

When Negotiations are at a Dead End

A Series of Articles on Alternative Approaches
to the Israeli-Palestinian conflict

Contributions by Muriel Asseburg, Christoph Dinkelaker, Shir Hever, Hugh Lovatt,
Gil Murciano, Tobias Pietsch and Dahlia Scheindlin.

EDITORIAL

With no negotiated settlement for the Israeli-Palestinian conflict in sight, international players must consider alternative strategies and instruments to ensure the fundamental rights of both Israelis and Palestinians and end Israel's occupation of Palestinian territories. In this series of articles, authors from Israel and Europe argue that Europe can and should play a key role. They take a closer look at a variety of approaches and instruments beyond traditional diplomacy to reach the goals of ending occupation and Israeli-Palestinian peace, and analyse how these measures could be made more effective. In particular, they shed light on differentiation policies, dialogue fora, incentives, and punitive measures. One article tackles the question how Israeli public and decision-makers are likely to be affected by such measures based on recent polling.

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When negotiations are at a dead end.

Approaches to advancing the end of occupation and Israeli-Palestinian peace

With no negotiated settlement for the Israeli-Palestinian conflict in sight, international players must consider alternative strategies and instruments to ensure the fundamental rights of both Israelis and Palestinians and end Israel's occupation of Palestinian territories. Europe can and should play a key role. *By Muriel Asseburg and Christoph Dinkelaker*

In April 2014 US-sponsored talks between Israeli and Palestinian negotiators broke down. The respective leaders did not meet in person nor were negotiators able to reach a consensus on any of the core issues of the conflict¹. Although the Trump Administration has announced that it would broker the „ultimate deal“², a peace agreement is not in sight. The content of this “ultimate deal” remains elusive. Furthermore, statements by the US President, his advisors and the US ambassador to Israel have been perceived as blatantly one-sided in favour of the State of Israel and have cast doubt on the Administration's commitment to a two-state formula.

In Israel, Prime Minister Benjamin Netanyahu and his coalition partners have not sat idle. Rather, they have continued to entrench the occupation in the West Bank and East Jerusalem. In this vein, the government has prepared the ground for legalizing settlement outposts on private Palestinian land³, given the green light for building the first entirely new settlement⁴ since 25 years and launched an unprecedented drive of house demolitions⁵ of Palestinians. By promoting the “Greater Jerusalem” bill, which would redraw the muni-

1 https://www.swp-berlin.org/fileadmin/contents/products/comments/2014C21_ass.pdf

2 <https://www.haaretz.com/us-news/.premium-1.769430>

3 <https://www.loc.gov/law/help/israel-settlement/israel-settlement.pdf>

4 <https://www.theguardian.com/world/2017/jun/20/israel-new-settlement-benjamin-netanyahu-jared-kushner-amichai-amona>

5 <https://interactive.aljazeera.com/aje/2017/jerusalem-2016-home-demolitions/index.html>

cipal boundaries of the city so as to incorporate some 130,000 settlers, the cabinet is now attempting de facto to annex parts of the West Bank and further isolate East Jerusalem from its hinterland.

For their part, Palestinians have lost all hope of reaching a negotiated agreement with the current Israeli government. The Palestinian leadership has thus taken unilateral measures aimed at internationalization of the conflict via the UN and its bodies as well as seeking international justice by making their case at the International Criminal Court (ICC).

Under these circumstances the prospects of success for the classical formula – bilateral negotiations under American auspices – appear to be non-existent. Therefore other international actors with different strategies and instruments should come to the fore. The EU and its member states could and should become more prominent players.

A European obligation to act

Although quick results are unlikely, Europeans do not have the luxury of waiting for better conditions to emerge. Rather, under the 1949 Geneva Convention on the Protection of Civilian Persons in Time of War⁶, they are not only legally obligated to deny recognition to unlawful acts, they must also work for compliance with international law, including by obliging the occupying power

6 <https://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf>

meet its obligations⁷. Moreover, under the June 2000 EU-Israel Association Agreement⁸, respect for human rights and democratic principles is considered an essential element of the relationship, and should guide all internal and international policy of the parties (Article 2). Lastly, Germany should feel a particular commitment to rectifying a situation in which fundamental human rights are denied and conflict settlement is made ever more unlikely. After all, Germany considers Israel's right to exist an important element of its *raison d'état* and has prided itself in establishing close, trusting relations with Israel.

However, to date, Germany and its partners in the EU have had little impact on conflict dynamics and have failed to make progress towards their proclaimed aims of a two-state settlement with a democratic, sovereign and viable Palestinian state living peacefully next to Israel.

No impact?

There are several reasons for this failure: First, the EU, despite being the largest donor to the Palestinians and Israel's biggest trade partner, has continued to accept US leadership on the issue of advancing peace.

Second, the Europeans have sent confusing signals: On the one hand the EU has taken measures of differentiation in dealing with Israel and Israeli settlements in the occupied Palestinian territories. It has also regularly voiced strong criticism of Israeli occupation policies. On the other hand many EU member states, including Germany, have moved towards ever closer bilateral relations with Israel. EU-Israel relations have also become closer, even though an official upgrade agreed upon in June 2008⁹, that would have led to an intensification of ties in the political, economic, trade, academic, security and diplomatic fields, has remained on hold due to lack of progress in the peace process.

