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Shaping the future of Gaza: How Europe could contribute to sustainable stabilisation

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SWP Comment

NO. 4 FEBRUARY 2024

Shaping the Future of Gaza

How Europe Could Contribute to Sustainable Stabilisation

Muriel Asseburg

In reaction to the mass killings, atrocities, and hostage-taking by Hamas, the Palestinian Islamic Jihad and other militant groups on 7 October 2023, Israel declared war, further tightened the closure of the Gaza Strip, and started a military operation. More than four months into the war, there has been limited progress towards fulfilling Israel's war aims. At the same time, Gaza's civilian infrastructure and residential buildings have been largely destroyed, its population has been internally displaced, more than 27,000 Palestinians have been killed, and the humanitarian situation has become ever more horrific. As Israel's representatives have announced elements of a post-war order, and as military operations are increasingly determining facts on the ground, international actors have also started to engage on the topic of the "day after". Yet, the interests, priorities, and capabilities of the main protagonists hardly align. Still, the European Union (EU) and its member states should seek to contribute towards ending the war and sustainable stabilisation. Such efforts will have to address governance, security, reconstruction, and a political framework.

The 7 October Hamas-led assault – in which some 1,200 Israelis and foreign nationals were killed and some 240 abducted – seriously diminished Israelis' sense of personal and collective security, led to the evacuation of almost 220,000 Israelis in the Gaza border communities (and as a result of parallel escalation with Hezbollah) in Israel's north, and revived collective traumas linked to the Shoah. In reaction, Israel declared war, imposed a complete blockade on the Gaza Strip, and started a military operation that has been unprecedented in scale and impact. Israel's central war aims, according to Prime Minister Benjamin Netanyahu, have been to re-

taliate for the attack, to eradicate Hamas (later specified as crushing Hamas's military and governance capabilities in the Gaza Strip), and to liberate the hostages, of which some 130 remain in the hands of the militants to date. After the war, no more danger was to emanate from Gaza to Israel.

More than four months into the war, Israel, using overwhelming firepower, has killed thousands of militants in Gaza and degraded Hamas's military capacities. Still, Hamas has maintained the capability to fire rockets at Israel, even from areas in northern Gaza that Israel had declared as cleared, and to stage attacks on Israeli troops operating there. The underground tunnel system,



which gives armed groups a crucial tactical advantage in the asymmetric warfare, seems to have remained mostly intact. Also, Hamas leaders have been successful in projecting an upbeat and defiant image. Hamas's military actions (not the atrocities committed against Israeli civilians, reports of which have been dismissed as propaganda) have been hugely popular among Palestinians, especially in the West Bank. The Hamas narrative, portraying the 7 October events as legitimate resistance, has largely won over populations in the Middle East and large parts of global society.

It has become ever more evident that although the militants' capabilities can be degraded militarily, time is running out for Israel to completely destroy them. It is also clear that the political and societal influence of Hamas cannot be diminished by military means. To contain the negative impact on its own standing – and despite ideological and political differences – the Palestinian political elite in the West Bank has been careful not to directly condemn Hamas's actions, but only the violence against civilians in general. Rather, it has stressed that the Islamist movement is part of the Palestinian social and political fabric. What is more, there has been ongoing contact between representatives of Fatah, the ruling faction in the West Bank, and Hamas.

At the same time, Gaza has been devastated in the course of Israel's military campaign. As of today, most of the civilian infrastructure – partially misused by militant groups for military purposes – has been severely damaged. Almost half of all residential buildings are believed to be beyond repair, leaving about 1 million Gazans homeless. According to the United Nations (UN), 1.7 million people – or around 75 per cent of Gaza's population – have been internally displaced, many of them repeatedly. They are now mostly crammed into the southernmost part of the Strip, as the focus of fighting has moved to Khan Younis and is about to centre on Rafah. Those evacuating areas of fighting have not found a safe place for refuge. Many lack shelter and basic necessities, including

