A Proactive Policy for Israel: A Commentary on "Is Unilateralism Always Bad?"

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> This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.
> This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.
>
> –Declaration of the Establishment of the State of Israel, May 14, 1948

Prime Minister Ariel Sharon, who initiated the Gaza Disengagement in December 2003 and executed it within days in August 2005, passed away on January 11, 2014. None of the eulogies ignored this unilateral move. Political analysts unequivocally considered the disengagement from Gaza and Northern Samaria as one of the central pillars of Sharon's legacy and a critical event in his biography. Much like Prime Ministers Menahem Begin, Yitzhak Rabin, and Ehud Barak before him, and Ehud Olmert after him, Sharon realized that the disassociation from the Palestinians and the creation of a two-state-for-two-people are for Israel absolute imperatives. They too understood that, from Israel's perspective, it is the only way to secure the Zionist vision of a democratic nation state for the Jewish people.[1]

The disengagement from the Gaza Strip and Northern Samaria was preceded by the May 2000 Lebanon withdrawal, which was carried out by Barak's government subsequent to the failure of American-led negotiations with Syria. Sharon had meticulously planned his Herzlyiah Speech, in which he first mentioned the possibility of unilateral disengagement from the Palestinians:

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> [I]f in a few months the Palestinians still continue to disregard their part in implementing the Roadmap then Israel will initiate the unilateral security step of disengagement from the Palestinians.
> . . . The unilateral steps which Israel will take in the framework of the Disengagement Plan will be fully coordinated with the United States . . .
> . . . We are interested in conducting direct negotiations, but do not intend to hold Israeli society hostage in the hands of the Palestinians. I have already said we will not wait for them indefinitely.
> The Disengagement Plan will include the redeployment of IDF (Israeli Defense Forces) forces along new security lines and a change in the deployment of settlements, which will reduce as much as possible the number of Israelis located in the heart of the Palestinian population. (Sharon 2003)

Unilateralism has been applied rarely in the international arena over the last hundred years. Moreover, infrequent unilateral declarations have often been rejected by major stakeholders.[2] It should also be noted that, according to the 2006 International Law Commission's report submitted to the United Nations, only unilateral declarations made by *states* are capable of creating legal obligations (Sher 2009).

Ironically, the State of Palestine was unilaterally proclaimed as early as 1988 by the Palestinian National Council in Tunis. It was immediately recognized by the Arab League and several other Muslim regimes. However, because it failed to meet the essential element of a state — territory — it has not been recognized by the United Nations or by any Western state.

Sharon may have pondered the idea of a game-changer in the Israeli–Palestinian arena, which was awash in bloodshed and hostilities throughout his tenure. But prior to the speech at Herzliya that initiated Israel's second unilateral withdrawal, he was adamantly reluctant to discuss the idea of unilateral moves as game-changers. During the coalition talks that followed the general elections in early 2003, the head of the Labor party, Amram Mitzna, suggested to Prime Minister-elect Sharon that Israel unilaterally withdraw from Gaza. In their article, "Is Unilateralism Always Bad?", Robert Mnookin, Ehud Eiran, and Shula Gilad rightly point out that "Sharon ridiculed the idea."

In July 2002, a year and a half before the speech, Uri Sagie and I co-wrote a policy paper published by the Van Leer Jerusalem Institute. We had both been intimately and extensively involved in the negotiations with the Syrians and the Palestinians, respectively, under preceding governments. Prime Minister Sharon refused to meet with either of us, however, pursuant to the publication of the paper whose principles he later practically adopted.

It read:

> This Policy Paper outlines a plan for reshaping the daily reality and guaranteeing the vital interests of the State of Israel. The plan calls for a proactive separation in two stages, which will enable a resumption of negotiations with the Palestinians in the future . . . The current Palestinian leadership lacks the ability to lead its people to a stable agreement that will put an end to the conflict. In such circumstances, the authors of this Paper are convinced that a unilateral redeployment, in stages, along a temporary boundary, backed by a national consensus and international support, can shape the reality here in a manner that will guarantee the continued existence of a Jewish, Zionist, democratic state, and will create a favorable diplomatic, economic, and social momentum in Israel and in the entire region . . . (Sagie and Sher 2002).

