

SWP Research Paper

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*Peter Lintl (ed.)*

# Actors in the Israeli-Palestinian Conflict

Interests, Narratives and the  
Reciprocal Effects of the Occupation



Stiftung Wissenschaft und Politik  
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The study examines the ways in which the Israeli-Palestinian conflict shapes and transforms the interests, narratives and options of relevant actors, in light of the failure of peace talks and the continuing occupation of the West Bank.

The first contribution examines the Israeli discourse, laying out how the absence of resolution creates a paradoxical situation where majorities exist both for a two-state solution and against a Palestinian state. This translates politically into growing paralysis in relation to possible peace talks.

The second contribution analyses how the Palestinian leaderships in Ramallah and Gaza City relate to the Israeli occupying power, within a spectrum of negotiations, resistance rhetoric and direct and indirect cooperation. The contribution also elaborates how the leaderships unintentionally became accessories to the occupying power.

The third contribution explores how the EU's engagement suffers a discrepancy between stated objectives (two-state solution, Palestinian development) and achieved outcomes. It proposes concrete measures for resolving the conundrum.

The fourth contribution examines the humanitarian organisation UNRWA, which operates under conditions of occupation and – inevitably but unwillingly – becomes a party to the conflict.

The fifth and last contribution examines the Israel lobby in the United States. Whether the occupation of the West Bank lies in Israel's interests is found to be increasingly controversial among American Jews, and creating divisions within the Israel lobby.

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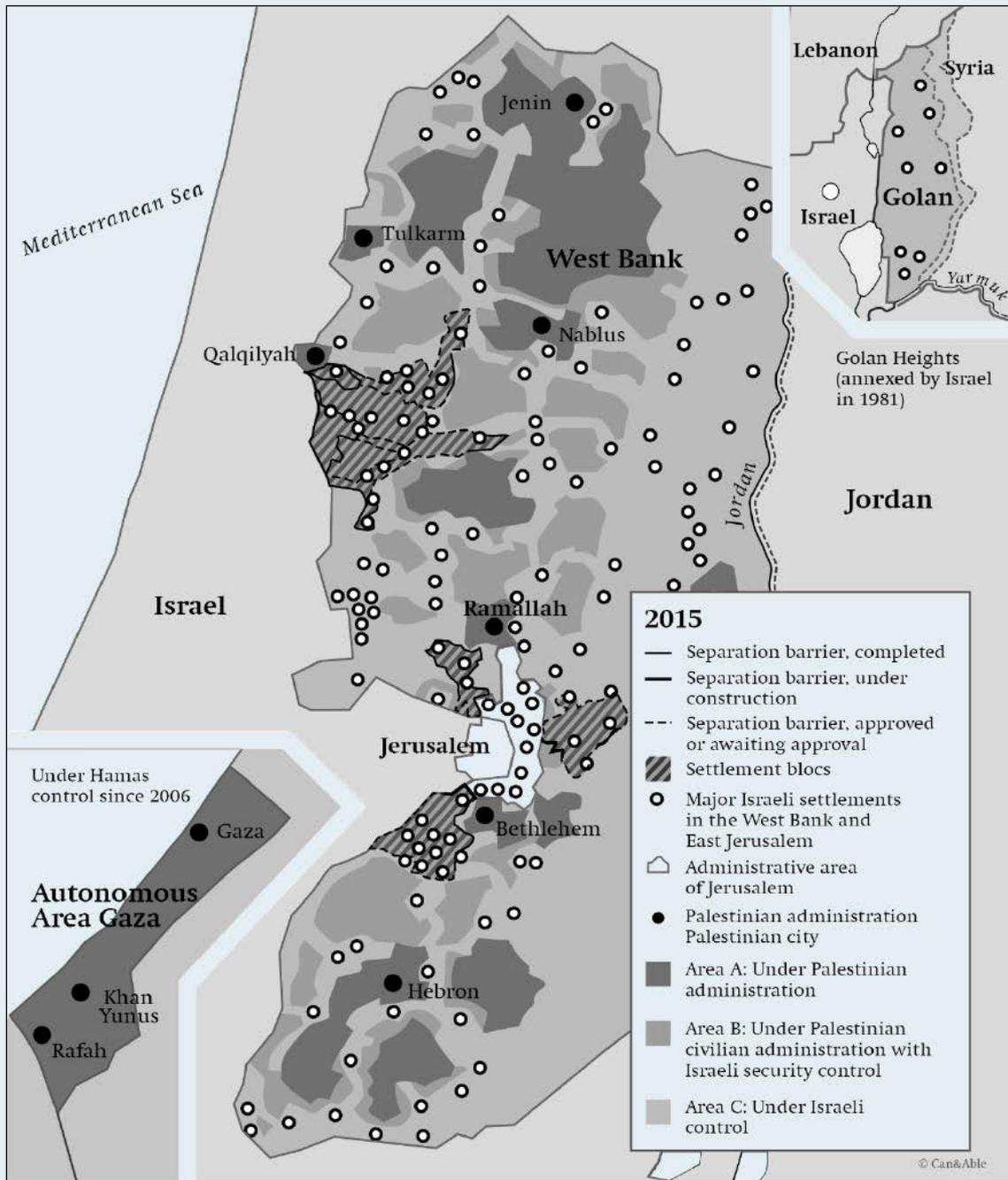
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### West Bank, Gaza Strip and Golan Heights



## **Actors in the Israeli-Palestinian Conflict. Interests, Narratives and the Reciprocal Effects of the Occupation**

Israel's presence in the West Bank has already lasted more than half a century. The Israeli side describes it as "civil administration" while the entire international community regards it as an occupation. The past twenty-five years have seen a series of efforts to resolve the conflict between Israelis and Palestinians on the basis of "two states for two nations". US President Donald Trump's decision to recognise Jerusalem as Israel's capital indirectly endorses the Israeli annexation and has even reopened debate over the Oslo Accords, in which the two sides recognised each other's national rights for the first time. It is currently unclear what could bring the parties together again.

Virtually no other conflict has attracted comparable international attention or experienced as many mediation attempts. International actors have pursued a string of initiatives to lead the peace process to a successful conclusion: US President Bill Clinton's Camp David summit, the Middle East Quartet's Road Map, the Arab Peace Initiative, and efforts by non-state actors, such as the Geneva Initiative. On the ground numerous government agencies and NGOs work to encourage peaceful coexistence, promote development projects and protect human rights. Last but not least, many advocacy and lobbying groups are also involved in the conflict, seeking to draw international attention to the interests of both sides.

Yet peace remains elusive and the occupation persists. The study examines how the conflict shapes and transforms the interests, narratives and options of different actors, and investigates the factors and processes that obstruct the path to resolution. Particular attention is devoted to the central role played by the continuing Israeli occupation of the Palestinian territories and how the occupation affects the actors' political perspectives and the pressures shaping their actions.

The study concentrates on five actors: the Israelis, the Palestinians, the European Union, UNRWA (the United Nations Relief and Work Agency for Palestine Refugees in the Near East), and the Jewish Israel lobby in the United States. After illuminating the situation

and roles of the immediate parties – the Palestinians and Israelis – the last three contributions examine examples of other types of actor and the question of how they relate to the conflict. The EU sees itself an international actor capable of supporting the peace process; UNRWA is an international humanitarian organisation operating under conditions of occupation; while the Israel lobby in the United States seeks to shape the conflict indirectly by influencing US politics. As we will show, not only do the actors affect the conflict, but even more so the conflict transforms the actors, although to differing extents.

In the case of the *Israeli discourse*, which is examined in the first contribution, the question is how the absence of a resolution affects Israeli public opinion, political actors and power constellations. The contribution lays out how the right-wing political camp is sceptical towards peace talks and benefits from their failure, while left-wing positions are increasingly marginalised. These trends have persisted since 2001 and ensure today that almost nobody in Israel's political landscape is calling for final status negotiations with the goal of a two-state solution. On the other hand a discussion about the partial annexation of the West Bank seems to have become acceptable.

The second contribution analyses how the *Palestinian leaderships* in Ramallah and Gaza City relate to the Israeli occupying power within a spectrum of negotiations, rhetoric of resistance, and direct and indirect cooperation. The contribution shows how the Palestinian Authority (PA) and Hamas, for all their differences and however reluctantly, have become accessories to the occupation.

The third contribution examines the *role of the European Union*, concluding that a discrepancy exists between the goals the EU has set itself and the results it has achieved. Efforts to work towards a two-state solution have faltered, as has support for Palestinian development. Both, the author also argues, are further undermined by the ongoing conflict.

The fourth contribution considers the international humanitarian organisation UNRWA, which operates under conditions of conflict and occupation – and involuntarily becomes a party to the conflict. The author analyses the tensions that arise in a constellation where UNRWA works with and for the Palestinians but depends entirely on Israeli cooperation, and explores how UNRWA handles its sensitive role.

The fifth and last contribution turns to the *Israel lobby in the United States* as a classical advocacy actor. The author shows how the question of what is in Israel's

interests has become a matter of growing controversy among American Jews. This is reflected concretely in divergent perspectives concerning the occupation, and in growing criticism of the Israel lobby among parts of the Jewish community.

The analyses produce a range of recommendations for Germany and the European Union, which can be divided into three categories.

Firstly, development-oriented and humanitarian measures are recommended to improve the lives of Palestinians. Concretely, the EU should both promote economic development in the Palestinian Territories – for example through infrastructure measures in Area C – and work to stabilise the humanitarian situation in Gaza, including by insisting that its borders be opened.

Secondly, the authors recommend political initiatives and measures – such as strengthening Palestinian statehood and democratic structures and continuing critical dialogue with Israel over the two-state option. At the same time, they argue, greater recognition must be accorded to the pervasive Israeli threat perception that has also come to dominate the national discourse. They recommend clear communication of the distinction between criticism of the occupation and positions delegitimising the state of Israel.

Thirdly, some of the contributions express a clear recommendation to combine political and economic measures in such a way as to give the actors incentives to resolve the conflict. Two proposals in particular serve that end: Firstly a refocusing of EU policy through a plan that both supports statehood and discourages occupation and settlement-building. Secondly, the development of an effective set of European instruments to change Israel's calculations concerning settlement-building, perhaps in the form of an expansion of the policy of differentiation. This restricts all cooperation and benefits offered by the EU to Israel in the borders of 1967 and excludes the settlements and their products.

Peter Lintl

# Repercussions of the Unresolved Conflict on Israeli Power Constellations and Actor Perspectives

The Palestinian Territories have been under Israeli occupation since 1967. Today, despite twenty-five years of peace initiatives, violence between the two sides remains a reality and the prospects of a quick end to the conflict are more remote than ever. Today there is little sign of a breakthrough to end the conflict – which appeared possible in the 1990s, encapsulated in the phrase “two states for two nations”. While majority support for the two-state solution still exists in Israel, a majority of Israelis have ceased to believe that the Palestinians can be “a partner” in the peace process, and therefore wish to see the occupation maintained in the interests of security.

This paradox – abstract support for a two-state solution but de facto rejection – results from a development that began with the successive failures of peace talks. The outcome has been not simply the absence of a resolution, but a vicious circle creating ever-growing scepticism towards the peace process itself. One effect of this dynamic is that conflict narratives are exaggerated, belief in the prospects of peace talks evaporates and military options are prioritised over political. These tendencies shape Israeli politics to this day, above all in two respects: Firstly, they have played a decisive role in shifting the political centre of gravity to the right. Secondly, the perspectives of the political actors have changed: The left-wing “peace camp” has increasingly abandoned its demand for immediate final status negotiations, while the right-wing camp rules out a Palestinian state and has begun increasingly openly calling for partial annexation of the West Bank.

If we are to comprehend the current situation, it is important to understand the political shifts that have occurred in Israel concerning the question of the peace process and how to deal with the Occupied Territories. This means starting by going back to 1967 and sketching out the fundamental changes that led

to the emergence of a majority for a two-state solution for the first time in the 1990s. Then I will describe in greater detail how that majority was successively lost again, and the sceptics gained the upper hand. Various developments served as catalysts: the repeated failures of talks, the Second Intifada of the early 2000s, Israel’s withdrawal from Gaza in 2005, and the subsequent confrontations with Hamas. The contribution examines these processes from a social psychology perspective. Its central research questions are: What were the repercussions of the failure of peace initiatives on Israeli society? What were the reasons for these changes? And how they are reflected in changing majorities?

## Israeli Positions on the Occupied Territories and the Origins of the “Peace Camp”

Yitzhak Rabin was the first Israeli prime minister to initiate a peace process with the Palestinians. In 1994 he declared that there were two possibilities for dealing with a Palestinian nation that rejected Israeli rule: to govern by force at the price of a never-ending cycle of violence, or to seek a mutually acceptable peaceful resolution.<sup>1</sup>

That insight had been a long time coming. For decades Israeli governments had refused to recognise the Palestinians as legitimate negotiating partners. Instead they were nothing more than subjects of what Defence Minister Moshe Dayan, shortly before the 1967 Six-Day War, called “enlightened occupation”

1 “PM Rabin’s Speech to the Opening Session of the Knesset”, *Israel Ministry of Foreign Affairs* (online), 18 March 1994, <http://mfa.gov.il/MFA/PressRoom/1994/Pages/PM%20RABIN-S%20SPEECH%20TO%20THE%20OPENING%20SESSION%20OF%20THE%20KN.aspx> (accessed 8 December 2017).

(*Kibush Naor*).<sup>2</sup> “Enlightened occupation” permitted civil liberties but excluded political self-determination, and as such ruled out any possibility of a Palestinian state emerging in a two-state solution.<sup>3</sup> The term was soon dropped from official communications on account of its implications for Israel’s position under international law. The assertion by Golda Meir, Israeli’s prime minister from 1969 to 1974, that “there is no Palestinian people” exemplifies that perspective.<sup>4</sup>

At the same time there was certainly a range of different ideas about how Israel should treat the Occupied Territories. During the first decade of the occupation (1967–1977) the governing Labor Party followed the so-called Allon Plan, building buffer settlements in the Jordan Valley, but largely preventing Israelis from settling in densely populated Palestinian areas. The Allon Plan was predicated on the idea that parts of the West Bank would be returned to Jordan in the scope of a possible peace settlement.<sup>5</sup> Likud, which first came to power in 1977, always wanted to settle the Palestinian territories, which it regarded as part of a historic “Complete Land of Israel” (*Eretz Israel HaShlema*). So the immediate objective of Likud’s settlement policy was to make it impossible for Israel to withdraw from the West Bank.<sup>6</sup>

In the course of the 1980s the differences between Likud and Labor over the Occupied Territories became Israel’s central domestic political conflict. The crux of the matter was whether or not it was in Israel’s interest to withdraw from the Occupied Territories, be it for security-driven, demographic, moral or ideological reasons. Likud largely maintained its line that the West Bank had been liberated rather than occupied, and that it was Israel’s legitimate right to build settlements there. Additionally, this point of view was combined with the argument that settlements constitute a

necessity for reasons of security.<sup>7</sup> The Labor Party, on the other hand, gradually shifted its position towards withdrawal.<sup>8</sup> By the 1990s it was arguing that peace talks and a territorial compromise represented the best option for ending the conflict. One factor behind this shift was the fear that demographic trends meant that the Palestinians might at some point come to represent the majority if Israel annexed the Palestinian Territories. Additionally, especially after the First Intifada (1987–1993), the idea took hold in the Labor Party that peace could ultimately only be achieved through a deal with the Palestinians.

That debate remains central to the Israeli political system to this day. One measure of its significance is that it defines the left/right coordinates in the Knesset and the division into two main blocks: Likud is the strongest party in the right-wing block (alongside the National Religious Party/Jewish Home, Moledet, Yisrael Beiteinu and others), also known as the “hawks”, while the Labor Party became the leading force in a left-wing block (“doves”), which also includes Meretz, Meimad and Gesher.

### **In the 1990s the left argued increasingly for “two states for two nations” as the guiding principle for resolving the conflict with the Palestinians.**

The 1990s witnessed the climax of the left/right confrontation, when the left-wing camp for the first time ever recognised the Palestinians as an autonomous negotiating partner with national rights. In this context the left – backed by a majority within the population – argued increasingly forcefully for “two states for two nations” as the guiding principle for resolving the conflict with the Palestinians. It was ready to withdraw from the Israeli-controlled Palestinian Territories in the scope of a peace agreement. The Labor prime ministers Yitzhak Rabin (1992–95), Shimon Peres (1995/96) and Ehud Barak (1999–2001), who drove the Oslo Process and the Camp David II and Taba (2000/01) peace talks, were especially closely identified with this course. The right-wing camp continued to reject any territorial compromise and insisted that the Occupied Territories belonged to Israel

<sup>2</sup> Gershon Shafir, *A Half Century of Occupation: Israel, Palestine, and the World’s Most Intractable Conflict* (Oakland, 2017), 23–25.

<sup>3</sup> Shlomo Gazit, *Trapped Fools: Thirty Years of Israeli Policy in the Territories* (London, 2003), 19f.

<sup>4</sup> Baruch Kimmerling and Joel S. Migdal, *The Palestinian People: A History* (Cambridge, 2003), xxvi.

<sup>5</sup> Gershon Shafir and Yoav Peled, *Being Israeli: The Dynamics of Multiple Citizenship* (Cambridge/UK, 2008), 161.

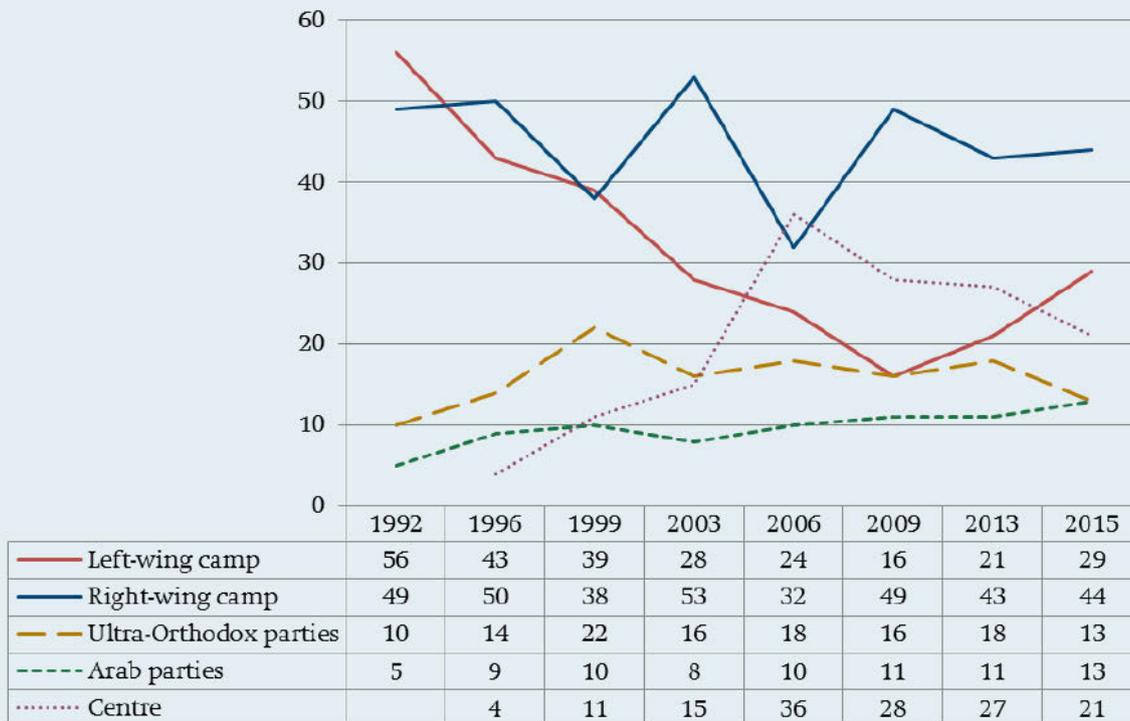
<sup>6</sup> Gazit, *Trapped Fools* (see note 3), 268; Asher Arian and Michal Shamir, “Two Reversals: Why 1992 Was Not 1977”, in *The Elections in Israel 1992*, ed. Asher Arian and Michal Shamir (New York, 1995), 17–53 (28).

<sup>7</sup> Arye Naor, “The Security Argument in the Territorial Debate in Israel: Rhetoric and Policy”, *Israel Studies* 4, no. 2 (autumn 1999): 150–77.

<sup>8</sup> Arian and Shamir, “Two Reversals” (see note 6).

Figure 1

### Political camps in the Israeli parliament since 1992 (number of seats)



Data from Knesset website, classification into camps by author.

historically and that it was imperative on grounds of security to maintain a military presence there. Political and public support for a peace settlement peaked during the phase of the Camp David and Taba talks. After 2001 majority public opinion and the convictions of the political actors gradually began shifting rightwards. This created a new strong political “centre” whose principal bond was lack of trust in the Palestinians. At the same time power shifted first to the political centre and from 2009 – under Prime Minister Benjamin Netanyahu who has governed ever since – even further to the right. Figure 1 shows how the balance of forces in the Knesset has changed since the first talks between Israelis and Palestinians in 1992.

### Fundamental Shifts in Public Attitudes

The failure of the Camp David II (2000) and Taba (2001) peace negotiations and the contemporaneous outbreak of the Second Intifada represented a watershed for Israeli society. Many reasons can be identi-

fied for the talks’ failure: ignorance and/or incomprehension of the other side’s expectations, strong internal political opposition, personal mistrust among the negotiators, and the imminent end of the terms of both Bill Clinton and Ehud Barak.<sup>9</sup> The Palestinians argue that at Camp David, Ehud Barak and the Americans tried to force Yasser Arafat, as President of the Palestinian National Authority, to accept an arrangement that would have divided the West Bank in two. The improved offer placed on the table a year later in Taba was equally unacceptable, they say, because Barak made it just one month before elections he was expected to lose to Ariel Sharon of Likud. Barak on the other hand saw the Palestinians’ rejection of the first ever offer of a two-state solution at Camp David in 2000 as evidence

<sup>9</sup> Laura Zittrain Eisenberg and Neil Caplan, *Negotiating Arab-Israeli Peace: Patterns, Problems, Possibilities*, 2nd ed. (Bloomington, 2010), 222 – 52; Abdel Monem Said Aly, Shai Feldman and Khalil Shikaki, *Arabs and Israelis: Conflict and Peacemaking in the Middle East* (New York, 2013), 331 – 60.

that they would never seek peace with Israel as long as Arafat was their leader. This interpretation was massively reinforced by the outbreak of the Second Intifada in October 2000, which was to become the bloodiest conflict between Israelis and Palestinians since 1947/48 — and which Barak believed had been planned by Arafat.

Barak's interpretation was largely adopted by Israeli society.<sup>10</sup> A belief that the Palestinians were not interested in peace became the new national "foreign policy consensus" in Israel after 2001.<sup>11</sup> Critical voices such as Ron Pundak, one of the architects of the Oslo Accords, who pointed out that mistakes on all sides were to blame for the failure, largely fell on deaf ears.<sup>12</sup> Even individual positive aspects such as enormous progress on security and the question of defining a border played no role in the Israeli discussion.<sup>13</sup> The journalist Gershon Baskin summed it up when he noted that it was irrelevant whether this belief corresponded with the facts or was oversimplified: it was the narratives that convinced the majority in Israeli society.<sup>14</sup>

The consequences become clear from a social psychology perspective if one examines the question of the repercussions of failure of negotiations on each of the societies. The social psychologists Halperin and Bar-Tal point to two factors in particular that explain this change. Firstly, they argue, as the most highly decorated soldier in Israeli history Barak was perceived as an "epistemic authority" in questions of security; in other words, he was broadly accepted as a credible instance.<sup>15</sup> Barak's line of argument undermined the

central tenet of the left-wing camp, that the conflict could be resolved by way of peace negotiations. The second phenomenon behind the loss of belief in a political solution, Halperin and Bar-Tal argue, is the emergence of what they describe as an "ethos of conflict". What they are referring to here is a kind of pattern for the public response to incisive experiences with long-running conflicts, which began to bite for Israelis (and Palestinians too) after extensive and traumatic experience of violence in the Second Intifada.<sup>16</sup> The central characteristic of the ethos of conflict is the consolidation on each side of world views that justifies their role in the conflict. Each side sees its own position as sensible and justified, while the adversary's goals and actions are illegitimate and immoral, all of their actions interpreted as suspicious and malign. The emergence of such an ethos is associated with a series of social psychological processes: an intensification of patriotism, dissemination of a friend/foe dichotomy, and security-focussed rhetoric presenting the nation's survival as threatened — in short the internalisation of a siege mentality.<sup>17</sup> Blame for the conflict is placed solely on the adversary (the conflict exists because the adversary seeks conflict with us), while the causes of conflict are reduced to black and white. The outcome of this process also depends on fundamental political positions already adopted: The establishment of the ethos of conflict confirms and consolidates the convictions of those forces that were already largely sceptical towards the adversary, while the proponents of compromise are marginalised or "converted".

### **The shift after the Second Intifada in the Israel public mood has been described as a "psychological earthquake", from which the Israeli peace camp has never recovered.**

That process goes some way to explaining why the Israeli discussion about the Occupied Territories has

[www.cco.regener-online.de/2007\\_2/pdf/halperin.pdf](http://www.cco.regener-online.de/2007_2/pdf/halperin.pdf) (accessed 16 February 2018).

<sup>16</sup> Ronni Shaked, "Ethos of Conflict of the Palestinian Society", in *A Social Psychology Perspective on the Israeli-Palestinian Conflict: Celebrating the Legacy of Daniel Bar-Tal*, ed. Keren Sharvit and Eran Halperin, vol. 2 (Heidelberg, 2016), 133–48.

<sup>17</sup> Tamir Magal, Daniel Bar-Tal and Eran Halperin, "Why Is It so Hard to Motivate People to Support the Peace Process?" [in Hebrew], *Politika: The Israeli Journal of Political Science and International Relations* 1 (2015): 3–58 (5ff.).

<sup>10</sup> Daniel Dor, "All the News That Fits: The Israeli Media and the Second Intifada", *Palestine-Israel Journal* 10, no. 2 (2003), <http://www.pij.org/details.php?id=38> (accessed 8 December 2017).

<sup>11</sup> Raffaella Del Sarto, *Israel under Siege: The Politics of Insecurity and the Rise of the Israeli Neo-Revisionist Right* (Washington, D.C., 2017), 1ff.

<sup>12</sup> Ron Pundak, "From Oslo to Taba: What Went Wrong?" *Survival* 43, no. 3 (2001): 31–45.

<sup>13</sup> Said Aly, Feldman and Shikaki, *Arabs and Israelis* (see note 9), 345.

<sup>14</sup> Gershon Baskin, "Encountering Peace: In the Land of Miracles, Let's Get Real", *Jerusalem Post*, 29 September 2009, <http://www.jpost.com/Opinion/Encountering-peace-In-the-land-of-miracles-lets-get-real> (accessed 8 December 2017).