7 http://www.cfr.eu/page/-/ISRAELS_UNLAWFULLY_PROLONGED_OCCUPATION_ECFR216.pdf

8 http://trade.ec.europa.eu/doclib/docs/2010/april/tradoc_146089.pdf

9 http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/association_counc/association_council.pdf

As a consequence, the EU and its member states have not had any influence on either the public or decision-makers in Israel in a way that would have changed their cost-benefit-analysis so as to give a premium to ending the occupation, no longer deny economic, political and civil rights to Palestinians and seek peace. Often, that has led to the conclusion that Europeans cannot have any effective influence on the parties to the conflict and are forced to play a secondary role in an approach dominated by the USA, the only party considered capable of providing credible security guarantees.

This series of articles argues that this is not the case. Still, to become an important player the EU and its member states must carry out a serious and self-critical lessons learned exercise. In September 2017, the EU High Representative announced¹⁰ that the EU would review the modalities for its engagement on the ground to make sure that all financial support serves the political goal of a two-state settlement. Such a review should not stop at financial measures but should also take into account European politics that provide the context for the engagement on the ground. The exercise should be aimed at finding out which measures have so far seen success or failure, and why. Based on that, an analysis of how measures can be applied more effectively is crucial.

Article Series on European Approaches

In the weeks to follow, authors from Israel and Europe will look closely at different approaches and instruments beyond traditional diplomacy to reach the goals of ending occupation and Israeli-Palestinian peace, and analyse how these measures could be made more effective. In particular, they will shed light on differentiation policies, dialogue fora, incentives, and punitive measures. One article will tackle the question how Israeli public and decision-makers are likely to be affected by such measures based on recent polling. At a later stage, a set of articles will explore measures aimed at influencing the Palestinian public and decision-makers.

10 https://eeas.europa.eu/headquarters/headquarters-home-page/31909/eu-foreign-ministers-renewed-impulse-towards-two-state-solution-middle-east_en

One overarching theme has already emerged from a debate among the authors: It has become clear that Europeans have missed out on a public diplomacy strategy that would have explained their measures, such as the correct labelling of settlement products or the 2013 offer of a “special privileged partnership” for Israel and the Palestinians¹¹ after a peace agreement, to the Israeli public. Instead, they have allowed the Israeli government to frame the EU as a hostile actor and demonize European approach as part of an international delegitimization campaign against Israel.

¹¹ <http://www.jpost.com/Diplomacy-and-Politics/EU-vows-unprecedented-aid-to-Israel-Palestinians-for-peace-deal-335185>

Can EU Differentiation Save the Two State Solution?

The adoption and streamlining of differentiation measures represents a unique and effective European contribution towards Israeli-Palestinian peace at a time in which the Middle East Peace Process in its current configuration has failed. *By Hugh Lovatt*

This year has seen rising concerns relating to the disappearance of a viable horizon for achieving a two-state solution, and the emergence in its place of “a one-state reality of unequal rights, perpetual occupation and conflict” – to use the words¹ of the EU’s High Representative and Vice-President of the Commission Federica Mogherini.

This looming reality has underlined the extent to which European policy appears increasingly out of synch and unable to cope with trajectories on the ground and in the negotiating room. Yet, despite all of its obvious flaws, the EU can nonetheless point to a few concrete achievements in defence of the two-state solution – measures that have become even more important given current trajectories on the ground and in Washington DC.

Despite an American and Israeli policy turn away from supporting the two-state solution, the EU has helped maintain international commitment to Palestinian statehood in the West Bank, East Jerusalem and Gaza. The pursuit by the EU of legally-driven differentiation measures² – which require it to exclude Israeli settlements from its bilateral relations with Israel – have also played a key part in reinforcing international adherence to the non-recognition of Israel’s sovereignty in the Occupied Palestinian Territory (OPT) and the illegality of its settlement enterprise.

1 [https://eeas.europa.eu/headquarters/headquarters-home-page_en/20104/Statement by High Representative/Vice-President Federica Mogherini on the %22Regularisation Law%22 adopted by the Israeli Knesset](https://eeas.europa.eu/headquarters/headquarters-home-page_en/20104/Statement%20by%20High%20Representative/Vice-President%20Federica%20Mogherini%20on%20the%20Regularisation%20Law%20adopted%20by%20the%20Israeli%20Knesset)

2 http://www.ecfr.eu/publications/summary/eu_differentiation_and_the_push_for_peace_in_israel_palestine7163

EU Differentiation keeps alive the 1967 lines

On the ground, there is less and less distinction between Israel and the settlements. Nor is there an Israeli economy that is distinct from the settler economy. But through its differentiation measures, the EU has at times successfully pushed back on Israeli efforts to erase the 1967 lines, and compelled Israeli authorities to alter their behaviour by repeatedly accepting to exclude the settlements from their bilateral agreements. In order to preserve important aspects of its relations with Europe, Israel agreed to exclude settlement products from its Free Trade Agreement with the EU, and then signed up to the EU’s Horizon 2020 programme which excludes Israeli settlements entities and activities. Israel also did this when it vowed to enact its own differentiation within domestic poultry, dairy, and organic production lines to meet EU import standards.

Through its differentiation measures, the EU has succeeded in keeping alive the notion of the pre-June 1967 lines as the basis for a future Palestinian state, and maintained international consensus on the invalidity of the settlement enterprise. Such achievements illustrate that besides being a legally necessitated act to preserve the integrity of the EU’s legal order from Israel’s internationally wrongful acts, differentiation can support the EU’s policy objective of a two-state solution. It can also have a normative effect on Israel by forcing it to modify its behaviour when engaging with the outside world.

Last December saw the internationalisation and consolidation of these differentiation measures through the adoption by the UN Security Council of resolution 2334³ which “calls upon all states... to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967”. This has already led China to exclude⁴ Israeli settlements from a recently signed agreement with Israel on providing Chinese construction workers, and could provide the impetus for further state-led action elsewhere, particularly in Latin America, and Africa.