safe drinking water. As of 2 February 2024, at least 27,131 Palestinians have been killed in the Gaza Strip since 7 October, according to the Ministry of Health in Gaza, the statistics of which are considered to be reasonably accurate according to international organisations as well as Israeli intelligence officials. About 70 per cent of those killed are reported to have been women and children. Many more have been declared missing and might still be under the rubble. Hospitals and installations of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) housing internally displaced persons have come under attack. By late January 2024, more than 150 UN staff had been killed. Gaza's health and education systems have collapsed. Even though Israel has allowed some humanitarian aid into Gaza via Rafah due to international pressure, it has amounted to far less than what is required to meet the immense need, and little has reached Gaza's north. Diseases have spread and the UN has warned of the risk of imminent famine.

Israel's "day after" positions

As US pressure has mounted on Israel to scale down and wind up its military campaign, the focus of diplomatic action and think tank debates has increasingly been on how to stabilise Gaza the day after the fighting stops. Although Israel's Minister of Defence has indicated what Israel ostensibly seeks ("a new security regime", which would maintain Israel's overall control of security, but at the same time end "Israel's responsibility for day-to-day life in the Gaza Strip") and the Prime Minister has made clear what Israel rejects (Hamas or the Palestinian Authority (PA) governing Gaza as well as Palestinian sovereignty anywhere west of the River Jordan), the Israeli government has not provided a coherent plan for the future. At the same time, the Israeli army has created facts on the ground, for example by clearing large areas along the border fence to establish a buffer zone inside Gaza, seen as a prerequisite for the

return of Israeli evacuees to the Gaza envelope communities.

Under international pressure — including the accusation of committing genocide brought to the International Court of Justice by South Africa — Israel’s Prime Minister has asserted that Israel does not seek to “re-occupy” or re-settle Gaza, as members of his government continue to demand. The Prime Minister likewise insisted that Israel does not seek to eradicate nor expel the Palestinian population, as suggested by the inflammatory language used by ministers and Likud members, among others, and an internal paper by the ministry that coordinates intelligence services. This document recommended the “evacuation of the civilian population from Gaza to Sinai” as an “executable option” that would “yield positive, long-term strategic outcomes for Israel”. Also, the government allegedly lobbied Europeans to pressure Egypt into accepting refugees from Gaza and spoke to African leaders about taking them. Palestinians therefore remain strongly concerned about the risk of permanent displacement.

Europe: Divided we stand

The EU has prided itself for having played a crucial role in shaping international language on the Palestine question in the past, and for having been a major donor to the Palestinians. Yet, the events of 7 October and the war in Gaza have deepened the divisions between EU institutions as well as among member states — with Germany, Austria, and the Czech Republic on one end of the spectrum, and Spain, Ireland, and Belgium on the other. As a result, although representatives of the EU and its member states have engaged in a frenzy of visits to Israel to show solidarity as well as in regional shuttle diplomacy aimed at preventing further regional escalation, they have failed to agree on common positions and act in unison. In consequence, Europe has not had any discernible influence on conflict dynamics. The stances of EU and member

states’ representatives as well as weapons deliveries by some EU member states might even have been perceived by Israel as a blank cheque to pursue a purely military approach in reaction to the 7 October massacres.

To date, Europeans have also not been able to agree on a way out of the Gaza war. In November 2023 Borrell stressed the need for a political solution as well as what must *not* happen in Gaza: forced displacement, territorial changes, a “reoccupation” of Gaza by Israel, Gaza being a safe haven to Hamas, and a dissociation of Gaza from the Palestine question. He also emphasised that the PA would need to play a role in Gaza, that Arab states would need to step up their involvement, and that the EU would need to engage in support for Palestinian state-building. At the January 2024 EU Foreign Affairs Council, Borrell presented a peace plan aimed at a two-state solution as well as Israel’s integration in the region (based on the 2002 Arab Peace Initiative), building on the September 2023 Peace Day Effort.

