiations** – *Following the Inversion*, Israel may find itself working to instigate the establishment of a Palestinian state, while the Palestinians oppose it. This suggests that Israel may **pay a political price for mobilizing international recognition of the status of the PA as a state.**¹⁷
11. **Inversion of positions in public diplomacy** –

In the past, Israel argued that the Palestinian entity was not a state, *while* the Palestinians explained why the PA fulfilled the criteria for statehood.

Following the Inversion, **Israel may find itself trying to convince the world that the PA is a state**, while the Palestinians will explain why they have *yet* to fulfill the criteria for statehood.¹⁸
12. **Emergence of the discourse on a "State for All its Citizens"** – In the broader perspective, The Inversion may lead to a shift in the political discourse, *from a discourse* dealing with the implementation of the Two-State Solution, *to a discourse* questioning its relevance.

Policy Options

13. **Political status of the PA** – This process may be carried out **unilaterally** or in coordination with the Palestinians or with third parties. It is meant to bestow attributes of statehood onto the PA, through the rescindment of restrictions,

¹⁶ On September 15th 2005 PM Sharon recognized the right of the Palestinian people to a state (Address before the UN General Assembly). In the past, this recognition was perceived as an Israeli concession.

¹⁷ For instance, Israel may be required to give guarantees regarding Permanent Status in order for the international community or the Palestinians to agree to a PSPB.

¹⁸ See "[The Concept of a Viable Palestinian State](#)" and "[Responsibility](#)" in the context of "[Occupation](#)" (see above).

provided within the "[Interim Agreement](#)"¹⁹, on the status of the PA and enabling it to conduct economic, civil and foreign affairs. For instance:

- a. **PA membership in international organizations** – Such as the World Trade Organization, or the World Health Organization;
- b. **Diplomatic missions of the PA abroad** – Until now, Palestinian missions abroad and in the UN were appointed by and reported to the PLO. Henceforth, these missions will report to the PA;
- c. **Foreign diplomatic missions to the PA** (such as US mission to the PA) – Missions to the PA will relocate to Ramallah, present their credentials to the Chairman of the PA, and become future ambassadors to the PSPB;
- d. **Titles of PA officials:** According to the Interim Agreement, Abu Mazen and Nabil Shath are referred to as the Chairman of the PA and Minister of Planning and International Cooperation, respectively. Using the titles of "President" and "Foreign Minister" will contribute to the upgrading of the political status of the PA.
- e. **Dismantling the Customs Envelope in the West Bank and Gaza** – The Customs Envelope is the economic regime established by the Interim Agreement (9/95). It provides that Israel collects customs on behalf of the PA and denies the PA membership in the WTO and its own currency. Dismantling the Custom Envelope will grant the PA economic independence.²⁰

14. **Switching the interlocutor from the PLO to the PA –**

- a. There is a mismatch *between* **the structure of the Roadmap** which narrows the agenda of the political process, expedites the establishment of a Palestinian state in the West Bank and Gaza (the Second Phase of the Roadmap) and postpones the discussion on the Outstanding Issues to the Third Phase *and* **the identity of the PLO** as the representative of the Palestinian people, including the Palestinian Diaspora, thus striving to widen the political agenda.
- b. *Consequently, it will be difficult to reach an agreement with the PLO* on a PSPB within the framework of the Second Phase of the Roadmap;

Therefore:

Reaching political agreements within the framework of the Roadmap (before and after the Second Phase) **justifies and requires switching the interlocutor from the PLO to the PA**. Establishing the status of the PA as the Palestinian interlocutor for the political process will allow dealing with Outstanding Issues even before a Permanent Status Agreement.

15. **Unilateral recognition of a PSPB** – A series of Israeli moves, **either unilateral or coordinated with third parties**, aimed at upgrading the political status of the PA to the level of a "Palestinian State with Provisional Borders".

¹⁹ See footnote # 3.

²⁰ See Re'ut "Point of View": "[Is the Customs Envelope Still Relevant?](#)"

The mainstay of this option is a **formal recognition by Israel and the United States of the PA as a sovereign state**. It should be noted that such a move requires a comprehensive plan, taking into account the implications of such recognition with regards to Inherent Rights and Duties of the Palestinian state, from the moment of its inception.²¹

Additional Sources

- About the inversion of the political process, see Policy Paper: "[What Follows the Disengagement Plan?](#)" and "Point of View": "[Is Abu Mazen Driving the Political Process to a Deadlock](#)";
- About anti-Zionism and de-legitimization of Israel, see the Concepts: "[Convergence Phenomenon](#)", "[One-State Threat](#)", "[Contemporary One State Argument](#)" and "[Anti-Zionism](#)";
- About the Disengagement Plan and the One-State Threat, see Policy Paper: "[Influence of the Disengagement Plan on the One-State Threat](#)"; and the Concept: "[Moment of Inversion Towards Palestinian Statehood](#)";
- About the Political status of the Palestinian entity, see the Concepts: "[Act of Recognition](#)", "[Accession to Statehood](#)", "[Status of Palestinian Statehood](#)";
- About upgrading the political status of the Palestinian Authority, see Policy Paper: "[Actions to Change the Interlocutor from the PLO to the PA](#)"; "Point of View": "[Is the Customs Envelope Still Relevant?](#)" and "[PM Sharon's Address to the UN: Laying the Foundation for a Palestinian Nascent State](#)"; Concepts: "[Upgrading the Sovereign Status of the Palestinian Authority](#)", "[Upgrading the Political Status of the Palestinian Authority](#)" and "[Nascent State](#)"

End.

²¹ The international community views Israel as an "occupier" of the West Bank and Gaza. Therefore, a unilateral recognition, outside the scope of negotiations or agreements, may put Israel in breach of the inherent rights of the Palestinian state. Some rights, *such as* control over airspace or water, are inherent to every state according to international law.