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The Road to Collision: a Weak Palestinian Authority and a New National-Religious Israel





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Critical Policy Brief

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Khalil Shikaki

This moment might prove to be a turning point in the Palestinian-Israeli conflict, perhaps as important as the one that unfolded 30 years ago and became known as the Oslo process. While it is difficult to assess the future outcome of the current dynamics, it does not look good for Palestine or Israel.

The near future will be shaped by the collision of two developments, one Palestinian and one Israeli. On the Palestinian side, the Palestinian Authority (PA) has now reached the point where it can no longer fully meet Israel's security expectations in ensuring a "monopoly" over coercive force in areas under its control. This development is currently evident in the formation of armed groups led by young Palestinians in cities and refugee camps, most prominently in the northern part of the West Bank. On top of that, Palestinians strongly believe that it was the costs imposed on Israel during the first and second intifadas that convinced it to view a Palestinian state as an Israeli national interest. It is this belief in the utility of force that is now fueling the rise of armed groups in the West Bank.

On the Israeli side, a "New Israel" is emerging, one characterized by a national-religious ideology eager to push away the Secular Israel that Palestinians have known during most of the past 30 years of the Oslo agreement and assert Israel's permanent control over the West Bank. The formation of the current Israeli right wing and extreme government, dominated for the first time in Israel's history by mostly religious and national-religious political parties, is the clearest sign to date of the second development. In the "New Israel," the national-religious coalition seems to take the Palestinian-Israeli conflict back to its existential roots.

This paper explores the conditions that have led to the current developments in Israel and Palestine, conditions that might lead to the anticipated collision, and how Palestinians and Israelis might be able to avert it. In the scenario of collision, the PA continues to lose legitimacy and the trust of its own people. It is weakened further by Israeli punitive measures and increased military incursions into the Palestinian territories. The combined effect could lead to reduced PA law enforcement capacity thereby generating increased security vacuum in parts of the West Bank and the resultant formation of new Palestinian armed groups willing to challenge both the PA security forces and those of Israel. As the Israeli army seeks to fill the vacuum, it further weakens the PA leading to a vicious cycle of violence and bloodshed. Last year was the most violent in Palestinian-Israeli relations since the end of the second intifada. The number of armed clashes¹ with the Israeli army has increased at least three times compared to 2021. Palestinian deaths in the West Bank alone stood at 146, the highest since 2005². Israeli deaths stood at

¹ https://www.aljazeera.com/news/2023/1/26/why-israeli-raids-killed-many-palestinians-this-year-explainer

² https://www.washingtonpost.com/world/2022/12/29/palestinians-killed-west-bank-israel/

31, the <u>highest since 2008</u>³. Settlers' violent incidents against Palestinians stood in 2022 at 755 compared to 496 in 2021 and 358 in 2020.

Conditions could further escalate if in the midst of this cycle, Abbas becomes marginal or even departs the scene. The most probable outcome in this scenario, is increased anarchy in the West Bank that could be followed by an Israeli return to the reoccupation of parts or all of the occupied territories, as it did in 2002 in the midst of the second intifada. To avoid this outcome the PA needs to restore its legitimacy. Despite the low probability of this outcome under the current Palestinian leadership, the holding of parliamentary and presidential elections is the most critical and urgent remedial step without which the current dynamics cannot be stopped or mitigated. For Israel, the most critical measure is to restore the viability of the two-state solution, a step the current Israeli government cannot take, which means only dramatic Palestinian action or external pressure can slow down the gradual demise of the two-state solution.

Four features

Without Palestinian elections and the reversal of Israel's efforts to consolidate its occupation and make it permanent, the next step in the escalatory process will most likely be the reoccupation of all or parts of West Bank urban areas. Given Israel's experience with the 2002 reoccupation of the West Bank, the decision to do so in the near future might not be seen as too risky.

But the conditions that might be triggered by this anticipated Israeli reoccupation might be different than those prevailing back then in the aftermath of the Israeli occupation of Palestinian urban areas. Four main features of the current reality explain the difference between this scenario and that of 2002. The first is that the PA back then was still enjoying considerable legitimacy and support and was therefore able to maintain its capacity and restore control once the Israeli army pulled out. By contrast, the current PA, depending on the prevailing Palestinian domestic conditions during the reoccupation, might be deprived, partly or completely, of that capacity thus compelling the Israeli army to stay longer.

Secondly, while the Israeli governing coalition in 2002 was not at all interested in annexing, or even fully controlling, the entire West Bank, the current one is at least open to the idea of keeping its army in place or even annexing large parts of the West Bank. A new Palestinian-Israeli order would thereby be created, one that would replace the currently dying order created by the Oslo process.

