

## NOREF Article

### Today's call on Palestine's future: interim arrangements instead of comprehensive peace

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#### Executive summary

Regrettably, the distinct issues of a comprehensive Middle East peace and Palestinian statehood have converged in the diplomatic, media and public discourses. This linkage reflects conventional thinking, which should be reconsidered in light of the expected affirmation of the Palestinian declaration of independence at the UN in September 2011.

The two issues are indeed interconnected; however, at present it would be better if they were not operatively linked. Today, a return to comprehensive peace talks is doomed because (1) peace is not the top priority of any national, regional or international body; and (2) the sides have no confidence in each other. On the other hand, if followed by bilateral interim arrangements, Palestinian independence

may help to avoid a new frustration-aggression cycle and serve as a game changer that will open the door to peace negotiations later. The international community should therefore change its call and encourage and support interim understandings. Comprehensive peace negotiations should wait for better days.

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#### Two interconnected issues, and yet ...

Addressing Palestinian statehood and comprehensive Israeli-Palestinian peace talks as indivisible is quite common in official statements, media reports and public discussions. It has become even more prevalent since the Palestinians declared their intention to ask for international recognition of their independence without a peace agreement, a move that Israel and its allies strongly opposed and condemned as “unilateral” and hence faulty.

There are numerous examples of this linkage. In a late April 2011 interview with the *Al Hayat* newspaper, Palestine Liberation Organisation Secretary-General Yasser Abed Rabbo said that the Palestinian National Authority (PNA) prefers negotiations; however, if there is no move in this direction, it would be left with no choice but to opt for a unilateral declaration of a Palestinian state.<sup>1</sup>

<sup>1</sup> <http://www.haaretz.com/news/diplomacy-defense/plo-official-pa-prefers-negotiations-to-unilateral-declaration-of-palestinian-state-1.358002>.

On the Israeli side, Prime Minister Benjamin Netanyahu, in his speech to the US Congress in May, stated categorically: “The Palestinian attempt to impose a settlement through the United Nations will not bring peace. It should be forcefully opposed by all those who want to see this conflict end.” He continued: “Peace cannot be imposed; it must be negotiated.”<sup>2</sup>

At his June meeting with the president of the European Union (EU), Netanyahu warned that if in September 2011 the United Nation (UN) accepts the Palestinians’ bid for statehood, it would be very difficult to make the necessary compromises needed for the peace negotiations to proceed. Similarly, in July 2011 the US deputy permanent representative to the UN, Ambassador Rosemary DiCarlo, reiterating the Obama administration’s formal position, said that: “The US will not support unilateral campaigns at the UN in September or any other time.” She added that only through “serious and responsible negotiations can the parties achieve the shared goal of two states for two peoples, with a secure, Jewish state of Israel living side by side in peace and security with an independent, contiguous, and viable state of Palestine.”<sup>3</sup>

In the same spirit, German Chancellor Angela Merkel stated in a May 5th article: “We do not think that unilateral steps are helpful”, and encouraged an “urgent” return to comprehensive peace negotiations between Israel and the Palestinians.<sup>4</sup> Shortly afterwards, French President Nicolas Sarkozy, albeit presenting a different position to that of Israel, America and Germany, also affirmed the association between peace and Palestinian independence when letting the world know that France would recognise a unilateral Palestinian state declaration if peace talks failed.<sup>5</sup>

Clearly, peace and Palestinian statehood are mutually related, if only for practical reasons: for example, in order to get international recognition

as an independent state, under the Montevideo Convention (Convention on Rights and Duties of States, 1933) the claimant must have control over a defined territory and a defined population, which is not the case with the PNA as long as Israel occupies the West Bank and while the issue of borders is not settled. However, as will be discussed in some detail below, the conditioning of Palestinian statehood on a comprehensive peace agreement is counterproductive under the present circumstances. In fact, this Gordian knot is better cut in order to avoid a return to the bad old days of violence and counter-violence. Creativity, as well as flexibility and thinking outside the box by both sides and by others, is therefore called for.

