

Point of View No.78

Attempt to Ratify a Shelf Agreement: The Two State Solution's Swan Song?

Chairman of the Palestinian Authority, Abu Mazen, said that any peace agreement with Israel will be ratified by a referendum ([Maan](#) 4/6/08).

Currently, there seems to be no readiness to ratify a Shelf Agreement. Therefore, any attempt at ratification may prematurely bring Israel and the Palestinians to a 'moment of decision' regarding the principle of the 'Two State Solution'.

What is the issue?

- Currently, Abu Mazen's legal-judicial legitimacy to negotiate on behalf of the Palestinian people is very weak due to:
 - Hamas control in Gaza;
 - The expiration of the presidential decrees allowing the Fayyad government to govern the PA;
 - The failure to integrate Hamas and other Palestinian factions into the PLO, as was previously agreed upon,

Due to this weak legal-judicial basis Abu Mazen hopes to gain legitimacy for the political process through a referendum.

- The working assumption of both Abu Mazen and Israel is that a Shelf Agreement (an agreement whose implementation will be postponed) bypasses some of the obstacles surrounding the political process - such as the PA's weakness and Hamas' control in Gaza - and can anchor the principle of the 'Two-State Solution'.

Why is it important? Why now?

Even if a Shelf Agreement is signed, it is doubtful whether the ratification process can succeed:

- **Is a referendum logistically possible?** In the current reality, it is difficult to imagine a referendum taking place in Gaza and the Palestinian Diaspora.
- **Israel will not rush to ratify** – Israel will fear ratifying an agreement that the Palestinians may reject, as it will expose Israel's flexibility and may become the starting point for future negotiations.
- **There will be a significant time-period in which the agreement is left unratified** as the Palestinians are expected to encounter a constitutional crisis during ratification which may in turn cause Israel to delay its own process. Such a period will enable rejectionist forces to try and thwart its ratification or render it irrelevant. The PA meanwhile, may be too weak to deal with popular pressure.
- **The consequences of failure to ratify a Shelf Agreement are similar to those of the whole political process and could accelerate the final collapse of the principle of the 'Two-State Solution'. This is because Israel and the Palestinians will be prematurely pushed into a 'moment of truth' regarding this principle at a time when doubts exist over the sides' readiness to ratify an agreement and their capacity to deal with spoilers.**

Policy Options

- **Strategy to deal with failure** – Although Israel has little influence over the Palestinian ratification process, it needs to consolidate a strategy for dealing with the possible failure of the political process. Such a strategy could occur on different levels:

- **An agreed Plan B for the political process** – Israel should aim to get the agreement of the Quartet and the PLO (to the extent possible) to fix an agreed mechanism to change the agenda of the political process in case negotiations or the ratification process fails. As an example, the sides might agree that the failure of the current negotiations will lead to discussions over the establishment of a Palestinian state with provisional borders in conjunction with the second phase of the Roadmap.
- **Strengthening and upgrading the PA may prevent its collapse** – The failure of negotiations or the ratification process is likely to strengthen those Palestinian voices calling for the dissolution of the PA in order to place the full burden of 'occupation' onto Israel. The closer the PA's powers and authorities are to a full sovereign state, the harder it will be to dissolve it.
- **Strategy to 'freeze' the process** – Israel may prefer to freeze negotiations until after elections in Israel, the PA or the US. Israel should coordinate these steps with the US in order not to create the impression that negotiations have failed.

End.