

## *Quo Vadis Palestine?*

*Martin Beck*

### **News:**

Recent events related to Palestine—the failure of another round of US-promoted bilateral negotiations in May 2014, the Gaza War in summer 2014, the terrorist attack on a West Jerusalem synagogue in November 2014, as well as the Palestinian Authority's application for and upcoming membership of the State of Palestine in the International Criminal Court on April 1st, 2015—have brought the Palestinian issue, which had received fairly low attention during the heyday of the Arab Spring, back to the center stage of Middle Eastern politics.

### **Key Words**

Palestine, Israeli-Palestinian Conflict, Future Scenarios

### **Summary:**

Current occurrences related to the Palestinian issue appear contradictory and leave the observer rather puzzled in terms of what future to expect for Palestine. The present short analysis outlines and critically discusses three future scenarios. Two of them are based on the dominant paradigm that the Israeli-Palestinian conflict will—sooner or later—be “solved.” The two-state solution could result either from a bilateral negotiation process, as favored by the leading Western powers, or from a successful unilateral state-building process in Palestine. Another scenario is a one-state solution over the territory of what today is Israel plus the occupied Palestinian territories (East Jerusalem, the West Bank, and the Gaza Strip), which could take two forms: a binational democratic state of Israel/Palestine or a Jewish Israeli state. An alternative to these two solution-oriented scenarios is based on the idea that, some adaptations to changing environments notwithstanding, occupation, which was introduced to Palestine nearly fifty years ago as a result of the June War 1967, has proven to be robust. According to the third scenario, occupation is the durable form of government in East Jerusalem, the West Bank, and the Gaza Strip.

## Analysis:

### Scenario 1: Two-State Solutions

#### *1.1 Two States as a Result of Bilateral Negotiations between Israel and the PLO*

The two-state solution has served the international community as the dominant normative anchor in regulating the Israeli-Palestinian conflict since as early as the 1990s. When the late Israeli Prime Minister Yitzhak Rabin and the late PLO chairman Yasser Arafat under the patronage of US President Bill Clinton signed the Oslo Declaration of Principles in September 1993, expectations that it could become reality peaked. However, the Oslo process collapsed at the latest as a result of fruitless negotiations in Camp David in July 2000, the outbreak of the Second Intifada in September 2000, and Israel's harsh military reaction to it. Several attempts to resume negotiations between the two conflict parties failed. Yet, as a normative anchor, the idea of a two-state solution was even strengthened when in March 2002 United Nations Security Council adopted it in resolution 1397.

Even in the heyday of the Oslo process in the years 1993 to 1995, some significant structural obstacles existed that made realization of the two-state solution as a result of bilateral negotiations appear rather difficult. First and foremost, Israel was much superior to the PLO in terms of material capabilities and therefore always had a rather good alternative to agreeing to painful compromises: the maintenance of the status quo. Moreover, the benefits of the Oslo Accords were very unevenly distributed among the conflict parties: Israel got full recognition as a state by the PLO, whereas Israel recognized the PLO just as the representative of a people, with no commitment to the establishment of a fully sovereign Palestinian state. Moreover, the Oslo Accords did not restrict Israel in any way in continuing its occupation of Jerusalem and settlement activities in the West Bank.

Not only are these obstacles still in place, but for several reasons it appears much more unlikely that they will be overcome in the year 2015 than twenty years ago. Firstly, in both the Israeli and the Palestinian political systems, spoilers of any meaningful compromise have become much stronger: extreme Islamist parties on the one hand and right-wing ultra-nationalist political parties on the other. Secondly, as a result of the failed Oslo process and several attempts to resume it, the degree to which the conflict parties trust each other is significantly lower than twenty years ago. Yet trust is a basic prerequisite to

achieve cooperation in the international system. Thirdly, the Israeli settlers' movement has succeeded in creating facts on the ground: Any—no matter how peace-oriented—Israeli government would find it difficult to implement a policy that contradicts the interests of roughly half a million settlers who are well integrated and represented in mainstream Israel.

### *1.2 Two States as the Result of a Successful Unilateral State-building Process in Palestine*

Both out of Western encouragement to create state institutions in the frame of the so-called Fayyad Plan, which was heavily supported by the World Bank, and out of frustration after several rounds of fruitless bilateral negotiations with Israel, the Palestinian Authority under the leadership of Mahmud Abbas developed a new strategy in 2011: Get international recognition for a Palestinian state.

