

## The Israeli-Palestinian Conflict in Transition: From Occupation to (De)Legitimization?

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### **News**

On the occasion of a meeting with German Foreign Minister Frank-Walter Steinmeier in late May 2015, Prime Minister Benjamin Netanyahu accused the Palestinians of launching a campaign aimed at the delegitimization of Israel.

### **Summary**

The present analysis examines a “game” that has recently gained significant relevance in the Israeli-Palestinian conflict. The implicit distraction from “real” issues of occupation are made sense of by critically discussing three basic assumptions of conventional wisdom on the nature of the Israeli-Palestinian conflict and the way it should be analyzed: the Arab/Palestinian conflict is no longer the mother of all regional conflicts, the Israeli-Palestinian conflict is not a conflict between equal adversaries with two potential states of “peace” or “non-peace,” and the uncritical application of the idea of conflict resolution is problematic. The article also assesses recent Palestinian and Israeli actions in the light of the declining relevance of a highly asymmetric conflict with no promising perspective of solution.

### **Key Words**

Israeli-Palestinian Conflict, Israel, Palestine, (De)Legitimization Policies

### *Note*

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## Analysis

Prime Minister Benjamin Netanyahu took the occasion of a meeting with German Foreign Minister Frank-Walter Steinmeier in May, 2015 to accuse the Palestinians of launching a campaign aimed at the delegitimization of Israel.<sup>1</sup> This verbal attack focusing on *delegitimization* is not an isolated event, but is part of a trend that has become rather common in recent years. M. J. Rosenberg called it an Israeli “hobbyhorse” already in 2011.<sup>2</sup> Thus, there seems to be more behind it than the—already dropped—Palestinian attempt to exclude Israel from the world football organization FIFA in late May.<sup>3</sup> What is it?

The Israeli delegitimization accusation is a response to the attempts of the PLO (Palestine Liberation Organization) to get full international recognition for a Palestinian state. “Initiative 194,” whose goal is to make Palestine the 194<sup>th</sup> member state of the United Nations, made it to the headlines when PLO Chairman Mahmud Abbas officially submitted an application for this in September 2011 to the UN Secretary General. Israel bluntly rejected the initiative and thus the two actors started to play a new game, which is the “(de)legitimization game.”

The initiative is to be considered a failure as the US Administration unequivocally announced that it would veto any such move in the Security Council. President Barack Obama even served as Netanyahu’s loudspeaker by endorsing the accusation that the Palestinian aim is to “delegitimize Israel.”<sup>4</sup> Yet, the campaign is still ensuing, and Abbas achieved an upgrade for Palestine in the United Nations as a non-member observer state. Moreover, since April 2015 Palestine has been a full member of the International Criminal Court, which implies that Israeli (as well as Palestinian) war crimes committed on Palestinian territory might be examined by the Court.

However, the (de)legitimization game played between Palestine and Israel has only to a rather low degree—if any—affected developments on the ground. It is also not very likely that even remarkable achievements of Initiative 194 bear the potential to significantly cross the lines of symbolic success. It is telling that Sweden, the first and so far the only member of the European Union that—in response to Initiative 194—has fully recognized Palestine, maintains excellent relations with Israel, according to its Foreign Minister Margot Wallström.<sup>5</sup> From a diplomatic perspective, Sweden went rather far—still, the impact on the harsh reality of occupation appears to be negligible.

In the light of all these developments, it appears to be puzzling that, initiated by the Palestinian side, Israel and the PLO are rather intensively playing the (de)legitimization game, thereby eclipsing the “real” issues of occupation.<sup>6</sup> For instance, since the US Administration officially declared at the end of 2010 that it would no longer put any pressure on Israel to accept even a temporary settlement freeze,<sup>7</sup> the Palestinians have not managed to bring the issue back to the upper echelons of the international agenda. At the same time, security cooperation in the West Bank (contrary to that in the Gaza

Strip under the control of Hamas) between the Palestinian Authority (PA) and Israel has functioned smoothly for years. The Authority also missed the chance to use the momentum of the “Arab Spring” to mobilize the Palestinian population against occupation. However, these observations become less puzzling when we critically put into question some basic assumptions of conventional wisdom pertaining to the nature of the Israeli-Palestinian conflict.

Firstly, the Arab/Palestinian-Israeli conflict was in a sense the mother of all regional conflicts in the Middle East in the second half of the 20<sup>th</sup> century—in the 21<sup>st</sup> century this is no longer the case. In the perception of both regional and powerful external actors, particularly the US, other issues have become increasingly more important: the “war against terrorism” and socio-economic and political regional conflicts embellished as religious conflicts between Sunni and Shia (cf. Sluglett 2015). Thus, due to changed perceptions and despite an arguably increased urgency in terms of human suffering, the relevance of the Israeli-Palestinian conflict for regional and international relations is in decline.

