

The Palestinians Have an Option Other Than the Trump Administration

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It is now several weeks since President Abbas, responding to American recognition of Jerusalem as the capital of Israel, announced that the United States has disqualified itself from any role in the peace process.

There is, however, no sign that the Trump Administration is terribly alarmed by this response, despite the high priority the President gives to making "the Ultimate Deal." The reason is that the administration, along with many observers, believes that the Palestinians have no other option. The Israeli government will not participate in any process other than one led by the United States. Trump therefore believes that after a "cooling off" period, the Palestinians will again look to the United States for solutions.

The Palestinians have said they will turn to the United Nations to step in instead of the United States, but this seems a complete joke given the US veto in the Security Council and the impotence of the UN General Assembly. So perhaps Trump is right. Or is he?

There is one option that has not yet received enough attention, though I raised it with President Abbas in early 2015 and he recognized its potential. Interestingly it was advanced five years ago, by an Israeli, former Israeli Foreign Minister Shlomo Ben-Ami, joined by former European Union High Commissioner for Foreign and Security Policy, Javier Solana, along with Nobel Prize Winner (for international security theory) Thomas C. Schelling, (and myself). The proposal appeared in *The New York Times*, under the title, "*Going Directly to the Israelis and the Palestinians*" and drew little attention at the time. But now, its time has come.

The basic idea, of what I will call, the Ben-Ami/Solana plan was four fold:

1. Go over the heads of both the PLO and the Government of Israel. Instead focus on developing a full detailed end-of-conflict treaty document, that has the best chance of being acceptable to majorities on both sides. The conflict is between the two peoples, focus on them, and let them put pressure on both the government of Israel and the PLO.

2. Do this through the United Nations, in some ways, mirroring the process that led to the Partition Resolution of 1947, mirroring the original UNSCOP -- the United Nations Special Committee on Palestine. That is, create UNSCOP-2, and as occurred in 1947, have it come to the region, hold hearings, gather ideas from all the stakeholders, and then develop a complete end-of-conflict agreement. If the Government of Israel boycotts, so be it. The Palestinians in 1947 made a major mistake in boycotting the original UNSCOP. If this time, Israel makes that mistake, it will not be to its advantage.

3. The UN would then embed the proposed treaty into a resolution. However, unlike UNGA Resolution 181, this would not be a take it or leave it proposal. Rather, the UN would then turn to the PLO and the Government of Israel and call on them to convene for six months, to see if they could agree on any mutually acceptable improvements. After six months, the two parties would be asked to report back to the UN, saying whether they were willing to sign, or alternatively willing to put the improved document to a referendum, if the other side did so as well.

4. If the basic document faithfully captured solutions that were acceptable to majorities on both sides, it is believed that a willingness of either side to sign or submit to a referendum, would place enormous internal pressure for the other side to do so as well. And if, for instance, the PLO or the Palestinian people said, "Yes" to a full end of conflict treaty that most of the Israeli people were willing to accept, any Israeli government which stood in the way, would be swept from power. And of course, if neither people were prepared to say "yes", then an historic terminus would have been reached, and

conflict management would replace conflict resolution as the goal. Indeed, perhaps even Hamas could be brought on board for a long-term hudna.

The original Ben-Ami/Solana proposal left it open as to whether this would be done through the UN Security Council or the General Assembly. But now with the Trump Administration showing its hand, it is clear that the General Assembly is the only vehicle. This, of course, would seem an almost impossible idea for Israelis, as the General Assembly is seen in Israel as terribly biased towards the Palestinians. But there is a way to overcome the initial skepticism of the Israeli people to anything coming from the General Assembly: have the Commission itself led by clear friends of Israel, so long as they are committed to a just peace based on two independent states. There are many ways to do this, but one possibility would be to have it headed by Bill Clinton, flanked by Solana and Ben Ami themselves.

Could Palestinians live with this? Perhaps they could if its terms of reference are made clear. First that the proposed solution has to be consistent with the Arab Peace Initiative, and secondly, that the task of the Commission is very explicit: Draft an agreement with the best chance of winning a referendum in both societies. Further, the Palestinian position would be protected by the fact that the UNSCOP-2 recommendations would have to be reported back to the UN General Assembly for any further action. If the proposal treaty was not consistent with the API, or if it was biased against the Palestinian position, then it could be modified or even rejected by the General Assembly.

Do the Palestinians have a better alternative? If so, I am unaware of what it is. Perhaps the hope is to boycott the United States until the US makes some important concession, for instance, until the US announces explicitly that it does not recognize Israeli sovereignty over East Jerusalem, and most especially, not over the Old City of Jerusalem.

But even if this is the strategy, and the PLO is not yet ready to undertake the full breach with the United States that would be involved in the UNSCOP-2 approach, the mere

fact that the Palestinians have this in their pocket as a live option will give the Trump Administration pause as it constructs its peace plan. The message to Mr. Trump would be: If your lawyers decide to function as Bibi's lawyers as well, if what they put on the table is a total non-starter for the Palestinian people, the PLO does have the UNSCOP-2 option, and thus it will say to the Trump Plan, "Dead on Arrival" and launch a process quite similar to the one that led Israelis to dance in the streets of Tel Aviv, in November 1947.

Sometimes, just making clear to the other side that you really do have a Plan-B, makes all the difference.

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