

Is 2015 the Year the Palestinians Internationalize the Conflict with Israel?

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Feb 3, 2015

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Brief Analysis

The PA's current approach consists of relying on international support against Israel and waiting for Hamas to weaken in Gaza, but neither tactic is bearing fruit thus far.

The piece below is based on the author's presentation at a Washington Institute Policy Forum with Dennis Ross and Ghaith al-Omari, held on January 29, 2015. A summary of Ross and Omari's presentations was published separately as [PolicyWatch 2366 \(http://www.washingtoninstitute.org/policy-analysis/view/reports-from-across-the-green-line-politics-and-policy-in-israel-and-the-we\)](http://www.washingtoninstitute.org/policy-analysis/view/reports-from-across-the-green-line-politics-and-policy-in-israel-and-the-we).

Visiting Israel and the West Bank today is like visiting two separate planets. One therefore wonders if the status quo will ultimately lead to a political, if not a physical, collision. One reason for this thinking involves the absence, on either side, of talk about direct negotiations. The Palestinians, for their part, are pursuing a two-pronged international strategy, while the Israelis are preoccupied with the March 17 national elections. Other Israeli priorities considered more urgent than talks include assessing prospects for an Iranian nuclear deal and addressing the fallout of border incidents with Iran and Hezbollah near the Golan Heights.

Palestinians Count on 'International Intifada'

The Palestinian move away from direct talks can be traced to Palestinian Authority (PA) president Mahmoud Abbas, who turns eighty this spring. His two-pronged strategy involves, first, seeking at least one resolution through the UN Security Council and, second, bringing charges against Israel in the International Criminal Court (ICC). It is unclear whether he thinks the new strategy will actually be successful or whether he is simply seeking to bolster his political legacy. One Israeli security official ominously remarked that 2015 could very possibly be the year of the "international intifada," alluding to the potential indirect impact of Abbas's actions.

To counter the Palestinians' appeal to international institutions, Israel is withholding approximately \$127 million in

monthly Palestinian tax revenues, funds necessary to pay public officials' salaries -- and a significant proportion of the Palestinian budget. Last week, PA foreign minister Riyad al-Maliki announced that the Palestinians are taking out loans to pay 60 percent of its January salaries. Seventy-five U.S. senators have now called on Secretary of State John Kerry to withhold U.S. aid as well. It is unlikely that the tax revenue will be released until a new Israeli government is formed, perhaps in late May.

The Palestinian turn to the international arena reflects a departure from the PA's previous interest in domestic Israeli politics. In past election seasons, Abbas welcomed Israeli political delegations and sat for interviews with Israeli media outlets, whereas now PA officials seem uninterested in the Israeli election outcome. The international community holds the key to a Palestinian future, say PA officials, not Israeli leaders. Tensions created by this approach have included apparent complaints by Arab Knesset members that the PA approach could suppress Arab Israeli turnout. In a speech at the Arab League, Abbas declared that "the Israelis will not give us anything, not before or after the elections. We will not rely on who will be in power in Israel again...As for relying on the Israeli elections, I do not think we will be waiting for something beneficial. Instead, the world should convince Israel that its policies are incorrect and must be changed."

Perceiving their salvation in the UN Security Council and the ICC, PA officials seem to believe that shortly after the formation of a new Israeli government, the French will renew their draft to impose "terms of reference" in a UN Security Council resolution for both Palestinian statehood and an end to the conflict between Israel and the Palestinians. This would involve a return to 1967 borders with some territorial exchanges and two capitals in Jerusalem. The Palestinians are hoping the Obama administration will either vote for such a deal or abstain, but not wield a veto, which it has done only once --- involving the settlements issue -- in six years. While the UN General Assembly routinely passes resolutions that Israel and the United States deem hostile, the future resolution sought by the Palestinians would be the first to serve as a template for Palestinian statehood. Israeli prime minister Binyamin Netanyahu has called the approach an imposed solution that Israel will reject, yet questions remain as to whether even the Palestinians could accept a resolution that included elements they may not like, such as recognizing Israel as a Jewish state or establishing limits on the relocation of Palestinian refugees. In December, the Palestinians rescinded their support for a first proposed draft containing only the smallest concessions.