Such measures chime with a greater awareness of third states responsibilities⁵ in situation of prolonged occupation, including the need to ensure that their businesses comply with international humanitarian law with regards to business activities that result in human rights abuses, such as those created by Israel’s settlement enterprise.

Differentiation successes clash with realities on the ground

But while differentiation has made steady progress, its implementation remains slow and uneven. As a result, its few successes to date continue to be outpaced by negative dynamics on the ground – most notably the erosion of the territorial basis for a two-state solution as a result of Israeli actions in the Palestinian territories, and the empowerment of the settler movement within Israeli politics and society. In addition, EU successes in defending the relevancy of the 1967 lines as the basis for a future Palestinian state have been systematically countered by Israeli-led attempts to conflate Israel and the settlements within international minds, and distort the legal clarity with which international law views the occupied nature of the West Bank.

At the same time, Israel and its allies have waged a concerted campaign to delegitimise and distort the legal and policy basis of the EU’s differentiation measures, including by deploying accusations of European anti-Semitism and double-standards.

³ <http://www.un.org/webcast/pdfs/SRES2334-2016.pdf>

⁴ <https://www.haaretz.com/israel-news/business/1.660016>

⁵ http://www.ecfr.eu/publications/summary/israels_unlawfully_prolonged_occupation_7294

The Israeli government has also played an effective game to arm-twist and peel away member states from the EU consensus in order to blunt potential EU steps against its settlements. This has gone hand-in-hand with US Congressional⁶ and state-level legislation⁷ to constrain EU policy towards Israeli settlements and intimidate European companies who choose not to invest in settlement related entities or businesses.

On the other side of the spectrum, EU differentiation measures have been criticised by the grassroots BDS movement as being too soft on Israel, and for falling far short of the boycott of settlement products demanded by Palestinian civil society. Differentiation has also been criticised by some officials within the EEAS and some eastern member states for disrupting the EU’s relations with Israel at a time of continued efforts to re-launch the Middle East peace process and deepen bilateral relations.

Differentiation not a panacea but an important contribution

To be sure — differentiation by itself is not a panacea. It cannot substitute a lack of political willingness to hold Israel accountable for its violations of international law nor by itself bring a deeply entrenched occupation to an end. But a fuller and more effective application of such measures does however represent one of the few means currently available to impose real costs on Israel over its annexation of Palestinian territory and denial of Palestinian rights.

An important step in this direction would be to conduct a technical review of EU and member state agreements with Israel to identify areas in which Israeli settlements currently benefit from these bilateral relations. Such a move would be a

concrete manifestation of the international community’s refusal to recognise the lawfulness of Israel’s settlement project, and remains a key obstacle to Israeli attempts to normalise its settlement project at home and abroad.

⁶ <https://peacenow.org/WP/wp-content/uploads/pending-BDS-Conflation-bills-in-Congress.pdf>

⁷ <http://peacenow.org/entry.php?id=16682#.WgnOwVu0PIU>

European Punitive Measures against Israel?

It is easy to get the impression from the Israeli media and from statements by politicians that the EU attempts to “discipline” the Israeli government, subvert Israeli civil society against the government and use various punitive measures in order to force compliance with EU policy directives. The gap between discourse and facts is striking. *By Shir Hever*

There are, in fact, no punitive measures implemented by any EU country against the State of Israel, nor does the EU hold jurisdiction over the Israeli state to “discipline”¹ its government. The EU and its member states have, however, a responsibility to their own laws, to avoid complicity with Israeli violations of international law.

Two factors shape the Israeli response to European politics. One is the high sensitivity² of the Israeli public regarding its relations with the West. Europe and the US remain Israel’s main trading partners and its social, political and cultural frame of reference. The second factor is the high level of populism³ in the Israeli government, reducing the political debate into brief and dramatic statements with little nuance. These two factors combine to reduce the coverage of Israeli foreign relations to a simple “us vs. them” dichotomy.

Sensitivity of Israeli Public and Populism of Government

Former Minister of the Economy (and current Minister of Education) Naftali Bennet responded to the 2013 EU guidelines on European funding for projects in the Israeli colonies in the West Bank, illegal under international law, as “economic terrorism,”⁴ equating deadly physical attacks on Israeli civilians with guidelines for European funding to Israeli research projects. Various Israeli NGOs who are supported by European funding

1 <https://www.timesofisrael.com/former-european-leaders-call-on-eu-to-up-pressure-on-israel/>

2 http://www.ecfr.eu/article/commentary_what_does_israel_think_about_the_european_union_7101

3 <https://www.al-monitor.com/pulse/originals/2017/06/israel-benjamin-netanyahu-yariv-levin-ngo--nationality-law.html>

4 <http://www.israelnationalnews.com/News/News.aspx/169988>

are also de-legitimized and portrayed as foreign agents⁵.

In the public discourse in Israel, there is almost no distinction⁶ between an accurate labelling of products from the West Bank, and the BDS movement (Boycott, Divestment and Sanctions). As such, the EU simply does not have the option of implementing a gradient of policy responses in order to create incentives and disincentives for the Israeli government. Any attempt at a nuanced response is interpreted either as limitless support or as open hostility, nothing in between.

The BDS movement has adapted well to this reality. While BDS is not a punitive measure, grassroots protest actions against Israeli policies, minor as they may be, trigger a disproportionate response from the Israeli government and media. BDS is framed⁷ as an “existential threat,” thereby sparking⁸ an internal debate within Israeli society about the sustainability of Israel’s illegal policies, which was precisely the goal of BDS.

Trapped in the “us vs. them” mentality, the Israeli government perceives anything short of a Western criminalization⁹ of BDS as a punitive measure, because of the reluctance to separate the public from the governments.