<sup>15</sup> Eran Halperin and Daniel Bar-Tal, "The Fall of the Peace Camp in Israel: The Influence of Prime Minister Ehud Barak on Israeli Public Opinion: July 2000–February 2001", *Conflict and Communication Online* 6, no. 2 (2007): 1–18 (10), <http://>

changed so much since the 1990s. This applies less to the right-wing conservative camp, which never trusted the Palestinians anyway, than to the advocates of a two-state solution, who are found on the left and centre of the political spectrum.<sup>18</sup> Halperin and Bar-Tal describe this shift in public mood as a “psychological earthquake”,<sup>19</sup> from which the Israeli peace camp has never recovered.

A comparison of survey findings from the 1990s and 2000s confirms this: In the 1990s there were majorities for the positions of the left-wing “peace camp”. The share of the population who describe themselves as “left-wing”, for example, peaked in 1999, and has declined steadily since.<sup>20</sup> This trend is associated with a successive abandonment of the belief that a two-state solution is achievable. Shortly before the spring 1999 elections 63 percent believed that *regardless of the election result* a final status agreement would be concluded with the Palestinians including Israeli withdrawal from the Occupied Territories and the establishment of a Palestinian state.<sup>21</sup> Altogether, since such surveys began in 1994, a majority of Israelis have always been clear that the logical final destination of peace talks would be a Palestinian state. The pollsters summarised the findings of their 1999 survey as follows: “[F]rom the standpoint of the Israeli public, the answer to the question of the establishment of an independent Palestinian state has already been determined.”<sup>22</sup> 55.6 percent also believed that the Palestinians’ demand for a state of their own was justified and fulfilling this in the scope of a peace agreement was no problem for Israel.<sup>23</sup> All these data underline the dominance of the negotiation paradigm in the 1990s.

18 Toby Greene, “Israel’s Two States Debate”, *International Affairs* 91, no. 5 (2015): 1009–26 (1011).

19 Halperin and Bar-Tal, “The Fall of the Peace Camp in Israel” (see note 15), 8.

20 Uzi Rebhun, *Israel Today: Society, Identity, and Political Affinities* (Jerusalem: The Jewish People Policy Institute, 2015), 18, [http://jppi.org.il/uploads/Israel\\_Today-Society\\_Identity\\_and\\_Political\\_Affinities-English.pdf](http://jppi.org.il/uploads/Israel_Today-Society_Identity_and_Political_Affinities-English.pdf) (accessed 8 December 2017).

21 Ephraim Yaar and Tamar Hermann, *Peace Index – December 1998*, [http://www.peaceindex.org/files/peaceindex1998\\_12\\_3.pdf](http://www.peaceindex.org/files/peaceindex1998_12_3.pdf) (accessed 8 December 2017).

22 Idem, *Peace Index – March 1999*, [http://www.peaceindex.org/files/peaceindex1999\\_3\\_3.pdf](http://www.peaceindex.org/files/peaceindex1999_3_3.pdf) (accessed 8 December 2017).

23 Ibid.

This fundamentally positive Israeli attitude towards the two-state framework changed radically in the 2000s. Four trends illustrate this:

One of the clearest trends, firstly, is the erosion of the Israeli trust in the will of the Palestinians to make peace. Until the Second Intifada a majority of Israelis assumed that the Palestinians wanted peace. That figure has declined noticeably.<sup>24</sup> Since 2001 a relatively constant majority of more than 60 percent believe that the Palestinians are unwilling or unable to make peace.<sup>25</sup>

This was associated, secondly, with a loss of confidence in Israel’s ability to bring about peace through its own actions. In the 1990s the left-wing camp in particular still largely believed that Israel held the keys to a negotiated solution, by making an offer to the Palestinians. This attitude changed after the Palestinians were blamed for the failure of the peace talks. Broad sections of society were now emotionally distanced towards the Palestinian perspective on the conflict and disinterested in the living conditions of the Palestinians under the occupation. They believed that the Palestinians were at least partly to blame for their situation because they were unwilling to compromise.<sup>26</sup> After the Second Intifada, the jour-

24 Yehuda Ben Meir and Olena Bagno-Moldavsky, *The Voice of the People: Israeli Public Opinion on National Security 2012*, INSS Memorandum 126 (Tel Aviv: The Institute for National Security Studies [INSS], April 2013), 75, [http://www.inss.org.il/wp-content/uploads/systemfiles/memo126e%20\(2\)410001833.pdf](http://www.inss.org.il/wp-content/uploads/systemfiles/memo126e%20(2)410001833.pdf) (accessed 8 December 2017).

25 Dov Waxman, “Living with Terror, Not Living in Terror: The Impact of Chronic Terrorism on Israeli Society”, in *Terrorism and Political Violence*, ed. Caroline Kennedy-Pipe, Gordon Clubb and Simon Mabon (London, 2015), 181–96 (187); “Survey: Only 28.2 Percent of Israelis Say Palestinian Peace Partner Exists”, *Jewish News Syndicate* (online), 14 December 2012, <http://www.jns.org/news-briefs/2012/12/14/survey-only-282-percent-of-israelis-say-palestinian-peace-pa.html#.WeTHf2i00U> (accessed 8 December 2017); Del Sarto, *Israel under Siege* (see note 11), 49f.

26 Eran Halperin, Neta Oren and Daniel Bar-Tal, “Socio-Psychological Barriers to Resolving the Israeli-Palestinian Conflict: An Analysis of Jewish Israeli Society”, in *Barriers to Peace in the Israeli-Palestinian Conflict*, ed. Yaacov Bar-Siman-Tov (Jerusalem, 2010), 28–57; Eran Halperin, “Emotional Barriers to Peace: Emotions and Public Opinion of Jewish Israelis about the Peace Process in the Middle East”, *Peace and Conflict: Journal of Peace Psychology* 17, no. 1 (2011): 22–45; Amos Harel and Avi Issacharoff, “Years of Rage”, *Haaretz*, 1 October 2010, <http://www.haaretz.com/israel-news/years-of-rage-1.316603> (accessed 8 December 2017).

nalists Amos Harel and Avi Issacharoff write: “For most Israelis, what happens there [in the West Bank] is taking place on the dark side of the moon, even if it’s only a half hour’s drive from their homes.”<sup>27</sup>

Thirdly, Israeli public interest in a possible peace agreement evaporated. Until the Second Intifada, Israelis named a peace agreement with the Arab states and the Palestinians as the most important political objective.<sup>28</sup> But from 2001 on, a majority now agreed that the most important concern was to preserve the state of Israel as a Jewish state. This shift in opinion demonstrates two things: Firstly, it signals that Israelis continue to regard the preservation of their demographic majority in Israel as more important than holding onto territorial control of the entire West Bank, and implies a willingness to cede territory. But at the same time it confirms that Israelis have abandoned the search for a peace settlement. In other words, the wish for complete spatial separation overrides efforts to find a resolution.

**A majority in Israel now wanted a two-state solution but a majority also believed it to be unrealisable. This paradox has survived to this day.**

The associated, fourth, significant trend, finally, was that the period of the Second Intifada saw a fundamental shift in the way most Israelis viewed the conflict. Political hopes for a final peace agreement were supplanted by the maxim that the most that could be expected was a temporary “pacification”. And that is an objective achieved primarily through military force rather than political means.<sup>29</sup> The priority is now conflict management rather than conflict resolution. As Lev Grinberg puts it: If the lesson of the First Intifada had been that there could be no military solution, only a political one, the dictum was reversed after the Second Intifada: Now there was no political solution, only a military one.<sup>30</sup>

<sup>27</sup> Ibid.

<sup>28</sup> Ben Meir and Bagno-Moldavsky, *The Voice of the People* (see note 24), 47.

<sup>29</sup> Ibid., 76ff.; Bradley Burston, “The War That Palestine Couldn’t Lose — and Did”, *Haaretz*, 30 September 2004, <http://www.haaretz.com/news/background-the-war-that-palestine-couldn-t-lose-and-did-1.136089> (accessed 8 December 2017).

<sup>30</sup> Lev Louis Grinberg, *Politics and Violence in Israel/Palestine: Democracy versus Military Rule* (London, 2010), 172.

Despite these shifts, even after 2000 a majority of Israelis basically continued to support the idea of a two-state solution as the formula for conflict resolution, above all because that would guarantee the preservation of the Jewish majority in Israel.<sup>31</sup> But the new sense of scepticism meant that most Israelis no longer believed that peace could be achieved by way of negotiations with the Palestinians. In other words, a majority in Israel now wanted a two-state solution but a majority also believed it to be unrealisable. This paradox, which crystallised at the beginning of the 2000s, has survived to this day. It also represents one of the fundamental tenets of the new political centre that subsequently emerged. Between 2005 and 2009 half of Israelis located themselves in the centre of the political spectrum, even if this does not tally precisely with their party-political preferences (see Figure 1, p. 9). This documents the fading of the pro/contra bipolarity over the two-state solution that still characterised Israeli politics in the 1990s.<sup>32</sup>

### **Political Repercussions: The Left Moves to the Centre and Unilateralism Becomes the Order of the Day**

This shift in public opinion is also reflected in political activity and in the party preferences of Israeli voters. The policies of the Israeli government since the early 2000s have been characterised above all by unilateral actions without consulting the Palestinians. This was seen especially clearly in the Israeli withdrawal (so-called “disengagement”) from Gaza and four small settlements in the West Bank in 2005 and in the construction of the separation barrier around the major West Bank settlement blocs beginning in 2002. Above all Ariel Sharon, Likud prime minister from 2001 to 2005, pursued this principle of unilateral action. But Sharon’s policy of territorial withdrawal provoked a split in Likud that cost him the party leadership. He went on to found the new centrist party Kadima, which won the largest vote share in the 2006 and 2009 elections and exemplified the political shifts. Kadima argued that Israel had to leave parts of the occupied territories, but questioned the sincerity

<sup>31</sup> Yehuda Ben Meir and Olena Bagno-Moldavsky, *Vox Populi: Trends in Israeli Public Opinion on National Security 2004–2009*, INSS Memorandum 106 (Tel Aviv: INSS, 2010), 37.

<sup>32</sup> Ibid.

of the Palestinians.<sup>33</sup> It was open to elements from both right and left, as reflected in the diverging policies of its leaders: While Sharon highlighted his mistrust of the Palestinians and pursued a more right-wing security-led course, his successors as leader, Ehud Olmert and Tzipi Livni, leant more towards the left, reflected for example in their willingness to resume peace talks in Annapolis in 2007/2008.

Kadima was initially very successful, taking votes from parties on both the left and right (see Figure 1, p. 9). But there was a crucial difference. Although the right briefly lost support to Kadima it largely held its own line, rejecting both a Palestinian state and any withdrawal from the Occupied Territories. The parties to the right of Likud – including the National Union and the National Religious Party (from 2008 Jewish Home) – continued to press for Israeli sovereignty to be expanded to the West Bank. The left-wing parties nominally upheld their call for final status negotiations, but in fact pursued a more or less unilateral approach. This is especially clear in the example of the Labor Party: Not only did it adopt a plan for unilateral withdrawal in 2003, but in 2006 its leader Amir Peretz even declared that there was no difference between Kadima and the Labor Party over this issue.<sup>34</sup>

The strategy of unilateralism – devoid of consultation or negotiation with the Palestinians – was a double-edged sword, however. The government's hopes – that the plan would “lead to a better security, political, economic and demographic situation”<sup>35</sup> – were at best partially fulfilled. In fact the unilateral policy actually strengthened those forces on the Palestinian side who argued that only violence would persuade Israel to give up the Occupied Territories. As far as these hardliners were concerned, the Israeli withdrawal had been motivated above all by the armed resistance of the Palestinians.<sup>36</sup> This phenomenon of reinterpretation had already been observed in Palestinian society following Israel's withdrawal from

Lebanon.<sup>37</sup> It demonstrates very well why unilateral steps – even where they consist in relinquishing territorial control – are no substitute for peace negotiations. It is a consequence of the ethos of conflict described above and the inherent underlying belief that the other side is malign: the absence of talks strengthens actors seeking grounds to escalate. In line with this conflict logic, Israeli's unilateral withdrawal contributed to an escalation of violence between Hamas and Israel.

### Israeli Society Loses Faith in a Solution: 2009 to Present

Recurring armed conflict with Hamas in 2006, 2008/09, 2012 and 2014 further strengthened the trend for scepticism towards a peace settlement. In Israel the confrontations popularised an interpretation arguing that each territorial withdrawal (from Area A in the 1990s, Lebanon in 2000 and Gaza in 2005) led to new aggression. This increasingly led politicians and the Israeli public to regard the relinquishment of occupied territory as a mistake. The failure of the Annapolis peace talks in 2007/2008 and the split between Fatah and Hamas also consolidated the belief in Israeli society that a peace settlement was impossible. Journalists in various political camps have commented in recent years that, as one put it: “Israeli society lost its faith in peace.”<sup>38</sup>

In fact mistrust of the Palestinians has actually grown. Several post-2009 surveys found that more than 70 percent of Israelis believe that the Palestinians are not partners for peace. And stable majorities also still believe that the Palestinians intend to gradually destroy the state of Israel and that a withdrawal from the Occupied Territories would significantly harm Israel's security.<sup>39</sup>

**33** Asher Arian and Michal Shamir, “A Decade Later, the World Had Changed, the Cleavage Structure Remained: Israel 1996–2006”, *Party Politics* 14, no. 6 (2008): 685–705 (700).

**34** Jonathan Mendilow, “The Hidden Agenda of the 2009 Elections”, *Israel Studies Forum* 25, no. 2 (2010): 81–101 (94).

**35** The Prime Minister's Office, *The Cabinet Resolution Regarding the Disengagement Plan*, 6 June 2004, <https://tinyurl.com/yb9av4oe> (accessed 8 December 2017).

**36** Said Aly, Feldman and Shikaki, *Arabs and Israelis* (see note 9), 373f.

**37** PSR – Survey Research Unit, *Public Opinion Poll #1, 27–29 July 2000*, <https://web.archive.org/web/20110607135527/http://www.pcpsr.org/survey/polls/2000/p1a.html> (accessed 8 December 2017).

**38** Baskin, “Encountering Peace” (see note 14). For a similar assessment from the left-leaning online magazine +972 see Larry Derfner, “The Silent Majority of Complacency: Israel's Right-Wing Voters”, +972 (online), 14 March 2015, <https://972mag.com/the-silent-majority-of-complacency-israels-right-wing-voters/104122/> (accessed 8 December 2017).

**39** Shlomo Brom and Anat Kurz, *Strategic Survey for Israel 2013–2014* (Tel Aviv: INSS, 2014), 165.

## Israel sees itself trapped between the necessity to withdraw from the Occupied Territories and the impossibility in doing so.

The opinion that there is *no* solution to the conflict with the Palestinians is shared not only by the right-wing camp, but since 2015 by a majority of Israelis.<sup>40</sup> One interesting sign of this shift in opinion is the success of *Milkud 67*, which was the best-selling non-fiction book in Israel in 2017 (“Catch 67”, referring to the dilemma at the heart of the popular 1960s anti-war novel *Catch 22*<sup>41</sup>). Its author Micah Goodman argues that a withdrawal from the Palestinian Territories occupied in 1967 is necessary to maintain a Jewish majority in the state of Israel. But at the same time he notes that the lesson of the 2000s is that any further renunciation of territory would endanger Israel’s security. All attempts to resolve the conflict through negotiations, he adds, have ultimately failed. This leaves Israel trapped between the necessity to withdraw from the Occupied Territories and the impossibility of so doing – a dilemma for which, he argues, currently nobody has an answer.<sup>42</sup>

The majority belief in Israeli society that there is no solution for the conflict with the Palestinians is a development of the 2010s, a period characterised by a further heightening of the conflict and continuation of the occupation. On the one hand, there is more or less a consensus that in the long term, in the interests of the demographic balance of power, there needs to be a withdrawal from at least the most populous Palestinian Territories. But at the same time any withdrawal is now regarded as impossible on grounds of security, which implies and justifies maintaining the occupation indefinitely.

<sup>40</sup> The Israel Democracy Institute, *Monthly Peace Index*, 10 March 2015, <https://en.idi.org.il/press-releases/12768>; Jehoshua Breiner, “Most Israelis Believe: There Will Never Be a Peace Treaty with the Palestinians” [in Hebrew], *Walla News*, 1 October 2016, <https://news.walla.co.il/item/3002287> (both accessed 8 December 2017).

<sup>41</sup> Joseph Heller, *Catch 22* (New York, 1961).

<sup>42</sup> Haviv Rettig Gur, “The Peace Process Hasn’t Brought Peace: The Case for Moving On”, *Times of Israel*, 27 June 2017, <http://www.timesofisrael.com/a-gentler-war/>; Isabel Kershner, “A Best-Selling Israeli Philosopher Examines His Country’s Inner Conflict”, *New York Times*, 9 June 2017, <http://www.nytimes.com/2017/06/09/world/middleeast/a-best-selling-israeli-philosopher-examines-his-countrys-inner-conflict.html> (both accessed 8 December 2017).

This shift in majority public opinion in the course of the 2010s has also left its mark on Israel’s party politics, where the centre of gravity has shifted even further to the right. 2009 marked a turning point. Firstly for the majorities themselves: Since the 2009 election the right-wing and religious bloc (the secular and religious nationalist parties and the ultra-Orthodox) have enjoyed narrow majorities in parliament. However for various reasons these parties do not always form coalitions with one another (as in 2013 – 2015).

Secondly, a rightward shift in the political camps as a whole can also be observed: The idea that successful final status negotiations could be conducted in the near future was largely abandoned – even outside of the right-wing camp – at the latest following the failure of the talks initiated by US Secretary of State John Kerry in 2013. Instead today the centre-left camp speaks increasingly frequently of peace talks being off the table for several years. Until then, they say Israel must withdraw to secure borders but continue to control security in the Palestinian Territories. A range of positions are found in the right-wing camp today, with most believing that the conflict can at best be managed. But those who favour conflict management also include voices advocating immediate annexation of parts of the West Bank. The demand for immediate annexation is a new phenomenon of the 2010s.

### Between Conflict Management and Annexation: Right-Wing Camp Shifts Further Right

The peace process has been largely stalled since Prime Minister Benjamin Netanyahu took office in 2009. Although Netanyahu announced in 2009 – as the first Likud prime minister to do so – that he would not rule out the possibility of a two-state solution under certain conditions,<sup>43</sup> his actions have never shown any indication of steps in that direction. Netanyahu’s statement that the two-state solution was conceivable in principle was nothing but a tribute to the fact that this model has become the accepted norm internationally and its open rejection would have isolated Israel. Domestically and in election campaigning the prime minister repeatedly emphasised that the Palestinians

<sup>43</sup> “Full Text of Netanyahu’s Foreign Policy Speech at Bar Ilan”, *Haaretz*, 14 June 2009, <http://www.haaretz.com/news/full-text-of-netanyahu-s-foreign-policy-speech-at-bar-ilan-1.277922> (accessed 8 December 2017).

were not partners for the Israeli government, that there will be no Palestinian state as long as he is prime minister,<sup>44</sup> and that Israel is “here to stay, forever” in the West Bank.<sup>45</sup> Netanyahu accordingly pursued a policy designed above all to minimise the conflict with the Palestinians while simultaneously retaining strategic control over the West Bank and pressing ahead with settlement-building. A climate where conflict resolution is regarded as unlikely has always been fundamentally favourable for Likud, which has been saying just that for more than thirty years. In fact to date Netanyahu’s sceptical stance has been his guarantee of re-election and the strategic foundation of his election campaigns: Netanyahu injected threat discourses into the media discourse which – so the message – only he was capable of tackling.<sup>46</sup> The 2015 campaign represented a prime example.<sup>47</sup> On top of this comes a policy of targeted discreditation of domestic critics, with Israeli human rights organisations depicted as the “fifth column” of Israel’s enemies. In the discourse of parts of Netanyahu’s government (especially Likud and Jewish Home) “left” has become a slur.

But it is also clear that even if he wanted to, Netanyahu would not be able to launch any credible initiative towards a two-state solution. With a majority of Likud deputies categorically rejecting such a move, it would in all likelihood cost Netanyahu the support of his party and therefore also his office.<sup>48</sup> And anyway

the principal conflict within Likud today is a different one: The internal controversy is over the question of whether partial annexations should already be carried out. At least half the current Likud deputies demand immediate partial annexation of the West Bank,<sup>49</sup> some even complete annexation.<sup>50</sup> Netanyahu himself and former coalition chair David Bitan take a different position: Neither opposes annexations in principle, but in light of international circumstances they regard such a move as impractical and fear it would worsen relations especially with the United States.<sup>51</sup> One can describe Likud’s policy since 2009 above all as a policy of conflict management aiming no higher than pacification. Likud continues to reject a Palestinian state, instead encouraging settlement construction and discussing partial annexation (on the question of which party supports which solution for the Occupied Territories, see also the overview on page 16). Similar positions are also advanced by Yisrael Beiteinu and Jewish Home. The latter is the most vociferous advocate of annexation of at least Area C. The former supports a two-state solution, but makes this conditional on the transfer of Israeli Arabs to the new Palestinian state. That option remains unrealistic because Israel’s Arab population cannot be expected to support it. Thus in day-to-day politics Yisrael Beiteinu also tends towards a policy of conflict management. Unlike Jewish Home, however, Yisrael Beiteinu defers to American opposition and opposes partial annexation of the West Bank.<sup>52</sup>

**44** Barak Ravid, “Netanyahu: Bar-Ilan 2-state Speech No Longer Relevant in Today’s Reality”, *Haaretz*, 8 March 2015, <https://www.haaretz.com/.premium-bar-ilan-speech-no-longer-relevant-1.5333961> (accessed 28 May 2018).

**45** Yotam Berger, “Netanyahu Vows to Never Remove Israeli Settlements from West Bank: ‘We’re Here to Stay, Forever’”, *Haaretz*, 29 August 2017, <http://www.haaretz.com/israel-news/1.809444> (accessed 8 December 2017).

**46** One illustrative and perhaps unintentionally comical example is a campaign advert presenting Netanyahu as the “Bibi-sitter” (his nickname being Bibi); he asks the startled parents whether they would prefer him or one of the opposition leaders to look after their children. <http://www.youtube.com/watch?v=JQ1BlDU4iM> (accessed 8 December 2017).

**47** Peter Lintl, “Understanding Coalition Formation in Israel: Party Positions and Cleavages in Light of the 2015 Elections”, *Orient* 56, no. 3 (2015): 27–35.

**48** See Peter Lintl, *The Dynamics of a Right-wing Coalition: How the Failure of the Peace Processes Encourages Domestic Populism in Israel*, SWP Comment 45/2016 (Berlin: Stiftung Wissenschaft und Politik, October 2016), <https://www.swp-berlin.org/>

[fileadmin/contents/products/comments/2016C45\\_tdl.pdf](fileadmin/contents/products/comments/2016C45_tdl.pdf) (accessed 8 December 2017).

**49** Including Tzipi Hotovely, Yariv Levin, Zeev Elkin, Yuli Edelstein, Danny Danon, Miri Regev, Yoav Kish, Yehuda Glick, Yisrael Katz, Yuval Steinitz, Haim Katz, Nava Boker, Avi Dichter, Oren Hazan, Miki Zohar.

**50** Raphael Ahren, “The Newly Confident Israeli Proponents of a One-state Solution”, *Times of Israel*, 16 July 2012, <http://www.timesofisrael.com/at-hebron-conference-proponents-of-the-one-state-solution-show-their-growing-confidence/> (accessed 8 December 2017).

**51** Ravit Hecht, “Which Direction Does the Strongest Man in Israeli Politics Want to Take the Country?” *Haaretz*, 4 October 2017, <http://www.haaretz.com/israel-news/.premium-1.815717> (accessed 8 December 2017).

**52** Udi Shaham and Tovah Lazaroff, “Lieberman: Israeli Annexation of West Bank Will Cause ‘Immediate Crisis’ with US”, *Jerusalem Post*, 6 March 2017, <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Lieberman-Israel-warned-West-Bank-annexation-will-cause-immediate-crisis-with-US-483345> (accessed 8 December 2017).

## Overview

Positions of parties represented in the Knesset towards the Occupied Territories<sup>a</sup>

Knesset camp	Demands, positions
<b>Political objective:</b> Negotiation <b>Supporters:</b> Meretz, United Arab List, parts of Labor Party <b>Size:</b> ~ 20 percent of Knesset	<ul style="list-style-type: none"> <li>■ Final status negotiations on the basis of “two states for two nations”</li> <li>■ Land swap: settlement blocs in exchange for land parcels in Israel</li> <li>■ Jerusalem as open capital of two states with separate administrations</li> <li>■ Negotiations on the basis of the Arab Peace Initiative, scepticism towards bilateral talks on the existing pattern (exception: United Arab List)</li> </ul>
<b>Political objective:</b> Conflict transformation <b>Supporters:</b> Labor Party, Yesh Atid, parts of Kulanu <b>Size:</b> ~ 30 percent of Knesset	<ul style="list-style-type: none"> <li>■ Adherence to two-state solution</li> <li>■ Jerusalem as undivided capital of Israel</li> <li>■ Preservation of the Jewish state as top priority</li> <li>■ Scepticism towards chances of direct talks</li> <li>■ Evacuation of isolated settlements, retention of settlement blocs</li> <li>■ Completion of separation barrier</li> <li>■ Economic development of Palestinian Territories</li> <li>■ Transitional period for conflict transformation and confidence-building</li> <li>■ Subsequent final status negotiations</li> </ul>
<b>Political objective:</b> Conflict management <b>Supporters:</b> parts of Likud, Yisrael Beiteinu, parts of Kulanu, parts of the ultra-Orthodox parties <b>Size:</b> ~ 30 percent of Knesset	<ul style="list-style-type: none"> <li>■ Basic assumption: conflict is unresolvable</li> <li>■ Settlement expansion</li> <li>■ No territorial withdrawal</li> <li>■ Jerusalem as undivided capital of Israel</li> <li>■ Rejection of Palestinian statehood, instead autonomy</li> <li>■ Control of large parts of the West Bank, especially Area C</li> <li>■ No vision for conflict resolution, economic development of Palestinian Territories for “pacification”</li> </ul>
<b>Political objective:</b> Annexation <b>Supporters:</b> parts of Likud, Jewish Home <b>Size:</b> ~ 20 percent of Knesset	<ul style="list-style-type: none"> <li>■ Various annexation proposals: “Greater Jerusalem”, all settlement blocs, Area C, the entire West Bank</li> <li>■ Rejection of a Palestinian state: proposals include autonomy, granting of partial rights, and population transfer</li> <li>■ Permanent expansion of settlements and their infrastructure</li> <li>■ Apart from annexation: conflict management</li> </ul>

<sup>a</sup> The ultra-Orthodox parties have no clear line on the Occupied Territories. Their positions lean right, but the issue is clearly secondary to others such as the relationship between state and religion and financial support for their base. Knesset deputy Yaakov Litzman explicitly articulated the refusal of the ultra-Orthodox to take a firm position on this question: “Nobody knows whether I am in favour of a territorial compromise, Eretz Israel HaShlema [Complete Land of Israel] or a two-state solution” (Michael Tuchfeld, “I do not say no to a coalition with Gabbai” [in Hebrew], interview with Yaakov Litzman, in *Makor Rishon*, 10 November 2017).



mantling of military structures in the West Bank.<sup>62</sup> However the sea change experienced in Israeli society as a whole has also left its mark on Meretz. The party's programme thus states that a "new approach"<sup>63</sup> is needed in talks with the Palestinians. The US-led bilateral negotiations to date, it says, have been fruitless and new formats and perspectives are therefore needed. In particular the Arab Peace Initiative of 2002, which raised the prospect of many Arab states recognising Israel in the scope of a peace settlement, should, Meretz says, play a role in such a new start.

