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Quo Vadis Palestine?

Martin Beck

Having received fairly little attention during the height of the Arab Spring, the Palestinian issue has once again become a focal point of Middle Eastern politics due to recent events in Palestine – namely, the failure of another round of US-promoted bilateral negotiations in May 2014, the Gaza War in summer 2014, several terrorist attacks, and Palestine's membership in the International Criminal Court, which commenced on 1 April 2015.

Analysis

Current events related to the Palestinian issue appear to be contradictory and have left observers rather puzzled about what the future holds for Palestine. This issue of the GIGA Focus outlines and critically discusses three possible scenarios: a two-state settlement, a one-state solution, and prolonged occupation.

- A two-state solution, which is based on the dominant paradigm that the Israeli–Palestinian conflict will be "solved" sooner or later, could result either from a (bilateral) negotiation process – as favoured by the leading Western powers – or from a successful unilateral state-building process in Palestine.

- A one-state solution (which is also a solution-based scenario) covering the territory of what is today Israel plus the occupied Palestinian territories (East Jerusalem, the West Bank, and the Gaza Strip) could take two forms: a binational democratic state of Israel/Palestine or a Jewish Israeli state.

- An alternative to these two solution-oriented scenarios is that, for the time being, occupation remains the form of government in East Jerusalem, the West Bank, and the Gaza Strip. This is based on the idea that, some adaptations to changing environments notwithstanding, occupation has proven to be robust since it was introduced following the June War of 1967.

Keywords: *Palestine, Israeli–Palestinian Conflict, PLO, Palestinian Authority, Future Scenarios*

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Three Scenarios on the Future of Palestine

The present article analyses three scenarios on the future of Palestine: (1) a two-state solution resulting from either a negotiated bargain between Israel and the Palestine Liberation Organisation (PLO)[1] or a successful unilateral state-building process in Palestine; (2) a one-state state solution consisting of either a binational democratic Israeli–Palestinian state or a Jewish Israeli state; and (3) occupation remaining as the form of government given its proven durability since being implemented nearly 50 years ago.

Scenario 1: Two-State Solution

Two States as a Result of Bilateral Negotiations between Israel and the PLO
The two-state solution has served the international community as the dominant normative anchor in regulating the Israel–Palestine conflict since the 1990s. When Yitzhak Rabin, the late Israeli prime minister, and Yasser Arafat, the late PLO chairman, signed the Oslo Declaration of Principles in September 1993 under the patronage of then US president Bill Clinton, expectations of a Palestinian state coexisting peacefully with Israel peaked. However, the Oslo peace process collapsed as a result of fruitless negotiations at Camp David in July 2000, the outbreak of the Second Intifada in September 2000, and Israel's harsh military reaction to it. Several attempts to resume negotiations between the two conflict parties failed. Despite this, the idea of a two-state settlement was strengthened from a normative perspective when in March 2002 the United Nations Security Council adopted the idea in Resolution 1397 (Smith 2013).

Even when the Oslo peace process was at its strongest (1993–1995), significant structural obstacles existed, making the realisation of the two-state solution through bilateral negotiations rather difficult. First and foremost, Israel has far superior material capabilities than does the Palestine Liberation Organisation (PLO) and has there-

fore never had to agree to "painful compromises" – which has ensured the maintenance of the status quo. In other words, Israelis have lived very well in occupied Palestine for nearly 50 years and have little incentive to accept any agreement that does not clearly favour their own interests over those of the Palestinians.

Moreover, the benefits of the Oslo accords were very unevenly distributed: Israel was fully recognised as a state by the PLO, whereas Israel only recognised the PLO as the representative of a people, but offered no commitment to the establishment of a Palestinian state, not to mention full sovereignty in the whole of East Jerusalem, the West Bank, and the Gaza Strip. Last but not least, the Oslo accords also did not in any way restrict Israel from continuing its occupation of Jerusalem or settlement activities in the West Bank (Beck 2004).

Not only are these obstacles still in place, but for several reasons they appear much more unlikely to be overcome in 2015 than in the 1990s. First, in both the Israeli and the Palestinian political systems, the spoilers of any meaningful compromise – namely, extreme Islamist parties, on the one hand, and right-wing ultra-nationalist actors, on the other – have become much stronger. Second, as a result of the failed Oslo process and several attempts to resume it, the degree to which the conflict parties trust each other is significantly lower than it was 20 years ago. Trust, however, is a basic prerequisite to achieving cooperation in the international system. Third, the Israeli settler movement has succeeded in fastening the settlement belt around Jerusalem. As a result of this colonisation of major parts of Palestine, even the most peace-oriented Israeli government would find it difficult to implement a policy that does not contradict the interests of the settlers in East Jerusalem and the West Bank. The settler movement has used the favourable conditions of the Oslo accords not only to become very well integrated and represented in mainstream Israel but also to increase its number to roughly 750,000 people.