### **Cutting the Gordian knot**

Why should the two issues of peace and Palestinian statehood be separated and how should it be done? Shocking as this may sound to some, currently an Israeli-Palestinian peace is not in itself a top priority, either nationally, or regionally, or internationally. This is why no serious move in the direction of a resumption of talks has taken place in the last couple of years. Yet current, relatively calm Israeli-Palestinian relations are unlikely to continue, since, while it is fairly convenient for Israel, the status quo is barely tolerable for the Palestinians and they are demanding progress, not least because they are frustrated with the illusive promises and timetables set by the Quartet and the US administration, which have done little to make any changes materialise.

Since it announced its intention to declare independence with no peace in hand, the Palestinian leadership is caught between the hammer and the anvil – if it does not do as it promises, its domestic reputation is ruined and it may well be toppled by Hamas or other opposition parties. However, if the independence course is pursued in the face of Israeli opposition and the warnings of America, Germany and others, it may well be eroded, and thus things on the ground will not change for the better. Such paralysis is likely to encourage a massive eruption of Palestinian grassroots discontent that will surely be met by strong Israeli countermeasures in the West Bank and elsewhere. The military disadvantage of the Palestinians vis-à-vis Israel, on the one hand, and the latter’s antagonism toward the

2 <http://www.guardian.co.uk/world/2011/may/24/binyamin-netanyahu-israel-palestinians-congress>.

3 <http://iipdigital.usembassy.gov/st/english/texttrans/2011/07/20110726165958su0.7605664.html#axzz1XOQB7QBO>.

4 <http://www.haaretz.com/news/diplomacy-defense/merkel-warns-against-unilateral-recognition-of-palestinian-state-1.360065>.

5 <http://www.jpost.com/LandedPages/PrintArticle.aspx?id=219281>.

Palestinian “unilateral” move, on the other, almost guarantee clashes, which even if non-violent at the beginning, can be expected to spin out of control and result in multiple casualties. This in turn may well set fire to the entire Middle East, which is already characterised by a high level of potential explosiveness. Obviously, neither development works well for Abu Mazen and his government.

Israel is also stuck in a kind of limbo. The present government is unable and unwilling to withdraw its widely internally supported demand that the Palestinians recognise Israel as the state of the Jewish people. The Palestinians, as is well known, refuse to do so, if only because this would place Israeli Arabs in a very precarious situation. Israel is also extremely upset by the probability of a large majority in the UN General Assembly approving Palestinian statehood – recognition that for years was taken to be part and parcel, and actually the end product, of a comprehensive peace agreement. At the same time, Israeli leaders are fully aware of the serious political, legal and security risks involved in unchanging post-declaration realities on the West Bank, i.e. with the presence, and probably the expansion, of settlements and the checkpoint regime. Thus, the future looks rather bleak from Jerusalem's perspective as well.

### **So why not resume the comprehensive peace talks?**

Indeed, for years the Palestinians have declared that they would settle for nothing short of a permanent peace agreement, including full termination of the Israeli occupation and full Israeli withdrawal to the 1967 border, i.e. total evacuation of all settlements. Practically, however, they realise that this is no longer feasible. Not only is the present Israeli government reluctant to embrace the above as the agreed upon end line of the talks, but also America and other major international players are unlikely to push Israel in this direction, as long as the PNA is constantly challenged by Hamas and other Islamic organisations that reject the very notion of recognition of Israel. As of now, Palestinian decision-makers are primarily interested in starting to practise independence and improving the daily lives of the population so as to reinforce their political authority. They are also extremely concerned with strengthening Palestinian national

unity, i.e. coming to terms with Hamas. Peace in terms of ending the conflict and developing open and conducive relations with Israel and the Israelis is presently of less interest to them.

Israel, for its part, is currently more than usually on its guard because of the so-called Arab Spring and the maturing Iranian nuclear capabilities. The government is also troubled by an unprecedented wave of domestic socio-economic protest. It is therefore primarily interested in strengthening Israel's deterrence, in securing its political viability, in promoting national unity, and in maintaining close and positive relations with America and Europe. For Israel as well, peace is currently therefore a secondary goal.

