

**ON OUR OWN**  
**UNILATERALISM IN ISRAELI POLICY-MAKING**

Master of Arts in Law and Diplomacy Thesis

**Submitted by John D. Davis**

April 2006

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**THE FLETCHER SCHOOL**

TUFTS UNIVERSITY

# ON OUR OWN:

## UNILATERALISM IN ISRAELI POLICY-MAKING



Master of Arts in Law and Diplomacy Thesis  
**Submitted by John D. Davis**  
April 2006  
Under the advisement of Professor William J. Martel

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## **DEDICATION**

This thesis is dedicated to my loving wife, Lital, who teaches me how taking risks and making sacrifices are worthwhile and rewarding in pursuit of a dream for happiness. May our lives together always know love, serenity, and peace.

## **ACKNOWLEDGMENTS**

I am very grateful to Professor William Martel for his tremendous confidence in and support for me throughout the research and writing process. Thank you for your constructive criticism, your kindness, and your commitment to teaching.

A heart-felt thank you to the Re'ut Institute – especially Gidi Grinstein, Omri Dagan and Eran Shayshon – for honing my capacity for insight, providing me with countless intellectual challenges to include in my thesis, and giving me an opportunity to apply my skills in a progressive organization with an inspiring vision.

Thanks also to Professor Carolyn Gideon for her motivation to pursue the game theoretic concepts included in this work.

Thanks to Mom and Dad, Phyllis and Mark, Pamela and Steve, and the entire Cohen family for their love and support.

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## CHAPTER 1 – INTRODUCTION

### Unilateralism in Vogue

From the perspective of Israeli foreign policy-makers, the two-state solution to the Israeli-Palestinian conflict is essential to Israel's long-term existence, particularly due to demographic trends in Israel and the Palestinian territories. In order to preserve Israel as a stable democratic state with a Jewish majority, Israel must separate from the Palestinians. However, Israeli decision-makers do not believe that they have a Palestinian partner with whom to negotiate a permanent status agreement. Therefore, a new stream of political philosophy has emerged in Israeli decision-making vis-à-vis the Palestinians

characterized by unilateral policies designed to implement a two-state solution in a manner acceptable for Israel. This unilaterally-executed separate coexistence philosophy



Palestinians cross through a check-point in Israel's security barrier.  
Source: "Ever more separate." *The Economist*, October 22, 2005, 47.

has been exhibited in the ongoing construction of the security barrier between the West Bank and Israel proper which would give Israel 15 percent or so of the West Bank and is in all likelihood an attempt to mark out a political border as well as a security barrier, the

development of dual road system in the West Bank for Israelis and Palestinians,<sup>1</sup> and in particular through Israel's unilateral Disengagement from Gaza concluded in September 2005.

On April 14, 2004, former Israeli Prime Minister Ariel Sharon delivered a letter to U.S. President George W. Bush announcing his Disengagement Plan. In it, he stated: "Having reached the conclusion that, for the time being, there exists no Palestinian partner with whom to advance peacefully toward a settlement and since the current impasse is unhelpful to the achievement of our shared goals, I have decided to initiate a process of gradual disengagement with the hope of reducing friction between Israelis and Palestinians."

A few months after the delivery of this letter, Sharon's lawyer and personal confidante Dov Weisglass went quite far in an interview explaining the mindset behind Sharon's official policy of unilateral disengagement. Sharon, believing that the Palestinian majority could not control the extremist Palestinian minority even after fulfillment of their national aspirations, prized the formula of the President Bush-sponsored Roadmap peace plan for Israel and Palestine which calls for the eradication of terrorism *prior to* Palestinian statehood. Since the President's Roadmap process was essentially at a standstill, but Israel was facing internal and external pressures, Sharon embraced unilateral withdrawal as a tool for preserving the sequence principle of ceasing terror prior to a political process while moving the onus for action from Israel onto the Palestinians. In Weisglass' own words: "The disengagement plan is the preservative of the sequence principle. It is the bottle of formaldehyde within which you place the

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<sup>1</sup> "Ever more separate." *The Economist*, October 22, 2005, 47-48.

president's formula so that it will be preserved for a very lengthy period. The disengagement is actually formaldehyde. It supplies the amount of formaldehyde that's necessary so that there will not be a political process with the Palestinians."<sup>2</sup>

Now that Sharon has departed from political life, the legacy he left for his successors was the creation of this policy solution for Israel's predicament: through unilateralism, satisfactory long-term interim situations can be created until a future in which the Palestinians have the will and capacity to enter into negotiations without using terrorism. The Kadima party he created when several rebel ministers in Israel's right-wing Likud party refused to cooperate with him since they felt unilateral territorial concessions rewarded terror rather than contributed to its cessation is now led by Ehud Olmert, who promises more unilateral withdrawals. Mr. Olmert and the centrist Kadima Party won a plurality in the Israeli national elections on March 28, and he says a top priority would be establishing Israel's frontiers, with or without an agreement with the Palestinians. "The direction is clear: we are headed toward a separation from the Palestinians. We will hold on to the main settlement blocs. But the borders we have in mind are not those Israel has today."<sup>3</sup>

Avi Dichter, the former head of the Shabak security service and the potential defense minister in the next government should Kadima win as predicted, has recently given interviews suggesting that over the next few years, Israel indeed intends to continue unilateral withdrawals from the West Bank with the intention of achieving Olmert's stated goal of unilaterally establishing Israel's permanent borders. "Moving (outlying

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<sup>2</sup> Ari Shavit. "An Interview with Dov Weisglass, Sharon's Lawyer: He Talks to Condi Rice Every Day." *Ha'aretz*. October 11, 2004.

<sup>3</sup> Greg Myre. "Olmert Says Israel Will Keep 3 Large West Bank Settlement Blocs." *The New York Times*. February 8, 2006.



settlements) into settlement blocs might take quite a long time but at the end of this period, if there will be no partner on the Palestinian side, the Palestinian Authority will find itself facing a State of Israel in permanent borders that it set for itself, by itself, of course in coordination with the relevant states in the world, certainly the United States.”<sup>4</sup> Just a few days before the March 28, 2006 election, Olmert confirmed this policy in an interview with Israel Radio which emphasizes that the Palestinians will have no role in the moves he plans to make: “We want to set the permanent borders of Israel, and to do so, we must separate from the Palestinians. In order to separate from the Palestinians, we must define for ourselves our red lines... [via] an internal negotiation, first of all, so that we within the state of Israel will know what we want.”<sup>5</sup>

The Israeli belief that PA Chairman Yasir Arafat had rejected then-Prime Minister Ehud Barak’s “extremely generous” offer at Camp David in 2000 and the subsequent violent outburst of the second *intifada* led many Israelis to lose faith in peace talks. “It generated an almost axiomatic belief that in the foreseeable future Israel will have to live as if the Arabs are not around,” said Ephraim Yaar, co-author of Tel Aviv University’s monthly Peace Index poll, which measures Israeli attitudes towards peace.<sup>6</sup> In addition, the deterioration of Gaza into chaos<sup>7</sup> following the Disengagement convinced Israelis further that Abbas and the PA would not be able to impose the order required to uphold its end of any peace deal. *The Economist* offered this assessment: “Israelis have stopped

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[http://news.monstersandcritics.com/middleeast/article\\_1135082.php/Israel\\_considers\\_unilateral\\_withdrawals](http://news.monstersandcritics.com/middleeast/article_1135082.php/Israel_considers_unilateral_withdrawals)

<sup>5</sup> “Olmert: Talks with U.S., Israelis to precede pullout.” *Ha’aretz*. March 26, 2006. Available from <http://www.haaretzdaily.com/hasen/spages/698657.html>.

<sup>6</sup> “Shutting itself in, hoping for the best.” *The Economist*. March 25, 2006, 27.

<sup>7</sup> “Gaza slides closer to chaos.” *The Economist*. January 4, 2006. Available from [http://www.economist.com/agenda/displayStory.cfm?Story\\_ID=S%27%28H%20%29PA%3F%21%21P%20L%0A](http://www.economist.com/agenda/displayStory.cfm?Story_ID=S%27%28H%20%29PA%3F%21%21P%20L%0A).

caring whether they are walking in step with Palestinians. The two sides tried that for much of the 1990s and kept falling over... Since the Palestinians are [incapable], goes the common Israeli perception, we had better do whatever has to be done on our own.”<sup>8</sup>

Thus, unilateralism has officially come into vogue in Israeli policy-making. Internal and international pressures to end its control over Palestinian life, despite the inability to negotiate with a Palestinian government and unwillingness to simply wait and endure utter immobility, has given birth to the mindset that the benefits of unilateral steps far outweigh the costs. In the following chapters, I will compare unilateralism to its alternatives in order to fully understand the rise of unilateralism as the dominant Israeli policy vis-à-vis the Palestinians, examine the Disengagement Plan and its impacts as the primary case study of unilateralism, and look at how Israeli unilateralism has impacted other players such as Hamas and the United States.

### **Conflict Analysis**

Before assessing why unilateralism appears to Israeli policy-makers to be the dominant strategy option and examining several case studies, the following analytic framework on the Israel-Palestine conflict will establish the context for this study by identifying the core players, issues and interests in addition to current conditions.

#### *Current conditions on the ground*

After five years of the violent second *intifada* and the death of Yasir Arafat, many hoped for progress in the Israeli-Palestinian peace process with the election of Mahmoud Abbas (Abu Mazen) as the President of the Palestinian Authority (PA) and the subsequent termination of hostilities declared by Abbas and Israeli Prime Minister Ariel

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<sup>8</sup> “The remarkable survival of Kadima.” *The Economist*, March 25, 2006, 14.

Sharon. However, despite last summer's unprecedented Israeli withdrawal from Gaza, roadblocks have recently sprung up preventing such progress. The Disengagement controversy in Israel led Sharon to break with the Likud party and form a new, centrist Kadima party, but then Sharon suffered a massive stroke and slipped into a coma in January 2006. On the heels of this, Hamas, classified by the U.S. and European Union as a terrorist organization, earned a stunning electoral victory over Abbas' Fatah party in Palestinian legislative elections in January on a campaign of internal reform against corruption.

### *Parties*

#### Hamas

Hamas's electoral victory, in which the Islamic fundamentalist party won a majority of seats in the Palestinian Legislative Council (PLC), was surprising to the entire international community. According to its principles, Hamas recognizes neither Israel nor the agreements signed between the Palestine Liberation Organization (PLO) and Israel. In its Charter, Hamas seeks a *jihad* to liberate Palestine and establish an Islamic Palestine "from the Mediterranean Sea to the Jordan River."<sup>9</sup> The leaders of Hamas believe in the effectiveness of violence to achieve their objectives; recently Khaled Mashaal rejected U.S. calls for Hamas to disarm and join the political process, saying "The resistance must go hand in hand with political work".<sup>10</sup> However, while clandestinely maintaining a military wing that has used violence to achieve political objectives, Hamas maintains a political wing that may for tactical reasons eschew

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<sup>9</sup> *Hamas Charter* (accessed February 8, 2006); available from <http://www.yale.edu/lawweb/avalon/mideast/hamas.htm>.

<sup>10</sup> Albert Aji, "Hamas leader says his group won't renew truce with Israel, won't disarm," *Associated Press*, November 30, 2005. Accessed February 8, 2006. Available from LexisNexis.

violence temporarily (as in the recent *tahdia* negotiated by Abbas in the Cairo Agreement).

Hamas's base of supporters has grown as a result of public disappointment with the performance of the PA and perceived corruption in Fatah. Hamas's appeal lies in both ideological elements who regard themselves as engaged in legitimate resistance to occupation and disenfranchisement with the PA and the desire for technically qualified and uncorrupted leadership. Since its inception, Hamas has mobilized strong popular support through a network of welfare, medical, cultural and education services (known as the *dawa* network). Hamas's infrastructure of social-welfare institutions, the backbone of its proselytizing efforts, generates both popular support for the organization and logistical support for its terrorist attacks.

#### Fatah

While Abu Mazen remains President of the PA and committed to negotiations and compromise with Israel as the best policy for the Palestinians, he has been severely weakened by a year in office without progress in either economic growth or relations with Israel. This year culminated in the pre-election split of Fatah into two parties (Fatah and Mustaqbal) generally along the lines of the elder generation of Fatah and its younger elements which demand reform and removal of Fatah leaders tainted by corruption. Abbas now must contend with a Palestinian legislature dominated by Hamas, which appears to be more organized and powerful than ever before.

#### Israel

The past six months of upheaval – Disengagement from Gaza, the creation of the Kadima party, Ariel Sharon's incapacitating stroke, and the election of Hamas – have given form to an Israeli mainstream that had been inchoate for a long time. Kadima,

under acting PM Ehud Olmert, appears set to emerge as the victorious party in the upcoming March 28<sup>th</sup> elections to head a coalition. Sharon's departure from political life may challenge Kadima's ability to maintain public support, but based on a broad, centrist consensus in Israeli society it still looks set to lead the next coalition government in a policy of further unilateral withdrawals from the West Bank in an effort to create permanent borders for Israel and cement the two-state solution. However, although he may seek to, acting PM Olmert is unlikely to have the same level of political clout and public credibility as Sharon to push forward quickly with initiatives related to security or the peace process, such as further withdrawals from the West Bank.

Until now, Israeli politics have long been dominated by the division between the Labor and Likud parties. The left-wing Labor party has generally been pragmatic in its approach to the Palestinians, accepting territorial concessions in return for recognition and peace, while the right-wing Likud has been more intensely nationalistic, demanding retention of occupied territories for historic and strategic reasons. Kadima has thus been challenged by the right-wing Likud Party and Binyamin Netanyahu, who tried to capitalize on the stalled peace process by asserting that Hamas's victory is a direct result of a failed Disengagement policy that rewarded terrorism. Amir Peretz of the left-wing Labor Party appears set to join a coalition with Kadima following the elections, given some conditions that the new government will pay heed to social welfare issues.

### *Issues*

The permanent status issues involved in the conflict are complex and deeply emotional, including borders and territory, Jerusalem, security, Palestinian refugees and Palestinian statehood. However, as negotiations on permanent status between Israel and a

Hamas-dominated PA appear unlikely, it is doubtful that any of these extremely complex issues will be approached very soon. In light of the recent elections of Hamas to a parliamentary majority, a number of other important issues are currently being debated and discussed:

- Hamas' recognition of Israel and its right to exist
- Hamas' renunciation of violence as a means to achieve political ends
- Legitimacy of the Hamas regime
- International financial support for a Hamas-dominated Palestinian Authority
- Humanitarian needs of the Palestinian people
- Potential further unilateral withdrawal of Israeli settlements

For both Israelis and Palestinians, a tension exists between political pragmatism and ideological rigidity. For Kadima to be successful it must balance the need to extricate Israel from control over the Palestinians with the fierce necessity to defend its secure existence from terrorism; for Hamas to be successful it must deliver on its promises of economic development and social reform while attempting to maintain its core ideology of Islamic resistance against occupation. Clearly, these parties' interests necessarily conflict. In addition, the current set of issues in the conflict amounts to a giant step back in the process, with a mutual refusal of recognition and a sense of victimization pervading each party, bolstering fear, mistrust and inflexibility surrounding the core issues of existence and legitimacy.

#### *Interests of the Parties*

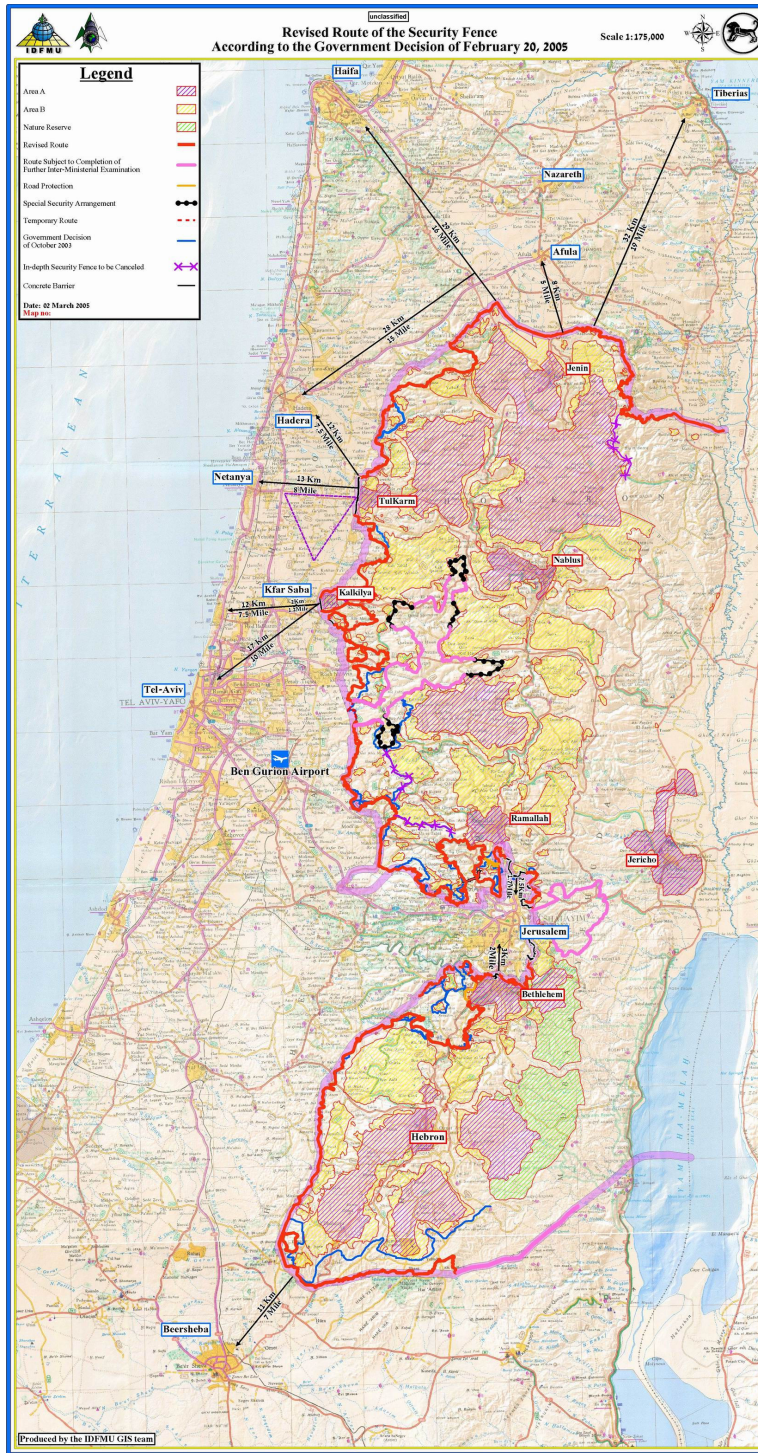
The following table presents the interests of the parties generally concerning the issues presented above:

<i>Israelis:</i> <ul style="list-style-type: none"><li>• Need <b>identity</b>: want to maintain character of a Jewish and democratic state<ul style="list-style-type: none"><li>◦ Prepared to separate unilaterally to ensure this</li></ul></li><li>• Need <b>security</b>: safe haven from anti-Semitism and an end to suicide bombing and rocket attacks</li><li>• Need acknowledged and permanent existence</li><li>• Want <b>international legitimacy</b> and acceptance</li></ul>	<i>Palestinians:</i> <ul style="list-style-type: none"><li>• Want <b>sovereignty</b> and <b>self-determination</b>: an independent and viable state</li><li>• Want <b>normalization</b> of daily life in freedom and dignity</li><li>• Want <b>internal reforms</b> and a <b>corruption-free government</b></li><li>• Need avengement for loss and suffering<ul style="list-style-type: none"><li>◦ Want refugee repatriation or compensation and release of prisoners</li></ul></li><li>• Hamas wants <b>international legitimacy</b> and acceptance</li></ul>
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With this general introduction to unilateralism and an analytic framework of the conflict, the following chapters will examine unilateralism as Israel's current preferred strategy for achieving a two-state solution and examine its impacts through case studies of the Disengagement and Hamas.

## Appendix I

### *Israel's Security Barrier route map*



Source: "Israel's Security Fence." *The State of Israel, Ministry of Defense*. Available from <http://www.securityfence.mod.gov.il/Pages/ENG/route.htm>.



## Appendix II

### *Israel's possible future separate road network*



Source: "Ever more separate." *The Economist*, October 22, 2005, 48.