The positions of the Arab parties, which formed the United Arab List in 2015, remain unchanged: they argue for negotiations towards a two-state solution.<sup>64</sup> There is, however, a consensus among the Zionist parties not to form coalitions with the Arab parties, and the Arab List has in turn ruled out the option of participating in government.<sup>65</sup>

## Conclusions and Recommendations

Israel has been trapped in a vicious circle since 2001. The failure of the peace negotiations and the return of violence apparently confirm the ethos of conflict described above, under which the other side was looking for confrontation anyway. This dynamic has in turn encouraged a belief that the Palestinians are not interested in peace with Israel, and military options are therefore preferable to political talks. In this atmosphere alternative interpretations have increasingly been marginalised and discredited as unrealistic. The shift in opinion in turn has impacted on political positions and power constellations: The left-wing camp abandoned long-held demands for immediate negotiations and came out in favour of a unilateral strategy, while the right-wing camp continued to reject any two-state solution and gained

growing support as the conflict dragged. The latter was in a sense a logical progression, as the right had always said that the conflict cannot be resolved: as talks failed and routines of violence established, conflict narratives confirming the positions of the right-wing camp gained traction. In other words, the absence of a solution set in motion a mechanism in which the opposing sides increasingly frequently and strongly saw their own interpretations confirmed, and which thus also generated actions that further distanced the conflicting parties. A parallel development can, incidentally, be observed on the Palestinian side, where the failure of the peace negotiations weakened those currents in Fatah that wish to resolve the conflict politically, and strengthened the supporters of military options — especially Hamas but also including other forces.

It should not be forgotten that as long as the Israeli-Palestinian conflict remains unresolved the occupation will continue and Israel will continue to expand its settlements in the West Bank. The sheer number of settlers — roughly 650,000 — and the inexorable growth of the area occupied by settlements are steadily eroding the chances of a two-state solution even without an active policy of annexation. Within Israel today there is such massive resistance against stopping settlement-building that such a step is only conceivable in conjunction with a negotiated solution. And that, as we have seen, is currently highly unlikely.

Despite this self-reinforcing dynamic, there are also positive signs. A majority of Israelis continue to support a two-state solution; surveys also indicate that confidence in the Palestinians would increase significantly if they were to concede central Israeli demands (such as recognising Israel as a Jewish state).<sup>66</sup> The same applies on the Palestinian side: confidence in Israel would grow immediately if the Israeli government were to show openness to central Palestinian demands. At the same time, any process that re-opened the possibility of a negotiated solution in Israeli politics and society is liable to be a protracted one,<sup>67</sup> because entrenched narratives change only

<sup>62</sup> Meretz, *Four Point Plan for Initiating the Peace Process* [part of Meretz's 2013 election platform], [https://en.idi.org.il/media/7109/meretz\\_19platform.pdf](https://en.idi.org.il/media/7109/meretz_19platform.pdf) (accessed 8 December 2017).

<sup>63</sup> *Meretz Election Platform 2015* [in Hebrew], 45, <https://en.idi.org.il/media/6685%D7%9E%D7%A8%D7%A6-2015.pdf> (accessed 8 December 2017).

<sup>64</sup> *United Arab List Election Platform* [in Hebrew], <https://www.idi.org.il/media/6072/הרשימה-המשותפת.pdf> (accessed 8 December 2017).

<sup>65</sup> Elhanan Miller, "No Matter How Left-wing, Arab Parties Won't Join Coalition", *Times of Israel*, 1 February 2015, <http://www.timesofisrael.com/no-matter-how-left-wing-arab-parties-wont-join-coalition/> (accessed 8 December 2017).

<sup>66</sup> Olena Bagnó-Moldavsky and Yehuda Ben Meir, "Who in Israel Is Ready for a Peace Agreement with the Palestinians?" *INSS Strategic Assessment* 17, no. 1 (April 2014): 47–56, [http://www.inss.org.il/wp-content/uploads/systemfiles/Bagno-Moldavsky%20and%20Ben%20Meir\\_adkan17\\_1ENG5.pdf](http://www.inss.org.il/wp-content/uploads/systemfiles/Bagno-Moldavsky%20and%20Ben%20Meir_adkan17_1ENG5.pdf) (accessed 8 December 2017).

<sup>67</sup> Yossi Verter, "Reviving the Israeli Left Is a Ten Year Project, Says Think Tank", *Haaretz*, 9 August 2012, <http://>

slowly. Yet that would be a process in which the EU could play a role.

## Options for the European Union

With belief in the two-state solution fading in Israeli, it will fall to the EU to uphold it in the international discourse. This is especially important in a time in which US President Trump's special advisor Jared Kushner has declared that "there may be no solution" to the conflict.<sup>68</sup> Statements of that kind strengthen actors who are only interested in managing the conflict. The necessity of defending the discourse on the two-state option is dual in nature. Firstly it is very likely that its normative character has deterred the present Israeli government from annexing parts of the West Bank, which parts of the coalition explicitly demand. Secondly, it is of great relevance for the so-called "peace camp" that it has international partners to which it can turn if the right-wing bloc were to lose its majority. The relevance of this factor is reflected in the significance generally assigned to Israel's relationships with the United States and Europe in centre-left party programmes of recent decades.

More broadly, in the current situation the EU is likely to be forced into a balancing act. On the one hand the EU should maintain its criticism of settlement-building, continue to place the deteriorating living conditions of the Palestinians on the agenda, and explore how it can influence both using the means at its disposal.<sup>69</sup>

On the other hand the EU must make it clear that this criticism is not associated with a delegitimation of the state of Israel. That is preconditional for countering the erosion of support for the two-state solution described above, at least in the centre-left camp. Broad sections of the right-wing camp assert namely exactly that: that criticism of the occupation is identical with delegitimation of the state of Israel. Because the occupation is imperative for security, they argue, any criticism of it represents a threat to the

Israel's existence. Politicians like the leader of the pro-settler Jewish Home, Naftali Bennett, and Prime Minister Netanyahu systematically equate all objections to the occupation with positions denying legitimacy to the state of Israel itself.

In the atmosphere outlined above, where a majority of the public believes that there is "no solution" to the conflict and the occupation must be maintained for the foreseeable future, such arguments appear increasingly plausible. That view is cemented by international campaigns, in particular that conducted by the Boycott, Divestment and Sanctions (BDS) movement whose activists advocate positions ranging from criticism of the occupation to rejection of the state of Israel's right to exist.<sup>70</sup> Right-wing politicians consequently feel justified in dismissing any objection to the occupation as delegitimation of Israel.

Even the European Union is increasingly viewed from that angle in Israel. In one survey about 73 percent of Israelis said that Brussels was not a neutral actor and a majority thought that the EU was not a strong defender of Israel's right to exist.<sup>71</sup> In view of such mistrust the EU's influence on Israel will inevitably shrink, especially if the EU intends to operate not as a pure power actor, but also as a norm actor, for example by underlining the necessity to resolve the conflict through a two-state solution.

The EU should therefore be interested in explaining its positions more precisely in Israel. For example it would be well-advised to communicate clearly that steps that exert pressure on Israel are solely related to the fields of conflict resolution, and to avoid creating the impression that these are punitive measures. This includes, on the one hand, ensuring greater publicity is given to the positive incentives the EU is offering in the event of a settlement. Few Israelis for example (16 percent), are aware of the EU's offer of a "special

[www.haaretz.com/israel-news/reviving-the-israeli-left-is-a-ten-year-project-says-think-tank-1.456919](http://www.haaretz.com/israel-news/reviving-the-israeli-left-is-a-ten-year-project-says-think-tank-1.456919) (accessed 8 December 2017).

**68** Amir Tibon, "Jared Kushner Warns 'There May Be No Solution' to Israeli-Palestinian Conflict", *Haaretz*, 2 August 2017, <http://www.haaretz.com/us-news/1.804604> (accessed 8 December 2017).

**69** On possible options see the contributions in this publication by Muriel Asseburg (pp. 20ff.) and René Wildangel (pp. 34ff.).

**70** The BDS movement is openly modelled on the boycott of the South African apartheid regime, and calls for cultural, political and economic isolation of Israel until it has ended "its occupation and colonization of all Arab lands". The movement leaves open whether this means Israeli withdrawal from the territories occupied in 1967, or complete rejection of Israeli statehood. But some parts of the movement openly reject the existence of the state of Israel. See FAQs on the BDS movement's website, <https://bdsmovement.net/faqs#collapse16233> (accessed 8 January 2018).

**71** Michael Borchard, *Israel's View of Europe-Israeli Relations* (Jerusalem: Konrad-Adenauer-Stiftung, September 2017), 6f, [http://www.kas.de/wf/doc/kas\\_49967-1522-2-30.pdf?170905170514](http://www.kas.de/wf/doc/kas_49967-1522-2-30.pdf?170905170514) (accessed 8 December 2017).

privileged partnership” in the event of peace with the Palestinians, which would grant Israel the prospect of easier access to European markets, intensified cultural and scientific cooperation and intensified security cooperation.<sup>72</sup>

This must, on the other hand, also involve a communication strategy that distinguishes clearly between criticism of settlement construction and initiatives that seek to delegitimise Israeli statehood. Even if the legitimacy of the state of Israel is beyond question in the European discourse – or regarded as irrelevant in light of Israel’s military superiority – it remains crucial for Israeli society. If the EU wants its positions to find an echo in Israel, despite the erosion of support for the peace process, it must draw a sharp distinction between legitimate criticism of settlement-building and challenges to Israel’s right to exist.

**72** Mitvim and Friedrich-Ebert-Stiftung, *A Special Privileged Partnership with the EU as an Incentive for Israeli-Palestinian Peace* (Ramat Gan, June 2016), <http://library.fes.de/pdf-files/bueros/israel/13105.pdf> (accessed 8 December 2017).

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# The Palestinian Authority and the Hamas Government: Accessories to the Occupation?

It might at first glance appear unusual to call the Palestinian Authority (PA) and the Hamas government accessories to the occupation. After all, the PLO (Palestine Liberation Organisation) and Hamas (Islamic Resistance Movement), which form the basis of the two administrations, are both dedicated to the liberation of Palestine — albeit with different ideas about the extent of the territory to be liberated, different visions for the nature of a Palestinian state, and different means to achieve those goals. Yet in reality, both governments fulfil important functions in upholding and consolidating the occupation regime and the blockade of the Gaza Strip. The leeway open to them to work towards ending the occupation is limited, because the consequence of assuming governing functions under conditions of ongoing occupation is that they are dependent on cooperation with the occupying power. This even applies to the Hamas government, which officially has no contacts with Israel but cooperates indirectly in security matters. Ultimately both Palestinian governments give consolidating power in the areas they govern priority over the liberation struggle.

## Palestinian Self-administration under Occupation<sup>1</sup>

Although Israel has formally annexed only one part of the Occupied Palestinian Territories — East Jerusalem — it also exercises far-reaching de facto control over the West Bank and the Gaza Strip and their

<sup>1</sup> This section is based largely on Muriel Asseburg and Jan Busse, *The End of a Two-State Settlement? Alternatives and Priorities for Settling the Israeli-Palestinian Conflict*, SWP Comment 24/2016 (Berlin: Stiftung Wissenschaft und Politik, April 2016). See also Shai Feldman and Khalil Shikaki, *Israel and the Palestinians: Sliding toward a One-State Reality*, Middle East Brief, no. 104 (Waltham, MA: Crown Center for Middle East Studies, Brandeis University, December 2016).

populations. The basis for this was originally created by Israel's military occupation of these areas in 1967 and its legal and administrative codification, including the "reunification" of Jerusalem and the Jerusalem Law of 1980. The matrix of control was further refined by the Oslo Accords of 1993 to 1995, which the PLO leadership signed on the understanding that this was not to be a permanent arrangement, but rather provisions for a five-year interim period ending in 1999 with statehood and an Israeli-Palestinian peace agreement.

## Territorial Provisions in the Oslo Accords

Although the Accords stated that the territorial unity of the Palestinian Territories would be preserved, they nevertheless divided the West Bank and Gaza into entities with different statuses and left East Jerusalem under sole Israeli control until a final peace agreement. At the same time the Accords largely restrict the PA's responsibilities to self-administration and internal order in Areas A and B, which are comprised of a multitude of enclaves.<sup>2</sup> They leave what is referred to as Area C (today about 60 percent of the West Bank) under far-reaching Israeli control, including responsibility for planning, internal order and security. In concrete terms that means that no Palestinian security forces can be deployed in these areas, nor can infrastructure or construction work be conducted without Israeli permission.

The biggest departure from the provisions agreed in Oslo has been witnessed in the Gaza Strip. In late summer 2005 Israel unilaterally withdrew its settlers and armed forces from the densely populated coastal enclave which lacks religious or ideological significance. That does not mean, however, that the occupation ended, as Israel retains control over Gaza's territorial and maritime borders, coastal waters,

<sup>2</sup> See map on p. 4 in this volume.

resources (above all the Gaza Marine gas field in the Mediterranean), airspace, electromagnetic sphere, trade, and development opportunities (including the possibility of constructing a port and airport). Only the border between Gaza and Egypt is no longer under (indirect) Israeli control, since the so-called Agreement on Movement and Access was suspended in mid-2007.<sup>3</sup>

**Today it would be absurd to speak of the unity of Palestinian territory, which has been fragmented into tiny parcels with different statuses.**

Today it would be absurd to speak of the unity of Palestinian territory, which has been fragmented into tiny parcels with different statuses. This is the outcome of various developments and factors: East Jerusalem and the West Bank have seen great expansion of Israeli settlements and associated infrastructure (today almost 600,000 settlers live there in about 125 settlements and 100 outposts);<sup>4</sup> the separation barrier constructed since 2002 now cuts off about 8 percent of the West Bank and isolates East Jerusalem from its Palestinian hinterland; and finally Israel and Egypt have ensured an effective blockade of Gaza by restricting the movement of people and goods, as well as fishing. Additionally Palestinians are prohibited from building on, farming or otherwise developing about 70 percent of Area C (amounting to about 40 percent of the entire West Bank). These are areas assigned to settlements; designated as state land, firing ranges or nature reserves; or located on the Israeli side of the separation barrier.<sup>5</sup> Israel regularly demolishes structures built without permits there

(and in East Jerusalem). In certain areas the Palestinian population is deprived of a livelihood by land seizures, denial of access to drinking water and sewage treatment, or exposure to attacks by settlers. The European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations writes in this connection of "forced evictions".<sup>6</sup> The Palestinian population's freedom of movement between the West Bank enclaves is heavily restricted by Israeli prohibitions on using certain roads and the large number of (fixed and temporary) checkpoints; travel to East Jerusalem and between the West Bank and Gaza requires special permits that are granted only in exceptional cases.

### Restricted Self-administration

From 1994 the PA incrementally assumed responsibility for internal order, self-administration and public services in the Palestinian Territories, while the international community contributed the lion's share of the funds.<sup>7</sup> The Accords also provided for extensive security cooperation between Israel and the PA, symbolised by regular joint patrols in the Palestinian Territories.<sup>8</sup> A Palestinian security apparatus was created and equipped with light arms, but Israel reserved the right to pursue suspects even into the A and B Areas ("right of hot pursuit"); to this day Israel regularly detains suspects there. After Israel's withdrawal from the Gaza Strip in 2005, Hamas's victory in the Palestinian parliamentary elections in January 2006, and its violent takeover in Gaza in June 2007, de facto government responsibility in Gaza rests with the Hamas government.

**3** Israeli Ministry of Foreign Affairs, *Agreed Documents on Movement and Access from and to Gaza*, 15 November 2005, <http://www.mfa.gov.il/mfa/foreignpolicy/peace/mfadocuments/pages/agreed%20documents%20on%20movement%20and%20access%20from%20and%20to%20gaza%2015-nov-2005.aspx> (accessed 17 May 2017).

**4** B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, *Settlements: Statistics on Settlements and Settler Population* (updated 11 May 2017), <http://www.btselem.org/settlements/statistics> (accessed 17 May 2017).

**5** B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, *Area C: Taking Control of Land and Designating Areas Off-limits to Palestinian Use*, 23 October 2013, [http://www.btselem.org/area\\_c/taking\\_over\\_land](http://www.btselem.org/area_c/taking_over_land) (accessed 17 May 2017).

**6** European Commission – European Civil Protection and Humanitarian Aid Operations, *Palestine. Echo Factsheet*, Brussels, last update 20 January 2018, [http://ec.europa.eu/echo/files/aid/countries/factsheets/palestine\\_en.pdf](http://ec.europa.eu/echo/files/aid/countries/factsheets/palestine_en.pdf) (accessed 27 February 2018).

**7** For the EU see the contribution by René Wildangel in this volume, pp. 48ff.

**8** *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II)*, Chapter 2, Art. X, XII and Annex I – *Protocol Concerning Redeployment and Security Arrangements*, 28 September 1995, <http://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT.aspx> (accessed 30 May 2017). The security provisions of the Oslo Accords were also supplemented by many informal agreements.

## Israel retained ultimate control for the duration of the interim period.

The Oslo Accords allowed Israel to rid itself of some of the tasks of an occupying power, which under international law is responsible for ensuring that the needs of the population are met. At the same time Israel retained ultimate control, with the Accords specifying that Israel would exercise control over the land and sea borders, airspace and electromagnetic sphere of the Palestinian Territories for the duration of the interim period. The Accords also cemented Israeli dominance over the Palestinian economy (primarily through economic and monetary union, control of external borders, and access to resources in the Palestinian Territories). Israel even runs the Palestinian population registry, in which all children born in the West Bank and Gaza must be registered. Comprehensive Israeli control was enabled not least by the postponement of the most complicated political and territorial issues – so-called “final status questions” – to later talks. These include the status of Jerusalem, the future of Israeli settlements, the exact line of the border to be drawn between Israel and Palestine and the refugee question. To this day none of those questions have been resolved.

## The PA as Service-Provider for the Occupation

Since 1994 the PA has assumed responsibility for Palestinian self-administration in the Palestinian Territories, running services ranging from refuse collection and traffic control through education and health to water and electricity supply and business development. The PA is not only subject to the territorial restrictions described above, but also dependent on cooperation with the occupying power in almost all its activities, requiring Israeli permission for imports and exports, for deploying police from one enclave to another, for infrastructure measures, water extraction, and so on. Moreover, the Palestinian Territories are highly economically dependent on Israel: employment in Israel and Israeli settlements represents a significant source of income; most imports to the Palestinian Territories either originate from or transit through Israel; Palestinian exporters have to use Israeli intermediaries and exports are subject

to high transaction costs and Israel can delay or stop them at any time on grounds of security.<sup>9</sup>

The PA's ability to govern depends to a great extent on the Israeli transfers agreed in the Oslo Accords,<sup>10</sup> under an arrangement whereby Israel passes on the taxes and duties it collects on Palestinian imports. Although the PA has recently succeeded in collecting more taxes, their share – about 20 percent of total revenues – remains small because of the weakness of the economy and because the PA is unable to collect taxes in Area C nor (since mid-2007) in Gaza.<sup>11</sup> The PA's dependency is underlined by Israel's frequent withholding of transfers (in contravention of the Accords) in order to punish the Palestinian leadership for conduct deemed untoward. For example Israel froze funds for four months after Palestine joined the International Criminal Court in 2015.<sup>12</sup>

## Contested Security Cooperation

Close Israeli-Palestinian security cooperation emerged out of the Oslo Accords. Although joint patrols ceased with the Second Intifada, other forms of cooperation were reestablished after Mahmoud Abbas took office in 2005. Cooperation has since been expanded further with energetic support from the United States Security Coordinator (USSC) and the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS). In this context, the Palestinian security forces supply information that enables the Israeli army to detain or kill Palestinians accused of terrorism, while Israel supplies information to the PA to encourage it to arrest the “small fry” itself.

This confronts the PA with a dilemma: On the one hand it depends on Israeli cooperation to check the growth of (armed) opposition groups in the West

<sup>9</sup> See for example United Nations Conference on Trade and Development (UNCTAD), *Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory*, 1 September 2016, [http://unctad.org/en/PublicationsLibrary/app2016d1\\_en.pdf](http://unctad.org/en/PublicationsLibrary/app2016d1_en.pdf) (accessed 17 May 2017).

<sup>10</sup> Transfers account for about three-quarters of the PA's revenues. *Ibid.*, para. 16, p. 5.

<sup>11</sup> In order to cover its expenses the PA therefore has to rely on international support and – increasingly in recent years – borrowing. International Monetary Fund, *Westbank and Gaza – Report to the Ad hoc Committee*, 10 April 2017, 8, <http://bit.ly/2rBjZLA> (accessed 30 May 2017).

<sup>12</sup> UNCTAD, *UNCTAD Assistance* (see note 9), paragraph 16, p. 5.

Bank. Also, the moment it calls security cooperation into question or takes action contradictory to Israeli interests, it must expect Israeli retribution, such as the withholding of permits and financial transfers, the sealing off of particular areas, and the restriction of the number of work permits available for Israel and Israeli settlements. Western – especially American – support for the PA is also conditional on acquiescence in security cooperation.<sup>13</sup> So it is no surprise if the Palestinian president describes security cooperation with Israel as “sacred”.<sup>14</sup>

### Palestinians perceive the PA as a subcontractor of the occupying power.

On the other hand that statement became the target of much mockery from Palestinians, quite a number of whom perceive the PA as a subcontractor of the occupying power or a collaborator with the enemy. In this connection they criticise that security cooperation is not designed to protect the Palestinian population against Israeli army operations and attacks by Israeli settlers but solely to protect Israel and the settlers. Moreover, the critics say, since the intra-Palestinian split security cooperation has increasingly served to protect the PA regime, with opposition figures, in particular Hamas representatives, detained or killed in cooperation with Israeli security forces. Surveys show that a large proportion of the population now rejects security cooperation and supports armed struggle against the occupation, especially since the loss of any a credible perspective for an end to the occupation and Palestinian independence.<sup>15</sup>

**13** Jim Zanotti, *U.S. Foreign Aid to the Palestinians* (Washington, D.C.: Congressional Research Service, 16 December 2016), 4 and 6, <https://fas.org/sgp/crs/mideast/RS22967.pdf> (accessed 19 May 2017).

**14** “Abbas: Security Cooperation with Israel Is ‘Sacred’”, *Middle East Monitor*, 29 May 2014, <https://www.middleeastmonitor.com/20140529-abbas-security-cooperation-with-israel-is-sacred/> (accessed 17 May 2017).

**15** For example Palestinian Center for Policy and Survey Research, *Palestinian Public Opinion Poll No. 55*, 19–21 March 2015, 6, <http://www.pcpsr.org/sites/default/files/poll%2055%20fulltext%20English%20final.pdf> (accessed 19 May 2017). See also Alaa Tartir, “The Palestinian Security Forces: Whose Security?” *Al-Shabaka*, 16 May 2017, <https://al-shabaka.org/briefs/palestinian-authority-security-forces-whose-security/> (accessed 19 May 2017); Julia Lisiecka, *Israeli-Palestinian Security Cooperation: What Next?* (Paris: European Union Institute

Today Palestinians perceive security cooperation primarily as a means to secure the occupation regime.

### Conflicts of Interest when Governing under Occupation

The PA elites have come to an arrangement with this specific occupation regime, in which the PA assumes some functions of the occupying power – making it easier to maintain the occupation – rather than rebelling against it. There are various reasons for this behaviour. To start with, Palestinian elites receive privileges in the comprehensive permit system, which give them a stake in the continued existence of the current set-up. These include VIP status for PA leadership cadres and selected entrepreneurs, granting them extensive freedom of travel denied to the mass of the Palestinian population. In the Oslo arrangements the PA was also given the right to grant licences and establish monopolies for the Palestinian market, for example in the area of telecommunications. This provision has since permitted the PA leadership and their families to enrich themselves.<sup>16</sup>

At the latest since the Second Intifada (2000–2005), incessant settlement-building and the lack of any perspective of independence have fostered a debate in Palestinian civil society and political circles about whether the time has not come to dissolve the PA and hand full responsibility back to the occupying power. Even President Abbas has repeatedly floated such a scenario, but without initiating any concrete steps. Sometimes this proposal is also tied to a fundamental strategy shift that proposes dropping the objective of statehood and instead prioritising the struggle for equal rights within a single state. To date however there is no majority for this idea within Palestinian society.<sup>17</sup>

Apart from the personal interests of the Palestinian elites, three principal factors mitigate against dissolv-

for Security Studies [EUISS], May 2017), [http://www.iss.europa.eu/uploads/media/Alert\\_12\\_Israel\\_and\\_Palestine.pdf](http://www.iss.europa.eu/uploads/media/Alert_12_Israel_and_Palestine.pdf) (accessed 17 May 2017).

**16** See for example Uri Blau and Daniel Dolev, “Panama Papers: Leaks Reveal Abbas’ Son’s \$1m Holding in Company with Ties to Palestinian Authority”, *Haaretz*, 7 April 2016, <http://www.haaretz.com/middle-east-news/1.713347> (accessed 30 May 2017).

**17** On this discussion and alternatives to the two-state solution see Muriel Asseburg and Jan Busse, *Der Nahostkonflikt: Geschichte, Positionen, Perspektiven* (Munich: C. H. Beck, 2016), 109–17.

ing the PA and returning full responsibility to the occupying power. Firstly, such a move would mean a dramatic loss of income for more than 200,000 national and local public employees.<sup>18</sup> The loss would affect Gaza as well as the West Bank, as tens of thousands of PA staff in the Gaza Strip are still paid by Ramallah, even though they have not been in active service since mid-2007.<sup>19</sup>

Secondly, such a move would slash the standard of living, especially in the West Bank because international support is dependent – (considerable) humanitarian assistance and UNRWA contributions aside – on the existence of Palestinian institutions as partners. It would be hard to imagine international donors directly assisting the occupying power in discharging its duties to the local population.

