

SEPTEMBER 2011 – IS IT A TURNING POINT?

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The change of Palestinian strategy from negotiations to an effort to get UN recognition for a Palestinian state is a result of the complete stalemate in the negotiations process. The Palestinian leadership chose this strategy not because they believe it paves a clear way to ending the Israeli occupation, but because it was the only alternative left for them. Frustrated by Israeli Prime Minister Netanyahu's refusal to resume negotiations on terms that can be acceptable to the Palestinian side, deeply distrusting his intentions, and disappointed with the American broker, they took this decision.

In the Israeli political discourse there is a debate on the implications of this new Palestinian strategy. On the one hand, there are those who look at this as a very significant step that will make a dramatic change. Some of them are looking at it from the point of view of supporters of the Palestinian step that believe it is an important move towards the end of the occupation; others from the point of view of opponents of this step that believe it will not contribute to and only block an agreement between the parties, which can be achieved only by direct negotiations, while increasing the hostility towards Israel and its de-legitimization. On the other hand, there are those who belittle this step, do not believe it will make any real change, and think it will remain an empty declaratory gesture.

It seems that the two sides to the debate are exaggerating. It is true that the recognition resolution that the UN General Assembly will probably pass by a large majority will not have any executive power that will be used to force it upon the conflicting parties. It is also true that the PLO had already declared a Palestinian state in 1988, and many states gave recognition to the Palestinian state, and allowed Palestinian diplomatic representation in their capitals, but all that did not make any change to the reality on the ground in the occupied Palestinian states. Nevertheless, it is possible to argue that the 1988 declaration was significant because it manifested the Palestinian decision to accept the two states' solution and the broad international support for this solution, thus contributing to the beginning of the Oslo Process a few years later.

That will also probably be true for the coming UN resolution. It will not have the power to directly change the reality on the ground, but it will create a new legal, diplomatic and political reality.

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Legally, the Palestinians can and probably will use this UN recognition to accede to different international organizations and covenants, and in some cases Palestinian membership may not only have symbolic implications but also practical ones. For example, if the Palestinian state accedes to the Rome Statute of the International Criminal Court, it will put actions executed in the occupied territories under the jurisdiction of this court, with all the implications for the ability to persecute Israeli officials and military personnel for their deeds, whether rightly or wrongly, in these areas. That may become a serious problem for Israel.

The broad support in the UN for the recognition will have a diplomatic and political impact. It will increase Israeli isolation, and will be used for increased attacks on Israel in the media and in the legal systems of different states. It will also manifest the US isolation when it supports Israel, and will increase the pressure on it to abandon its support for Israeli policies. The severity of this impact will also be dependent on the shape of voting in the UN. The more Israel succeeds in dissuading states that belong to the western block from supporting recognition, the less impact it will have.

Another cause for concern is the indirect repercussion of the new Palestinian strategy when it comes in combination with the impact of the Arab Spring on the Palestinian public. One can compare the situation of the Palestinian leadership in Ramallah to a person trying to go up an escalator that is going down. They have to continue walking even if they want to stay in the same place. Following the voting at the UN, the public will expect them to present a strategy that will lead to the realization of the Palestinian state. President Abbas emphasizes that the whole purpose of this exercise is to resume Permanent Status negotiations on terms that are acceptable to the Palestinians, but there are no reasons to assume that the Netanyahu government will change its terms for the resumption of negotiations. The Palestinian leadership will have no other option but to adopt the only other measure that is available to them, and that is massive peaceful protests in the style of the Arab Spring, and indeed they are already organizing such demonstrations hoping they will be under control.

There is a good chance that the “peaceful demonstrations” will not remain peaceful for long. In the explosive atmosphere of the Israeli-Palestinian relationship and the differing perceptions on the two sides of the divide, what looks peaceful to one side does not look so peaceful to the other. Imagine a demonstration of a few thousand people walking from Ramallah to the nearest settlement waving olive branches. For the demonstrators it is completely peaceful. For the military force guarding the settlement it is an incited mob threatening to overrun the settlement and risk the lives of women and children. They will first try to use non-lethal crowd dispersal means but, when they fail to stop the demonstrators, they will have to use live ammunition. This may resume the circle of violence the two peoples have only emerged from in recent years.

On the positive side of the balance, the two governments, in Ramallah and Jerusalem, do not want resumption of violence and will make every effort to prevent it, but can they control it? The lessons of the Arab Spring are different. They show that regimes that are perceived as strong can easily lose control. One can also argue that the Palestinian public has no appetite for resumption of the violence and chaos of the Second Intifada, but the concern is not that the Palestinians will initiate resumption of violence. The problem is the possibility that the two parties will start a process of which they may lose control.

Much effort should be invested by the two governments involved to prevent this circle of violence by taking actions on the ground, but eventually the only real remedy is the resumption of an effective negotiations process. The US and the EU can play an important role in utilizing the concerns of the two parties to convince them to be more flexible and agree terms of reference that will enable resumption of negotiations. Technically, it can be achieved by writing a "Quartet" paper that will be accepted by the two parties and which lists the terms of reference. It is too late to stop the process before the Palestinians apply to the UN, but it is possible to prepare for the day after.

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