



# Strategic ASSESSMENT

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The purpose of *Strategic Assessment* is to stimulate and enrich the public debate on the issues that are, or should be, on Israel's national security agenda.

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## Editor's Note

As it celebrates fifty-seven years of statehood, Israel can survey the surrounding region and point to its peace treaties with Egypt and Jordan, treaties that have withstood serious challenges over the years. On other fronts, however, the relative quiet does not bespeak resolution and stability, and indeed, events on the Palestinian scene and in Lebanon pose new challenges for Israel. Various dimensions of these two arenas are explored in this issue of *Strategic Assessment*.

The opening article, by Shlomo Brom, looks past the implementation of the disengagement plan to the day after: what will Israel and the Palestinians confront following the Israeli departure from the Gaza Strip and northern Samaria. Analyzing the differences among the Israeli political factions on additional concessions to the Palestinians and Abu Mazen's struggle to sustain momentum on a political path, Brom suggests that the clash of interests within and between both sides may generate a serious crisis. In an attempt to preempt that crisis and its likely consequence of renewed violence, Brom urges Israelis and Palestinians to launch a strategic dialogue, in order to emphasize their common interests and together promote a sustained diplomatic process.

In the second article, Danny Rubinstein looks inward at the Palestinian political scene and focuses on the current dynamic between Hamas and Fatah. With its recent gains in Palestinian politics, Hamas may be aspiring toward serious representation within the PLO. Should Hamas continue its rise in political power, particularly in the July par-

liamentary elections, Abu Mazen might encounter additional constraints in any diplomatic maneuvers with Israel.

Looking at the northern front, Daniel Sobelman examines Hizbollah's current position following the assassination of former prime minister Hariri and the Syrian departure from Lebanon. Sobelman presents Hizbollah's ongoing predicament – how to justify its legitimacy since the end of the Israeli occupation of southern Lebanon. In a campaign that has caught on within much of the Lebanese establishment, Hizbollah markets itself as a critical deterrent against Israel that complements Lebanon's conventional military power. Also current is the question of Hizbollah's integration in the Lebanese armed forces, an option that from Hizbollah's viewpoint would probably overly curtail its freedom of operation.

In the final article, Shaul Arieli tackles one of the major issues dividing Israel and the Palestinians: the future of Jerusalem. Arguing that since 1967 Jerusalem has not been united more than in name, Arieli offers a solution in two stages. In the initial period, a narrower "seam" zone would ensure Israeli security needs while reducing the difficulties of the Palestinian population of East Jerusalem and the surrounding villages. In a permanent solution, the historical region of Jerusalem, which includes the Old City and some of the surrounding area, would be redefined in municipal and administrative terms. Based on a model of an open city, this area would match political sovereignty with religious affiliation, while guaranteeing freedom of worship at all the holy sites.

# The Disengagement Plan: The Day After

Shlomo Brom

The disengagement plan is the focus of public debate in Israel, with attention centered on questions of implementation: will the prime minister overcome the internal political problems and deflect attempts to scuttle the plan? How violent will the reaction of the settlers and their supporters be to the evacuation process? Will there be a significant level of refusal to obey orders in the IDF? Will the disengagement plan be implemented under fire from the Palestinians? These and other related issues are important, but they pale in significance compared with the main question: what will Israel face the day after the disengagement? Will it have embarked on a route to reconciliation with the Palestinians and a solution to – or at least a moderation of – the decades-long conflict, or not?

## The Scenario

For the purposes of analyzing this issue, assume the disengagement plan is successfully implemented. Overall the ceasefire is maintained before and during the plan's implementation, the level of Israeli–Palestinian violence is low, and cooperation between the sides is substantive. We will also assume the disengagement is not an overly traumatic experience for Israel such that society ceases to function on a fairly regular basis. This scenario is important as it prompts the question of the day after. In a failed situation in which disengagement occurs under Palestinian fire and leads solely to an increase in the violent confrontation one can say, with a high degree of certainty, that there is only one possible outcome. The Israeli public will conclude that since there is no pos-

sibility of avoiding violent confrontation, there is no point in trying to make more concessions that would mitigate the conflict.

On the other hand, successful implementation of the disengagement plan will generate a new level of expectation on both sides. Heightened expectations are already reflected in public opinion polls conducted among both sides since Yasir Arafat's death recast the arena. The Israeli public will likely expect that the Gaza Strip "concession" will yield benefits, the suspension of the violent intifada will become permanent, and the political process will resume and advance Israel toward a resolution of the conflict. The Palestinian public will look for a tangible improvement in their living conditions, marked primarily by unrestricted freedom of

movement, a stop to the violence, restoration of law and order, an improvement in their economic situation, and renewed possibility of realizing their basic national aspirations to establish a state based on the 1967 borders.

Experience of the Israeli–Palestinian political process that began with the publicizing of the September 1993 Declaration of Principles indicates that the level of disappointment becomes proportionate to the unfulfilled expectations. The result of unmet expectations is normally not a return to the previous baseline, but involves far more serious conditions. The best example of this phenomenon is the collapse of the Oslo process reflected in the failure at Camp David in 2000. Had there not been such high expectations it is doubtful whether the crisis that followed the failure

would have been so severe. Thus, the question arises whether a similar crisis in Israeli–Palestinian relations is expected after the disengagement, or in other words, if current expectations are destined for disappointment.

### The Israeli Side

Upon completion of the disengagement Israel will face the question of what to do next. In view of the government's current political composition it is likely there will be several opposing stances on the subject. At one end there will be those who objected to disengagement from the start, joined by those who opposed the disengagement plan in their hearts but were coerced into supporting it for political considerations. This group will probably endeavor to reconcile with the disengagement that occurred, but not much more. They will argue that Israel has done its part but has been traumatized in the process, and therefore Israel should adjust to and maintain the new situation, even if it is essentially a long term interim situation. During this interim period, the Palestinians will be under scrutiny and the settlements that remain under Israeli control should be reinforced. If stability is maintained during this long interim period it will then be possible to consider further progress with the Palestinians in the future.

At the other end of the spectrum will be leaders of Sharon's principal coalition partner, the Labor party. They will demand renewal of the full political process with the Palestinians, based on the roadmap and negotiations with the Palestinians. Some

may even support bypassing phase two of the roadmap, as part of which a Palestinian state is to be established with temporary borders. They would argue that this constitutes a superfluous stage that only serves the interests of those looking to block the political process.

The middle ground will be occupied by those who believe the current disengagement plan is inadequate, as it only addresses the problem of the Gaza Strip. Israel should strive to achieve full disengagement in Judea and Samaria too, involving the dismantling of additional settlements and redeploying along a line that relieves Israel of the Palestinian demographic problem, serves as a convenient line of defense, and allows Israel to keep most of the settlements in Judea and Samaria. There may be debate within this group between those who would prefer to execute this unilaterally, like Ehud Olmert in Likud and Haim Ramon of the Labor party, and those who want to use phase two of the roadmap and a Palestinian state with temporary borders as a means of achieving this objective.

At this stage, it is difficult to assess Sharon's own platform. Since it is clear that he does not espouse conducting negotiations on a permanent settlement, it is likely that he is somewhere between those looking for a complete halt after disengagement and those who are willing to attempt additional disengagement. Sharon is already laying the foundations for shunning further movement after the disengagement, saying that progress in implementing the roadmap is not

automatic and depends on the Palestinians' full implementation of their obligations under phase one of the roadmap, which, according to the Israeli interpretation, means complete dismantling of the terror infrastructure. The Israeli side can always claim the Palestinians did not meet this obligation. In any case, it is likely that the government, in its present guise, will find it hard to reach agreement on the way forward, and consequently the disintegration of the coalition and new elections after the disengagement is a reasonable prognosis.

### The Palestinian Side

Statements by Mahmoud Abbas (Abu Mazen) since his election as chairman of the Palestinian Authority (PA) indicate that he opposes continuing a phased Israeli–Palestinian diplomatic process. His approach is that the option of establishing a Palestinian state with provisional borders as it appears in the roadmap should be discarded (and indeed, a Palestinian state of this nature is, according to the roadmap, an "option" only) and talks on a permanent agreement should be launched immediately. Abu Mazen is in fact the most prominent representative of the Palestinian delegation to the Geneva initiative, even though he did not take an active role in its formulation, and one may assume he believes it is possible to reach agreement with Israel within the general framework of the Geneva initiative. There may of course be circumstances in which Abu Mazen will be ready to consider adopting an interim phase of a Palestinian state with provisional

borders, but this would be contingent on a defined timetable that moves quickly to phase three, the permanent settlement. If there is a preliminary understanding between the two sides with regard to the principles of the permanent settlement it will be easier for Abu Mazen to agree to an interim phase.

Elections to the Palestinian Legislative Council (PLC) are scheduled for July 2005. Hamas will take part in these elections for the first time, despite its previous fundamental opposition to institutions established by the Oslo anathema. Hamas understands, however, that since Arafat's death, the majority of the Palestinian public supports Abu Mazen's political path and wants an end to the violence. That is why Hamas agreed to a ceasefire or, in its new name, a *tahadiyya*, and is progressing toward assuming an official place on the Palestinian political stage. The very participation by Hamas in the elections brings it closer to adopting a negotiated two state solution of the conflict. However, if Hamas does well in the elections it will be able to limit Abu Mazen's ability to maneuver and may indeed dictate tough positions on talks with Israel.

Hamas decided to take part in the elections following its success in the local elections in the Gaza Strip and West Bank. Will this success have any bearing on its chances in the elections to the national parliamentary body? Voting by the Palestinian public in the local elections was primarily a protest vote against the mainstream Fatah candidates, who were consid-

ered corrupt, certainly in contrast to the Hamas candidates, who benefited from a clean image. Thus, most who voted for Abu Mazen and his political approach in the elections for a Pales-

**If the disengagement leads to prolonged violence, the Israeli public will oppose any new step interpreted as a concession to the Palestinians, including further unilateral withdrawals.**

tinian leader voted against the candidates of his party, Fatah, in the local elections. If this protest voting pattern is repeated in the parliamentary elections, Fatah may experience similar losses. Reformists in Fatah are very concerned with the possibility of such a development and consequently are demanding high visibility reforms in Fatah, including ousting the older generation and "the Tunisians" who came to the territories with Arafat at the start of the Oslo process. It is they who are reputed – often correctly – of being corrupt. It is unclear whether Abu Mazen will be prepared to carry out these steps, and this uncertainty is the source of much frustration for Fatah reformists.

Even if one assumes that Abu Mazen's intentions are good, in the sense that he genuinely wants to resolve the conflict with Israel in a non-violent manner, his ability to realize these intentions is highly doubtful. Dur-

ing the intifada the PA underwent a process of disintegration that first and foremost damaged its security apparatuses. At the same time, the central national-secular Palestinian political stream, which is built on Fatah, also experienced a similar process of disintegration and loss of power. Abu Mazen's ability to implement his policy is largely contingent on his ability to revitalize the central political body and rebuild the PA, particularly its security apparatuses, yet so far, his modus operandi has slowed the implementation of essential reforms. He steers clear of confrontation and prefers to progress through dialogue and generating consensus. This approach may offer many long term advantages, but considering the tight schedule of the coming year it may prevent him from executing the necessary reforms in Fatah before the July elections and delay the required security reforms, which call for amalgamating the various units into three bodies subordinate to a single entity. Non-implementation of the security reforms is liable to lead to ongoing instability. More urgent, however, is the current ceasefire, which in the absence of viable PA power is based solely on the will of the Islamic organizations. If the current pace of reform continues, the PA's ability to enforce law and order at Palestinian street level may not occur in the foreseeable future.

As for the feelings among the Palestinian populace at large, the Palestinians are heavily concerned with issues related to their daily lives, freedom of movement, economic well-being, and the fate of the prisoners



– almost all families have one or more relatives in Israeli prisons. For now, there is a sense of dissatisfaction that change is not taking place, or is unfolding too slowly. This feeling may intensify during the disengagement period, which would accelerate the already-brewing crisis.