Two States as the Result of a Successful Unilateral State-Building Process in Palestine
Within the frame of the so-called Fayyad Plan, Western actors encouraged the Palestinian Authority (PA) to build protostate institutions. In reports presented in 2011 and 2012, the World Bank praised the Palestinian state-building process for

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1 Theoretically, a two-state settlement could also be the outcome of a multilateral rather than a bilateral bargaining process. After the failure of the half-hearted multilateralisation attempt of the "Quartet on the Middle East" (US, EU, UN, Russia), a systemic process of multilateralisation was demanded by some scholars and political actors but has not yet been set in motion (Huber and Kamel 2015). Therefore, the multilateralisation variant of Scenario 1 is not taken into account in the present article.

being very successful and the state institutions created for being highly effective (World Bank 2012). Nevertheless, rather than supporting an independent Palestinian state, the West once again called on the Palestinians to enter bilateral negotiations with Israel to achieve the aim of Palestinian statehood. As all previous rounds of bilateral negotiations with Israel since the Oslo accords had proven fruitless, in 2011 the PLO – under the leadership of Mahmud Abbas – employed a strategy to secure international recognition of a Palestinian state. Called Initiative 194, the aim of this approach was to gain full independence by making Palestine the 194th member of the United Nations.

Apart from gaining symbolic power, what is the rationale behind this approach? After all, the PLO had already officially declared the state of Palestine in November 1988. Yet, as long as Palestine's territory and the mobility of persons and goods in and out of Palestine is controlled by Israel, the existence of the state of Palestine is inclined to remain a virtual phenomenon. Being recognised as an independent state could, however, provide Palestine with some leverage because there is a normative difference between whether Israel is occupying "territories" or a recognised "state"; in the latter context, Israel's occupation would be seen as a fully-fledged imperialist policy, which would possibly go some way to further delegitimising the Israeli occupation.

Nevertheless, the United States had no hesitation in declaring that Palestine's unilateral claim to be a sovereign state was illegitimate and announced that it would veto the PLO's attempt to become a full member of the United Nations in the UN Security Council. Insofar as there is no indication that the United States will change its position, it is fair to say that this approach has failed. Mahmud Abbas did, however, see Palestine's status upgraded from "non-member observer entity" to "non-member observer state" in a United Nations General Assembly vote in November 2012. This success proved to be more than cosmetic: First, some governments followed suit and established full diplomatic relations with Palestine (such as Sweden in October 2014). Second, Palestine used its new status served to successfully apply for membership of the International Criminal Court, which officially commenced on 1 April 2015.[2]

However, both developments are very likely to fall short of securing "real" Palestinian statehood. There is currently no indication that the conflict is transitioning in a manner that will ease the hardships of occupation for the Palestinian society. Those states that fully recognise Palestine lack the power to pressure Israel into abandoning its policy of occupation. Although the name-and-shame strategy of gaining full recognition may possibly deprive Israel of some of its soft power, Israel's extensive hard power will remain untouched.[3] At the same time, countries that fully recognise Palestine as a sovereign state do not necessarily experience a deterioration in their relations with Israel. According to the Swedish foreign minister, Margot Wallström, her country maintains excellent relations with Israel.[4] Moreover, Israel has strong allies in the West, particularly the United States and Germany. Should Israeli officials be sentenced for war crimes by the International Criminal Court, this would be to the embarrassment of the court's European members. Nonetheless, as neither Israel nor the United States is a member, the impact thereof would be limited (Beck 2015b).

To sum up, the recent wave of recognition Palestine has attained as well as the upgrades and memberships it has secured in major international organisations certainly represent an increase in symbolic power. In the diplomatic arena, for instance, Palestine is playing at a significantly higher level than before Initiative 194 was launched. Despite this, symbolic upgrading has only had a very limited spillover effect in terms of easing the realities of occupation. There is also no indication that this could change in the foreseeable future (Beck 2015a).

Scenario 2: One-State Solutions

A Binational Democratic State
The establishment of a binational democratic state rather than two states was deemed the "rational choice" for Palestinians and the "moral choice" for Israelis in an article co-authored by scholars

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2 BBC 2015, *Will ICC Membership Help or Hinder the Palestinians'*

Cause?, 1 April 2015; online: www.bbc.com/news/world-middle-east-30744701.