5 <https://www.theguardian.com/global-development-professionals-network/2016/may/11/israel-some-ngos-are-seen-as-the-enemy-from-the-inside>

6 <https://www.timesofisrael.com/eu-settlement-labeling-is-a-win-for-bds-herzog-tells-hollande/>

7 <https://electronicintifada.net/blogs/ali-abunimah/why-bds-replacing-iran-israels-biggest-existential-threat>

8 <https://www.haaretz.com/middle-east-news/1.664833>

9 <https://theintercept.com/2016/02/16/greatest-threat-to-free-speech-in-the-west-criminalizing-activism-against-israeli-occupation/>

Netanyahu's "us vs. them" approach

Prime Minister Netanyahu's tactic¹⁰ during the visit of German Foreign Minister Sigmar Gabriel in April demonstrates this "us vs. them" approach. Netanyahu tried to recruit Gabriel for his campaign against critical NGOs in Israel, in an attempt to present to the Israeli public a pro-Israeli international coalition which targets critical NGOs, in a similar way to which the BDS is perceived as an international coalition targeting the Israeli government. Failing that, as long as Germany remains on friendly terms with Israel the populist Israeli discourse does not discuss the subtle but long-term damage that was caused by Netanyahu's ultimatum, with the exception of a few non-populist journalists such as Mazal Mualem¹¹. Following the meeting, the Times of Israel¹² falsely reported that B'tselem issued a call to "punish Israel" – thereby utilizing the language of punitive measures out of context.

Netanyahu's analysis of European politics was revealed in his comment¹³ caught on microphone during a meeting with east-European leaders in July. Netanyahu understands that the self-contradictory and inconsistent policies of liberal European governments makes them unpredictable and ineffective in promoting their own interests. The strong pro-Israeli sentiment and stalwart opposition to any pressure on the Israeli government is widespread among extreme-right administrations in Europe, with an emphasis on Hungary, Poland, and now Austria. Right-wing politicians support Israel for domestic reasons. They support the Israeli government because¹⁴ of the occupation and Israel's extreme security policies, using Israel as a model¹⁵ for anti-immigration and Islamophobic policies.

10 <http://www.dw.com/en/netanyahu-snubs-germanys-sigmar-gabriel-over-ngos/a-38438090>

11 <https://www.al-monitor.com/pulse/originals/2017/04/israel-netanyahu-germany-foreign-minister-sigmar-gabriel.html>

12 <https://www.timesofisrael.com/after-meeting-german-fm-btselem-calls-on-world-to-punish-israel/>

13 <https://www.theguardian.com/world/2017/jul/19/eu-will-wither-and-die-if-it-does-not-change-policy-on-israel-netanyahu>

14 <https://www.haaretz.com/israel-news/.premium-1.777484>

15 <http://mondoweiss.net/2015/12/trumps-religion-test/>

As Major-General Yoav Galant, currently the minister of housing, said in the film "The Lab"¹⁶ (2013): "While certain countries in Europe or Asia condemned us for attacking civilians, they sent their officers here and I briefed generals from ten countries so they could understand how we reached such a low ratio. There is a lot of hypocrisy. They condemn you politically while they ask you what your trick is, you Israelis, for turning blood into money." Indeed, how can Western governments punish Israeli violations of international law, when at the same time they are importing¹⁷ and implementing the technologies designed and tested during those violations?

Germany and EU must first look inwards

In order to construct a consistent foreign policy towards Israel, Germany and other EU countries must first look inwards to examine their complicity with Israeli violations of international law. Germany is obligated to ensure that none of its weapons are used in assaults on Palestinian civilians or other forms of violations of international law, and that no German funds¹⁸ reach illegal colonization projects in the West Bank. German courts are obligated to sentence German officials for violating this obligation.

The Israeli response to a consistent European policy is predictable, it will be an aggressive and extreme response. On the other hand, the high sensitivity of the Israeli public to the risk of losing good relations with the West leaves very little degrees of freedom to the Israeli government to actually respond to such policies in any but rhetorical means, while internalizing that the continued abuses of international law are in fact unsustainable. In order to bring about an end of the occupation, of the discrimination of non-Jews and of the denial of the Right of Return of the Palestinian refugees, it is not necessary for the EU to enact punitive measures against the State of Israel. It is sufficient that it will cease actively supporting those Israeli policies.

16 <http://www.imdb.com/title/tt2419246/>

17 <https://www.alternet.org/world/israeli-companies-are-making-killing-technology-perfected-over-50-years-occupation>

18 <https://www.theguardian.com/world/2016/jul/12/israeli-settlements-eu-fails-to-act-on-its-diplomats-report>

Can Europeans set effective incentives to winning hearts and minds for Israeli-Palestinian peace?

External incentives are an important asset in supporting processes of conflict resolution and have also been an instrument in the Israeli-Palestinian conflict. In fact, the international and regional community have brought forward two relatively new incentive schemes hold a potential to influence Israeli public's views. *By Gil Murciano*

In December 2013, the European Council offered both parties – Israel as well as the Palestinian Authority – an unprecedented status of “special privileged partnership”¹ with the EU if they could reach a peace agreement between them. From the EU perspective, the unique promise of this offer is that an Israeli-Palestinian peace would position Israel (as well as Palestine) in a unique status of an “almost member” in the EU, and allow it to enjoy a whole new level of economic, scientific and diplomatic cooperation.

Nevertheless, the EU offer for an upgrade failed to achieve much impact on the Israeli government and public alike. A public opinion survey² conducted by Mitvim showed that only 16 per cent of the respondents had even heard about the offer, let alone allowed their views to be influenced by its content. Lacking basic promotion effort within the Israeli public and media, this incentive seemed to pass directly above the Israelis' head.

