

Statehood without Peace?

THE NEW PALESTINIAN STRATEGY IS ONLY A CONTINUATION OF OLD POLICIES THROUGH NEW MEANS

Due to a general lack of give-and-take attitude on both sides the negotiations between Israel and the Palestinian Authority (PA) came to a hold at the end of September 2010. This has prompted the PA to opt for a radically new approach: They want to enforce the creation of an independent state through a *fait accompli*, both on the national and international scene. However, the Hamas controlled Gaza Strip is again neglected. The United States and the European Union (EU) should not stand by idly and watch.

Thanks to US applied pressure in September 2010 the direct negotiations between the two parties resumed after a long pause. But only a few weeks later the talks had already reached a dead end. The refusal by the Israeli Prime Minister Benjamin Netanyahu to extend the 10-month settlement freeze led to an immediate halt of the negotiations. On the other side, the stubborn Palestinian attitude of "No settlement freeze – No negotiations" contributed to the lack of trust in the process. And the Americans acted without a clear agenda or reinsurance.

Their special envoy to the Middle East, George Mitchell, travelled back and forth between Jerusalem, Ramallah, Cairo, Amman and Doha but was unable to reach any compromise. The US government under President Barack Obama then offered Netanyahu a whole package of guarantees in order to commit him to a 90-day moratorium. But Washington failed to see that due to the complex composition of the Israeli gov-

ernment – consisting of conservative-nationalists, right-wing populists, ultraorthodox and left-wing Zionists parties – such a commitment was impossible. Netanyahu foremost goal was to consolidate his government which he, due to the split of the Labour party in January 2011, ultimately achieved.

Creating facts without negotiations

After Israel executed plans to build thousands of new homes in the West Bank and East Jerusalem, Palestinian President and Chairmen of the Palestinian Liberation Organisation (PLO) Mahmoud Abbas had no choice but to cancel the peace talks. Abbas had to do this, because he was in an overall weak position due to the struggle between his Fatah and Hamas and because of mounting pressure in the population. His insistence on a moratorium was also a consequence of an ill advised US policy. President Obama's repeated calls for an end of constructions dashed any possibility for Abbas to compromise on this issue. It was only after the public pressure of the US government on Israel that he called for a settlement freeze as a prerequisite for talks. But because the US never applied sufficient pressure on Israel, Abbas was in a limbo.

The most disturbing development of the recent settlement activities is that constructions take place in areas that are far away from Israel, in settlements which are not considered part of the so-called Israeli consensus covering settlements that Israel will keep definitely. Settlements like Ofra, Eli and Shilo are

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all located in the northern part of the West Bank, between Ramallah and Nablus and thus far away from the "Green Line."

In response, the Palestinians contacted the Arab League, whose foreign ministers agreed with their position during a meeting in Libya in October 2010. It appears that Abbas wants to align the regional powers of Egypt and Saudi-Arabia on his position in order to win new legitimacy. At the same time he is lobbying for sympathies among the developing countries and emerging economies, the so-called "Group of 77". Although founded by 77 countries, the group has actually around 130 members who constitute a majority within the General Assembly of the United Nations (UN). This strategy of increased internationalisation of the conflict can be demonstrated with the example of South America. The states of this continent, which have close historic ties with the US, have always refused to accept an independent Palestinian state. However, after Venezuela already diverged from this policy in 2005, several other nations followed in 2010, including Brazil and Argentina. Some of them accepted not only the statehood of Palestine, but also insisted on the borders of June 4, 1967, the day before the Six-Day-War broke out. During this war Israel conquered both the Gaza Strip and the entire West Bank including East Jerusalem. The visit of President Abbas to Brazil in December 2010 to mark the foundation for the new Palestinian Embassy in Brasilia received much media attention. This policy is diminishing the importance of the bilateral contacts between Israel and the PA.

Is this new approach evidence enough for a change in the Palestinian negotiation strategy? Are the Palestinians not interested in negotiating at all, as some Israeli politicians imply? Are they, instead, following the approach of former Israeli Prime Minister Ariel Sharon, who created unilateral facts in the Gaza Strip without consulting the opposite side? In order to answer these questions, one

has to look at the two dimensions of the Palestinian strategy: the internal and the external.

Building of state institutions

During the second Intifada the Palestinian cause suffered a backlash in international support through the use of suicide bombings against Israeli civilians. The new political leadership made its conclusions and subsequently decided that a peaceful bottom-up process is preferable to an armed struggle for freedom. A leading advocate of this strategy is the western-backed technocratic Prime Minister Salam Fayyad. He is focusing on the build-up of government institutions and strictly non-violent resistance that includes the whole population. He first formulated this idea in the government programme of August 2009. Under the title "Palestine: Ending the Occupation, Establishing the State" he gave his government a 2-year deadline to prepare the Palestinian institutions for statehood. In August 2010 the government published a progress report in which it stated its preliminary results. These are – due to the missing decision-making authority in Gaza and the annexation of East Jerusalem – restricted to the West Bank. The successes were amongst others: improvement in the areas of economic development, good governance (anti-corruption measures, transparency and responsibility), infrastructure projects and an increase in the efficiency of the state institutions. One of the most symbolic outcomes is the publication of a monthly financial report on the website of the Ministry of Finance, which is also available in English. Thereby, the PNA managed to create an effective tool to ensure transparency. Another impressive step was the renovation of schools and streets in East Jerusalem, especially considering the fact that East Jerusalem is still under Israeli jurisdiction. But despite these efforts, there is still much room for improvement in the judicial sector, in guaranteeing political rights as well as in the fight against corruption. The so-called "Area C", nearly 60% of the West Bank,

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in which Palestinians can only build with an Israeli permission, is also part of the dark side of Fayyad's successes. Only a few Palestinian projects are on their way in this area whereas Israeli settlers receive over 1000 construction permits each year, despite the fact that tens of thousands of employment possibilities could be created there, especially in the fertile Jordan Valley. The Gaza Strip on the other hand suffers from Hamas control, which has problems to prevent smaller radical groups from waging a private war against Israel. This is the reason for the growing economic disparities between Gaza and the West Bank that would make a complete reintegration ever more expensive.