As for the ICC route, on December 31 -- Fatah's fiftieth anniversary -- Abbas signed twenty international conventions including the ICC's Rome Statute, which in principle enables the court to assert jurisdiction over future developments in the West Bank and Gaza Strip and empowers any of the statute's 160 signatories to claim Israel should be brought to the court on war crimes charges. Abbas's signing of the Rome Statute included an attached letter allowing for authority retroactive to June 13, 2014 -- the day after three Israeli boys were kidnapped by Hamas militants in the West Bank -- to permit an investigation into last summer's Gaza war. Within two weeks, ICC chief prosecutor Fatou Bensouda had announced that she would launch a preliminary investigation into the Gaza war. As such, Bensouda rejected the option to first determine whether the PA was even eligible to bring such a claim. This past summer, she penned an op-ed in the Guardian saying that the Palestinians' 2012 emergence as a nonmember state at the UN General Assembly qualified them to sign the Rome Statute.

Unsurprisingly, the PA's ICC gambit has enraged Israeli officials, who can wield no ICC countermove against Hamas, which itself precipitated the Gaza war by firing indiscriminately on southern Israeli towns.

Among the effects of this Palestinian approach have been to paint Israeli leaders as criminals and to worsen the relationship between Netanyahu and Abbas. Equating the Israeli prime minister with former Serbian leader Slobodan Milosevic doesn't exactly encourage amiable talks. Indications likewise suggest an increasing number of Likud ministers who want the PA to collapse, although these numbers do not yet include Netanyahu or professionals who deal with this issue. Whatever the details, the frayed relations between Israel and the PA have just become much

worse.

Stalemate over Gaza

Palestinian Authority passivity extends to the situation in Gaza, where the PA fears that any action it takes will merely be subservient to Hamas. The PA is therefore unlikely to enter Gaza until Hamas military forces exit. It is hoping, meanwhile, that Gaza officials are worn down by attrition and lack of international support, eventually facilitating a PA takeover. For now, as one Palestinian official put it, "Hamas wants us to do three jobs for them: be their doorman, their ATM, and their building contractor." Yet Hamas keeps its guns and thus greatly constrains the PA, even as the PA is blamed for the lack of progress in internal Palestinian reconciliation and reconstruction efforts.

The current stalemate in Gaza raises broader questions, such as whether Hamas can play by the rules -- namely, not using weapons. A bloody history, highlighted by Hamas's violent 2007 expulsion of Fatah from the Strip, along with many suicide bombs, leaves such an outcome in doubt. Indeed, the status quo has very much persisted even following last spring's fanfare over the Fatah-Hamas reconciliation and the official resignation of Hamas officials from their government posts.

During Abbas's recent Cairo visit, Egyptian president Abdul Fattah al-Sisi urged the Palestinian leader to take more control over Gaza. Abbas has demurred. Meanwhile, on Saturday, Egypt banned Hamas's military wing, the Izz al-Din al-Qassam Brigades, labeling it a terrorist organization for its alleged role in killing thirty-three Egyptian security officials in the Sinai last October. Egypt has also bulldozed more than a thousand homes along a one-kilometer buffer on its border with Gaza.

All these factors contribute to an unstable situation in Gaza, where persistent grievances still include nonpayment of public salaries. Whether the territory might explode now or whether wounds from the Gaza war are too raw has been a topic of much speculation.

Conclusion

Today's PA approach consists of relying on international support in its campaign for national legitimacy and against Israel. In Gaza, it is waiting for Hamas to weaken, a tack that has thus far not succeeded. Perhaps prospects for direct Israeli-Palestinian engagement could brighten with the election of a new government in March, but the prevailing Palestinian rhetoric suggests otherwise.

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