Thirdly, dissolution of the PA would represent de facto withdrawal from the Oslo Accords. And that in turn would remove the basis of most of the support from the EU and the United States, which is orientated on Palestinian state-building in the scope of a two-state solution. It might also call into question the progress the PLO leadership has made in winning international recognition for the state of Palestine, which is closely linked to the PA's existence. On top of its symbolic significance, these status upgrades have opened up new arenas within which the Palestinians are able to deploy political and legal instruments to work towards an end of the occupation and the attainment of statehood. To give but one example, in January 2015 the PA joined the International Criminal Court (ICC) and granted it jurisdiction to investigate all war crimes committed in the West Bank and the Gaza Strip since 13 June 2014 (immediately before the last armed confrontation in Gaza).

The ICC subsequently opened a preliminary examination.<sup>20</sup>

Cooperation with the Israeli occupying power, which also contributes to consolidating the occupation regime, is a tricky balancing act for the PA. The unpopularity of security cooperation with Israel was behind the PLO's March 2015 vote to suspend it, but the PA has declined to implement the decision.<sup>21</sup> A speech by Mahmoud Abbas to the Palestinian Central Council in January 2018 revealed the tightrope walk the PA must accomplish. Responding to US President Donald Trump's announcement that he would recognise Jerusalem as Israel's capital, Abbas rejected the United States as mediator, declared the failure of Oslo, demanded a reexamination of relations with the occupying power, committed himself to peaceful resistance and reconciliation with Hamas, and announced the revitalisation of the PLO.<sup>22</sup> What Abbas's speech lacked was any indication that concrete steps would follow. Also, in the months to follow no practical measures with the potential to fundamentally transform relations with Israel were instituted.

On the one side, the PA leadership has an interest in securing its ability to govern, its political survival, its privileges and the international successes it has achieved. In this vein it has to exhibit great political acquiescence if it is to satisfy its international donors and avoid endangering Israeli transfers. This includes signalling to Israel its ongoing willingness to negotiate, insisting on non-violence, agreeing to a reconciliation with Hamas only under observance of the Middle East Quartet's conditions (see below, p. 27), and continuing security cooperation. An additional factor that restricts the Palestinian leadership's room for manoeuvre is that Arab states today show little

**18** According to the Palestinian Central Bureau of Statistics, in 2016 21.6 percent of the Palestinian workforce worked in the [Palestinian] public sector; 12 percent worked in Israel and the settlements. Palestinian Central Bureau of Statistics, *Labour Force Survey – Annual Report: 2016*, 30 April 2017, 25 (in English section), <http://www.pcbs.gov.ps/Downloads/book2266.pdf> (accessed 19 May 2017).

**19** Shlomi Eldar, “Will Abbas Stop Paying Gaza Employees’ Salaries?”, *Al-Monitor*, 9 March 2017, <http://www.al-monitor.com/pulse/originals/2017/03/israel-palestine-pa-gaza-abbas-salaries-hamas-donor-states.html> (accessed 26 May 2017); “Hamas Demands ‘Fair’ Sharing of Palestinian Budget between West Bank and Gaza” [in Arabic], *Al Quds*, 9 April 2017, <http://www.alquds.com/articles/1491751450111586700/> (accessed 26 May 2017).

**20** International Criminal Court, *Report on Preliminary Examination Activities 2015*, 12 November 2015, 11–18, <https://www.icc-cpi.int/iccdocs/otp/OTP-PE-rep-2015-Eng.pdf> (accessed 18 May 2017); for further investigations see also International Criminal Court, *Report on Preliminary Examination Activities 2016*, 14 November 2016, 27–32, [https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-pe\\_eng.pdf](https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-pe_eng.pdf) (accessed 19 May 2017).

**21** Ahmad Melhem, “Why Israel Will Not Halt Security Coordination with PA”, *Al-Monitor*, 13 January 2017, <http://www.al-monitor.com/pulse/originals/2017/01/palestine-israel-security-civil-coordination.html> (accessed 19 May 2017).

**22** “Mahmoud Abbas: PLO Should Reexamine Agreements with Israel, Will No Longer Accept U.S. as Mediator”, *Youtube*, 14 January 2018, <https://www.youtube.com/watch?v=eWy4nEvfjKE>.

interest in an escalation in the Israeli-Palestinian arena and therefore offer the PA no cover for a more assertive line towards Israel.

On the other side, this behaviour has cost the PA a great loss of reputation and legitimacy among the population.<sup>23</sup> Ultimately this path will lead neither to a united position through reconciliation with Hamas (or even just an improvement in the situation in Gaza through effective power-sharing) nor will it credibly support Palestinian grassroots initiatives such as the BDS movement (Boycott, Divestment, Sanctions) or the demand to expand unarmed “popular resistance”.<sup>24</sup> Not even an effective boycott of the settlements is a real option for the PA, as long as Palestinian workers see no alternative employment.<sup>25</sup> The deep rift between the PA and the population has also dampened the PA’s interest in holding elections and contributed to its leadership style becoming even more authoritarian.<sup>26</sup> A return to the democratic process is therefore extremely unlikely.

### The Hamas Government: Resistance vs. Indirect Cooperation

Unlike the PLO, Hamas has never recognised the state of Israel, and unlike the PA, the Hamas government

**23** As a consequence, almost two-thirds of Palestinians would like to see Mahmoud Abbas resign. Palestinian Center for Policy and Survey Research, *Public Opinion Poll No. 63*, 8–11 March 2017, 3, <http://www.pcpsr.org/sites/default/files/poll%2063%20fulltext%20March%202017%20English.pdf> (accessed 19 May 2017).

**24** Sufian Abu Zaida, “Peaceful Popular Resistance: Is It an Option?”, *Changing the Status Quo: What Directions for the Palestinians?* (Ramallah: Palestinian Center for Policy and Survey Research, May 2016), <http://www.pcpsr.org/sites/default/files/Sufian%20Abu%20Zaida%20print%20English.pdf> (accessed 17 May 2017).

**25** For example, a PA campaign to boycott products from the settlements quickly fizzled out. See Avi Issacharoff and Chaim Levinson, “PA Upgrades Boycott of Settlement Products Despite Israeli Warnings”, *Haaretz*, 20 May 2010, <http://www.haaretz.com/pa-upgrades-boycott-of-settlement-products-despite-israeli-warnings-1.291128> (accessed 19 May 2017).

**26** This is reflected in growing restrictions placed upon Palestinian civil society. See for example the case of the well-known Palestinian pollster Khalil Shikaki: Jochen Stahnke, “Volkes Stimme: Ein palästinensischer Meinungsforscher in Bedrängnis”, in: *Frankfurter Allgemeine Zeitung*, 23 February 2018, 5.

does not negotiate, coordinate or cooperate directly with Israel. Yet while it does not acknowledge Israel’s legitimacy or right to exist, it has accepted its de facto existence and repeatedly entered into cease-fire arrangements. Hamas has also raised the prospect of a long-term cease-fire under two conditions: Israel would have to recognise an independent, sovereign Palestinian state in the borders of 4 June 1967 with Jerusalem as its capital, and enable the return of the Palestinian refugees and displaced persons.

In the longer perspective Hamas still insists on “the liberation of all of Palestine”, meaning the entire former British Mandate of Palestine.<sup>27</sup> Its May 2017 Policy Document – agreed unanimously after a lengthy discussion process – supplements the Hamas Charter and codifies the outcomes of important developments in Hamas’s strategic thinking: the conflict is no longer defined as a religious one, the destruction of Israel is no longer a stated objective, and the PLO is accepted as the relevant framework of Palestinian representation; the document also shares the “Palestinian consensus” of seeking a state within the territories occupied in 1967.<sup>28</sup>

Israel for its part refuses to recognise Hamas as a legitimate government, treating it instead as a terrorist group and designating the Gaza Strip a “hostile territory”.<sup>29</sup> All the same, since Hamas seized power in Gaza in June 2007 Israel has related to it as the de facto government and regularly holds it responsible for attacks launched from the territory it controls.<sup>30</sup>

Israel’s non-recognition permits Hamas to uphold its resistance rhetoric when it needs to justify its policies to its own population and important international allies like Iran. Not least as a justification

**27** For greater detail on the evolution of Hamas’s positions, see Muriel Asseburg, “Die palästinensische Hamas zwischen Widerstandsbewegung und Reformregierung”, in *Moderate Islamisten als Reformakteure?* ed. Muriel Asseburg (Bonn: Bundeszentrale für politische Bildung, 2008), 81–98.

**28** Hamas, *A Document of General Principles and Policies* (Doha, 1 May 2017), <http://hamas.ps/en/post/678/a-document-of-general-principles-and-policies> (accessed 30 May 2017).

**29** Israel Ministry of Foreign Affairs, “Security Cabinet Declares Gaza Hostile Territory”, 19 September 2007, <http://www.mfa.gov.il/mfa/pressroom/2007/pages/security%20cabinet%20declares%20gaza%20hostile%20territory%2019-sep-2007.aspx> (accessed 4 June 2018).

**30** See for example Amos Harel, “A New Underground Reality Is Taking Shape along the Gaza-Israel Border”, *Haaretz*, 15 May 2017, <http://www.haaretz.com/israel-news/1.788824> (accessed 19 May 2017).

for the use of force and arming for the next confrontation, Hamas asserts “a legitimate right” to resist the occupation “guaranteed by divine laws and by international norms and laws”.<sup>31</sup> In the same vein it also refuses to explicitly accept the January 2006 “Quartet criteria” formulated by the so-called Middle East Quartet (United States, Russia, EU and UN) which require Hamas to fulfil as preconditions for cooperation and even mere contact: commitment to non-violence, recognition of Israel, and acceptance of previous agreements and obligations.<sup>32</sup>

Israel also profits from its non-recognition by Hamas, as this allows it to justify its own use of force to assert its control of the borders, uphold the blockade (including at sea), conduct retaliatory strikes, decimate the military capacities of armed groups in Gaza and assassinate their leaders.<sup>33</sup> The frequency and brutality of armed clashes have intensified markedly since Hamas won the Palestinian parliamentary elections in January 2006, with violence escalating into open warfare in 2006, 2008/2009, 2012 and 2014.

**For Hamas this represents a balancing act between resistance rhetoric and efforts to avoid further armed conflict.**

At the same time Hamas has an interest in upholding a modicum of stability, without which it would be unable to assert its claim to power. For Hamas this represents a balancing act between resistance rhetoric and far-reaching demands on the one side, and efforts to avoid further armed conflict on the other. Although the population of Gaza largely shares the assessment that the PA and PLO have failed to assert Palestinian interests by way of negotiations, they certainly do not want another round of armed confrontations in

which they would suffer even worse than during the last one.<sup>34</sup>

While Hamas acts harshly against Israeli collaborators, not shying from executions, it also assumes most of the responsibility demanded by Israel: by seeking to prevent radical groups launching rockets into Israel; by patrolling the border fence to prevent infiltration into Israel; by banning public protests by the so-called “popular resistance”,<sup>35</sup> and by suppressing armed Salafist groups and al-Qaeda associates (as well as groups affiliated to the so-called “Islamic State”), which not only boast radical anti-Israel agendas but also represent competition to Hamas.<sup>36</sup> Hamas provides this “security service” not least in the interests of consolidating its power and asserting its monopoly over the use of force (from the Palestinian side) — even if this is only possible under continuing occupation and the measures taken converge with the interests of the occupying power.<sup>37</sup>

### Indirect Cooperation

The PA has acted as an intermediary in indirect cooperation between the Hamas government and Israel concerning movement of people and goods between Israel and Gaza, specifically permits and paperwork. For example, under the Agreement on Movement and Access the PA deployed border officials on the Palestinian side of the Gaza crossings to function as inter-

**31** Hamas, *A Document of General Principles* (see note 28), para. 25.

**32** Statement by Middle East Quartet, 30 January 2006, [https://unsco.unmissions.org/sites/default/files/quartet\\_statement\\_30\\_jan\\_2006.pdf](https://unsco.unmissions.org/sites/default/files/quartet_statement_30_jan_2006.pdf) (accessed 4 June 2018).

**33** Representatives of the Israeli security establishment have described this as “mowing the grass”. See Daniel Byman, “Mowing the Grass and Taking Out the Trash — Israel Doesn’t Want to Wipe Out Hamas, and Putting It in a Corner Will Only Backfire”, *Foreign Policy*, 25 August 2014, <http://foreignpolicy.com/2014/08/25/mowing-the-grass-and-taking-out-the-trash/> (accessed 19 May 2017).

**34** That is especially the case since the Israeli military adopted the Dahiya doctrine, which permits disproportionate use of military force in civilian areas from which attacks are launched or where armed groups are present. See interview with Major-General Gadi Eisenkot (today chief of staff): Alex Fishman and Ariella Ringel-Hoffman, “Eisenkot: I Have Great Force, I Will Have No Excuses”, *Yediot Ahronot*, 3 October 2008 [in Hebrew].

**35** This changed in the run-up to the seventieth anniversary of the so-called Nakba, the flight and dispossession of Palestinians in the context of Israel’s war of independence, when Hamas in concert with all other factions supported a grassroots initiative of demonstrations and sit-ins at the border fence, the “Great Return March”.

**36** Harel, “A New Underground Reality” (see note 30).

**37** At the same time Hamas has supported the establishment of armed cells in Jerusalem and the West Bank and called in autumn 2015 for an intensification of the so-called “Knife Intifada”. Peter Beaumont, “Hamas Leader in Gaza Declares Intifada as Deadly Attacks Continue”, *Guardian*, 9 October 2015, <https://www.theguardian.com/world/2015/oct/09/hamas-leader-gaza-declares-intifada-deadly-attacks-continue> (accessed 19 May 2017).

mediaries between Israel and Hamas. After Fatah and Hamas signed the reconciliation agreement in October 2017 the PA assumed full control of the border crossings (both to Israel and to Egypt);<sup>38</sup> the additional checkpoints that the Hamas government had established at the crossings were dismantled (but a new checkpoint was established at Erez after the assassination attempt on Prime Minister Rami Hamdallah in March 2018).

Another indirect form of cooperation, also with the PA as an intermediary, involves deliveries of diesel and electricity from Israel to Gaza, which are funded by third states (Turkey, Qatar). In particular after the loss of fuel and gas supplies from Egypt and the closure of Rafah crossing for goods under President Abdel Fattah al-Sisi, this form of indirect cooperation has become indispensable for the Hamas government: it is the only way to guarantee the provision of basic necessities for the population and thus demonstrate its ability to govern. And because external trade is taxed, this also secures one of its few sources of revenue.<sup>39</sup> In this context opportunities for personal enrichment also arise, because of the lack of transparency concerning donor contributions, but above all because a pervasive smuggling sector is taxed (at least it was until it was all but shut down in 2013). In this connection the family of Ismail Haniyyeh (from March 2006 to April 2017 prime minister of the de facto government in Gaza, from March 2006 to June 2007 also prime minister of

the unity government) has come in for particular criticism in recent years.<sup>40</sup>

Israel has often temporarily tightened its blockade to pressure Hamas and/or to foment resentment among Gazans against their leadership.<sup>41</sup> Egypt in turn has drastically restricted the freedom of movement not only of ordinary Palestinians but also of leading Hamas functionaries and made the return of PA border officials to the Palestinian side one of its conditions for a lasting and more comprehensive opening of the crossing to the Gaza Strip. Yet despite Egyptian assurances, regular opening of the Rafah crossing had not been reinstated as of early summer 2018 even though the Hamas government transferred control of its border crossings to the PA as required by the reconciliation agreement of October 2017 and clamped down on jihadist groups operating across the border. The PA has also repeatedly exploited its intermediary role to press Hamas to agree to a reconciliation on its own terms. In spring 2017 for example Ramallah imposed sweeping punitive measures against Gaza, such as cutting the salaries of PA staff, freezing payments to Israel for electricity for Gaza, and curtailing health services.

### **Sustainable economic development is impossible under present conditions.**

But it is the population of Gaza which bears the brunt of pressure from all sides, with sanctions imposed by the PA causing a dramatic deterioration in the humanitarian situation in 2017. Much of the infrastructure destroyed in the 2014 military confrontations has yet to be reconstructed, and sustainable economic development is impossible under present conditions. This leaves the bulk of the population dependent on international humanitarian assistance.

Environmental conditions have also deteriorated dramatically in recent years. Gaza's aquifer has become salinified through over-extraction and infiltrated with waste water to a point where less than 5 percent of the groundwater is safe to drink; the coastal waters are heavily polluted, with more than 100,000 cubic

**38** Muriel Asseburg, *The Fatah-Hamas Reconciliation Agreement of October 2017: An Opportunity to End Gaza's Humanitarian Crisis and Permanently Overcome the Blockade*, SWP Comment 44/2017 (Berlin: Stiftung Wissenschaft und Politik, November 2017), [https://www.swp-berlin.org/fileadmin/contents/products/comments/2017C44\\_ass.pdf](https://www.swp-berlin.org/fileadmin/contents/products/comments/2017C44_ass.pdf) (accessed 10 January 2018).

**39** Compared to the West Bank, tax revenues are even lower in Gaza, where the economy has collapsed almost completely as a result of war damage and the blockade. The Hamas government derives its revenues mainly from consumption taxes and charges for services. The spending side is eased by the UN's provision of services such as education and healthcare (see also the contribution by Birthe Tahmaz in this volume, pp. 46ff.) and external donors providing direct and indirect contributions (the latter via the PA). Adnan Abu Amer, "Hamas Scrambles to Make Up Budget Shortfalls", *Al-Monitor*, 11 April 2016; Rushdi Abu Alouf, "Gazans Squeezed by Triple Taxes as Hamas Replaces Lost Income", *BBC News*, 20 June 2016, <http://www.bbc.com/news/world-middle-east-36274631> (both accessed 30 May 2017).

**40** See for example Doron Peskin, "Hamas Got Rich as Gaza Was Plunged into Poverty", *Ynet*, 15 April 2017, <http://www.ynetnews.com/articles/0,7340,L-4543634,00.html> (accessed 30 May 2017).

**41** Conal Urquhart, "Gaza on Brink of Implosion as Aid Cut-off Starts to Bite", *Guardian*, 16 April 2006, <https://www.theguardian.com/world/2006/apr/16/israel> (accessed 19 May 2017).

metres of waste water discharged untreated or inadequately treated into the Mediterranean every day. The main reason for these problems is that treatment plants cannot operate at adequate capacity due to the shortage of electricity. Additional treatment plants cannot be completed, because the blockade prevents import of construction materials. The environmental problems not only cause disease and grave deficiencies especially among infants; in the medium term they also call into question the Gaza Strip's viability.<sup>42</sup>

The style of governance in Gaza is especially repressive and democratic controls are lacking.<sup>43</sup> As a result the de facto government in Gaza has been struggling with a progressive erosion of its popularity. Ultimately Hamas leadership circles have realised that they cannot govern successfully under conditions of occupation, blockade and far-reaching international isolation, and that their national ambitions have been overshadowed by excessive concentration on day-to-day crisis management. In summer 2017 Hamas therefore initiated a shift to realpolitik, based on reconciliation with Ramallah, power-sharing in Gaza and rapprochement with Cairo.<sup>44</sup>

## Conclusions and Recommendations

Both governments in the Palestinian Territories have prioritised consolidating their limited power over ending the occupation. As described above, the following factors have been key: heavy dependency on Israel, which holds ultimate control of territory and borders; financial dependency on external sources; interest in consolidating achievements, amongst others on the international stage; and the preservation of personal privileges and opportunities for enrichment within the existing system. Under these conditions the PA and the Hamas government – albeit unwillingly and to different degrees – have

contributed to entrenching the Israeli occupation regime.

This state of affairs has been reinforced by the intra-Palestinian division which, despite the October 2017 reconciliation agreement, has not been overcome as of summer 2018. Firstly the split has prevented emergence of a unified Palestinian strategy in the liberation struggle. Rather, as the two governments have sought different regional partners as their allies, the Palestinian struggle has become subordinated to regional rivalries and conflicts (Iran vs. Saudi Arabia, Qatar/Turkey vs. Egypt). Secondly, it has served as a welcome pretext to the current Israeli government, which has no interest in a negotiated settlement. President Mahmoud Abbas can hardly claim to negotiate in the name of all Palestinians, nor would he be in a position to implement an agreement across the entire territory. Thirdly, the split has largely paralysed the democratic institutions, subverted the division of powers and restricted political liberties. As a consequence of this, progress towards a viable and democratic Palestinian state has increasingly been reversed in recent years.

**The current situation contains a great risk of renewed violent escalation, which could be triggered by various developments and factors.**

This leaves a negotiated settlement increasingly unlikely. Still, the main responsibility lies with an Israeli government that is not committed to a two-state settlement, but is forging ahead with settlement construction and the preparations for the annexation of parts of the West Bank. Against this backdrop, grounds for pessimism remain even in the unlikely event of US President Donald Trump finally announcing a peace plan. At the same time the current situation contains a great risk of renewed violent escalation, which could be triggered by various developments and factors: in particular an intensification of the intra-Palestinian power struggle in which Hamas could use attacks on Israel as a valve; the potential for chaos inherent to a collapse of the PA and an unregulated succession; provocations by settlers in the West Bank and East Jerusalem, who feel encouraged by the Israeli government; approval of settlement construction at strategically relevant locations in the West Bank and East Jerusalem; disputes over the Temple Mount/Haram al-Sharif etc.

<sup>42</sup> United Nations, *Gaza Ten Years Later*, July 2017, [https://unsc.unmissions.org/sites/default/files/gaza\\_10\\_years\\_later\\_-\\_11\\_july\\_2017.pdf](https://unsc.unmissions.org/sites/default/files/gaza_10_years_later_-_11_july_2017.pdf) (accessed 10 January 2018).

<sup>43</sup> See for example Amnesty International, "Palestine (State of) 2016/2017", in *Amnesty International Report 2016/17: The State of the World's Human Rights* (22 February 2017), 287–90, <https://www.amnesty.org/en/documents/pol10/4800/2017/en/> (accessed 30 May 2017).

<sup>44</sup> Asseburg, *The Fatah-Hamas Reconciliation Agreement of October 2017* (see note 38).

## Policy Options for the European Union

The EU and its member states certainly have policy options both to counteract further consolidation of the occupation and a creeping transition to annexation, and to avert a renewed escalation of violence. Three points should be prioritised:

**Only if negotiations acknowledge the legitimate interests of both sides will they have any prospect of success.**

Instead of just waiting for another US-brokered peace process Europeans should, firstly, influence the framework in which negotiations take place — assuming talks occur at all. Only if negotiations acknowledge the legitimate interests of both sides will they have any prospect of success.<sup>45</sup> In this connection the EU and its member states should also work to influence the cost/benefit calculations of the Israeli government and population in such a way as to encourage them to end the occupation rather than consolidating and transitioning to annexation. In this context the EU member states should discuss what measures — above and beyond consistent differentiation between dealings with Israel proper and Israeli settlements — are suited to signalise Europe’s clear rejection of Israel’s settlement activities in the Occupied Territories, which are illegal under international law. And they should also think about how they can communicate this to Israeli politicians and its population in a more comprehensible form than has to date been the case.<sup>46</sup>

<sup>45</sup> “Statement by National Security Leaders on an Israeli-Palestinian Two-State Solution and U.S. Policy”, *New York Times* (Washington D.C. edition), 2 March 2018, <https://jstreet.org/statement-national-security-leaders-israeli-palestinian-two-state-solution-us-policy/#.Wp6g47eWxN0> (accessed 6 March 2018).

<sup>46</sup> For greater detail see Muriel Asseburg, *Shrinking Spaces in Israel: Contraction of Democratic Space, Consolidation of Occupation, and Ongoing Human Rights Violations Call for a Paradigm Shift in Europe’s Policies*, SWP Comment 36/2017 (Berlin: Stiftung Wissenschaft und Politik, September 2017), [https://www.swp-berlin.org/fileadmin/contents/products/comments/2017C36\\_ass.pdf](https://www.swp-berlin.org/fileadmin/contents/products/comments/2017C36_ass.pdf) (accessed 10 January 2018). See also Nathan Thrall, “Israel—Palestine: The Real Reason There’s Still No Peace”, *Guardian*, 16 May 2017, <https://www.theguardian.com/world/2017/may/16/the-real-reason-the-israel-palestine-peace-process-always-fails> (accessed 29 May 2017). Thrall criticises differentiation, however, on the grounds that European

**Any lasting improvement in Gaza also presupposes negotiating a long-term cease-fire and establishing a reliable crisis management mechanism.**

In relation to the internal political situation in the Palestinian Territories, Europeans should, secondly, support the reconciliation process between Fatah and Hamas, which has run out of steam since October 2017. Implementation of the steps foreseen in the context of the reconciliation process is crucial to avoid another armed escalation between Israel and Gaza with devastating repercussions for the civilian population. Tensions in Gaza have ramped up dangerously since US President Donald Trump’s December 2017 announcement that the United States would recognise Jerusalem as the Israeli capital.<sup>47</sup> The steps agreed in October 2017 are also essential as the basis for a return to the democratic process and creating the preconditions for transitioning Gaza from humanitarian assistance to economic development and planning for the Strip’s future. This is a matter of great urgency, in light of the humanitarian emergency. Any lasting improvement in Gaza also presupposes negotiating a long-term cease-fire and establishing a reliable crisis management mechanism. Some of the measures agreed in the 2005 Agreement on Movement and Access, for example regarding trade and movement of people, should also be re-established while others are no longer relevant. In this respect the EU mission EUBAM Rafah could play an adapted monitoring role at the border crossings, as well as the coastal waters, and contribute to a crisis management mechanism. But none of this can function without involving the Hamas government on the ground. What that means is that the Europeans should no longer support the Palestinian president’s intransigence towards his rivals in Gaza. Instead it should lift the counterproductive ban on contacts with Hamas and instead include it in talks. For all its deficits, the 2017 Hamas Policy Document should be treated as a point of reference for a pragmatic approach.

responses should target the Israeli government — which is ultimately responsible for the occupation — rather than the settlers and their lobby.

<sup>47</sup> Udi Dekel, *How to Stop the Shooting from the Gaza Strip* (Tel Aviv: Institute for National Security Studies, January 2018), <http://www.inss.org.il/wp-content/uploads/2018/01/No.-1009.pdf> (accessed 10 January 2018).

Thirdly, the EU and its member states should re-evaluate their approach to support for the Palestinian Territories. Two aspects are decisive here: Firstly, measures to preserve livelihoods and territorial cohesion should be stepped up (especially in West Bank Area C and East Jerusalem). Secondly, considerably greater weight should be placed on strengthening Palestinian civil society – which fulfils important watchdog functions – and returning to democratic institutions and an effective division of powers. This also means reforming the police and security apparatus to ensure they are orientated primarily on protecting citizens rather than serving to shore up authoritarian rule and uphold the occupation.

René Wildangel

# The European Union and the Israeli-Palestinian Conflict: From Declaration to Action?

The Israeli government is continuing its settlement policy and discussing partial annexation of the occupied West Bank. If the European Union wants to influence developments on the ground it will need to find new political initiatives to flank its development instruments.