### The International Arena

The important international players, headed by the US and the European Union (EU), have agreed to back the disengagement plan on condition that it serves as a stage in the process and not as an independent move. They will be looking for renewal of talks between Israel and the Palestinians based on the roadmap after implementation of the disengagement. Specifically, it is clear that the EU will adhere firmly to this demand, although Europe's position will only have limited impact on the positions of the two sides, as the main international player is still the United States.

During President Bush's first term in office the US generally abstained from pressuring Israel to implement difficult political moves. It is possible that for several reasons the Bush administration will behave differently during the second term:

- Re-election is not a factor. Although there is still the issue of not wanting to affect adversely the power of the Republican party, that is less of a consideration.
- The need for reform in the Middle East based on democratization is a central element of President Bush's agenda. In terms of the American administration, the free elections

in the PA after Arafat's death and the election of Abu Mazen – a moderate pro-Western candidate who supports democratic reforms – exemplify the viability of American policy and offer a positive example to the rest of the Arab world. In this context the US government has a strong interest in supporting and strengthening Abu Mazen.

- The new administration is willing to do as much as it can to improve its negative image in the Arab world. Because of this image, the chances of realizing American political aims in Iraq and in the Middle East as a whole are slim. Similarly, the messages of reform and democratization are treated with widespread mistrust in the Arab world, with limited possibilities for influence. The policymakers in the Bush administration clearly understand that the American stand on the Israel–Palestinian issue contributes heavily to the negative image in the Arab world.

- The administration is investing significant efforts to redress the European–American rift generated by the Iraq War. The Israel–Palestinian issue could be perceived by the administration as an area for possible American–European collaboration. This thinking may push the administration towards the European policy.

- During his second term of office an American president has a tendency to adopt ambitious projects based on his desire to influence his place in history.

- Finally, the administration was reluctant to invest too much in the Israeli–Palestinian conflict because

it viewed the chances of success of such involvement as low, and therefore saw it as a political burden on the administration. Arafat's death, the subsequent changes in the PA, and Prime Minister Sharon's disengagement plan could persuade the Americans that the chances of successful involvement have greatly improved, and thus investing the necessary resources makes political sense.

On the other hand, the fundamental empathy of President Bush and other central figures in his administration for the Israeli government will join the awareness that current Israeli and Palestinian politics make it very difficult to achieve further progress after disengagement, with success by no means assured.

The Bush administration is making every effort not to intervene in the implementation of the disengagement plan and therefore has avoided any serious friction with the Israeli government. The administration is also abiding the Israeli behavior of dragging its feet on commitments to freeze settlement building and dismantle outposts. These issues will surface once again after disengagement, especially for this US administration, which does not generally show much understanding towards non-fulfillment of commitments.

Based on all these considerations, it is likely that after disengagement the US, in collaboration with Europe, will strive to push the Israeli–Palestinian process forward based on the roadmap, whose advantage lies in the fact that it is a document accepted by all the sides, despite various qualifi-

cations from the respective parties. The international players will strive through the disengagement period to enable the plan by contributing to the PA's rehabilitation and the building of its institutions, including its security organizations, and providing financial aid. They will also exert their influence on Israel to take steps that will help revive the Palestinian economy and Abu Mazen's government and allow freer movement of people and goods within and outside the Palestinian autonomy areas. However, past experience suggests that international bureaucratic obstacles and Israeli security considerations will slow improvement of the situation for the Palestinians, and therefore the day after the disengagement, the Palestinian people will still not feel the fruits of disengagement or any fundamental change in their situation.

### The Probable Crisis

Analysis thus indicates that the most likely scenario after disengagement is a crisis in which the Palestinians demand renewed talks on a permanent settlement; the Israeli side hinges its consent to holding talks on phase two of the roadmap and a Palestinian state with temporary borders on full implementation of phase one of the roadmap and a complete dismantling of the terror infrastructure. Meanwhile the US and Europe will pressure the two sides to start negotiations based on the roadmap. The EU will likely incline toward the Palestinian wish to bypass phase two of the roadmap, while the US may support Israel on an additional interim phase.

It is not clear what the impact of a collapse of the government in Israel and early elections would have on this crisis. The Palestinian leadership, which is familiar with the Israeli political system, will probably understand that it has no choice but to wait for the internal Israeli process to run its course. However, for the general Palestinian public such a development may strengthen the sense of crisis and the feeling of having reached a dead end. Consequently, there is a risk that this process may lead to Abu Mazen losing his legitimacy and leaving his post, which he did not hesitate to do during his first term as prime minister. If his place is taken by more militant elements, it would strengthen Hamas, which at this stage may very well be in a position of political power as a result of its performance in the PLC elections.

In such a situation the chances of an outbreak of violence that would renew the intifada would be greatly increased. Whether or not there is a tangible reason for a resumption of the intifada is of secondary importance. Nor does this mean that the Palestinian leadership would make a strategic decision to renew the violence. Rather, internal processes might lead to the collapse of the Palestinian leadership, its loss of control, and a rise of the supporters of violence who would initiate the escalation.

### Recommendations for Israel

Among the strong supporters in Israel of unilateral disengagement there are those who will claim that there was never any chance of reaching effective

dialogue with the Palestinians, and that the crisis was unavoidable. Indeed, herein lay the background to the disengagement plan, and as Israel's basic interest is to disengage from the Palestinians in order to preserve Israel as a Jewish democratic state, there is no alternative to continuing with unilateral separation in Judea and Samaria while confronting Palestinian violence.

This is a deterministic approach that precludes any intention of reaching agreed separation with the Palestinians and ignores the enormous impact the disengagement will have on public opinion in Israel. If the disengagement plan leads to prolonged violence one can assume that the disappointment of the Israeli public will create opposition to any further step interpreted as a concession to the Palestinians, including further unilateral withdrawals. Israel thus has an interest in generating a mechanism that will allow it to avoid the crisis period. This mechanism should be based on dialogue with the Palestinians, in which the US and EU play a central role.

The present Palestinian leadership views violent confrontation not as a vehicle for realizing its political aims, rather as an obstacle. Israel must therefore do its utmost to reach an understanding with the Palestinians on a political process that will prevent the expected crisis from erupting. Based on the shared interest in preventing this crisis, it is essential that the Israeli leadership already engage in a strategic dialogue with the Palestinian leadership. The goal of the dialogue will

be for both sides to clarify their constraints and room for maneuver with the purpose of drafting a formula capable of accommodating coordinated unilateral moves alongside staged negotiations. Thus, for example, the process may include a later stage of coordinated unilateral disengagement in Judea and Samaria that will allow the creation of the Palestinian state with temporary borders, along with the agreement of both sides with regard to dialogue on the principles of a permanent agreement to start at a later date, to be set in advance or at the same time. The process should incorporate flexibility as an integral part. It is also important to generate a feeling of sustained progress.

It is possible that it will be convenient for both sides to rely on elements of the roadmap. However, in practice they will have to build a new and more realistic formula, and thereby not repeat the errors of the Camp David summit whereby the two sides did not hold advance talks on a joint strategy that would enable them to overcome a crisis were the summit to fail. Perhaps such talks could not have been held in any case prior to Camp David due to Arafat's difficult personality. Today, however, it appears that such dialogue is possible and that there is openness on the Palestinian side regarding the idea. The main problem is concern on the Israeli side that such talks may increase opposition to the disengagement plan if it already entails what will be perceived as additional concessions. Yet

following approval of the budget and rejection of the referendum this concern is no longer an issue. There is currently no political way to stop implementation of disengagement and such dialogue will not reduce the Israeli public's support for disengagement. Indeed, according to all public opinion polls, the majority of the Israeli public supports dialogue and negotiations with the Palestinians. This support will only grow if disengagement is successful. Moreover, Likud opponents of disengagement include a sector led by MK Michael Ratzon who opposes disengagement because it is unilateral and not because he objects fundamentally to dismantling settlements as part of an agreement with the Palestinians.

Another conclusion is the importance of measures and confidence building steps that will improve the situation of the Palestinian public. If the Palestinians feel there is significant improvement in their economic conditions and freedom of movement, this could greatly quell feelings of frustration generated by the lack of a political process and vision, and reduce the chance of a spontaneous outburst of violence. To this end it is worthwhile for Israel to take greater risks than those it currently takes. As long as the ceasefire holds it is possible to take risks relating to the Palestinian public's freedom of movement and the release of prisoners.

The US and EU have important support roles to play in both areas. First, they must facilitate dialogue be-

tween the sides by exerting pressure on them when required and, when necessary, by providing guarantees for both sides. A good example of this is the letter from the national security advisor given to Dov Weisglass when support for the disengagement plan was needed. There may be a need for a similar letter to Abu Mazen in order to provide the Palestinians with the necessary guarantees that the US will not allow the process to stall after implementation of the disengagement plan, and that the president is determined to bring about the creation of a Palestinian state that will realize the Palestinians' basic national aims. In addition, Abu Mazen will not be able to carry out the necessary reforms in the PA and to rebuild the security facilities without the support of the European Union and the United States. Without urgent and massive financial aid from the international community it will not be possible to improve the Palestinians' economic conditions to the extent and at the pace needed to prevent the re-emergence of feelings of disappointment and frustration.

If the two sides, with the help of the third parties, manage to build the mechanism that will initially defer and then obviate the expected crisis in Israeli-Palestinians relations, there will be a greater chance that realization of the disengagement plan and Arafat's departure from the arena will be marked as a positive turning point in the Israeli-Palestinian process and not as just another episode with limited effect.



# A Turning Point? The National Dialogue between Fatah and Hamas

Danny Rubinstein

The Palestinian political arena has recently experienced substantive shockwaves. The joint announcement on the meeting of the Palestinian factions in Cairo in March was the first of its kind, indicating a new balance of forces in Palestinian politics. The results of these shockwaves are expected to be reflected in the July elections for the Palestinian Legislative Council (PLC), the parliament of the Palestinian Authority (PA). Will Fatah continue to control the PLO and the Palestinian territories, or will it lose a significant part of its power to Hamas?

Any change in the internal Palestinian scene will have major influence on negotiations with Israel and the chances of achieving a political settlement. Palestinian public opinion polls indicate that the majority of the population in the territories prefers a political program based on two states for two nations, or in other words, the approach of Fatah. However, senior Fatah officials and veteran activists in the movement are perceived in the West Bank and Gaza as power hungry and corrupt. It seems that the Palestinian public prefers Hamas activists, who are regarded as modest and upright, not because of their religious and political stances but despite them.

## Intra-Palestinian Dialogue

The idea of a political discussion among the various Palestinian factions, such as that held recently in Cairo, generally assumes twelve or sometimes even fourteen factions. Most of them are small leftist organizations and fronts established more than thirty years ago in the period following the Six Day War, and were for many years members of the Pal-

estinian political umbrella, the PLO. Today, however, most of these organizations have no political weight. In the last two decades they have lost the major or minimal public support they once enjoyed. All that remains of them is a small band of party officials who try to survive by means of the financial support they receive from the PLO or various Arab bodies. Even an organization like the Popular

Front for the Liberation of Palestine, at one time second only to Fatah in size in the PLO, is currently no more than a fairly small group of activists who can barely maintain their central headquarters in Damascus and their local branches in the West Bank and Gaza. Every time elections have been held in recent years in the territories for the student councils, labor unions, or workers committees, the Popular

Front candidates received only a few votes. The same applies to the other Palestinian factions.

Consequently during the last ten years the debate between the Palestinian factions is in fact a dialogue between two groups: Fatah and the Islamic resistance movement Hamas. Since the 1990s these are the two largest and most important movements

From its earliest activities, Hamas has acted as though it intends to form an alternative leadership to the PLO.

in the Palestinian public. They are both surrounded by satellites, smaller movements that to a certain degree may be regarded as appendages. For instance, Fatah is supported by the Fida movement of dissidents from the Democratic Front for the Liberation of Palestine, Dr. Samir Ghusha's Popular Struggle Front, and the Communist People's Party; Hamas has a partner in the Islamic Jihad. Thus, even the recent conference hosted by the Egyptians in Cairo was in fact a dialogue between Fatah and Hamas, with the other factions virtually remaining observers from the sidelines.