Thirdly, in 2002 the international community, led by the US and the Quartet, made up of the US, Russia, the EU, and the UN, were still deeply involved in the Middle East and were willing to step in and provide a "Performance-based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict." That plan provided for a political process out of the raging violence. Under current conditions, particularly given the US withdrawal from the Middle East, the US and the international community are not likely to play any tangible role. The current efforts led by the US, Jordan, and Egypt to facilitate a Palestinian-Israeli de-escalation, as in the meetings in Aqaba and Sharm al Sheikh⁴, seem too little too late to make a dent on the current escalatory dynamics.

³ https://www.middleeasteye.net/news/israel-palestine-number-killed-highest-2008

⁴ https://www.state.gov/joint-communique-from-the-march-19-meeting-in-sharm-el-sheikh/

Fourthly, while the Arab World was willing at that time to come together in an unprecedented manner and offer Israel its Arab Peace Initiative (API), a Saudi initiative that offered to permanently end the Arab-Israeli conflict that was endorsed by the Beirut Arab Summit in 2002, the Arab world is now much less interested in the Palestinian issue. Instead, it is focused on the regional threat of Iran. The Abraham Accords have shattered the API and contradicted its logic by offering Israel peace with Arab countries without necessarily ending its occupation or allowing the creation of a Palestinian state alongside Israel. While these accords might not expand under current conditions, it is highly unlikely that Israel or its Arab normalization partners would be interested in making the Palestinian-Israeli peace central to their efforts. The Negev Forum that joins these normalizers with Israel in facilitating economic and security cooperation already excludes the Palestinians. Even if the PA is invited to join the forum, it will find it impossible to do so in the absence of a commitment to restore Palestinian-Israeli negotiations on the basis of API, a condition that will most likely be rejected by Israel and the Arab normalizers. The end result is that the PA will continue to be unable to find the means to regain Arab political or financial support

As these two developments described above begin to collide, US efforts, and those of the rest of the international community and the main regional Arab players, are currently restricted to encouraging deescalation. These efforts are not interested in addressing the dynamics that have gradually generated the new developments. They will therefore fail. It is true that all international players seem to endorse the two-state solution that leads to the creation of a viable Palestinian state alongside Israel. But no one is willing to take effective measures to make it a reality; the support, therefore, is empty rhetoric.

To understand the reason behind the expectations of failure, one needs to understand the nature of the dynamics that produced the two developments: what brought us to this point, and the long-term implications.

The birth of the "New Israel"

What characterizes the New Israel in addition to the dominance of religious-nationalist forces is the rejection of the two-state solution and any engagement with the Palestinians in peace negotiations based on that solution. It is also characterized by a *de facto* creeping annexation, one that is gaining momentum driven by policies of the new government and that will soon be further facilitated by the weakening of the Israeli judiciary. The religious agenda of New Israel could undermine and eventually destroy the status que in holy places in Jerusalem. The New Israel is showing greater determination to impose punitive measures against the PA due to the latter's international campaign against Israel. In February 2023, the new Israeli finance minister doubled the amount of the Palestinian monthly custom revenues Israel normally withholds, by directing an additional \$40 million to the families of Israeli victims of Palestinian attacks in a punitive measure against the PA's international campaign against Israel. In doing so, the minister, Bezalel Smotrich, leader of the Religious Zionist Party, made it clear that he has no interest in the continued existence of the PA. The inevitable outcome is that the current weakening of the PA will accelerate.

Three external factors contributed to the current development over a period of almost 15 years, giving Israel's right wing and national-religious extremism room to grow and rule. The first was the failure of the US to use leverage on the newly created right-center coalition government led by Netanyahu in

⁵ https://www.timesofisrael.com/withholding-millions-from-pa-smotrich-says-he-has-no-interest-in-its-existence/

2009, when the Palestinian leadership was still enjoying popular legitimacy and hence was still capable of making peace. The Obama Administration did pressure Israel to freeze settlement construction, but it did nothing to press Netanyahu to continue the so-called Annapolis process that was initiated more than a year earlier by the Bush Administration. In the contest between Obama and the Israeli prime minister, it was Netanyahu who managed to demonstrate that Israel had at least parity in the bilateral relations and that Israel, in fact, had significant leverage over the US administration.