Since 1967 the EC (and later EU) has consistently condemned the Israeli occupation and settlement policy on the basis of Security Council Resolution 242, and played a decisive role in achieving recognition for the Palestinians' claim to self-determination up to and including the right to statehood. Yet the European Union is currently contributing little politically to realising the two-state solution – which it consistently calls for – in a framework of clear parameters, nor to ensuring that central demands such as a settlement moratorium and Palestinian self-determination are in fact realised. Instead of continuing to support the interim structures created under the Oslo Process and staying the course with statebuilding – which is now treading water after receiving billions of euros – the EU urgently needs to expand its options for action. Otherwise, given the discussions about (partial) annexation of Area C, it risks witnessing the final failure of its two-state approach.

## Positioning the EU in the Middle East Conflict

### The EU and Israel

When the European Economic Community (EEC) was created in 1957 the six member states already had close relations with the state of Israel, which had been founded in 1948. France, in particular, which had intervened along with the United Kingdom on Israel's side in the 1956 Suez War, was an important military ally of the young Israeli state and active supporter of its efforts to acquire nuclear weapons tech-

nology. West Germany established its first political ties in the scope of reparations (which were highly controversial in Israel) and acknowledged its historic responsibility for the Shoah. The EEC established diplomatic relations with Israel in 1959 and concluded a trade agreement with the Israeli government in 1964. Soviet-American rivalries increased in the aftermath of the Six-Day War. Moscow supplied arms and military advisors to Egypt and Syria, while Washington boosted its already substantial military support for Israel.

Following the rapid defeat of the Arab armies in June 1967 and Israel's military occupation of the Sinai Peninsula, the Gaza Strip, the West Bank, East Jerusalem and the Golan Heights, the UN Security Council called in November for the "withdrawal of Israel armed forces from territories occupied in the recent conflict".<sup>1</sup> The EC member states never left any doubt as to their commitment to Resolution 242, and in 1971 issued a joint statement calling for the withdrawal of Israeli forces from the Occupied Territories. They also called for the Arab states in return to rescind their Khartoum Resolution<sup>2</sup> and recognise Israel.<sup>3</sup> But no practical political steps followed.

<sup>1</sup> The lack of a definite article in the English version (which is, however, present in the French: "Retrait des forces armées israéliennes des territoires occupés au cours du récent conflit") gave rise to speculation whether withdrawal from all the occupied territories was required. Both the United Nations and the European Union (and its predecessors) have always taken the cease-fire line of 1949 to be definitive (the "Green Line" or "[pre-]1967 borders").

<sup>2</sup> The Arab League's "triple no" of September 1967 in Khartoum: no peace, no negotiations, no recognition.

<sup>3</sup> Schuman Declaration, see Bichara Khader, *The European Union and the Palestinian Question (1957–2013): Soft Diplomacy and Hard Realities* (Brussels: Medea Institute, 25 November 2013), [http://cejm.udl.cat/wp-content/uploads/2013/10/khader\\_eu\\_palestine\\_1957\\_-2013\\_general.pdf](http://cejm.udl.cat/wp-content/uploads/2013/10/khader_eu_palestine_1957_-2013_general.pdf) (accessed 29 May 2018).

While the United Nations was calling on Israel to withdraw from the occupied territories, the first nationalist Israeli settlers were already moving to Hebron. In particular after Likud became the strongest party and formed the government in 1977, the settlers were able to rely on massive support from the highest echelons of power. This forced the EC to take a more determined public stance against Israeli settlement-building.<sup>4</sup> In early 1979, however, Israeli Prime Minister Menachem Begin succeeded in extricating Israel from its regional isolation through the peace settlement with Egypt. After 1973 – which saw its first enlargement and the OPEC oil embargo – the EC became more open to cooperation with the Arab world. But neither that rapprochement nor the EC's critical position towards Israeli control of the occupied Palestinian territories and settlement-building did anything to slow the deepening of relations with Israel. Israel's economic importance for the EC/EU also grew steadily. By 2016 the total volume of trade had grown to €34 billion.<sup>5</sup> Since the 1990s the EU has also officially referred to relations with Israel enjoying "special status".<sup>6</sup> Milestones in this process were ratification of the Association Agreement in 2000, presentation of the ENP Action Plan in 2005, another "upgrade" of relations in 2008 through an expansion of cooperation, and the 11th EU-Israel Association Council of 24 July 2012, which listed sixty

fields in which cooperation was to be deepened.<sup>7</sup> However the Association Council has not convened again since then. In February 2017 the EU suspended it indefinitely in protest at the Netanyahu government's ongoing settlement expansion.

## The EU and the Palestinians

The EC was much slower establishing relations with the Palestinians. Neither UN Resolution 242 nor official statements by the EEC referred to Palestinian rights or to the Palestinian Liberation Organisation (PLO) which led the international militant struggle against Israel. At this time the PLO's proclaimed goal was still "the liberation of Palestine", meaning the entire territory of the former British Mandate, and not just to end the occupation of Palestinian land occupied by Israel in 1967.<sup>8</sup> As far as the EC's relations with the Palestinians are concerned, the Venice Declaration adopted in 1980 by the European Council in the scope of the European Political Cooperation (EPC) marked a milestone. Recognising the Palestinians' right to self-determination and the PLO as their official representative represented a paradigm shift with political repercussions, as the EC was now able to play an autonomous role in efforts to resolve the conflict. In the Venice Declaration the now nine EC member states agreed that "the traditional ties and common interests which link Europe to the Middle East oblige them to play a special role and now require them to work in a more concrete way towards peace".<sup>9</sup> The response of the Likud-led Israeli government is illustrated by the cabinet's official communiqué: "The Resolution calls upon us, and other nations, to include in the peace process the Arab S.S. known as 'The Palestine Liberation Organization'."<sup>10</sup>

<sup>4</sup> Dimitris Bouris, *Riding Shotgun: The EU's Role in the Israeli-Palestinian Conflict* (Beirut: Carnegie Middle East Center, 17 September 2014), <http://carnegie-mec.org/2014/09/17/riding-shotgun-eu-s-role-in-israeli-palestinian-conflict-pub-59158> (accessed 1 November 2017).

<sup>5</sup> Only four Arab countries have more trade with the EU than Israel: the United Arab Emirates, Saudi Arabia, Algeria and Morocco. European Commission, *Client and Supplier Countries of the EU28 in Merchandise Trade*, 15 February 2017, [http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc\\_122530.02.2017.pdf](http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_122530.02.2017.pdf) (accessed 1 November 2017).

<sup>6</sup> The European Council in Essen in 1994 defined the "special status" of the EU's relationship with Israel: "The European Council considers that Israel, on account of its high level of economic development, should enjoy special status in its relations with the European Union on the basis of reciprocity and common interests. In the process regional economic development in the Middle East including in the Palestinian areas, will also be boosted." European Council, *Meeting on 9 and 10 December 1994 in Essen, Presidency Conclusions*, [http://www.europarl.europa.eu/summits/less1\\_en.htm#ext](http://www.europarl.europa.eu/summits/less1_en.htm#ext) (accessed 26 February 2018).

<sup>7</sup> Council of the European Union, *Eleventh Meeting of the EU-Israel Association Council – Statement of the European Union* (Brussels, 24 July 2012), [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff132046.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff132046.pdf) (accessed 1 June 2017).

<sup>8</sup> This is clearly expressed in the Palestinian National Charter of 1968, for example. *Amended Palestinian National Charter*, 17 July 1968, Articles 2 and 8, [https://ecf.org.il/media\\_items/677](https://ecf.org.il/media_items/677) (accessed 26 February 2018).

<sup>9</sup> EEC, *Venice Declaration*, 13 June 1980, [http://eeas.europa.eu/archives/docs/mepp/docs/venice\\_declaration\\_1980\\_en.pdf](http://eeas.europa.eu/archives/docs/mepp/docs/venice_declaration_1980_en.pdf) (accessed 1 November 2017).

<sup>10</sup> *Resolution of the Heads of Government and Ministers of Foreign Affairs of the European Council – Venice Declaration – 13 June 1980 and the Cabinet Statement – 15 June 1980*, <http://www.mfa.gov.il/>

In the Venice Declaration the EC also took a stance against unilateral alterations to the status of Jerusalem. The Jerusalem Law adopted by the Knesset that same year, through which Israel officially annexed East Jerusalem, was dismissed by most of the international community including the EC member states.<sup>11</sup> The Palestinian Declaration of Independence in Algiers in 1988, which de facto recognised UN Resolution 242 and with it the 1967 borders, opened the way for the PLO to participate in the 1991 Madrid Peace Conference and the secret talks in Oslo that led to the 1993 Declaration of Principles and the 1994 Oslo I Accord. This ushered in a new era of European-Palestinian relations, and the European Community became the principal backer of the new plan to incrementally expand Palestinian autonomy. The European Council's Berlin Declaration of 1999 confirmed the Palestinian right to self-determination "including the option of a state" and declared the Community's "readiness to consider the recognition of a Palestinian State in due course".<sup>12</sup>

### The Peace Process and the EU's Failed Development Paradigm

In the years of the Oslo peace process the EU became the Palestinian Authority's largest donor. It currently supports the Palestinians to the tune of about €300 million annually, having invested several billion since 1993.<sup>13</sup> Most of these funds go to supporting the PA's budget and supplying relief to the Palestinian refugees through the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Even as the five-year interim phase – during which the territorial prerequisites for a state were supposed to be created – was just beginning, critical observers were already pointing out that sup-

plying funds without settling the final status issues could end up perpetuating the transitional status created by the Oslo Accords.<sup>14</sup>

In 1995 Israel and the PLO also joined the Euro-Mediterranean Partnership (EMP or Barcelona Process). Through the EMP the European Community was seeking – in parallel to the Oslo peace process – to develop a positive vision for its Middle Eastern neighbourhood, which it was also hoped would improve the prospects for a successful conclusion of the Oslo negotiations. While the EU vested great ambitions in the launch of the EMP, aspiring to an influential role in the transformation process of its Middle Eastern neighbours, the results were just as meagre as those of the successor project initiated by France in 2008, the Union for the Mediterranean, through which Paris hoped to place cooperation on a new footing.

The Arab Peace Initiative of 2002, also greeted with great hopes by the EU, similarly failed to get off the ground. This proposal by the Arab League offered the Israeli government the prospect of normalisation of Arab-Israeli relations if Israel ended the occupation and a just solution was found for the Palestinian refugees. The same year, 2002, saw the creation of the Middle East Quartet, in which the EU formally joined the United States, Russia and the United Nations as an equal partner. Otherwise, however, this format represented no departure from the familiar pattern: "the US decides ..., the EU pays, the UN feeds";<sup>15</sup> – despite its massive development engagement the United States restricted the EU to the role of "co-pilot" in the search for a political solution.<sup>16</sup> This model remained basically unchanged through all the negotiations from Camp David II (summer 2000) and Sharm al-Sheikh (October 2000), the preparation of the Roadmap (2003) and the talks in Annapolis (2007) to the Kerry Process (2013/14).

[mfa/foreignpolicy/mfadocuments/yearbook4/pages/100%20resolution%20of%20the%20heads%20of%20government%20and%20mini.aspx](http://mfa/foreignpolicy/mfadocuments/yearbook4/pages/100%20resolution%20of%20the%20heads%20of%20government%20and%20mini.aspx) (accessed 1 November 2017).

**11** Security Council Resolution 478 (1980) on the Status of Jerusalem, S/RES/478(1980), 20 August 1980, <http://repository.un.org/handle/11176/68006> (accessed 19 March 2018).

**12** Presidency Conclusions, Berlin European Council 24 and 25 March 1999, [http://ec.europa.eu/regional\\_policy/sources/docoffic/official/regulation/pdf/berlin\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/pdf/berlin_en.pdf) (accessed 23 February 2018).

**13** European Commission, *European Neighbourhood Policy and Enlargement Negotiations – Palestine*, [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine\\_en](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine_en) (accessed 1 November 2017).

**14** For example Edward Said, "The Morning After", *London Review of Books* 15, no. 20 (21 October 1993): 3–5, <http://www.lrb.co.uk/v15/n20/edward-said/the-morning-after> (accessed 1 November 2017).

**15** Anne Le More, "Killing with Kindness: Funding the Demise of a Palestinian State", *International Affairs* 81, no. 5 (2005): 981–99 (995): "the US decides ..., the EU pays, the UN feeds".

**16** Bouris, *Riding Shotgun* (see note 4).

## The objective of resolving the conflict through the creation of a Palestinian state became increasingly forgotten.

The Eastern enlargement of 2004 made it harder for the EU to reach unanimous positions in its foreign and security policy as a whole, with matters relating to the Middle East peace process no exception. That said, where common positions were achieved, these now enjoyed greater weight and visibility.<sup>17</sup> In view of the failure of all US efforts to revive the Oslo Process, the EU's largely development-focussed activities remained ineffectual and the actual objective of resolving the conflict through the creation of a Palestinian state alongside the Israeli one became increasingly forgotten.

While the EU always took a clear stance against Israeli settlement-building, naming it as the main obstacle to a two-state solution, this did nothing to slow the massive growth of the settlements. Throughout the entire transitional period Israeli governments forged ahead with settlement expansion. Between 1993 and 2017 the number of settlers in the West Bank and East Jerusalem tripled to well over half a million. The EU was also forced to look on as PA capacities it had funded were almost completely destroyed during the Second Intifada that began in September 2000. The Second Intifada, construction of the separation barrier (largely on the Palestinian side of the green line) and Israel's withdrawal from Gaza in 2005 cemented a status quo that was now under the complete control of the Israeli government. In the words of one advisor to Ariel Sharon: "It supplies the amount of formaldehyde that is necessary so there will not be a political process with the Palestinians."<sup>18</sup> This prevented progress not only in the peace process, but also in the statebuilding process in Palestine and in the EU-funded PA.

<sup>17</sup> For example through the activities of EU Special Representative Miguel Ángel Moratinos (from May 1996) and especially the High Representative of the CFSP, Javier Solana (from November 1999); at the same time Israeli scepticism towards the EU grew, see Muriel Asseburg, *Die EU und der Friedensprozeß im Nahen Osten*, SWP-Studie 28/2003 (Berlin: Stiftung Wissenschaft und Politik, July 2003), 14, [http://www.swp-berlin.org/fileadmin/contents/products/studien/S2003\\_28\\_ass.pdf](http://www.swp-berlin.org/fileadmin/contents/products/studien/S2003_28_ass.pdf) (accessed 1 November 2017).

<sup>18</sup> Ari Shavit, "Top PM Aide: Gaza Plan Aims to Freeze the Peace Process", *Haaretz*, 6 October 2004, <http://www.haaretz.com/top-pm-aide-gaza-plan-aims-to-freeze-the-peace-process-1.136686> (accessed 1 November 2017).

## Faltering Statebuilding and Denial of State Recognition

After the death of Yasser Arafat in 2004 the EU attempted to rebuild and reform the PA. This was now increasingly a climate in which the Bush Administration and Israel demanded a focus on counter-terrorism while critical Palestinian voices increasingly perceived the PA as corrupt and as a guarantor of Israeli rather than Palestinian security interests. The EU's decision not to recognise the Hamas victory in the 2006 elections – even though the EU had itself observed the elections and found them to be free and fair – not only cost the EU a massive loss of credibility but also deepened the intra-Palestinian rift which has persisted to this day.

The EU saw the programme "Palestine – Ending the Occupation, Establishing the State", published in 2009 by Palestinian prime minister Salam Fayyad, as a sign of hope that new life might yet be injected into the process of state formation. In April 2011 the United Nations confirmed that the governmental capacities already created were adequate for a functioning administration.<sup>19</sup> But the decisive form of support – political recognition – continues to be denied. In the UN General Assembly on 29 November 2012 fourteen EU member states voted for recognition of Palestine as a "non-member observer state", twelve abstained, one state voted against (the Czech Republic). Germany's abstention was interpreted as a turn away from Netanyahu and registered with disappointment by the Israeli government,<sup>20</sup> but with the exception of Sweden no EU member state has recognised the Palestinian state. After two decades of working towards Palestinian statehood, it was clear that there was no consensus within the EU over the question of recognition.

<sup>19</sup> Office of the United Nations Special Coordinator for the Middle East Peace Process, *Palestinian State-Building: A Decisive Period*, Ad Hoc Liaison Committee Meeting, Brussels, 13 April 2011, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/19E5539F9124AB2085257870004D8264> (accessed 26 February 2018).

<sup>20</sup> For example Jörg Lau, "Deutschlands Enthaltung ist richtig", *Die Zeit*, 30 November 2012, <http://www.zeit.de/politik/ausland/2012-11/un-palaestineser-antrag> (accessed 1 November 2017).

## Instead of funds being used to build sustainable structures, the share of humanitarian aid is increasing.

The achievements of Palestinian self-government are coming under increasing pressure. The internal Palestinian democracy deficit is growing. Neither the Palestinian Legislative Council (which no longer meets in the West Bank) nor President Mahmoud Abbas (last elected in 2005 for four years), nor Hamas's de facto rule in Gaza are currently democratically legitimised. Abbas rules by decree without parliamentary oversight or political controls, and freedom of the press is increasingly restricted.<sup>21</sup> While the EU continues to make its rule of law and good governance contributions, there are increasingly vehement accusations of arbitrary detention, mistreatment and torture by Palestinian security forces.<sup>22</sup> The social and economic situation and the mood in the Palestinian Territories have deteriorated. Poverty and unemployment are rising, production capacity is falling, social inequality and aid dependency growing.<sup>23</sup> The Palestinian economy in Jerusalem has halved since the Oslo Process began.<sup>24</sup> The EU's development policy to date has failed and is increasingly called into question.<sup>25</sup> Instead of funds being used to build sustain-

able structures, the share of humanitarian aid is increasing.<sup>26</sup>

In view of the magnitude of funds provided by European taxpayers, the lack of coherent and effective political instruments is also viewed increasingly critically within the EU. An evaluation of EU assistance to Palestine between 2008 and 2013 warned: "If continued in present form, the Cooperation is unsustainable and counterproductive to EU normative principles."<sup>27</sup> Twenty-five years after the beginning of the Oslo Process, the prospects of constructive developments in the peace process are gloomy – and since the inauguration of US President Trump even more tenuous than before. Given the possibility of a new political initiative from Washington it is therefore important to scrutinise the EU's approach to date and to analyse what options Europe has to improve the prospects for a settlement. Even if the EU is unlikely to become a central player in any settlement process, it must assume considerably greater political responsibility.

## New Political Responsibility? Current EU Fields of Action

### EU Policy in Area C

In 2011 the EU declared Area C decisive for realising a two-state solution and committed itself to pursuing a firmer strategy to reopen it for projects promoting Palestinian development.<sup>28</sup> In Area C, which represents more than 60 percent of the West Bank

**21** Committee to Protect Journalists, "Palestinian Authority Censors at Least 11 News Websites", *cpj.org* (online), 21 June 2017, <https://cpj.org/2017/06/palestinian-authority-censors-at-least-11-news-web.php> (accessed 1 November 2017).

**22** See for example "Evidence Shows Palestinian Security Forces Violently Suppressed Peaceful Protest in Ramallah", *Amnesty International* (online), 17 March 2017, <http://www.amnesty.org/en/latest/news/2017/03/evidence-shows-palestinian-security-forces-violently-suppressed-peaceful-protest-in-ramallah/> (accessed 1 November 2017).

**23** World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 19 September 2016, <http://documents.worldbank.org/curated/en/474311473682340785/main-report> (accessed 1 November 2017).

**24** United Nations Conference on Trade and Development (UNCTAD), *The Palestinian Economy in East Jerusalem: Enduring Annexation, Isolation and Disintegration* (New York and Geneva, April 2013), <http://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=491> (accessed 1 November 2017).

**25** Jeremy Wildeman and Alaa Tartir, *Can Oslo's Failed Aid Model Be Laid to Rest?* Al-Shabaka-Briefing Paper (Washington, D.C.: Al-Shabaka, The Palestinian Policy Network, 18 September 2013), <https://al-shabaka.org/briefs/can-oslos-failed-aid-model-be-laid-rest/> (accessed 1 November 2017).

**26** Brigitte Herremans, *The EU's Self-Defeating Aid Policy towards Palestine*, CEPS Policy Brief 343 (Brussels: Centre for European Policy Studies [CEPS], Mai 2016), <http://www.ceps.eu/system/files/PB343%20Herremans%20Aid%20to%20OPT.pdf> (accessed 1 November 2017).

**27** European Union, *Summary of the Evaluation Report of the European Union's Cooperation with Palestine and Support to Palestinian People*, May 2014, [http://ec.europa.eu/europeaid/how/evaluation/evaluation\\_reports/evinfo/2014/1327\\_ev\\_en.pdf](http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/evinfo/2014/1327_ev_en.pdf) (accessed 1 November 2017).

**28** EU Report *Area C and Palestinian State Building*, July 2011, available for example from <http://www.ipk-bonn.de/downloads/EU-Report-Area-C.pdf> (accessed 26 February 2018); Office of the European Union Representative (West Bank and Gaza Strip, UNRWA), *EU in Area C*, 20 October 2016, [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/12427/EU%20in%20Area%20C](https://eeas.europa.eu/headquarters/headquarters-homepage_en/12427/EU%20in%20Area%20C) (accessed 1 November 2017).

and stands under exclusive Israeli civil and military control, restrictions imposed by Israel deny essential resources to the Palestinian economy, especially its agricultural sector. A sustainable Palestinian economic order can only be created if it is able to rely on its own resources. The World Bank estimates that lack of access to Area C is responsible for annual economic losses amounting to \$3.4 billion.<sup>29</sup>

Implementation of broad-based, visible projects would have given the European Union the possibility – at a more favourable juncture under Prime Minister Salam Fayyad – to expand the PA’s real sphere of influence in the West Bank. In the ambitious government programme of 2009, “Ending the occupation, establishing the state”, Area C is described as offering “natural locations for large infrastructure projects, such as wastewater treatment plants, landfills, water pipelines, and main roads”,<sup>30</sup> but the EU hoped to operate in consensus with the Israeli government in Area C. A non-paper prepared in spring 2012 by the German Foreign Ministry named a series of benchmarks to serve as points of orientation for a new development approach in Area C. The background to this was an intense debate in Germany and other EU member states about the destruction by Israel of development projects funded using European taxpayers’ money. The paper emphasised the necessity to achieve “tangible results” with the EU initiative and to establish simple and rapid processes for enabling development in Palestinian communities. Preparation of masterplans, introduction of simplified procedures for construction permits and protection of Palestinian communities are named as benchmarks for a turnaround in Area C. The paper concludes that Germany was “willing to engage constructively with Israel in further developing these ideas and to advocate among European and international partners such a non-confrontative approach.”<sup>31</sup>

### **In the past the implementation of major projects that Germany intended to fund and execute has been repeatedly obstructed or delayed.**

Five years later the projects the EU sought to realise in Area C must be regarded as largely having failed. Only 1 percent of the total area of Area C has theoretically been released for Palestinian development projects, despite the Palestinian government having submitted outline plans to the Israeli Civil Administration; more than 98 percent of Palestinian permit applications are not approved.<sup>32</sup> In the past the implementation of major projects that Germany intended to fund and execute has been repeatedly obstructed or delayed. Moreover, the Netanyahu-led coalition governments since 2009 have pursued a systematic policy of destruction of Palestinian infrastructure and development projects, which provisionally culminated in 2016.<sup>33</sup> The background to this is the open stance of pro-settler coalition parties that Area C should belong permanently to Israel. The governing parties have even placed legislation for annexation or partial annexation on the agenda.

Settlement expansion and the creeping transformation of Palestinian land into Israeli state land accelerate the displacement of the up to 300,000 Palestinians who live in Area C under appalling conditions. In the past demolitions in Area C often affected buildings and structures built using German and European aid. In other cases, such as the wind and solar power installations in the South Hebron Hills, which had been constructed by partner organisations of the German NGO Medico International, it was possible to reach a tacit agreement to avoid demolition. But the

**29** World Bank, *Area C and the Future of the Palestinian Economy*, Report No. AUS2922 (2 October 2013), <http://documents.worldbank.org/curated/en/137111468329419171/pdf/AUS29220REPLAC0EVISION0January02014.pdf> (accessed 1 November 2017).

**30** <https://unispal.un.org/DPA/DPR/unispal.nsf/0/A013B65A5984E671852576B800581931> (accessed 29 May 2018).

**31** The author is in possession of the April 2012 non-paper in English.

**32** United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in the Occupied Palestinian Territory, “Sharp Increase in West Bank Demolitions: Aid Organizations Face Serious Constraints in Assisting Displaced Families”, *Monthly Humanitarian Bulletin*, February 2016, <http://www.ochaopt.org/content/sharp-increase-west-bank-demolitions> (accessed 1 November 2017).

**33** 1,093 Palestinian structures were “demolished or seized” in the West Bank and East Jerusalem, more than 1,600 Palestinian were made homeless; see OCHA in the Occupied Palestinian Territory, “Record Number of Demolitions and Displacements in the West Bank during 2016”, *Monthly Humanitarian Bulletin*, January 2017, <http://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016> (accessed 1 November 2017).

ambitious development strategy in Area C remained toothless. Some Israeli parties are even discussing legislation to prevent foreign-funded development in Area C altogether.<sup>34</sup>

On 13 December 2016 the EU Representative in Jerusalem condemned the ongoing Israeli demolitions in no uncertain terms. His statement pointed out that in 2016 alone “humanitarian structures provided by the EU and EU Member States worth approximately EUR 536,000 have been either destroyed or confiscated”.<sup>35</sup> Another six hundred buildings and structures worth €2.4 million are threatened.<sup>36</sup> For the period 2001 to 2011 the EU Commission estimates the loss of development projects it co-funded at about €50 million.<sup>37</sup>

### The EU will have to oppose the wanton destruction of Palestinian infrastructure.

If the EU sees the development of Area C as a precondition for a two-state solution, as it has frequently declared, it will have to oppose the wanton destruction of Palestinian infrastructure and make it clear to the Israeli government that continuing demolitions will have grave consequences for the bilateral relationship. For the sake of its credibility it must demand compensation. It could send its own observer mission to assess the sustainability of European development

**34** Statement by the party Yisrael Beiteinu on 7 November 2016. See Ahmad Melhem, “The EU Giveth, Israel Taketh Away in West Bank”, *Al-Monitor*, 3 January 2017, <http://www.al-monitor.com/pulse/en/originals/2016/12/west-bank-area-c-eu-projects-israel-destruction.html> (accessed 1 November 2017).

**35** Office of the EU Representative (West Bank and Gaza Strip, UNRWA), *Local Statement on Israeli Demolitions and Confiscations of Palestinian Structures in Area C*, Jerusalem, 13 December 2016, [https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/17114/node/17114\\_en](https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/17114/node/17114_en) (accessed 1 November 2017).

**36** European Parliament, *Answer Given by Vice-President Mogherini on Behalf of the Commission, Parliamentary Questions*, E-002290/2016, 3 June 2016, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2016-002290&language=EN> (accessed 1 November 2017).