Moreover, even the few Israelis that had heard about it, were hardly impressed. The bureaucratic language in which it was articulated and, most importantly, the lack of specificity regarding tangible mechanisms and time-plans made it difficult for most Israelis to understand how this offer could improve the already close relations Israel enjoys with the EU. The failure to achieve any mea-

ningful effect seems to also have discouraged EU policy makers from further developing it. Despite the Council's decision to re-introduce the offer in 2016, in practice, it was rarely mentioned by EU officials during the last year.

The Arab Peace Initiative – victim of the regional dynamic

A different, yet hardly more successful incentive is the Arab Peace Initiative³. In 2002, in the midst of the Second Intifada, the Arab League endorsed a plan for a comprehensive peace agreement between Israel and the Palestinians based on the concept of Israel's future integration into the region. The plan offers Israel a full normalization of relations with the Arab world in return for a full Israeli withdrawal from all the Arab territories occupied in 1967, an establishment of an independent Palestinian State with East Jerusalem as its capital, and a “just” and “agreed upon” solution to the Palestinian refugee problem.

Seemingly this plan fulfils one of Israel's long-lasting desires – its integration into the region as a legitimate member. The initiative was first presented as an “all-or-nothing” offer. In recent years, regional actors such as Saudi Arabia, Egypt and the UAE, have adopted a more flexible approach⁴ by offering specific aspects of normalization in return for Israeli constructive steps.

1 <http://www.consilium.europa.eu/en/press/press-releases/2016/01/18/fac-conclusions-mepp/>

2 https://www.mitvim.org.il/images/2014_Mitvim_Poll_-_English_Report.pdf

3 <http://www.aljazeera.net/specialfiles/pages/f947976b-29f7-4758-b4af-b3a26f9089e3>

4 <https://www.wsj.com/articles/gulf-states-offer-better-relations-if-israel-makes-new-bid-for-peace-1494893769>

Nevertheless, the initiative became a victim of the escalatory dynamic of the Israeli-Palestinian conflict right from its initial launch. It was declared in one of the worst nadirs of the second intifada (a day after the Passover Park Hotel terror attack), hardly the optimal public atmosphere to discuss prospects of long-term peace.

“Villa in the jungle” instead of “Hummus in Damascus”

The events of the “Arab Spring” further undermined the initiative’s effectiveness. The instability and political decline of some of its main sponsors in the Arab world shook the Israeli trust in Arab leaders’ future ability to deliver on their normalization commitments. Moreover, considering the chaos unfolding in their surroundings, the dream of full cultural and political normalization with the Arab world lost much of its appeal in Israeli public perception. Instead of the 1990s visions of “eating Hummus in Damascus”, many Israelis prefer today to see Israel as a part of Europe. In this mindset that perceives Israel as a “villa in the jungle”⁵, full integration into the region is no longer seen as a token that justifies hard compromises. Nevertheless, normalization with the Arab world still appears in public surveys⁶ as the single most effective incentive in changing Israeli views regarding the peace process. Yet, the focus is on diplomatic and security relations rather than on cultural cooperation.

What can Europeans do to turn these incentives into an effective mechanism to increase the Israeli public’s support of the peace process? A lesson from the EU offer for an upgrade is, on a technical level, that these strategic incentives need to be refocused towards their most-relevant “client”, the Israeli public. However, marketing optimization is only a small part of the necessary change. On the content level, for international incentives to work, a new type of commitment is required from those offering them. Instead of separate incentive packages there is a need for a combined approach which could outline a practical vision for the “day after” the resolution of the conflict.

⁵ <https://www.inn.co.il/News/News.aspx/243960>

⁶ http://www.mitvim.org.il/images/English_Report_-_The_2017_Israeli_Foreign_Policy_Index_of_the_Mitvim_Institute.pdf

Try one package instead of two

A feasible option would be to combine the European and the regional incentive packages into one integrated package. Such a package would address both, Israel’s international position and its regional standing in a future reality of Israeli-Palestinian peace. Both offers would thus complement each other. Separately, the EU offer is positively affiliated with the high integrity of the EU as an international actor, but lacks an added value in Israeli public perception. On the other hand, in Israeli public perception the Arab Peace Initiative provides an added value but lacks the necessary integrity.

Therefore, a combined package would more likely be perceived by the Israeli public as both meaningful and reliable and serve as an effective incentive for winning hearts and minds for peace. In fact, a recent survey⁷ conducted in Israel shows the impact that such a combined package could have: 57 per cent of the respondents indicated that such a package (when coupled with US security guarantees) would increase their support for the peace process.

While this would not lead to overcoming the current political and structural obstacles for conflict resolution, it would help prepare public opinion for the day when a credible peace process resumes. It would also contribute to gradually transforming the Israeli and Palestinian public into a support base for conflict resolution and thus increase the leaders’ win-set of compromise in future negotiations.

⁷ http://www.mitvim.org.il/images/English_Report_-_The_2017_Israeli_Foreign_Policy_Index_of_the_Mitvim_Institute.pdf

Why talk again? Chances and parameters for fruitful dialogue fora

The post-Oslo generation neither meets “the other side” nor does it know much about its situation. This is why dialogue fora between the two societies could play an important role today. But Hummus talks are not satisfying the needs of the societies nor do they create any positive change. Dialogue needs clear parameters and aims in order to be accepted and successful.

By Tobias Pietsch

Today there are no negotiations or dialogue aimed at conflict resolution between the Israeli government and the official representatives of the Palestinian Authority or the PLO. The relations between Israelis and Palestinian on official as well as on personal levels are based on deep mistrust, fears, enemy images, incompatible narratives and even disrespect.

