



Ending Europe's inertia on Israel and Palestine

by Beth Oppenheim, 2 June 2021

After 11 days of violence, Israel and Hamas have begun a ceasefire. But as long as Israel denies Palestinian rights and permanently occupies Palestinian territory, violence will reoccur. Europeans must think long-term, not just fire-fight during each round of violence.

The world has a short attention span when it comes to the Israeli-Palestinian conflict – heads turn when violence [flares up](#). With a ceasefire in place, Israel and Palestine are already beginning to fade again from Europe's foreign policy agenda. Israel and the Palestinian leadership have both created a false sense of 'quiet', a sense that the conflict is being managed, so Europeans do not see it as a serious risk to their security. The latest episode of violence is the result of Israel's suppression of Palestinians' fundamental rights and freedoms in both Israel and the occupied Palestinian territory. Rocket fire from Gaza, while illegal and unacceptable, cannot be divorced from the broader political context of the conflict, and neither can international efforts to address the violence. De-escalation and a return to the *status quo ante* will not prevent future outbreaks. It is the status quo – and the international community's toleration of it – that generates violence.

This latest escalation was the worst since the 2014 war. Violence originated in East Jerusalem at the start of Ramadan on April 12th, when the Israeli authorities erected barricades at a popular Palestinian gathering place, sparking protests. In the [Sheikh Jarrah](#) neighbourhood, Jewish settlers and ultra-nationalists disrupted protests by Palestinians against a planned eviction, and displacement by settlers. Throughout Ramadan, the Israeli police attempted to crush Palestinian protests in East Jerusalem, eventually storming the al-Aqsa mosque, one of the most significant and [contested holy sites](#) for Muslims and Jews in Jerusalem, on May 7th. Inter-communal violence broke out between Palestinians and Jewish ultra-nationalists throughout Jerusalem, spreading within the West Bank, where 27 Palestinians were killed and 6,381 injured.

Since 2007, the Palestinian leadership has been split between the internationally-recognised government of President Mahmoud Abbas and the Palestinian Authority (PA) in the West Bank, and the *de facto* Hamas government in Gaza. The EU, US and other countries designate Hamas as a terror organisation, and have a policy of 'no contact'. Hamas issued an ultimatum to Israel, threatening rocket attacks if Israel

did not withdraw from al-Aqsa and Sheikh Jarrah. Israel did not, and over the 11 days from May 10th, Gaza militants fired over [4,300 rockets](#) at Israel, 90 per cent of which were intercepted by Israel's Iron Dome anti-missile system. Twelve people died in Israel, including two children, from rocket or other fire. Israel responded with heavy air and artillery strikes in an attempt to degrade Hamas's capabilities. 242 Palestinians died during the fighting, including 129 civilians, 66 of whom were children. At least 230 were killed by Israeli attacks, while others died when Palestinian rockets malfunctioned. When striking military targets, Israel also hit [civilian objects](#), causing major destruction to apartment and office buildings, schools, banks, hospitals, Gaza's only coronavirus testing laboratory and electricity supply lines. The targeting of civilian objects is prohibited under international humanitarian law (IHL), regardless of violations by the other warring party. The damage will push Gaza still deeper into humanitarian crisis.

As the fighting broke out, [shocking images](#) circulated on social media from inside Israel of attempted lynchings and attacks on homes, shops, and religious sites in mixed cities and areas, by Jewish ultra-nationalists and Palestinian citizens of Israel. These displays of internal violence and hatred distinguish this eruption from previous ones, showing that what happens in the occupied territory has the potential to sow serious instability inside Israel itself, causing lasting damage to already fraught intra-communal relations.

Violence is bound to reoccur as long as Israel occupies Palestinian territory and denies Palestinians their rights. Israel has blockaded Gaza by land, sea and air since Hamas took over in 2007, and Egypt imposes severe movement restrictions on movement to and from the strip. The Israeli government has been expanding Jewish settlements in the occupied West Bank, including annexed [East Jerusalem](#), in violation of international law. The settlements are deliberately designed to fragment the remaining Palestinian-controlled territory, thus preventing a viable, contiguous future Palestinian state. They also stoke tensions with the Palestinians, and the Israeli authorities have largely tolerated [settler violence](#). Israel uses the settlements and its [military permit regime](#) to dictate where Palestinians can live and travel, in order to control the demographic 'balance' while taking as much territory as possible. Israel's own Palestinian citizens face [structural discrimination](#) and neglect as a matter of [Israeli policy](#).