Secondly, contrary to how it is often presented, the Israeli-Palestinian conflict is not a conflict between equal adversaries. From the perspective of sociological normativism (Taraki 2006) and social constructivism (de Jong 2012), as well as from the angle of rationalist conflict analysis (Beck 2004), it can be shown that the conceptualization of the Israeli-Palestinian conflict as a game between equals is misleading. The power gap between Israeli and Palestinian actors is so profound that it appears hardly possible that a joint “solution” can be found in bilateral negotiations. The Israeli-Palestinian conflict is not primarily about the binary concept of “peace” and “non-peace” or “war,” but about the multiple—yet highly asymmetric—distribution of means of authoritative rule over Palestine. Moreover, the PLO qualifies at least as a weak opponent in a highly asymmetric conflict, whereas the Authority does not. The PA is the product of the reorganization of occupation within the framework of the Oslo process as created by asymmetric negotiations between Israel and the PLO (Krieger 2015: Chapter 3). Officially, it is the PLO that acts on the international arena, whereas the PA’s room to maneuver is confined to domestic affairs. Yet, both as a result of the overlap in the leaderships of the PLO and the PA, and the Palestinian eagerness to make extensive use of the term *Palestine*, the lines between the entities become increasingly blurred in the eyes of many observers.

Thirdly, in the light of nearly fifty years of occupation, the application of the paradigm of conflict resolution becomes less and less convincing. What should motivate Israel to accept “painful compromises” if the opponent does not have any means of seriously harming Israeli interests and the status quo is an option that is altogether acceptable to Israel? Alternative scenarios have been proposed by some liberal and leftist segments of the Palestinian society, the one-state solution based on the idea of a democratic binational state being one among them, which is, however, insofar meaningless, as it fundamentally contradicts Zionist convictions, according to which Israel’s Jewishness is the essence of the state identity. Multilateralization of the conflict (which could mitigate

the power asymmetry between Israel and the PLO) may appear as a way out—yet, why should Israel accept such a game changer to its disadvantage (cf. Huber/Kamel 2015)?

#### Actors' Behavior in an Asymmetric Conflict with no Promising Prospect of Solution

The Palestinian political elite of the West Bank-based PA has been trying to light a diplomatic firework since 2010, thereby certainly contributing to the fact that the Israeli-Palestinian conflict has lost less attention than expected. Yet, the impact of acquiring “virtual” statehood on “real” occupation on the ground is rather limited. The Palestinian strategy to acquire internationally legitimized statehood under the condition of Israeli occupation can be made sense of both from a justice paradigm and a power paradigm. On the one hand, the PLO, being deprived of access to other sources of capital, tends to put all its eggs in one basket: symbolic capital (cf. Bourdieu 1984). On the other hand, the political class—no other social grouping in Palestine though—is able to convert this symbolic capital into “real” benefits: it is increasingly in a position to approach the representatives of other states on an equal diplomatic footing.

Israel's response is based on a counter strategy which systematically alleges that the Palestinian side is attempting to delegitimize Israel rather than the Israeli occupation of Palestine. Moreover, Netanyahu responded by intensifying the “securitization policy”<sup>8</sup> toward Iran. The recent highlight of this policy was Netanyahu's speech in the American Congress, which was opposed by the Obama Administration, in the middle of the Israeli election campaign on March 3, 2015. Netanyahu was then heavily criticized for pursuing personal political interests only, thereby risking the “special relationship” with Israel's strongest and most reliable supporter among the international community.<sup>9</sup> This assessment, however, overlooks the fact that the relevance of the American presidents is second (behind the Congress) for the maintenance of the special relationship between the US and Israel. Moreover, it does not take into consideration that securitizing Iran's nuclear program enables Israel to distract from the Israeli-Palestinian conflict as the main issue affecting human security. Rather than the colonial oppressor, Israel then appears as the potential victim of an existential threat. Consistent with constructing Israel as the (potential) victim, Netanyahu asked the PA for “negotiations without conditions”<sup>10</sup>—that is negotiations under the condition of unrestricted occupational control.

The PA was set up as a junior partner of prolonged Israeli occupation its in 1994. The Authority was only warranted limited autonomy under the auspices of the occupational regime. In exchange for its rather narrow concessions, Israel received major acknowledgements: the tackling of all major issues with Palestine was postponed to future bilateral negotiations with ill-defined parameters; the international community committed itself to absorb the main costs of occupation by providing the Palestinians with extensive development aid; and Israel enjoyed large international recognition as a legitimate state. When, in the early 21<sup>st</sup> century, in the light of the Second Intifada, a movement from below as supported by Hamas, other Islamist groups, and major members of the PLO (including segments of Fatah) forced the PA, headed by PLO chairman Yasser Arafat, to reduce cooperation with Israel, the PA—and literally its headquarters—were ruined. As a result of the forceful, and hence for the Palestinian society very costly repression of the Second Intifada, the structural aggravation of the occupation (the deep-



ening of the closure policy by building a separation barrier in the West Bank and the cumulative fastening of the settlement belt around Jerusalem, *inter alia*) and the visible implications of a policy of refusing to collaborate (frequent military interventions in and blockade of the Gaza Strip), the PA under the leadership of Abbas accepted once again the role of junior partnership in the occupation. Yet another incentive for the Palestinian political class in doing so was also the chance to receive a piece of the Palestinian power cake, be it as small as it is.