The way forward: Principles and policy options for the EU

Divided and undecided, Europeans have not cut a good figure during the Gaza war. In their own self-interest, they should not squander the opportunity to engage in shaping the post-war order. Although the US government has been — and will be — taking the diplomatic lead, the EU and its member states will need to agree on the concrete role that they will play in that endeavour. The challenge is to swiftly agree on a concerted approach that will help Israelis and Palestinians exit the cycle of violence, terror, and retaliation as well as move towards more sustainable arrangements for Gaza.

This would also align with the European interest in a rules-based international order as well as European obligations under international humanitarian law. And it would serve the obligation of signatories to the Genocide Convention to act on the provi-

sional measures ordered by the International Court of Justice in January 2024. EU member states (or a group of member states that can take the lead) should therefore contribute actively towards preventing worst-case scenarios and supporting sustainable stabilisation by building on the Borrell principles – which are in sync with the Biden Administration’s principles – and the peace plan to flesh out suitable approaches and European contributions. In doing so, they should be aware of previous approaches to conflict management and their failures, which have directly contributed to the context in which current conflict dynamics are playing out.

In order to achieve a sustainable stabilisation of Gaza, four main dimensions – governance, security, reconstruction, and a political framework – will have to be addressed. Success with any one of the dimensions strongly depends on acceptance by local actors as well as progress in the other three. Steps will therefore have to be taken simultaneously in all four components. As of now, the interests and priorities of the main local, regional, and international actors do not align on any of the four dimensions. Although some of the positions are unlikely to change, others are contingent on and/or responsive to pressure, incentives, and deal-making.

Governance

The United States and the EU have stressed that a “revitalised PA” should assume governance functions in Gaza after the war. In talks between the United States and the PA in January 2024, US representatives detailed that this would first and foremost necessitate a PA cabinet reshuffle, more effectively combating corruption, and training Palestinian Security Forces to be deployed in Gaza. PA representatives have stressed the need to secure the regular transfer of funds from Israel under the Paris Protocol to prevent the financial collapse of the PA. They have also made it clear that they would assume governance functions in Gaza only within the frame of a political process that

leads to an end of occupation and Palestinian self-determination. Netanyahu has rejected the idea of the PA assuming governance functions in Gaza after the war and suggested that Israel would rather work with local representatives of its choice, such as clan chiefs and entrepreneurs, drawing on similar (and ultimately failed) arrangements from the past.

Four considerations should guide the European approach towards governance in Gaza: a) those implicated directly or indirectly in the 7 October atrocities must not play a role in future governance; b) in order for a governing body to be able to function, it will need to be accepted by the local population; c) governance should be provided in a way that helps in overcoming the split between Gaza and the West Bank rather than deepening it; and d) for the PA to be able to play a constructive role, it needs to be inclusive, sufficiently financed, thoroughly reformed, its capacities strengthened, and its legitimacy improved.

A cabinet reshuffle in conjunction with cosmetic reforms and training, as announced in January 2024 by Prime Minister Mohammad Shtayyeh under US pressure, will not do the trick, as it would not address the underlying causes of the PA’s weaknesses and its sweeping loss of legitimacy among Palestinians. Also, a PA entering Gaza “on an Israeli military tank” – or an assembly of tribal figures picked by Israel (or the international community for that matter) – would not stand a chance of gaining the popular acceptance needed for providing internal order and governance. Rather, it would risk laying the ground for new and potentially violent internal conflicts.

In contrast, a technocratic Palestinian government backed by all factions (similar to the 2014 government) could serve that purpose well – as has been suggested by Palestinians and put forward in the approach taken by Egypt and Qatar, as detailed in the December 2023 Egyptian ceasefire proposal. Hamas has signalled that it is ready to hand over governance to such a body – an acceptance that will be key in an environment in which Hamas (as well as

other factions that consider themselves to be part of the “resistance”) is certain to continue to wield political influence and veto power. And while such a suggestion might be in contradiction with Israel’s proclaimed war aims as well as public opinion in Israel, it might be the only way forward to stabilise Gaza.