However, before attempting to analyze the results of this meeting it is important to define the participants more precisely. Was this a dialogue between the Palestinian Authority and Hamas, as has been suggested

in several reports, or negotiations between Fatah and Hamas, as maintained by others? The representatives of the parties are the same people, but there is importance to their titles in the context of the negotiations. Mahomud Abbas (Abu Mazen) is the chairman of the Palestinian Authority, as well as the head of the PLO and the leader of the Fatah movement. (Farouq Qadumi is officially the chairman of the Fatah Central Committee, but clearly Abu Mazen is the principal figure in the movement.) However, there is a difference if Abu Mazen participates in a dialogue of this sort as head of Fatah or as chairman of the PA. The reason for this is obvious: a dialogue between factions, or between Fatah and Hamas, is legitimate even when held under the auspices of a foreign country. However, a dialogue between the PA, or in other words, the Palestinian regime in the territories, and a political group or groups from the territories – under the auspices of a foreign country – is something totally different. It can be regarded as an embarrassment to the Palestinian government, and in fact quite a few of the reporters who covered the meeting in Cairo considered it a humiliation for Fatah.

The meeting in Cairo was the result of more than ten years of negotiations between Fatah and Hamas. While Fatah is a veteran organization and has in fact been the ruling party of Palestinian nationalism for almost forty years, Hamas is a relatively young player. Hamas defined itself as a political movement only in the early months of the first intifada, at the be-

ginning of 1988, when it published its ideological platform. It called this platform the Islamic Covenant, as a counterweight to the famous National Covenant of the PLO. Hamas was founded as an Islamic religious organization, in opposition to the PLO that is cast as a secular nationalist group. "On the day that the PLO adopts Islam as a way of life, we shall be its soldiers," Hamas declared when it was founded.

Although Hamas leaders have avoided any explicit affirmation, from their earliest activities they have acted as though they intend to form an alternative leadership to the PLO. In the first intifada (1987-91) they refused to take part in the united headquarters set up by the organizations associated with the PLO. They presented a different political agenda that was totally opposed to the decisions taken by the PLO in the summer of 1988, whose main thrust was the acceptance of UN decisions and de facto recognition of Israel's right to exist.

The refusal by Hamas to recognize the PLO as the sole representative of the Palestinian people did not prevent it from engaging in a dialogue with the PLO. One of the first and most interesting meetings between Hamas and Fatah representatives was in January 1993 in Khartoum, Sudan, during the interim period of the diplomatic process, between the Madrid Conference (November 1991) and the Oslo agreement (September 1993). In this dialogue Hamas expressed willingness to join the PLO under two major conditions. The first was that the PLO retract its recognition of UN Resolu-

tion 242, or in other words, change its policy of striving for a political settlement with Israel. The second was that Hamas would receive a representation of 40 percent in all PLO institutions. Yasir Arafat responded angrily, saying: "I didn't come to Sudan in order to sell you the PLO." The Hamas representative, Ibrahim Ghusha, replied: "We have expressed willingness to enter the PLO and not become an alternative to it."

The differences of opinion between Hamas and Fatah regarding Israel were, and to a certain extent have remained, ones of principle. Hamas stands for the liberation of all Palestine, which according to its covenant is "the land of the Islamic Wakf for generations of Muslims until Judgment Day," which consequently precludes ceding any part of it. In contrast, Fatah officially supports the principle of a two state solution, provided that the problem of the refugees is solved

From the Hamas viewpoint, the Sharon government drafted the disengagement plan solely because of the Palestinian violent struggle.

based on their right of return. Hamas declares that the sole operational method is jihad and armed struggle, while Fatah (and the PLO) have taken decisions opposed to violence and terrorism.

Deep social differences also exist between Fatah and Hamas. While

the initial Fatah breeding ground was in the secular-leftist atmosphere of the 1960s and was nurtured over the years outside historic Palestine, especially in Beirut and Tunis, Hamas is a local organization, originating in the Gaza refugee camps and fed by a traditional religious atmosphere that was inspired by the Muslim Brotherhood in Egypt. Fatah leaders have an image among the Palestinian public of people hungry for authority and power and tainted by personal corruption, while the public image of Hamas activists is of modesty and integrity.

Just as more than ten years ago the first dialogue in Sudan between Hamas and Fatah failed, so did the subsequent dialogues of the 1990s. The peak of the dispute between Hamas and Fatah (or specifically the Palestinian Authority) was during the years 1996-2000, when the Palestinian security organizations arrested hundreds of Hamas operatives in the West Bank and Gaza and attempted to block the activities of the movement.

The al-Aqsa intifada, which erupted in September 2000, changed the picture. The Israeli-Palestinian violence and the accompanying political circumstances brought Hamas and Fatah together and permitted a resumption of the dialogue between them. The failure of the political process with Israel restored the violent option to the Palestinian agenda, and Fatah activists returned to the methods of armed struggle and terrorist attacks under the banner of a new organization called the al-Aqsa Martyrs Brigades. They even adopted the meth-

od of suicide bombers, previously employed solely by Hamas and other Islamic extremists. In other words, in the last four and a half years Fatah activists have retreated to a large extent from their previous positions and

In the last four and a half years, Fatah activists have retreated to a large extent from their previous positions and have adopted a stance similar to that of Hamas.

have adopted a stance similar to that of Hamas. Furthermore, public support for Hamas has increased considerably, as has Palestinian public opinion in favor of terrorist attacks against Israel.

The renewal of contacts between Hamas and Fatah during the intifada, and their intensification in 2003 under Egypt's auspices, occurred against a background of increasing Hamas prestige and power. In the Cairo dialogue of early 2002, Hamas representatives refused to agree to a joint document prepared by the Egyptians regarding a one-year suspension of armed activities. Abu Mazen, appointed as the first Palestinian prime minister in the summer of 2003, adamantly opposed Hamas activities but attempted to persuade Hamas leaders and others that the terrorist attacks and acts of violence or, in his words, the armed intifada, did not help the Palestinians

but rather caused them serious harm.

Abu Mazen's efforts to achieve rapprochement and an understanding with Hamas about cessation of the terrorist attacks, in addition to the IDF policy of targeted assassinations of Hamas leaders in Gaza, produced a certain change in Hamas positions. Indeed, an understanding was reached in the summer of 2003 regarding a *hudna*, a temporary ceasefire, for which Hamas presented clear conditions, including: Israel would stop killing Palestinian citizens, halt its penetration of Palestinian territories, and release prisoners. Abu Mazen's *hudna* of the summer of 2003 was short-lived, as was his government. The dialogue between the sides was renewed with any measure only after Arafat's death and Abu Mazen's election as chairman of the Palestinian Authority. At this point the atmosphere during the dialogue was different, as was the result in Cairo in March 2005 that led to a ceasefire and to agreement about the joint document.

### The Current Opportunity

What caused this change in atmosphere between Hamas and the PLO? Was it Arafat's death? Or was it perhaps the elimination of three out of five senior Hamas people in Gaza? (Hamas founder Sheikh Ahmed Yassin, Dr. Abed al-Aziz al-Rantisi, and Ismail Abu Shenev, were assassinated. The two surviving senior officials are Dr. Mahmoud al-Zahar, who escaped an attempted assassination and was subsequently elected to be head of the movement in Gaza, and Sheikh Ismail Hania.) Certainly the

changed atmosphere was due at least in part to national and regional circumstances: Islamic terrorism, which has become a grave threat to many countries of the world; the war in Iraq;

It is very likely that the strife-torn Fatah will sustain a real blow in the elections. Success by Hamas in the elections will enable it to gain triumphant access to the PLO institutions.

and the American/Western demand for the establishment of democracy and the implementation of reform in the Arab world. It is very likely that the events in Lebanon and Syria also exerted much influence on the Hamas leadership, based in Damascus.

All these factors probably prompted Hamas to modify its rigid positions, but it is important to add an additional one: Prime Minister Ariel Sharon's disengagement plan. As far as most Palestinians are concerned, and certainly from the Hamas viewpoint, the Sharon government drafted the disengagement plan solely because of the Palestinian violent struggle. They regard it as a tremendous Palestinian victory. All the opinion polls in the territories testify to this sentiment, which is strengthened by the growing opposition in Israel to the disengagement plan. The spokespersons of the Israeli Right, which is struggling against the plan, and the Palestinian

spokespeople share the view that this is an Israeli retreat, and the uprooting of settlements represents an Israeli national humiliation and a violence-induced surrender. The sense of victory and Hamas strength allows the heads of the movement in the territories and abroad to adopt more flexible positions from a feeling that the possibility now exists to assume control of the Palestinian national movement and perhaps the governing authority of the West Bank and Gaza. If in Sudan in 1993 Hamas was mocked by Arafat for demanding a change in Palestinian policy and the control of 40 percent of all PLO institutions, it now has a chance of achieving this.

These feelings on the possibility of attaining power are reinforced by the fact that the opponents in the PLO have lost Arafat, the leader and symbol whom none could dislodge. Meantime, support for Hamas is increasing, in part due to the disgust by the public in the territories with the corruption of the Fatah and PA leadership. The internal disputes in Fatah between the older veterans of Tunis, who control the movement's central committee, and the younger veterans of Israeli jails and the first intifada encourage Hamas activists to believe that their aim lies within their grasp. This background also includes the recent electoral campaigns for some municipalities and local councils in the West Bank and Gaza, which further strengthened Hamas hopes. The success of the Hamas candidates in these elections (held in several stages) was impressive. This is therefore the appropriate time for

the Hamas leadership and movement activists to gradually turn into a political party, having good chances of becoming a decisive factor in Palestinian politics.

Consequently, the important development was not the ceasefire agreement achieved recently in Cairo, but the preparations by Hamas to participate in the PLC elections scheduled for July. Hamas (and the other opposition movements) refused to participate in the elections held in 1996, because they were held on a basis of the Oslo agreement that they rejected out of hand. Hamas also refused to participate in the recent elections for PA chairman, in which Abu Mazen was elected.

Now the situation is different. Following the dialogue between Hamas and Fatah and the Cairo understandings, changes will take

place in the procedures for the July elections. They will not be held only on a regional basis, which gives an advantage to the large party, but apparently as a combination of two methods: half the members of the council will be elected as regional representatives, and half on a national basis. Fatah representatives are trying to bargain with Hamas regarding the specifics, but no decision has yet been made. Abu Mazen recently proposed adopting a method of elections similar to the Israeli one, perhaps thinking that since most of the Palestinian public is not fervently religious and therefore won't support the Hamas political position, it will prefer the Fatah political platform and will forgive its activists for their arbitrary and corrupt behavior.

One way or another, however, it is very likely that the strife-torn

and divided Fatah will sustain a real blow in the elections. Understanding exists between the sides that the results of these elections will also form the key to the new distribution of representatives in the various PLO institutions. This means that success by Hamas in the elections will enable it to gain triumphant access to the PLO institutions. If this forecast comes true we shall shortly witness a real turning point in the Palestinian political scene. In the weeks remaining until July it is doubtful if Israeli policy can significantly influence the results of the elections and prevent Hamas from becoming an official partner in the Palestinian regime. In that case, we may witness a more antagonistic and violent Israeli-Palestinian confrontation than we have known thus far.