3 For the concept of hard power versus soft power, see Joseph S. Nye (2004).

4 *Jerusalem Post (*2014), "Sweden Says Relations with Israel Excellent, despite Recalling of Ambassador," 31 October 2014; online: www.jpost.com/Israel-News/Politics-And-Diplomacy/Sweden-says-relations-with-Israel-excellent-despite-recalling-of-ambassador-380392.

Jenab Tutunji and Kamal Khaldi (1997), when the failure of the Oslo process, whose rationality was based on a two-state settlement, was already looming. Thus, unsurprisingly, the vision of a binational state became more seriously discussed in the twenty-first century, particularly among Palestinian intellectuals. The logic behind the idea of a binational democratic state is that Palestinians could realise self-determination in a democratic state in which approximately half of the population is Palestinian. Although exact population figures are highly contested, there can be no doubt that the number of Palestinian Israelis (who make up roughly 20 per cent of Israeli citizens) and Palestinians in the occupied territories is at least close to the number of Jewish Israeli citizens. Moreover, since the fertility rate amongst Palestinians is significantly higher than amongst Jewish Israelis, and no other major Jewish immigration wave (as in the 1990s after the downfall of the Soviet Union) is expected, the Palestinian population in Israel and Israeli occupied territory will most probably outweigh the Jewish population within the foreseeable future.

The idea of a binational democratic Israeli–Palestinian state enjoys strong normative power: if realised, the same state that has been depriving Palestinians of access to human and democratic rights for decades would become the warrantor of Palestinian rights. Nevertheless, the establishment of a binational democratic state appears to be rather unlikely. First, although there is some support for this approach within the Palestinian community, there is no mass movement behind it. Moreover, the political class of Palestine, albeit highly fragmented, basically agrees that a binational state is not desirable. Hamas and other Islamist parties would have trouble accepting Jewish Israelis as citizens with equal rights, not to mention the fact that such a move would require the PA to abandon its raison d'être – namely, the idea of a Palestinian state living in peaceful coexistence with Israel. Second, and of even greater importance, a binational state contradicts the basic idea of Zionism, according to which Israel must be a Jewish state. Thus, rather than serving as a "rational" or "moral" choice, the notion of a binational state is mostly used as a rhetorical argument by some Palestinian (and very few Israeli) liberals and leftists to underline that Israeli occupation contradicts democratic values and human rights. From that point of view, focusing on the notion of a binational state may even be considered counterproductive, as it absorbs political and intellectual ideas that do not have a proper chance of realisation, as the overwhelming majority of the Jewish Israeli population is strongly opposed to it (Kamel 2015).

One of the factors that make a binational Israeli–Palestinian state unlikely to ever occur is the same factor that also makes a two-state settlement improbable: Israel is too powerful to be inclined to swallow "painful compromises." Moreover – and this renders the binational state scenario nothing more than a chimera – Israeli Zionism is fundamentally opposed to an Israeli state which is not based on Jewish identity.

Jewish Israeli State
Israel could extend its Zionist self-conception as a Jewish state to the Palestinian territories it occupied in 1967. It has already done so in East Jerusalem, which was de facto integrated into the Israeli state immediately after the 1967 June War and then de jure annexed in 1980, when the Israeli parliament (the Knesset) declared all of Jerusalem the "eternal and indivisible" capital of Israel. The simple logic behind Israel extending its sovereignty to (major parts of) the occupied territories in the West Bank is that it would change Israel's de facto rule of occupied Palestine into de jure rule. Thus, at first sight, one may consider the prospect of further annexation to be an attractive option for Israel.

Under current conditions, however, the costs of further annexation of major parts of the West Bank would outweigh the benefits for Israel. If all Palestinian territories were annexed, there would be no (clear) Jewish majority in the state of Israel, which would then have significantly greater trouble obscuring its democratic deficits. Moreover, it would be extremely difficult for Israel to prevent hundreds of thousands of Palestinians from moving freely in Israel. Even if Israel were to "only" annex those parts of Palestine that are densely populated by Jewish settlers, it would come under pressure to release the "rest" of Palestine into statehood. Contrary to a Palestinian state that emerges through bilateral negotiations, a Palestinian state created as the outcome of the forceful integration of major parts of the West Bank into the Israeli territory would be hostile to Israel. To put it differently, if Israel realises its nationalist dream of a "Greater Israel," it will forfeit the

PA as a functional junior partner of the occupying regime.