## **CHAPTER 2 – THE TWO-STATE SOLUTION**

In Israeli policy-making circles, the inevitability of a two-state solution involving the creation of a Palestinian State has practically become an assumption. The Oslo Process, although stalled and the institutions it created on the verge of collapse, represented a landmark mutual recognition of the two parties with a view to a two-state solution. The Roadmap, the formally agreed upon framework for the political process between Israel, the Palestinians, the US and the international community, calls for an end to Palestinian terrorism and illegal Israeli settlements in its first phase and the establishment of a Palestinian State with Provisional Borders (PSPB) in its second phase leading to negotiations on the permanent status of the two-state solution in its third and final phase. In addition, U.S. President George Bush has referred to his personal commitment to try to achieve his vision of a democratic Palestinian State living alongside a secure Jewish state of Israel, the first time ever a U.S. President has so firmly endorsed the creation of a Palestinian state. Internal exhaustion from the role of the occupier, international pressure for a Palestinian State, and demographic trends that indicate Palestinians will soon outnumber Jews in mandatory Palestine are all additional factors which cause Israeli decision-makers to recognize the essence of the two-state solution as an existential necessity for Israel.

In light of these factors, analysis of what would constitute a Palestinian State in permanent status relations with Israel and how to achieve it is critical to the development of policy that would help move the political process forward and make the vision of two independent states living side-by-side in peace and security a reality. I have concluded that four attributes of a Palestinian State are most essential to Israel: 1) The Palestinian

State must not militarily or violently threaten Israel; 2) The Palestinian State must not infringe upon the Jewish nature of Israel through demographic threats; 3) The Palestinian State must allow for no further claims against Israel; and 4) The Palestinian State must possess political, economic, social and ideological conditions that will not lead to instability and violence. Although the most cost effective route to establishing such a Palestinian State will be through step-by-step interim cooperative arrangements leading to the development of a PSPB which would then be willing to and capable of concluding bilateral agreements concerning relations between the two states, political realities in Israel and the Palestinian Authority have led Israeli policy-makers to adopt unilateral disengagement as their dominant philosophy.

### **Israel's Ideal Palestinian State**

#### *Conceptualization*

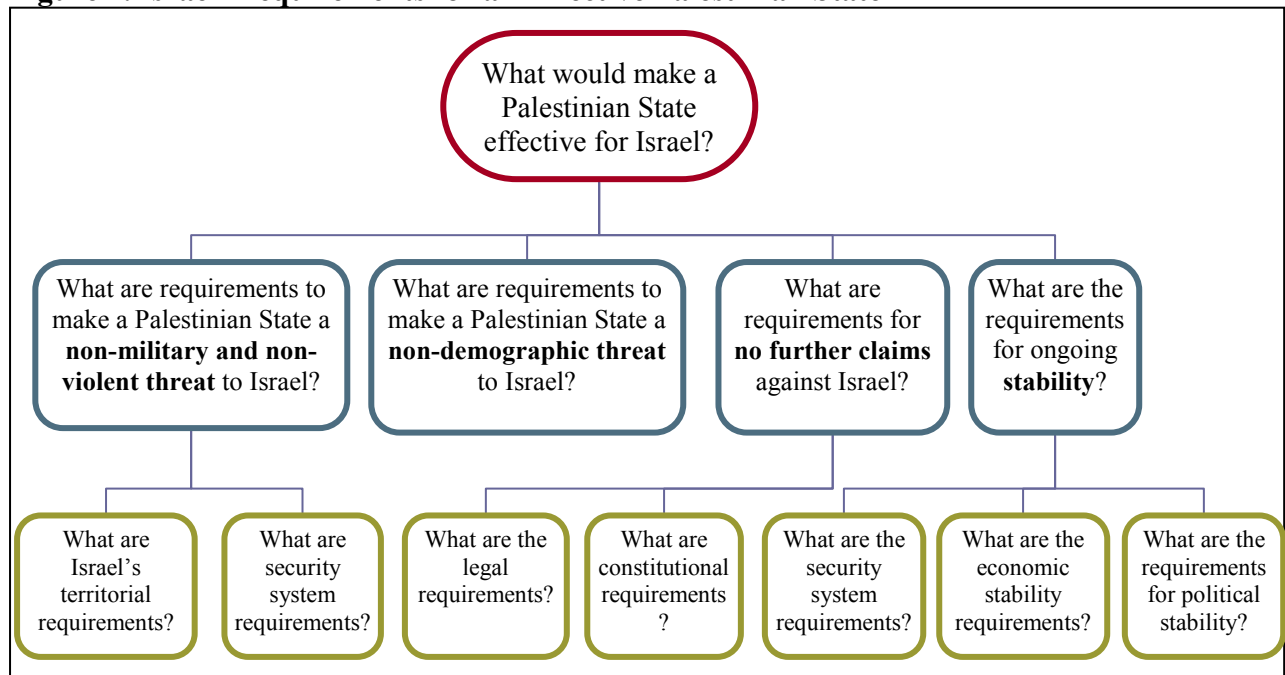
In an attempt to conceptualize the Israeli requirements for a Palestinian State, this document offers a possible framing of four components that would satisfy Israeli requirements for an effective Palestinian State (see Figure 1). The four components are as follows:

To be effective for Israel, a Palestinian State must:

1. Be Peaceful
  - does not militarily threaten Israel
  - satisfies Israel's needs to retain defensible borders
  - ends Palestinian violence against Israel
2. Be Palestine
  - does not infringe upon the Jewish, democratic nature of Israel through demographic threats
  - serves as the homeland of the Palestinian people
  - absorbs all the Palestinian political energies in the region

3. Be Permanent
  - allows for no further claims against Israel
  - pledges constitutionally to abjure any advocacy of irredentism
  - satisfies legal requirements for permanent statehood
4. Be Stable
  - possesses political, economic, social and ideological conditions that will not lead to instability and violence

**Figure 1. Israeli Requirements for an Effective Palestinian State**



#### *Component One – Non-military and non-violent threat requirements*

First among all requirements, a Palestinian State must commit to cessation of all violence against Israel even risking civil war to accomplish this end<sup>11</sup> and the current Palestinian entity must fulfill its Roadmap commitments to stop Palestinian violence and terror and uproot its infrastructure<sup>12</sup> prior to any political process leading to statehood.

<sup>11</sup> Mustedar Khan. "After Arafat: Prospects for Peace." The San Diego Union-Tribune, November 14, 2004. Brookings Institution.

<sup>12</sup> Martin Indyk. "Getting the Arab-Israeli Peace Process Back On Track." Testimony before the U.S. Senate Foreign Relations Committee. February 24, 2004.

The precise reform of Palestinian security services will be addressed below (see Component Four – Requirements for stability). However, even in the event of the cessation of Palestinian terror and the establishment of Palestinian Statehood, Israel will continue to face security challenges that must be addressed in order to satisfy its requirement that a Palestinian State not constitute a military threat or leave Israel vulnerable to one.

A two-state solution creates at least two unique security challenges for Israel.<sup>13</sup> The first challenge stems from the geographic complexities of Israel and its neighbors, which make it extremely difficult for Israel to defend its own territory without the ability to monitor and control the territory directly to its east (the West Bank). The second challenge arises from the dual external-internal nature of the threats Israel may have to face in the future. An external source of potential threat emanates from Israel's neighbors to the east that still do not recognize Israel's right to exist and declare their goal to be its destruction. The internal threat stems from the potential emergence of a Palestinian State that might possibly be ruled by a non-democratic regime, which could result in the development of cross border terrorism due to the friction created by two very different societies living side by side with irredentist elements remaining in both.

To address these challenges, Israel's core security concept under a two-state solution requires a set of four general principles: conditional strategic depth, demilitarization, security cooperation, and airspace control<sup>14</sup>. First, conditional strategic depth is required to defend Israel from an eastern threat. Since most of this area will be

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<sup>13</sup> Shlomo Yanai. "Israel's Core Security Requirements for a Two-State Solution." Saban Center Analysis Paper Number 3, January 2005. Brookings Institution.

<sup>14</sup> Ibid.

part of the future Palestinian State, Israel needs a bilateral arrangement with the Palestinian State that will give the Israel Defense Forces (IDF) the right to deploy its defensive array to a few key areas in the future Palestinian State in a time of emergency. Second, given the complexity of Israel's security challenges, there is no room for another military in the limited geographic area between the Jordan River and the Mediterranean Sea. Therefore, strict, accountable, effectively monitored and verified demilitarization of the Palestinian State is essential. Third, a fundamental component of security cooperation and long-term relations between the two sides is an active commitment by a future Palestinian State to combat terrorism in all its manifestations and to security cooperation and coordination (see discussion below on the requirements for an effective security system). Finally, due to the small size of the territory, it is practically impossible to divide military airspace control over the two states. For this reason, Israel cannot assure its core security needs are met unless it retains control over Palestinian airspace.

It is important to emphasize the difference between Israel's interest in maintaining maximum military control over the area between the Jordan River and the Mediterranean Sea and interests within Israel that want to appropriate large tracts of West Bank land, leaving some Palestinian areas virtual islands and promising a similar fate for other areas. Those who want to maximize Israel's territorial gains challenge Israel's requirements to ensure Palestinian political stability in that territorial maximization presents a danger of a Palestinian State so constrained and fragmented that it proves ungovernable, and hence unstable and dangerous to its neighbors. History has shown that states that lack contiguity, like pre-1971 Pakistan or Armenia/Azerbaijan, tend to face great difficulties. Therefore, Israel's requirements for strong Palestinian institutions that can enforce

cooperative security arrangements mean that a future Palestinian State must enjoy maximum territorial contiguity, particularly within the West Bank.

Israeli security demands need to be consistent with the minimum requirements of Palestinian viability. But this is not to say that constraints or limitations demanded by neighboring states necessarily put state viability or sovereignty at risk; on the contrary, they can potentially ensure viability.<sup>15</sup> Adjustments or limitations on sovereignty are frequent in international affairs: Japan observes limitations on the size of its military; more than one hundred states have agreed to forswear the development of nuclear weapons and to accept intrusive international inspections to verify compliance; Egypt observes a rigid demilitarization regime in the Sinai; and, Germany and Korea allow large American military forces to operate on their territory. Thus, the four principles of Israel's core security concept outlined above have legitimacy in terms of their historic precedent.

History has destined Israelis and Palestinians to be entangled together in a tiny, densely populated piece of land. Simple solutions such as territorial acquisition or unilateral separation and partition cannot address the potential risks inherent in such a complicated reality. To effectively make a Palestinian State a non-military and non-violent threat to Israel requires the cessation of Palestinian violence against Israel, conditional strategic depth for Israel, demilitarization of the Palestinian State, security cooperation between the two entities especially involving an active commitment by the Palestinian State to combat terrorism, airspace control by Israel, and maximum territorial contiguity for the Palestinian State.

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<sup>15</sup> "U.S. Policy and the Concept of a 'Viable' Palestinian State." CFR Publications.

*Component Two – Non-demographic threat requirements*

In addition to defending itself against military threats to its existence, Israel must also preserve the nature of its Jewish identity, so crucial to its formation and existence. According to current projections, the Arab population soon will exceed the Jewish population in the area of Mandatory Palestine.<sup>16</sup> (Yasir Arafat is reputed to have said: “The womb of the Arab woman is my best weapon.”)<sup>17</sup>

This demographic trend presents a threat to Israel in two ways. First, in the event of a one-state solution that produces a democratic unitary state in the area of Mandatory Palestine, the Arab population, as the majority, will rule. Second, even in the context of a two-state solution reached through a permanent status agreement, a threefold relationship may form between Palestine, Israel and its Jewish citizens, and Israel’s Arab citizens characterized by friction and tensions emanating from several trends.<sup>18</sup> Israeli-Arabs are citizens and residents of Israel, but some of them view themselves as Palestinians, supporting the idea of a unitary state which defies the narrative of Israel’s Jewish character. International de-legitimization of Israel’s Jewish nature on the grounds that states formed on ethnic or religious bases as opposed to secular pluralist bases are illegitimate may continue,<sup>19</sup> using the status of the Israeli-Arabs community within Israel as leverage.

It is interesting to note that some proponents of a one-state solution may be using it as a means to obtain a two-state solution. The threat of one, unitary, democratic state

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<sup>16</sup> DellaPergola, S. “Demography in Israel/Palestine: Trends, Prospects, Policy Implications”, IUSSP XXIV, General Population Conference, Salvador de Bahia, International Union for the Scientific Study of Population, 2001.

<sup>17</sup> Peter Hirschberg, “Hello, I’m Israeli-Palestinian”, Inter Press Service News Agency, 2004.

<sup>18</sup> Re’ut Institute. “Israeli-Palestinian State-to-State Relations in Permanent Status.” August 24, 2004.

<sup>19</sup> Re’ut Institute. “The Contemporary One-State Argument.” October, 2004.



creates a powerful incentive for Israel to increase concessions to the Palestinians toward creation of an independent Palestinian State and therefore, one may threaten a one-state solution as a means to obtain one's true goal of a two-state solution. A simple game theoretic model illustrates how a player could threaten a one-state strategy to try to manipulate another player into playing a two-state strategy (see Figure 2).

These threats mean that, to be effective from the Israeli perspective, any future Palestinian State must serve as the homeland of the Palestinian people and absorb all the Palestinian political energies in the region and therefore, not infringe upon the Jewish nature of Israel. This implies that to accommodate both the Palestinian Diaspora's yearning to return to a homeland and Israel's demographically-based identity fears, refugees could return to the new Palestinian State, to territories offered by Israel as part of the exchange, to their host states, third parties, or in very small number to Israel proper.<sup>20</sup> This policy solution allows them to return to a Palestinian State that will provide all Palestinians with a place they can safely and proudly call home, achieving the Palestinian desire for acknowledgment, repatriation, restitution and reparations. This type of right of return maintains the logic of two separate homelands for two separate people and does not threaten Israel's identity as a Jewish state, which would indeed threaten the concept of peace.

**Figure 2. Game Theory Model of One-State/Two-State Strategies**

		Player 2	
		One-State	Two-State
Player 1	One-State	(1,1)	(4,2)
	Two-State	(2,4)	(3,3)

<sup>20</sup> Itamar Rabinovich, *Waging Peace* (Princeton: Princeton University Press, 2004), 157.

*Assumptions*

This model assumes that when one's opponent plays the Two-State strategy, it is preferable not to cooperate since deviation improves one's gains in a future negotiated agreement. This model further assumes that when one's opponent plays the One-State strategy, the result of actually obtaining one unitary state is so threatening that it is preferable to try to achieve a Two-State solution.

*Conclusions*

In this game, there are two equilibrium points. Therefore, according to this model, the two players will never play the same strategy simultaneously, but will randomize between the equilibrium points (with probabilities not calculated here).

Thus, if one player can convince the other that they will play the One-State strategy with certainty, the second player will prefer to play the Two-State strategy and receive the higher payout associated with it. However, the threats of one player that they will only play the One-State strategy are not credible since equilibrium exists when one prefers to play the Two-State strategy.

*Component Three – Requirement for permanence and irreversibility*

It is crucial to Israelis that any solution of the conflict be final, permanent and irreversible. This requirement breaks down into three aspects: 1) any establishment of a Palestinian State and conclusion of a permanent status agreement between the two parties ends all Palestinian claims against Israel and signifies the permanent end to the conflict; 2) the Palestinian State pledges constitutionally to abjure any advocacy of irredentism, which includes effective security services that are capable and willing of fighting elements that desire to sustain violence against Israel (security services will be discussed below in Component Four); and 3) the Palestinian State satisfies legal requirements for permanent statehood.

Fifth among the pillars of US President Bill Clinton's proposals for a peaceful settlement to the conflict, and equal to the previous four of territorial compromise, right of return to Palestine, lasting security guarantees and shared sovereignty of Jerusalem, is

the concept of end of claims. The remarks made by President Clinton before the Israel Policy Forum on January 7, 2001 elucidate well the concept:

“Any agreement will have to mark the decision to end the conflict, for neither side can afford to make these painful compromises, only to be subjected to further demands. They are both entitled to know that if they take the last drop of blood out of each other's turnip, that's it. It really will have to be the end of the struggle that has pitted Palestinians and Israelis against one another for too long. And the end of the conflict must manifest itself with concrete acts that demonstrate a new attitude and a new approach by Palestinians and Israelis toward each other, and by other states in the region toward Israel, and by the entire region toward Palestine, to help it get off to a good start.”<sup>21</sup>

In addition, factions within Palestine, with or without explicit or implicit support by the Palestinian government, may continue the struggle against Israel's existence. The Palestinian State must prevent irredentism both through reform of its education system to remove incitement and propaganda from its curricula and through reform of its security services to possess the capacity and willingness to fight, disarm or destroy such militant anti-Israel factions (see discussion below in Component Four on each of these requirements).

Legally, the current Palestinian entity presents the complex problem of an entity which is not sufficiently effective to be regarded as independent in fact, but which is thought entitled to be a state. In one sense, the current Palestinian entity has been seen to share much in common with other states in the international scene. However, the current Palestinian entity lacks all of the identity features required by these states to fully form

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<sup>21</sup> Bill Clinton. “Remarks by United States President Bill Clinton before the Israel Policy Forum.” January 7, 2001. Available from <http://www.bitterlemons.org/docs/clinton.html>.

part of the static community. The current Palestinian entity in many ways falls short of the traditional criteria of statehood: 1) not a nation-state; 2) lack of effective and independent governmental control; 3) lack of possession of a defined territory; and 4) lack of effective and independent control over a permanent population.<sup>22</sup> Furthermore, while many countries recognize the Palestinian Authority or the PLO, the entity has far from unanimous recognition and membership in international organizations which would normally constitute the recognized legal establishment of a state. Thus, central to the requirement of a permanent Palestinian State that would allow for no further claims against Israel (and a potential policy of recognition available to Israel) is the satisfaction of these legal norms.

#### *Component Four – Requirements for stability*

According to structuralist theory, there are four institutions that have to be effective and stable in order for a society to be stable: the society's political institution, social organization, economy, and ideology.<sup>23</sup> In addition to the four emphasized by structuralist theory, and integrated with the first component of the non-military threat requirements detailed above, an effective security system must be in place in order to guarantee stability. For the sake of simplicity, the reform of Palestinian security services can be considered as falling under the heading of a political requirement (as done here). For Israel, it is essential that a Palestinian State satisfy these basic requirements so that its future, highly entangled neighbor will not devolve into instability and violence. Figure 3

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<sup>22</sup> Forji Amin George. "Is Palestine a State?" June, 2004. ExpertLaw. Available from [http://www.expertlaw.com/library/international\\_law/palestine.html](http://www.expertlaw.com/library/international_law/palestine.html).

<sup>23</sup> Andrew Hess. "Globalization of Southwest Asia." Lecture. March 7, 2005. Fletcher School.

details the complete table of requirements and a brief discussion of the major requirements follows.

Of these four categories of characteristics, the political requirements of a Palestinian State are the broadest. German sociologist Max Weber defined a state as a community that establishes a monopoly on the legitimate use of physical force within a given territory. Indeed, the reform of Palestinian political institutions such that they can guarantee effective rule of law and achieve secure and stable conditions is essential to Israel. Without such a monopoly on the legitimate use of force,<sup>24</sup> the Palestinian entity would not be credible to Israel, would constitute a threat, and thus would sustain the conflict.

A key step in the process that could achieve such ends is the elimination of corruption in the Palestinian political system. According to the World Bank, the Palestinian Authority currently ranks in the bottom 16 percent of countries in ability to control corruption.<sup>25</sup> The Palestinians themselves demand leaders free of corruption, which in part explains the success of Hamas in recent municipal elections. One such step to enact the popular demands for reform would be to appoint a new attorney general empowered to investigate corruption cases.<sup>26</sup> From Israel's perspective, only an entity built on strong institutions instead of the autocratic power of an individual leader can

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<sup>24</sup> Ehud Barak. "HBO History Makers Series: A Conversation with Ehud Barak." Council on Foreign Relations. January 24, 2005.

<sup>25</sup> Jones, Seth. "A Chance to Clean Up the Palestinian Authority" RAND Corporation.