Other parties to the Middle East peace process are also currently not fully devoted to this cause. The Arab states are presently preoccupied with their grassroots unrest – regimes are being replaced, leaders are being toppled and others are rising to power or struggling to stabilise their new political authority. Old alliances are being severed and new ones created. Muted minorities and groups are gaining a voice, while ruling minorities and groups are fighting for their lives. It is not surprising, then, that from a regional perspective, the Israeli-Palestinian problem has become marginal. America is about to enter an election year and as much as President Obama would have liked to have a Middle East peace agreement on his list of achievements, he is well aware that the time is too short and the area is too hectic to accomplish this in time. The economic crisis in America is his primary concern and negatively impacts the country's ability to fund a comprehensive Middle East peace agreement. Meanwhile, Europe is extremely troubled by the deteriorating Eurozone crisis: not only does this crisis demand the full attention of all decision-makers and office holders in the various European countries and EU institutions, but it also severely curtails the financial aid that Europe can provide in order to make a comprehensive Middle East agreement workable.

Therefore, although surveys conducted in both societies clearly indicate that the majority of both Israelis and Palestinians are (still) supportive

of the two-states solution,<sup>6</sup> only very few are really focused on peace at the moment: small numbers of persistent Palestinian and Israel peace activists, certain – mostly European – Christian churches for which promoting peace is a religious duty, various local and international human rights/conflict resolution NGOs, and a very small number of foreign governments that foster a “regime of goodness” as a core political value. For these players, comprehensive peace is indeed a primary goal; however, a sober reading of the situation reveals that they lack the political clout and resources to overcome the tremendous impediments and change the course of events in the region.

### **What are the consequences of this?**

One possible response to the current complicated state of affairs is to do nothing, trusting that the declaration and its probable catastrophic aftermath will produce a paradigmatic shift or a transformation on the ground, e.g. getting rid of the two-state option through the emergence of a binational reality. This is an extremely dangerous strategic choice that will contribute to the creation of a slippery slope that may even lead to the use of non-conventional weapons if one protagonist believes that its existence or that of a close ally is in danger.

A second option is to maintain the traditional approach – that a comprehensive peace agreement is a *sine qua non* for a sustainable Israeli-Palestinian *modus vivendi* and that peace should come first, and only then statehood. The problem with this popular option is that under the present circumstances it is no longer valid. A diplomatically defeated Israel is unlikely to be easily brought to the negotiating table, while the Palestinians, who have lately recognised that the core issues of the refugees and Jerusalem are too difficult to resolve in the foreseeable future, will also most probably rather avoid another most-likely futile round of peace negotiations. Sticking to the comprehensive peace solution due to wishful thinking or ideological entrenchment is bound to result in a significant waste of effort and resources,

but is hardly likely to achieve the desired result – a comprehensive peace – or prevent the dangerous slippery slope described above.

However, as in many other cases, there is a third way that is less heroic and dazzling, but more promising: encouraging and assisting Israel and the Palestinians together to work out a series of practical interim arrangements as an addendum to the declaration and to UN recognition of an independent Palestinian state with temporary borders, under the overarching vision delineated in the Clinton parameters of 2000.<sup>7</sup> These arrangements will aim to find solutions to the new reality of two states occupying the same territory, not much more. The discussions will serve as good practice for Palestinian and Israeli security and other negotiators in debating matters daily after years of disengagement. If conducted in good faith, they can reduce the risk of the eruption of massive violence and enable the creation of a new and more beneficial *modus vivendi*. Last, but not least, if these interim arrangements are successfully worked out and implemented, they will serve as confidence-building measures and hence as game changers. It is critical that these negotiations and arrangements should not address (or address as little as possible) the core problems such as the refugee issue or sovereignty in Jerusalem. These key issues will have to wait for better days, when negotiating a comprehensive peace is more realistic.

<sup>6</sup> For the Israeli public's view on the two-state solution, see <http://www.peaceindex.org/files/War%20and%20Peace%20Index-March-trans.pdf>. For the Palestinian view, see <http://www.pcpo.ps/polls.htm>.

<sup>7</sup> For these parameters, see <http://www.usembassy-israel.org.il/publish/peace/archives/2001/january/me0108b.html>.