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# PRISONER EXCHANGE LEVELS HAMAS, FATAH PLAYING FIELD

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News that Israel and the Islamic Resistance Movement (Hamas) had reached agreement on a prisoner exchange instantaneously displaced the Palestine Liberation Organization (PLO) bid for full United Nations membership from the headlines in mid-October. Arguably, Hamas and Israel had a common interest in this regard. More importantly, the Palestinian Islamists, no longer relegated to the margins of the Palestinian UN initiative by the rival leadership in Ramallah, can now resume reconciliation talks from a position of relative equality. Whether reconciliation and the incipient internationalization of the Palestine question will be fused to form the basis of a new national strategy remains very much an open question.

The PLO bid, over which chairman Mahmoud Abbas has had and would like to retain total control, remains on the UN Security Council agenda, and could stay there for quite some time. Yet the outcome is not in doubt. The application will be rejected, either as a result of a US veto or by successful US intimidation of enough UN Security Council members to defeat it in a straight vote.

Given that a rejection by majority vote would, particularly in light of the prisoner exchange, be seen as serious political defeat for Abbas, a US veto is for him the lesser of two evils if not a political necessity. If Abbas, as some have suggested, intends to indefinitely park the application in committee, this is a strategy that is unlikely to last. The combination of popular expectations, pressure from Fatah ranks, and challenge from without does not bode well for inertia. All the more so with Washington and its partners in the Quartet (the European Union, UN, and Russia) refusing to present an offer he can claim is even worth examining.

A related question is whether and how the Palestinians go to the UN General Assembly (GA). Some have argued against resorting to the GA to obtain an upgraded status that falls short of full membership, on the grounds that it could compromise the role of the PLO as the sole, legitimate representative of the Palestinian people and further marginalize the Palestinian diaspora. Others maintain that much can be achieved via the GA, such as accession to various UN subsidiary agencies and the International Criminal Court. Still others believe that there are in fact options within the GA to challenge a Security Council rejection of an application for membership - but this would be a first. Yet another approach would be to seek various gains through the GA without combining this with an application for membership. There are also other resolutions that could be presented to the Security Council, but there seems little stomach for further confrontation in Ramallah.

Meanwhile, Abbas is coming under extraordinary pressure to respond positively to the latest Quartet initiative to revive negotiations much as we have known them since they started two decades ago. The latest Quartet statement is in fact considerably worse than many of its predecessors - which is quite an achievement. It is all about process, and says absolutely nothing - at least explicitly - about what this process might produce. Perhaps the main item of interest about the Quartet, which was established by the George W. Bush administration as a substitute for the international community, was that it was incapable of agreeing on terms of reference for yet another peace process. Washington rejected inserting anything about a settlement freeze into the Quartet statement - basically imposing further settlement construction as part of any diplomatic process. At the same time, it insisted on inserting recognition of Israel as a Jewish State in exchange for mentioning the June 4, 1967 boundary lines. A compromise previously imposed on the Palestinians, in other

words, now has a new price tag. In so doing, the Americans met resistance from the Europeans and, it seems, outright rejection from the Russians. When that failed, the Quartet could do nothing more than come up with a rather lame excuse for yet another round of pointless negotiations.

An interesting side note is that the Europeans now appear to have also lost their ability to provide Abbas with political cover. In the months before September, the European position was agnostic on the Palestinian UN initiative but insistent that Abbas could not be sent home empty-handed. Yet that is exactly what the European Union (EU) and its 27 member states did. Part of the reason for this was apparent at a recent meeting of the UN Human Rights Council in Geneva. EU delegates put considerable effort into developing a common position, yet at the last moment the Dutch delegate - to the considerable outrage of his colleagues, it should be noted - was instructed by superiors in The Hague to remove language deemed unacceptable to the Netherlands. This included reference to the two-state settlement, Israeli harassment of human rights defenders, and other Israeli violations. If the EU cannot even agree on a reference to a two-state settlement, it is obviously part of the problem.

Ironically this, together with Congressional threats of financial and other sanctions, and more recently the Hamas-Israel prisoner exchange, may push the Palestinians even further down the path of internationalization. In other words, the extremism that has taken hold in Washington may have a positive impact on the development of an alternative Palestinian strategy. This all the more so because the real story behind the UN membership initiative has to do with unhappiness within Fatah about the status quo as well as with Fatah rivalry with Hamas. Abbas was coming under increasing pressure from within Fatah to undertake a significant step that would help reverse the disintegration of the movement and the collapse of its public support.

The UN initiative temporarily strengthened Abbas's position and Fatah at the expense of Hamas. It is worth recalling that Hamas was more or less dismissive of the UN bid. It felt marginalized and tried to tap into skepticism and misgivings of this initiative among important sectors of Palestinian society. Hamas believed that Abbas willfully ignored a key provision of the May reconciliation agreement that stated that no significant steps would be taken except on the basis of a Palestinian consensus - meaning consultations with Hamas. Yet as the UN membership appeared to be garnering genuine popular support, Hamas found itself having to call, via its Prime Minister in Gaza Ismail Haniya, for a strategic dialogue with the Palestinian leadership.

The prisoner exchange appears to have leveled the playing field. Now it is Abbas who appears keen to share the limelight with Hamas. Whichever party does the running, an alternative Palestinian strategy to overcome the legacy of the Oslo Accords depends not only on the internationalization of the question of Palestine but equally on the rejuvenation of the Palestinian national movement. Without serious reconciliation between Hamas and Fatah on the basis of a common political program, followed by the engagement on a democratic basis of hitherto excluded sectors of the Palestinian people, there is unlikely to be significant progress towards the revival of the national movement.

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