<sup>26</sup> Martin Indyk and Tamara Cofman Wittes. "Seizing the Moment in Israeli-Palestinian Relations: How to Sustain the Cease-Fire and Revitalize the Road Map." Saban Center Middle East Memo #6, March 2, 2005. Brookings Institution.

effectively make guarantees on security. Thus, the development of strong Palestinian institutions and the flourishing of the rule of law in the Palestinian State are essential.<sup>27</sup>

Furthermore, a Palestinian State requires the independent administration of justice so that the elements that underpin the rule of law (prisons, courts, and the legal sector and security services) are united and interdependent.<sup>28</sup> Reduction of the power of the executive, unification of the legal code, and investment in legal infrastructure are all essential tasks in satisfying this requirement.

Concerning security reforms, the myriad Palestinian services (currently approximately nine) must be unified into one coherent force with a clear chain of command. These security forces must be deployed as widely as possible to prevent and deter terrorist actions<sup>29</sup> and be capable of and willing to disarm extremists.<sup>30</sup> This means eliminating direct executive control and enforcing accountability on those elements that violate the state's monopoly on the use of force.<sup>31</sup>

Furthermore, since the Palestinian State will be so highly entangled with Israel, it is to Israel's advantage that the Palestinian State undergo economic rebuilding by pursuing policies that promote healthy economic development and integration with Israel, thus ensuring a healthy flow of goods and labor between the two countries. Israel has a strong interest in economic development and regional economic cooperation. Arabs and Israelis have both imagined and longed for a Middle East in which Israel and the Arab states together see the region grow strong so that it can fully achieve its vast economic

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<sup>27</sup> Yezid Sayigh and Khalil Shikaki. *Strengthening Palestinian Public Institutions*, Council on Foreign Relations, June 28, 1999. Available from <http://www.cfr.org/pdf/palinstfull.html>.

<sup>28</sup> Jones.

<sup>29</sup> Indyk and Wittes.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

potential.<sup>32</sup> Indeed, it was the promise of economic development and a new Middle East which spurred the initial efforts at peace in the Oslo process and which could sustain future positive relations between Israel and the Palestinian State.

Within the social sphere, a Palestinian State must implement fundamental educational reform within Palestine to ensure that the next generation of Palestinians do not hate Israel and nurture a desire to destroy it.<sup>33</sup> The Israeli point of view on the flaws in the Palestinian educational system is expressed by Arnon Groiss:

“By presenting Israel not as a sovereign and legitimate state, but rather as a usurper entity that occupied Palestine in 1948 (which entails the absence of Israel's name from all maps and reference to its pre-1967 territory by circumlocutions such as ‘the lands of 1948’); by not counting its 5.5 million Jewish citizens (unlike its one million Arab citizens) among the inhabitants of the land; by demonizing Israel and the Jews (by using phrases such as ‘Tartar battalions’, ‘slaughterers’, ‘human wild beasts’, or by inserting a passage in a literature textbook for grade 8 which reads: ‘Your enemies killed your children, split open your women's bellies, held your revered elderly men by the beard and led them to the death pits’); by reasserting the validity of the violent struggle against Israeli occupation while blurring the exact geographic borders of such occupation; by encouraging jihad and martyrdom (a poem taught in grade 7 reads: ‘The flow of blood gladdens my soul, as well as a body thrown upon the ground, skirmished over by the desert predators’) – by all these means, the new textbooks published by the Palestinian Authority prove to contain the same components of incitement that are present in other Arab textbooks.”<sup>34</sup>

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<sup>32</sup> See Shimon Peres, *The New Middle East*, 1993, or Muhammad Sid Ahemd, *After the Guns Fall Silent*, 1976.

<sup>33</sup> Khan.

<sup>34</sup> Arnon Groiss. “Incitement in Palestinian school textbooks.” Bitterlemons.org. Available from <http://www.bitterlemons.org/previous/bl291104ed43.html#is2>.

Finally, and perhaps most controversially, Israel would prefer a Palestinian State that ideologically accepts a secular democracy as opposed to a fundamentalist Islamist regime, especially considering the theory that no democracy goes to war against another democracy. In addition, a neighboring Islamic fundamentalist state would always pose a residual existential threat to Israel. Therefore, a Palestinian State requires a political reform process that would generate democratic political institutions<sup>35</sup> and ensure the secular nature of its government.

<b>Figure 3. Requirements for stability</b>		
<i>Category</i>	<i>Characteristic</i>	<i>Requirements</i>
Political	Credible	<ul style="list-style-type: none"> <li>• Credibility would come from Palestinian State's ability and willingness to fight terror and violence<sup>36</sup></li> </ul>
	Non-corrupt	<ul style="list-style-type: none"> <li>• Must correct past abuses of power and prevent corruption</li> </ul>
	Effective Rule of Law	<ul style="list-style-type: none"> <li>• Requires an independent judiciary<sup>37</sup></li> <li>• Requires strong legislative and judicial oversight given problems with executive control<sup>38</sup></li> <li>• Requires capital investment in court buildings, university law departments, detention facilities and prisons<sup>39</sup></li> <li>• Requires unifying and creating an integrated body of laws in West Bank and Gaza<sup>40</sup></li> </ul>
	Security Services Reform	<ul style="list-style-type: none"> <li>• Must gain monopoly on legitimate use of physical force</li> <li>• Must be capable of and willing to disarm extremists<sup>41</sup> as well as the demobilization of the rejectionist militias, including Hamas and Islamic Jihad<sup>42</sup></li> <li>• Requires restructuring the services to provide them with the capability to enforce law and order<sup>43</sup> and be responsive<sup>44</sup></li> <li>• Requires decreasing number of services and separating law-enforcement from intelligence and other security functions<sup>45</sup></li> </ul>

<sup>35</sup> Indyk.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Jones.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid..

<sup>41</sup> Indyk and Wittes.

<sup>42</sup> Ibid.

<sup>43</sup> Indyk.

<sup>44</sup> Jones.

<sup>45</sup> Ibid.



		<ul style="list-style-type: none"><li>• Requires eliminating direct executive control and establishing a clear chain of command over its security personnel</li><li>• Requires enforcing accountability on services<sup>46</sup></li></ul>
Economic	Economic Reform	<ul style="list-style-type: none"><li>• Requires economic development, starting with an international effort to rebuild economic institutions<sup>47</sup></li><li>• Requires reform to generate transparent economic institutions<sup>48</sup></li><li>• Requires economic integration with Israel</li></ul>
Social	Educational Reform	<ul style="list-style-type: none"><li>• Must implement fundamental educational reform within Palestine to ensure that the next generation of Palestinians do not hate Israel and nurture a desire to destroy it<sup>49</sup></li></ul>
Ideological	Secular	<ul style="list-style-type: none"><li>• Requires a secular government since radical Islamist doctrine will always pose a residual risk that will threaten continued attacks on Israel<sup>50</sup></li></ul>
	Democratic	<ul style="list-style-type: none"><li>• Requires democratic government that will work towards the welfare of its people<sup>51</sup></li><li>• Must be properly democratized to provide assurance to Israel that they have a democratic neighbor and not a terrorist state<sup>52</sup></li></ul>

### Comparison of Alternative Political Processes

Clearly, in order to achieve the desired Palestinian State outlined in Section I above, Israel has several policy options concerning the management of the political process that will come following the Disengagement Plan, scheduled for summer of 2005. Within the context of a political process concerning the Palestinians, Israel has essentially five options:

1. International intervention to manage resolution of the conflict
2. Territorial maximization
3. Unilateral disengagement

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<sup>46</sup> Ibid.

<sup>47</sup> Indyk.

<sup>48</sup> Ibid.

<sup>49</sup> Khan.

<sup>50</sup> Steven Simon and Jonathan Stevenson. "Work with the PA for Peace." RAND Corporation.

<sup>51</sup> Khan.

<sup>52</sup> Barak.

4. Interim arrangements, such as the Roadmap
5. Negotiations for a Permanent Status Agreement

*International intervention*

While international intervention, the first option listed above, may provide the parties with an objective authority to manage the resolution of the conflict, it seems an unlikely option. It is doubtful that many foreign countries would commit troops to enforcing an internationally-imposed solution, while international intervention is no guarantee that the parties would perceive such a solution as legitimate and would sustain it. It is appealing to imagine all of Israel's requirements for a reformed Palestinian entity as imposed by the international community, but it is not only unlikely to occur and unlikely to succeed if it did. The best role for the international community is likely to be as facilitator and supporter: to mediate or host negotiations, to provide training and support of reconstituted Palestinian security services, and to provide funding to help implement negotiated agreements.

*Territorial maximization*

There are some within Israel who advocate for territorial maximization, the second option listed above, citing both historic claims to the land and security requirements for Israel. However, territorial maximization as a policy fails to fulfill many of the basic requirements for a Palestinian State outlined above. As suggested earlier, territorial maximization presents a danger of a Palestinian State so constrained and fragmented that it proves ungovernable, and hence unstable and dangerous to its neighbors. Indeed, a likely outcome of a territorial maximization policy is sustained and aggravated claims against Israel, increasing violent resistance, as well as damaged legitimacy in international affairs.

*Unilateral separation*

Unilateral action, the third option listed above, is only preferable for Israel if the Palestinian leadership proves an incapable or unwilling partner. In Sharon's letter to President Bush of April 14, 2004, he affirmed that the upcoming Disengagement Plan from the Gaza strip is consistent with and called for by the Roadmap,<sup>53</sup> although the disengagement was originally a unilaterally planned action. During the second intifada, in the absence of a capable and willing partner on the Palestinian side, Israelis opted to approve unilateral action. However, in terms of sustainability and legitimacy, bilateral and negotiated moves are preferred to unilateral ones. Unilateral moves also do not guarantee the Israeli interest in security since they run the risk of appearing to give in to terrorism. In addition, cooperative actions guarantee equivalent moves by the other party and although unilateral withdrawal will ease some of the burden of occupation from both sides, an end of the conflict acceptable to both sides will have to come through negotiations.

In truth, unilateral moves in the direction of permanent borders for Israel and a two-state solution to the conflict are better than utter immobility. Thus, unilateralism is an act of necessary action in the absence of a partner, but entails some costs and risks that other options may reduce. Particularly given the incoming Hamas government in the Palestinian Authority (Hamas is pragmatic, but hardly a willing and capable partner for diplomatic negotiations on peace) and the apparent unwillingness of the international community to launch a huge peace initiative, unilateralism appears to be Israel's only alternative to immobility in the political process.

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<sup>53</sup> "Prime Minister Sharon's letter to President Bush, April 14, 2004." Accessed April 5, 2005. Available from <http://www.bitterlemons.org/docs/bushletter.html>.

### *Negotiated Agreements*

The final two options listed above, interim negotiated agreements or a permanent status agreement, seem most likely to be able to resolve a successful political process achieving a two-state solution. However, the two actually differ sharply in their ability to fulfill the requirements for Israel's ideal Palestinian State. Indeed, the divergent preferences of the two parties reflect the differing expectations about the conclusions of the political process: a survey of Palestinian and Israeli public opinion conducted jointly by the Palestinian Center for Policy and Survey Research in Ramallah and the Harry S. Truman Research Institute for the Advancement of Peace at the Hebrew University of Jerusalem, found that while nearly 60% of Palestinians prefer immediate return to final status negotiations on all issues in dispute at once, nearly 60% of Israelis prefer a gradual step-by-step approach.<sup>54</sup> In addition, while Sharon insists on the framework outlined in the Roadmap calling for a PSPB prior to permanent status negotiations, Abbas expressed a desire to establish back-channel negotiations to discuss permanent status parallel to negotiations concerning the Roadmap.<sup>55</sup>

The parties' contrary positions may lead to a deadlock for several reasons. Negotiations on permanent status, preferred by Abbas, fundamentally reverse the sequence laid out in the Roadmap. Also, Abbas' proposal to establish a back-channel on Permanent Status may undermine any prospect of reaching agreement through a formal channel on phase two of the Roadmap, which calls for establishment of a PSPB prior to

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<sup>54</sup> *Joint Israeli-Palestinian Public Opinion Poll, March 2005*, (accessed April 18, 2005); Harry S. Truman Research Institute for the Advancement of Peace at the Hebrew University of Jerusalem. Available from <http://www.pcpsr.org/survey/polls/2005/p15ejoint.html>.

<sup>55</sup> Steven Erlanger. "Abbas Declares War With Israel Effectively Over." *New York Times*. February 14, 2005.

resolution of permanent status issues in the third phase. In the absence of new ideas on permanent status, there is little prospect for a permanent status agreement between the Sharon and Abbas governments.

*Interim agreements on a provisional state*

The best option for Israel remains a series of interim agreements, such as the Roadmap. Under this scenario, a PSPB will be established in the second phase of the Roadmap prior to discussions on permanent status issues, such as borders, refugees, and Jerusalem. Establishing a PSPB is important for Israel in that it both cements the two-state solution and also establishes clear standards for the Palestinian side, such as rule of law and unity of command,<sup>56</sup> as well as the other requirements detailed above. A PSPB also satisfies the Palestinians' prime interest in genuine self-determination and sovereignty and ends the Israeli occupation, while simultaneously requiring internal reforms and corruption-free institutions. In addition, interim arrangements will allow for a powerful framing of the negotiations via bilateral agreements on state-to-state issues between Israel and the provisional Palestinian State regarding, rather than pursuing the all-or-nothing deadlock of attempting to achieve one comprehensive Permanent Status Agreement.<sup>57</sup>

In fact, the creation of a provisional Palestinian State is so important from the perspective of Israeli decision-makers that Israel feels the necessity of unilateral action since it does not appear able to create a provisional Palestinian State in partnership with the Palestinians. As emphasized earlier, Sharon advisor Dov Weisglass likened

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<sup>56</sup> "Is Abu-Mazen Driving the Political Process to a Deadlock?" The Re'ut Institute. March 15, 2005. Available from <http://www.reut-institute.org/assets%5C20050220NekudatReutNo3ENGLISH.pdf>.

<sup>57</sup> Ibid.

Disengagement to a formaldehyde that preserves the possibility of creating a provisional state prior to a permanent one and then, only contingent on the cessation of terror. In fact, the creation of a provisional state is so important that Israel may want to consider unilateral recognition of a Palestinian State in order to make use of the power of commitment and thus force the Palestinians to make bilateral agreements on individual state-to-state issues.

The constitution of future bilateral relations between Israel and the Palestinians is best achieved through such a fragmenting of the one comprehensive permanent status agreement to be concluded between Israel and the Palestinian interlocutor into multiple separate agreements between Israel and the Palestinian State<sup>58</sup>. Bilateral agreements, such as the one mentioned earlier that will give the IDF the right to deploy its defensive array to a few key areas in the Palestinian State in a time of emergency, have a far greater chance of being established as separate state-to-state agreements than if included in one single package agreement between Israel and the Palestinian interlocutor in permanent status negotiations. This stands in contrast to the package approach adopted in the Oslo process, which sought the conclusion of a comprehensive agreement between Israel and the Palestinians in order to resolve all of the historic issues emanating from the conflict in 1948 and later (such as territory and borders and refugees), as well as to the establishment of principles pertaining to future coexistence in “Permanent Status.”<sup>59</sup> For example, Israel and the Palestinian State with Provisional Borders may conclude one bilateral state-to-state agreement on the issue of their permanent borders. This would separate (i.e.,

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<sup>58</sup> “Fragmentation and Dilution Approach to Israeli-Palestinian Permanent Status Agreement.” Re’ut Institute. December 9, 2004. Available from <http://www.reut-institute.org/assets/concepts/20041121FragmentationandDilutionApproach.pdf>.

<sup>59</sup> “Package Approach to Israeli-Palestinian Permanent Status Agreement.” Re’ut Institute. December 9, 2004. Available from <http://www.reut-institute.org/assets/concepts/20041111PackageApproach.pdf>.

fragment) the resolution of the territorial issue from the resolution of the refugee issue and ensure that agreement on one issue is not blocked by disagreement on another.

Furthermore, the historic issues should be diluted by Israel through “off-the-table strategies” of unilateral and coordinated moves with third parties, as well as by negotiating as many of their components as possible on a state-to-state basis with the Palestinian State with Provisional Borders. Such actions would constitute policies that do not depend on agreement with the Palestinian side, but serve to dilute their best alternatives vis-à-vis negotiated settlement to the conflict. For example, with regard to the refugee issue, Israel may take unilateral action to allow Palestinian refugee households to apply for and receive compensation for their property directly from Israel, satisfying the Palestinian interest in repatriation and acknowledgment of loss and suffering while diluting Palestinian claims against Israel regarding refugees.

From the perspective of Israeli policy-makers, the political reality of the incapacity of Abbas or the unwillingness of Hamas has limited their options by removing the possibility of interim agreements with the Palestinians. In light of pressures and trends, however, Israel is unwilling to simply wait until the Palestinian leadership has the capacity or willingness to cooperate on the creation of a Palestinian state. Therefore, unilateralism, despite its costs and risks, has emerged as the preferred option within the Israel decision-making community.

### **CHAPTER 3 – CASE STUDY: DISENGAGEMENT FROM GAZA**

On September 12, 2005, the last Israeli soldier withdrew from the Gaza Strip, concluding a dramatic process of Israeli settlement evacuation and military withdrawal from Gaza. Proposed by Israeli Prime Minister Ariel Sharon in 2003, enacted into law by the government in June 2004 and finally implemented beginning August 15, 2005, the Disengagement policy involved a unilateral removal of all permanent Israeli presence in the Gaza Strip and from four settlements in the Northern West Bank.<sup>60</sup>

The Disengagement sparked controversy both within Israel and in the international community at large. Many Israelis viewed Disengagement as a capitulation to terror or a territorial concession without tangible returns from the Palestinians. While many Palestinians supported the withdrawal, some feared that “Gaza first would be Gaza last” and that Sharon merely sought to distract the international community while he solidified Israel’s grip on the settlement blocs surrounding Jerusalem. Some members of the international community criticized the unilateral nature of the plan.

However, the general consensus following Disengagement is that it was a bold and successful move, executed efficiently and predominantly without violence. UN Secretary-General Kofi Annan, commended Sharon’s “courageous decision” and “believes that a successful disengagement should be the first step towards a resumption

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<sup>60</sup> Please see Appendix II for a map of the Disengagement.



of the peace process.”<sup>61</sup> Furthermore, Ibrahim Gambari, Under-Secretary-General for Political Affairs, told the UN Security Council on August 24, 2005<sup>62</sup>:

Israel has demonstrated that it has the requisite maturity to do what would be required to achieve lasting peace, and the Israeli Defence Forces (IDF) has demonstrated their ability to discharge their mission with carefully calibrated restraint. Prime Minister Sharon should be commended for his determination and courage to carry out the disengagement in the face of forceful and strident internal opposition.

While Prime Minister Sharon certainly overcame many political, diplomatic and security obstacles to ensure the implementation of the Disengagement Plan, the question remains unresolved as to how Disengagement has affected and will continue to affect the Israeli-Palestinian conflict. How precisely has Israel’s unilateral policy of Disengagement affected the preconditions and actors which characterize the landscape of the conflict, including the dysfunctional Palestinian Authority and the plethora of non-state armed groups (NSAGs) vying for political power in the Palestinian territories? Could future Israeli unilateral moves potentially alleviate such conditions and help combat the operational tactics and strategies of the NSAGs? This paper will briefly describe the Disengagement Plan and then analyze the impact of Disengagement on the determinants of the conflict as well as on the most prominent of the Palestinian NSAGs, Hamas.

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<sup>61</sup> UN News Centre. “Annan commends Israeli withdrawal from Gaza.” August 18, 2005. <http://www.un.org/apps/news/story.asp?NewsID=15474&Cr=Middle&Cr1=East>

<sup>62</sup> UN News Centre. “With Gaza pullout ending, Israel, Palestinians must remain true to Road Map, says UN.” August 24, 2005. <http://www.un.org/apps/news/story.asp?NewsID=15537&Cr=Middle&Cr1=East>

## **Description of the Disengagement Plan**

This section of the paper will describe the objectives of the Disengagement Plan, according to the official legislation and as can be analyzed from the official declarations of Prime Minister Sharon.<sup>63</sup>

### *Objectives of the Disengagement Plan*

The specific goals as mentioned in the legislation<sup>64</sup> for the Disengagement Plan included the following:

1. Increase Israel's long-term security;
2. Reduce friction between Jewish Israelis and Palestinian Arabs;
3. Absolve Israel of legal responsibility for Gazan Arabs;
4. Improve West Bank and Gaza Strip economies for their citizens (i.e. inside the PA);
5. Encourage the Palestinian Authority to fight terrorism, thereby putting the Quartet's Road Map back on track.