Channels for Palestinians to express their views [democratically](#) are limited, and the increasingly authoritarian Palestinian governments in the West Bank and Gaza have [stifled dissent](#) via surveillance, force, arbitrary arrests and detentions. Palestinians in the occupied territory have not been allowed to vote since 2006, and that election result was never implemented because it was [boycotted](#) by the EU, US and others after Hamas won, despite election observers deeming it [free and fair](#). That triggered a civil war, resulting in the Hamas takeover of Gaza.

In Israel, Jewish Israeli politicians have tended to refuse to include Palestinian-Israeli parties in coalition governments. As a result, Palestinian citizens of Israel are disillusioned. Thus there was only [45 per cent](#) turnout in Palestinian areas in the most recent Israeli election, compared to 67 per cent nationwide. Now, for only the second time in Israeli political history, it looks as though a Palestinian-Israeli party, the Islamist 'Ra'am', might lend its support to a fragile minority government of the right, centre and left, in order to oust Benjamin Netanyahu. But even if there is a new government, Israeli policy towards the Palestinians is unlikely to change much, given that the centre-left and the right will still be able to veto any proposals from the other side for a different approach.

US President Joe Biden has so far been reluctant to become embroiled in the Israeli-Palestinian issue. US policy under Biden is at best a rollback to the defunct *status quo* before the [Trump administration](#) advanced its relentless pro-Israel policy and lopsided 'peace plan'. Trump's much-vaunted 'normalisation' agreements between Israel and a handful of Arab countries have done little to advance peace, and have simply formalised already long-standing regional anti-Iranian alliances. Deeper ties with Israel were not predicated upon any binding conditions, so the agreements offered a tacit endorsement of Israel's policy towards the Palestinians.

The EU is also ineffectual when it comes to the conflict. [Netanyahu's allies](#) in Central and Eastern Europe have prevented the Foreign Affairs Council from issuing formal conclusions on the issue since 2016, let alone taking action. This was laid bare during the latest escalation, when an [informal position](#) was reached by 26 out of 27 member-states calling for a ceasefire, with Hungary once again blocking.

The EU and the US are clinging on to the nearly 30-year-old model of the two-state solution agreed under the Oslo Accords, but no one is willing to act to keep it alive. The EU need not abandon the two-state solution, but it should pivot its attention away from reviving peace negotiations and instead work to create the conditions for peace. Israel has taken advantage of the languishing peace process to deepen its territorial and demographic control, fragmenting the Palestinian territory and displacing the population, making a viable Palestinian state increasingly implausible – and the EU has failed to apply any pressure in response. Meanwhile the EU's policy towards the Palestinians has been over-cautious, allowing the Palestinian 'state in waiting', the PA in the West Bank, to slide further into autocracy and corruption. Fearful of regional instability, Europeans have bolstered the dysfunctional PA with financial and diplomatic support, all the while refusing to engage with Hamas. This has contributed to Gaza's isolation and to the paralysing internal Palestinian political divide.

The EU should impose policy consequences on Israel for unilateral actions which undermine the prospects for a two-state solution (or indeed, any peaceful solution) and fuel escalation. Trade could be a powerful tool for the EU, as Israel's [largest trading partner](#). The EU should strengthen its policy of 'differentiation' between Israel proper and settlements in the Palestinian territory occupied after 1967, excluding the settlements from the benefits of the EU-Israel relationship, and also the bilateral relationships that Israel has with member-states. Since the EU introduced differentiation in 2012, it has been [poorly enforced](#), particularly at the national level. The EU should put greater pressure on member-states to bring their bilateral relations into line, working to include territorial clauses in agreements past and future, as well as offering support to the UN Human Rights Office in updating and maintaining its [settlements database](#).