Possibly the most impressive aspect of the (de)legitimization game is that Israel and the PA converge on one crucial issue: maintaining the vision of the Oslo peace process to bear the potential of achieving a “final status” agreement that is acceptable to both sides. There are actually rather few indicators that this is very likely to happen in the foreseeable future, mainly due to the grave power gap between the Israelis and the Palestinians, the huge positional gap between them, and the existence of societal veto groups to a negotiated agreement, particularly the settlers’ organizations on the one side and extremist Islamist groups on the other. Still, Israel has a vested interest in officially sticking to the notion that bilateral negotiations could be successful: in the post-colonial era with democratic and human rights values being upheld as guiding principles in the rhetoric of international relations, occupation can hardly be justified as a permanent regime. Yet, what is the rationale of the PA to maintain the goal of achieving a peaceful two-state solution in its negotiations with Israel? The Authority is a product of the Oslo peace process and could abandon it only if it were ready to commit political suicide.<sup>11</sup>

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<sup>1</sup> Dana Somberg 2015: Netanyahu to Palestinians. Stop Delegitimization Campaign and Return to Peace Talks, *Jerusalem Post*, May 31, available at: <http://www.jpost.com/Breaking-News/Netanyahu-to-Palestinians-Stop-delegitimization-campaign-and-return-to-peace-talks-404593>.

<sup>2</sup> M.J. Rosenberg 2011: Netanyahu is the One "Delegitimizing" Israel, *Huffington Post*, June 23, available at: [http://www.huffingtonpost.com/mj-rosenberg/netanyahu-is-the-one-delegitimizing-israel\\_b\\_882872.html](http://www.huffingtonpost.com/mj-rosenberg/netanyahu-is-the-one-delegitimizing-israel_b_882872.html).

<sup>3</sup> Sharif Nashashibi 2015: FIFA. Palestine's Own-Goal. The Backlash against the Palestine Football Association Adds to the Frustration with the PA's Ineptitude and Duplicity, *Al-Jazeera*, June 2, available at: <http://www.aljazeera.com/indepth/opinion/2015/06/fifa-palestine-goal-150602081352532.html>.

<sup>4</sup> Rosenberg (Fn. 2); *The White House, Office of the Press Secretary* 2011: Remarks by the President on the Middle East and North Africa, May 19, 2011, available at: <http://www.whitehouse.gov/the-press-office/2011/05/19/remarks-president-middle-east-and-north-africa>.

<sup>5</sup> *Jerusalem Post* 2014: Sweden Says Relations with Israel Excellent, despite Recalling of Ambassador, October 31, available at: <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Sweden-says-relations-with-Israel-excellent-despite-recalling-of-ambassador-380392>.

<sup>6</sup> One of the incentives of the PLO to play this game with Israel is to meet the challenge that the much more radical civil society-led BDS (Boycott, Divestment, Sanctions) Movement poses to the PLO (cf. Ali Abunimah 2013: Under Pressure, PLO Tries to Limit Damage from Abbas Attack on Israel Boycott, *The Electronic Intifada*, December 13, available at: <https://electronicintifada.net/blogs/ali-abunimah/under-pressure-plo-tries-limit-damage-abbas-attack-israel-boycott>). However, this dimension cannot be covered in the short present article.

<sup>7</sup> *Financial Times* 2010: US Drops Jewish Settlement Demand, December 8, available at: <http://www.ft.com/cms/s/0/bbea6a46-0260-11e0-ac33-00144feabdc0.html#axzz3RKOY8aV8>.

<sup>8</sup> This concept of the Copenhagen School was developed by Barry Buzan *et al.* (1998). The idea is that political actors, if they successfully securitize an issue, are put in the position of legitimizing extraordinary measures.

<sup>9</sup> Cf. Chris McGreal 2015: How Netanyahu's Speech to Congress has Jeopardized US-Israel Relations. Highly Visible Snubs, from Refusing Obama Meeting to Accusations that Israeli Government not Trustworthy, Come Weeks before Netanyahu Faces Tight Election, *The Guardian*, February 24, available at: [https://www.google.de/?gws\\_rd=ssl#q=Cf.+Chris+McGreal+2015:+How+Netanyahu%E2%80%99s+Speech+to+Congress+has+jeopardized+US-Israel+Relations%2C+The+Guardian%2C+February+24](https://www.google.de/?gws_rd=ssl#q=Cf.+Chris+McGreal+2015:+How+Netanyahu%E2%80%99s+Speech+to+Congress+has+jeopardized+US-Israel+Relations%2C+The+Guardian%2C+February+24).

<sup>10</sup> Netanyahu, as cited in Somberg (Fn. 1).

<sup>11</sup> Self-dismantling of the PA is sometimes presented as a threat to Israel because it would force it to take over direct control of the whole of the West Bank again. Yet, this is far from sure: Israel could then simply strengthen *de-facto* integration of the settlements on the side of the separation barrier facing Israel, and at the same time organizing a blockade of the West Bank.

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