However, key speeches and documents from Israeli Prime Minister Ariel Sharon elucidate the goals of the Disengagement more vividly. The initial public declaration came on April 14, 2004, when Prime Minister Sharon delivered a letter to U.S. President George W. Bush expressing his intent to disengage from Gaza:

The Palestinian Authority under its current leadership has taken no action to meet its responsibilities under the Roadmap. Terror has not ceased, reform of the Palestinian security services has not been undertaken, and real institutional reforms have not taken place. The State of Israel continues to pay the heavy cost of constant terror. Israel must preserve its capability to protect itself and deter its enemies, and we thus retain our

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<sup>63</sup> Key parameters of the Disengagement Plan during and following implementation can be found in Appendix I.

<sup>64</sup> Cabinet Resolutions on the Disengagement Plan. *Israeli Ministry of Foreign Affairs*. Available at <http://www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Revised+Disengagement+Plan+6-June-2004.htm>

right to defend ourselves against terrorism and to take actions against terrorist organizations.

Having reached the conclusion that, for the time being, there exists no Palestinian partner with whom to advance peacefully toward a settlement and since the current impasse is unhelpful to the achievement of our shared goals<sup>65</sup>, I have decided to initiate a process of gradual disengagement with the hope of reducing friction between Israelis and Palestinians. The Disengagement Plan is designed to improve security for Israel and stabilize our political and economic situation. It will enable us to deploy our forces more effectively until such time that conditions in the Palestinian Authority allow for the full implementation of the Roadmap to resume.

Prime Minister Sharon's letter to President Bush mentioned four major factors behind his decision to work towards disengagement from Gaza and northern West Bank:

1) The political impasse caused by the lack of a negotiating partner during the intifada and because of Yassir Arafat; 2) On-going terrorism/lack of security; 3) Israel's economic situation; and 4) the working assumption that in a Final Status Agreement, no Israelis would be living in the Gaza Strip, while large Jewish population centers in the West Bank will remain.

Eight months after the publication of the letter to President Bush, Sharon went further in an address to the annual Herzliya Conference. On December 16, 2004, he introduced a number of other factors, not mentioned in his letter to President Bush:

Disengagement from the Gaza Strip...is uniting us in distinguishing between goals which deserve to be fought for, since they are truly in our souls – such as Jerusalem, the large settlement blocs, the security zones and maintaining Israel's character as a Jewish state – rather than goals where it is clear to all of us that they will not be realized, and that most of the public is not ready, justifiably, to sacrifice so much for.

Israel's international standing has improved immeasurably. The most important accomplishment is the understandings between U.S. President George Bush and me, which provide a new, more stable basis than ever

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<sup>65</sup> The shared goals Sharon referred to here imply the two-state solution of coexistence in peace and security.

before for the strategic understandings between Israel and the United States.

[These understandings] protect Israel's most essential interests: first and foremost, not demanding a return to the '67 borders; allowing Israel to permanently keep large settlement blocs which have high Israeli populations; and the total refusal of allowing Palestinian refugees to return to Israel.

In addition to touching on the lack of political, military, or economic benefit in Jews living specifically in the Gaza Strip and the general Israeli discontent with having to protect the Jewish communities in Gaza, Sharon specifically emphasizes the importance of the Disengagement in addressing the conflict between the demographic situation and the goal of preserving a democratic Jewish state.

Cognizant of the role of the international community and especially the US as an arbiter in the conflict, Sharon also emphasized key objectives of Disengagement with regards to making Israel's case in future negotiations and improving Israel's diplomatic relations. Two such goals of Disengagement were to bolster Israel's hand in maintaining those areas of the West Bank with large Jewish populations and to address the perception that the presence of the IDF and Jewish civilians in the Gaza Strip provides an excuse for Palestinian terrorism. Disengagement also held as an objective the reduction of international pressure on Israel, specifically condemnation of Israel's measures against Palestinian terrorism, while simultaneously putting the onus on the Palestinians to combat terror internally. Finally, Israel wanted to maintain US support and political coordination between the two countries.

Although Prime Minister Sharon's goals mention reducing friction between Israelis and Palestinians, improving both the Israeli and Palestinian economic situations, and a call for Palestinian political reform and a Palestinian end to terror, it is unclear

whether the Disengagement Plan and its objectives will truly address the preconditions to the conflict and combat the actors which carry out terror attacks against Israel. The following two sections will identify major preconditions and actors, and analyze whether the impact of Disengagement upon them will prove beneficial to the resolution of the conflict.

### **Preconditions to the Second Intifada**

Internal wars can come in a variety of categories, such as wars for national liberation, wars for secession fought by communities that have not been well-integrated into the state (as in the case of the Tamils in Sri Lanka), and ideological wars (as in the case of the Sendero Luminoso in Peru).<sup>66</sup> Increasingly more prevalent recently are internal wars where non-state groups seek reform and political change. Such groups therefore challenge, often violently, the state they consider illegitimate.

A unique feature of the Israeli-Palestinian conflict is that it is both characterized by a national liberation movement (Palestinian) that seeks an end to dominion by an external power (Israel) and by an internal competition between an ill-formed state government (Palestinian Authority) and a proliferation of NSAGs ( Hamas, Palestinian Islamic Jihad, etc.) which challenge its legitimacy and authority.

As such, the preconditions to the latest outbreak of violence between Israelis and Palestinians, known as the 2<sup>nd</sup> Intifada or al-Aqsa Intifada, can be organized for analytic purposes into two broad categories: long-term factors resulting from the ideas of self-determination and the conflicting Palestinian and Zionist national movements, and

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<sup>66</sup> Holsti. *State, War, and the State of War*. Chapter 2, p. 21.

recent-term factors resulting primarily from the ineffective establishment of political legitimacy and effective government in the Palestinian Authority.

### *Long-term Determinants*

Both the Palestinian national movement and Zionism are examples of particularistic nationalisms, meaning they are based on ethnic origins (Palestinian Arab) and religious identity (Judaism), which is susceptible to the exclusion of ethnic groups and therefore can lead to violent conflict.<sup>67</sup> Thus, the state of Israel that was established in 1948 following the UN partition plan of 1947 and the resulting war between Jews and Arabs was based on Judaism and opened its arms to Jewish immigration from all over the world, granting full citizenship to any member of the Jewish religion. Although Israel incorporated a number of Arabs that remained within its new borders and granted them citizenship, the Palestinians under Israeli rule since the war of 1967 and the Israeli occupation of Gaza and the West Bank frequently face discriminatory policies that reduce them to second-class citizenship, such as restrictions on movement, administrative detention, and demolition of residential and commercial buildings allegedly for military purposes.<sup>68</sup>

Palestinian nationalism was initially a form of territorial nationalism, based on historical ties to Palestinian land, although many Palestinians now live outside the land they consider their own. Arabs in Palestine at the onset of World War I expected local autonomy and actively rebelled against British control and feared the impact of the Zionist movement. Since the trauma of military defeat in 1948, the establishment of a

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<sup>67</sup> Shultz, "State Disintegration and Armed Conflict: A Framework for Analysis."

<sup>68</sup> B'Tselem. [http://www.btselem.org/English/List\\_of\\_Topics.asp](http://www.btselem.org/English/List_of_Topics.asp)

Jewish state, and the ensuing dispersal and dispossession, Palestinian nationalism has incorporated ethnic and religious dimensions and grown more acute and active, especially with the failure of pan-Arab nationalist movements and the recent rise of Islamicism, the ideology of fomenting revolution in the name of political Islam. Ironically, the occupation of Palestinian territories by Israel has been a key factor in contributing to the development and rise of Palestinian nationalism, particularly as the Palestinians desire for their own realization of self-determination increased.

Zionism, an ethnic Jewish nationalism, arose in late nineteenth-century Europe as part of the nationalist fervor sweeping the continent and in response to widespread anti-Semitism. In 1896, Theodore Herzl published *The Jewish State* and in 1898, the World Zionist Organization officially formed in Basle, signaling the genesis of a movement to create a Jewish national home in biblical Israel, or Palestine, the land that constitutes their historic and religious heritage. Zionism contains both religious and secular dimensions that calls for the restoration of the ancient Jewish state and that understands statehood as the only way to combat anti-Semitism and threats to Jewish existence.

The formation of a cohesive cultural, political, economic and military Jewish nation-state necessarily collided with the nationalism of the Palestinian Arabs. To this day, albeit due to understandable Israeli security concerns, Palestinians cannot qualify for true membership of Israel – complaints range from the inequality of Israeli-Arabs to the lack of movement within Palestinian territories for labor, education, or health care reasons. A recent article highlights the frustration of Gaza students who are prevented by

Israel from studying in the West Bank.<sup>69</sup> Indeed, amongst the security parameters of the Disengagement Plan described in Appendix I, Israel now seeks to completely exclude Palestinian labor from Israel and to completely separate one group from the other. Thus, these processes of inclusion and exclusion within the context of state and civil society relations have been a significant feature of the conflict between Israel and the Palestinians, in particular since 1967. Indeed, ethnic and religious identity has persisted as a prime political force and a cause of violence in the relationship between Israelis and Palestinians.

#### *Impact of Disengagement on Long-term Determinants*

A pessimistic interpretation of Disengagement would claim that at its heart, it represents an effort by Israel to further exclude Palestinians. A major fear of the Palestinians was and still is that “Gaza first is Gaza last,”<sup>70</sup> and much of their diplomatic effort following Disengagement involved convincing the international community that Israel has effectively cordoned off Gazan Palestinians into a huge jail. For example, Palestinian Minister of Civil Affairs Minister Mohammed Dahlan stated to the press that “Israel, till this moment, hasn’t given clear answers to the Palestinian demands on border crossings and the secure road. In case we don’t get any response, the Israeli withdrawal from Gaza will turn the strip into a big prison.”<sup>71</sup> Indeed, Dov Weisglass, one of Prime Minister Sharon’s key advisors, was quoted in an interview as describing Disengagement

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<sup>69</sup> Amira Hass. “Israel still denying Gaza students permits to study in West Bank” *Haaretz*. December 5, 2005. <http://www.haaretzdaily.com/hasen/spages/653591.html>

<sup>70</sup> Mustafa Barghouthi. “Make sure ‘Gaza first’ is not ‘Gaza last’”. *International Herald Tribune*. August 19, 2005. <http://www.ihf.com/articles/2005/08/18/news/edbarghouthi.php>

<sup>71</sup> Saud Abu Ramadan. “Palestinians fear for Gaza’s future after Israeli pullout.” *Xinhua General News Service*. July 25, 2005



as formaldehyde: “It supplies the amount of formaldehyde that’s necessary so that there will not be a political process with the Palestinians.”<sup>72</sup>

However, for such a pessimistic interpretation of Disengagement and separation of the two populations to be true really depends on the actions which follow Disengagement. For example, recent successful efforts by Quartet representative James Wolfensohn and U.S. Secretary of State Condoleezza Rice to open the Rafah border crossing with Egypt and re-establish the convoy system of transport between Gaza and the West Bank<sup>73</sup> suggest that diplomatic progress can be made in order to satisfy Palestinian nationalism without compromising Israeli security, in particular with involvement of the international community. Indeed, whether Disengagement alleviates or aggravates the precondition of conflicting particularistic nationalisms depends on the follow-up work to Disengagement and how truly sovereign the Palestinians will be over Gaza. If Disengagement further isolates and excludes Palestinians, it will have exacerbated this precondition; but if Disengagement is accompanied by policies which allow Palestinians the sovereignty and opportunity to provide themselves with political goods independent of Israeli control but without sacrificing the security of Israelis, then Disengagement will have mitigated this precondition.

#### *Recent-term Determinants*

Kalevi Holsti and others argue that successful states are based on two aspects of legitimacy: shared political principles and a shared definition of political community.<sup>74</sup>

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<sup>72</sup> Ari Shavit. “An Interview with Dov Weisglass, Sharon's Lawyer. He Talks to Condi Rice Every Day.” *Ha'artez*. October 11, 2004.

<sup>73</sup> Steven R. Wesiman and Greg Myre. “Rice Brokers Israeli-Palestinian Agreement on Gaza Passage.” *New York Times*. November 14, 2005.

<sup>74</sup> Kalevi Holsti. *The State, War, and the State of War*. Chapter 5, p. 83.

In this vein, a fundamental, recent-term determinant of the 2<sup>nd</sup> Intifada has been the failure of the Oslo process to establish a legitimate and authoritative Palestinian government. The transition from the PLO to the PA failed to create a government with the capacity to govern effectively, to provide resources to its people, to resolve the conflict with the Israelis and establish sovereignty over Palestinian territory, to have a monopoly over the use of force, or to create a consensus about the nature of the political community.

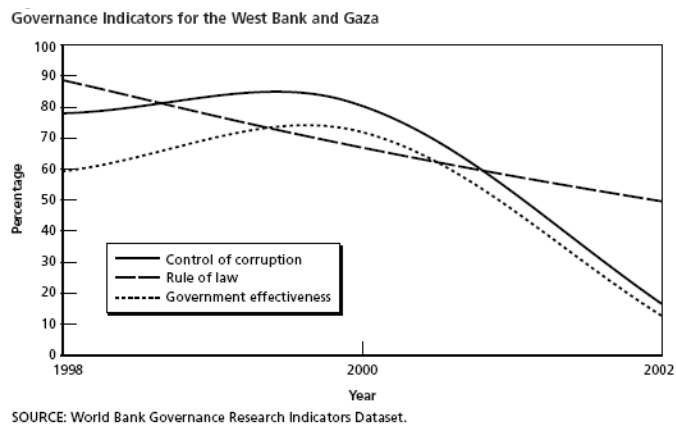
In addition to a set of shared political principles, successful states need a defined geographical space and an institutional structure. By 2000, after nearly a decade of the Oslo process, the Palestinian society was divided over the defining political principles of its future state, did not control and was unable to conclusively define the geography of its future state, nor had effective institutional development or structure.

Holsti's framework for a state's legitimacy illustrates the weakness of the Palestinian Authority. According to Holsti, a state's legitimacy can be divided into two elements: vertical legitimacy, or shared political principles, and horizontal legitimacy, or a shared sense of community. The shared political principles that authorize a government's right to rule are embodied in the state's authority, the consent of the people, and the people's loyalty to the political basis of the state and its institutions. The shared sense of community derives from the extent to which identity groups in the state see themselves as part of the political community. In Palestinian society, a split has emerged between Fatah, the political organization which dominated the PLO and now dominates the PA, and the alternatives to Fatah, a position which has primarily been claimed by Hamas. Although Hamas will be explored in further detail later in this paper,

the following table illustrates nicely the failure of the Oslo process to result in a Palestinian government which has dealt with the issue of effective governance in a legitimate and authoritative way.

			<b>Fatah</b>	<b>Hamas</b>
<i>Vertical Legitimacy</i>	<b>Political Principles</b>	Geography	- 1967 borders	- All of historic Palestine
		Religion	- Secular state	- Islamic state
		Relations with Israel	- Principle of “Historic Compromise” with Israel	- Principle of “Armed struggle” against Israel
			- Can trust Israelis	- Impossible to trust Israelis
		Refugees	- Return to Future Palestine	- Return to Historic Palestine
<i>Horizontal Legitimacy</i>	<b>Sense of Community</b>	Definition of Community Members	- Palestinians Arabs living in historic Palestine (including Diaspora)	- Palestinians Arabs living in historic Palestine (including Diaspora)
		Political Motivation	- Nationalism	- Islamism

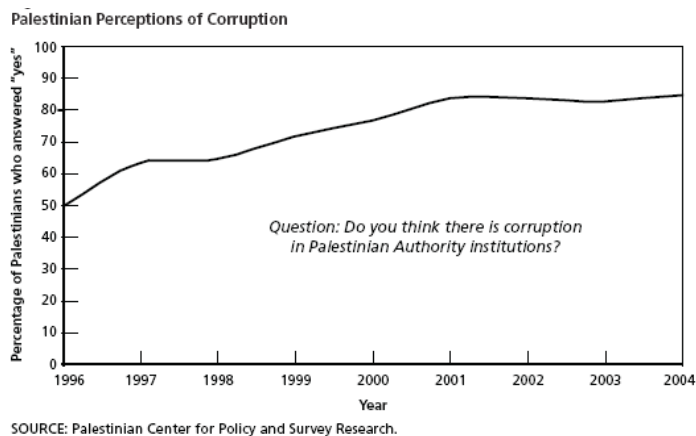
In addition, central to the legitimacy of the Palestinian government is the issue of good governance. According to evidence presented at a recent World Bank conference,<sup>75</sup> the Palestinian Authority’s effectiveness, its ability to control



<sup>75</sup> Douglas Ierley. *Law and Judicial Reform in Post-Conflict Situations: A Case Study of the West Bank Gaza*, World Bank Conference, July 2001, p. 17.

corruption and the viability of the rule of law have each plummeted over the past several years. As the table included here indicates, by 2002 the Palestinian Authority was in the bottom 16 percent of countries worldwide in controlling corruption, among the bottom 12 percent in government effectiveness, and in the bottom 50 percent in the effectiveness of the rule of law.

As the next graph illustrates, the percentage of Palestinians who believe there is significant corruption in Palestinian Authority institutions has increased from



approximately 50 percent in 1996 to 85 percent in 2004.

The Oslo process created executive, legislative, and judicial branches of government in the Palestinian

Authority, but the formation of these institutions was warped, particularly due to an extremely strong office of the Chairman (*ra'is*). While the Palestinian Legislative Council (PLC) has significant powers on paper, in reality it has actually been subservient to the Chairman and his cabinet. Ministries reporting to the executive branch of government became large and influential under the Oslo Accords. They were highly politicized at the top levels, and employment within the ministries served as a principal source of regime patronage. After frustration with Yasir Arafat, a Prime Minister's office was added in 2003 under pressure from the United States as an attempt to diminish the power of Arafat and put Abbas in a position to negotiate with the Israelis. However, this patch proved ineffective.

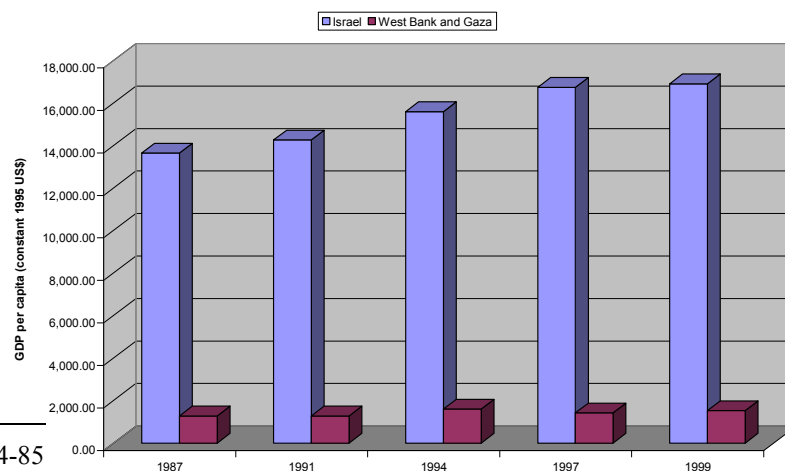
Furthermore, despite great expectations of economic development that surrounded the Oslo process, the economic situation of the Palestinians has actually worsened. In the euphoric aftermath of the signing, the optimistic view of the ensuing proliferation of economic relations envisioned an economic environment based on cooperation and interdependence between Israel and the Arab parties.<sup>76</sup>

The introduction to a report prepared in 1993 by economists from Harvard (Fischer *et al.*) as well as Israel, Jordan and the Palestinian territories expresses well the widespread sentiment of optimism and expectations for economic development in the wake of the political agreements:

With the signing of the Israel-PLO agreement, the international community, the Israelis, and the Jordanians have acquired an enormous stake in the economic success of the Palestinians. The international community jumped into action. Aid pledged at the donors' conference in Washington in early October should ensure that the Palestinians receive at least \$400 million a year in aid for the first few years after the Palestinian Interim Self-Government Authority takes over. The donors are providing funding for technical assistance to help build up Palestinian institutional capacity...It is striking that no less than 66 aid agencies were active in the Occupied Territories in 1992.<sup>77</sup>

The following graph, which compares GDP per capita of Israel to that of the West Bank and Gaza from

1987 to 1999, shows the dramatic divergence between the two economies over the time period from the

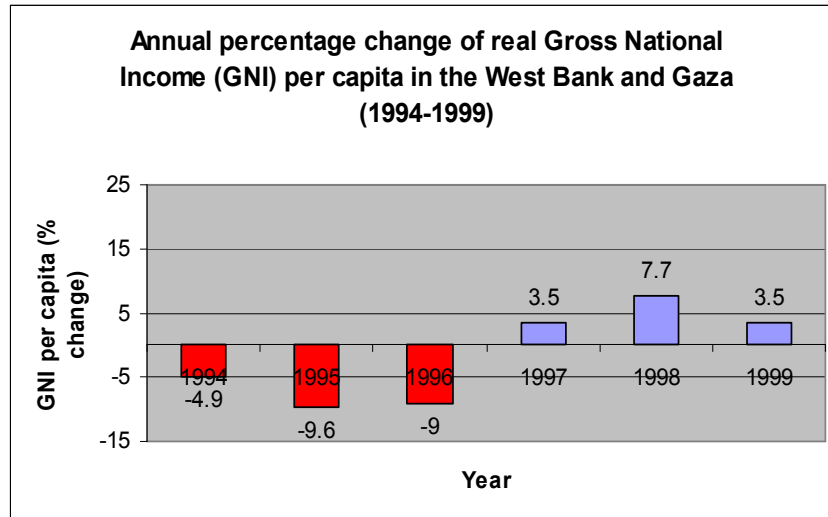


<sup>76</sup> Uri Savir. *The Process*. pp. 84-85

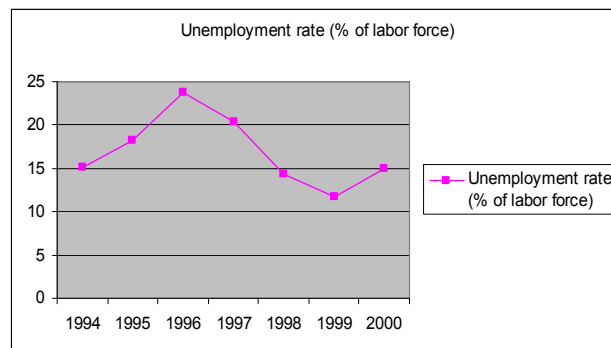
<sup>77</sup> Introduction, page x. Fischer, Stanley et al. *Securing Peace in the Middle East: Project on Economic Transition*. Cambridge, MA: MIT Press, 1994.

first Intifada through the Oslo Accords and up to the eve of the second Intifada.<sup>78</sup>

Furthermore, gross national income (GNI) per capita actually dropped despite the promise of economic development and cooperation with Israel as shown in the chart below.