The so-called Oslo generation of Israelis and Palestinians born since the 1990s grew up and lives in a reality of separation. While encounters and dialogue were part of everyday life during the Oslo years, the Second Intifada dramatically stopped contacts between Israelis and Palestinians. The post-Oslo generation neither meets “the other side” nor does it know much about its situation. This is why dialogue fora between the two societies could play an important role today.

Role of dialogue fora

Dialogue between civil society, NGOs and representatives of both sides is more important than ever, as there are no final status talks, ongoing separation and estrangement. As the conflict is broadening the gaps between the two societies, the role of those who are willing to talk to each other is getting more important. Especially against the backdrop of the constantly repeated mantra of political officials on both sides: “There is no partner to talk to; there is no partner for peace”. This has not only been held by the Netanyahu

governments¹, but also by the chairpersons of the Israeli Labour party: Edud Barak coined² it after the Camp David talks, and Avi Gabbay³, the newly elected chairman repeated it at an event in Dimona in October 2017.

Any future agreement between Israelis and Palestinians that is to be sustainable needs to overcome stereotypes, mistrust and fear. In order to achieve mutual trust and understanding, dialogue on each other’s narratives and personal stories is a key tool. As Gene Knudsen Hoffman⁴, founder of the Compassionate Listening tools used to create peace for communities in conflict, said: “an enemy is one whose story we have not heard.”

This shows the relevance of civil society dialogue in order to contradict the picture of lacking a partner or unwillingness on the other side. Actually, there are representatives of civil society and of the political class on both sides who understand the necessity of dialogue and are willing to talk to the other side.

1 <https://www.haaretz.com/opinion/.premium-1.720088>

2 <http://www.mfa.gov.il/mfa/pressroom/2000/pages/statement%20by%20prime%20minister%20ehud%20barak%20-%202007-oct-20.aspx>

3 <http://www.israelnationalnews.com/News/News.aspx/236733>

4 <https://www.newconversations.net/communication-skills-library-of-articles-and-teaching-materials/gene-knudsen-hoffman-articles/an-enemy-is-one-whose-story-we-have-not-heard/>

Obstacles and Spoilers

But as the promising times of Oslo are long past, and the enduring conflict and changes on the ground, like settlement expansion, continuation of the construction of the separation barrier or expropriation of Palestinian land, strongly impact the daily life, especially on the Palestinian side, the parameters for dialogue need to be readjusted. Hummus-talk meetings, joint soccer games or talks to meet “the other side” for an afternoon are not acceptable any more as adequate forms of encounters in Palestinian society. Israeli and Palestinian kids can have a wonderful afternoon playing football together. Teenagers from both sides can have interesting talks over some plates of Hummus. Adults talk about their experiences or visions. Yet, at the end of the day they return to a reality that hasn’t changed. The Palestinians pass the checkpoint and find themselves under the same occupation as in the morning. This form of dialogue is not only frustrating, but also targeted by spoilers, calling to stop such encounters while the occupation is continuing. In both societies, political and social actors try to prevent dialogue: the political right in Israel and the BDS and anti-normalisation movement on the Palestinian side.

Without taking the political realities, such as the ongoing occupation, the separation, the imbalance of power and the loss of hope in conflict resolution into account, the willingness to participate in dialogue activities can no longer be generated. Let’s not be naïve: a solution to the conflict is not to be found in a dialogue group. That’s why it is important not to suggest to be able to do so or to romanticize the political framework. There is a key question that needs to be answered: what is it good for? Why should one participate – again or still – in dialogue? Frank and satisfying dialogue needs to take those factors into consideration and should lead to change on a personal, social or political level. Concrete outcomes are the key for the willingness to participate. Outcomes can be joint statements and media statements, inducing policy changes, joint campaigns or actions or achieving changes on the ground. The Good Neighbors Abu Tor/Al-Thuri, a dialogue group of

Jewish and Palestinian neighbours in Jerusalem, succeeded through joint demands to the municipality to improve the infrastructure in the streets inhabited by Palestinians. Without a cooperation they would probably not have received trash bins, sidewalks and improvement of the streets. But overall dialogue has a personal impact to the ones participating. It does not necessarily bring different opinions closer to each other, but it undermines the self-identity of the participants, enabling them to also influence their respective societies.

Who talks and who should talk?

Dialogue fora are usually associated with the Israeli left, the leftovers of the peace camp and liberal Palestinians from Ramallah or Bethlehem. Indeed, the interest and willingness to participate in dialogue is higher in the political left and liberal spectrum than in the political right, but dialogue is neither a monopoly of one camp, nor does it always fit into the political left-right scheme. Combatants for Peace⁵, for example, is a platform of former soldiers and militants from both sides, definitely not stemming from a left-wing background. Some settlers and their Palestinian neighbors engage in dialogue projects, for example participants of the initiative *Two states, one homeland*⁶, from Gush Etzion settlement bloc or the newest project called *Talk17*⁷ – definitely not adherents of the peace camp. Both initiatives include Jews and Palestinians living in the West Bank and aiming to an alternative to the two-state solution allowing both sides not to give up the possibility to live where they are right now.

Generally speaking, dialogue should be open to everyone willing to talk and respect and reflect the parameters mentioned before. Dialogue should aim at the whole of society as every Israeli should know about Palestinian history, the Naqba and daily life under occupation, and every Palestinian should know about Jewish history, and Israeli fears and concerns. Mutual understanding, realizing that multiple narratives exist and can stand next

⁵ <http://www.combatantsforpeace.org/>

⁶ <http://www.alandforall.org/>

⁷ <https://www.talk17.org/about/>

to each other, and creating empathy for the other's perspective is key for building trust and reaching a sustainable peace agreement.