**37** European Parliament, *Answer Given by Mr File on Behalf of the Commission, Parliamentary Questions*, E.000053/2012, 4 July 2013, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-000053&language=EN> (accessed 26 February 2018).

work in Palestinian communities and document destruction by the Israeli army.

If Area C is not to be abandoned as a possible component of a future Palestinian state, the EU must get serious about implementing plans for developing Palestinian communities and expanding the area available for Palestinian agriculture. That is not possible without calling into question Israeli sovereignty over the occupied territories – also legally – and thus also the continuation of arrangements that are set out in the Oslo Accords. Today the military and civilian sovereignty enjoyed by the occupying power encourages a creeping policy of annexation. Under the Oslo Accords this sovereignty was agreed only as a temporary measure applying until responsibility was transferred to the Palestinian Authority, not as a permanent state of affairs.

### EU Measures to Implement the “Policy of Differentiation”

The expectations of EU Middle East policy grew with the frustration of the Obama Administration, which was unable to limit Israel’s settlement-building, neither with a ten-month moratorium (whose impact was restricted and excluded East Jerusalem) nor with additional billions in aid. Washington then signalled to Brussels that it would like the EU to exert stronger diplomatic pressure.

Nevertheless Washington refused in February 2011 to support a Security Council resolution proposed by France, the United Kingdom and Germany (at the time a non-permanent member of the Security Council) calling on Israel to stop settlement-building.<sup>38</sup> In a joint declaration the three EU member states reiterated their parameters for a final status agreement: the 1967 borders as the basis, a security concept that guarantees Palestinian sovereignty and protects Israeli security interests, a just solution to the refugee question accepted by both sides, and Jerusalem as the future capital of both states.<sup>39</sup> Only in 2016, in one

**38** United Nations Security Council, *Draft Resolution, S/2011/24*, 18 February 2011, <https://unispal.un.org/DPA/DPR/unispal.nsf/5ba47a5c6cef541b802563e000493b8c/9397a59ad7bfa70b8525783f004f194a?OpenDocument> (accessed 1 November 2017).

**39** Statement delivered by Sir Mark Lyall Grant on behalf of the United Kingdom, France and Germany, see UN Security Council, 6484th Meeting, New York, 18 February 2011, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/8503563C218A481085257FCE006BA81C> (accessed 1 November 2017).

of the last acts of the Obama Administration, did Washington ensure by withholding its veto that the even more forceful Security Council resolution 2334 could be adopted. It calls on all states to “distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967”.<sup>40</sup> This codified in international law the principle of “differentiation” between Israel in the borders of 1967 and the Occupied Territories.<sup>41</sup>

Although the EU always distinguished formally between Israel and the Occupied Territories, guidelines for implementation were long lacking. In response to the policies of the Netanyahu-led coalitions, which increasingly deliberately ignored the distinction between Israel in the borders of 1967 and the Occupied Territories, the EU Commission began in 2013 issuing guidelines to flesh out its positions on this issue and communicate them more emphatically.<sup>42</sup> On 11 November 2015 it published an *Interpretative Notice on Indication of Origin of Goods from the Territories Occupied by Israel since June 1967*.<sup>43</sup> The Israeli government responded with vehement protests, accusing the EU of discrimination and summoning EU Ambassador Lars Faaborg-Andersen to the foreign ministry.<sup>44</sup> Faaborg-Andersen reiterated the EU’s fundamental

position, that the Occupied Territories were not part of Israel, and that the origin labelling requirement was a purely technical detail required to implement existing law.<sup>45</sup> Although that is true to the extent that goods from Israeli settlements in the West Bank were already excluded from tariff concessions under Israel-EU trade agreements, the EU’s defensive communication of the differentiation strategy and its cautious and uneven implementation at the national level have restricted the its possibilities for using this instrument to exert political influence. In the case of the discussion about the Horizon 2020 research programme, for example, the EU was able to insist its stance that the agreements apply only to “Israel proper”. But at the same time it permitted the Israeli government to present its own interpretation in a public statement. The Israeli government responded to EU measures against settlement-building with harsh criticism and diplomatic retaliation.<sup>46</sup>

Deliberately avoiding differentiation, as practised for example by the Israeli government, government-related organisations and Israeli diplomatic missions,<sup>47</sup> encourages a “one-state reality” that in the meantime has more or less become a fact on the ground.<sup>48</sup> In order to consolidate the strategy of differentiation, further proposals that the EU could rapidly implement have been introduced into the discussion: for example sensitising banks and businesses not to make investments or maintain business relationships that could directly or indirectly benefit

**40** UN Security Council, *Resolution 2334 (2016)*, S/RES/2334 (2016), 23 December 2016, <http://www.un.org/webcast/pdfs/SRES2334-2016.pdf> (accessed 1 November 2017).

**41** Hugh Lovatt and Mattia Toaldo, *EU Differentiation and Israeli Settlements*, ECFR Policy Brief 140 (London: European Council on Foreign Relations [ECFR], July 2015), [http://www.ecfr.eu/publications/summary/eu\\_differentiation\\_and\\_israeli\\_settlements3076](http://www.ecfr.eu/publications/summary/eu_differentiation_and_israeli_settlements3076) (accessed 1 November 2017).

**42** In 2013 the Commission excluded “Israeli entities and their activities in the territories occupied by Israel since June 1967” from receiving “grants, awards and financial instruments funded by the EU”, and in 2014 banned imports of poultry and milk products from the settlements. “Guidelines on the Eligibility of Israeli Entities and Their Activities in the Territories Occupied by Israel since June 1967 for Grants, Prizes and Financial Instruments Funded by the EU from 2014 Onwards”, *Official Journal of the European*, C205/9, 19 July 2013.

**43** European Commission, *Interpretative Notice on Indication of Origin of Goods from the Territories Occupied by Israel since June 1967*, 11 November 2015, [https://eeas.europa.eu/sites/eeas/files/20151111\\_interpretative\\_notice\\_indication\\_of\\_origin\\_en.pdf](https://eeas.europa.eu/sites/eeas/files/20151111_interpretative_notice_indication_of_origin_en.pdf) (accessed 1 November 2017).

**44** Barak Ravid, “European Commission Adopts Guidelines for Labeling Products from Israeli Settlements”, *Haaretz*, 11 November 2015, <http://www.haaretz.com/israel-news/premium-1.685428> (accessed 1 November 2017).

**45** Tovah Lazaroff, “EU Ambassador: ‘Territory beyond the Green Line Is Not Part of Israel’, Defends Settlement Labeling”, *Jerusalem Post*, 3 November 2015, <http://www.jpost.com/Arab-Israeli-Conflict/EU-Ambassador-Territory-beyond-the-Green-Line-is-not-part-of-Israel-defends-settlement-labeling-431944> (accessed 1 November 2017).

**46** ToI Staff, “Netanyahu Suspends EU Peace Role over Settlement Labeling”, *Times of Israel*, 29 November 2015, <http://www.timesofisrael.com/netanyahu-suspends-eu-peace-role-over-settlement-labeling/> (accessed 26 February 2018).

**47** At Christmas 2015 the Israeli embassy in Washington, D.C., distributed products from settlements in the Golan Heights and the West Bank. “Israeli Embassy in U.S. Sends Out Holiday Gift Packages with Settlement Products”, *Haaretz*, 23 December 2015, <http://www.haaretz.com/israel-news/1.693307> (accessed 26 February 2018).

**48** Muriel Asseburg, *Middle East Peace Talks at the End of the Road? One-State Reality Consolidating*, SWP Comment 21/2014 (Berlin: Stiftung Wissenschaft und Politik, May 2014), [https://www.swp-berlin.org/fileadmin/contents/products/comments/2014C21\\_ass.pdf](https://www.swp-berlin.org/fileadmin/contents/products/comments/2014C21_ass.pdf) (accessed 26 February 2018).

Israeli settlements.<sup>49</sup> On the other hand in October 2017 FIFA refused to exclude football clubs from the settlements from playing under the Israeli flag in competitions, in a decision that even mentioned Security Council Resolution 2334.<sup>50</sup> Some NGOs demand a complete prohibition on trade in products from settlements, on the grounds that these violate the Geneva Convention.<sup>51</sup> For years the local EU Representatives have been proposing further-reaching measures in their reports on the situation in Jerusalem: EU entry bans for known violent settlers, voluntary guidelines to prevent EU tour operators indirectly supporting settlement enterprises in East Jerusalem, and strengthening the Palestinian presence in East Jerusalem.<sup>52</sup> Such measures are even more urgent in light of US President Trump's December 2017 announcement that the United States will recognise Jerusalem as the Israeli capital – and thus implicitly recognise Israeli's claim to sovereignty over Palestinian East Jerusalem.

## Diplomatic Initiative to End the Gaza Blockade

Palestine's downward spiral is gravest in Gaza, where after three wars in six years almost the entire basis of life has been destroyed; the UN report *Gaza 2020* warned in 2012 that the ongoing destruction and poisoning of natural resources could make Gaza com-

pletely uninhabitable. This already unsettling vision became even gloomier after the 2014 war, during which a sizeable part of Gaza's businesses and infrastructure were destroyed. In a non-paper of 5 August 2014, Germany, France and the United Kingdom proposed reviving the Agreement on Movement and Access (AMA) that had been agreed 2005 but never implemented, in order to enable the opening required for reconstruction.<sup>53</sup> This was to be accompanied by the installation of an international monitoring mechanism that would respect both Israeli security interests and Palestinian freedom of movement. In June 2010 the German Bundestag had already adopted a cross-party motion calling for "vigorous support for the EU's demand for immediate lifting of the blockade of Gaza".<sup>54</sup> But the 2014 agreement between the UN, Israel and the PA for a "Gaza Reconstruction Mechanism" (GRM) was tantamount to international legitimisation of the restrictive Gaza blockade that continues to prevent the urgently needed economic revival and improvement in the situation of the population.<sup>55</sup> Living conditions on the ground remain dramatic. The population has to make do with just a few hours of electricity daily, 95 percent of the water supply is undrinkable, and healthcare is inadequate.<sup>56</sup> Because the water treatment infrastructure has been destroyed large amounts of untreated sewage are discharged into the Mediterranean every

**49** In another report on the differentiation strategy in October 2016, the ECFR generally recommended the use of more "disincentives". See Hugh Lovatt, *EU Differentiation and the Push for Peace in Israel-Palestine*, ECFR Policy Brief 194 (October 2016), [http://www.ecfr.eu/page/-/ECFR\\_194\\_-\\_EU\\_DIFFERENTIATION\\_AND\\_THE\\_PUSH\\_FOR\\_PEACE\\_IN\\_ISRAEL-PALESTINE\\_\(1\).pdf](http://www.ecfr.eu/page/-/ECFR_194_-_EU_DIFFERENTIATION_AND_THE_PUSH_FOR_PEACE_IN_ISRAEL-PALESTINE_(1).pdf) (accessed 26 February 2018).

**50** "FIFA Council Statement on the Final Report by the FIFA Monitoring Committee Israel-Palestine", *Fifa.com* (online), 27 October 2017, <http://www.fifa.com/about-fifa/news/y=2017/m=10/news=fifa-council-statement-on-the-final-report-by-the-fifa-monitoring-comm-2917741.html> (accessed 26 February 2018).

**51** Salil Shetty, "States Must Ban Israeli Settlement Products to Help End Half a Century of Violations", *Amnesty International* (online), 7 July 2017, <http://www.amnesty.org/en/latest/news/2017/06/states-must-ban-israeli-settlement-products-to-help-end-half-a-century-of-violations-against-palestinians/> (accessed 26 February 2018).

**52** Peter Beaumont, "Jerusalem at Boiling Point of Polarization and Violence – EU Report", *Guardian*, 20 March 2015, <http://www.theguardian.com/world/2015/mar/20/jerusalem-at-boiling-point-of-polarisation-and-violence-eu-report> (accessed 26 February 2018).

**53** *Gaza: Supporting a Sustainable Ceasefire*, non-paper, 5 August 2014, <http://www.scribd.com/document/236224929/British-French-and-German-non-paper-on-Gaza> (accessed 26 February 2018).

**54** Deutscher Bundestag, 17. Wahlperiode, *Antrag der Fraktionen CDU/CSU, SPD, FDP und Bündnis 90/Die Grünen: Ereignisse um die Gaza-Flottille aufklären – Lage der Menschen in Gaza verbessern – Nahost-Friedensprozess unterstützen*, Drucksache 17/2328, 30 June 2010, <http://dip21.bundestag.de/dip21/btd/17/023/1702328.pdf> (accessed 26 February 2018).

**55** *Treading Water: The Worsening Water Crisis and the Gaza Reconstruction Mechanism*, Oxfam Briefing Paper (Cowley: Oxfam International, March 2017), <http://www.oxfam.org/en/research/treading-water-worsening-water-crisis-and-gaza-reconstruction-mechanism> (accessed 26 February 2018). The report analyses the GRM and documents how Israeli policy subverts humanitarian initiatives, promotes Gaza's regression and intensifies its isolation.

**56** World Health Organization, "Factsheet: Health Impact of the Fuel/Electricity Crisis in Gaza and WHO Actions", *reliefweb.int* (online), 14 December 2017, <https://reliefweb.int/report/occupied-palestinian-territory/factsheet-health-impact-fuelelectricity-crisis-gaza-and-who> (accessed 26 February 2018).

day, with negative consequences for the health of those living there – on Israel's coast as well as Gaza's.<sup>57</sup>

In November 2017 PA officials took control of the border crossings under the Palestinian reconciliation process. But Egypt and Israel continue to keep Gaza sealed off, a measure that even Israeli observers say increases the likelihood of violent conflict recurring and creates a permanent security risk.<sup>58</sup> Even former members of the Israeli security establishment share this assessment. Because a further deterioration would increase the danger of escalation, Major-General Yoav Mordechai, Coordinator of Government Activities in the Territories (COGAT), has repeatedly warned that a crisis is imminent in Gaza and called in 2017 for "a Gazan version of the Marshall Plan".<sup>59</sup>

Projects on which the EU spent millions have also been destroyed in Gaza. These are civilian infrastructure facilities whose destruction cannot be justified in terms of Israel's legitimate security interests and right to self-defence. Israel also continues to limit access to the Gaza Strip, regularly denying entry to foreign parliamentarians and high-ranking officials, as well as to international human rights organisations.<sup>60</sup>

If German government and the EU jointly contribute €568 million for reconstruction in Gaza, as they promised in October 2014 at the international donor conference in Cairo, they should not neglect their duty of oversight and their opportunities for political influence and control. It will require a political initiative dedicated to both ensuring Israel's security and restoring freedom of movement of people and goods for the population of Gaza to break out of the

now entrenched aid economy that condemns most of the Palestinian population to dependency. Now that the Palestinian Authority has reasserted control of the border crossings to Gaza, the EU must implement its own proposals for improving border controls. Instead of continuing to fund the inactive Border Assistance Mission EUBAM Rafah, which has spent more than ten years on call in the Israeli town of Ashkelon, it should instead make an effective contribution to transparency and security at the border crossings, in the sense of contributing to restoring the freedom of movement of people and goods that is crucial for Gaza's economic recovery. A permanent naval mission in the Mediterranean could prevent attempts to smuggle arms to Gaza and contribute to enabling Israel to lifting its maritime blockade. That in turn would be the basic precondition for reviving the fisheries sector, which is of existential importance for Gaza; under the Oslo Accords Palestinians are permitted to fish within the twelve-mile zone. In order to achieve these objectives, the EU should also play a much more active role in the Palestinian reconciliation process. That would also mean rescinding the long-debated official no-contact policy to permit Hamas to be included directly in negotiating the terms.<sup>61</sup>

### Five Decades of Occupation: Time for an EU Action Plan

The EU should draw together the fields of action described above in an action plan and lay out concretely how it intends to implement its differentiation strategy. Negotiations for a final status agreement must remain the ultimate objective, but the necessary preconditions are lacking as long as the current Israeli government more or less openly rejects the establishment of a Palestinian state and creates facts on the ground for a one-state solution. The fact that economic and military relations between Israel and a number of Gulf states have already warmed without progress in the Israeli-Palestinian conflict is likely to further worsen the prospects of successful negotia-

<sup>57</sup> Gaza Gateway Blog, "Gaza's Sewage Is Overflowing", *gisha.org* (online), 22 July 2017, <http://gisha.org/en-blog/2017/07/11/gazas-sewage-is-overflowing/> (accessed 26 February 2018).

<sup>58</sup> Amos Harel, "The Time-bomb That May Set Off the Next Israel-Hamas War Is Ticking in Gaza", *Haaretz*, 31 December 2017, <http://www.haaretz.com/middle-east-news/palestinians/.premium-its-not-the-rockets-that-will-lead-to-war-1.5630015> (accessed 26 February 2018).

<sup>59</sup> Amos Harel, "Israeli Army Calls for Gaza 'Marshall Plan' to Thwart Takeover by Forces More Extreme Than Hamas", *Haaretz*, 5 November 2017, <http://www.haaretz.com/israel-news/.premium-israeli-army-calls-for-gaza-marshall-plan-to-prevent-violence-1.5463158> (accessed 26 February 2018).

<sup>60</sup> Human Rights Watch, *Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers* (New York, 2 April 2017), <http://www.hrw.org/report/2017/04/03/unwilling-or-unable/israeli-restrictions-access-and-gaza-human-rights-workers> (accessed 26 February 2018).

<sup>61</sup> Even before the new Hamas Charter was unveiled, various leaders had already acknowledged the borders of 1967. They include Ismail Haniyah, the new head of the Hamas political bureau, who could lead a delegation with decision-making powers as a moderate representative of the organisation.

tions because the central incentive of the Arab Peace Initiative — normalisation of relations after the end of the occupation — no longer applies.

**The EU needs an action plan with concrete measures, for example for development in Area C and Jerusalem and for opening the Gaza Strip.**

Instead of repeating its mantra that only the two immediate parties themselves can negotiate peace, the EU should shift to addressing the conditions for overcoming this asymmetrical conflict using its own instruments. To date it has only spelled out that: “An unprecedented package of European political, economic and security support to both parties can be expected in the context of a final status agreement.”<sup>62</sup> Now the EU needs to explicate in an action plan which concrete measures it intends to take, for example for development in Area C and Jerusalem and for opening the Gaza Strip. The basis of its activities must be the parameters upon which it has always insisted and over which consensus exists.<sup>63</sup> That also includes recognising Palestinian statehood even before a final status arrangement, in line with its commitment to Palestinian sovereignty on the basis of the 1967 borders. It would be contradictory to spend billions of euros on building state institutions only to deny recognition to the state thus created.

The EU needs to reassess its development paradigm. Security cooperation, economic support and budget assistance only create the appearance of consolidating a status quo that is in fact being steadily undermined by settlement-building. Funding should be channelled to projects that strengthen the cohesion of municipalities and the resilience of especially threatened activists and communities, to boost especially those forces working non-violently to preserve

the foundations for Palestinian self-determination under Israeli occupation.<sup>64</sup>

The objective of the action plan and ambitious package of measures it includes must be to influence the status quo in the Occupied Territories in such a way as to improve rather than worsen the preconditions for the implementation of a two-state solution. This will provoke resistance from the Israeli government. The European Union and not least Germany often emphasise their “special relationship” with Israel. But exactly that relationship is endangered not by the differentiation approach but by the slow demise of the two-state solution and the spectre of permanent incorporation of the West Bank by Israel. If Israel were to annex Area C — or even just major West Bank settlement blocs — the goal of a viable and contiguous Palestinian state would be dead. That would inevitably mark a new phase of Palestinian local self-government, in which the European contribution — as in the case of Gaza — would be restricted exclusively to humanitarian assistance. The billions the EU has invested in economic, civil society and state structures would then be lost for ever. It would certainly also be too late for differentiation between Israel and the settlements, which would give a massive boost to the growing global boycott movement against Israel. An EU action plan with concrete political interventions would thus represent not least a contribution to lasting protection of the existence of the state of Israel.

**62** Council of the European Union, *3286th Council Meeting Foreign Affairs, press release* (Brussels, 16 December 2013), 12, [https://www.parlament.gv.at/PAKT/EU/XXV/EU/00/82/EU\\_08215/imfname\\_10431604.pdf](https://www.parlament.gv.at/PAKT/EU/XXV/EU/00/82/EU_08215/imfname_10431604.pdf) (accessed 26 February 2018).

**63** The nature of those parameters is indicated for example on the EEAS website: agreement on borders; security arrangements that respect Palestinian sovereignty and protect Israeli security; a just solution for the refugee question; Jerusalem as capital of both states. European External Action Service, *Middle East Peace Process*, 15 June 2016, [https://eeas.europa.eu/headquarters/headquarters-homepage/337/middle-east-peace-process\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/337/middle-east-peace-process_en) (accessed 26 February 2018).

**64** Instead a trend towards greater caution is observed in funding policy on the ground, with German development funding for non-violent Palestinian initiatives being terminated for example. NGOs have also come under increasing pressure from the Israeli “Transparency Law”.

Birthe Tahmaz

# Why the Permanent Tensions between UNRWA and Israel?

In early 2018 a tweet from US President Donald Trump again caused a stir in the Middle East: “with the Palestinians no longer willing to talk peace, why should we make any of these massive future payments to them?” This suggested that the United States would terminate its financial support for the Palestinians.<sup>1</sup> The brunt of such a decision would be mainly felt by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In mid-January Washington announced that it would hold back payments totalling \$65 million in order to encourage other countries to contribute more. In recent years the United States has been the largest financial contributor to UNRWA. In 2016 it donated about \$368 million, \$95 million of which for the Occupied Palestinian Territories.<sup>2</sup> The decision to withhold this support unsettles both the Palestinians and the Israelis, because both sides benefit from UNRWA’s work. UNRWA’s humanitarian assistance and development projects guarantee a certain basic level of provision for the Palestinian refugees. This contributes to preventing escalation on the ground, and that is naturally of benefit to the security of the Israeli state and its population.

UNRWA was established in 1949 by the UN General Assembly, to supply emergency humanitarian relief to Palestinians displaced during the first Arab-Israeli war in 1948 as negotiations between Israel and the Arab states dragged on. It began operations in 1950 providing humanitarian assistance, and was

soon also mitigating the economic and political impact of the conflict through development projects.

Although UNRWA’s mandate also includes Palestine refugees in countries neighbouring Israel, this contribution focuses on its work – and the ensuing conflicts – in the territories occupied and controlled by Israel. While UNRWA is officially neutral as a UN organisation, its mandate requires it to side at least indirectly with the refugees. This creates multiple tensions and dilemmas in its dealings with the occupying power Israel.

UNRWA is, firstly, required to supply development aid under the reality of an occupation that clearly curtails development opportunities. Secondly, Israel and UNRWA both depend on a certain degree of cooperation: UNRWA in order to be able to fulfil its functions at all; Israel because UNRWA – albeit involuntarily – largely relieves the Israeli government of its duty to provide for the Palestinian population. At the same time the relationship is, thirdly, characterised by mutual mistrust and media campaigns that seek to discredit the other side, with regular confrontations often conducted in the full glare of international publicity. The question also arises whether UNRWA’s presence and cooperation with Israel also have a bearing on the perspectives for conflict resolution.

## UNRWA and Its Mandate

The Arab-Israeli War of 1948 made 750,000 Palestinians into refugees,<sup>3</sup> for whom UNRWA provided humanitarian aid and organised development cooperation from 1950. The Six-Day War 1967 caused the flight and expulsion of another estimated 280,000 to 325,000 people, 40 to 50 percent of whom had

<sup>1</sup> Donald J. Trump, tweet of 2 January 2018, *Twitter.com*, <https://twitter.com/realDonaldTrump/status/948322497602220032> (accessed 1 March 2018).

<sup>2</sup> United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Governments and EU Pledges to UNRWA’s Programmes in 2016 as 31 December 2016*, December 2016, [https://www.unrwa.org/sites/default/files/government\\_donors\\_and\\_eu\\_overall.pdf](https://www.unrwa.org/sites/default/files/government_donors_and_eu_overall.pdf) (accessed 11 January 2018).

<sup>3</sup> Donna E. Arzt, *Refugees into Citizens: Palestinians and the End of the Arab-Israeli Conflict* (New York, 1997), 17.

## UNRWA in the West Bank (including East Jerusalem) and the Gaza Strip<sup>a</sup>

Founded	A/RES/302(IV), 8 December 1949
Area of operations	West Bank (including East Jerusalem ), Gaza Strip, Jordan, Syria, Lebanon
Staff	West Bank: 4,820 local, 24 international Gaza Strip: 12,490 local, 30 international
Registered refugees	West Bank: 774,170 Gaza Strip: 1,276,930
Other registered persons	West Bank: 168,020 Gaza Strip: 72,540
Refugee camps	West Bank: 19 (with 24 percent of refugees living in camps) Gaza Strip: 8 (with 42 percent of refugees living in camps)
2015 budget	\$1.24 billion, almost exclusively voluntary contributions
Priorities	Humanitarian assistance, welfare services, education, health, micro-credit, refugee camp infrastructure, protection
<p><sup>a</sup> UNRWA, <i>UNRWA in Figures as of 1 January 2015</i> (Jerusalem, June 2015), <a href="https://www.unrwa.org/sites/default/files/unrwa_in_figures_2015.pdf">https://www.unrwa.org/sites/default/files/unrwa_in_figures_2015.pdf</a> (accessed 25 April 2017); UNRWA, <i>Annual Operational Report 2015 for the Reporting Period, 1 January – 31 December 2015</i> (Amman, 2016), 3, <a href="https://www.unrwa.org/sites/default/files/content/resources/2015_annual_operational_report.pdf">https://www.unrwa.org/sites/default/files/content/resources/2015_annual_operational_report.pdf</a> (accessed 25 April 2017).</p>	

already been displaced during the 1948 war and been under UNRWA's care since then.<sup>4</sup> According to the International Committee of the Red Cross (ICRC), in the following months only 19,000 were permitted to return to the territories now occupied by Israel.<sup>5</sup>

Every Palestine refugee who left the British Mandate of Palestine between June 1946 and May 1948 and lost their home and property in the newly founded state of Israel has the right to assistance from UNRWA. In the absence of a mutually agreed settlement their

refugee status passes to their descendants. Today there are more than five million Palestine refugees registered with UNRWA in the West Bank (including East Jerusalem), the Gaza Strip, Jordan, Syria and Lebanon.

The Palestinians displaced in 1967 represent a special group. In the months after the war the involved Arab states, Israel, the United Nations and humanitarian organisations negotiated over where these Palestinians could remain within and outside the Occupied Territories. In the end they agreed that UNRWA would also provide humanitarian assistance to these refugees, in consultation with the respective host countries.<sup>6</sup> But they do not enjoy the same rights as the refugees of 1948, and UNRWA has to treat them accordingly. For example in Jordan members of this group enjoy only restricted rights to pursue employment. UNRWA fulfils its mandate to this day, providing material and financial humanitarian assistance to especially needy families.