The increased Israeli control over Palestinian movement and the resulting enclavization of the Palestinian economy contributed to what some economists have referred to as ‘de-development’.<sup>79</sup> For such analysts, the defining feature of the post-Oslo period is border closures resulting in enclavization, the weakening of economic relations between PA and Israel, and a growing division in Palestinian labor market with a damaging pattern of autarky for the Palestinian economy. In addition, the introduction of permits and increased Israeli control over the movement of Palestinian labor into Israel

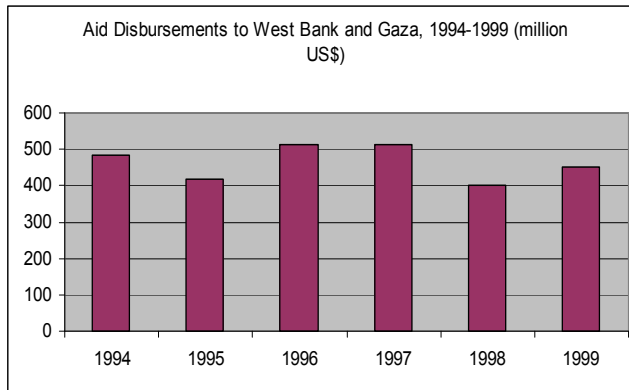


<sup>78</sup> Data from World Bank Development Indicators Database and Israel Central Bureau of Statistics.

<sup>79</sup> Sara Roy. *The Gaza Strip: the Political Economy of De-Development*. p.65

actually reduced the number of Palestinians working in Israel and added to increasing unemployment among Palestinians, as illustrated in the accompanying chart.

In addition to the poorly conceived economic program which actually damaged economic activity, the Oslo process was characterized by a proliferation of misused foreign aid. This period made the Palestinians the world's largest per capita recipients of international aid, getting about \$1 billion for 3.5 million inhabitants, or nearly \$300 per person and a recently proposed aid package would increase that amount by 50 to 100 percent<sup>80</sup>. The following table illustrates that proliferation.



A major criticism of the assistance allocation process is that aid went to budget assistance for the PA as opposed to development agencies or nongovernmental organizations and therefore

contributed to PA bloating and corruption. The Holst Fund, which was the primary conduit for donor support of the PA budget, was set up to be transparent and subject to external audits, but transfers from the Holst Fund freed up PA cash resources that could then be used for other purposes.<sup>81</sup>

Activities such as graft and incompetence alienated many groups in Palestinian society and led to the growth of religious groups like Hamas in opposition to the Fatah elites who were benefiting from the Oslo process. Compounded by the social goods that

<sup>80</sup> Weisman, Steven R. "Donors Consider Large Increase in Aid to Palestinians." *New York Times*. 17 December 2004.

<sup>81</sup> Rex Brynen. *A Very Political Economy: Peacebuilding and Foreign Aid in the West Bank and Gaza*. Washington, D.C.: United States Institute of Peace Press. p. 179

Hamas was distributing and the PA was not, and the fact that radical Islamic groups also see secular governments as inherently corrupt and corrupting, many groups in Palestinian society grew disillusioned with the PA and turned to NSAGs, who will be further explored in the next section of this paper.

### *Impact of Disengagement on Recent-term Determinants*

What impact has Disengagement had or will it have on these recent-term factors of illegitimate and bad governance, economic de-development and widening economic disparities, and the growth of religious groups in opposition to the government? Sharon has presented Disengagement as an opportunity for the Palestinians to prove to the world that they can rule themselves. In a sense, he is correct – governing Gaza presents Abbas with a test – and therefore the impact of Disengagement on this factor of the conflict ultimately lies with how the Palestinians handle this opportunity and how the international community rallies to empower the PA. So far, the PA has appeared weak under Abbas and unable to control Hamas or the other armed groups and establish the rule of law in Gaza. Recent primaries for the Fatah party were disrupted by masked militia-men who fired gun shots at polling stations to scare potential voters and burned ballot boxes.<sup>82</sup>

Opinion polls consistently show that a Palestinian state's legitimacy in the eyes of most Palestinians will be based fundamentally on the size and contiguity of the lands of a new Palestinian state and the nature of its presence in Jerusalem. A new Palestinian state is likely to be seen as more legitimate in the eyes its people the more closely its borders

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<sup>82</sup> Steven Erlanger. "Gunfire, Fraud and a Stolen Lion: In Gaza Voting, Chaos Wins." *New York Times*. November 29, 2005.



follow the 1967 Green Line, the more contiguous those lands are including a connection between the West Bank and Gaza, and the more credible its presence in Jerusalem.<sup>83</sup>

Thus, Disengagement is seen as a first step on the way to the West Bank – in and of itself, a good step, albeit an incomplete one. As emphasized earlier, should Gaza first become Gaza last, however, Disengagement would likely have the impact of exacerbating the conflict. However, political reform should precede the prospect of a permanent status agreement, as emphasized by Dennis Ross.<sup>84</sup>

“There is simply no way a new Palestinian leadership, even one elected by the Palestinian people, can in the near term make concessions on the existential issues of Jerusalem, borders, and refugees; no agreement is possible without such concessions by both sides. The PA’s leaders must first establish their authority by demonstrating their effectiveness. They need to show the people that their government is capable of ending corruption, establishing the rule of law, and obtaining freedom of movement and freedom from Israeli military intervention for its citizens – and especially of helping coordinate Israel’s disengagement from Gaza.”

The Palestinian Authority must shed the image of graft and corruption it has obtained through the course of the Oslo Process. Following the death of Arafat, the democratic process has performed remarkably well, with successful Presidential and municipal elections. Abbas has also tried to restock Fatah with candidates who are not perceived as “old guard” and Arafat loyalists, but instead are perceived as technocrats and reformers. But to truly make progress, Abbas must reform the dysfunctional institutions of the PA, by strengthening the PLC and the judicial system, and by uniting

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<sup>83</sup> RAND Corporation. *Building a Successful Palestinian State*.

<sup>84</sup> Dennis Ross. “Finding the Lost Peace.” *The National Interest*. Number 81, Fall 2005.

and reforming the PA security services.<sup>85</sup> Perhaps the US has a role in offering financial incentives for political reform and institutional liberalization.<sup>86</sup>

Concerning economic development, Disengagement has also provided the Palestinians with an opportunity. The greenhouses of Gaza which were purchased from the Israeli settlers by USAID and donated to the Palestinians have just produced their first harvest. However, once again, significant challenges to Palestinian economic development lie ahead and depend on the ability of the parties to reach agreement, such as the creation of a permanent infrastructural link between Gaza and the West Bank, the construction of a Gaza seaport, and the re-construction of the Gaza airport. Furthermore, common currency and customs envelope issues which have contributed the Palestinian economic hardships need to be resolved. It is likely that international involvement, such as that which successfully resulted in the opening of the Rafah crossing mentioned earlier, will be necessary to implement such follow-up steps to Disengagement to mitigate the recent-term precondition of gross economic decline.

Finally, it is greatly feared within Israel that Disengagement has empowered Hamas. Hamas tried very hard to claim credit for the Disengagement as a victory for the “Armed Struggle” that was predominantly led by Hamas. According to opinion polls, their campaigning for responsibility has been somewhat successful.<sup>87</sup> Hamas won a stunning electoral majority in legislative elections for the PLC in January 2006, but it still remains to be seen how Hamas will interact in the conflict with its newfound political

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<sup>85</sup> Strategic Assessments Initiative. *Planning Considerations for International Involvement in the Palestinian Security Sector*. July 2005. International Transition Assistance Group.

<sup>86</sup> Steven A. Cook. “The Right Way to Promote Arab Reform.” *Foreign Affairs*, March/April 2005.

<sup>87</sup> Khalil Shikaki. “PSR Opinion Poll No. 17.” Palestine Center for Policy and Survey Research. September 9, 2005.

power, but the *tahdia* ('calming') that Abbas negotiated with Hamas following his own election in January 2005 has already expired and tensions, such as the Jericho jail raid in March 2006, appears to be rising on the horizon. Many Israelis fear the possible takeover of Gaza by Hamas, a group supposedly committed to the destruction of Israel, and Sharon and his successor as Kadima party leader, Ehud Olmert, have been criticized by right-wingers in Israel for setting up what may potentially become a 'Hamastan' in Israel's backyard.

### **Assessment**

Israel's Disengagement from Gaza was truly a momentous and historic occasion, but despite general international impression that it was a success, it was a policy whose impact is still not fully known. Much of what could indicate Disengagement's success in alleviating the preconditions of the Israeli-Palestinian conflict and engaging the Palestinian militant groups depends on the policies that will follow it, from almost all of the players involved, including the international community.

Indeed, it is crucial that Disengagement be an opportunity for reform in the Palestinian Authority in order to establish good governance, legitimacy, and restore Palestinian public confidence in the PA. Hand in hand with political reform must go economic development and in both of these areas, the US and Israel can adopt policies which will contribute to progress. Given that a significant amount of the provisions in the Disengagement Plan maintain Israeli control over certain aspects of Palestinian sovereignty and that a Palestinian government will be illegitimate with its people unless it is sovereign over the territory of Gaza and the West Bank, it is important that Israel continue to make territorial concessions and economic tradeoffs in exchange for the

reform of the Palestinian security sector and attempts to reign in extremist violence. Indeed, the deterioration of Gaza into chaos following the Disengagement has convinced many Israelis further that Abbas and the PA would not be able to impose the order required to uphold its end of any peace deal and therefore further confirmed for them the need for other unilateral measures.

The Disengagement Plan, for all the controversy surrounding it prior to its implementation and all the accolades it received following implementation, represents perhaps the single positive achievement of the past five years of internal conflict. While much remains to be seen, the unilateral Disengagement from the Gaza Strip and northern West Bank is perhaps a first step in what could potentially be a process that will effectively address the root causes of the conflict. Compared to an immobile status quo with sporadic, but certain terror attacks, further unilateral withdrawals from the West Bank may also not serve as permanent solutions but at least as movements in some positive direction.

## **Appendix I**

### *Key Parameters of the Plan*

A major component of the Disengagement Plan was to remove all civilian Israeli presence from the Gaza Strip and a small part of the northern West Bank and relocate them to other areas. The Gaza Strip contained 21 civilian Israeli settlements, and the area evacuated in the West Bank contained four. About 9000 Israeli residents within Gaza were given until the night of Tuesday August 16, 2005 to leave the area or face eviction. Buildings, primarily civilian, were generally demolished by the IDF before the final disengagement but Palestinian companies were paid to remove the rubble. The exceptions were cemeteries which were relocated along with a number of synagogues, although some synagogues were left behind, and greenhouses which were purchased from the settlers by American Jews and left for the Palestinians to use.

These areas also contained numerous IDF installations and thus the military component of the Plan included removal of all IDF outposts and installations from the Gaza Strip and in northern Samaria, subsequent to the completion of the civilian relocation.

In addition, the plan contained elements concerning infrastructure and movement. Infrastructure, such as water, sewerage, electricity, and telecommunications, was all left in place. The plan called for improvement of the West Bank transportation infrastructure and a connection to the Gaza Strip and finally, a reduction in the number of checkpoints throughout the entire West Bank.

### *Security Provisions Following Disengagement*

In addition to the parameters outlined above, the Disengagement Plan also included a number of security provisions to follow the evacuation. These can be summarized as policies based upon the twin principles of maximum separation and maximum Israeli control.

Primary among the provisions is the creation of an electronically smart perimeter inside Israel (i.e., continue construction of the security fence around the West Bank and Gaza Strip). This also included continued Israeli presence along the Philadelphia Route until a suitable security arrangement was worked out later.

A significant amount of the provisions maintain Israeli control over certain aspects of Palestinian sovereignty. Although plans exist to rebuild the Gaza Airport and Seaport, according to the Disengagement Plan, they are to remain closed until Israel leaves Philadelphia Route and probably pending official Israeli approval. Israel would retain continued exclusive authority over Gazan air space, a continued naval presence in coastal waters, and Israeli control of entry for foreign security personnel or advisors. Gaza will also remain dependent on Israeli water, communication, electricity, and sewage networks<sup>88</sup>; existing customs arrangements with Israel — whereby imports from Israel to Gaza are not taxed, exports from Gaza to Israel are taxed, and Israel collects customs duties on foreign products entering Gaza — will remain in force and the Israeli currency will continue to be used.<sup>89</sup>

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<sup>88</sup> “Israel will continue, for full price, to supply electricity, water, gas and petrol to the Palestinians, in accordance with current arrangements.” Article 8 - Civil Infrastructure and Arrangements.

<sup>89</sup> Article 10 – Economic Arrangements

However, a few of the provisions also call for international involvement instead of Israeli for certain aspects of movement in and out of Gaza. The Disengagement Plan called for continued international passage between Gaza Strip and Egypt, but not necessarily under Israeli control. Also according to the Plan, Egypt will control Gaza's Egyptian border.

Finally, despite the extensive focus on security, the Plan also included provisions calling for easing Palestinian movement. The Plan included construction of new crossing points on the Gaza Strip perimeter to allow Palestinian workers and merchandise to continue to enter Israel, after passing through security, and the maintenance of the Erez Crossing point from northern Gaza Strip. It would be transferred to a new facility, just inside Israeli territory.

#### *Diplomatic Policies Associated with Disengagement*

Israel's primary demand vis-à-vis the Palestinians is that they cease carrying out terror attacks. Indeed, central to the debate surrounding Disengagement was whether or not the Disengagement Plan would be successful in encouraging this objective or if it was a territorial concession rewarding and encouraging terrorists. Thus, a major diplomatic component of Disengagement was continued insistence by Israel that the Palestinian Authority collect all unauthorized and illegal weapons in the Gaza Strip, in accordance with previously signed agreements.

Furthermore, Israel asserted its right to take preventive and reactive military action in the Gaza Strip and West Bank in response to terror activity or in an attempt to disrupt terror infrastructure or networks. Despite this nod to unilateralism, Israel still

pledged to seek coordination with Palestinian Authority on related issues, possibly with the involvement of foreign advisors.

In tandem with Israel's new policy to prevent Palestinian laborers from working in Israel, the Disengagement Plan also encouraged developing the Palestinian economy so Palestinian workers would not need to seek work in Israel. In particular, it called for the re-opening of the Erez Industrial Zone, under the caveat that security can be coordinated between Israel and the PA.

Finally, as mentioned above, a key objective of Disengagement was to relieve international pressure on Israel, which had built up to do closures, checkpoints and the construction of the security fence, and focus it instead on the Palestinians and their terror activity. Thus, a critical component of the diplomatic policies incorporated into the Disengagement Plan was to address the international community for their support for Disengagement.





## CHAPTER 4 – CASE STUDY: HAMAS

In order to understand the impact of unilateralism on the Israeli-Palestinian conflict, it is essential to understand the other actors in the Palestinian side that challenged the peace process and now are a growing challenge to the Palestinian Authority. Arafat's decision in 1992 to engage in peace negotiations with Israel opened a significant rift within the PLO. At least ten Palestinian organizations with military, paramilitary, or terrorist elements rejected the peace process at its inception and declared themselves part of the "opposition front" at a meeting in Damascus in September 1992.<sup>90</sup> The list of rejectionist groups, included below, included a mix of Islamic and secular groups, paramilitary and political, locally and regionally sponsored. The membership and strength of the myriad organizations is almost impossible to estimate accurately, and while many have carried out terrorist and resistance types of activities in the conflict, some are merely little more than political tools or ideological sinecures. Of these NSAGs, the most important is Hamas which will be examined in closer detail below.

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<sup>90</sup> Anthony H. Cordesman, *Escalating to Nowhere: The Israeli-Palestinian War—The Palestinian Factions that Challenge Peace and the Palestinian Authority*. Center for Strategic and International Studies. March 4, 2005.

<b>Palestinian Rejectionist Non-State Armed Groups</b>	
<i>NSAG</i>	<i>Military and Paramilitary Strength</i>
Palestinian Islamic Jihad (PIJ)	350 men in various factions, led by Assad Bayud al-Tamimi, Fathi Shakaki, Ibrahim Odeh, Ahmad Muhana, and others, based in the West Bank and Gaza.
Hamas - Izz Al-Din Al-Qassam Battalions	Military wing of about 300 men, based in the West Bank and Gaza. Established by Zaccaria Walid Akel in 1991, as terrorist squads assigned to kidnapping and executing people, and gathering intelligence.
As-Saiqa	600-1,000 men in pro-Syrian force under Issam al-Qadi, based in Syria.
Fatah Revolutionary Council / Abu Nidal Organization	400 men plus dozens of militia men in the Palestinian refugee camps in Lebanon led by Abu Nidal (Sabri al-Bana), based in Lebanon, Syria, and Iraq.
Popular Front for the Liberation of Palestine - General Command	600 men led by Ahmad Jibril, a former captain in the Syrian Army, headquartered in Damascus with bases in Lebanon.
Popular Front for the Liberation of Palestine - Special Command	50-100 men led by Abu Muhammad (Salim Abu Salem).
Palestine Liberation Army	4,500 men, based in Syria.
Fatah Intifada	400-1,000 men led by Said Musa Muragha (Abu Musa). Based in Syria and Lebanon.
Source: Adapted from U.S. Department of State, "Patterns of Global Terrorism, 1998," Washington, GPO, April 1999; "Patterns of Global Terrorism, 2000," Washington, GPO, April 2001; IISS, Military Balance, 1998-1999 and 1999-2000; Anthony H. Cordesman, <i>Escalating to Nowhere: The Israeli-Palestinian War—The Palestinian Factions that Challenge Peace and the Palestinian Authority</i> , 3/4/2005.	

These organizations are examples of Non-State Armed Groups (NSAGs), whose growing salience and power in internal conflicts throughout the world represent a new and significant security threat.<sup>91</sup> Hamas is an excellent example of a NSAG that challenges the authority, power and legitimacy of the state, in this case the Palestinian Authority. Hamas attempts to do so by positioning itself as an alternative to Fatah, while attempting to manipulate or weaken the PA through the use of violence.

