

The Logical Step Towards Palestinian Unity

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With the collapse of the unity government talks between Fatah and Hamas, Palestinians are heading towards a constitutional crisis, one that may lead to civil war.

Under these circumstances, it is very unfortunate that neither Fatah nor Hamas has taken the lead is bringing about a powerful step towards unity that can be enacted immediately.

Here I refer to the need for a clearly defined institutional procedure through which the Palestinian people will make the most basic decisions on the Israeli-Palestinian conflict:

- 1. The PLO will negotiate with Israel on behalf of the Palestinian people.**
- 2. On fundamental issues, any negotiated treaty document will have to be ratified before it becomes legally binding.**
- 3. Ratification can be in one of two forms, either by a reconstituted PNC which includes all the political factions, or by a referendum of the Palestinian people, including those in the Diaspora.**
- 4. Once ratified the treaty agreement becomes the law of the land, and is binding on all factions, and all future governments.**

Last Spring, the National Reconciliation Document of the Palestinian Prisoners suggested similar arrangements. What is needed today, is to separate this issue from other aspects of unification and enact it into law. Either President Abbas or Prime Minister Haniyeh, or both, could take the lead, and present this to the Parliament for its approval.

There are several reasons why it is critical to do this now:

1. This is a key point of agreement between Fatah and Hamas. If it is linked to other issues, such as power sharing in a new government, it will be tied to the fate of those other efforts, and may never be enacted.

2. Even if a unity government is attained, the core differences of ideology will remain, and there will still be a need to enact a procedure of this sort.

3. By doing this now, Abu Mazen would be immediately strengthened as a viable negotiator. Thus, increased pressure would be placed on the Israeli government to return to the negotiating table, and Abu Mazen would have stronger hand in those negotiations.

4. While this proposal does not fully satisfy the conditions imposed by the Quartet (e.g. recognition of Israel's right to exist, acceptance of all previously negotiated agreements), it does take a major step in that direction. It says:

- Looking towards the future, both Hamas and all future governments, will be bound by any agreements with Israel that are properly ratified.

- If as part of a properly ratified peace treaty, the two states, Palestine and Israel, agree to recognize each other's right to live in peace and security, then this will be the law of the land, binding on all factions and future governments.

Enacting this now, will bring an important relaxation of the economic siege, particularly from the European nations.

5. By acting together to enact such legislation, even with the collapse of the unity government negotiations, the Palestinian factions will take an important step back from the brink of the civil war that threatens.

For all of these reasons, without further delay, this framework should be put into law.

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