<sup>4</sup> Donna Arzt (ibid.) arrives at this figure after comparing various widely diverging sources. In its 1968–69 report UNRWA estimated the number affected at 525,000, although this also included those forced to leave the territories by skirmishes in the months following the June War, as well as students and migrant labourers who were abroad when the war broke out and had been prevented from returning. United Nations General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 1968 – 30 June 1969*, para. 1; Arzt, *Refugees into Citizens* (see note 3), 17.

<sup>5</sup> United Nations General Assembly, *Report of the Commissioner-General* (see note 4), para. 10.

<sup>6</sup> United Nations General Assembly, *Resolution 2252, Humanitarian Assistance (A/RES/2252)*, 4 July 1967.

## UNRWA and Life under Occupation

The military occupation of the Palestinian Territories impacts directly on the quality of life and prospects of the Palestinian population. Various factors play a role. Firstly, where a Palestinian family lives is decisive. Since the Oslo Accords the West Bank has been divided into three administrative zones: Area A (18 percent), Area B (2 percent) and Area C (62 percent) (see map on p. 4). In Area A the Palestinian government is responsible for both civil and military control, in Area B only civil; Area C is completely controlled by Israel. For Palestinians in Area C in particular, this means that access to infrastructure and utilities are noticeably worse than in the other zones. Villages in Area C are frequently completely cut off from public services and attempts to change that through infrastructure projects are often blocked by Israel. Human Rights Watch, for example, reported in 2010 that the Israeli authorities had refused to connect Palestinian villages to the local Israeli electricity grid. They also blocked the realisation of an internationally funded project that would have made the villages independent of the public grid using solar panels.<sup>7</sup>

Apart from the lack of opportunities to develop infrastructure, everyday life for the Palestinians is further obstructed by Israeli army checkpoints and roadblocks which massively restrict freedom of movement. Until the mid-1990s, for example, Route 60 was the West Bank's principal north-south artery, connecting the main Palestinian cities. Today Route 60 bypasses the Palestinian cities and may only be used by Palestinian vehicles in exceptional cases; they are now forced instead to use poorer-quality side roads.<sup>8</sup>

## Transport of Palestinian products for export is subject to time-consuming and costly control procedures.

The economic dimension of everyday life under occupation is intimately bound up with the geographical. Transport of Palestinian products for export is subject to time-consuming and costly control procedures that heavily impair their competitiveness. The potential of agriculture, for example, is further curtailed by numerous roadblocks, prohibitions on the import of particular fertilisers, inadequate irrigation, land seizures and destruction of farmland. The primary sector, which remains an important employer and supplier of products for the economy in the Palestinian Territories has been regressing since the early 1990s. Between 2015 and 2016 its share of GDP fell from 3.4 to 2.9 percent.<sup>9</sup>

Over the years these accompanying effects of the occupation have caused a growth in poverty rates among Palestinians, especially refugees. UNRWA pursues three central priorities for dealing with the needs of the refugees: First of all *humanitarian assistance*, concretely above all basic healthcare and food supply. 61 percent of those registered with UNRWA use its medical services. In view of the high population density, especially in the refugee camps, the consistently high birth rate, the low age of mothers-to-be and environmental problems, UNRWA concentrates on three areas: prevention of transmissible disease, perinatal care and the treatment of the typical adult-onset diseases of diabetes and high blood pressure. Alongside medical services, UNRWA also addresses the increasingly precarious food situation; in the West Bank this affects one person in four, in Gaza half the population.<sup>10</sup>

The second pillar is *education and vocational training* for children and young people. Whereas humanitarian assistance was a core task from the outset, education work only became significant about a decade later; its

<sup>7</sup> Human Rights Watch, *Separate and Unequal: Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories*, 19 December 2010, <https://www.hrw.org/report/2010/12/19/separate-and-unequal/israels-discriminatory-treatment-palestinians-occupied> (accessed 25 April 2017).

<sup>8</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, July 2007, [https://www.ochaopt.org/sites/default/files/ocharpt\\_update30july2007.pdf](https://www.ochaopt.org/sites/default/files/ocharpt_update30july2007.pdf) (accessed 29 April 2017).

<sup>9</sup> United Nations Conference on Trade and Development (UNCTAD), *UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory*, 12 September 2017, 4, [http://unctad.org/en/PublicationsLibrary/tdb64d4\\_embargoed\\_en.pdf](http://unctad.org/en/PublicationsLibrary/tdb64d4_embargoed_en.pdf) (accessed 11 January 2018).

<sup>10</sup> UN OCHA, *Food Security: Articles, Statements and Press Releases*, <https://www.ochaopt.org/theme/food-security> (accessed 9 May 2017); UN OCHA, *The Gaza Strip: The Humanitarian Impact of the Blockade*, November 2016, [https://www.ochaopt.org/sites/default/files/ocha\\_opt\\_gaza\\_blockade\\_factsheet\\_14nov2016\\_mak.pdf](https://www.ochaopt.org/sites/default/files/ocha_opt_gaza_blockade_factsheet_14nov2016_mak.pdf) (accessed 9 May 2017).

share of spending has grown rapidly since then. After finding that its measures to generate employment had only isolated and short-term impacts UNRWA concentrated – with success – on school education and vocational training. Thus the economic development of the Gulf states in the 1960s and 1970s profited hugely from the employment of highly skilled Palestinian migrant workers. To this day skilled workers trained by UNRWA are in great demand in the region. Spending on education today represents more than half of UNRWA's total budget; in the Occupied Territories it employs about 12,500 teachers representing almost three-quarters of all UNRWA staff in that field of operations.<sup>11</sup>

The third pillar is stimulating *local economic and social development*. Here UNRWA's activities include development projects tied to employment of Palestine refugees. A microcredit programme to encourage bottom-up initiatives offers various funding possibilities. For example a loan can be granted to set up a small business or simply to invest in start ups. These services are also open to Palestinians who are not registered as refugees. One particular priority is to support disadvantaged groups, with women for example representing more than one-third of borrowers in 2015.<sup>12</sup>

### **UN organisations see a direct connection between lack of prospects, violation of political and civil rights and growing radicalisation among Palestinian youth**

UN organisations on the ground see a direct connection between lack of prospects and systematic violation of political and civil rights on the one side and growing radicalisation among Palestinian youth on the other.<sup>13</sup> For that reason UNRWA regularly acts

**11** UNRWA, *UNRWA in Figures as of 1 January 2016*, January 2017, [https://www.unrwa.org/sites/default/files/content/resources/unrwa\\_in\\_figures\\_2016.pdf](https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2016.pdf) (accessed 9 May 2017).

**12** UNRWA Department of Finance, *Annual Report 2015, 2016*, 6f., [https://www.unrwa.org/sites/default/files/content/resources/microfinance\\_department\\_annual\\_report\\_2015.pdf](https://www.unrwa.org/sites/default/files/content/resources/microfinance_department_annual_report_2015.pdf) (accessed 25 April 2017).

**13** International Labour Organization (ILO), *The Situation of Workers of the Occupied Arab Territories*, 2017, v; Reliefweb, *Youth at Risk of Radicalization amid Growing Insecurity, Unmet Humanitarian Needs, Palestine Refugees Agency Chief Tells Fourth Committee*, 2 November 2016, <https://reliefweb.int/report/>

as the public advocate of the distressed, for which it sometimes receives heavy pushback.

### **Confrontations: UNRWA on the Defensive?**

Although UNRWA sees itself as a neutral actor, and sometimes even attempts to mediate between the parties, it is not immune from being drawn into the conflict between Israelis and Palestinians. One problem in this context is that UNRWA staff are largely recruited from the local population, who live under the occupation and themselves belong to one of the two sides. UNRWA staff have frequently become involved in political and even violent resistance against the Israeli occupation. In February 2017 for example it was reported that a UNRWA employee had been elected to Hamas's political leadership, for which he was dismissed by UNRWA headquarters in Gaza.<sup>14</sup> Watchdog organisations critical of UNRWA regularly report cases of individual staff members glorifying violence.<sup>15</sup>

Conservative Israeli actors regularly place the organisation and its staff under suspicion. Former Israeli finance minister Yair Lapid for example asserted in winter 2018 that UNRWA was working in the service of Hamas rather than the refugees and feeding a perpetual cycle of Palestinian victimhood.<sup>16</sup> Even if many of the Israeli accusations are unfounded, UNRWA remains saddled with the problem of having to rely on local workers who it is not in a position to thoroughly vet, on grounds of their sheer numbers (almost 17,000 in the Occupied Palestinian Territories)

[occupied-palestinian-territory/youth-risk-radicalization-amid-growing-insecurity-unmet](https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2016.pdf) (accessed 11 January 2018).

**14** Adam Rasgon, "UNRWA Suspends Employee Allegedly Elected to Hamas Leadership", *Jerusalem Post*, 26 February 2017, <http://www.jpost.com/Arab-Israeli-Conflict/UNRWA-suspends-employee-allegedly-elected-to-Hamas-leadership-482665> (accessed 25 April 2017).

**15** UN Watch, *Poisoning Palestinian Children: A Report on UNRWA Teachers' Incitement to Jihadist Terrorism and Antisemitism*, 2 February 2017, <https://www.unwatch.org/130-page-report-unrwa-teachers-icite-terrorism-antisemitism/> (accessed 25 April 2017).

**16** Ben Caspit, "Israeli Centrist Leader Finds Himself Alone in Battle against UN Agency", *Al-Monitor*, 10 August 2016, <https://www.i24news.tv/en/news/israel/politics/165439-180117-israeli-lawmaker-yair-lapid-praises-us-cuts-to-unrwa-in-exclusive-on-i24news> (accessed 1 June 2018).

in a situation of scarce resources and surrounding volatile conflict. UNRWA does however regularly develop and update instruments designed to respond to the charges levelled against it. For example it runs a small department dedicated to countering myths and disinformation on social media, which reports changes in the organisation and monitors staff's own use of social media. Regular inspections of facilities, external evaluations and controls of personnel lists also serve to ensure staff neutrality.

The risk of UNRWA facilities becoming military targets was seen during the summer 2014 Gaza War, when the Israeli armed forces repeatedly shelled UNRWA schools that Palestinians were using as makeshift shelters. Although UNRWA had repeatedly informed the Israeli armed forces of the precise locations of its shelters, these attacks left at least 44 dead and 227 wounded. The Israeli government argued that Hamas militants had been storing arms in the schools, and indeed, three cases were indeed identified where Hamas had misused UNRWA facilities to store weapons. UNRWA condemned the incidents and announced immediate and comprehensive action to both identify those responsible and better protect its facilities and the refugees.<sup>17</sup> In September 2014 the Israeli military finally opened an investigation into whether humanitarian facilities had been intentionally defined and attacked as military targets during the war. By summer 2015 the commission of inquiry had authorised police investigations into 22 of about 190

reported cases.<sup>18</sup> But to this day no further information on the progress of the investigations has been released. Amnesty International criticised that neither side had “conducted genuine, independent criminal investigations” into its own war crimes.<sup>19</sup>

Conflicts between UNRWA and above all Israeli politicians also affect the organisation's educational work. Advised by UNESCO, UNRWA models its curricula principally on those used in local public schools, in order to ensure that its school leavers possess equivalent qualifications in line with local curriculum standards. For this reason UNRWA coordinates its curriculum reforms with the responsible authorities in Gaza City and Ramallah.

In practice UNRWA faces the challenge of reconciling two partially antagonistic regional history narratives in its school textbooks. Even the smallest editorial alteration can very quickly provoke vehement protests from the Palestinian or Israeli government. Immediately after the 1967 war the Israeli government tried to introduce its own curriculum in UNRWA schools, and confiscated the previous teaching materials.<sup>20</sup> The move was reversed after an intervention by UNESCO. In spring 2017 drafts of revised school textbooks were circulated containing “corrections” to what Israel regards as a one-sided portrayal of the conflict by UNRWA. For example they recommended describing Jerusalem as the holy city of three religions rather than the Palestinian capital. After the draft became public the Palestinian education ministry temporarily suspended ties with UNRWA on the grounds that the amendments violated the Palestinian identity. Prime Minister Rami Hamdallah and UNRWA Commissioner General Pierre Krähenbühl subsequently agreed to discuss the incident and seek a mutually acceptable solution.<sup>21</sup>

**17** United Nations Security Council, *Letter Dated 27 April 2015 from the Secretary-General Addressed to the President of the Security-Council (S/2015/286)*, 27 April 2015, <https://unispal.un.org/DPA/DP/UNISPAL.nsf/0/554E1CC298B3BFEF85257E44005ABD18> (accessed 10 November 2017); Israel Ministry of Foreign Affairs (MFA), *IDF Special Report: Hamas' Illegal Use of Civilian Infrastructure during "Operation Protective Edge"*, 19 August 2014, <http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/IDF-report-Hamas-illegally-used-civilian-infrastructure-during-Operation-Protective-Edge.aspx> (accessed 10 November 2017); MFA, *IDF Investigating Exceptional Incidents from Operation Protective Edge*, 10 September 2014, <http://mfa.gov.il/MFA/ForeignPolicy/IsraelGaza2014/Pages/IDF-investigating-exceptional-incidents-from-Operation-Protective-Edge-10-Sep-2014.aspx> (accessed 10 November 2017); “UNRWA Condemns Placement of Rockets, for a Second Time, in One of Its Schools”, UNRWA Press Release, 22 July 2014, <https://www.unrwa.org/newsroom/press-releases/unrwa-condemns-placement-rockets-second-time-one-its-schools> (accessed 10 May 2017).

**18** MFA, *Operation Protective Edge: Investigation of Exceptional Incidents – Update 4*, 11 June 2015, <http://mfa.gov.il/MFA/ForeignPolicy/IsraelGaza2014/Pages/Operation-Protective-Edge-Investigation-of-exceptional-incidents-Update-4.aspx> (accessed 29 May 2017).

**19** Amnesty International, *Time to Address Impunity: Two Years after the 2014 Gaza/Israel War* (London, July 2016), <https://www.amnesty.org/en/documents/mde15/4199/2016/en/> (accessed 29 May 2017).

**20** United Nations General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 1967 – 30 June 1968, A/7213* (New York, 15 September 1968), para. 17f.

**21** Dov Lieber, “PA Suspends Ties with UNRWA over Planned Curriculum Reform”, *Times of Israel*, 13 April 2017,

### Everyday cooperation structures

Since the beginning of the occupation in summer 1967 a department in the Israeli defence ministry has been the central point of contact for UNRWA. The Coordinator of Government Activities in the Territories (COGAT) is responsible for coordinating civilian activities of the Israeli government, the Israeli armed forces and international organisations. UNRWA requires cooperation with the Israeli Civil Administration if it is to reach those reliant upon it. The spectrum of instruments available to press its demands on Israel is very small.

UNRWA Operations Support Officers (OSO) play an absolutely central role in everyday cooperation. Introduced at the beginning of the First Intifada, their purpose is to observe UNRWA's daily work, report problems and assist in resolving them. They intervene primarily in cases where the use of violence is feared or reported, children have been detained, UNRWA supplies have been seized, or access to refugees has been denied. The first step for the OSO is to resolve the problem in cooperation with the responsible Israelis on the ground and report to his or her Field Director. If the conflict cannot be resolved in this way — for example if the OSO is denied access to a detained UNRWA worker and the grounds for detention are not revealed — the Field Director contacts his or her liaison officer at COGAT. If a solution cannot be found at this level, the UNRWA headquarters in Jerusalem is activated, with the possibility of contacting the Israeli foreign ministry directly.

UNRWA distinguishes between private and public “advocacy” when using these instruments. It stresses that it regards international publicity as a means to which it resorts only after all other efforts to find a resolution have failed. Most incidents in the West Bank and Gaza are resolved directly between UNRWA and COGAT.

### Cui Bono: Who Benefits from UNRWA's Work?

That the Palestinians benefit from the work of UNRWA is more or less obvious, given that it supplies urgently needed basic humanitarian assistance. But the organisation also works to prevent violence and

<http://www.timesofisrael.com/pa-suspends-ties-with-unwra-over-planned-curriculum-reform/>; Adam Rasgon, “UNRWA Reforming Curriculum in Schools”, *Jerusalem Post*, 20 April 2017, <http://www.jpost.com/Middle-East/UNRWA-proposes-reform-of-curriculum-in-PA-schools-488385> (accessed 25 April 2017).

deescalate conflicts, in which both sides possess an interest.

The refugee camps are hotbeds of anti-Israeli activism and are kept under close surveillance by Israeli security forces. The UN General Assembly granted UNRWA an explicit mandate to protect after the First Intifada began in autumn 1987. In the Fourth Committee of the UN General Assembly, which deals with special political questions and decolonisation, Israel has never challenged that mandate.

UNRWA's humanitarian and development assistance contributes to preventing further deterioration in the living conditions of the Palestinians, which would encourage violent protests and resistance against Israeli soldiers and civilians in the Occupied Territories. In the 1980s and again at the end of the 1990s, economic stagnation generated dissatisfaction and frustration among the Palestinians. Coupled with a perception that Israel was not genuinely interested in a peace process and instead wanted to maintain a long-term military occupation, this is what ultimately sparked both the First and Second Intifadas. Given that Israel has an interest in ensuring that unrest remains within bounds, it also benefits from UNRWA's work. UNRWA also relieves Israel of tasks it would otherwise be responsible for providing humanitarian security and education for the refugees.

### The US decision to slash Washington's contributions to UNRWA is not necessarily in Israel's interests.

From the Israeli perspective, the activities of UNRWA and other international aid organisations ensures a certain degree of political stability in the Occupied Palestinian Territories. That is why in 2016 the Israeli government also explicitly asked the Canadian government to resume its contributions to UNRWA, which the Canadian parliament had voted to suspend in 2010. And in 2015 Israel's Deputy Permanent Representative to the United Nations, David Roet, said that Israel supported UNRWA's humanitarian activities and emphasised its significance for the Palestinian refugees' human security.<sup>22</sup> The US President Trump's decision at the beginning of 2018 to

<sup>22</sup> United Nations General Assembly, Special Political and Decolonization Committee (Fourth Committee), *Summary Record of the 21st Meeting on 2 November 2016*, A/C.4/71/SR.21 (20 January 2017), <http://undocs.org/A/C.4/71/SR.21> (accessed 5 March 2018).

slash Washington's contributions to UNRWA is therefore not necessarily in Israel's interests. The Israeli government would not be keen to fill the financial and operational vacuum that UNRWA would leave behind if it were forced to cease its operations for lack of funds.

## Conclusions

The work carried out by UNRWA in the Occupied Territories is not unproblematic. On the one hand, the occupation situation constrains the effectiveness of the UN's engagement. The prevailing conditions not only restrict the mobility of staff and goods but also prevent the emergence of a viable and independent local economy. UNRWA's ambitious education programme, which serves as a model for school reforms across the region, produces numerous skilled workers. But in most cases their best hope is precarious employment or unemployment. In view of the aggressive underlying mood, violence prevention and trauma treatment have become important spheres for UNRWA in the Occupied Territories.

### **UNRWA cannot fulfil its mandate without cooperation with the Israeli authorities. Israel profits from the escalation-inhibiting effect of UNRWA's work.**

Both Israel and UNRWA depend on cooperation. UNRWA cannot fulfil its mandate to provide humanitarian assistance and organise development work for the Palestine refugees in the Occupied Territories and Gaza without structural cooperation with the Israeli authorities. Israel in turn profits from the escalation-inhibiting effect of UNRWA's work. Despite the mutual dependency, the relationship is ambivalent and tense. Members of the current and recent Israeli governments regularly condemn UNRWA as an integral parameter of the Palestinian resistance. This serves to justify the internationally criticised occupation and distract attention from the security benefits Israel derives from the deescalating effects of UNRWA's activities. Therefore UNRWA has to respond whenever accusations arise that it has been politically subverted. The public clashes between Israel and UNRWA merely serve to confirm deep-rooted prejudices in the Israeli and Palestinian populations. In light of such accusations and prejudices

it is legitimate to question the chances of a peace process whose success depends centrally on Palestinians and Israelis building on reciprocal desires for peaceful coexistence.

The functional partnership between UNRWA and Israel contributes to making bearable a status quo characterised by violence. To that extent one could assume that the partnership also has the effect of postponing the end of the occupation. However the reasons cited for maintaining the occupation are not connected to UNRWA's work. In other words, the occupation would not be abandoned if UNRWA ceased its operations. Finally the political dimension of the relationship has contributed to UNRWA – which is supposed to work unpolitically – itself becoming a conflict actor as a voice of the otherwise almost voiceless Palestine refugees.

In the interests of a fair and lasting settlement it would be important for the perceptions of UNRWA's identity and role in the Palestinian and Israeli population to be brought back into line with its mandate. That would mean the organisation being even better informed about the political sentiments and activities of its employees and capable of early intervention. Moreover, not all its staff are convinced of a path to a just and lasting peace that satisfies both Israeli and Palestinian requirements for security and development. Here UNRWA needs to intervene even more actively, with international support. It must also communicate its mandate more convincingly within Israel and defend itself against baseless accusations.

It is completely unclear who would assume responsibility for the Palestinian refugees if UNRWA were to cease operating. It is not UNRWA that is responsible for prolonging the status quo, but Israel, the Palestinian Authority and those Arab states that host Palestine refugees. They all continue to use the refugee question as a political trump card in pursuit of their own regional interests. This is principally a matter for the UN. The subversion of its key organs by state interests, purely for their own benefit, increasingly causes the UN's presence and engagement as a whole to become superfluous in the eyes of people in the Middle East, because it lacks the impact they hope for.

Even if the conflict is one of the oldest in the history of the UN, numerous mediation attempts have failed, and wars in neighbouring countries have overshadowed it in recent years, it would be a fallacy to believe that merely administering it would represent a realistic option. That idea is worthy neither of the Israelis nor the Palestinians, who have a right to

lasting security. Besides, the political and societal developments in the region are intimately bound up with the Middle East conflict. For example, growing inter-group tensions in Jordan and Lebanon, which both have large Palestinian minorities, present risks of violent conflict in the near future. These could quickly flashover to the Occupied Territories.

However the Palestinian and Israeli interest in a fair and lasting solution should be measured not exclusively against public statements by Israeli and Palestinian politicians, who regularly assert that peace is impossible. As a corrective the developments in daily cooperation between Palestinian and Israeli authorities must be taken into account and supported. Experience shows, firstly, that confidence-building and constructive cooperation are possible. Secondly, isolated positive examples should be regarded as evidence that the transfer of local administrative structures and activities to the Palestinian side can serve the mutual interest by successively expanding Palestinian political autonomy while at the same time acknowledging Israel's special security needs. Initiatives that seek to ensure that Israelis and Palestinians get to know each other "again" and can work together to reduce stereotypes and fears also deserve explicit support. Here UNRWA could also contribute through projects enabling exchange and cooperation.

Finally resolution of the refugee question needs to be moved further up the peace agenda. The objective must be to grant a citizenship to all Palestine refugees who remain stateless. With its comprehensive data on refugee biographies UNRWA could play a central role in this process and at the same incrementally dissolve itself.

Lidia Averbukh

# Actor in Flux: The Jewish Israel Lobby in the United States

The Jewish-American Israel lobby has been an important actor in the Middle East conflict for decades, with considerable political weight in Washington. As well as influencing the situation in Israel and the Occupied Territories, the lobby has itself been transformed in the course of the conflict and the ongoing occupation. Its role as Israel's advocate is changing: The lobby itself is differentiating, making it increasingly difficult to identify shared pro-Israeli positions and strategies; and its support within the Jewish-American diaspora is waning. These developments place the current Israeli government in a quandary, reliant as it is on solid ties with the US lobby and the diaspora as a whole.

The state of Israel has been the central touchstone of Jewish engagement in the United States ever since 1948; indeed, it has even been referred to as the “religion of the American Jews”.<sup>1</sup> This is also reflected in the multitude of Jewish pro-Israeli organisations, some of which are among the largest and most influential in the world. There are three principal reasons for this: Firstly, the Jewish community in the United States is the largest outside of Israel. Today between five and six million Jews live in the United States,<sup>2</sup> representing about 40 percent of the worldwide Jewish population. Secondly, the geopolitical hegemony of the United States gives American Jews greater weight than other Jewish communities, such as those the British or French. Thirdly, ethno-national minorities in the United States have access to effective channels to represent their interests, such as Congress-

sional lobbying organisations and extra-parliamentary NGOs.<sup>3</sup>

The relationship between the Jewish diaspora in the United States and the state of Israel is in permanent flux. Israel's wars with the Arab states and its conflict with the Palestinians mark a series of stages. American Jews' engagement became increasingly political after the Six-Day War of 1967, while the Yom Kippur War of 1973 exposed the vulnerability of Israel's defences. In response the Jewish diaspora intensified its efforts to play a decisive role in US policy in the Middle East and to advocate for Israel's defence.<sup>4</sup>

## Parts of the Jewish diaspora gradually began distancing themselves from the policies of the Israeli government.

Israel's abrupt change of course following Likud's election victory in 1977 marked a watershed for the political unity of the Jewish diaspora in the United States. Parts of the Jewish diaspora gradually began distancing themselves from the policies of the Israeli government, in a trend reinforced by the debates over the 1982 Lebanon War and above all by the First (1987–1991) and Second Intifadas (2000–2005). Within the diaspora concerns over the occupation and Israel's actions grew with each new escalation in the Israel-Palestine conflict. This had two effects on the American Israel lobby. On the one hand, differences over Israel's policies within the Jewish diaspora also came to be reflected in the composition of the Israel lobby. On the other, parts of the diaspora lost

1 Nathan Glazer, *American Judaism* (Chicago, 1989).

2 Figures vary depending on the definition of Jewishness used. See Steven Bayme, “American Jewry Confronts the Twenty-first Century”, in *American Jewry's Comfort Level. Present and Future*, ed. Manfred Gerstenfeld and Steven Bayme (Jerusalem: Jerusalem Center for Public Affairs, 2010), 15–54.

3 Dov Waxman and Scott Lasensky, “Jewish Foreign Policy: Israel, World Jewry and the Defence of Jewish Interests”, *Journal of Modern Jewish Studies* 12, no. 2 (2013): 232–52 (236).

4 Gabriel Sheffer, “Homeland and Diaspora: An Analytical Perspective on Israeli-Jewish Diaspora Relations”, *Ethnopolitics* 9, no. 3–4 (2010): 379–99.

interest in Israeli issues, and a decline was seen in American Jewish engagement for Israel.

## The Differentiating Israel Lobby

The American Israel lobby today comprises three camps, with the representatives of all three regarding themselves as thoroughly pro-Israeli defenders of Israel's security. Where they differ is how this objective is to be achieved.

The principal disagreement is over what Israel should do with the territories occupied since 1967 and how important they actually are for Israel's security. The traditional camp follows the decisions of the Israeli government, which, it argues, has the best understanding of Israel's interests and needs. The other two camps pursue their own ideological positions, even where these contradict official Israeli policy. While the national-religious and far-right nationalists warn against compromises that they fear could harm Israel's Jewish identity and security, left-liberal critics principally see dangers to democracy.