<sup>91</sup> Shultz, Farah, Lochar. *Armed Groups: A Tier-One Security Priority*. Consortium for the Study of Intelligence. p.12

These organizations, representative of many NSAGs, use violence and force and do so in unconventional, asymmetric and indiscriminate ways. Hamas maintains a political wing that may for tactical reasons eschew violence temporarily as in the recent *tahdia* negotiated in the Cairo Agreement, while clandestinely maintaining a military wing, the Izz Al-Din Al-Qassam Brigades, which instrumentally uses violence to achieve political objectives. The leaders of Hamas believe in the effectiveness of violence to achieve their objectives; recently Khaled Mashaal rejected U.S. calls for Hamas to disarm and join the political process, saying “The resistance must go hand in hand with political work”.<sup>92</sup>

### **Background on Hamas**

Hamas is the largest, most well-structured Palestinian NSAG and is considered the principal Islamist faction in the Palestinian Territories. Its name is an acronym for Harakat Al-Muqawwama Al-Islamia (Islamic Resistance Movement) and also means ‘zeal’ or ‘courage and bravery.’ Hamas’ foremost objective is a *jihad* for the liberation of Palestine and the establishment of an Islamic Palestine “from the Mediterranean Sea to the Jordan River.”<sup>93</sup> Hamas is the most politically powerful of the Palestinian militant factions, affecting the decisions of both the Israeli government and the PA.

Hamas is a violent outgrowth of the Muslim Brotherhood, a Sunni, Islamist, religious movement that originated in Egypt and seeks broad social, moral, and political reforms based upon Islam. Hamas’s founder and spiritual

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<sup>92</sup> Albert Aji. “Hamas leader says his group won't renew truce with Israel, won't disarm.” *Associated Press*. November 30, 2005.

<sup>93</sup> Hamas Charter, Articles 1 to 36. Available from <http://www.yale.edu/lawweb/avalon/mideast/hamas.htm>

leader, Sheikh Ahmed Yassin, was running an umbrella organization overseeing Muslim Brotherhood activities in the Gaza Strip which grew into Hamas during the early stages of the 1<sup>st</sup> Intifada. Formed in early 1987 in Gaza, with Yassin openly espousing violence against Israel, members began actively promoting the uprising. Hamas then expanded its activity into the West Bank, becoming the dominant Islamic fundamentalist organization in the West and Gaza.<sup>94</sup>

### *Leadership*

Hamas' structure comprises political, social and military wings. The latter includes the Izz ad-Din al-Qassam Brigade and an intelligence apparatus that is responsible for attacks against Israeli targets and collaborators.

Israel has implemented its policy of "targeted killings" of Palestinian leaders in response to violence attributed to Hamas – including most prominently the assassinations of Sheik Yassin on March 22, 2004 and Abdel Aziz Rantisi on April 17, 2004.

Hamas' current leadership is distributed among West Bank leader Hassan Yousef, Gaza leader Mahmoud Zahar and the leadership abroad (Khaled Mashaal and Muhammad Nizal). Although the leadership recently decided to join the official Palestinian political system and negotiate a new political framework with Fatah, some elements within Hamas remain staunchly opposed to the PA.

### *Rank and file membership*

As indicated earlier in this paper, Hamas's base of supporters has grown as a result of public disappointment with the performance PA. A number of voters in the

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<sup>94</sup> MIPT Terrorism Knowledge Base. RAND Corporation. <http://www.tkb.org/Group.jsp?groupID=49>

recent local elections claimed they had given their votes to Hamas due to frequent allegations of PA corruption.<sup>95</sup> Hamas's appeal lies in both ideological elements who regard themselves as engaged in legitimate resistance to occupation and disenfranchisement with the PA and a desire for technically qualified and uncorrupted leadership.

Furthermore, since its inception, Hamas has mobilized strong popular support through a network of welfare, medical, social, cultural and education services (known as the *dawa* network). Following Disengagement, Gaza leader Mahmoud Zahar claimed that Gaza should become a 'Hamastan': "It should be Hamastan. Why not? We are not corrupt. We are serving the poorer classes. We are defending our land. It should be Hamastan!"<sup>96</sup> Hamas, like many other terrorist organizations, is able to conceal its activities behind such charitable, social, and political fronts. Hamas's infrastructure of social-welfare institutions, the backbone of its proselytizing efforts, generates both popular support for the organization and logistical support for its terrorist attacks.

#### *Organizational structure and functions*

Hamas evolved as a loosely structured organization, with some elements working clandestinely, while others worked openly through mosques and social service institutions to recruit members, raise money, organize activities, and distribute propaganda.

Hamas has a well-organized fundraising apparatus in Gaza, the West Bank, and Jordan, as well as outside the region. According to the International Policy Institute for

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<sup>95</sup> Joshua Mitnick. "Young guard rises in Palestinian politics." *Christian Science Monitor*. November 29, 2005.

<sup>96</sup> Kevin Peraino. "In Praise of 'Hamastan'." *Newsweek*. September 5, 2005.

Counter-Terrorism (ICT) in Herzilya, it also received considerable financial support from unofficial Saudi Arabian channels, the Iranian government, and other Gulf States. ICT estimates Hamas' total yearly budget to be tens of millions of dollars.<sup>97</sup>

*Ideology/political code of beliefs and objectives*

According to its Charter, its agenda was initially based on two objectives: the liberation of Palestine and the Islamization of the Palestinian Territory. Hamas' official, stated objectives are outlined in its charter. According to the Charter, Hamas' primary enemies are Jews, in particular the Zionists of Israel, as described in Article 7 of the Charter.<sup>98</sup>

“If obstacles, placed by those who are the lackeys of Zionism in the way of the fighters obstructed the continuation of the struggle, the Islamic Resistance Movement aspires to the realization of Allah's promise, no matter how long that should take.”

“The Day of Judgment will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdulla, there is a Jew behind me, come and kill him. Only the Gharkad tree, (evidently a certain kind of tree) would not do that because it is one of the trees of the Jews.”

Furthermore, Hamas explicitly states its objectives in Article 9 of the Charter:

“As for the objectives: They are the fighting against the false, defeating it and vanquishing it so that justice could prevail, homelands be retrieved and from its mosques would the voice of the mu'azen emerge declaring the establishment of the state of Islam, so that people and things would return each to their right places and Allah is our helper.”

However, on March 17, 2005, Hamas officially endorsed a political course of action by subscribing to the Cairo Agreement. The Cairo Declaration proclaimed, among

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<sup>97</sup> Yoni Fighele. “Saudi Arabia Confronts Bin Laden Supporters.” September 25, 2003. <http://www.ict.org.il/articles/articledet.cfm?articleid=498>

<sup>98</sup> Hamas Charter. Available from <http://www.yale.edu/lawweb/avalon/mideast/hamas.htm>

other points, a 'period of calm' ('*tahdia*'). Hamas agreed to suspend its military operations against Israel until the end of 2005, but only as long as there remains a cessation of Israeli violence and noticeable progress towards Palestinian political reform, which at the time primarily meant Fatah sharing political power with Hamas by restructuring the PLC to grant Hamas a 40 percent quota of seats. On occasion Hamas has threatened to break the Cairo agreement if the PA does not follow through on political moves which benefit Hamas, as in the case of the delayed municipal elections in the early summer 2005: "According to Hamas Spokesman Sami Abu-Zahra, a decision to postpone the elections will force the Hamas Movement to reconsider its position on the cease-fire and calming-down agreement."<sup>99</sup>

Therefore, in addition to its ideological objectives, Hamas clearly has its sights set on political power. Hamas has already established itself as part of the political system through its electoral victories in the first two stages of the Palestinian local elections. In the new village and municipal councils, Hamas has been represented by influential, well educated and articulate technocrats calling for political reform and an end to graft and corruption in government.

### *Strategy and tactics*

Hamas has employed a variety of unconventional tactics, ranging from mass demonstrations and graffiti to roadside murders and suicide bombings.<sup>100</sup> More recently,

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<sup>99</sup> Ashraf al-Ajrami. "Postponement of the legislative elections: the prohibited threats." *Al-Ayyam*. April 18, 2005.

<sup>100</sup> Gal Luft. "The Palestinian H-Bomb: Terror's Winning Strategy." *Foreign Affairs*. July/August 2002.



Hamas has engaged in gun battles with the PA and launching Qassam rockets into villages in Israel.

In the first weeks of the 2<sup>nd</sup> Intifada, Hamas' activities consisted primarily of demonstrations and rallies, confined for the most part to the Gaza Strip. The largest of these initial rallies was in the Gaza refugee camp of Jebaliya on October 27, 2000. An estimated 10,000 Hamas supporters attended, reportedly led by masked men wearing white t-shirts reading "The martyrs of al-Qassam."<sup>101</sup>

Hamas became more active in November 2000, with the first of a series of car and roadside bombs. On November 22, a powerful car bomb detonated in the northern Israeli town of Hadera, killing one and wounding 20.

As previously stated, Hamas had employed suicide bombings throughout the Oslo peace process. On March 4, 2001, Hamas unleashed its first suicide bomber since the start of the war, killing three Israelis in Netanya and injured dozens of others. Hamas' use of suicide bombings has since become one of the defining characteristics of the 2<sup>nd</sup> Intifada and the Israeli-Palestinian conflict in general.<sup>102</sup>



<sup>101</sup> Anthony H. Cordesman, *Escalating to Nowhere: The Israeli-Palestinian War—The Palestinian Factions that Challenge Peace and the Palestinian Authority*, 3/4/2005.

<sup>102</sup> "Hamas Suicide Attack Against an Israeli Bus in Jerusalem" US State Dept.  
<http://www.tkb.org/ImageDetail.jsp?id=1355>

Hamas has, however, demonstrated a great deal of pragmatism in when it carries out its attacks and how severe the attacks are. For example, Hamas is currently abiding to a large extent by the *tahdia* negotiated by Abbas. Hamas may also alter the type of attacks based on how serious it believes the risk of retaliation to be. For a further analysis of the dynamic nature of Hamas' terror attacks, please see Appendix III.

Furthermore, Hamas employs the tactics of radicalization and recruitment at Palestinian universities through the student organization *Kutla Islamiya* (Islamic Bloc). In particular, many committed Hamas members willing to sacrifice their lives in terrorist attacks have emerged from al-Najah University in Nablus.<sup>103</sup> This active incitement to terrorist activity among students demonstrates the crossover between the military, political, and social elements of the Hamas infrastructure and that until the PA is able to compete effectively with Hamas in the battle for the trust and loyalty of Palestinian youth, many students will continue to express their social and political frustrations through violence.

Finally, Hamas may be pursuing unconventional methods to increase the lethality of its terrorist attacks. The conviction of Hamas terror mastermind Abbas al-Sayyid revealed that the March 27, 2002 suicide bomb attack at the Park Hotel in Netanya included an acquisition of cyanide, although the poison was not ultimately used.<sup>104</sup>

*Linkages with other state and non-state actors.*

The MIPT Terror Knowledge Base lists as rivals and allies of Hamas the following groups: Asbat al-Ansar, Democratic Front for the Liberation of Palestine

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<sup>103</sup> Jamie Chosak and Julie Sawyer. "Hamas's Tactics: Lessons from Recent Attacks". *PeaceWatch* #522. Washington Institute. October 19, 2005.

<sup>104</sup> Ibid.

(DFLP), Palestinian Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine (PFLP), and al-Fatah. It also lists the Jenin Martyrs' Brigade as a faction of Hamas and recognizes shared members with Popular Resistance Committees.<sup>105</sup> The membership of these groups coincides and overlaps, even as the groups compete for attention of the Palestinian audience and influence in the Palestinian government.

In addition to its origins from Egypt's Muslim Brotherhood, Hamas also allies itself with Hezbollah and receives state sponsorship from Iran in addition to remittances from other Arab individuals, according to MIPT TKB.<sup>106</sup>

### **Impact of Disengagement on Hamas**

By coincidence, Hamas' political goals were aligned with Israel's intention to disengage. Hamas continually argues that Israel will not leave Palestinian territory except under military pressure and therefore was in a position to claim that it was violent struggle against Israel which caused the Disengagement. In an interview with Mahmud al-Zahhar "During the occupation, our aim was liberation, and the resistance is the means to realize that. Now we are in the phase of removing the occupation."<sup>107</sup>

Hamas has tried to portray Disengagement as a military victory for Hamas in other ways as well. Days after Disengagement, five founding Hamas members made a rare group appearance in a Gaza restaurant to assert their right to continue the armed campaign. "Our land, including Jerusalem, is still occupied, the refugees are still deported, the wall and the settlements are still eating more of our land," said one leader,

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<sup>105</sup> "Hamas – Related Groups." MIPT Terrorism Knowledge Base, RAND Corporation. <http://www.tkb.org/MoreRelatedGroups.jsp?groupID=49>

<sup>106</sup> Ibid.

<sup>107</sup> Abd-al-Salam Abu-Nada. "Hamas Official al-Zahhar Interviewed, Rejects Talks with Israel" Palestine Satellite Television. BBC Monitoring International Reports.

Ismail Haniya. In Beirut, Khaled Mashaal declared, “The resistance and the steadfastness of our people forced the Zionists to withdraw. The armed struggle is the only strategy that Hamas possesses. As long as Palestinian lands remain under occupation, Hamas won't lay down its weapons.”<sup>108</sup>

Hamas supporters prepared 100,000 green flags to celebrate the “victory” for Hamas during a rally following Disengagement in a sea of Hamas green. Hamas gunmen parade in Gaza as a show of force and to show that, like the PA, it is now a legitimate elected authority whose patrols protect Gaza.<sup>109</sup> In addition, data from a poll conducted by Khalil Shikaki of the Palestinian Center for Policy and Survey Research immediately prior to the Israeli Disengagement from Gaza in August 2005,<sup>110</sup> shows that many Palestinians do credit Hamas with military victory against Israel leading to the Disengagement. Despite the fact that only 37 percent of Palestinians polled support a suicide attack that took place in Beer Sheva in early August 2005 and that 73 percent support the creation of a Palestinian state along the 1967 borders that would start in the Gaza Strip and gradually extends to the West Bank as opposed to a state on *all* of British mandatory Palestine as called for by Hamas, 84 percent view Israeli withdrawal from the Gaza Strip as victory for armed resistance and 40 percent give Hamas most of the credit for that achievement.

Hamas positioned itself to challenge PA authority in the Gaza Strip following Disengagement. Hamas supporters have recently clashed with the PA security forces in

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<sup>108</sup> Con Coughlin, “Hamas claims evacuation is victory for the suicide bombers.” Sunday Telegraph (London). August 21, 2005.

<sup>109</sup> “Hamas gunmen parade in Gaza.” *Yediot Aharonot*. <http://www.ynetnews.com/articles/0,7340,L-3144122,00.html>

<sup>110</sup> Khalil Shikaki. “PSR Opinion Poll No. 17.” Palestine Center for Policy and Survey Research. September 9, 2005.

the Gaza Strip, but generally appear to have responded positively to Egyptian mediation and avoided further escalation. In addition, the extent to which Hamas ensured a smooth disengagement process demonstrated its willingness and ability to control and curb the extremists when it is in its interest. However, the recent disruption of the PA primary elections indicates that a lack of progress on political reform from Hamas's perspective, in the context of strong popular support for Hamas, could result in a deterioration of relations with Fatah and instigate a severe confrontation between the PA security forces and Hamas' militants.

One of the most important issues moving forward is the disarmament of Hamas. Up to now, Abbas and the PA have adopted a policy of non-confrontation and, at this point, have chosen not to confront and disarm Hamas and, in fact, probably do not possess the capacity to do so. Hamas has continually refused to relinquish its weapons. "Hamas remains committed to the choice of resistance as a strategic choice. Hamas remains committed to its military wing and its right to possess weapons," said Ismail Haniyye. "Hamas rejects the idea of allowing any single party to monopolize the decision-making process."<sup>111</sup> Thus, the question of Hamas obtaining serious political power in the upcoming legislative elections in January without abandoning its military capability is a significant prospect for both the PA and Israel.

As with other aspects of Disengagement, its long term impact on Hamas will depend significantly on the steps that follow. A long interim period in which Israel consolidates its control over those Palestinian areas it intends to keep and Hamas consolidates its control through the democratic process in Palestinian areas allows both

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<sup>111</sup> Ibrahim Barzak. "In show of force, Hamas leaders vow to fight on after Israel's Gaza pullout." Associated Press. August 13, 2005.

sides to maintain their ideological ‘purity’ while avoiding negotiations and maximizing gains. However, it is possible that after a period of consolidation on both sides, hostilities could resume. Some analysts see this outcome as inevitable: researchers from the Jaffee Center for Strategic Studies write that “After the disengagement, terrorism’s center of gravity will shift to the West Bank and target the settlements, while Gaza will serve as a rear echelon and support base for this activity.”<sup>112</sup>

For others, such a worst-case scenario demands the involvement of the international community, and in particular, the US. The *Economist* wrote that “the day after Mr. Sharon pulls out must be the day that Mr. Bush steps in.”<sup>113</sup> Although it is unclear that the work of General William “Tip” Ward in reforming the Palestinian security services is making much progress, the recent pressure by Condoleezza Rice which resulted in the opening of the Rafah crossing and the re-establishment of the Gaza-West Bank convoy system indicates that under US pressure, the parties can make progress, albeit slowly. In addition to reform of the security sector, the US could involve itself in empowering the PA to deliver the basic social services such as education and health care that Hamas and UNRWA are now providing.

Khalil Shikaki warned that if Hamas succeeds in writing the narrative of disengagement, support among Palestinian will shift towards the radical group and it could score a significant electoral victory in January. “In the context of such a Hamas victory a PA attempt to disarm Hamas, and indeed to turn Gaza into a success story after

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<sup>112</sup> Dalia Tal. “Jaffee Center: Terrorism will shift to West Bank.” *Strategic Assessment*. August 11, 2005. “The Palestinian Authority’s inability to control events will enable Hamas to emerge as the main beneficiary of disengagement.”

<sup>113</sup> “Disengagement completed.” *Economist*. August 23, 2005. Available from [http://www.economist.com/agenda/displayStory.cfm?story\\_id=4313548](http://www.economist.com/agenda/displayStory.cfm?story_id=4313548)

elections, is doomed to fail. In this case the Palestinians will fail to address the one issue that has proven most impossible to resolve during the last four years of Yasir Arafat's era: to effectively deal, once and for all, with the question of the role of violence in their relationship with Israel.”<sup>114</sup> Shikaki thus urges cooperation between Israel and the PA and further policies designed to moderate the Palestinian public.

Although Israel has attempted to exclude Hamas from the political process, it may be wise to let the political process run its course in the Palestinian territories with Hamas as a participant. Polls suggest that despite Hamas's popularity in Gaza, it would not win a legislative majority. Therefore, it may be in the best interest of both Israel and the PA not to marginalize Hamas, but to incorporate it and invest it into the political process. A Palestinian intellectual, Ghassan Khatib, emphasizes nicely the message that inclusion meets progress.<sup>115</sup>

In addition to widening the representation of Palestinian political and social trends in the body politic, this will also automatically involve a commitment and adherence by these opposition groups to democratic parameters; i.e., the abidance of the minority to the rule of the majority, respect for law and order as embodied by the political system, and the acceptance of the laws and international commitments of the PA.

Palestinians have proven themselves to be serious about democracy and now perhaps is the time for the Palestinians to accomplish their goals through democratic and non-violent means. Israeli policies following Disengagement must arouse and kindle that incentive by facilitating that electoral process rather than blocking it.

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<sup>114</sup> Khalil Shikaki. “How Sharon and Abbas Can Win.” UPI Outside View. August 19, 2005.

<sup>115</sup> “Israel, Hamas, and the Palestinian Elections.” *Bitterlemons.org*. Edition 35. September 26, 2005. Available from <http://www.bitterlemons.org/previous/bl260905ed35.html>

### **Israel's dilemma in response to Hamas' election to the PLC**

Hamas's recent sweeping electoral victory on January 25th, which saw the Islamic fundamentalist party win 74 of the 132 seats in the Palestinian Legislative Council, stunned everyone, including Israel. Despite mounting world pressure a week after its election victory to relinquish its weapons and recognize Israel, Hamas leaders have remained defiant about maintaining its military wing and adhering to its principle of non-recognition of the Jewish state.<sup>116</sup> Instead, they have expressed the desire to build a cabinet of technocrats and offered Israel a temporary, albeit long-term truce if Israel withdraws to the '67 borders. Israel, which gave up its attempts to prevent Hamas from running in the election under US pressure and the widespread belief that Hamas would not win a majority, is now faced with the dilemma of relating to a Palestinian Authority run by Hamas.