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# Hizbollah after the Syrian Withdrawal

Daniel Sobelman

## Introduction

In recent years, and especially since the IDF withdrawal from Lebanon in May 2000, the future of the Lebanese organization Hizbollah and its very *raison d'être* in the absence of the Israeli occupation of southern Lebanon has been widely debated. This issue has engaged not only those in the local and regional surroundings, but also the Hizbollah leadership itself. For its part, Hizbollah has demonstrated its capability of adjusting the organization's character and activity to the changing reality, evolving in light of September 11, 2001, the war in Afghanistan, and the overthrow of the Iraqi regime. Currently it faces a new challenge in the form of mounting Lebanese and international pressure on Syria, one of its principal patrons. This pressure has prompted Hizbollah to secure its position, together with Syria and the pro-Syrian establishment, in the internal Lebanese scene and consolidate its role as an armed force in Lebanon. The specific possibility of Hizbollah's future integration in the Lebanese army has become a more urgent issue on the political and media agenda in Lebanon since the assassination of the former Lebanese prime minister Rafiq al-Hariri on February 14.

Hariri's assassination, which will apparently be one of the decisive formative events in Lebanon in the decades since the Ta'if agreement and the end of the civil war in late 1989, intensified the already considerable local and international pressure on Syria to comply with Security Council Resolution 1559 of September 2004. This resolution calls for the withdrawal of "all remaining foreign forces" from Lebanon, for the "disbanding and disarmament of all Lebanese and non-Lebanese militias," and for "the extension of the control of the Government of Lebanon over all Lebanese territory."<sup>1</sup> For Hizbollah, Hariri's death exposed the organization to new international pressure. It is no surprise that the organization considered the event "an earthquake."

The principal contention of this essay is that the Shiite organization is currently acting vigorously to implant the belief that it is critical that Lebanon preserve Hizbollah's military strength as a strategic deterrent against Israel. This platform earns the organization support from the pro-

### Hizbollah currently markets itself mainly as a strategic deterrent against Israel.

Syrian establishment and even from some senior people in the opposition who were adamant on the Syrians departing the country. Moreover, the impetus for Lebanon to sponsor Hizbollah's military power and thereby shield the organization officially is expected to increase as a function of the growing international pressure on Syria and Lebanon. Hizbollah, whose deterrence against Israel emerges specifically from its being a non-establishment body, will likely aspire to benefit from the protection of the Lebanese establishment, while at the same time preserving its independent status as much as possible.

### Focus on the Lebanese Scene

Hizbollah's history indicates that it is far from an organization that stagnates in the presence of dramatic developments, such as the American campaign in Iraq and widespread international support for the war against terror. At least as far as Lebanese internal affairs are concerned, since the

eve of the American war against Iraq a far-reaching change has occurred in the organization's priorities and patterns of operation.

First, Hizbollah began emphasizing openness toward the political parties in Lebanon, including political bodies it avoided in the past. While the vast majority of reports in the Lebanese media traditionally addressed Hizbollah in military contexts, in recent years the organization's name has appeared daily, mainly regarding internal political issues. For instance, when in October 2002 Hizbollah secretary-general Hassan Nasrallah appeared at the opening ceremony of the Francophone conference in Beirut, it was the first time that Nasrallah participated in an event unrelated to the conflict with Israel and in which the US ambassador was among the several foreign dignitaries. On the way to his seat, Nasrallah, again for the first time, shook hands with Maronite patriarch Nasrallah Butrus Sfeir, one of the first important figures to call for Syrian withdrawal from Lebanon. Rapprochement and coordination meetings of this kind have now become routine matters for Hizbollah leaders, including with the then-exiled and recently repatriated opposition leader – and prominent opponent of the Syrians – Michel Awn.<sup>2</sup>

Second, in the military context Hizbollah currently markets itself mainly as a strategic deterrent against Israel, and to a far less degree as an organization engaged in daily tactical warfare against it.<sup>3</sup> The five years that have elapsed since the IDF withdrawal from southern Lebanon in

May 2000 may be divided into two major periods: from October 2000 until the end of 2002, when Hizbollah initiated attacks at Mount Dov every few weeks; and from the beginning of 2003 until the present, when the organization's attacks at Mount Dov have occurred at intervals of several months, and primarily as a response to what the organization perceives as Israeli provocation.<sup>4</sup> Yet already after the IDF withdrawal Hizbollah leaders took pains to emphasize that the organization was intent on maintaining peace, security, and stability in the country. Since then, a new theme of Hizbollah as a complementary force to the Lebanese army that acts in coordination with the national military has surfaced more consistently. Senior Hizbollah officials explain that in light of the army's weakness, "the organization shares a foxhole with the Lebanese army," and therefore its

### Senior officials in Lebanon are now talking about Hizbollah being integrated in the Lebanese military doctrine.

military strength must be preserved. This approach has won the approval of the Lebanese establishment.

Specifically, expressions of concern voiced in Israel are recorded and well-received by the various entities located on the northern side of the border – Syria, Hizbollah, the Lebanese establishment, and even some of the leaders of the anti-Syrian opposi-

tion. Not only does Hizbollah note these expressions of fear that it has successfully generated, but it exploits and incorporates them in its internal propaganda campaign aimed at preserving its capabilities and status. Thus the Hizbollah secretary-general declared that the Lebanese army could not by itself deter Israel, whose air force alone is capable of destroying the army within "three to four hours." However, Nasrallah added, Lebanon possesses "the resistance that defeated, humiliated, and deterred Israel over a period of four and a half years."<sup>5</sup> His deputy, Na'im Qasim, stated that "the deterrent resistance is what is frightening the Israelis."<sup>6</sup>

In reflection of this theme, Hizbollah over the past few years has drawn much closer to the official Lebanese military establishment. When in May 1999 the Lebanese president sent the commander of the Lebanese Republican Guards to meet with Nasrallah and award medals to the organization's soldiers for their fighting in southern Lebanon, this was regarded as an unprecedented gesture by the government toward the organization.<sup>7</sup> Intelligence material possessed by Israel<sup>8</sup> on the cooperation between Hizbollah and the Syrian and Lebanese armies, however, suggests that many people in the Lebanese military and political establishments see Hizbollah as helping to compensate for the inferiority in forces compared to Israel. In July of last year the Lebanese army chief of staff, Michel Suleiman, was quoted as saying to Nasrallah that since Lebanon possesses no fighter aircraft and a strong army with which to face up to

Israel, Hizbollah "fills this void" and becomes Lebanon's "smart weapons."<sup>9</sup> About three months later a member of the Lebanese parliament, Fares Bouez – currently a vocal member of the anti-Syrian political camp while supportive of Hizbollah – explained that "resistance activities are by their nature secret, and if [Lebanon] had the traditional, classic [military] capability of taking on the Israeli enemy,

The organization itself would prefer to retain a sufficient degree of independence in order to prevent its total assimilation inside the army.

the army would assume this task."<sup>10</sup> Lebanese president Emile Lahoud explained that Hizbollah "remains the special essential weapon of Lebanon in the absence of the traditional military balance between the Lebanese and Israeli armies."<sup>11</sup> Former Lebanese defense minister Abd al-Rahim Murad remarked that "our capabilities are limited and Lebanon is very small in area, so that we believe that strengthening the resistance is the ideal method for us."<sup>12</sup>

In recent months, perhaps as part of an attempt by the Lebanese defense establishment to protect Hizbollah against international pressure, the implicit and explicit expressions of this concept were strengthened to such an extent that senior officials in Lebanon are now talking about Hiz-

bollah being integrated in the Lebanese military doctrine. The necessity to protect "the resistance" (i.e., Hizbollah) was even mentioned in a special publication distributed to soldiers by the guidance department of the Lebanese army, which explained that "the resistance forms an essential part of the strength of the Lebanese position when facing dangers from Israel."<sup>13</sup> A few days later Suleiman remarked that "support for the resistance is one of the fundamental national principles in Lebanon and one of the foundations on which the military doctrine is based. Protection of the resistance is the army's basic task."<sup>14</sup> Na'im Qasim agreed that as far as he was concerned, "we as the resistance are always lying within the military doctrine of the Lebanese army."<sup>15</sup>

This acknowledgment of the resistance, especially among the pro-Syria camp, is to a large extent based on a set of shared interests between Syria and Hizbollah. Syria regards Lebanon as a strategic asset of the highest order. Its success in achieving hegemony over the country, which began in 1976,<sup>16</sup> is seen as one of the most significant accomplishments of Assad's regime. Damascus regards the Lebanese region as an essential buffer to an Israeli offensive that could bypass the Golan Heights, and a significant source of income for hundreds of thousands of Syrian workers. Syria's strategic concerns are well received by Hizbollah as it, like Syria, believes neutrality is not a viable alternative for Lebanon, and the country must therefore adopt either a pro-Syrian or pro-Israeli stance.<sup>17</sup>

## Initial Discussions on Integration in the Army

In these circumstances it was only natural that the next discussion on the future of Hizbollah would be a debate regarding the integration of the Shiite organization, officially or semi-officially, in the Lebanese army. Hariri's assassination accelerated the debate. Only two weeks after the assassination Lebanese functionaries were quoted as saying that "in the next stage" the future of Hizbollah and its weapons would be discussed in consultation with all the political elements in the country. The possibilities suggested were setting up an integrated link between Hizbollah and the Lebanese army, integration of the organization's military force in the army, or a declaration that this force would become an "assisting" force for the Lebanese army, as part of a separate special brigade to be called the "Resistance Brigade."<sup>18</sup>

Former Lebanese president Amin Jumayyil, one of the opposition leaders who demanded that the Lebanese army deploy in the southern part of the country, remarked that according to Lebanese law Hizbollah could be defined in the category of "supporters of the army," and consequently "the army will bear direct responsibility and attach Hizbollah to the 'supporters of the army' and [the organization] will act under its supervision and responsibility."<sup>19</sup> In contrast, the Syrian ambassador in Washington, Imad Mustafa, spoke about "merging" Hizbollah with the Lebanese army.<sup>20</sup> Muhammad Ra'd, the leader of the Hizbollah faction in the Lebanese par-

liament, was quoted as proposing to turn the Hizbollah armed force into a reserve unit in the service of the Lebanese army.<sup>21</sup>

It may be assumed that the organization itself would prefer to retain a sufficient degree of independence in order to prevent its total assimilation inside the army and the elimination of its particular edge vis-à-vis the IDF. In other words, the organization will attempt to preserve the current formula, defined by Nasrallah as "resistance maintaining coordination with and complementing the army,"<sup>22</sup> while at the same time enjoying official recognition – and tacit protection – by the establishment. In an interview given at the beginning of April, the deputy director-general of Hizbollah was quoted as saying that "we shall discuss the weapons after [the Israeli withdrawal from] Shab'a [Farms], on

For Israel, Syria's departure from Lebanon would free Beirut from the chains of Damascus tutelage and would permit the deployment of the Lebanese army along the southern border, and as such, removal of Hizbollah.

condition that a reliable alternative is found for the defense of Lebanon. A reserve army does not mean that the resistance has become part of the army, but only that we have found

a formula for coordination with the army. This is actually resistance going under a different name."<sup>23</sup> Soon thereafter the organization hurriedly issued an official clarification, which claimed that Qasim was quoted incorrectly, and that the precise quotation was: "The idea in question does not mean that the resistance will become part of the Lebanese army and will come under its orders, but that there will be a coordinated formula for the defense of Lebanon. Regarding the means and details, these issues must be discussed."<sup>24</sup> The clarification was apparently designed to underscore that Hizbollah is loath to forfeit its independence in favor of a standing army and is eager to maintain its distinct operational methods.

## Israel and Hizbollah: The Threat Perception

From Israel's point of view, the developments in Lebanon and the question of Syrian influence are regarded as directly linked to the security of the northern border. However, this approach has changed considerably since the beginning of the Syrian military presence in Lebanon in 1976. At that time, when the Yom Kippur War trauma was still relatively fresh, concern centered on the presence of the Syrian army along yet another border. Recent Israeli calls for the departure of Syria from Lebanon no longer stemmed from the fear of a military confrontation with the Syrian army on an additional front. Rather, the idea was that Syria's departure from Lebanon would free Beirut from the chains of Damascus tutelage and would per-

mit the deployment of the Lebanese army along the border with Israel, and as such, removal of Hizbollah.