Generally speaking from an Israeli perspective, the "independent option" — a more accurate definition for unilateral steps with varying degrees of coordination with and acceptance by the Palestinians — was intended primarily to promote two states for two peoples if negotiations were to fail. It would be preferable for the independent option to be a complementary part of the political process from the outset that would keep the initiative in Israel's hands and would be implemented along several main tracks. One would be based on an agreement and would include negotiations for a long-term political settlement; transitional arrangements toward implementation of a negotiated permanent status agreement; and a multilateral regional dialogue. The other would be an independent initiative of constructive, independent political measures (preferably with a certain level of cooperation and coordination) that would not be dependent on a complex process.

Such a comprehensive approach comprising various political efforts and options was rather necessary back in 2003: the Saudi Peace Initiative and President George W. Bush's speech in March and June 2002, respectively, and the Quartet's (European Union, Russia, United Nations, and the United States) Road Map in April 2003[3] gave Sharon a flexible political tool box full of choices. He preferred a unilateral action to be carried out under an international umbrella of legitimacy and with minimal coordination with the Palestinians.

In their article, Mnookin, Eiran, and Gilad argue that Sharon found it politically helpful to never clarify his long-term strategy with respect to the West Bank and that the success in Gaza was attributable to his abilityto maintain ambiguity. Right again. Leaders often employ such practices as partial disclosure of their intentions to their constituencies. But in the particular case of the disengagement from Gaza, the appropriate context for such a practice was missing. People do not like to be fooled

by their leaders. One consequence of Sharon's close-to-the-chest conduct has been the recent flood of right-wing legislation aimed at preventing any relinquishing of land and any withdrawal from territories unless a privileged majority confirms it. The leader is now handcuffed.

The authors demonstrate throughout the article how sensitive is the balance required to ease the tension between the internal discourse and the external diplomacy, and how delicate is the equilibrium between the inner and outer legitimacy. In that regard, they also underscore that "the Israeli government did not engage in direct negotiations with the Palestinians over the scope, timing, or terms of the withdrawal, although it was clear that Palestinians had long sought to . . . end the Israeli occupation of Gaza" (132). I humbly suggest that the reason for the contradictory standpoints related to unilateral steps lies in a deeper perception each one of the parties has of the conflict. With the caveat that I am generalizing, Israelis seem to be more solution-oriented, while Palestinians are driven by recognition of rights. Thus, unilateral withdrawal — an Israeli solution to an intriguing problem, Gaza — does not satisfy rights-oriented Palestinians, despite the creation of a no-occupation reality.

In a March 2013 *Foreign Policy* article entitled "Unilateral Peace," Amos Yadlin and I argued that:

> [U]nilateralism has a bad reputation in Israel, primarily because Israel's 2000 unilateral redeployment behind the "blue line" demarcation with Lebanon led to Hezbollah's entrenchment and rocket fire against northern Israeli towns, just as its 2005 unilateral withdrawal from Gaza led to Hamas' rise to power and unprecedented daily shelling of civilian centers in Israel's south. At the same time, however, few Israelis — if any — wish to return to the occupation of southern Lebanon or Gaza. The decision to withdraw from both territories was correct. In the first case, unilateral action legitimized Israel's border in the north; in the second case, it mitigated Gaza's growing demographic threat and the challenge that the Israel Defense Force's presence posed to Israeli legitimacy. What was flawed about these past moves was how they were carried out (Yadlin and Sher 2013).

Looking to the future from an Israeli outlook, one should draw lessons from the 2005 disengagement: as much as this bold strategic move was necessary and in the right direction, it suffered, however, from a series of imperfections and deficiencies both in the on-the-ground implementation and in the carrying out of the aftermath in the long run.

Bearing in mind that an independent, proactive, and responsible Israeli policy must include relinquishing territories outside of large settlement blocs, the consequences of a unilateral withdrawal of such magnitude cannot be underestimated. Such policy, whenever applied, should comprise:

- ending construction outside these blocs;
- preparing a national program to absorb those settlers who will eventually be relocated within Israel's borders;
- enacting a voluntary evacuation-compensation law;
- compensating settlers and absorbing those who live outside the main settlement blocks;
- promoting an internal dialogue to prevent conflagration; and
- planning the redeployment of the IDF in areas that would be defined by Israel on the basis of security needs.[4]

In more detail, here are some of the lessons of the Gaza withdrawal that — if taken into consideration — could be expected to address the problems associated with a unilateral move.