Israel faces a serious policy dilemma now that Hamas dominates the Palestinian Authority and none of the options apparently available to Israel look very palatable. On one extreme, Israel could consider resuming its total occupation of the Palestinian territories and taking full responsibility for the administration of daily government. On the other extreme, Israel could completely separate from the Palestinians as much as possible and end its interaction into Palestinian life. This option means allowing the Palestinians to govern themselves, no matter if Hamas or Fatah is at the helm of the Palestinian Authority. In addition, Israel could offer to negotiate with Hamas. Finally, Israel can maintain its current level of control over Palestinian life while continuing to implement measured, unilateral moves designed to separate itself from the Palestinians.

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<sup>116</sup> "Hamas Defiant as World Pressure Mounts." *Reuters*. February 1, 2006.



While at the rhetorical level, Israel may refuse to accept a Hamas-led PA, this option is tantamount to a de facto interaction with it.

### *Resurrecting the Occupation*

A return to the pre-Oslo period when the Israeli military government directly handled the payment of salaries, the development of water and sewage networks and the paving of streets may be tempting for some since it would essentially allow Israel to brush aside the PA.<sup>117</sup> By rendering the PA defunct, the problem of a Hamas-led PA would diminish. However, by seizing responsibility for government from a legitimately elected Palestinian body, Israel would then be held accountable for the quality of Palestinians' lives. Furthermore, this option would require Israel to disarm both Fatah and Hamas; in essence, a return to war with the Palestinians.

### *Complete Boycott and Separation*

On the one hand, the option of boycotting Hamas appears to be the most appropriate reaction. Hamas is defined as a terror organization, with all the elements threatening Israel described above. Israel supplies Palestinian electricity and water, collects taxes and customs revenue that provide much of the money needed for the Palestinian administration, and controls nearly all access into and out of Palestinian areas. Israel can simply separate completely and stop doing those things.

On the other hand, freezing the funds that Israel is obliged to transfer to the PA and preventing assistance means the collective punishment of about 3.5 million civilians who are tired of the *intifada* and have welcomed the relative calm. This policy risks the

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<sup>117</sup> Zvi Bar'el. "Back to the enlightened occupation." *Ha'aretz*. February 5, 2006.

failure of the Palestinian Authority and its already tenuous effective control over Palestinian territory, or worse, sending Hamas into the arms of Syria and Iran for funding to sustain the government. A Palestine that is a failed state or a state that is a subject to Iran or Syria promises to be even more unstable and violent towards Israel than it currently is.

### *Negotiation with Hamas*

Israel was unwilling to negotiate with Fatah leader and Palestinian President Mahmoud Abbas since his inability to guarantee security and unite the Palestinian factions behind his vision of a two-state solution rendered him an incapable partner. Hamas's reputation as being orderly, capable of organizing and lacking corruption suggest that perhaps its leadership possesses more capacity than Abbas. However, Hamas lacks the will to carry out the essential steps required to enter into negotiations, to negotiate and then to implement negotiated agreements.

A first indicator of will on Hamas's part would be to recognize Israel. However, Hamas leader Mahmoud Zahar said the group had no intention of recognizing Israel's right to exist: "Why are we going to recognize Israel? Is Israel going to recognize the right of return of Palestinian refugees? Is Israel going to recognize Palestine with Jerusalem as its capital?"<sup>118</sup> Hamas has demonstrated pragmatism and flexibility in the past and would, however, consider accepting concessions from Israel: "If Israel has anything to bring to the Palestinian people, we will consider this, but we are not going to give anything for free."

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<sup>118</sup> Greg Myre. "Hamas Leader Reaffirms Stance on Israel." *New York Times*. January 28, 2006.

Some see in this slight flexibility a potential for moving Hamas' focus from radical rejectionism to mainstream politics. After all, Hamas's willingness to engage in elections and enter the Palestinian Legislative Council, an institution born from the Oslo peace process, demonstrates that the group has some willingness to retract elements that it has long rejected. Furthermore, Hamas has occasionally accepted a *tahdiya* (temporary truce) with Israel and has expressed its willingness to consider a longer cease-fire (*hudna*) should Israel withdraw to its 1967 borders.

However, Israel should not take this pragmatism and confuse it for willingness to moderate. Mahmoud Zahar explained that Hamas sees no connection between the elections and the Oslo process and that any cease-fire along the 1967 borders would not come with a recognition of Israel or relations with it, but would be merely a step in the continued struggle. "Some Israelis think that when we talk of the West Bank and Gaza it means we have given up our historic war. This is not the case," he said.<sup>119</sup> He further proclaimed, "We will join the Legislative Council with our weapons in our hands." It is much more likely that Hamas will simply use political participation as another vehicle for pursuing its alarming core objectives, perhaps using temporary cease-fires when they are popular domestically and moderate language when it is useful internationally.

Furthermore, while opinion polls show that most Palestinians disagree with religious extremism and support a two-state solution to the conflict, they still accept the legitimacy of "armed struggle" against occupation. This preference structure gives Hamas a perverse incentive to disrupt progress in diplomatic negotiations, since the

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<sup>119</sup> Michael Herzog. "Can Hamas Be Tamed?" *Foreign Affairs*, March/April 2006.

normalization of Palestinian-Israeli relations would lessen Hamas' appeal as the forebear of the armed struggle.

The example of Hezbollah in Lebanon is a frightening one for Israel. Hezbollah retains the strongest militia in the country, controlling the virtually autonomous so-called "liberated" area in southern Lebanon along with a global terrorist reach that has often served Iranian purposes. Hezbollah has also become a key figure in Lebanese politics. After increasing its seats in Parliament in the May 2005 elections, Hezbollah joined the government for the first time. Despite some pressure to disarm, Hezbollah has been able to fend off such pressure so far due to its political power. Joining the government did not prevent Hezbollah from undertaking a serious cross-border attack on Israel in late November 2005, nor has its ideological platform or political demeanor shown signs of moderation.

Like Hezbollah, Hamas's incentives to moderate – institutional, legal or otherwise – now that they are in office are minimal. Palestinian political, security, and other institutions are weak, and the moderate pragmatists of Fatah are in disorder. Hamas is quite possibly stronger than the rest of the state apparatus. Despite legislation against radicalism, racism, extremist participation included in the 1995 Interim Agreement, the Palestinian election law for the 2006 elections contains no significant rules by which parties must abide. Thus, unless Hamas truly does transform itself and abandon its core objectives of destroying Israel and establishing an Islamic regime in all of mandatory Palestine, Israel has no partner for negotiation.

*De Facto Interaction*

Despite the temptation to completely boycott a Hamas-led PA, the negative consequences for the Palestinian people and thus for Israel are dire. However, internal domestic pressure may require Israel to, rhetorically at least, declare its non-cooperation with Hamas. In reality, Israel may have to find creative ways to continue the current level of interaction, even as she persists in unilaterally separating from the Palestinians.

The defense establishment has advised that Israel continue transferring the tax money Israel collects on behalf of the Palestinians in order to prevent the collapse of public services in the West Bank and the Gaza Strip, while simultaneously underscoring Israel's demand that the PA disarm Hamas and other armed factions. The international community, headed by the Quartet (US, EU, UN and Russia) also decided to continue assistance to the PA until there is a change from its current Fatah-led government to a Hamas-led one. "We are not interested in harming the Palestinian's day-to day fabric of life," Israeli Prime Minister Olmert said. "The current Palestinian government is the same one which has received the money up till now, and the successive Israeli governments have all transferred the money. We have ways to guarantee that the money goes to where it is supposed to go."<sup>120</sup> He also said that the current transfer of money will be completed by February 15, when Abbas is slated to appoint Hamas to form the next government. By continuing to provide the tax revenue, Israel prevents the calamitous collapse of the PA, but through creative explanation, Israel can sidestep domestic pressure and maintain an incentive for Hamas by asserting that if Hamas were to actually take control, they could expect the funding to be cut off.

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<sup>120</sup> Aluf Benn, "After delay, cabinet agrees to transfer NIS 250m to Palestinians." *Ha'aretz*. Feb 5<sup>th</sup>, 2006.

If Israel is to be hand-cuffed into dealing with the PA, even after Hamas takes control, since the consequences of a failed PA or an Iranian-influence PA are so dire, then the role of the international community becomes critical for Israel to create real incentives for Hamas to abandon its militancy and real disincentives to preserve it. Israel must lean on the US to build a consensus, particularly including the EU, Egypt and the Arab world. This consensus should clearly assert that democratic participation will confer legitimacy on Hamas *only* so long as the group renounces violence, disarms, and recognizes Israel's right to exist. Political engagement with Hamas and its removal from international terrorist lists should be made contingent on these benchmarks, not simply on the group's willingness to enter politics. The international community can use the large amount of political and financial capital it was poised to invest in promoting domestic Palestinian reform, only to equip moderates to compete more effectively with Hamas in both the security and social spheres. Aid should also be designed to create a pragmatic Palestinian political center by revamping Fatah and encouraging reform-minded activists and parties.

### **Assessment**

Hamas would like to achieve a number of things simultaneously: internal order and thus widespread legitimacy among Palestinians, normalization of its relations with the outside world and the sustenance of foreign aid, and preservation of its fundamental doctrine of rejection of Israel and support for violence.

Therefore, Israel's strategy should be that Hamas cannot be allowed to avoid making choices and adjustments. The internal reform and change platform on which Hamas campaigned and which Palestinians expect of them may lead to stronger

Palestinian institutions and thus should be encouraged, particularly if the Palestinians themselves continue to demand technocratic excellence and integrity and force Hamas to downplay its religious ideology. In order to run the PA and execute any form of internal reform and institution building, Hamas will be almost completely dependent on foreign aid. However, relations with the West must be made contingent on the following conditions: Hamas must recognize Israel's right to exist as a Jewish state, reject violence and be obliged to stop all acts of terrorism. Hamas will seek any relations that are not conditioned in this way and will push for the continuance of aid after merely vague statements of interest in peace. Israel must seek a U.S. leadership role in forging a consensus on these conditions, demanding that Hamas adhere to them immediately and ensure that they are not eroded over time.

Unless Hamas succumbs to this international pressure, Israel has no choice but to continue to treat Hamas as a terrorist organization and an enemy bent on destroying Israel. Thus, if Hamas is sworn-in to the PLC without moderating its position, Israel will have to walk a fine line managing the trade-off between interacting with the PA in order to prevent its total collapse and failure and boycotting the PA in order to weaken Hamas. Israel will have to rhetorically reject Hamas and seek its diplomatic isolation. Israel will also have to refuse to turn over Palestinian tax revenue, but will probably have to tacitly accept aid to the Palestinians from benign Western sources so that the PA does not fail or turn to Iran or Syria. In the worst-case scenario, Israel must also be prepared to go to war against a violent Hamas or a Hamas-led PA which condones terrorist action against Israel.

The election of Hamas and the subsequent formation of the cabinet by Hamas alone (independent of Fatah or other potentially moderating parties) will strengthen those Israelis who have long been saying that “there is no partner” on the Palestinian side with whom to negotiate. Hence the growing popularity of unilateral Israeli moves. If there is no partner, the best Israel could hope for is some kind of armed but quiet stand-off with the Palestinians.

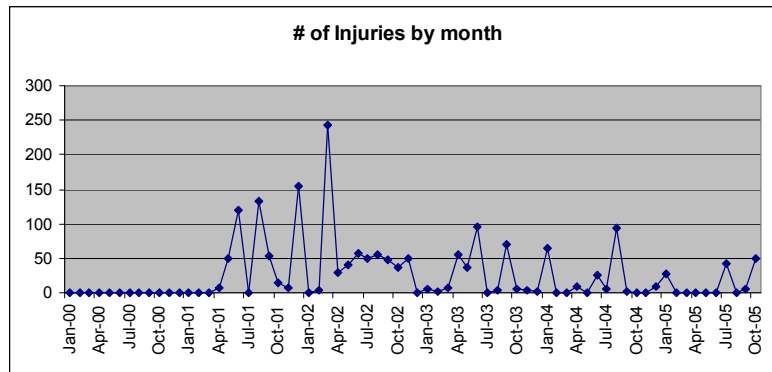


## Appendix I

### *Hamas's dynamic terror*

The following graphs illustrate an interesting story about the tactics of Hamas.

The first graph included below shows the number of injuries *attributed to Hamas* during the 2<sup>nd</sup> Intifada period of 2000-2005.<sup>121</sup>

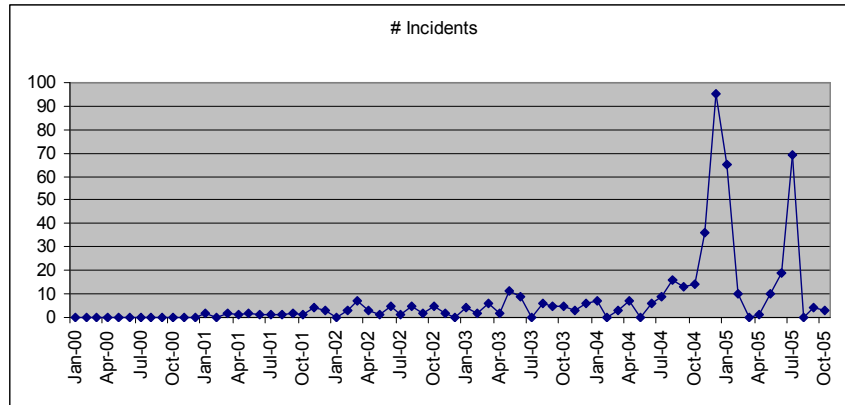


Clearly, the graph shows that although there are periods marred by violence, such as in 2002 and 2003 during the peak of the 2<sup>nd</sup> Palestinian Intifada and the Israeli re-occupation of Palestinian cities, there are also period marked by relative calm. In 2000, when U.S. President Bill Clinton attempted to orchestrate a final agreement between Israeli Prime Minister Ehud Barak and Arafat, there were practically no fatalities attributed to Hamas, and likewise for the period following the death of Arafat and the election of Mahmoud Abbas in late 2004 and early 2005.

However, the interesting observation about this next graph is that despite a decline in injuries or fatalities recently, the number of terrorist incidents carried out by Hamas during the recent period has actually dramatically increased. The next graph

<sup>121</sup> MIPT Terrorism Knowledge Base. RAND Corporation. <http://www.tkb.org/>

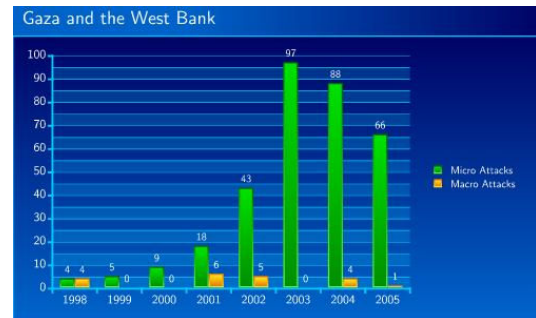
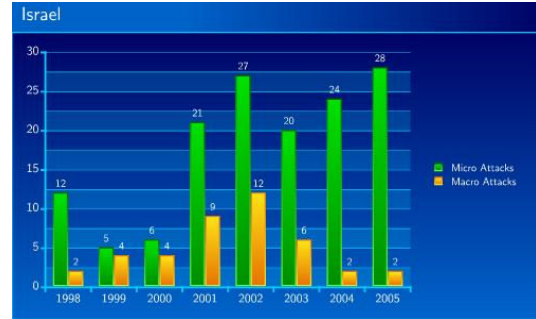
displays the actual number of terror incidents ascribed to Hamas during the same time period:



During the 2001-2002 period, when a majority of the injuries attributed to Hamas occurred, the damage was caused by a relatively few number of incidents. However, over the past two years, the number of attacks attributed to Hamas has increased dramatically but caused relatively few injuries.

The Israeli government might claim that this is the result of the security barrier they are constructing around the West Bank – a successful policy to combat the Hamas objective to destroy Israel. However, this development may indicate a different strategy for Hamas – a sort of benign terror, which would allow them to maintain their claim that they are carrying out the armed struggle against Israel but through such attacks as launching Qassam rockets from Gaza into villages in Israel which cause little or no damage as opposed to suicide bombing a bus or public market which causes great damage. These “low-impact” terror attacks may allow Hamas to gain legitimacy or credibility in a Palestinian audience, but without provoking a harsh and violent response from Israel or a crackdown from the PA.

Empirical data from Jane's Insurgency and Terrorism Center may confirm such a strategy. The accompanying graphs of terror data from Israel and the Palestinian territories illustrate that even though the “macro” attacks peaked at the height of the 2<sup>nd</sup> Intifada and then declined, “micro” attacks continued to be carried out and the number has even been rising recently. This suggests that Hamas continues to find the act of attacking Israel as beneficial for its Palestinian audience, but may not want to attack with such an impact as to render a response from Israel necessary.



## **CHAPTER 5 – U.S. INTERVENTION POSSIBILITIES**

### **Is U.S. Mediation Possible?**

Given the current conditions in the conflict which suggest that the parties are now farther apart than they have been in recent times, are there any possibilities for the United States to intervene in a productive way that would satisfy American interests in the region? This chapter will explore the opportunities and obstacles to U.S. mediation in the conflict and deliver an assessment of how the U.S. might intervene to ripen the conflict and press the parties towards a political process.

#### *Interests of the United States*

A major component of President Bush's foreign policy has been to promote democracy as an antidote to terrorism. Bush praised the Palestinians following the election of Abu Mazen to the presidency and the smooth Palestinian municipal elections in 2005. A chief U.S. interest is PA stability in order to be able to argue that democratization brings peace and prosperity – a premise challenged by the election of Hamas and its subsequent refusal to relinquish violence.

In addition, the U.S. has a major interest in upholding its relationship with Israel as an essential ally. U.S. support for Israel stems from both internal political pressure and geopolitical interests in securing a key ally in the region.

Furthermore, the U.S. is interested in maintaining positive relations with the Arab states. In addition to a secure access to Middle East oil, especially from Saudi Arabia, the U.S. needs the support of Arab states in its war in Iraq and in the impending nuclear

crisis with Iran. Finally, the resolution of the conflict would likely enhance regional stability.

*Opportunities for U.S. Mediation*

The primary opportunity to exploit may be Hamas' expressed willingness to interact with Israel through a third party. Internal leaders such as Mahmoud Zahar and Ismael Haniyeh, who live in Gaza and have to contend with the daily pressures of governance, may seek an indirect dialogue with Israel to explore possible benefits derived from such dialogue. Hamas has demonstrated pragmatism and flexibility when it has served its interests in the past (i.e., the *tahdia* and its participation in elections).

Hamas must, in fact, interact with and, to some extent, depend upon Israel. Israel supplies Palestinian electricity and water and collects taxes and customs revenue that provide much of the money needed for the Palestinian administration. Israel controls nearly all access into and out of Palestinian areas. Thus, Hamas will find that governing the Palestinians presents dilemmas and it will be forced to devise some method of at least coordinating activities with Israel.

The U.S. might consider using the template of Sinn Fein, the political wing of the Irish Republican Army, when dealing with Hamas. Talking to Hamas may help coax it toward eventual partnership in negotiation, especially if the U.S. can dangle the promise of assistance in satisfying Hamas's practical needs to fulfill its commitment to Palestinian social and communal values. Another factor which could enhance this opportunity is the

trend that although negotiation is currently a lower priority than internal reform, most Palestinians are still genuinely interested in a negotiated peace settlement with Israel.<sup>122</sup>

In addition, Israel now has a very broad centrist consensus. The public seems ready to disengage from the Palestinians, withdraw extensively from the West Bank and cease controlling Palestinian lives. Although its mediation proved tricky and its implementation questionable, successful U.S. efforts in brokering the Rafah border crossing between Gaza and Egypt following the Disengagement indicates that there may be more room now for the U.S. to push Israel to extricate itself from controlling Palestinians than ever before.

#### *Obstacles to U.S. Mediation*

On the other hand, the perceptions and attitudes of both that same Israeli centrist consensus and mainstream Palestinians are hardening. Diplomats involved in implementing the Roadmap stress that any immediate chances of reviving the Israeli-Palestinian dialogue are daunting if not impossible, especially in light of the revelation that even before the Palestinian elections, 77 percent of Israelis felt there exists no Palestinian partner for peace.<sup>123</sup> After the elections of Hamas to the PLC, the differences between the sides are even deeper and the chances for negotiations are more remote. Israel, convinced it has no partner with the will and capacity to carry out negotiated agreements, will most likely pursue unilateral actions, drawing its own borders and separating itself from the Palestinians.