Media reports in Israel and the remarks of senior Israeli officials in recent years are liable to give the impression that the fear of Hizbollah – an organization numbering a few hundred fighters, armed, according to IDF intelligence reports, with more than 13,000 Katyushas and long range rockets – is stronger, or at least more pronounced, than the fear of the Syrian military threat, which includes about 3,800 tanks, chemical weapons, and a missile system covering the area of Israel.<sup>25</sup> The IDF's confrontation with Hizbollah is described as asymmetrical, because of the basic assumption that the other side is an organization that is not subject to the rationale and considerations that generally guide a country. This is in contrast to warfare

To Syria, worse than its departure from Lebanon is the possibility that Israeli influence may replace Syrian influence.

against the Syrian army that, should it develop, would be expected to unfold according to the traditional, familiar norms of military behavior.

The result of this incongruence is the prominence given to the Hizbollah threat. When in October 2004 the Hizbollah flew a mini remotely-piloted vehicle (MRPV) in the skies of Nahariya, media coverage in Israel

was extensive, and a debate ensued over the possibility that the next time the MRPV would carry explosives. Because of this development, reports even appeared that the IDF had deployed a battery of Patriot missiles in the Haifa region.<sup>26</sup> In a similar vein, Israel fears that advanced means of air defense (Iskandar and SA-18 missiles) sold by Russia to Syria would find their way to Lebanon:

The Iskandar? Not serious. We know how to deal with the Syrian army, says the IDF. They have missiles, and they will continue to have missiles. The balance of terror between us is clear and decisive, and at this stage they don't worry us. What does worry us? Hassan Nasrallah. Those who have listened to the rhetoric of Hizbollah's leader in recent months can identify clear hints that Hizbollah is seeking creative solutions for Israeli air supremacy.<sup>27</sup>

This is the same concept that, at least according to news reports, led to the unprecedented acknowledgment by "senior defense officials" in Israel of a link to the assassination of senior Hamas leader Izz-al-Din Sheikh Khalil in October of last year in Damascus.<sup>28</sup> If Israel does lie behind the assassination of Hizbollah members in recent years in Lebanon, then in contrast to the killing of Khalil, Israel avoids assuming responsibility for assassinations in Lebanon.

However, signs also exist that there are those in the military estab-

lishment who are beginning to regard the Hizbollah threat in different proportions. Following the media uproar and panic aroused by the MRPV penetration, a senior officer in the Northern Command said, "We are all talking as though in another minute they are going to launch a nuclear bomb against us. Obviously I'm not pleased that an MRPV made a brief sortie over Nahariya and fled, but that's all it was."<sup>29</sup> The head of the operations branch, Maj. Gen. Yisrael Ziv, remarked that Hizbollah "put its foot inside our circle. This may perhaps be embarrassing, but it's not terrible."<sup>30</sup> In early April there was a second Hizbollah MRPV sortie over Israel, but with more moderate media reaction.

## Conclusion

The assassination of former Lebanese prime minister Hariri brought to a peak the international and internal Lebanese pressure on Syria to remove its remaining forces from Lebanon – a step it implemented in April. To date Syria has officially withdrawn all its forces. This does not mean that Syria will totally abandon its national interest of influence in the country, in existence for twenty years. Without a Lebanese influence Syria's importance is liable to be reduced, as described by former Lebanese prime minister Salim al-Huss, when he said that if Syria loses Lebanon it will become "a regular country, just like any other country in the region."<sup>31</sup> In fact, even if not a single Syrian soldier remains on Lebanese soil, there will still remain allies, a capability of applying sanctions against its opponents, and



bodies loyal to Damascus, as well as Syrian intelligence influence.

From Syria's point of view, worse than its departure from Lebanon is the possibility that Israeli influence may replace Syrian influence. In the foreseeable future every action that is regarded as an Israeli attempt to renew its influence in Lebanon may lead to countermeasures by Syria, including steps that could undermine the stability of the country. At this stage, at least, Lebanese opposition circles recognize that any attempt to damage Syria's political position, according to which Lebanon must not advance independently in the diplomatic-security sphere vis-à-vis Israel, will be regarded in Damascus as out of the question. For this reason the heads of the anti-Syrian political camp were at pains to emphasize from the first moment the "role of Lebanon as an active participant in the Arab-Israeli conflict."<sup>32</sup>

Regarding Hizbollah, it does not seem that the opposition will attempt to force the organization to give up its weapons, a scenario that in any case is regarded as well-nigh impossible. Furthermore, even among those favoring the Syrian withdrawal and the resignation of the pro-Syria administration, there are some who believe that Hizbollah military strength is a national asset. The more that Israel is perceived in Lebanon as a threatening country, the more Hizbollah will continue to receive support and will find it easier to market itself as the Lebanese national deterrent against Israel.

From its point of view, Hizbollah must prepare for the future, although

it is not clear what role Syria will play. Whatever happens, it is already apparent to the organization that it must anticipate a situation in which it can no longer rely on Syrian backing, as it has done until now. This situation obligates Hizbollah to accelerate and intensify processes that already exist, in particular its "Lebanonization," or in other words, emphasizing its Lebanese dimension.<sup>33</sup> However, the more "Lebanese" Hizbollah becomes, with the Lebanese establishment influence more official and demanding, the more

The more that Israel is perceived in Lebanon as a threatening country, the more Hizbollah will continue to receive support.

it will encounter difficulties in engaging in non-legitimate activities, such as the aid that it now gives to Palestinian organizations in the territories, aid that so far has not provoked Israel to a response that would undermine the stability on the northern border. It is likely that in the future Hizbollah will encounter less tolerance in Lebanon itself for this activity on the Palestinian scene, since its very existence as an armed force and its provocative activities would be seen as transforming Israel into a threat.

From Israel's point of view, this does not mean that the next time that Hizbollah identifies an Israeli violation of the northern border it won't retaliate. However, the more the orga-

nization assumes a more official and established image, it will gradually turn from a threat into a danger.

## Notes

1. <http://www.un.org/News/Press/docs/2004/sc8181.doc.htm>.
2. Two recent examples are the meeting held last November in the town of Bkirki between the Hizbollah leadership and the patriarch, during which he was updated regarding the considerations that determined the organization's activities in the southern part of the country (*Al-Mustaqbal*, November 30, 2004). In December the first meeting of its kind was held between a delegation of Hizbollah and a group representing General Michel Awn – the former military commander and president, leader of the Free Patriotic Movement, and most prominent opponent of Syria, who recently returned to Lebanon following a fifteen year exile in Paris. It was stated that both delegations raised the issues troubling to each of the organizations, and it seems that Hizbollah wished to confirm that Awn's group would not in the future pin their hopes on Israel. For their part, the representatives of Hizbollah were requested to discuss the organization's future military dimension (*Al-Nahar*, *Al-Mustaqbal*, December 8, 2004). Meetings with Hizbollah representatives took place within days of Awn's return to Lebanon on May 7.
3. Behind the scenes of the Palestinian theater the organization has remained an active instigating factor, but on the northern border events generally take place at intervals of several months.
4. The pattern of this activity received official support in the remarks of senior people in the organization. See, for example, Hizbollah deputy secretary-general Na'im Qasim, in an interview with *Al-Nahar* on March 31, 2005:

- "Hizbollah succeeded in developing its concept of resistance to the occupation, from daily military activities to a latent deterrence mechanism, accompanied from time to time by military activities."
5. *Al-Manar*, March 16, 2005.
  6. *Al-Safir*, April 8, 2005; *Al-Manar*, April 7, 2005.
  7. *Al-Nahar*, May 22, 1999.
  8. During 2002 numerous reports were received by IDF intelligence that coordination and cooperation existed at an unprecedented level between Hizbollah and the Syrian and Lebanese armed forces, reflected in shipments of Katyushas by Syria to the organization for the first time, and by Hizbollah being regarded by Syria as a force that would aid its army in the event of a confrontation with Israel. The Israeli media reported that in Syrian military exercises in Lebanon, Hizbollah joined forces with the Lebanese army as a planned part of the Syrian defense. See, for example, *Yediot Aharonot*, March 4, 2005.
  9. *Al-Mustaqbal*, July 30, 2004.
  10. *Al-Dayyar*, November 14, 2004.
  11. *Al-Anwar*, January 15, 2005.
  12. *Al-Ahram*, February 23, 2005.
  13. National News Agency (the Lebanese official news agency), March 1, 2005.
  14. National News Agency, March 6, 2005.
  15. *Al-Mustaqbal*, February 27, 2005.
  16. In fact Syria wished to set "red lines" for the Lebanese players and make the Lebanese foreign policy subject to Syria. See Eyal Zisser, *Assad's Syria at the Crossroads* (Tel Aviv: Hakibbutz Hameuhad, 1999), pp. 160-61.
  17. See, for example, the remarks of Na'im Qasim, in an interview with *Al-Ahram*, March 10, 2005: "As we can see from the map, Lebanon must be either with Israel or with Syria. It cannot remain outside the sphere of influence of both of them. Consequently it is preferable and proper that Lebanon should be with Syria and not with Israel." See also the remarks of the Syrian foreign minister, Farouq a-Shar'a, in *Al-Safir*, on September 27, 2004: "We don't wish to rule Lebanon; we are afraid that others will rule Lebanon and thus attempt to establish their hegemony over Syria. This is the real Syrian-Lebanese fear."
  18. *Al-Mustaqbal*, March 2, 2005.
  19. *Kul al-Arab*, February 25, 2005.
  20. AP News Agency, March 15, 2005; *Al-Safir*, March 16, 2005.
  21. *Daily Star*, April 7, 2005.
  22. *Al-Manar*, March 16, 2005.
  23. *Financial Times*, April 7, 2005.
  24. *Al-Manar*, April 8, 2005.
  25. Shai Feldman and Yiftah S. Shapir (eds.), *The Middle East Strategic Balance 2003-2004* (Brighton: Sussex Academic Press and Jaffee Center for Strategic Studies at Tel Aviv University, 2004).
  26. Channel 2, December 5, 2004.
  27. Ben Caspit, *Ma'ariv* NRG, January 13, 2005.
  28. Israel's assumption of responsibility was reported prominently in all the media. See, for example, the headline in *Ha'aretz* of October 27, 2004.
  29. Ynet, November 17, 2004.
  30. Ynet, December 5, 2004.
  31. *Al-Nahar*, October 19, 2004.
  32. See the final communiqué of the opposition conference in *Al-Mustaqbal*, December 14, 2004. It was stated that the opposition defends the "resistance" and rejects any attempt to define it as terrorism, even though differences of opinion exist in the opposition regarding the continuation of Hizbollah's activities in southern Lebanon and the deployment of the Lebanese army in the south. This expression of support was defined as the first of its kind on the part of the opposition. *Al-Mustaqbal*, December 13, 2004.
  33. Relevant here is an exceptional meeting held in Beirut in the middle of March between an American delegation, which included former administration personnel and senior members of several Islamic organizations, headed by Hamas and Hizbollah and represented by the party official responsible for external relations, Nawwaf Musawi. See the report in *Al-Mustaqbal*, February 23, 2005.

# Toward a Final Settlement in Jerusalem: Redefinition rather than Partition

Shaul Arieli

The ninety-nine papers and proposals formulated during the twentieth century regarding the future of Jerusalem<sup>1</sup> testify to the importance of the city for Judaism, Christianity, and Islam – and to the ongoing battle of interests being waged between the diplomatic and political representatives of these three religions. Each of the proposals considers the local and global balance of power in the boundaries of the city and attempts to ensure freedom of worship and internal management of the holy places.

The major issue of contention regarding political control of Jerusalem was and is the Temple Mount. It seems that for the extremists of all three religions any arrangement is regarded as a temporary one, until the conditions ripen for a realization of the spiritual ideal. Over the last decades the religious tensions already evident in the city were intensified by the nationalist tensions of the Israeli-Palestinian conflict, which were aggravated by the sides themselves and even by additional groups in the Muslim and Christian world.<sup>2</sup>

In addition to claims to the holy sites, a large part of the Israeli public regards a unified Jerusalem in its present borders as a single entity and opposes its partition.<sup>3</sup> This position was formalized in the mythical status awarded to these boundaries as a result of the legislation "Jerusalem: The Capital of Israel, 1980." Against this Israeli attachment to the idea of a unified Jerusalem lie Palestinian religious and nationalist claims to the city. Are the State of Israel and the Jewish nation thus inevitably called on to partition Jerusalem and yield its holy places in order to overcome

one of the substantive obstacles to an end to the conflict with the Palestinians, or might perhaps a solution to the question of Jerusalem's boundaries lie in their redefinition.