Apart from gaining symbolic power, what is the rationality of this recent approach? The PLO had already officially declared the state of Palestine in November 1988. Yet, as long as its territory and mobility of persons and goods in and out of Palestine is controlled by Israel, the existence of the state of Palestine is inclined to remain a virtual phenomenon. Recognition of Palestine as a state, however, may be a leverage to increase pressure on Israel because it makes a normative difference whether Israel is the occupier of "territories" or of a recognized "state."

The US did not hesitate to clearly state that it considered the Palestinian ambition to get its unilaterally declared state recognized as illegitimate and announced that in the Security Council it would veto the Palestinian Authority's attempt to become a full member of the United Nations. Insofar as there are no indicators that the US could change its position, it is fair to claim that this approach has already failed. However, in November 2012, Mahmud Abbas, in a vote of the General Assembly of the United Nations, managed to receive an upgrade from being a "non-member observer entity" to being a "non-member observer state." This success had a certain impact beyond pure symbolism. Firstly, the governments of some states—including EU member Sweden in October 2014—followed suit in recognizing Palestine and established full diplomatic relations. Secondly, the new status served as a basis for Palestine to successfully apply for membership in the International Criminal Court, with membership officially commencing in April 2015. However, both developments are very likely to fall short of converting Palestinian statehood from virtuality into reality. Those states that fully recognize Palestine lack the power capabilities to put substantial pressure on Israel to abandon occupation. At the same time, Israel has strong allies in the Western world, particularly the US and Germany.

Should Israeli officials be sentenced for war crimes by the International Criminal Court, this would be to the embarrassment of European members of the Court. However, as neither Israel nor the US is a member, the impact would still be limited.

## Scenario 2: One-State Solutions

### 2.1 A Binational Democratic State

The establishment of a binational democratic state rather than two states was deemed the “rational choice” for Palestinians and the “moral choice” for Israelis in an article published in 1997 in the journal “International Affairs” by Jenab Tutunji and Kamal Khaldi. After the failure of the Oslo process this vision became more seriously discussed, particularly among Palestinian intellectuals. The logic behind the idea of a binational democratic state is that Palestinians could realize self-determination in a democratic state in which approximately half of the population is Palestinian. Although exact population figures are highly contested, there can be no doubt that the number of Palestinian Israelis (who make up roughly 20% of Israeli citizens) plus the Palestinians in the occupied territories is at least close to the number of Jewish Israeli citizens. Moreover, since the fertility rate among Palestinians is significantly higher than among Jewish Israelis and no other major Jewish immigration wave (as in the 1990s after the downfall of the Soviet Union) is to be expected, Palestinians populating Israel and Israeli occupied territory will probably outweigh the Jewish population of Israel within the foreseeable future.

Nevertheless, the establishment of a binational democratic state appears to be rather unlikely. Firstly, although there is some support for this approach to solve the conflict among the Palestinian population, there is no mass movement for it. Moreover, the political class of Palestine, albeit general highly fragmented and disunited, basically agrees that a binational state is not desirable: Hamas and other Islamist parties would have trouble accepting Jewish Israelis as citizens with equal rights; apart from resentments toward Jewish Israelis among the PLO, the Palestinian Authority would abandon its *raison d'être* if it gave up the idea of a Palestinian state. Secondly, a binational state contradicts the basic idea of Zionism, according to which Israel must be a Jewish state. Thus, rather than serving as a “rational” or “moral” choice, respectively, the notion of a binational state is mostly used as a rhetorical argument by Israeli and Palestinian liberals and leftists to underline that Israeli occupation contradicts democratic values.

## 2.2. Jewish Israeli State

Israel could extend its Zionist self-conception as a Jewish state to the Palestinian territories occupied in 1967. It already did so with East Jerusalem, which was formally annexed in 1980, when all of Jerusalem was declared the “eternal and indivisible” capital of Israel. Yet, under current conditions, the costs of an annexation of major parts of the West Bank would outweigh the benefits for Israel. If all Palestinian territories were annexed, there would be no (clear) Jewish majority in the state of Israel, which then would have significantly greater trouble obscuring its democratic deficits. Moreover, it would be extremely difficult for Israel to prevent hundreds of thousands of Palestinians from moving freely in Israel. Yet, if Israel “only” annexed those parts of Palestine that are densely populated by Jewish settlers, it would be under pressure to release the “rest” of Palestine—the parts that Israel would not annex—into statehood. Thus, apart from alienating radical segments of the settlers, such a move could trigger the establishment of a hostile Palestinian state.