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<sup>122</sup> *Palestinian Center for Policy and Survey Research* (accessed March 5, 2006); available from <http://www.pcpsr.org/survey/polls/2005/p17ejoint.html>.

<sup>123</sup> Greg Myre, "Israel's Likely Course: Unilateral Action, Separation and No Talks With Hamas," *New York Times*, January 27, 2006.

The recent actions of the parties confirm these obstacles. After an emergency cabinet meeting, Olmert clarified that talks with Hamas were out of the question.<sup>124</sup> Instead, Israel will focus on continuing construction of the security barrier separating Israel from parts of the West Bank. In addition, Hamas remains committed to the destruction of Israel, defends the right to use arms to combat Israeli occupation, and considers Oslo null and void. The most Hamas offers is a long-term truce with Israel, as a stage to Muslim rule over all of the former Palestine, if Israel agrees unilaterally to pull back to its pre-1967 boundaries and cede East Jerusalem. In Beirut, Khaled Mashaal declared, “The armed struggle is the only strategy that Hamas possesses. As long as Palestinian lands remain under occupation, Hamas won’t lay down its weapons.”<sup>125</sup>

In fact, Hamas has a perverse incentive to maintain rather than resolve the conflict. While opinion polls show that most Palestinians support a two-state solution to the conflict, they still accept the legitimacy of “armed struggle” against occupation and 84 percent viewed the Disengagement as a victory for such violent resistance.<sup>126</sup> This preference structure urges Hamas to disrupt progress in diplomatic negotiations, since normalization of relations would weaken Hamas’ appeal as the leader of the armed struggle. Furthermore, its stated objectives have acquired somewhat of a totemic status and may constrain Hamas leadership’s flexibility to recognize Israel and accept a mediated agreement.

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<sup>124</sup> Steven Erlanger, “Israel Affirms It Will Work With Abbas but Not Hamas,” *New York Times*, February 6, 2006.

<sup>125</sup> Con Coughlin, “Hamas claims evacuation is victory for the suicide bombers,” *Sunday Telegraph* (London), August 21, 2005. Accessed February 8, 2006. Available from LexisNexis.

<sup>126</sup> *Palestinian Center for Policy and Survey Research* (accessed March 5, 2006); available from <http://www.pcpsr.org/survey/polls/2005/p17a.html>.

Finally, one must acknowledge the danger of a perceived U.S. bias towards Israel. Previous mediation efforts have shown that the U.S. can successfully mediate between Israel and her Arab neighbors, but this perception must be carefully managed so that the U.S. remains an acceptable and trusted intermediary to the Palestinians.

### **Strategy Options**

#### *Diplomatic pressure on Hamas to moderate*

The U.S. can use diplomatic pressure to clearly assert to Hamas that in order for democratic participation to confer legitimacy, Hamas must reject violence, disarm its militia, and recognize Israel's right to exist as a Jewish state. In addition, the U.S. can insist on a formal reaffirmation by the PLC of all existing agreements between Israel and the Palestinians. Thus, the U.S. can make political engagement with Hamas and its removal from the U.S. terrorist list contingent on these conditions, and not merely on Hamas' readiness to enter the political arena.

Moreover, the U.S. can press Hamas to actually reform the PA as it promised to do in its campaign. The Hamas government can be called upon to provide basic services such as infrastructure, municipal services, health care and education more efficiently than Fatah did. Pressing Hamas on its internal responsibilities and shaming them publicly if they fail to do so may effectively exploit the challenges facing a ruling Hamas.

#### *Economic pressure on the PA*

A key point of leverage that the U.S. possesses is economic assistance to the PA, which is nearly bankrupt and running a deficit calculated at greater than \$700 million annually. Europe and the U.S. provide most of the \$1 billion in foreign assistance that goes to the Palestinians. Economic compensation to the PA can be made contingent on



Hamas's renunciation of terrorism, recognition of Israel and previous agreements signed by the parties, along with a willingness to negotiate further.

Israel has already cut off the tax revenues it collects for the PA and some of the aid received from the U.S. and E.U. governments will be stopped, constrained by law or politics from providing money to Hamas while it is listed as a terrorist organization.

Some have advocated the complete economic isolation of a Hamas-led PA in order to destabilize the PA to the point where Hamas is unable to pay workers, import goods, transfer money or receive significant amounts of outside aid. In that scenario, President Abbas would be compelled to dissolve parliament and call new elections, hopefully resulting in returning Fatah to office. However, that strategy involves great risks given that Hamas will try to secure needed support from the larger Islamic world, including Syria, Iran, and private donors.

Another potential economic option would be to reroute the investments earmarked by the U.S. government for the PA to equip moderates, such as Fatah and other reform-minded activists and parties, to compete more effectively with Hamas in both the security and social spheres.

### **Recommendations and Specifics for Implementation**

The U.S. administration's goals may be summarized as 1) promoting democratization as a harbinger of peace and prosperity, 2) pushing for political progress in order to promote regional stability, and 3) supporting Israel without alienating our Arab allies. Critical to these interests is ensuring that the election of Hamas does not result in a violent extremist Palestinian government and the total collapse of the Israeli-Palestinian political process.

Moving forward, the U.S. should exert both diplomatic and economic pressure on Hamas to meet the conditions of renouncing terror, recognizing Israel and accepting previous agreements with the promise of compensation in terms of both political legitimacy and foreign aid. The U.S. should not accept vague or ambiguous attempts by Hamas to satisfy the international community through a technocratic leadership or a national unity government with Fatah without completely meeting the above conditions. The U.S. should forge an international consensus on these conditions, particularly among the Quartet members, and work to prevent their erosion. Where domestic law prevents the U.S. from engaging directly with Hamas, the U.S. may use the UN or the Quartet to coordinate diplomacy, as in the case of the 1983 Israeli-PLO armistice agreement mediated by both the U.S. and UN.

In addition, the U.S. should avoid depriving the PA of all international aid in order to prevent its total collapse. Complete isolation of Hamas would not only result in a humanitarian disaster for Palestinians, but may also force Hamas to be dependent on Iran or, by replacing a failed Hamas with a chastened PA, actually miss the opportunity to press Hamas into moderation. This would also damage the ability of the U.S. to present itself as an honest broker in mediation. Thus, as a long-term strategy, the U.S. must use its economic leverage carefully to ripen the situation for mediation without pushing Hamas off the deep end.

A permanent status settlement of the conflict will depend on achieving a transformation in the fundamental relationship of the parties which appears highly unlikely to occur any time soon. Even a return to the phased, mutual stepwise process of the Roadmap appears unlikely. U.S. pressure on the parties during Disengagement –

which resulted in transferring Gazan greenhouses from Jewish settlers to Palestinians and in mediating the Rafah agreement – was essential in preserving the U.S. interests in stability and progress. In particular, the involvement of the Secretary of State, a high-status mediator with greater authority than the Quartet envoy, ensured completion of the Rafah deal and, if necessary, this tactic should be employed again. Thus, even if the near future of Israeli-Palestinian relations is to be characterized mainly by unilateral Israeli moves designed to forge the nature of Israel's permanent character and territory, the U.S. must remain engaged in pressing the parties – Israel as well as Hamas – towards moderation and mutual coexistence.

## **CHAPTER 6 – THE UNILATERAL LEADER**

As a final note to this study, I have attempted to address the question of how much the success of Israeli unilateralism has depended on the personality of its primary proponent, Ariel Sharon. In this chapter, I will examine his particular tactics and suggest how other leaders may use these strategies to enhance their successful implementation of unilateral policies.

### **Ariel Sharon, the “Bulldozer”**

As Israel prepares for the election of a new government, Ehud Olmert and the Kadima party created by Ariel Sharon immediately prior to his incapacitation by a massive stroke appear poised to sustain his legacy and mandate of unilateral action to create a future Israel hopes will be a better one. As mentioned earlier, for the first time in a long time in Israel’s history, a broad centrist consensus has emerged around the concept of separating from the Palestinians and ending Israel’s control over Palestinian life with all the costs and risks that entails. However, despite this centrist majority, powerful elements in society oppose territorial concessions while the Palestinians still carry out terrorist attacks and other elements oppose unilateral action as contradictory to building a stable peace with an entangled neighbor. Thus, while unilateralism has support, it remains controversial, and a question lingers as to how much the success of unilateral steps depended on Ariel Sharon as a leader and whether his successors will be able to achieve what he achieved through strength of personality and strategic cunning.

Sharon was known as “the bulldozer” for his ability to force his plans through the obstacle course of Israeli politics. “A former major general, Sharon is frequently called

‘the Bulldozer.’ It suits both his girth (5 ft. 6 in., 235 lbs.) and his autocratic style. He inspires extremes of emotion. To his admirers, especially his troops, he is a brave and brilliant field commander who is not afraid to take risks, even at his peril. To his critics, among them many of his generals and Cabinet colleagues, he is an arrogant and dangerously ambitious megalomaniac with little or no respect for opposing points of view, much less democratic process.”<sup>127</sup>

Even before earning notoriety as the architect of Israel’s 1982 invasion of Lebanon, Sharon had established himself as a superhawk. As a young officer in the 1950s he gained a reputation for trigger-happiness as commander of Israel’s cross-border “retaliation” raids. After the Lebanon war, he was forced out of his job as Defense Minister after a commission of inquiry found him indirectly responsible for allowing a Christian militia to massacre hundreds of Palestinians in Beirut’s Sabra and Chatila refugee camps. “The man who was most vehemently attacked over the question of Israel’s culpability for the massacre was not the Prime Minister, although he received his share of censure, but Defense Minister Ariel Sharon, 54, who had directed his country’s forces as they cooperated in the attack on the refugee camps. A former combat general, the tough and aggressive Sharon had long wanted to sweep every vestige of the P.L.O. out of Lebanon. He was the driving force in Menachem Begin’s Cabinet behind the invasion of Lebanon, often acting on his own without the approval of his colleagues.”<sup>128</sup>

It appeared that Sharon’s political life was over, but he completed a remarkable comeback. After settling a libel suit against Time Magazine for its coverage of the massacre in Lebanon, he once again became a player in the Likud party. As Housing

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<sup>127</sup> Marguerite Johnson. “Subtle like a Bulldozer.” *Time Magazine*. June 21, 1982.

<sup>128</sup> William E. Smith. “Crisis of Conscience.” *Time Magazine*. October 4, 1982.

Minister in the 1990s, he was responsible for building many of the Jewish settlements in the occupied West Bank and Gaza strip. And in 2000, his provocative walk on Jerusalem's Temple Mount is said to have sparked the second Palestinian intifada and so delivered a fatal blow to U.S. President Bill Clinton's attempts to broker a peace settlement between Ehud Barak and Yasir Arafat. His critics reacted with scorn in 2002 when U.S. President George W. Bush called him "a man of peace." The Arab media more often calls him a war criminal.

Yet for all of that history and reputation as a hawkish general and territorial expansionist, in announcing plans to evacuate all Israeli settlements in the Gaza Strip and four in the West Bank, a move that would uproot 10,000 Israelis from their homes and effectively hand the Palestinian Authority control over Gaza, Sharon stirred hopes for a breakthrough in the moribund peace process. He would now employ his autocratic leadership style for withdrawal, concession and Palestinian autonomy instead of for settlements.

### **Leadership characteristics and tactics**

Sharon possessed a unique mix of characteristics which made his ability to carry out unilateral moves particularly adept. Primary among those characteristics are his ambition and autocratic methods, his reputation as a hawk, and his possession and manipulation of asymmetric information.

#### **1) Ambition and autocracy**

When Sharon calculated that the settler movement no longer enhanced his ability to achieve his goal of a secure, democratic and Jewish State of Israel, but rather

hampered it, he felt no qualms about jettisoning them. For Sharon, the settlements were chiefly a means to security (and so can be sacrificed to the same end) as opposed to the Greater-Israel ideologues, for whom they had become central to the idea of the Jewish state. Furthermore, Sharon had become exasperated by the Likud rebels, some of whom had continued to undermine him even after the Gaza disengagement, by blocking his ministerial appointments and promising generally not to cooperate. Once Sharon saw the national-religious settler movement as hampering his ability to act as leader of the Likud party, he broke free from it to create Kadima.

## 2) Reputation as a hawk

A commonly held belief in Israel is that only hawks can make peace. While this may not be absolutely true, the notion that the reputation of a leader as a defender of Israeli security enhances his ability to conduct diplomacy has some currency. Like Menachem Begin and Yitzhak Rabin before him, the Israeli majority trusted Sharon to make concessions to Palestinians only if the highest priority of security was not sacrificed.

Especially after leading a ruthless counter-insurgency fight against the *intifada* from 2000 to 2005, his credentials as a security hawk could not be challenged. Sharon, like a majority of Israelis, claimed to accept the need for Israel to make painful territorial concessions and permit the emergence of an independent Palestine. Apart from Israelis on the national-religious right for whom offering up any of the divinely promised “Judea and Samaria” is a betrayal verging on apostasy, most Israelis trusted that Sharon would not make a move unless it was in Israel’s best interest:

“Such trust was due to Mr Sharon’s mythical status. What made him credible, if not actually lovable, to mainstream Israeli Jews was that he reconciled their belief in the need to give up occupied territory with their deep suspicion of the Palestinians since the violent collapse of the Oslo peace process in 2000. They felt that, as a father of the settlement movement, he would give up settlements, as in Gaza, only when truly necessary, and in a unilateral process that Israel could control.”<sup>129</sup>

This notion of reputation should be taken very seriously in Israeli politics. As emphasized in game theory, players acquire a reputation for carrying out threats or making good on promises which links different interactions between the same players. In a reputation game, some actions can only be understood when considered in the context of multiple interactions, which are impacted by the reputation developed by previous actions. A single interaction may not make sense until understood as part of a large, multi-period game. Thus, the calculus of one party, such as the Israeli public, regarding another player’s motives, such as a candidate for Prime Minister, will depend on how that candidate has satisfied his promises to the public in the past.<sup>130</sup> Since Israelis place a great deal of importance on their security, a leader who has clearly made good on his promises to defend Israeli security in the past, will be given more mobility on controversial policies in the future due to the reputation he has earned.

Sharon’s reputation clearly enhanced his mobility. In fact, Sharon embodied two deep-rooted aspects of the Israeli psyche, argues Moshe Naim, editor of *Kaan Naim*, a paper aimed at the country’s geographic and political centre. “He would let no one – least

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<sup>129</sup> “Searching for the middle ground.” *The Economist*. January 14, 2006, 49.

<sup>130</sup> Avinash Dixit and Susan Skeath. *Games of Strategy*. New York: W.W. Norton and Co., 2004, 333-334.



of all ‘the Arabs’ – take him for a *fraier*, a sucker, the greatest indignity an Israeli can suffer. And he had the earthiness of the *amkha*, the mythical Israeli common man.”<sup>131</sup>

### 3) Asymmetric information

Finally, Sharon mastered the technique of manipulating asymmetric information. Sharon very carefully revealed his own preferences and intentions for the future in executing the Disengagement from Gaza. From game theory again, by manipulating what the other players know about your abilities, preferences and intentions, you can affect the outcome of a strategic interaction.<sup>132</sup> Although it is unclear to us today whether or not he actually intended to implement more unilateral withdrawals from the West Bank (although the construction of the security barrier whose route he personally designed certainly appears to be an attempt to draw a political border), he never admitted this intention. By concealing such information from the Israeli public, which may have reduced their support, or by only revealing selected information truthfully which he felt was politically palatable, Sharon was able to maintain public support for his Disengagement Plan.

Chaim Oron of the left-wing Meretz party suggested that people “trusted Sharon precisely because he didn’t say exactly where he was going; they were willing to go along with him but not take part in a decision in advance.”<sup>133</sup> Since the disclosure of exactly where Sharon planned to go may have caused others to act in a way that would have hurt him, he took actions that induced them to believe his information was good. This strategy of vagueness about one’s intentions, known as signal jamming, was also

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<sup>131</sup> “Searching for the middle ground.” *The Economist*. January 14, 2006, 49.

<sup>132</sup> Dixit and Skeath, *ibid.*, 264-266.

<sup>133</sup> “Searching for the middle ground.” *The Economist*. January 14, 2006, 49-50.

adeptly employed by Alan Greenspan, chairman of the U.S. Federal Reserve, to cause others to make imprecise inferences about his intentions with interest rates in order to achieve the ends he desired for the U.S. economy.

*Following in his footsteps*

Like Greenspan's successor Ben Bernanke, who has indicated that he wants to nudge the Fed away from Greenspan's highly personal approach to guiding monetary policy and toward a more predictable and open approach,<sup>134</sup> Sharon's heir-apparent Ehud Olmert has opted to be more explicit about his intentions. About a month after Sharon's stroke, Olmert took a step in his first interview since taking over that Sharon never did, by announcing what final borders he intends Israel to have, and with that, implied that it will demarcate them without negotiating peace with the Palestinians first and by withdrawing settlements from most of the West Bank.

As emphasized earlier, Sharon, with his reputation as a hawk and territorial expansionist, enjoyed the confidence of Israelis to such an extent that after pulling out of the Jewish settlements in Gaza last summer, he was able to retain a studied vagueness about how much further he would go. Olmert, a lawyer and politician all his life, does not have the reputation and apparently felt that as the leader of a brand-new and unknown party, he could not be vague about his intentions but instead must project a



Posters of Ehud Olmert, the acting Israeli prime minister, in Jerusalem.

Source: "Long on Outskirts of Power, Olmert Looks to Lead Israel." *New York Times*, March 27, 2006.

<sup>134</sup> Edmund L. Andrews. "Bush Nominates Bernanke to Succeed Greenspan as Fed Chief." *New York Times*. October 24, 2005. Available from <http://www.nytimes.com/2005/10/24/business/24cnd-fed.html?ex=1287806400&en=04998f97f186cb3e&ei=5088&partner=rssnyt&emc=rss>.

reassuring decisiveness. Eyal Arad, a close adviser to Mr. Sharon and Kadima, said: “They don’t have the same credibility. Sharon could say, ‘Trust me.’ With Olmert, people say, ‘We’re willing to trust you, but tell us please, what is it we should trust you with?’”<sup>135</sup> That is precisely the reason why Nahum Barnea, the senior columnist for *Yediot Aharonot*, one of Israel’s major newspapers, calls Olmert’s announced intentions “the most specific plan any serious candidate for prime minister has ever issued before an election.”<sup>136</sup> Contrasting Olmert’s reputation with Sharon’s as the reasoning behind this, Mr. Barnea explained: “Sharon didn’t have to say anything about the future to get elected. But for most voters, Olmert is a nonentity. He had to become more specific. Now you can’t accuse him of misleading the public added, but he had to fill the vacuum of not being Sharon.”

Perhaps understanding the value of a “strong on security” reputation in Israeli politics, Olmert orchestrated a controversial raid on a Palestinian prison in Jericho to capture six members of the Popular Front for the Liberation of Palestine that had killed an Israeli cabinet minister and were about to be released by the new Hamas government.<sup>137</sup>

Lacking the military history of Sharon, Olmert must rapidly establish a reputation for holding the security of Israelis as a number one priority and couch his intended territorial concessions as essential for Israel’s existence as a secure, Jewish and democratic state. In addition, he must select his coalition partners wisely to enhance his

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<sup>135</sup> Steven Erlanger. “Long on Outskirts of Power, Olmert Looks to Lead Israel.” *New York Times*, March 27, 2006. Available from: <http://www.nytimes.com/2006/03/27/international/middleeast/27olmert.html>.

<sup>136</sup> Ibid.

<sup>137</sup> Steven Erlanger and Greg Myre. “Palestinians Sought by Israel Surrender Outside Jail.” *New York Times*. March 14, 2006. Available from <http://www.nytimes.com/2006/03/14/international/middleeast/14cnd-jericho.html?ex=1143522000&en=16d27ae72d516f41&ei=5070>.

ability to act rather than hamper it and he must seize this particular moment in Israeli history in which a centrist majority supporting territorial concessions exists. The execution of unilateral moves are, by nature, embodied with controversy, but Olmert hopes to mimic what Sharon achieved through strength of personality and strategic cunning as the best available alternative to immobility and stagnation.

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