Indeed, the regional conditions created as a result of the diplomatic process between Israel and the Arab world may permit the establishment of a diplomatic solution in Jerusalem between the Palestinians and the State of Israel, based on the status quo in the holy places. In envisioning a practical solution for both sides, this essay will define the boundaries of Jerusalem through two stages. The

first stage offers a model for temporary management of a unified Jerusalem, which considers Israel's security needs, the fabric of Palestinian life in East Jerusalem and the West Bank, and the need for the sides to resume negotiations. This represents an interim solution until a permanent agreement on Jerusalem is achieved. In a final settlement, because of the overlap between the religious significance and the administrative control in most of the sites, a territorial solution must be based as far as possible on adapting the diplomatic status to the religious status of the holy places. To

this end, the essay proposes a different kind of organization of the sites. Finally, the remaining area of the city should be defined in accordance with the criteria formulated during previous negotiations and summarized in the Clinton proposal of December 2000.

### A Unified City?

Jerusalem, crowned the capital of the kingdom of Israel after its conquest by King David circa 1000 BCE, remained under Jewish political sovereignty for nearly 500 years and religious control for slightly more than 1000 years. Its initial area was approximately eight and a half to ten acres. By the end of the Second Temple period, in the year 70 CE, Jerusalem reached new heights in development, expanding to about 550 acres; municipal boundaries of this magnitude resumed only in the mid-nineteenth century.

Since the era of King David and throughout the millennia, Jerusalem has served as a symbol of Jewish identity and Jewish heritage. Once Christianity was declared the official religion of the Roman empire, the city as a whole and specific churches in particular acquired religious significance for the Christians. The Muslims sanctified Jerusalem shortly after their conquest of the city in the seventh century. Although they never declared it a capital city of any kind, they enjoyed religious and political control over it for almost 1400 years. The areas of religious and historical significance for Judaism, Christianity, and Islam are spread out over less than 500 acres, and comprise only 1.5

percent of unified Jerusalem's 32,000 acres.

The 1948 War of Independence left Jerusalem's Old City without Jewish residents and under Jordanian rule for nineteen years,<sup>4</sup> until Israel conquered East Jerusalem and the entire West Bank and redrew the boundaries of the city. Regarding the holy sites in Jerusalem, the Israeli military government decided to maintain the status quo.<sup>5</sup> The Christians were given de facto sovereignty over the Church of the Holy Sepulchre and parts of the Christian Quarter of the Old City. Most of the Temple Mount was left in Muslim hands, and Jews were granted free access to the Western Wall and to the walls of the Temple Mount. Jews were permitted to visit the Temple Mount but not to pray there. In addition, no flags bearing symbols of sovereignty were raised in the precincts of the Temple Mount. As to the legal status of unified Jerusalem,<sup>6</sup> the majority of the international community has accepted Israeli control of the western part of the city but not the eastern part.<sup>7</sup> Although Israeli authorities regard the eastern portion of Jerusalem as part of the State of Israel,<sup>8</sup> the international community has rejected this approach.<sup>9</sup>

The extension of Jerusalem's jurisdiction in 1967 was not undertaken according to protocol, with the minister of the interior setting up a commission of inquiry and holding an ordered discussion on the matter, but by an amendment to the "order for arrangements of rule and law" of September 1948, whose wording

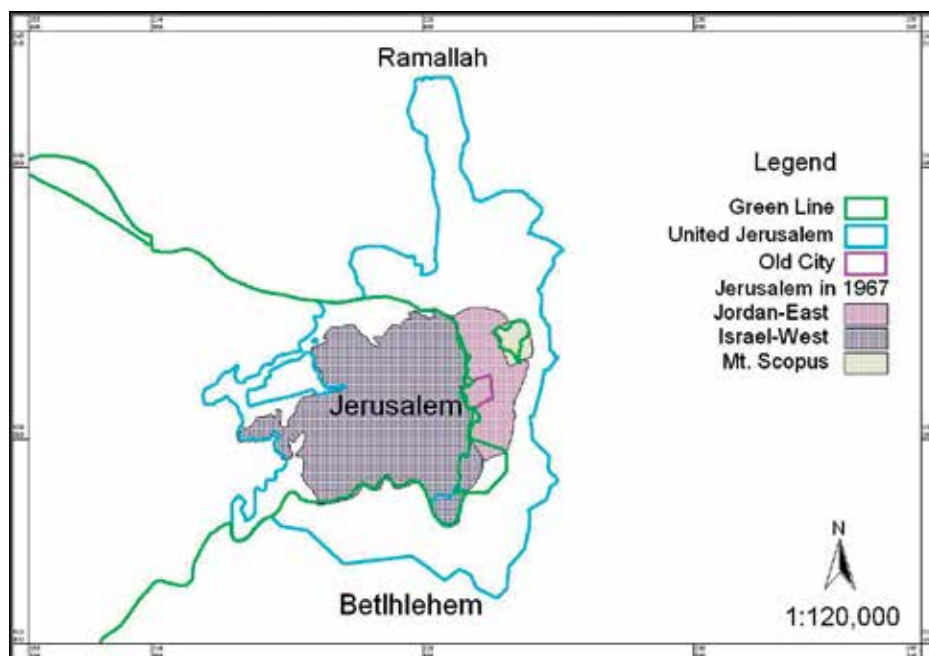
(clause 11b), permitted completion of the "unification" seventeen days after the end of the war. The order, published the following day by the government secretariat, specified a municipal line that did not appear on a map but referred to imaginary lines between points of reference. In no place in the judicial proceedings does the name of Jerusalem appear, and the government's desire to hide and blur the annexation, out of fear of a grave international response, is evident.

In essence, there were five major principles that determined the new boundaries of the city.<sup>10</sup> The first and most important principle was demographic-territorial: annexing extensive areas to Jerusalem in order to ensure its expansion and development, while avoiding inclusion of densely populated refugee camps and Arab villages within the precincts of the city. In practice, the total area annexed to Jerusalem came to 17,500 acres, of which only about 1500 acres were Jordanian Jerusalem. The rest of the area belonged to twenty-eight villages, a small number of which were annexed in full and the rest in part (map 1). The number of Palestinians who overnight became residents of Jerusalem and the holders of Israeli identity cards was 69,000, representing 23 percent of the population of the unified city. The annexation, intended to allow for the construction of Jewish neighborhoods that would thwart any attempt to repartition the city,<sup>11</sup> resulted in the expropriation of 5,250 acres of the area annexed, but the remaining area was rapidly

filled with a Palestinian population. The number of Palestinian residents is currently 231,000, representing 33 percent of the unified city population. The number of Jews living in the ten Jewish neighborhoods of the post-1967 addition is 179,000, representing 40 percent of the Jewish population in the entire city.

The second principle was to separate Jerusalem economically from its West Bank environs. In practice, however, East Jerusalem has remained the urban and economic heart of the West Bank. The largest population in the West Bank, about 800,000 Palestinians, is concentrated in East Jerusalem and its suburbs, and significant economic activity is also present in the area.

The third principle was strategic/security oriented. Since those dealing with the subject were convinced that the boundaries they drew would be the borders of the state in the near future, they included a significant portion of the hilltops surrounding Jerusalem. In practice, over the years Israel built new neighborhoods on these hilltops – Ramot Alon and Ramat Shlomo in the north and Gilo in the south – so that today Mount Gilo in the south, Nebi Samuel in the north, and the outer heights of Ma'ale Adumim in the east, outside the boundaries of the annexation, are those commanding the city that has expanded.<sup>12</sup> In the Camp David negotiations, the Palestinians accepted the demilitarization of their future state and its independence of a foreign army and heavy weaponry. As such, Israel's security needs are reduced



**Map 1. Jerusalem's Borders after 1967**

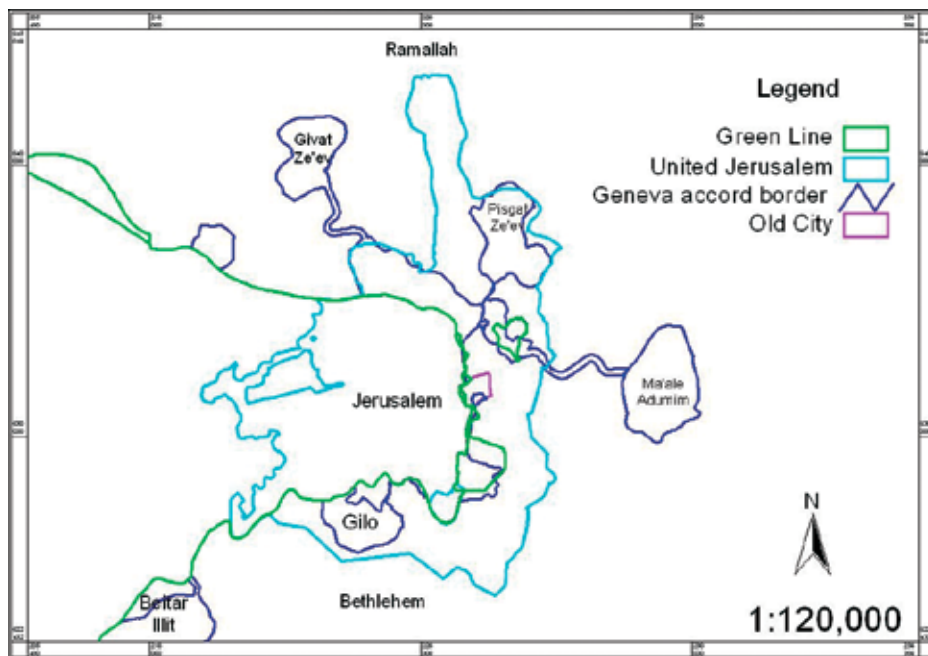
to defense against terrorism, which does not obligate the annexation of the Palestinian areas to the city, and certainly not the areas outside the city protected by the security barrier. In fact, the very removal of densely populated Palestinian regions from the boundaries of the city will only alleviate the security solution required for daily life in Jerusalem.

The fourth principle was to include within the city boundaries important facilities such as the Atarot airport, the slaughterhouse in Shua-fat, and the cemetery in the Mount of Olives. In practice, the airport is currently not being used nor is it needed, the slaughterhouse has ceased operation, and few burials take place on the Mount of Olives, although the site retains religious and historical significance.

The fifth principle was to consider

ownership of land and previous land arrangements. In practice, areas that lay within the boundaries of the municipalities of Bethlehem, Beit Jalah, and El Bireh were annexed as part of the 5,250 acres of Palestinian land and expropriated for the construction of Jewish neighborhoods. Although according to the 1950 Israeli law on abandoned assets the government could have expropriated the land and private property of the Palestinians, it avoided this measure. However, to advance construction of the separation fence, on April 8, 2004, the Israeli government authorized the expropriation from their legal owners of private property valued at millions of dollars, without right of appeal.<sup>13</sup> In negotiations between Israel and the Palestinians in the Taba talks of January 2001, which were based on the Clinton proposal of December 2000,





**Map 2. Two Capital Cities of Jerusalem (Geneva Accord)**

understandings were reached that the Jewish neighborhoods would remain under Israeli sovereignty in a final settlement.