Arms transfers to Israel are coming under scrutiny, particularly in the [US Congress](#). EU member-states are second only to the US as suppliers of arms to Israel. Germany and Italy alone accounted for [35 per cent](#) of Israel's arms imports between 2014 and 2018. If there is evidence that arms sold to Israel could be used to violate IHL (and there is), then member-states have a duty not to transfer them, though [enforcement](#) on EU arms export decisions is notoriously weak.

The EU should also support international accountability mechanisms, such as the investigation by the International Criminal Court (ICC) Prosecutor into potential war crimes committed by Israelis and Palestinians in the Palestinian territory. According to the [spokesperson](#) for the European External Action

Service (EEAS), “the EU has taken careful note of the [prosecutor’s] decision”, emphasising that “the EU is a strong supporter of the ICC and its independence” – but Austria, the Czech Republic, Hungary, and initially Germany, [opposed](#) the investigation (alongside [the UK](#)). Europeans should provide diplomatic and public support to counter Israel’s [fierce opposition](#), as well as co-operating and providing evidence to the enquiry. The EU’s position will send an important signal about its commitment to the rules-based international order.

On the Palestinian side, Europeans must be bolder in pushing for intra-Palestinian reconciliation and democratic progress. Reconciliation is a prerequisite for any future Palestinian state. A credible, coherent Palestinian leadership will be necessary to reach and implement any peace agreement. Without unified leadership, Gaza risks becoming a permanent mini-[statelet](#), cut off from the West Bank – contrary to the Oslo Accords, international resolutions and the EU’s own policy. The EU should be pushing for Palestinian elections, a government of national unity, and the eventual return of the PA to govern Gaza. That would incentivise Israel to lift the blockade on Gaza, in turn alleviating humanitarian conditions and defusing violence.

The EU should condition its funding to the PA more strictly. Abbas himself has repeatedly blocked reconciliation efforts, and in May, he indefinitely postponed Palestinian elections, largely due to threats to his power from within his party Fatah. That decision unleashed yet more despair and frustration, which contributed to the latest escalation. Given that Abbas had [technical solutions](#) at his disposal to hold the election but chose not to, the EU should now push him to set a new election date and follow through; otherwise it should suspend or cut funding in line with the democracy clauses in its bilateral agreements. The EU must also be ready to accept the results of a free and fair election, unlike in 2006. Fears that Hamas could sweep to power are unfounded – a new proportional representation system would have made it difficult for any party to obtain a majority. Recent days have shown great displays of resilience from Palestinian civil society, and real hunger for democratic renewal. The EU could consider redirecting funding away from the PA and towards grassroots political and community organisations.

Greater inclusion of Hamas is crucial for supporting reconciliation and incentivising the movement to moderate – that means ending the EU’s ‘no-contact’ policy. Before the cancellation of elections and subsequent escalation, Hamas showed signs of pragmatism and a willingness to make [concessions](#), signalling that it sought international legitimacy, and was ready to participate in elections and in Palestinian institutions. Europeans must be realistic: even if the PA returned to an administrative role in Gaza, Hamas would not relinquish its political role nor its control of security and arms – certainly not while the strip is under blockade. That should not mean simply waiting indefinitely while the humanitarian situation worsens and extremism grows. Demilitarisation is unlikely to precede a political settlement. The examples [demonstrated](#) by South Africa and Northern Ireland suggest that the political settlement has to come first.

Europeans should incentivise Hamas to moderate by tying contact to achievable benchmarks, disbursing development — not humanitarian — funding at each stage. Benchmarks could include a ceasefire for which Hamas would be responsible, a freeze on building up its stock of armaments and reintegrating the PA’s civil servants, as well as eventually PA security forces. That should be accompanied by pressure on Israel to facilitate movement of people and goods between the two parts of the territory, in line with its legal obligations as occupying power.

Europeans are exhausted by this conflict, but sleepwalking into the next escalation is not the answer. The EU must act to uphold its most fundamental values, by pushing back against violations of international law by Israel, and offering meaningful support to Palestinian democracy and reconciliation. Stability and security will only be ensured when all people in the region are guaranteed their fundamental rights and freedoms.

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