First, providing a political context: it seems clear that making progress toward a long-term political settlement and shaping a desirable political outcome require partial agreements, and independent and unilateral but coordinated actions on both sides. This would make it possible to improve relations between both leaderships, and, no less important, such measures could help build confidence between the two societies and ultimately increase the public support that the respective leaderships need in order to advance a long-term agreement.

Second, on the regional level, there should be more coordination even in anticipation of independent unilateral steps. Israel should speak with heads of leading states in the Arab League about its willingness in principle to revisit a multilateral format, with the possibility of recognizing the Arab Peace Initiative as a basis for the start of a dialogue. The objective would be to promote agreement and constructive unilateral steps on a comprehensive ongoing multilateral framework.

Third, if the effort to promote a long-term political settlement does not bear fruit and/or the situation escalates, Israeli decision makers would have to work to sustain an independent separation initiative in order to create a reality of two states for two peoples. It is strongly preferable that such initiative be carried out with the cooperation of the Palestinian Authority to the extent possible (although it would not be dependent on this) and coordinated with the United States. American backing for the move, especially if it were combined with measures to promote stability in the West Bank and Gaza, could help limit Egyptian and Jordanian opposition to an Israeli unilateral move.

Fourth, preparations on a national scale should be made for the day when the residents of the settlements are called upon to return to Israel's delineated borders. The authors emphasize that the 2005 evacuation "proceeded with remarkable efficiency . . . There was neither civil war nor

significant disunity in the military ranks."[5] Correct. Planning the relocation of thousands, however, presents an unprecedented challenge: in the number of evacuees, in the area and scope of the evacuation, and in the traditional and religious attachment to the land of the Israeli public in general and the settlers' community in particular.

To avoid a domestic conflagration, the government must seriously consider how to change the discourse with the settlers, *inter alia*, to expand public support for the two-state solution, to formulate the evacuation as a unifying move and not as the government's washing its hands of an important segment of the Israeli population, and to justify enforcement and evacuation by force if necessary (see Ayalon, Petruschka, and Sher 2012).

Last but not least, Israel would retain control of the "security envelope" and the external borders of the territories to be evacuated by the Israelis who relocate within the delineated boundaries of the state, until a reliable force is capable to assume responsibility and replace it.

In any case, Israel would initiate independent measures at the time decided on by its government, after it has prepared them appropriately and has exhausted the possibilities for negotiating a settlement. Thus, a unilateral action serves as complementary scaffolding to the negotiation process as well as an alternative to it altogether.

NOTES

1. According to Hillel Cohen, in his recent book, *1929 — The Zero Hour in the Jewish-Arab Conflict* (2014), it was as early as 1929 that the dispute between natives and settlers transformed into a conflict that gave birth to two distinct national entities.

2. Here are the main cases: The Irish Republic (1919), Indonesia (1945), Katanga (1960), Rhodesia (1965), Guinea Bissau (1973), East Timor (1975), The Turkish Republic of Northern Cyprus (1983), and Kosovo (2008).

3. The full title of the Quartet's document was "A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli–Palestinian Conflict, April 30, 2003."

4. See Institute for National Security Studies 2013.

5. Back in 2002, Robert Mnookin, assisted by Ehud Eiran and other members of his academic staff, initiated an innovative project of internal Israeli consensus building in relation to the settlements. At that time, no disengagement plan from Gaza was discussed. Mnookin summoned a dozen Israelis, half of them settlers and settlers' leaders, for a series of closed, secluded, tightly moderated meetings. The main purpose of the exercise, which lasted until the eve of the August 2005 Disengagement, was to build a set of agreed rules of conduct and a consensus around the eventuality of settlements evacuation. After the evacuation of Gush Katif, a number of participants in the exercise attributed the nonviolent process to the effects of Mnookin's workshops, which had preceded it.

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