The EU and its member states should therefore support the endeavours of Egypt and Qatar to overcome the split and achieve a renewed Palestinian commitment to power-sharing in the form of a technocratic, non-partisan government. Overcoming the split is also a sine qua non for genuine political reform. In the medium term, and in order to be meaningful, PA reform would need to aim at returning to a political system with checks and balances, and to provide for regular and competitive elections. Corruption will only be successfully restrained in a system where there are independent institutions that control the executive and there is accountability through regular elections.

The EU is well-placed to support such a reform. For example, EUPOL COPPS – the EU Coordinating Office for Palestinian Police Support – could play a more effective role than it currently does in supporting the rule of law and reform of the judiciary. Yet, it is also clear that training will not suffice to achieve structural change. Rather, the EU will have to apply conditionality to its support of the PA in order to press for judicial independence, the reinstatement of the Palestinian Legislative Council, and the rule of law.

The EU could also take the lead in supporting a path towards elections. In addition to addressing flaws in the election law that hamper the participation of young and less affluent candidates, and engaging with Israel to ensure that Palestinian Jerusalemites can cast their ballots, the most important challenge for the EU and its member states is to find a formula that will allow them to continue cooperation with a Palestinian government of national unity that commits to non-violence. By contrast, trying to impose a commitment to a two-

state outcome as a condition for participation in Palestinian elections only makes sense once the United States and the EU seriously push for such an outcome, for example by recognising a Palestinian state. Last but not least, the EU can once more provide election assistance and monitoring.

Security

Israel’s war cabinet has made it clear that it reserves the right for the continued security oversight of Gaza and its sea and land borders, including the Philadelphi Corridor between the Strip and Egypt, and that it seeks to keep the prerogative to intervene militarily at any time. The Israeli army has also been working on creating a buffer zone within Gaza along the border fence, as it sees such an uninhabited area as a prerequisite for returning its own population evacuated from the Gaza border communities. Most likely, Israel would enforce an even harsher closure on the Gaza Strip than the one in place before 7 October. That would seriously affect the provision of drinking water and electricity, imports and exports, the possibility of Gazans working in Israel, and medical transferrals to Israel and the West Bank.

These measures would amount not only to a continuation of the Gaza Strip’s occupation, but also to its deepening. They would imply a permanent displacement of those who used to live in what will become the enlarged buffer zone, increasing the demographic pressure in the already very densely inhabited Strip, as well as leading to a further reduction in available agricultural areas. Fishing, an important sector of Gaza’s economy, could also be further reduced through an even stricter maritime blockade. Overall, a tightened closure would impede reconstruction and stifle any development, keeping the population dependent on international aid.

It is inconceivable that such an arrangement would provide security to Israeli citizens, even more so if it is perceived as being permanent rather than temporary. Rather, it is certain to fuel hopelessness among

Gazans and thus provide fertile ground for recruitment by militant groups. Ultimately, diminishing the attractiveness of armed groups backed by Iran or others hinges directly on the prospects for young Palestinians in Gaza, the West Bank, and refugee camps. Therefore, an opening of Gaza to the world and a comprehensive political process are key.

Yet, while the EU and the United States have stressed that they do not want to see a “reoccupation” of Gaza and that its territory must not be diminished, they have not suggested a convincing alternative to Israel’s approach. In order to be able to take over responsibility for internal order and security in the Gaza Strip, the Palestinian Security Forces, which have been proposed to be stationed in the Strip, would have to be trained, financed, and legitimated – that is, accepted by Palestinian factions (and later through elections) – and be deployed in the context of a political framework. But Israel would still not trust them to provide security.