Thus, if Israel were to formally annex further parts of Palestine, it would lose the political flexibility that it has enjoyed as an occupying power for nearly 50 years. For example, in the past Israel was able to adapt its policy towards the Gaza Strip on several occasions to protect its interests within a changing environment. In 1994/95 it passed over internal administration of the ecologically extremely challenged Gaza Strip to the PA. Then in 2005, within the scope of its policy of "unilateral disengagement," Israel entirely withdrew from the coastal area densely populated by Palestinians without relinquishing its capability to control the access of goods and people to and from the Gaza Strip. Following Hamas's shelling of Israeli territory in summer 2014, Israel took the opportunity to wage a comprehensive war on Gaza, whose development was thereby affected for years.

The scenario of the Jewish Israeli state extending its borders in parts of the occupied Palestinian territories other than East Jerusalem would only appear to be likely if a significant amount of West Bank Palestinians were expelled over the Jordanian border. Although the influence of Israeli actors favouring a "transfer solution" has increased since the failure of the Oslo process, such a move would only be deemed legitimate by Israel and particularly the international community in the wake of a major regional war – if at all. Even then, the costs for Israel would be high, particularly in terms of further delegitimising its existence as a state in the Middle East.

Although the scenario of the Jewish Israeli state expanding into major parts of occupied Palestine cannot be excluded, such a move remains unlikely as long as Israel prefers the status quo: occupying Palestine.

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

Occupation has proven to be a much more robust and flexible instrument of government than possibly could have been expected half a century ago. Within the context of occupation, Israel managed to diversify its rule over Palestine according to its various needs. East Jerusalem was annexed, thus making its territory – albeit not its people, the Pal-

estinians – an integral part of Israel. Most areas in the West Bank that are of "strategic" and/or "cultural-religious" interest to Israel have been de facto integrated into Israel, particularly the big settlement blocs that are connected to Israel by cutting-edge infrastructure. Israel has comparatively low strategic and no cultural or economic interests in the Gaza Strip and maintains excellent relations with the Egyptian political leaderships (at least before and after the one year interlude of Mohamed Mursi's presidency in 2012/13) which enabled Israel to effectively seal the Gaza Strip – thereby preventing it from developing any significant development potential.

Rather than bringing an end to occupation, the Oslo process helped to legitimise it and facilitated its sophistication (Krieger 2015). As a result of its recognition of the PLO, Israel gained international and even regional legitimacy in the Middle East. At the same time, the PA served as a local junior partner in containing radical Palestinian groups. Despite the tension between Israelis and Palestinians in terms of overall future conflict regulation, security cooperation between Israel and the PA generally functions well in the West Bank. At the same time, since the Oslo process, the international community (mainly the European nations) has taken over the bulk of the economic costs of occupation by providing the Palestinians and the PA with "generous" financial aid.

Conclusion: Occupational Regime most likely Scenario

From a human rights perspective, the establishment of a binational democratic Israeli–Palestinian state (Scenario 2) may have the strongest normative power. Yet, mainstream normative orientation sticks to the two-state solution (Scenario 1). If, however, a strict empirical-analytical perspective is applied, prolonged occupation (Scenario 3) appears to be more likely – as long as there are no major shifts in power dispersion between the Israelis and the Palestinians. Israel's vastly superior power enables it to live with the status quo of occupation and to adapt it as required. This context therefore makes the establishment of a binational democratic state very unlikely. The second variant of the one-state solution (Scenario 2) will only become a possibility if the power gap between the Israeli administration and key Palestinian ac-

tors were to widen even further – for example, in the course of a major regional war.

According to the present analysis, a two-state solution (Scenario 1) is likely to remain the dominant normative paradigm not only because it is favoured by major international actors, but also because both Israel and the PLO have a strong interest in keeping it alive. For instance, Israel promotes the two-state solution because it would struggle to justify its repressive and undemocratic practice of occupation as an official form of government, whereas the PA owes its very existence to the bilateral Oslo process. However, a sustainable two-state solution will only become likely if the power gap between Israel and the PLO significantly narrows. There is no indication that this could happen in the foreseeable future in either economic or military terms. However, should Western perceptions of Israel's occupation of Palestine as a tolerable form of government begin to change, it could lead the West to push for multilateral negotiations on a Palestinian state. Although such a development would help the Palestinians to partially compensate for their lack of power vis-à-vis Israel, Israel has always been able to rely on unwavering support from the United States and Germany. As a result, continued occupation is the most likely scenario for the foreseeable future.

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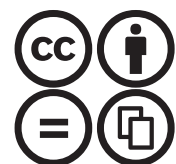
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