Herein lay the five principles that governed the idea of the expansion of the city. Despite thirty-eight years of "unification," however, Arab East Jerusalem is de facto separate from the western part of the city and from the Jewish neighborhoods in the east.<sup>14</sup> Infrastructure standards are entirely different: 50 percent of East Jerusalem is without water mains and drainage systems, and 50 percent of East Jerusalem lands have no detailed and approved zoning plans, which makes the planning of roads and infrastructures and the provision of construction permits in accordance with zoning plans difficult at best. Despite the virtually unrestricted access by Arab labor to the Jewish employment mar-

ket in Jerusalem, the reality is two sectoral employment markets in the two parts of the city.<sup>15</sup> The same applies to the transportation and education systems.

Only 6,000 people, a small percentage of Jerusalem's Arab population, exercised the option of acquiring Israeli citizenship in addition to their status as Israeli residents. The Palestinians pay taxes and enjoy the services and benefits given to all Israeli residents, but in actuality they only apply to the state authorities when they have no alternative. They boycott the municipal elections, and those who have another address outside Jerusalem voted in the elections for the chairman of the Palestinian Authority and the Palestinian Legislative Council held in January 1996, and in the elections for the chairman in January 2005.

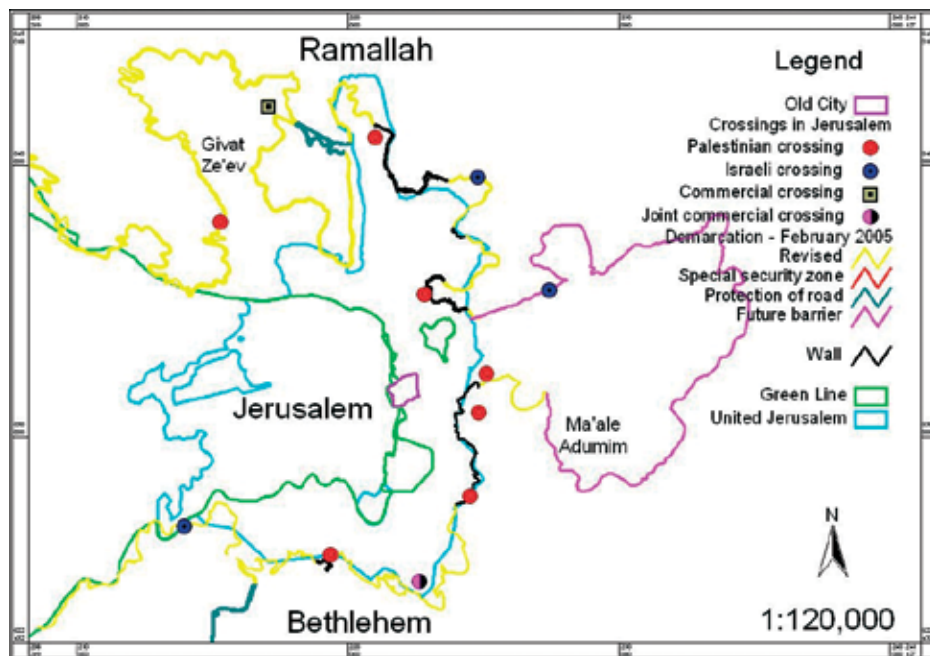
This reality and the progress in the negotiations at the Camp David summit in July 2000 dictated Clinton's proposal for a final settlement. Clinton's approach departed from the traditional American position that regarded new municipal administrations and new Jewish Jerusalem neighborhoods as temporary measures that would not affect the current or future status of the city in negotiations for a permanent settlement.<sup>16</sup> Clinton proposed partitioning the city according to the principle that Arab areas are Palestinian and the Jewish ones are Israeli. This principle would similarly apply to the Old City. The Israeli and Palestinian delegations accepted this proposal and advanced toward a solution in the Taba talks,<sup>17</sup> and the unofficial Geneva accord, concluded in October 2003, draws a border that incorporates the specific proposal of the president (map 2).<sup>18</sup>

The collapse of the political process following the Camp David summit led to a norm of violence in which both sides felt betrayed and without a "partner" for negotiating an acceptable solution. Moreover, public pressure reacting to the violence and terrorism of the intifada propelled the Israeli government to set up a "seam" zone and security fence, including around Jerusalem. The route approved by the government in June 2002 and in October 2003 intended to expand Jerusalem's boundaries with an additional security region. All the hilltops commanding Jerusalem and located outside its boundaries have been included in the seam region: Mount Gilo in the south, which also

overlooks Bethlehem and Beit Jalah, and Nebi Samuel and the Sheikh Zeitun range in the north, which also dominate Betunia and Ramallah.

The Israeli government decided to include the geographical area annexed in 1967 and additional territories in the seam zone, but did not fully integrate the populated areas or provide infrastructures and services comparable to Israeli areas.<sup>19</sup> The fence under construction effects a substantive change in the ways of life of the Palestinian population in the eastern part of the city and the Jerusalem metropolitan area. The 200,000 Palestinians who will live between the fence and the Green Line will be obliged to develop new routines, as will those who will live on the eastern side of the fence, but this will not obviate the Palestinian demand that East Jerusalem be the capital of the future state. The ruling of the Supreme Court in June 2004 in the petition submitted by residents of the Palestinian village of Beit Surich, joined by residents of Mevasseret Zion and the Council for Peace and Security, forced the Israeli government in February 2005 to approve an alternative route for the fence that balances Israeli security with Palestinian lifestyle needs. This new route will reduce slightly the amount of Palestinian land separated from its owners and the number of Palestinians on the western side of the fence, but it does not substantively mitigate the separation of East Jerusalem from the Palestinian population of the West Bank (map 3).

Despite its ostensible unification,



**Map 3. The "Seam" Zone of the Jerusalem Region**

therefore, the city functions essentially as two separate capitals, of Israel and of the Palestinians in the West Bank.<sup>20</sup> All five principles that led to delineating the boundaries of the city in 1967 are no longer relevant, either because of the failure of their aims, such as the detachment of East Jerusalem from the West Bank, or because of the political developments that obviate the need for defense against a regular army.<sup>21</sup> Even with any changes to the demarcation of the security fence, the fabric of life of the Palestinian residents of East Jerusalem and the West Bank will be seriously harmed after the completion of the fence. Additional measures by the Jerusalem municipality, such as the intention to construct Jewish neighborhoods in the heart of the Palestinian population, are liable to complicate the feasibility of separation on a de-

mographic basis that currently still exists in Jerusalem.<sup>22</sup>

If so, and on the understanding that the annexation and the construction of the new Jewish neighborhoods did not succeed in dissuading the Palestinians from striving to establish their capital in the eastern part of the city, there must be a different approach to the challenge of Jerusalem. First, an interim period is necessary to effect the transition from a "unified" city into the two capitals of two states. In the second stage, the holy sites must be organized anew in order to fuse the religious and political interests in a permanent solution for Jerusalem. The validity of the solution in the second stage will rest on its acceptance by both sides as part of a permanent settlement, and it will be realized only as part a comprehensive permanent solution, in order to

**Table 1. Jerusalem during the Transition Period\***

	East Jerusalem	Approved Jerusalem region**	Proposed Jerusalem region***	Monitoring region	Protected region
Area (acres)	17,500	41,340	31,344	7,508	23,834
Palestinians	231,000	199,485	158,161	132,906	25,255
Israelis	179,000	215,458	212,362	3,174	209,188

\* All data refers to the area and the population outside the 1967 borders.

\*\* The proposed region is a combination of the monitoring region and the protected region.

\*\*\* The proposed area combines the monitoring and protected areas.

prevent the stronger side from imposing any dominance it enjoyed in the interim agreement.

## The Period of Transition

At the core of interim period proposal is a narrower seam zone. Map 4 and table 1 depict this proposal, which ensures the security needs of the Jewish neighborhoods in the eastern and western parts of the city and preserves the fabric of life of the Palestinian population in Jerusalem and the greater metropolitan area. Significantly, the proposal does not call for changing the legal status of the city and its residents and does not affect the social services they are entitled to. The following principles underlie the proposal for a more limited seam zone:

1. Ongoing IDF, General Security Services (GSS), and Israeli police operations on both sides of the security barrier, until an agreement is reached between the sides.

2. Security of the Israeli neighborhoods in Jerusalem in a protected region separate from the Palestinian neighborhoods.<sup>23</sup> The form of separation will be based on a different

profile than the existing one. It will be possible to incorporate a decorative electronic fence or maintain a separation based on the existing topographical route.

3. Contiguity between Jerusalem and the large Israeli residential areas in the metropolitan area (Ma'ale Adumim and Givat Ze'ev) and their inclusion in the protected region.

4. Creation of a system of crossings that will permit entrance by Israeli residents – Israelis and Palestinians – into the Israeli protected region (exit from it will not be controlled).

5. Retention of most of the existing barrier with seven crossings that will be "routinely open" for Palestinian needs and Israeli traffic bypassing Jerusalem, while maintaining security through random checks or absolute control, subject to the current security assessment. This barrier will create a region for preliminary monitoring of terrorist activities before they reach the protected region.

6. Maintaining access by both populations to the sites holy to the three religions.

For example, a Palestinian bearing a Palestinian Authority identity

card may leave the bloc of villages to the south of Highway 443 (on the Modi'in – Givat Ze'ev road), drive on the road, enter the monitoring region near Beit Horon at a point that is "routinely open," cross, and leave for Betunia in the region of the Ofer refugee camp at a similar point. Alternatively, he may reach the Palestinian neighborhoods in northern Jerusalem, Shuafat and Beit Hanina, and cross to the east and the south under a bridge in the region of the Shuafat refugee camp without being delayed. The entry to the monitoring region will be controlled and modified by Israeli security forces based on security evaluations. If he is also authorized to enter Jerusalem he may use one of the three following crossings: Bidu in the north, "Checkpoint 300" near Rachel's Tomb in Bethlehem in the south, and Mount Scopus in the east. An Israeli who does not wish to enter Jerusalem may use the same route and continue to the Jordan Valley or the Dead Sea without delay. Entry to the city itself will be through the checkpoints for Israelis (map 4).

On the assumption that the Israeli government and the PLO can end the

conflict only through resuming negotiations on a permanent settlement, this proposal enjoys the following advantages:

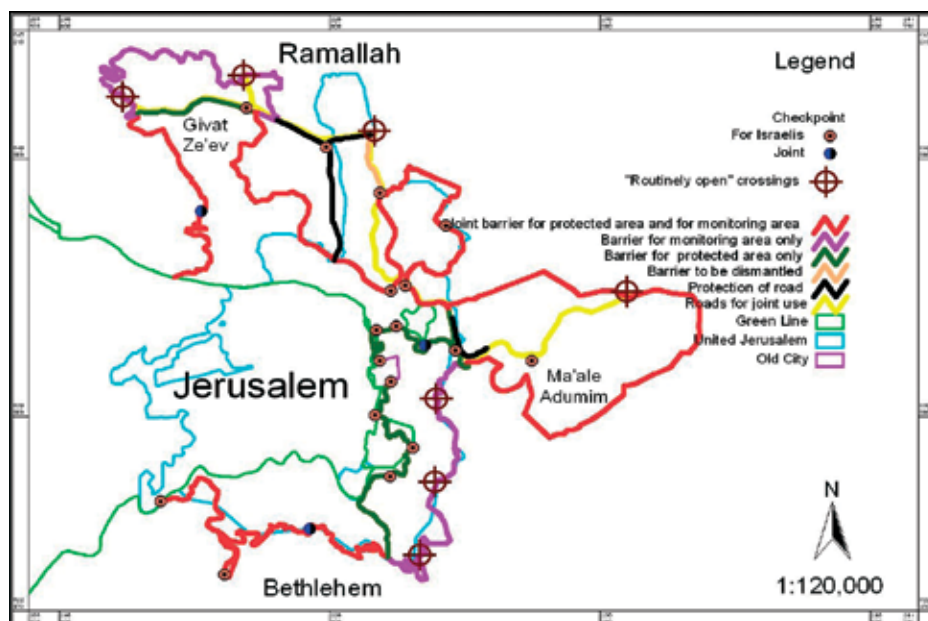
- The security for Jerusalem's Jewish neighborhoods is improved, because they are included in a protected region without a Palestinian population that participates in the Palestinian struggle.