The only force that Israelis might agree upon to provide security – and which would therefore allow it to scale back its own posture – would be an international presence with a robust mandate under the lead of the United States. Yet, such a force has not been – and is very unlikely to become – part of US planning, as the United States is aiming at reducing the number of its combat troops in the region rather than increasing it. For Israelis, UN troops or an Arab military presence would not be a trustworthy alternative, and it is utterly improbable that they would materialise in the first place. As a result, the security situation in and around Gaza will remain extremely fragile. This will be even more the case in the absence of an agreed ceasefire, a concrete plan for reconstruction and development for Gaza, and a political arrangement for Israeli-Palestinian conflict resolution – and against the backdrop of a deteriorating security situation in the West Bank.

To contribute towards stabilisation in that difficult context, Europeans – together with the United States and Arab states, in

particular Qatar and Egypt, which have shown their ability to lean on Gaza’s militants in deals to release hostages and deliver medications – should push for an end to the war in Gaza that is not premised on achieving unrealistic aims, such as the eradication of Hamas or Israel’s “total victory”, but instead on an agreed ceasefire that commits Israel as well as Palestinian militants in addition to establishing a code of conduct for the period directly after the war.

The EU can also contribute to internal order and border controls through its two civilian missions in Palestine (EUPOL COPPS and EUBAM Rafah, the European Union Border Assistance Mission Rafah), after their mandates have been adapted. EUPOL COPPS could play a role in training and vetting staff from Gaza who could later take over police and justice functions there. Moving forward, the EU could offer to re-establish a European presence in Rafah (and to establish one at the Allenby Crossing between Israel and Jordan) in a reconfigured border regime, which would allow the free movement of persons and goods while preventing the import of weapons. Europeans can also offer appropriate scanners that would allow for the movement of imports/exports without reloading.

Reconstruction

The war will leave Gaza devastated, with large parts of the civilian infrastructure and residential buildings destroyed, the provision of basic services seriously affected, and a dramatic humanitarian situation, including large-scale internal displacement. The challenges will be enormous: Rubble removal, the clearing of unexploded ordnance, and early recovery measures (including the provision of temporary housing) will be key in improving the humanitarian situation and preventing the further spread of diseases. The reconstruction of civilian infrastructure and housing will be crucial to avoid permanent displacement and allow for economic development. Mental health support will be essential to

deal with the traumas of war, displacement, and famine.

Although the scale of needed aid is difficult to estimate in the midst of ongoing destruction, according to UNCTAD it is already clear that the recovery of Gaza's economy from the current military operation will necessitate a financial commitment that is much higher than commitments made after any previous war. What is more, already long before 7 October, the UN had warned of the Gaza Strip becoming uninhabitable because of the depletion of drinking water and environmental pollution. As a consequence of the combination of the closure of the Strip, recurring wars and destruction, reduced international aid, as well as the de facto government's priorities (with a focus on armed struggle rather than development), poverty and unemployment levels had already dramatically risen before the war: 80 per cent of Gaza's population was dependent on humanitarian aid.

Reconstruction would have to systematically address these challenges as well. Therefore, economic rehabilitation should not simply aim at restoring the pre-October 2023 status quo. Rather, the vicious circle of destruction, partial reconstruction, and blockade should be broken, among other means, by measures such as restoring the Gaza International Airport, building a seaport, and enabling the Palestinian government to develop the natural gas fields off the shore of Gaza.

Israel expects the international community to pick up the tab for recovery and reconstruction in Gaza with the support of some UN agencies, but not UNRWA, which is one of the largest employers in Gaza and crucial for providing services (health, education) and humanitarian aid. Yet, although the international community has been willing to support the population of Gaza (even if inadequately) with humanitarian aid and will continue to do so, and despite the fact that it will likely engage in early recovery efforts, it is rather unlikely to fund large-scale reconstruction unless there is a concrete political path towards sustainable

stabilisation. What is more, under a tightened closure, reconstruction would also be slow and partial. The issue is therefore closely linked to security and a political path towards an agreement — on Gaza and beyond.