## Traditional Supporters of the Israeli Government

The supporters of the Israeli government comprise the most important Jewish organisations in the United States, including the Anti-Defamation League (ADL), the American Jewish Committee (AJC) and the classical lobbying organisation American Israel Public Affairs Committee (AIPAC). They seek to maintain a consensus on Israel in the American political landscape and avoid particularly controversial positions on the Middle East conflict, as well as public criticism of Israel. They are concerned to preserve American political ties with Israel and to avert any political pressure Washington might seek to apply. Officially they toe the line of whatever government is in office in Israel and seek to win cross-party support for it in the United States.<sup>5</sup>

Yet their assertions of political neutrality and rather centrist approach are hard to substantiate. In the course of what are now Benjamin Netanyahu's four terms as prime minister, the government and other state institutions have shifted continuously to the right. So anyone in the United States who adopts

an uncritical stance towards the Israeli government has de facto replicated that shift. Additionally, long-standing cooperation with the national conservatives in Israel has cultivated important personal relationships. Howard Kohr, AIPAC CEO and Malcolm Hoenlein, long-serving Executive Vice Chairman of the Conference of Presidents of Major American Jewish Organizations (until February 2018) are both said to support Likud.<sup>6</sup> So the decisive positions in these organisations are occupied by figures who at least do not overtly reject Israel's hard-line nationalist course.

AIPAC illustrates very clearly the gap between the words and deeds of traditional supporters of Israel. Its success and influence depend on bipartisan lobbying. And because large parts of the US political spectrum still view the two-state solution as the only tenable option, AIPAC officially backs it too. But with many AIPAC members and large parts of the present Israeli government rejecting the two-state solution, AIPAC's work is certainly not directed towards creating a favourable atmosphere for talks. Instead it seeks to torpedo any US move in that direction.<sup>7</sup>

AIPAC also pursues an ambivalent line on settlement-building. Its absence from the settlement-building controversy represents tacit support rather than disinterest. For example in March 2015 at AIPAC's instigation a bill was introduced to make preventing politically motivated boycotts of Israel and "persons doing business in Israel or in territories controlled by Israel" a principal objective in US trade negotiations.<sup>8</sup> AIPAC correctly assumed that requiring that the Occupied Territories be treated legally identically to Israel – in contravention of international law and US practice since 1967 – would not cause a stir.<sup>9</sup>

<sup>6</sup> Alain Dieckhoff, "The Jewish Diaspora and Israel: Belonging at Distance?" *Nations and Nationalism* 23, no. 2 (2017): 271–88 (282).

<sup>7</sup> Connie Bruck, "Friends of Israel: The Lobbying Group AIPAC Has Consistently Fought the Obama Administration on Policy: Is It Now Losing Influence?" *New Yorker*, 1 September 2014, <http://www.newyorker.com/magazine/2014/09/01/friends-israel> (accessed 26 October 2017).

<sup>8</sup> United States-Israel Trade Enhancement Act of 2015, <http://www.congress.gov/bill/114th-congress/senate-bill/619/text> (accessed 27 October 2017).

<sup>9</sup> Jessica Schulberg "Inside AIPAC's Quiet Campaign to Blur Israeli Settlement Lines", *Huffington Post*, 28 May 2015, [http://www.huffingtonpost.com/2015/05/28/aipac-israel-settlements\\_n\\_7461038.html](http://www.huffingtonpost.com/2015/05/28/aipac-israel-settlements_n_7461038.html) (accessed 26 October 2017).

<sup>5</sup> John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy* (New York, 2007).

In the context of a highly charged discussion over the continuation of the occupation — which has now lasted over fifty years — such manoeuvres permit AIPAC to preserve the bipartisan consensus in the United States while at the same time lobbying for the current Israeli government. The supposedly neutral camp also receives support from a young and still untainted organisation, the Israeli-American Council.

### National-Religious and Far-right Nationalist Critics

AIPAC and other organisations employ political manoeuvring to avoid any appearance of political partiality. In the eyes of their national-religious critics this negates their right to claim to be the “true” pro-Israeli voice. As far as these critics are concerned, AIPAC and its associates can no longer credibly suggest that they would respond sufficiently assertively to defend the Jewish character of the state of Israel with all its religious and territorial aspects.

The indifference of traditional lobby organisations towards national-religious demands such as settling “Biblical Israel” with Jerusalem as its capital, or potentially even rebuilding the Temple, has led strict believers to turn away from them. Through “real-politik” towards religious sites, the critics assert, the traditional lobby groups are risking the Jewish people’s ancient connection to the land of Israel and neglecting their duty to future Jewish generations.

#### The traditional lobby organisations are rejected by activists who share the conviction that the Israeli-Palestinian conflict is by nature intractable.

The traditional lobby organisations are also rejected by those activists who share the increasingly popular conviction that the Israeli-Palestinian conflict is a culture war and by nature intractable.<sup>10</sup> They see demonstrative Israeli power as the only guarantee for the country’s security. In this scenario of an “eternal status quo” there is little place for ideas about Israel’s future democratic structure or the legal status of non-Jewish minorities.

<sup>10</sup> “Agree to disagree”. See Yaakov Levi, “Bennett: Annex Area C, or ‘Agree to Disagree’”, *Arutz Sheva*, 31 May 2015, <http://www.israelnationalnews.com/News/News.aspx/196071> (accessed 26 October 2017).

Positions of this type are held by organisations like the Zionist Organization of America and the Emergency Committee for Israel, as well as the Young Israel movement, an alliance of Orthodox synagogues in the United States and Israel (and sister organisation of the National Council of Young Israel). The latter seeks to popularise, in the diaspora and in Israel, a national-religious ideology that denies territorial concessions to the Palestinians.<sup>11</sup>

The significance of these organisations lies not as much in their impact on US politics or the size of their membership within the American-Jewish diaspora (which is comparatively small) but in their disproportionate influence on the public debate. As the opposition to the more moderate pro-Israeli establishment they are not in the slightest interested in constructive criticism. Instead they restrict themselves to agenda-setting and absolutely uncompromisingly opposing adversaries in the United States and Israel.

Finding little success with classical lobbying in Congress, these groups seek to generate political pressure using their own means and questionable methods. They fund national-religious media campaigns against negotiations with the Palestinians and support settlement activities in the West Bank. During the Oslo peace process in the 1990s they founded US-based branches of the right-wing nationalist Israeli parties in order to support the latter’s political campaign against Prime Minister Yitzhak Rabin and later his Labor Party successors Shimon Peres and Ehud Barak. These diaspora activists contributed to deepening the rifts in Israeli society in the mid-1990s, with ultra-Orthodox rabbis in the United States calling on Israeli soldiers to disobey orders and branding Rabin a traitor to Judaism. One Brooklyn rabbi even said that Jewish law justified assassinating the prime minister.<sup>12</sup> These “shaming” methods were also used against American politicians, with President Barack Obama presenting a particularly popular target.

The activism of the national-religious and far right nationalist camps draws its strength above all from the social position of a handful of extremely wealthy and well-connected individuals who enjoy disproportional

<sup>11</sup> Yossi Shain, “The Role of Diasporas in Conflict Perpetuation or Resolution”, *SAIS Review* 22, no. 2 (2002): 115–44 (136).

<sup>12</sup> “N.Y. Congregation Isolates Rabbi Who Said Killing Rabin Permissible”, *Jewish Telegraphic Agency* (JTA), 12 November 1995, <http://www.jta.org/1995/11/12/archive/n-y-congregation-isolates-rabbi-who-said-killing-rabin-permissible> (accessed 13 November 2017).

tionate influence within the Israel lobby. These include the businessman Irving Moscowitz, who donated millions of dollars annually to settler organisations in the Occupied Territories until his death in 2016. He helped finance the opening of the controversial Western Wall Tunnel in 1996 and supported the construction of Jewish exclaves in the heart of Arab East Jerusalem. Other recipients of his largesse include the extremist Israeli NGOs Ateret Cohanim and El'ad (Ir David Foundation).

Sheldon Adelson is a generous contributor to the Zionist Organization of America. One of the richest Americans of all, he exemplifies the far-right nationalists' personal and financial ties with both the traditional lobby and the Israeli government. Adelson is a well-known patron of Israeli Prime Minister Netanyahu,<sup>13</sup> and principal sponsor of the Israeli-American Council.<sup>14</sup> For a long time he championed AIPAC, but turned his back on the organisation after his expectations were disappointed.<sup>15</sup>

Alongside these prominent figures, numerous Americans make generous donations to national-religious projects in Israel, with a whole string of American NGOs dedicated largely to securing such funding. In 2015 it was reported that more than \$220 million had flowed to the Israeli settlements over a period of five years.<sup>16</sup>

The positions of the national-religious camp and the influence of certain of its members were boosted overnight by the election of Donald Trump as US president, which politically strengthened the US Evangelicals. The latter represent an important section of Trump's base and regard the Biblical Land of Israel as a religious imperative. This alliance between Evangelicals and the national-religious camp of the Jewish Israel lobby is based on shared interests and goals, one of which – recognition of Jerusalem as Israel's capital – was achieved in December 2017. The growing currency of these positions in the Israeli

and US political processes has generated a strong shift to the right in the traditional camp too – at least in the public perception. How long that trend continues will depend on when the interest-driven coalition behind it either collapses under the weight of religious differences or is weakened by a change of politics in Israel or the United States. The longer-term ideological trends in the Jewish Israel lobby and the Jewish diaspora certainly point in a different direction.

### Left-liberal Critics

The left-liberal critics argue for an end to the occupation, an immediate moratorium on settlement-building and the establishment of an autonomous and independent Palestinian state in the West Bank, Gaza and East Jerusalem. This camp includes the New Israel Fund, Americans for Peace Now and the Congressional lobbying organisation J Street.

Since it was set up in 2008, J Street has rapidly become the most important challenger to the traditional camps and especially AIPAC. Its base is principally among younger Jewish Americans, most of whom are secular or only moderately religious. Although J Street to date possesses only a fraction of the reach of AIPAC, it has considerable potential to transform the Israel lobby, not least through generational change.

### **The current Israeli government, J Street says, is more interested in consolidating its power than protecting Israel's future.**

J Street asserts that the mainstream Israel lobby has been led astray by the current Israeli government which, it says, is more interested in consolidating its power than protecting Israel's future. It blames the established lobby for sabotaging the peace process on behalf of the Israeli government, and bringing it to a standstill. Without a two-state solution, it argues, Israel's character as a Jewish democratic state is endangered, because the combination of a Jewish majority and democratic rights for non-Jewish Israelis is only feasible within the internationally recognised borders of 1967 (the Green Line).<sup>17</sup> The lobby also

**13** Adelson publishes the Israeli free daily *Israel HaYom*, which is widely referred to as the "Bibiton" on account of its ideological affinity to Benjamin ("Bibi") Netanyahu ("iton" being the Hebrew word for newspaper).

**14** Amir Tibon, "This Powerful Adelson-funded Israel Lobby Could Soon Rival AIPAC's Influence in Washington", *Haaretz*, 31 October 2017, <http://www.haaretz.com/us-news/.premium-1.819705> (accessed 1 November 2017).

**15** Bruck, "Friends of Israel" (see note 7).

**16** Uri Blau, "Does Your Jewish Charity Donate to the Settlements?" *Haaretz*, 8 December 2015, <http://www.haaretz.com/settlementdollars/1.690056> (accessed 26 October 2017).

**17** Otherwise the Jewish population risks becoming a minority. In that event Israel would have to abandon either its Jewish character or its democracy, in the sense of equal rights for Jews and Arabs.

neglects American interests in the region, J Street argues, by uncritically accepting the Israeli government's claim to be America's most important, indispensable ally in the Middle East.<sup>18</sup>

For its own part, J Street claims to represent the majority interests of the Israeli population and the Jewish diaspora. Rather than listening to the ideologically rigid Israeli government, J Street draws on the expertise of "old elites" from the Israeli security apparatus. This stance has earned the organisation outsider status within the Israel lobby, which is dominated by traditionalists and national conservatives. In 2009 for example the Israeli ambassador to the United States, Michael Oren, very publicly rejected his invitation to a J Street conference.<sup>19</sup> And the group has still not been admitted to the Conference of Major American Jewish Organizations.<sup>20</sup>

Despite its rejection by the traditional Israel lobby, J Street differs more in its methods than in its positions. Like the established lobbying organisations it stands in the Zionist tradition. In the first place, J Street sees its role as securing a Jewish future in line with "Jewish values". In other words, it is not unbiased and not primarily motivated by an understanding of justice rooted in universal human rights.<sup>21</sup>

Instead, J Street's engagement for a two-state solution is driven by concern for the future of the Zionist project. It supported talks with Iran in the hope that this will make the Iranian nuclear programme more transparent, but steers well clear of questioning the traditional lobby's entrenched image of Iran as the arch-enemy. Such a move would cost J Street the support of significant sections of the Jewish community and endanger its survival as a lobbying organisation in Congress.

There are, however, also more radical currents in the left-wing camp. A number of splinter groups even campaign explicitly for Palestinian rights. These would include IfNotNow and J Street's youth movement J Street U, whose slogan "pro peace, pro Israel,

pro Palestine, anti-occupation" sets it clearly apart from the "pro peace, pro Israel" of its parent organisation.<sup>22</sup> The most radical position is that of the anti-Zionist Jewish Voice for Peace, which rejects Jewish primacy in Israel and participates in the Boycott, Divestment and Sanctions (BDS) movement. As outsiders, none of these groups have any great influence on decision-making in Washington.

## Drifting Apart: The Israel Lobby and the Jewish Diaspora

The Israel lobby continues to claim to act in the name of the Jewish diaspora, but has become largely unrepresentative of the demographic. Instead it comprises an exclusive circle of professional activists and wealthy donors. Most diaspora Jews know little about its activities, and have no possibility to control or influence them.<sup>23</sup> For a long time Jewish Americans tolerated this lack of democracy, which was outweighed by the diaspora's enthusiasm for the Israeli cause. But now the American diaspora is becoming increasingly detached from its lobbying organisations. And the resulting changes further weaken an already tenuous link.

One aspect of this is that certain religious currents possess far more influence within the Israel lobby than their size would warrant. The most obvious is Orthodox Judaism, to which only 10 percent of American Jews belong.<sup>24</sup> Surveys and studies show that religiosity correlates closely with strong ties to Israel, which would explain the prevalence of Orthodox organisations in the ideological spectrum of the Israel lobby.<sup>25</sup> Conservative and Reform Jews, on the other hand – who together dominate American

**18** Dov Waxman, "The Real Problem in U.S. – Israeli Relations", *The Washington Quarterly* 35, no. 2 (2012): 71 – 87.

**19** Natasha Mozgovaya, "Israel Envoy Michael Oren Rejects J Street Invite", *Haaretz*, 20 October 2009, <http://www.haaretz.com/jewish/2.209/israel-envoy-michael-oren-rejects-j-street-invite-1.5767> (accessed 26 October 2017).

**20** Conference of Presidents of Major American Jewish Organizations, *Member Organizations*, <http://www.conference-of-presidents.org/about/members> (accessed 26 October 2017).

**21** Jeremy Ben-Ami, *A New Voice for Israel: Fighting for the Survival of the Jewish Nation* (New York, 2012).

**22** Hillel Schenker, "Pro-Israel, Pro-Palestine, Pro-Peace, Anti-Occupation", *Times of Israel*, 11 March 2017, [blogs.timesofisrael.com/pro-israel-pro-palestine-pro-peace-anti-occupation/](https://blogs.timesofisrael.com/pro-israel-pro-palestine-pro-peace-anti-occupation/) (accessed 26 October 2017).

**23** Waxman and Lasensky, "Jewish Foreign Policy" (see note 3), 236.

**24** Michael Lipka, *Unlike U.S., Few Jews in Israel Identify as Reform or Conservative* (Washington, D.C.: Pew Research Center, 15 March 2016), <http://www.pewresearch.org/fact-tank/2016/03/15/unlike-u-s-few-jews-in-israel-identify-as-reform-or-conservative/> (accessed 26 October 2017).

**25** Dieckhoff, "The Jewish Diaspora and Israel" (see note 6), 277.

Judaism with 18 and 35 percent respectively<sup>26</sup> – are considerably less well represented in the Israel lobby and feel less closely associated with Israel. One reason for this is that non-Orthodox currents have always been less accepted in Israel, with recent disputes over use of the Wailing Wall and conversion to Judaism serving as reminders.<sup>27</sup> Non-religious Jews, finally, pay little heed to Israel and consequently have the weakest representation in the Israel lobby. At the same time they are the fastest-growing group in the United States, already representing one-third of the diaspora.<sup>28</sup>

Another relevant factor is that in recent decades the Republican Party has been the strongest supporter of the Israeli government, to a point where „backing Israel has become predominantly a Republican pre-occupation“. <sup>29</sup> 74 percent of Republicans, but only 33 percent of Democrats sympathise more strongly with Israel than with the Palestinians.<sup>30</sup> The gap between conservative Republicans and liberal Democrats is even wider.

In fact American Jews are disproportionately likely to support the Democrats and are estimated to contribute up to 50 percent of Democratic Party campaign funding.<sup>31</sup> 78 percent of American Jews voted for Democratic presidential candidate Barack Obama in 2008, while the figure in 2012 was still 69 percent. Since 1920 every presidential election has seen a majority of American Jews voting for the Democratic candidate.<sup>32</sup>

**26** Lipka, *Unlike U.S., Few Jews in Israel Identify as Reform or Conservative* (see note 24).

**27** Non-Orthodox currents claim a section of the Wailing Wall and demand recognition of non-Orthodox conversions, to date without success. Daniel Shapiro, *Israel and American Jewry: Stepping Back from the Brink*, INSS Insight No. 959 (Tel Aviv: The Institute for National Security Studies [INSS], 31 July 2017).

**28** Lipka, *Unlike U.S., Few Jews in Israel Identify as Reform or Conservative* (see note 24).

**29** Mark Landler, “Netanyahu and Trump Skip Aipac Meeting”, *New York Times*, 27 March 2017.

**30** *The World Facing Trump: Public Sees ISIS, Cyberattacks, North Korea as Top Threats* (Washington, D.C.: Pew Research Center, 12 January 2017), <http://www.people-press.org/2017/01/12/the-world-facing-trump-public-sees-isis-cyberattacks-north-korea-as-top-threats/> (accessed 26 October 2017).

**31** David Rosenberg, “Billionaire Liberal George Soros May Be the Diaspora Jew of the Future”, *Haaretz*, 14 July 2017, <http://www.haaretz.com/opinion/.premium-1.801186> (accessed 27 October 2017).

**32** Jewish Virtual Library, *U.S. Presidential Elections: Jewish Voting Record (1916–Present)*, <http://www.jewishvirtuallibrary.org/>.

## American Jews position themselves – also in relation to Israel – to the left of the Israel lobby that claims to speak in their name.

So it is not necessarily surprising if most American Jews position themselves – also in relation to Israel – to the left of the Israel lobby that claims to speak in their name.<sup>33</sup> Many Jews in the United States are highly sceptical towards the current Israeli government. Only 38 percent believe it to be genuinely interested in peace.<sup>34</sup> Nevertheless, many older American Jews, whose memories of the Second World War and the Holocaust are still very present, tend to regard Israel as an exception or a special case. Social pressure is also an issue, with criticism of Israel still regarded as betrayal within the Jewish community. This is why most of the diaspora prefers to withdraw from the debate about the Middle East conflict and Israel’s occupation of the West Bank and Gaza.<sup>35</sup>

## Conclusions

The transformation that the Jewish Israel lobby in the United States is currently experiencing could have far-reaching consequences for Israel’s position in the Middle East conflict. Dwindling international support forces the Israeli government to rely heavily on the United States, and on a strong and active Israel lobby in Washington. Although under President Trump the United States appears to be exhibiting a very strong pro-Israeli stance, it is less than certain that this will last. It would therefore be too risky for Israel to neglect its proven and dependable relationship with the Jewish lobby and diaspora in the United States. The developments described here represent a long-term challenge for the Israeli government.

To date Israel has been able to rely on its lobby. For the period 2019 to 2028 the United States has increased its annual security assistance to Israel to \$3.8 billion (from \$3.1 billion at present).<sup>36</sup> It is also still

[org/jewish-voting-record-in-u-s-presidential-elections](http://www.jewishvirtuallibrary.org/jewish-voting-record-in-u-s-presidential-elections) (accessed 27 October 2017).

**33** Peter Beinart, *The Crisis of Zionism* (New York, 2012), 43.

**34** *Israel’s Religiously Divided Society* (Washington, D.C.: Pew Research Center, 8 March 2016), 58.

**35** Ben-Ami, *A New Voice for Israel* (see note 21).

**36** White House, *Fact Sheet: Memorandum of Understanding Reached with Israel* (Washington, D.C., 14 September 2016), <https://obamawhitehouse.archives.gov/the-press->

likely that in the event of military conflict the entire lobby will rally behind Israel.<sup>37</sup> There are, however, reasons to believe that Israel regards the transformation in the American Israel lobby and the loss of interest in the diaspora as potentially problematic in the longer term.

This leads the Israeli government to seek to counteract declining backing from the American diaspora by stepping up its support for loyal Jewish groups and non-Jewish pro-Israeli actors in the United States. The Israeli Ministry of Diaspora Affairs headed by Naftali Bennett, leader of the settler party Jewish Home, funds large-scale initiatives to promote Jewish identity abroad. Programmes tailored to young Jews seek to slow the process of assimilation.<sup>38</sup>

At the same time Israeli legislature is seeking to tighten ties with the diaspora. While the new Nationality Bill (Hebrew *Hok haLeom*) has yet to be adopted, drafts to date treat the Jewish diaspora as an integral part of the nation. On the one hand this formulation is designed to placate Conservative and Reform Jews who have not felt properly represented by Israel. On the other it seeks a new way to bind diaspora Jews who have internally distanced themselves from Israel.<sup>39</sup>

Finally, the Israeli government is also working to compensate declining support from the Jewish diaspora with the engagement of non-Jewish friends of Israel. Prime Minister Netanyahu has addressed several Christians United for Israel (CUFI) conferences,<sup>40</sup> and in October 2017 Jerusalem hosted the first Christian Media Summit.<sup>41</sup>

Also reflecting the decline in American Jewish engagement, pro-Israeli lobbying organisations are increasingly open to non-Jewish groups. In fact a

significant proportion of pro-Israeli activism today originates from Evangelical Christian Churches.<sup>42</sup> But this development could come back to bite the Israeli government, which lacks the authority to ensure that messianic religious ideas do not win the upper hand over Israel's interests.

The Israeli government must also adjust to an Israel lobby that is no longer a homogenous force but a conglomerate of many participants with different positions.<sup>43</sup> It seeks to indicate to decision-makers in Washington which lobbying groups they should regard as legitimate, apparently treating the left-liberal camp as a greater threat to its own interests than the national-religious and far-right nationalist.

Despite these efforts by the Israeli government, the process of differentiation in pro-Israeli lobbying will continue and the influence of traditional groups will shrink further. Instead the gulf between left and right will widen, further exacerbating the divides in both the pro-Israel lobby and the Jewish diaspora. As long as the occupation continues and there is no progress in the peace process, Israel will have to live with these trends.

The differentiation of the Israel lobby offers Germany and the European Union opportunities to seek and cultivate partners whose positions are close to its own. Alongside existing contacts to the traditional organisations, closer relations with the left-liberal camp would be advised.

[office/2016/09/14/fact-sheet-memorandum-understanding-reached-israel](#) (accessed 26 October 2017).

**37** Shain, "The Role of Diasporas" (see note 11).

**38** Or Kashti, "Israel to Spend Millions to Strengthen Diaspora's 'Jewish Foundations'", *Haaretz*, 7 August 2015, <http://www.haaretz.com/israel-news/1.670022> (accessed 26 October 2017).

**39** Amal Jamal, "Constitutionalizing Sophisticated Racism: Israel's Proposed Nationality Law", *Journal of Palestine Studies* 45, no. 3 (2016): 40–51.

**40** Rebecca Shimoni Stoll, "Netanyahu: Evangelical Christians Are Israel's Best Friends", *Times of Israel*, 18 July 2017, <http://www.timesofisrael.com/netanyahu-evangelical-christians-are-israels-best-friends> (accessed 26 October 2017).

**41** *Christian Media Summit*, Jerusalem, 15–18 October 2017, <http://www.christianmediasummit.co.il/> (accessed 26 October 2017).

**42** Eli Lake, "Pro-Israel Evangelicals Escape Aipac's Shadow", *Bloomberg*, 10 January 2017, <http://www.bloomberg.com/view/articles/2017-01-10/pro-israel-evangelicals-escape-aipac-s-shadow> (accessed 26 October 2017).

**43** Dov Waxman, "The Israel Lobbies: A Survey of the Pro-Israel Community in the United States", *Israel Studies Forum* 25, no. 1 (2010): 5–28; Ron Kampeas, "Rebuke of UN Shows a House Divided over Meaning of 'Pro-Israel'", *JTA*, 10 January 2017, <http://www.jta.org/2017/01/10/news-opinion/politics/rebuke-of-un-shows-a-house-divided-over-meaning-of-pro-israel> (accessed 26 October 2017).

# Appendix

## Abbreviations

ADL	Anti-Defamation League	UNCTAD	United Nations Conference on Trade and Development
AIPAC	American Israel Public Affairs Committee	UNESCO	United Nations Educational, Scientific and Cultural Organisation
AJC	American Jewish Committee	UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
AMA	Agreement on Movement and Access	USSC	United States Security Coordinator
BDS	Boycott, Divestment and Sanctions		
CEPS	Centre for European Policy Studies (Brussels)		
CFSP	Common Foreign and Security Policy		
COGAT	Coordinator of Government Activities in the Territories		
CUFI	Christians United for Israel		
ECFR	European Council on Foreign Relations		
EMP	Euro-Mediterranean Partnership		
ENP	European Neighbourhood Policy		
EPZ	European Political Cooperation		
EU	European Union		
EUBAM Rafah	European Union Border Assistance Mission in Rafah		
EUISS	European Union Institute for Security Studies (Paris)		
EUPOL COPPS	European Union Coordinating Office for Palestinian Police Support		
FIFA	Fédération Internationale de Football Association		
GRM	Gaza Reconstruction Mechanism		
IDF	Israel Defense Forces		
ICRC	International Committee of the Red Cross		
ILO	International Labour Organization		
INSS	The Institute for National Security Studies (Tel Aviv)		
JTA	Jewish Telegraphic Agency		
MFA	Israel Ministry of Foreign Affairs		
OCHA	Office for the Coordination of Humanitarian Affairs		
OPEC	Organisation of the Petroleum Exporting Countries		
OSO	Operations Support Officer		
PA	Palestinian Authority		
PLO	Palestine Liberation Organisation		
SAIS	The Paul H. Nitze School of Advanced International Studies (The Johns Hopkins University, Washington, D.C.)		
ToI	The Times of Israel		
UAE	United Arab Emirates		
UN	United Nations		

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