The West Bank government assumes that their legitimacy depends mainly on the ability "to deliver equitable social and economic development to the people and equal opportunities for all." But this is the greatest weakness of the government. Legitimacy rests also on free elections which have not been conducted for years. The official explanation that voting without the participation of Hamas makes no sense has a point; however, a continuous refusal to hold elections is a strong counter argument. The Supreme Court shares this view, which is why they have decided that the cancellation of the local elections in June 2010 was illegal and called for the setting of a new date.

Despite this criticism, the Palestinian strategy for statehood is a great success. The argument, that there is a lack of efficient government institutions to create a state, is therefore rather weak.

A declaration of independence

The second dimension of the Palestinian statehood strategy is an intensive diplomatic campaign for an independent state in which South America is only one example. The visit of the Russian President Dmitri Medvedev to the West Bank in January 2011 was another diplomatic success. Medvedev mentioned that the Russian Federation will honour the dec-

laration made by the former Soviet Union in 1988 to recognize Palestine as a state with East Jerusalem as its capital. According to Palestinian sources, over 100 nations have already recognized their state.

But what are the practical consequences of such a strategy? Even if European countries would follow this example – possible candidates are Sweden, Finland and Norway – it remains doubtful if this could bring real change to the Middle East. Essentially, this would be rather a symbolic inconvenience for Israel and would not bring an end to the occupation. A further escalation would be the involvement of the UN General Assembly, which could vote for a sovereign Palestinian state. Such a recognition would, however, not be binding for its member states according to international law. But the General Assembly could send a recommendation to the Security Council. But a consensus there seems unlikely due to US veto power. Nevertheless, if the PA gains a two-third majority at the General Assembly they could achieve UN membership. This would be nothing short of a PR nightmare for Israel. Regardless of its criticism towards the United Nations, Israel has always referred to the voting of the General Assembly in 1947 which, in an unprecedented step, brought about the creation of an Israeli state. Even today, this legitimacy is frequently cited by Israel.

Leverage for new negotiations

The PA strategy is not a deviation from the negotiation process, but rather a way to force Israel to meet the Palestinian terms. This becomes clearer when one considers the meaning of international recognition for the legitimacy of a state. The recognition by many international actors may be positive, but there are examples of states that worked quite well without a broad endorsement. It is more important to have practical bilateral agreements with the outside world. Furthermore, the degree of sovereignty is important. The Palestinian

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representatives, who had already declared statehood in 1988, are well aware of this. Their priority is to end the occupation, which would be followed by international recognition nearly automatically.

The involvement of the General Assembly is a threat, or – in case the Assembly would vote in favour of a Palestinian state – a method to have leverage to pressure Israel. It does not, however, replace trustworthy bilateral negotiations. The West must not simply stand by because this path is potentially very dangerous.

Why Europe and the US should be worried

Even so the Palestinian plans sound reasonable and peaceful, the Israelis are alarmed – and have every reason to be! Until now, the Palestinians in the West Bank and East Jerusalem have endured recent events – like the Lebanon war, the Gaza blockade and the Gaza war, the flotilla incident, settlement activities, rhetoric provocations – with a nearly fatalistic apathy. Even deadly incidents involving Israeli security forces and Palestinian civilians, the violent dispersal of demonstrations or new housing projects in East Jerusalem have not yet resulted in widespread violent resistance.

Low expectations and an improved socio-economic situation have contributed to that. But with growing wealth comes greater demand for self-determination. The Palestinians are fully aware of the growing international pressure on Israel, even if some remain sceptical. But what if there will be no declaration of statehood in August/September 2011, or if Israel simply ignores any declaration? The Israelis fear a so-called “White Intifada”, a form of peaceful resistance. This is already exercised in the village of Bil’in where activists are gathering every week to demonstrate the course of the Israeli security fence. Such demonstrations in East Jerusalem could attract thousands and would dominate international media

coverage in much the same way the events in Cairo do now. The example of Tunisia, whatever the outcome may be, could also serve as a role model. But this would be rather dangerous because sooner or later these demonstrations would lead to violence. A large number of victims on both sides in the middle of the holy city of Jerusalem would have unpredictable consequences.

Although this worst-case scenario is not predetermined, Europeans and Americans must start a common initiative for new talks. At the moment Israelis and Palestinians are unwilling to move forward, partly due to their own fault. It seems unlikely that the Palestinians will give up their demand for a settlement freeze and also the Israeli government is obviously not able to offer a proposal that would satisfy the PA. There is no alternative but an enforced initiative by the Middle East Quartet (UN, EU, USA, Russia) that would hurt both sides. Part of that plan could be the recognition of a Palestinian state in most parts of the occupied territories in coordination with Israelis and Palestinians. The next step would be further negotiations for a final status agreement and the withdrawal of tens of thousands of settlers from their homes. The plans circulating in parts of the Israeli political establishment to create a provisional Palestinian state comprising 40 to 60 percent of the West Bank seems unrealistic, especially because the PA has already rejected these offers in the past. Such initiatives are only a part of the usual unproductive blame game.

External involvement is also necessary because the opponents of a peaceful resolution are already interfering in all the hot spots of the region. This year has the potential to determine the future of the whole region – whether for the good or bad depends on external actors as well.



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