- The legal status of the city and of its residents is not harmed and the Palestinian residents will continue to enjoy municipal services, social security payments, and other institutional services. However, if the Israeli government coordinates with the Palestinian Authority, it will be possible to transfer the neighborhoods in whole or part to Palestinian responsibility with the status of Area B.

- The Israeli and Palestinian routines in the Jerusalem region and in the city itself will be preserved in their present alignment – the western part of the city and the Jewish neighborhoods with the State of Israel, and the Palestinian neighborhoods with the West Bank. This will halt the increasing tendency of the emigration of Palestinian holders of Israeli identity cards into Israel,<sup>24</sup> as well as the decrease in the standard of living in East Jerusalem, an economic reality that provides fertile ground for terrorist organizations to recruit new operatives.

- In physical terms, the proposal can be feasibly implemented and does not delay the completion of the fence approved by the government.

- The proposal permits postponing the specific political argu-



**Map 4. The Jerusalem "Seam" Zone during the Transition Period**

ment regarding the boundaries of Jerusalem because it preserves the municipal status quo, although some people will claim the exact opposite, since the boundaries of the protected region are determined on a demographic basis.

- The proposal provides a political channel for the solution of the conflict without obstructing implementation of an agreement based on the Clinton proposal.

- The proposal includes a saving of hundreds of millions of shekels in the construction of crossings in the security fence required for preserving the Palestinian fabric of life.

There are those who oppose the very foundation on which this proposal is based – partition of Jerusalem in accordance with Clinton's proposal. In addition, the proposal includes certain shortcomings:

- Opposition from the Israeli Right for the demarcation of a political route based on a demographic line that excludes the City of David and the Mount of Olives from the Israeli area.

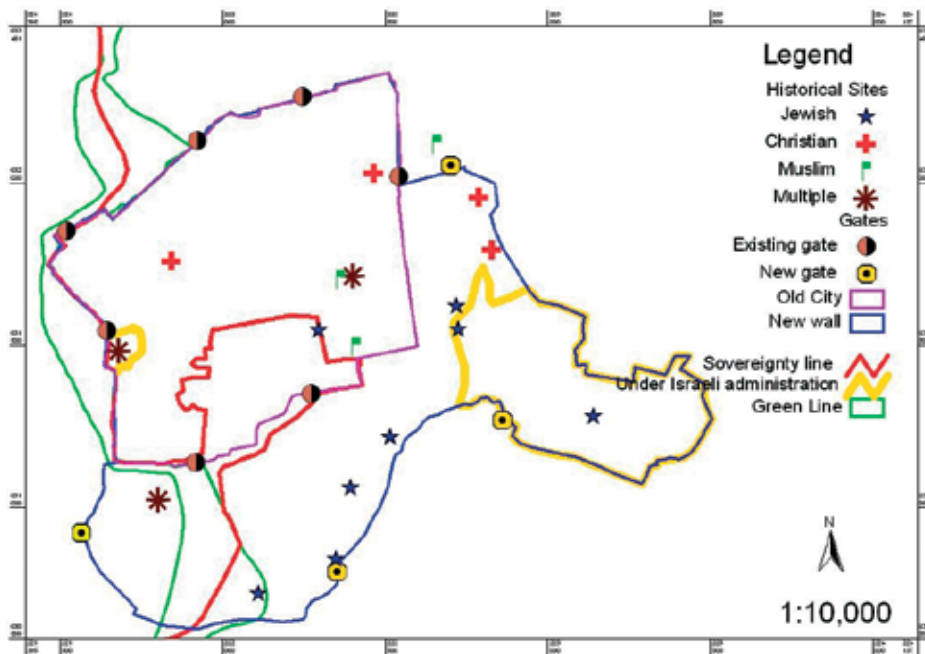
- Opposition from the Palestinian residents of the city for the control of their passage between the eastern and western parts of the city.<sup>25</sup>

- Palestinian criticism on Israel's capacity to close the monitoring region to the Palestinian population in Judea and Samaria.

- Increase in construction and operating costs of the barrier, which will essentially depend on two systems (notwithstanding the savings specified above).

- Reduction of the time and space for terrorist penetration from Judea and Samaria into the western part of the city, because of the "rou-





**Map 5. The Historical Region of Jerusalem**

tinely open" concept of the entrances to the monitoring region partially bordering on the protected region.

Overall, however, it appears that this proposal is not only viable, but will lay the groundwork on both sides in terms of routine and public opinion for a redefinition of "unified" Jerusalem as two capitals for two independent states.

### The Permanent Solution: Proposal for the Historical Area

A permanent solution on Jerusalem will necessarily include a settlement for the area of historical significance, which includes and extends beyond the Old City boundaries. Map 5 depicts the region containing the holy sites, consisting primarily of religious institutions and cemeteries. Some of this region is physically bounded by

the Ottoman walls built at the beginning of the sixteenth century, which in themselves do not have any kind of sanctity that requires factoring them in as an exclusive criterion.

Construction of new walls around the designated region, without harming the existing walls,<sup>26</sup> will lead to a physical distinction between the holy places and the rest of the city (map 5 and table 2). The walls will be constructed as a joint project among Israelis and Palestinians. Their un-

derlying concept will be to designate a region for joint use rather than announcing a divisive boundary, although with a capacity for separation from the greater urban area based on existing architectural solutions.<sup>27</sup> It is possible that within the walls will be included sites for transportation, culture, commerce, entertainment, museums, exhibits, and so on, important for members of the three religions living in the city. This physical separation will permit implementation of the model of an "open city," proposed in the Geneva accord for the Old City only, for the entire region. Although sovereignty over the region will be formally divided between the parties in accordance with the Clinton proposal, there will be no physical obstacles, and in practice the status quo will be preserved in all sites sacred to the three religions.

Application of the model of the open city to the proposed area in addition to the Old City is fair to both sides. Israel will implement the special regime on Mount Zion and the Palestinians on the City of David and the sites in the Kidron Valley. No change will occur to the special status of the Jewish cemetery on the Mount of Olives and David's Citadel, which

**Table 2. The Historical Region**

Perimeter (meters)	6700
Area (acres); 1 acre = 4046.85 square meters	448
Construction of a new wall (meters)	4600
Existing : new gates	4:5
Palestinians	36,400
Israelis	3000



will remain under Israeli administration. All the special arrangements required in order to ensure freedom of religious worship in sites outside the Ottoman walls will be preserved.

A Jewish Israeli wishing to visit an area under Palestinian sovereignty will enter through one of the four gates under Israeli sovereignty, and can visit the City of David, for example, without a passport or any organized ferrying shuttle, and will return in the same way. The same applies to a Palestinian Christian who wishes to visit a church on Mount Zion or a Muslim Palestinian wishing to visit a Muslim cemetery there. A resident of Silwan in the City of David will not be required to go around the Old City in order to enter the market in the Muslim Quarter via the Lion's Gate, but may do so easily via the new southern gate leading to the Dung Gate. All the details related to traffic, residency, municipal services, and security will be a function of joint jurisdiction.<sup>28</sup>

The private purchasing procedures will be identical in the matter for the entire territory of the Palestinian state and the State of Israel. It is possible, subject to the agreement of both sides, that the coordination between the two municipalities regarding joint management of the region will include the option of the continuation of residence by Jews in areas under Palestinian sovereignty, such as the City of David, or the opposite (map 5). The remaining municipal area of unified Jerusalem will be divided on the basis of the Clinton proposal, while establishing the bor-

der arrangements at the crossings to be constructed, based on the existing and planned system of roads.

## Conclusion

The proposal provides practical and fair resolutions to the religious and nationalist tensions between Israel and the Palestinians that harbor particular intensity regarding Jerusalem. The details of the proposal are based on a win-win concept and not on a zero sum game. The solution does not blur the division of sovereignty and thus prevents incentives for violation of the agreement by attempts to impose any *fait accompli*.

Adoption of this proposal will permit overcoming one of the major obstacles to a permanent settlement between the sides. Once peace will be reached between the sides, it will be possible to extend the model to additional areas in Jerusalem or to other places, without constructing a physical barrier.

## Notes

1. As listed by Ruth Lapidot, Moshe Hirsch, and Devorah Hausen in their book *Jerusalem – Where To?* (Jerusalem Institute for Israel Studies, 1999).
2. See *A Review of Positions in Peace Settlements for Jerusalem* (Teddy Kollek Center for Jerusalem Research, Jerusalem Institute for Israel Studies, 2000).
3. Although since May 2000 more Israelis have agreed to partition, and the dispute is about the extent of the division.
4. The Jordanians violated their commitment regarding freedom of access to the holy sites and desecrated the Jewish cemetery on the Mount of Olives.
5. The founders of political Zionism

were aware of the sensitivity of the holy places in Jerusalem. Herzl supported internationalization of the holy places, and Weizmann opposed including the Old City of Jerusalem in the Jewish state.

6. *Jerusalem: Legal Aspects*, (Jerusalem Institute for Israel Studies, 1999).
7. UN Security Council Resolution 242, November 1967, demands Israeli withdrawal to the 1967 borders, which include the western part of the city only.
8. According to the law "Jerusalem, the Capital of Israel, 1980," which repeated the law for amendment of the order for arrangements of rule and law (No. 11), 5727-1967.
9. Just as it did not recognize the Jordanian annexation in 1950.
10. Anna Hazzan, *The Boundaries of Jurisdiction of Jerusalem 1948-1993* (Jerusalem Institute for Israel Studies, 1995).
11. Ibid.
12. They are all currently included or planned within the region of the security fence.
13. Meron Rappoport, *Ha'aretz*, January 22, 2005. Execution of this decision has been suspended by the attorney-general.
14. As described by a study group on Jerusalem, *Peace Settlements for Jerusalem* (Teddy Kollek Center for Jerusalem Research, Jerusalem Institute for Israel Studies, 2000).
15. Virtually no Arabs from East Jerusalem are accepted for work in hi-tech, and employment is limited primarily to textile, metal, footwear, and stone industries.
16. As voiced, for example, in speeches by Ambassador Arthur Goldberg at the UN General Assembly (1967), and by Ambassador Charles Yost at the Security Council (1969).
17. See Gilad Sher, *Just Beyond Reach: The Israeli-Palestinian Peace Negotiations 1999-2002*, ed. Rami Tal (Tel Aviv: Yediot Ahronot, 2001), and Shlomo Ben

Ami, *A Front without a Rearguard: A Voyage to the Boundaries of the Peace Process*, ed. Rami Tal (Tel Aviv: Yediot Ahronot, 2004).

18. As Clinton acknowledged in December 2003 in a meeting with those who initiated the Geneva understandings.
19. Ya'akov Garv, *The Separation Fence and the Jewish Neighborhoods in Jerusalem* (Florsheimer Institute for Policy Research, November 2004).
20. A noteworthy statistic, published by the Jerusalem Institute, in *Alternatives for the Route of the Security Fence in Jerusalem*, December 2004, indicates that the number of daily crossings of

the municipal boundary was thirteen times as great as the number of crossings of the demographic boundary.

21. For an additional analysis see Moshe Amirav, "If we don't partition Jerusalem, we shall lose it," *Ofakim Hadashim* no. 17 (January 2005).
22. The Kidmat Zion neighborhood in Abu Dis, the Nof Zion neighborhood in Jabel Mukabar, the neighborhood in Wadi Joz, and others.
23. Based on the proposal of the Council for Peace and Security.
24. For example, from A-Ram only, which has a population of 63,000, 5,000 have

already moved to Israel in the last two years.

25. Although in practice, partial control is already taking place today by means of portable roadblocks set up by the police and the IDF.
26. These belong, as part of the Old City, to the list of the world cultural assets compiled by UNESCO.
27. Yehuda Greenfeld, Keren Li-Bracha, Aya Shapira, *Terminal on Border*, Final project in the faculty for architecture and town planning, Technion, Haifa, 2004.
28. As outlined in article 6 of the Geneva accord.

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