But dialogue should also take place inside the two societies: between Hamas and Fatah members; Arab and Jewish Israelis; Palestinians living in Israel, the West Bank and Gaza; Israelis living in the center and the periphery; just to mention a few. The two societies are no monolithic blocks, and existing cleavages and inner-society conflicts are also obstacles for cross-border talks.

Finally dialogue could, and maybe should involve external partners. A third party can act as a moderator, a mediator, a fair broker, and as one who provides incentives and guarantees. This could be foreign civil society, NGOs, third states or the European Union. But whether on a social or a political level a third party needs to reflect the power structures of the conflict parties and their needs. It needs to avoid double standards and inconsequent actions. In order to be seen as a fair broker, both sides need to be sure that the third party is not only fulfilling a role as a moderator but also willing and able to support and empower the parties, to give securities and to stand against spoilers of all kind. The European Union tries hard to be not only a payer but also a player. But in order to be a player the EU should not only pay for infrastructure in the process of Palestinian state building but to claim for compensation and political consequences if this infrastructure gets demolished by Israeli forces. The EU has to implement agreed implications such as labelling and taxation of settlement products in the same way in all member states in order to be coherent and consequent in their actions to be also taken as a serious player.

Talks whether as dialogue or multilateral talks can be supported from outside. Ideologically, financially and practically. Outside support has become even more important as shrinking spaces and lack of safe spaces are challenging those who are willing to talk. But as shown the landscape of dialogue fora is widening to a broader political spectrum. This is opening new opportunities and target groups, involving actors who don't aim to

achieve a two-state solution or are seen as spoilers to a peace settlement. This opens the critical question whom to support and whom not to support. The guidelines of Germany and the EU don't allow to finance Israeli activities beyond the Green Line. So how to deal with dialogue groups involving settlers or even taking place in settlements? In order to receive a broad outreach it makes sense to also support people who are not naturally seen as dialogue partners or even spoilers. Germany and the European Union should offer frameworks and safe spaces for dialogue for all kind of participants as long as they agree among themselves to have fair talks.

EU and Israeli-Palestinian conflict resolution: Would sanctions help or harm peace?

Israelis are increasingly divided over the urgency of peace. Polling indicates that various forms of sanctions intended to pressure Israel can signal urgency, but mostly among those who already support a two-state agreement. Given the realistic limitations of EU sanctions options, it is worth considering other policy measures in the toolbox for advancing peace. By Dr. Dahlia Scheindlin

Given the intransigence or ineffectiveness of Israeli and Palestinian leaders at advancing peace, it is logical for the EU policy community to consider measures designed to pressure the sides towards peace. Diplomatic pressure has sometimes borne fruit, including ceasefires and progress on the peace process in the 1990s.

In Israel, the key question is whether the response will be compliance or defiance. Will sanctions measures pressure Israel to take serious steps towards ending occupation, or will Israeli society double down on its current policy in response, in order to spite any attempts to force its hand?

To answer this, I have conducted polling of the general public specifically on the question of sanction measures, including two studies in November 2016 and July 2017.

To understand the context for responses to the sanction options, it is important to understand general Israeli public attitudes on the conflict at present.

The conflict is no priority

The Israeli-Palestinian conflict is not seen as a matter of high urgency in Israeli priorities. In the 2017 poll, which is unpublished, just over half (52 per cent) of the public say it is highly urgent to resolve the conflict. Among the Jewish population, which is reflected by Israel's all-Jewish

governing coalition, just 44 per cent view it as highly urgent. In the June 2017 Israeli-Palestinian survey I have conducted with *Tel Aviv University and the Palestinian Center for Policy and Survey Research*¹, almost the same portion of Israelis, 53 per cent, still support a two state solution, but only 47 per cent of Jews. Fifty-five percent prefer the status quo to a two state solution at present, and 62 per cent of Jews. The Israeli-Palestinian surveys also found that one of the driving forces behind this skepticism is the perception that a two-state solution is increasingly impossible.

These findings indicate that nearly half of Israelis do not intuitively see the need to end the conflict. This makes them unlikely to accept the logic behind external pressure on their country to reach a solution they believe is hardly feasible, and not necessarily needed, at present.

However, much of the opposition to a two-state solution in Israel is pragmatic rather than ideological. To be sure, a portion of the right-wing is ideologically opposed. But large numbers of Israelis would change their minds and support an agreement if specific incentives² were added to a future agreement. Incentives can be symbolic, such as Palestinians recognizing the historic and religious heritage of Jews in the land, or changing textbooks that incite against Jews; or material

¹ <http://www.pcpsr.org/en/node/696>

² <http://www.alsharq.de/2017/mashreq/israel/can-europeans-set-effective-incentives-to-winning-hearts-and-minds-for-israeli-palestinian-peace/>

items – such as full normalization with Arab states.

Measures probably don't convince new groups

However, until such a time, how would Israelis react to external pressure? I tested a range of items in two surveys, from the US cutting military aid, to the UN and US placing travel restrictions on settlers, an EU ban on settlement products³ or the UN freezing assets of Israeli companies that work partially or entirely in the settlements.

The surveys found that between 44 per cent to over half of Israelis said these measures would cause them to support either a settlement freeze, or the basic framework for a two-state solution. In 2017, the range was just slightly lower for the goal of freezing settlements (49 per cent – 54 per cent), and slightly higher for supporting a two-state framework in the face of pressure tactics (52 per cent – 58 per cent); overall this range shows that there was not a significant variation between the effectiveness of different measures.