Then came the perception of invincibility. Donald Trump's four years in office gave Israel's right-wing polity and public the perception that their state can do whatever it wants without regard to international law or the most vital interests of the Palestinians. By mid-2020, support among Israeli Jews for the annexation of parts of the West Bank, such as the Jordan Valley, exceeded half, standing at more than 70% among right wing voters. Support for the two-state solution among Israeli Jews dropped from 51% in mid-2016, before Trump took office, to 42% by August 2020, just before the end of the Trump term in office; a 9-point drop⁷.

Then came the greatest temptation. Before Trump left office, Arab regional players, pushed by perceived regional threats and pulled by Israeli successes and Palestinian impotence, rewarded Israel with normalization of security and economic relations. Why make concessions to the Palestinians if the fruits of Arab-Israeli peace can be gained without having to pay a price. Arab normalization contributed to the ongoing weakening of secular Israel and the empowerment of the national-religious one. After two years of Arab normalization, by December 2022, Israeli Jewish support for the two-state solution dropped further to just one third; another 8-point drop in just two years, and just 14% among right wing voters. Support for a single state in entire area of historic Palestine where Jews enjoy full rights and Palestinians enjoy partial rights received more support than the support for the two-state solution, 37% and 34% respectively.

Domestically, in addition to the gradual shift to the right in Israeli political life, a process that started in 1977, perhaps the first and most critical contribution to the making of national-religious Israel was the trend that started in 2009 and consolidated in 2015, by which religious and extreme national-religious groups, allied themselves in government coalitions solely to Netanyahu and his right-wing Likud party. To take full advantage of his coalition making gains, the secular Netanyahu needed to appease and legitimize the most extreme fringe thus making them mainstream. In 2022, he made efforts to help small extremist parties to join forces, most importantly those represented in the electoral list of Religious Zionism and its allies from Otzma Yehudit and Noam party, so that all of them would be able to pass the electoral threshold. Then came Netanyahu's personal legal problems. His corruption trial forced him in late 2022 to form a coalition with only those who could allow him to restructure the Israeli judiciary and weaken its independence.

Given these developments, it goes without saying that the current national-religious Israel can be expected to only take additional measures that would accelerate the demise of the two-state solution rather than saving it. To save it, the Palestinian leadership would have to prepared to take confrontational measures that could risk the collapse of the PA, a step the current leadership will most likely insist on avoiding. Alternatively, the PA leadership could seek Arab and international support for steps that might make it more difficult for national-religious Israel to completely destroy what remains

⁶ https://en.idi.org.il/articles/31539

⁷ http://www.pcpsr.org/en/node/823

⁸ http://www.pcpsr.org/en/node/928

of the two-state solution. With US and EU support, it could coordinate its own policy with the Arab countries interested in normalizing relations with Israel, such as Saudi Arabia and others. Additional normalization could be conditioned on concrete Israeli quid pro quo, such as an Israeli withdrawal from most of area C, greater PA jurisdiction in areas of its current control, opening area C for Palestinian economic activities, and the construction of a PA-controlled corridor linking the West Bank and the Gaza Strip. None of these measures will be acceptable to the current Israeli government without a strong and unified Arab and international stand, highly unlikely under current conditions and the lack of focus on the Palestinian-Israeli issue.

Palestinian failures

What characterizes Palestinian recent developments in addition to the growing inability to maintain monopoly over coercive force is an inability to organize elections or reunify the West Bank and the Gaza Strip. In the absence of a peace process, Palestinian-Israeli relations became hostile. The main venue for PA confrontation with Israel has been international institutions. This confrontation is costly, mostly due to the fact that it is asymmetric; the PA has little leverage over Israel while Israel can punitively impose financial costs on it by denying the Palestinians resources and economic opportunities.

What made the PA so weak that it cannot ensure monopoly over force? The answer lies in its loss of legitimacy, electoral and non-electoral. The term of the president ended in 2010. He ruled for 13 years without a popular mandate. For all these years the PA president has prevented the holding of parliamentary and presidential elections. As a result, public trust in the PA government declined from 68% when it was first elected in 2006 to 27% by the end of 2021. Perception that corruption exists in the PA institutions went as high as 86% for most of the past decade. During the same period, the vast majority of Palestinians demanded the <u>resignation of president Abbas</u>⁹; demand for his resignation stands today at 80%. Palestinians now view the PA as a burden on the Palestinian people; a majority views its continued existence as serving the interests of Israel and views its <u>dissolution or collapse¹⁰</u> as serving the interest of the Palestinian people.