Thus, if Israel formally annexed further parts of Palestine, it would lose the political flexibility that it enjoys as an occupational power. For example, in the past, Israel was able to adapt its policy toward the Gaza Strip several times in keeping with its interests as a result of a changing environment. In 1994/95, it passed over the internal administration of the ecologically extremely challenged Gaza Strip to the Palestinian Authority; in 2005, in the frame of its policy of “unilateral disengagement,” Israel could entirely withdraw from the coastal area densely populated by Palestinians without relinquishing its capabilities to control access of goods and persons to and from the Gaza Strip.

The scenario of the Jewish Israeli state extending its borders to further parts of the occupied Palestinian territories other than East-Jerusalem would only appear realistic if West Bank Palestinians were to be expelled over the Jordanian border. Although the influence of Israeli actors favoring a “transfer solution” has increased since the failure of the Oslo process, such a move could only be legitimized to the Israelis and particularly the international community in the wake of a major regional war—if at all. Even then, costs for Israel would be high, particularly in terms of further delegitimizing its existence as a state in the Middle East.

### **Scenario 3: Occupation as a Durable Form of Government in East Jerusalem, the West Bank, and the Gaza Strip**

Occupation has proven to be a much more robust and flexible instrument of government than possibly could have been expected half a century ago. In the frame of occupation, Israel managed to diversify its rule over Palestine ac-

ording to its various needs: East Jerusalem was annexed, thus making its territory, albeit not its people, an integral part of Israel. Although not de jure, most areas in the West Bank that Israel is interested in for “strategic” reasons are de facto integrated into Israel, particularly the big settlement blocs that are connected with Israel by infrastructure based on the latest technology. The Gaza Strip, in which Israel has comparatively low strategic and no cultural or economic interest, could be sealed, thereby preventing it from developing any significant potential.

Rather than bringing an end to occupation, the Oslo process contributed to legitimizing it and facilitated its sophistication. As a result of its recognition of the PLO, Israel gained international and even regional legitimacy. At the same time, the Palestinian Authority served as a local junior partner in containing radical Palestinian groups. Despite all tensions between Israel and the Palestinian Authority in terms of overall future conflict regulation, Palestinian-Israeli security cooperation mostly functions well. At the same time, since the Oslo process, the international community, mainly the Europeans, have taken over the bulk of the economic costs of occupation by providing the Palestinians and the Authority with “generous” financial aid.

#### 4. Conclusion

From a leftist, alternative perspective, the establishment of a binational democratic Israeli-Palestinian state as presented in scenario two may have the strongest normative power. Yet, mainstream normative orientation sticks to the two-state solution as outlined in scenario one. If, however, a strict empirical-analytical perspective is applied, the third future scenario appears to be more likely—as long as no major changes in context conditions occur. In other words, despite its ethical unattractiveness, for the time being prolonged occupation in one form or the other appears most likely, unless there are major shifts in power dispersion between the Palestinians and the Israelis. Israel’s highly superior power materializes as its capability to live with the status quo of occupation and to adapt it to changing needs. At the same time, this makes the establishment of a binational democratic state very unlikely. Yet, the second variant of scenario two would also become only more likely if the power gap between Israel and the Palestinian actors were even to widen, particularly in the course of a major regional war.

According to the present analysis, scenario one—primarily in the form of a two-state solution—is likely to remain the dominant normative paradigm, not only because it is favored by major international actors, but also because both Israel and the Palestinian Authority have a strong interest in keeping it alive: Israel would have much more difficulty justifying occupation if this form of

repressive and undemocratic government were officially portrayed as permanent, and the Palestinian Authority owes its very existence to the bilateral Oslo process. However, a sustainable two-state solution would only become likely if the power gap between Israel and the Palestinian Authority significantly narrowed. There are no indicators that this could happen in the foreseeable future in the economic and military realm. Slightly more likely, though not very, are changes in the Western perception of Israeli occupation of Palestine as a tolerable form of government. Such a change in perception could lead to Western pressure toward a multilateralization of negotiations on a Palestinian state. Then the Palestinians could partially compensate for their lack of power vis-à-vis Israel. However, thus far Israel has always been able to rely on special support particularly from the US and Germany. Therefore, continuation of the occupational regime is the most likely scenario within a foreseeable future.

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