Those findings largely mirror the range of existing support for a two-state solution in Israel cited earlier, indicating that the measures do not necessarily convince new groups who are currently opposed – but nor does it indicate that they would create a backlash of defiance. A deeper analysis also shows that they have potential to generate greater urgency, including among key sub-groups such as centrists, and even a small portion of the right-wing.

However, the public is not an independent actor – the Israeli government's response to pressure measures, together with media commentary will all influence the broad social discourse. From the Israeli government's reactions to the minor measures that have been implemented to date, such as EU funding guidelines⁴ that prohibit EU institutions from funding projects in settlements, to product

origin labelling, it is clear that each development will be met with rampant accusations of anti-Israel or even anti-Semitic intentions⁵. In the US, the Israeli government has even taken legal action⁶ against potential boycotts; these tactics have been tried in the EU as well.

Given this aggressive response, it is likely that sanctions that create minor inconvenience or send a symbolic message will be easily branded in Israel as 'delegitimization', and subsequently dismissed. The two measures cited above have had no tangible impact on government policy with relation to the occupation, settlements, or the long-dormant peace process; and for the moment public debate has died down. But large-scale sanctions that would actually do deeper harm to Israeli society or economy are almost impossible due to the combination of historic sensitivities and the interests of EU member states, since Israel is a major trade partner.

There are more options

Instead, there are other policy options that have not yet been exhausted. Quiet withdrawal of European companies from Israel's private sector creates difficulties on the ground, even without flashy headlines – such as Veolia ending its Israel holdings, and the termination of France Telecom's brand-use contract with an Israeli mobile phone provider. Neither company can be accused of boycott, since neither company admitted that this was the reason; but the results were felt, and the aura of political pressure hung over Israel's private sector. Creating the conditions for more such cases could have an impact.

A second approach is to continue pushing for incentives to be added to a final status agreement, even absent negotiations. This would entail continued emphasis on the detailed two-state package in interactions with Israel (rather than just a focus on the general idea of a two-state solution), while advancing the type of incentives mentioned earlier or a range of others that have been tested:

3 <http://www.alsharq.de/2017/mashreq/israel/can-eu-differentiate-on-save-the-two-state-solution/>

4 http://eeas.europa.eu/archives/delegations/israel/documents/related-links/20130719_guidelines_on_eligibility_of_israeli_entities_en.pdf

5 <https://www.timesofisrael.com/eu-sets-guidelines-on-west-bank-settlement-products/>

6 <https://www.haaretz.com/israel-news/1.818938>

guaranteed access to all Jewish holy sites, joint economic ventures, access to Palestinian air space, as examples. Holding consultations and forums to debate these ideas or generate others can perhaps re-ignite interest in the final status solution and lay the groundwork for future success. As noted, polling clearly shows that a significant portion of the actual opposition to a two-state agreement can be convinced to support it with the right incentives.

Third, the EU can cultivate better conditions for restarting negotiations, to remove excuses and obstacles. One major such obstacle is the weak, divided Palestinian leadership, which is suffering from a severe legitimacy crisis at home – this constrains its willingness to take risks on the peace process. A more assertive role in promoting good governance and democratic politics in Palestine can both improve Palestinian life, and erode one of Israel's key excuses for avoiding peace. The EU clearly has a role to play, and should keep trying the available policy options until one or a combination of them works.

AUTHORS

Dr. Muriel Asseburg is a Senior Fellow in the Middle East and Africa Division of Stiftung Wissenschaft und Politik (SWP), the German Institute for International and Security Affairs in Berlin.

Christoph Dinkelaker is a co-founder of Alsharq and head of Alsharq's Travel Department. He has worked several years in Jerusalem with the Willy Brandt Center, the Friedrich Ebert Foundation and as a freelance journalist.

Dr. Shir Hever is a political scientist living in Heidelberg and conducting research for various organizations. His upcoming book is titled: "The Privatization of Israel's Security" and will be published shortly by Pluto Press.

Hugh Lovatt is Policy Fellow and Israel/Palestine Project Coordinator for ECFR's Middle East and North Africa Programme, where he joined in August 2012. During this time, he has worked extensively to advance the concept of "EU Differentiation", which was enshrined in UN Security Council Resolution 2334 (December 2016). His most recent publication is "Rethinking Oslo: How Europe can promote peace in Israel-Palestine".

Dr. Gil Murciano is a Research Associate in the project »Israel and its regional and global conflicts: Domestic developments, security issues and foreign affairs« at Stiftung Wissenschaft und Politik (SWP), the German Institute for International and Security Affairs. He is also a Guest Lecturer specializing on Middle-Eastern international politics at the Hertie School of Governance in Berlin.

Tobias Pietsch studied Social Sciences (M.A.) at Humboldt-Universität zu Berlin and Political and Social Studies at Universität Würzburg. He works for the media platform Alsharq as a journalist and organizer of study tours. He worked at the Willy Brandt Center Jerusalem. He is a board member of Alsharq e.V. and of the support association of the Willy Brandt Center Jerusalem.

Dr. Dahlia Scheindlin is a public opinion expert and a political consultant who conducts extensive research on the Israeli Palestinian conflict and has advised five Israeli national election campaigns. She is also a Policy Fellow at Mitvim: The Israeli Institute for Regional Foreign Policies, where she leads a project on comparative conflict policy research.

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Alsharq e.V. – Verein für politische Bildung zum
Nahen und Mittleren Osten

Paul-Lincke-Ufer 41
10999 Berlin

Registernummer Amtsgericht Charlottenburg:
VR 33919 B

Vorstand: Laura Overmeyer, Tobias Pietsch,
Bodo Straub, Daniel Walter

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