This PA failure came mostly from its own internal dynamics. In the past decade, the PA in the West Bank has taken several measures that have severely undermined good governance and eliminated any meaningful accountability in the political system. Four areas have been severely damaged: the separation of power, the independence of the judiciary, the independence and pluralism of civil society and its organizations, and the media and freedom of expression. Without general elections since 2006, the damage inflicted in these four areas was destructive: the parliament was dissolved, rule of law has been sacrificed, the judiciary has been weakened and its independence damaged, media freedoms have been highly curtailed, and the space for civil society has significantly shrunk as its organizations lost much of its independence from the government.

It should be pointed out that, as the case with Israel, external factors were also critical. With little or no attention from the international community, the PA had over the last decade, particularly since the Arab Spring, become bolder in ignoring its own Basic Law and rule of law while seeking to strengthen the

⁹ http://www.pcpsr.org/en/node/940

¹⁰ https://pcpsr.org/en/node/938

power of the presidency and the executive as a whole and to weaken all opposition, including that of civil society. Fearing Islamism, terrorism, and civil wars, the international community seemed much less interested in Palestinian good governance. A post Arab Spring a focus on stability was replacing the traditional agenda of democracy and good governance.

Nonetheless, Palestinian authoritarianism is home grown. As early as 2007, when Hamas violently took over control over the Gaza Strip, the early seeds of authoritarianism in Palestinian politics were planted. It led the PA under Abbas to take immediate measures that sacrificed constitutional requirements and rule of law. Internal rivalry inside Fatah came next, leading to a power struggle in which further damage to rule of law, freedom of speech, and pluralism in civil society was easily done. The reason it was easy can only be explained by the non-democratic nature of the ruling Palestinian elite. Only few of the members of the secular nationalist elite and almost none of the Islamist elite are truly democratic. Without the brakes normally found among democrats, the senior Palestinian bureaucracy in the executive branch found itself free of any meaningful oversight or accountability. Without restrictions on its ability to rule as it saw fit, members of the PA leadership, most importantly the president and his ministers, found it easier to rule without being bothered by a parliament, courts, civil society, or the media.

The PA will almost certainly not embrace a strong or decisive stance in confronting the new nationalreligious Israel, such as forging a national consensus on a one-state solution, leading a large-scale peaceful popular resistance campaign, or adopting an armed defense strategy in areas under its control. Similarly, holding elections under current conditions might also be out of the question. If so, perhaps steps should be taken to slow down or reverse the authoritarian measures the PA has taken during the past decade. With Arab and international support, efforts could be made to form a national unity government with Hamas and other opposition groups that could reunify the West Bank and the Gaza Strip. Short of holding elections, four tasks might be entrusted in the new government. It could adopt a legislative agenda that seeks to amend existing presidential decrees to make them consistent with the Palestinian Basic Law. The restoration of a truly independent judiciary could be a second vital measure for the national unity government. That government could also remove current debilitating restrictions on civil society and the media allowing them to prosper and regain the strength and vitality they had lost during the past decade. Finally, the national unity government could restore liberties and respect for human rights and put an end to the excesses of the security services and bring those services to accountability. While these measures might not be sufficient to restore full legitimacy to the PA and its leadership, it could help to restore some of the lost trust in public institutions and allow the PA to regain the initiative thereby giving it the courage to make difficult decisions.

Where to?

The dynamics described above might usher in a new era in Palestinian-Israeli relations. With the prospects for peace based on a two-state solution coming to an end, the Palestinian-Israeli conflict enters a new phase, one in which partition of the land might no longer an option. With that comes the end of diplomacy and negotiations. Attention of the actors now shifts to other means of resolving the conflict. For the Israelis, this means consolidated settlements construction and domestic legal steps to change the status quo regarding control and sovereignty over the land and the holy places. For the Palestinians, it could mean a return to the use of force.

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The PA and the international community will find it difficult to acknowledge this reality. Nonetheless, they are not stupid; they just have no viable alternative. The PA is interested in survival and continued donor support. For that, it is highly dependent on Israel and therefore cannot directly challenge it. Instead of taking effective concrete measures of its own to shape conditions on the ground and counter the punitive measures of the new Israel, it is content with calling upon the international community do so. Thus, it is faced with navigating its conflicting interests at a time when it is at a historically low point in terms of legitimacy and credibility in the eyes of its own public. As it becomes weaker the prospects for a violent conflict with Israel increases.

The US and the rest of the international community cannot but realize that the process that is now ongoing can only end in the demise of the two-state solution. Nonetheless, they are unwilling to take the only effective measures to force Israel and the PA to turn away from the path of folly: elections for the Palestinians and a commitment, in words and deeds, to the two-state solution for Israel.

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