The EU and its member states should support early recovery and reconstruction. These efforts firstly depend on capable Palestinian and international counterparts. Palestinian counterparts for recovery and reconstruction would have to be approved of locally and be acceptable to the international community as well as be capable of engaging in planning for cooperation with specialised international agencies. In that context, the technical staff of Gaza's municipalities, that is, the experts for electricity, water, education, etc., should be the main interlocutors for the international community. They are already on the ground and experienced. Also, UNRWA — with its presence on the ground, trained staff, and logistical expertise — will be crucial in humanitarian and reconstruction efforts.

Secondly, it will be paramount to establish the right framework for reconstruction first. Three issues stand out here: For sustainable economic development, the free movement of persons and goods is critical. In this context, the 2005 Agreement on Movement and Access is worth revisiting and adapting to the current situation, rather than reviving fantasies about artificial islands or other grandiose projects. Second, it will be essential to set up a mechanism to ensure that construction materials not be diverted for military purposes, while Israel no longer determines which imports and exports are allowed, as has been the case in the frame of the UN-led Gaza Reconstruction Mechanism. Third, there should be an appropriate oversight mechanism to ensure that funds are spent according to priorities determined by representative Palestinian bodies rather than individual intermediaries.

Political process

The United States, the EU, and Arab states alike have been stressing the need for a “political horizon” to accompany post-war stabilisation efforts in Gaza. And indeed, progress on security, governance, and reconstruction are all closely linked to a political agreement on Gaza as well as a process that provides for the prospect of Palestinian self-determination and security for Israelis and Palestinians. Also, PA legitimacy depends not only on inclusive governance and elections, but first and foremost on the PA being in a position to deliver progress towards the end of occupation.

What is more, Gaza cannot be stabilised while the PA is about to collapse and the situation in the West Bank (including East Jerusalem) deteriorates. Rather, any political process will also have to address obstacles to Palestinian development (such as access and movement restrictions) and threats to safety (such as settler violence and forced displacement, which have soared in the wake of 7 October) in the West Bank.

Yet, Israel and Palestine are currently not offering the required leaders to move forward. Israel’s Prime Minister has made it clear that there will not be a Palestinian state under his watch, that Israel will maintain overall control between the River and the Sea, and that he is not ready to stop the settlement project in the West Bank. Even worse, although a change in government in Israel would make a big difference with regard to safeguarding liberal democracy, based on current polling and long-term trends, it would not change much with regard to the rejection of Palestinian statehood. An ever weaker PA has clung to a two-state outcome, but it is hardly in a position to make concessions or implement an agreement. Hamas representatives have professed hardline stances since 7 October, reneging on earlier positions regarding the acceptance of a two-state outcome based on the 1967 lines as “a formula of national consensus”.

Against that backdrop, in January 2024, Josep Borrell suggested a peace conference followed by working groups to draw up the framework for an Israeli-Palestinian arrangement. Such a conference — if well-prepared and backed by influential actors committed to seeing through a process aimed at a final settlement — could be an instrument to create the sought political horizon.

Once working groups meet to define a framework for negotiations, they should incorporate lessons learnt from the failure of the Oslo process, such as: the need to clearly define the parameters of the end-game (as detailed in the 2002 Arab Peace Initiative and the July 2014 EU Council Conclusions on the Middle East Peace Process); providing for robust mediation that balances rather than reinforces the asymmetry between the parties; putting forward a concrete timeline with benchmarks and a monitoring mechanism; and ending the impunity of all actors for war crimes. They should also spell out incentives in concrete terms and with concrete commitments so as to achieve progress towards conflict settlement. For Israel, a strong incentive would be further integration into the region, in particular normalisation with Saudi Arabia, which should go hand in hand with concrete progress towards ending the occupation. For Palestinians, a strong incentive would be recognition and full UN membership, which would also help to anchor the 1967 lines as the territorial baseline. Israelis and Palestinians should only be brought in once the framework is established.

One thing is clear: If the relevant international actors take their commitments lightly, there is a high risk of breakdown and a return to violent conflict. Just repeating the two-state mantra — without showing a concrete path of how to get there and linking it to benchmarks as well as incentives and disincentives — will not suffice.

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